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# YUKON TERRITORIAL COUNCIL

SECOND SESSION 1969

## Votes and Proceedings

Volume 1

VOTES AND PROCEEDINGS  
OF THE  
COUNCIL OF THE YUKON TERRITORY

Page 1.  
Monday, March 10, 1969.  
10:00 A.M.

The Second Session of the Council for the year 1969, being the Seventh Session of the Twenty-First Wholly Elective Council of the Yukon Territory, was convened in the Council Chambers at 10:00 o'clock, a.m. on Monday, March 10, 1969.

The Members present were:

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

Mr. Clerk read the Proclamation.

Mr. Speaker enters the Council Chambers, announced by the Sergeant-at-Arms.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The Seventh Session of the Twenty-First Wholly Elective Council of the Yukon Territory will now come to order. Mr. Clerk would you please inform the Commissioner that we are now ready to hear his Opening Address..

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

Mr. Clerk: Mr. Speaker, the Commissioner is prepared to give his Opening Address in the Territorial Court Room.

Mr. Speaker: The House now stands adjourned in order that we may proceed to the Court Room to hear the Commissioner's Opening Address.

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. 12).

SESSIONAL  
PAPER #12

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

Mr. Speaker: I would like to inform the House that I have received a copy of the Commissioner's Opening Address. You may proceed.

COMMISSIONER'S  
OPENING  
ADDRESS

Mr. Taylor: Mr. Speaker, I would move that the Commissioner's Opening Address be considered on a day following.

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

Mr. Speaker: Moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Whitehorse West that the Commissioner's Opening Address be considered on a day following. Is the House prepared for the question on the Motion? Are we agreed? I will declare the Motion carried.

MOTION  
CARRIED

MOTION CARRIED

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

BILL NO. 4  
INTRODUCED

Mr. Speaker: May I have your further pleasure?

Mr. Shaw: Mr. Speaker, I would move that the Council adjourn at this time.

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

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order and I have for your attention gentlemen this morning, the tabling of sessional papers numbers 1-12 inclusive and two memorandums for you this morning addressed to Mr. Speaker. "As required by the regulations Ordinance the complete set of Regulations and Commissioner's Orders are available to Members of Council on the Clerk's desk, signed H. J. Taylor, Clerk of the Council." A memorandum to Mr. Speaker, March 10th -- "Attached for the information of Council are the papers representing the various Reports, Speeches and Proceedings of the Second Constitutional Conference held in Ottawa on February 10th, 11th, and 12th, signed James Smith, Commissioner." Are there any Reports of Committees?

SESSIONAL PAPERS # 1-12

Mr. Taylor: Mr. Speaker, In relation to the Constitutional Conference, are the documents tabled this morning the report of the Member of Council who represented Council at the Conference or is it intended that we will have a report from him?

Mr. Speaker: We are now under Reports of Committees, I wonder if the Member could raise that question during the Question Period. No Reports of Committees, may we move to Introduction of Bills?

Moved by Councillor Dumas, seconded by Councillor Shaw that Bill No. 1, An Ordinance to Amend The Taxation Ordinance, be introduced at this time.

BILL #1 INTRODUCED

MOTION CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Taylor, that Bill No. 2, An Ordinance to Amend The Garnishee Ordinance, be introduced at this time.

BILL #2 INTRODUCED

MOTION CARRIED

MOTION CARRIED

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

BILL #3 INTRODUCED

MOTION CARRIED

MOTION CARRIED

Mr. Dumas: Mr. Speaker, I beg Leave to Move that Bill No. 4 be introduced at this time, An Ordinance to Amend The Civil Emergency Measures Ordinance.

Mr. Speaker: For the information of the House I believe this Bill was Introduced yesterday.

Mr. Dumas: Oh, Pardon me.



Mr. Shaw: Mr. Speaker, I would move that Bill No. 4, An Ordinance to Amend the Civil Emergency Measures Ordinance, be given First Reading at this time.

Mr. Dumas: I'll Second the Motion.

Mr. Speaker: That is Bill No. 4, that was Introduced yesterday.

Mr. Dumas: This is First Reading, Mr. Speaker.

Mr. Speaker: Oh, First Reading, excuse me.

Mr. Chamberlist: Point of Order, Mr. Speaker, I thought this item was Introduction of Bills.

Mr. Speaker: That is correct. Bill No. 5 is your next item gentlemen, if you so prefer.

BILL #6  
INTRODUCED Moved by Councillor Dumas, seconded by Councillor Taylor, that Bill No. 6, An Ordinance Respecting Scientists and Explorers, be introduced at this time.

MOTION  
CARRIED

MOTION CARRIED

BILL #7  
INTRODUCED Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 7, An Ordinance to Amend An Ordinance to Provide For The Vocational Rehabilitation of Disabled Persons, be introduced at this time.

MOTION  
CARRIED

MOTION CARRIED

BILL #8  
INTRODUCED Moved by Councillor Dumas, seconded by Councillor Gordon, that Bill No. 8, An Ordinance to Amend The Labour Standards Ordinance, be introduced at this time.

MOTION  
CARRIED

MOTION CARRIED

BILL #9  
INTRODUCED Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 9, An Ordinance To Amend The Judicature Ordinance, be introduced at this time.

MOTION  
CARRIED

MOTION CARRIED

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

MOTION  
CARRIED

MOTION CARRIED

BILL #11  
INTRODUCED Moved by Councillor Taylor, seconded by Councillor Dumas, that Bill No. 11, An Ordinance to Amend The Game Ordinance, be introduced at this time.

MOTION  
CARRIED

MOTION CARRIED

BILL #12  
INTRODUCED Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 12, An Ordinance to Amend The Fuel Oil Tax Ordinance, be introduced at this time.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Are there any further Bills for Introduction at this time? If not, may we move to Notices of Motion or Resolution.

Mr. Dumas: Mr. Speaker, I'd like to give Notice of the following Motion. That a special select Committee consisting of Messrs. Chamberlist, Dumas, Livesey, McKinnon, Shaw, Taylor and Mme. Gordon be appointed to consider Bill No. 5, An Ordinance to Provide For Government Control of Sale ...uh Control And Sale of Alcoholic Liquors, and all matters pertaining thereto, with power to call for persons, papers, and records, to examine witnesses and generally to do all things necessary to fulfill the functions and purposes of the Committee. The Committee notwithstanding any adjournment of the House may sit during such adjournments within the precincts of the House or beyond the precincts of the House as may be deemed both expedient and desirable and may report to the House as circumstances may permit.

NOTICE OF  
MOTION  
#1

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

Mr. McKinnon: Mr. Speaker, I have a Motion, which reads, It is the opinion of Council that a Member chosen by Council attend the Mid Canada Development Corridor Conference at Lakehead University August 18-22.

NOTICE OF  
MOTION  
#2

Mr. Speaker: Are there any further Notices of Motion? Are there any Notices of Motion for the Production of Paper? If we have nothing further under Orders of the Day, I wonder Mr. Clerk if you could obtain the Commissioner for a question period and I will call a five minute recess.

RECESS

Mr. Speaker: I will now call Council to Order. May we proceed with the Question Period.

Mr. Taylor: Mr. Speaker, I have a written question. Number one, How many employees presently serve the Department of Indian Affairs and Northern Development? Number two, How many of these employees are employed in a.) Administration Branch b.) Resources Branch c.) National Parks Branch and d.) Indian Affairs Branch. Three, How many of those employed in Resources Branch are actually resident in the Northwest Territories and Yukon. Four, How many employees of Indian Affairs Branch are presently employed in the Northwest Territories and Yukon.

QUESTION  
#1

Mr. Speaker: Are there any further questions?

Mr. Chamberlist: A question addressed to the Commissioner with preamble. There have been complaints to me from Union officials and individual workers employed by various mining companies that they have not been paid for Statutory Holidays and specifically Remembrance Day of 1968. Has the Commissioner received similiar complaints and if so what steps are being taken to enforce the appropriate section of the Labour Standards' Ordinance?

QUESTION  
#2

Mr. Commissioner: Mr. Speaker, I would confirm that we have received complaints, and I would appreciate the opportunity of bringing forward a written answer to this question if I might.

Mr. Taylor: I wonder, Mr. Speaker, if the Commissioner could advise me this morning as to whether or not the Yukon has taken over the Fisheries responsibility by which you have an Order in Council from Ottawa or not?

QUESTION  
RE - YUKON  
TAKE OVER  
OF FISH-  
ERIES

Mr. Commissioner: Mr. Speaker, I would confirm that as of

Mr. Commissioner continued:

yesterday, we had not officially taken over the Fisheries. I would confirm the necessary minute is available for Cabinet consideration and subject to a legal technicality which prevented it from being dealt with last week subject to this matter being cleared up, I anticipate that it will be dealt with during the current week.

QUESTION  
RE - REPLY  
DEPT. OF  
TRANSPORT

Mr. Shaw: Mr. Speaker, I wonder if the Commissioner can inform Council whether a reply has been received from ..... uh the Commissioner of the Department of Transport?

Mr. Commissioner: Mr. Speaker, I think that this refers to a matter that was brought up at the last session of Council and I am not able at this point to confirm or deny this matter but if I could have the opportunity of bringing forward the answer I am sure that we would be able to bring it forward to Council within the next day.

QUESTION  
#3

Mr. Chamberlist: Mr. Speaker, A question addressed to the Commissioner. Can the Administration explain why some Territorial Government employees who are paid on an hourly basis receive pay for General Holidays while others employed on a like basis do not?

Mr. Commissioner: Yes, Mr. Speaker could I have the privilege of bringing forward a written answer to this question?

QUESTION  
RE REPORT  
OF REP. TO  
CONST. CONF.

Mr. Taylor: Mr. Speaker, I have a question I'd like to direct to the Honourable Member for Whitehorse North, I would like to ask him if it is his intention to give a report at this Session, of his representations to the Constitutional Conference recently held in Ottawa?

Mr. McKinnon: Mr. Speaker, if it is the desire of this Council that I do so, I would be happy to do so.

Mr. Chamberlist: Question to the Honourable Member from Watson Lake, would the Honourable Member be interested in having a further report from another Member of Council who happened to be there at the time?

Mr. Taylor: In regard, Mr. Speaker, I can only state that I would like to hear the Report of the authorized Representative of the Council.

Mr. Commissioner: Mr. Speaker, the background and backup material that was supplied to the delegates is available and I am sure that the Clerk of the Council has seen to it that any and all Members would have access to them so that if they are short reading material on the long nights during the Council Session, I am sure that there would be ample there to fill their time up.

Mr. Speaker: As information from the Chair, for the Commissioner, the items were tabled this morning.

QUESTION  
RE LEASING  
OF EQUIP.

Mr. Chamberlist: Mr. Speaker, A question for the Commissioner. Mr. Commissioner, I understand there have been publications for the advertising for the leasing of equipment. Could Mr. Commissioner say where does the authority come from in fact to lease equipment especially is there any authority in the Financial Administration?

Mr. Commissioner: Mr. Speaker, I cannot confirm that there is

Mr. Commissioner continued:

authority in the Financial Administration Ordinance but I can say this, that if there is a budgetary item that covers this particular thing and bids are received that comply with the requirements of that budgetary item and fill the necessary requirements, I would feel that subject to a contrary advise to me from my Legal Adviser there would be no reason why I could not enter into leasing arrangements.

Mr. Chamberlist: Supplementary question, Mr. Speaker. Would the Commissioner say whether there is authority under any of the Ordinances so to do. QUESTION RE LEASING OF EQUIP.

Mr. Commissioner: Mr. Speaker, I would have to have that researched and bring forth a written answer on that.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, at the last Session of Council I asked the Commissioner whether he could supply the plans of his Government for the paving and upgrading of the Alaska Highway this year. He could not supply an answer at that time and I wonder if he could supply the plans now for the upgrading of the Alaska Highway that has been announced by his Government. QUESTION RE UPGRADING OF ALASKA HWY

Mr. Commissioner: Mr. Speaker, could I have notice on this and I will do my best to bring this forward as promptly as possible.

Mr. Dumas: Mr. Speaker, I wonder if the Commissioner could advise us of the landing of Federal Armed Forces in the Territory being that the Government in Ottawa has turned down Yukoners' requests for Constitutional Reforms and more Responsible Government.

Mr. Speaker: Well, I'm sorry but I'll have to rule that Out of Order because it is....hypothetical ends...Order please. Are there any further questions?

Mr. Taylor: Mr. Speaker, I have a question I'd like to address to Mr. Commissioner. This is a question that has bothered Council for some years, I'm wondering if in the interval between our last Session and this Session if the Administration have come up with an answer as to how we can tax trailers in the Yukon Territory? QUESTION RE TAXATION OF TRAILERS IN THE YUKON.

Mr. Commissioner: Mr. Speaker, this is a matter that has come up from time to time in legislative programming Committee and I would say that we will bring forward for Council's information such things as we have uncovered so far. If this will be a satisfactory answer... I would not care to answer yet that we have got the solution to taxing trailers in the Territory.

Mr. McKinnon: I wonder if I might ask the Commissioner a question. I went away for two weeks, and this was the Regulations that arrived in the box while I was away during that time. I wonder if it would be possible if his Administration could just put a little explanatory note inside the Regulation as to what they mean instead of a Councillor having to go through the whole of the Regulations Book picking out the changes, new Regulations made and trying to go through the whole area to find out...because there is one word probably changed in the Regulation. It would be so much easier if he could have his staff just put an explanatory note as to why the change in the Regulation was necessary and to what it meant. Could this be Possible, Mr. Commissioner? QUESTION RE EXPLANATORY NOTE WITH REGS.

Mr. Commissioner: Mr. Speaker, I am quite certain that if I was

Mr. Commissioner continued:

to suggest to my well informed Legal Advisor here, that this would be beneficial to Council and Members of the Public, I am quite certain that he would do his utmost to see that this is done. If it comes forward in Gaelic, don't ask for a translation.

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

Mr. Commissioner: Mr. Speaker, I would like to confirm that the swearing-in ceremony of the new judge of the Territorial Court will take place at 11 o'clock, Wednesday morning, the 12th of March, in the Courtroom.

Mr. Speaker: All Members please take note. May we pass to Public Bills and Orders?

FIRST  
READING  
BILL #4  
MOTION  
CARRIED

Moved by Councillor Taylor, seconded by Councillor Dumas, that First Reading be given to Bill No. 4, An Ordinance to Amend the Civil Emergency Measures' Ordinance.

MOTION CARRIED

SECOND  
READING  
BILL #4  
MOTION  
CARRIED

Moved by Councillor Taylor, seconded by Councillor Dumas, that Second Reading be given to Bill No. 4, An Ordinance to Amend The Civil Emergency Measures' Ordinance.

MOTION CARRIED

Mr. Speaker: May I have your further Pleasure?

Mr. Taylor: I would move, Mr. Speaker, that Standing Order No. 41 be suspended in order that we may proceed with First and Second Readings.

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

MOTION TO  
SUSPEND  
STANDING  
ORDER 41.

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Dawson that Standing Order 41 be suspended this morning for the purpose of proceeding with First and Second Reading of other Bills. Does the House agree?

All: Agreed

Mr. Speaker: Are there any contrary? I will declare the Motion Carried. You may proceed.

MOTION  
CARRIED

MOTION CARRIED

FIRST  
READING  
BILL #1  
MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Taylor, that First Reading be given to Bill No. 1, An Ordinance To Amend The Taxation Ordinance.

MOTION CARRIED

SECOND  
READING  
BILL #1  
MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that Second Reading be given to Bill No. 1, An Ordinance to Amend The Taxation Ordinance.

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Gordon, that First Reading be given to Bill No. 2, An Ordinance To Amend The Garnishee Ordinance.

MOTION CARRIED

FIRST  
READING  
BILL #2  
MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Gordon that Second Reading be given to Bill No. 2, An Ordinance To Amend The Garnishee Ordinance.

MOTION CARRIED

SECOND  
READING  
BILL #2  
MOTION  
CARRIED

Moved by Councillor Dumas, seconded by Councillor Taylor, that First Reading be given to Bill No. 3, An Ordinance To Amend The Wills Ordinance.

MOTION CARRIED

FIRST  
READING  
BILL #3  
MOTION  
CARRIED

Moved by Councillor Dumas, seconded by Councillor Taylor, that Second Reading be given to Bill No. 3, An Ordinance To Amend The Wills Ordinance.

MOTION CARRIED

SECOND  
READING  
BILL #3  
MOTION  
CARRIED

Moved by Councillor Gordon, seconded by Councillor Dumas, that First Reading be given to Bill No. 6, An Ordinance Respecting Scientists and Explorers.

MOTION CARRIED

FIRST  
READING  
BILL #6  
MOTION  
CARRIED

Moved by Councillor Gordon, seconded by Councillor Dumas, that Second Reading be given to Bill No. 6, An Ordinance Respecting Scientist And Explorers.

MOTION CARRIED

SECOND  
READING  
BILL#6  
MOTION  
CARRIED

Moved by Councillor Dumas, seconded by Councillor Chamberlist, that First Reading be given to Bill No. 7, An Ordinance To Amend An Ordinance To Provide For The Vocational Rehabilitation Of Disabled Persons.

MOTION CARRIED

FIRST  
READING  
BILL #7

MOTION  
CARRIED

Moved by Councillor Dumas, seconded by Councillor Chamberlist, that Second Reading be given to Bill No. 7, An Ordinance To Amend An Ordinance To Provide For The Vocational Rehabilitation Of Disabled Persons.

MOTION CARRIED

SECOND  
READING  
BILL #7

MOTION  
CARRIED

Moved by Councillor Gordon, seconded by Councillor Dumas, that First Reading be given to Bill No. 8, An Ordinance To Amend The Labour Standards Ordinance.

MOTION CARRIED

FIRST  
READING  
BILL #8  
MOTION  
CARRIED

Moved by Councillor Gordon, seconded by Councillor Dumas, that Second Reading be given to Bill No. 8, An Ordinance To Amend The Labour Standards Ordinance.

MOTION CARRIED

SECOND  
READING  
BILL #8  
MOTION  
CARRIED

Moved by Councillor Dumas, seconded by Councillor Taylor, that First Reading be given to Bill No. 9, An Ordinance To Amend The Judicature Ordinance.

MOTION CARRIED

FIRST  
READING  
BILL #9  
MOTION  
CARRIED

SECOND READING BILL #9 MOTION CARRIED Moved by Councillor Dumas, seconded by Councillor Taylor, that Second Reading be given to Bill No. 9, An Ordinance To Amend The Judicature Ordinance. MOTION CARRIED

FIRST READING BILL #10 MOTION CARRIED Moved by Councillor Dumas, seconded by Councillor Shaw, that First Reading be given to Bill No. 10, An Ordinance To Amend The Motor Vehicles Ordinance. MOTION CARRIED

SECOND READING BILL #10 MOTION CARRIED Moved by Councillor Dumas, seconded by Councillor Shaw that Second Reading be given to Bill No. 10, An Ordinance To Amend The Motor Vehicles Ordinance. MOTION CARRIED

FIRST READING BILL #11 MOTION CARRIED Moved by Councillor Taylor, seconded by Councillor Gordon, that First Reading be given to Bill No. 11, An Ordinance To Amend The Game Ordinance. MOTION CARRIED

SECOND READING BILL #11 MOTION CARRIED Moved by Councillor Taylor, seconded by Councillor Gordon, that Second Reading be given to Bill No. 11, An Ordinance To Amend The Game Ordinance. MOTION CARRIED

FIRST READING BILL #12 MOTION CARRIED Moved by Councillor Shaw, seconded by Councillor Dumas, that First Reading be given to Bill No. 12, An Ordinance To Amend The Fuel Oil Tax Ordinance. MOTION CARRIED

SECOND READING BILL # 12 Mr. Shaw: I would move, Mr. Speaker, that Bill No. 12, An Ordinance To Amend The Fuel Oil Tax Ordinance, be given Second Reading at this time.

Mr. Dumas: I'll second the Motion.

PRINCIPLE OF ORDIN. #12 Mr. Chamberlist: I would like to speak on the principle of this Ordinance, Mr. Speaker. I feel that I would during debate, have much comment on this particular piece of legislation. Generally I would say that the principle of this Ordinance would be wrong because it would separate some people from others in as much as taxation responsibilities. I point this out because where there must be taxation it must apply in a like mannner to all people using the roads of the Territory and those roads are adjacent to the roads of the Territory. This would give a privilege to the Commissioner to exempt certain people and not exempt others, and I speak on that principle at this time. Thank you, Mister Speaker.

Mr. Speaker: Is there any further discussion? Question? I will declare the Motion Carried. May I have your Further pleasure?

MOTION CARRIED MOTION CARRIED

MOTION CARRIED Moved by Councillor Shaw, seconded by Councillor Dumas, that the House move into Committee of the Whole to discuss Bills and Sessional Papers. MOTION CARRIED

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

Mr. Chairman: The first matter for consideration this morning will be Bill No. 1, namely an Ordinance to Amend The Taxation Ordinance. (Reads Bill #1)

BILL  
#1

Mr. Chamberlist: Question. Mr. Chairman, it would appear to me that the purpose, although the purpose is clear at this particular Amendment, and I might say that I agree with it, it doesn't place the land in the right position. I think it would be necessary and I will move a Motion to this effect that where it reads declare the Commissioner to be the purchaser thereof, should be added, and the said real property shall be held by the Commissioner for the beneficial use of the Territory. As it reads now, its placed in the hands of the Commissioner for himself. Now if it had to comply with Section 45 of the Act, surely Mr. Legal Adviser might make reference to this Mr. Chairman, and I would ask his opinion on this, it should be clearly defined what happened to that real property, after it is forwarded into the hands of the Commissioner.

QUESTION  
RE AMEND.  
CLARITY

Mr. Legal Adviser: Mr. Chairman, there's no real harm in putting in the words but Section 45 of the Yukon Act specifies how the Commissioner is to hold the property and overrides our Ordinance. It says, It shall be held by the Commissioner for the beneficial use of the Territory. Now this says what the Commissioner can do with it. Its not for personal usage, for the beneficial use of the Territory. The mechanics of Section 83 declare the Territory to be held in the name of the Territory, so this was awkward when you're dealing with land titles and was brought to our attention, but the Commissioner and the Territory are in a sense the same thing, but the Territory does not sign documents so in order to comply with Section 45 of the Act that is to hold it for the beneficial use of the Territory or the people of the government the name Commissioner should be inserted instead of the word Territory.

SECTION 45  
YUKON ACT  
STATES

Mr. Chamberlist: Mr. Chairman, would it not be advisable to make it clear in the section itself that the property is held for the beneficial use of the Territory or does Mr. Legal Adviser think that its already sufficiently covered by that section of the Yukon Act which can be interpreted by the Ordinance itself, which it doesn't appear to me to be clear.

QUESTION  
RE CLARITY  
OF SECTION

Mr. Legal Adviser: If it wasn't for the existence of Section 45, then we would need to make the matter change, but Section 45 has in fact said once the Commissioner holds property its for the beneficiary of the Territory, so it is unnecessary to repeat it.

Mr. Dumas: Mr. Chairman, I'd like to move that Bill No. 1 be reported Out of Committee without ammendment.

Mr. Chairman: Is there a seconder. Being no seconder, there is no motion, would you proceed Councillor.

Mr. Livesey: I have a question, Mr. Chairman that I'd like to direct to the Legal Adviser, and I wonder if ne could advise the Committee just when it is understood that property cannot be sold, just how is this arrived at? Actually, in actual fact, in actual operation, the practical aspect of it. In other words certain types of property is put up for sale and then it says here of course when it cannot be sold ... what does this mean?



Mr. Legal Adviser: Well this is a prohibitory Section in a sense or a point of procedure. When a person defaults of taxes then the machinery commences to grind and they get notices and they can pay their taxes up to a certain point. At that point of time its put up for sale. Now this operates so that the person purchasing it does not give the value of the property. The property can be sold for a certain minimum. In other words suppose it is a hundred dollar taxes and twenty dollars penalty, thats the minimum for which the property may be sold. If the bid at the tax sale does not reach this point then no sale takes place but instead of a sale its turned over to the Territory. Now if a sale actually takes place it is a further time lag during which the property may be redeemed by the original owner and in the case of lands which comes into the hands of the Commission then customarily if the taxes are paid it is possible for the Commissioner to sell it back at that price, but he doesn't have to. The normal procedure would be if its... if it could be held by the Crown indefinite, if its a private piece of property the government might have changed its mind about selling property in that area, its treated as normal property. It comes under the normal rules. Does this answer the question?

Mr. Chairman: Councillor Livesey.

Mr. Livesey: What I am getting at is this, if a piece of tax sale property, the taxes upon which have not been paid, then it cannot be sold according to this, no one purchased it, can the Territorial Government seize this land and put their own evaluation upon this land as if it was and had been all along their own property. In other words is the price then when they sell it still the price that was against it when it was a tax sale property or does it become a situation where the Territory can make money between the cost of what was originally owing on the property and what they feel now is the right evaluation of such property. This is the item that I'm getting at.

Mr. Legal Adviser: The Territory can of course, make money on it because it becomes the property of the Government. The government then has to decide will they sell this property or will they not sell it. In the case of a property which has been put up for sale and advertised it depends on the amount of taxes which are due on the Territory whether the property might be a desirable piece or not. If say in Lot 19 somebody doesn't pay the taxes and the property is up for sale and the taxes amount to supposing it did, well of course Lot 19 wouldn't be put up by the Commissioner but just to take an instance, if it didn't reach a hundred dollars then it goes into the Commissioner's name. Now he would then proceed to sell that property under the normal rules of which I think all the Council Members are familiar. It could be development, if it needed development, or it could be sold as an undeveloped piece of property, or it could be put up for tender and so on.

Mr. Livesey: One more question. It says here subject to Section 82 that where the real property cannot be sold now what does this exactly mean? Cannot be sold, does that mean six months after they have decided that no one has brought in money, or a year after--two years after? When do we arrive at this point in time where the Administration can make the decision according to what they are asking us to do in this Ordinance and then turn around and say this is the time when we say cannot be sold.

Mr. Legal Adviser: The point of time at which it is put up for tax sale, bids are received or not received, now the minimum amount for which it can be sold, permitted amount is the amount of taxes and penalties owing on the property after that time,

Mr. Legal Adviser continued:

that is the time of the tax sale. Its only if no bids are received which will pay off the taxes that the property reverts to the Commissioner.

Mr. Livesey: Mr. Chairman, if thats the case a large amount of property that is put up for tax sale every year is not going to receive any attention from for instance in Whitehorse and places outside the area, I know I've seen in the newspapers many times that this is going on and that is going on , but if they don't attend to it right away then they... there is no period in time whereby anyone who isn't right exactly on the spot when the tax sale is there... I think it comes up in July or something or usually in this month, well if this isn't dealt with then, then the Territory immediately takes the property and no one else gets a chance at it just because of this particular point in time and I think that this works not too well especially when so many people are coming into the area right now from outside and may want property but can't get any.

Mr. Shaw: Mr. Chairman, the Legal Adviser did say that the ... I assume that he indicated or intimated that the Government, once the Commissioner, once he acquired this property that they could sell it at the price at any price back to the person if he so wanted or could not sell it. My question would be would this not come under the normal routine of the sale of lands for delinquent taxes that the transaction would not be completed until it was confirmed by the Court and prior to that particular time, any person could redeem the property by paying the charges plus a penalty or interest of ten per cent. Is this the normal procedure as any other piece of property?

Mr. Legal Adviser: Yes, indeed, the Government acts no more harshly than a private purchaser would at a tax sale, in fact in many cases, acts less harshly than a private person would do. The Commissioner would always be open to an approach that some mistake had been made and the property could be purchased by the original purchaser, but he is precluded from giving it back to him except for the correct amount of the taxes and penalties involved up to that point of time. But so far as the new people coming into Whitehorse is concerned, this is an old procedure, this procedure has been going on since 1898 here, that is a big long time lag and it takes a long period with a lot of steps, advertisements, court procedures before you come to the point of the tax sale. Now at the time of the tax sale there is still a period of twelve months during which it can be redeemed and the Commissioner would feel himself bound by this to treat the matter as if he was a private purchaser but this technical change is merely to change not the procedure but the name into which the land Registrar would convert the title, when it goes up to the Land Titles' Office.

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

Mr. Chairman: At this time I will call Committee to order. BILL #1  
We were discussing Bill No. 1.

Mr. Livesey: Mr. Chairman, I don't want to labour this point and carry on discussion any further than necessary, but I do have one more question. I wondered if I could be supplied with the percentage of the taxsale properties that are recouped as a tax payer? What is the percentage? For instance, if there is a hundred up for sale to the people at the tax sale pick up 50% at that time or 75% or just what?

Mr. Commissioner: Mr. Chairman, we would have to bring forward figures to show that information. It might take a day or two to compile something of this nature, but certainly it is information that is available. I suggest that we bring this information forward ready for the last three annual tax sales. Would this be satisfactory?

Mrs. Gordon: In this land question there is a part that I find disturbing and I know other people who have gone to purchase lands, some that has reverted to the government at tax sales that I find is disturbing and so have they. It is this, when a piece of property has reverted to the government at a tax sale, it must be readvertised with an upset price. If this property has reverted to the Territory, in my opinion, it should be considered exactly the same as a lot that is up for sale under normal circumstances that is owned by the Territory. I would like an explanation as to why this is necessary? This is Territorial land reverted to the Territory, if it has an upset price on it, fine. If they go to the Territorial Land Agent or Land Titles to buy a piece of property, they shouldn't have to wait six months while this is all readvertised over and over and over again, when there is an upset price on it the same as an initial piece of property has a price on it for sale.

Mr. Commissioner: This raises a procedural policy for Mr. Chairman and the routine is that when the property has reverted to the crown it has to wait for the statutory period of time before the crown can actually take possession it. There is a certain period of time that must elapse during which time the owner has the opportunity to redeem this property. After that particular point in time, an upset price has been established which usually is designed to reinstate the amount of money that is owed to the Territory in lieu of taxes. If this was to be sold on a first come, first service basis the first time around it may lull itself to all kinds of possible abuses, and we have followed the policy that we advertise it and it is opened to public tender in the first instance. If there are no tenders, once the tenders have closed it automatically available on a first come first serve basis at the amount of the upset price and I would hesitate very much to suggest that we drop this intermediate step of premitting it to go to public tenders. I think that this keeps everything clear and above board.

Mr. Chamberlist: Mr. Chairman, there is one point that I would like Mr. Legal Adviser clerify. Section 82 gives the power of the collector, with the approval of the Commissioner, to sell the property that hasn't been paid for to anybody. If the power is ther to do that what is the necessityfor turning it over back to the Commissioner again. I bring this point up because I know there is a difference between the taxation ordinance of 1958 Section 83 subsection 7, gave the power then when there is no bid for or no bid equal to the upset price, the Commissioner

BILL #1 Mr. Chamberlist cont.

shall be declared to be the purchaser thereof. Now it appears when the new legislation 1959 came about it dropped that particular section and Section 82 gave power to ...as I said to the correction of these particular sections which are in effect now. It is a real problem .....amount of the arrears of taxes and costs, the collector may, with the approval of the Commissioner, sell the same to any person other than the owner for any reasonable amount that he may be able to realize and shall in such case, accept the amount so realized as full payment of the arrears of taxes and cost. What's the purpose of having this 83 Section in there at all if it is within the power of the collector with the approval of the Commissioner to sell to anybody in any event. Perhaps Mr. Legal Adviser can explain that.

Mr. Legal Adviser: There is an inconsistency here that legislation commonly, as the honorable member knows, contains lots of inconsistency. I would not suggest that 82 be taken out because it is a useful section that may from time to time enable something to be done, but what the collector does and does not do otherwise than in the order, is controlled by the policy set by the Commissioner and the Commissioner has stated what the Land Policy is and this is the policy that is followed.

Mr. Chamberlist: Mr. Chairman, if it is already agreed by Mr. Legal Adviser, that there are inconsistencies in this piece of legislation well surely we have to have legislation that is clear and to be defined by the ordinary person, the man in the street, to know what he can do and what he can't do. My suggestion is this, that if a person goes to the collector of taxes and says, "Mr. Collector I understand that this particular piece of property, the taxes of which have not been paid, is available, and I would like to purchase it and I offer X dollars for it." Now the collector can just say to the Commissioner, "I have an offer in accordance with Section 82 of this Ordinance and I wish to sell it to this person". Now can the Commissioner refuse or simply on the basis of Section 83, that he wants it transferred to him. Now this would be inconsistent

Mr. Legal Adviser: Mr. Chairman, with respect, in a sense this can be done. The collector can go and ask permission from the Commissioner, but he will not be given that permission. The first duty of the collector is to attempt to recoup the government in the amount of the missing taxes and the missing arrears. If he doesn't do that, then the procedure is followed that the land reverts to the Commissioner. It is then put up for sale. There is then a redemption period during which the original owner can purchase the property....repurchase the property.

Mr. Chamberlist: Mr. Chairman, what is the purpose again, I say, of having the piece...the section in there if the collector cannot even have an offer accepted by him of more than the taxes. Since there is no purpose in it, why have it there? If there is a purposeful reason for it, this is fine, but if as Mr. Legal Adviser has already intimated, that the collector conforms to the legislation and brought the matter forward to the Commissioner and the Commissioner said "No," I have no intention of selling property under those circumstances. What's the point of having it there? It's become superfluous and superfluous legislation as Mr. Legal Adviser well knows is not in the public interest.

Mr. Legal Adviser: The purpose is to enable this to be done as it's considered advisable to do it. So far I don't know of any case where this procedure has been followed, because the policy has been set for normal stays of land and stays of land in taxation cases and to my knowledge it has been followed. There

Mr. Legal Adviser cont.

may be isolated cases where it might be advisable to use this particular section. I wouldn't be prepared to say there were none.

Mr. Chamberlist: Mr. Chairman, would Mr. Legal Adviser suggest that policy will supercede legislation?

Mr. Legal Adviser: I may not be making it clear, Mr. Chairman, this section says the collector may do certain things and the Commissioner may do other things. In no case to my knowledge in recent years has the permission been exercised to do this. The normal procedure is followed in accordance with the established policy. This doesn't say the collector must do something or the Commissioner must do something, it's an enabling section.

Mr. Chamberlist: Mr. Chairman, if the collector did do it, I agree that it says that he may do it, but because he may do it, because it is permitted, and supposing he did do it, what then would be the situation? He has the right to do it. The legislation says so.

Mr. Legal Adviser: If the collector attempted to do it, he would have to ask for the approval of the Commissioner and I cannot conceive under normal circumstances the approval would be granted unless the full amount of the tax and penalties were paid. He could ask permission, but I cannot conceive, unless they were exceptional circumstances, that the Commissioner would give that permission.

Mr. Chamberlist: Mr. Chairman, if the Commissioner were satisfied that the taxes and the penalties were being paid, in fact the offer that was being made was more than the taxes and penalties incurred, why would the Commissioner then refuse to give approval, notwithstanding the fact that there is provision for the Commissioner to give approval.

Mr. Legal Adviser: The section says that if the property cannot be sold for the full amount of the taxes and arrears. The section only operates in that instance, when the Commissioner's asking for permission to take half the taxes for instance. He would not be given that position normally. If he is getting more than the tax...this is a court taxee we're talking about and the court will hand over the land to the person who bids a bid greater than the amount of taxes without asking the collector. We just hand it over to him. This is an exceptional instance when the offer is less than what we deem to be the correct amount it should be.

Mr. Chamberlist: I am referring, Mr. Chairman, where the offer is more. Not where the offer is less, I would tend to agree with Mr. Legal Adviser if the offer was less, but where the offer is more, where and why would the Commissioner refuse to give approval to the collectors request who is making the request in the permissive manner that is stated in Section 82 of the Ordinance? If Mr. Legal Adviser is saying that notwithstanding anything in Section 82, the Commissioner will still refuse to give his approval then I say that the legislation itself is superfluous, that the administration policies then become a policy which is over and above the provisions that are laid out in the Ordinance and I think this would be incorrect.

Mr. Legal Adviser: Mr. Chairman, I thought that I might be getting obscure, but I'm afraid possibly other people are getting obscure. Section 81 says that at the time appointed for the sale the collector shall if he gets an offer higher than

BILL #1 Mr. Legal Adviser cont.

the amount of the arrears of taxes, sell it. Section 82 says, if at the time of the sale, the offer is less, then with the approval of the Commissioner, the collector may sell, so if the offer is less, in an exceptional case, the Commissioner might give approval. I don't know of any cases in recent years where any approval has been sought or given.

Mr. Chamberlist: I didn't intend to be disrespectful to Mr. Legal Adviser in the manner that he suggested that I am confused. I am not confused. To me the language is very, very clear indeed. What Mr. Legal Adviser says, I think that there is a necessity for Mr. Legal Adviser to say whether the policy that would be laid down by the Commissioner supercedes the requirements of the legislation. If Mr. Legal Adviser says that the policy that the Commissioner may refuse and will refuse if such that it would supercede the legislation, I would like to know why the legislation is there. It's as simple as that.

Mr. Legal Adviser: It is not so. The policy's in conformity of the legislation.

Mr. Chairman: Is there anything further in this Bill? What is your pleasure? It has been moved by Councillor Dumas, seconded by Councillor Shaw that Bill #1 be reported out of Committee without amendment.

MOTION CARRIED

MOTION CARRIED

BILL #2

Mr. Chairman: We will proceed with Bill #2 at this time. Bill #2, An Ordinance to Amend the Garnishee Ordinance. (reads the Bill)

Mr. Chamberlist: Mr. Chairman, one of the problems that face individuals from time to time, is the method of having wages garnisheed prior to judgment. It is a nominee that exists whereby a person is garnisheed, the money is paid into court, it might take some considerable time for the hearing and then they might find that there was no case and the individual find that they have had to borrow money because they have been short of their money, their wages have been garnisheed and been sitting in court and they have been placed in the very awkward position financially, especially those people that have families to look after. I am always opposed to ex parte applications before the court. It's a one sided situation, a defendant to an action may not at all know what is being done. You will note it says with the written consent of the party interested or by order of the court made ex parte or otherwise. If it was only with the written consent of the parties interested, then this would be fair enough because both the plaintiff and the defendant in the case are aware that application is going to be made for this money to be paid out of court, but it would appear here that the plaintiff may make application to the court without even letting the other side know that the application is being made and has the money being paid out to court at any time after it has been paid into court, so that, you might have a garnishee made a garnishee before judgement that is at the time a notice of claim is made. The money is paid into court and then the way this is written, within ten days, or ten days after, may be paid cut any time after it has been paid into court, so that within a day or two days as soon as plaintiff hears of this money paid into court and before the hearing can go before the court and ask for that money to be paid out. This is something that we should not allow to happen. We should place anybody in the position of having the plaintiff in the case be moreorless given the right to withdraw money from the

Mr. Chamberlist cont.

court's care before the hearing of the case. In any event, I would ask members of this Committee to consider that in this particular Ordinance that sufficient consideration is not being given to the hardships that are placed against individuals whose wages are garnisheed before judgment and the money rests in court. I would agree and it must be of course provision, and it is a provision, I believe, that after judgment a person should be garnishee if he or she doesn't meet the orders of the court. I would ask to hear other members of the Committee on this particular point who are perhaps familiar with what has happened to individuals because of the manner in which garnishee payments are paid into court and forced to be paid into court by wages. Many a person has lost his job simply on the basis of having his wages garnisheed. Many employers say "well, we can't have anything like that" and they will pay the court and then dispense with the employee. I think it is wrong and I think we should be looking into ways and means of correcting this particular thing. Thank you Mr. Chairman.

Mr. Shaw: Mr. Chairman, the Honorable Member from Whitehorse East, brought up the matter a little while ago, but couldn't understand the Ordinances should be made that the average person understands what it is all about and I incline to agree with him in that remark. I note in this particular Ordinance that we are using words here "ex parte". We are using a dead language to describe something which people are suppose to understand. I don't know how many people would understand "ex parte". I do know that I do not understand it myself, except that it must mean a parte that was ex some other parte at some other time. Could the Legal Adviser explain what that means and would it be possible to put this particular language.....particular argument of language into language that everyone can understand, but a few persons that are always dealing with such things. I am sure that if we want to go further in this that a doctor could easily put down some matter or other in Latin, in fact they do, I think that is the idea so you can't read the prescription, but it means the same thing relating to this particular section here. Could I have that "ex parte" explained and is it possible to put it down in plain English?

Mr. Legal Adviser: In respect, Mr. Chairman, it is very difficult when you are dealing with a technical science, such as procedure in Law is concerned to use new terms because the old terms have been in use for seven or eight hundred years and have a precise exact meaning understood by the judges. The word "ex parte" means without a particular parte being present. "Ex" means out. It means an application made by one of the partes to the case without the presence of the other. It is normally made by a lawyer but could be made by the parte itself. If I might, with your permission Mr. Chairman, to deal with the point raised by the Honorable Member who spoke first.

Mr. Shaw: You did not quite answer the question. Could it not be put in plain English? That was the question, a parte not present for example?

Mr. Legal Adviser: You could Mr. Chairman, but not I would suggest, as happy a fashion and as precise a fashion as it is done in here. It's a technical term in they way that stresses and strains and so on are written in mathematical language from an Engineering point of view and the names of many parts of the body have acquired Latin terms and they are known exactly by that definition and it's difficult to change at this stage. We are trying to reverse the trend of history. It could be done.

**BILL #2** Mr. Shaw: We seem to have problems with language in this country, Mr. Chairman, east and west and we are just creating a few more by taking in other languages and I've always maintained that a lot of these ordinances the average person looking at them doesn't understand what they mean. You talk about a "fibia" that's a bone of some place, someone would understand where that is but I think if someone was to say that it is the upper bone on the arm we would understand it much easier, the layman, and the same applies to a lot of these Ordinances with a lot of these fancy phrases that only lawyers understand. I just don't see why we don't get down to putting it into plain English, I really don't.

Mr. Legal Adviser: I have sympathy with the Honorable Member and this very point has come up a lot for discussions at the Conference and Uniformity of Canadian Legislation and they have adopted, I think, a resolution that where an act or an ordinance is being constantly used by laymen, serious attempts should be made to convert it into laymen's language. The Motor Vehicle Ordinance, things like that. They recommended that this type of Ordinance, you should use the word "must" instead of the word "shall", to make it clear to an ordinary man that this is something that must be done. "Shall" is the customary word, but this is a highly technical Ordinance, the Garnishee Ordinance and it is not going to be read by the ordinary layman. What one aims at here is exact precision in the drafting, not beauty of language. It is precision you aim at to make the law clear, precise and easily understood by the judge and the lawyer, unfortunately, whatever about the layman.

Mr. Dumas: Mr. Chairman, in sub 2 it says with the written consent of the parties interested. It seems to me it would be very difficult to get written consent if somebody has been garnisheed to do anything. So if we don't allow the courts to do with ex parte in many cases it just wouldn't be done, I would think. Also the other point is this, a person who gets garnisheed, 90% of the time deserves to be garnisheed because he has taken a contract that he hasn't lived up to and we have to look after the fellow who in good faith has given goods or services to someone. They are the person that we have to protect not the fellow who is trying to get out the back door without paying.

Mr. Chamberlist: Mr. Chairman, the Honorable Member from Whitehorse West surprises me. He's more interested obviously in looking after some people and not looking after the interest of those people who should be protected. I'm not concerned about the majority, I Mr. Chairman, am concerned about all the people, that includes the minority as well. Further to what I said earlier, I am also interested in the explanatory note, because I want to know what safeguards I have already made reference to my remarks in subsection 2 of 10 and Mr. Legal Adviser will, I'm sure, comment on my remarks, I would also like to know what safeguards are proposed and how it is beneficial to both parties by reducing the costs involved, you don't reduce costs if you haven't had a trial yet, there hasn't been a hearing yet and the Honorable Member from Whitehorse West appears to say too that notwithstanding, there's going to be a hearing or not. The very fact that there has been a summons issued on the garnishee, they must be right. This is like saying the moment a policeman arrests you, you are guilty. This type of thing is not very good at all. We've judicial procedure that has to be followed in supporting that type of thing. Also a remark I should make in reference to Councillor Shaw, I thought that when he was going to ask the



Mr. Chamberlist cont. ~~.....~~  
 explanation to ex parte, I thought he would also ask an explanation of the word garnishee. Some people don't understand that. Perhaps Mr. Legal Adviser will have to give that information as well and I think that Mr. Legal Adviser should comment generally on the point that I have raised.

Mr. Chairman: Is there anything further on Section 1.

Mr. Livesey: Yes, there are some English words I would like explained Mr. Chairman..... Should subsection(a) related to section 10 which says not less than ten days notice of the intended payment out is given to the defendant, it seems to me even in English anything "out" must have an origin. It doesn't seem to explain what payment out means. Payment out of what?

Mr. Legal Adviser: Without answering directly, any one individual question of the many that have been fired from all quarters on this what I thought was a simple change in the procedure, but to think anything simple dealing with law is possibly mistaken on my part. The process of garnishee as I think everyone knows, is a process whereby the person owes money to someone else and/or is otherwise entitled to money such as a payment by the government in return for a contract or some such thing, but by the service of certain documents, which he obtains from the court for the purpose he can free that money in the hand of an employer before it is actually paid to an employee. It is a highly technical method of doing things and if he doesn't dot his "i" and cross his "t's" exactly, precisely to the certain risk of the employer may not have to pay the money into court but would be able to pay it to the employee. Because of the hardship which it may work, the whole law surrounding garnishee is tied up with precise technical rules and regulations, not unlike the type of regulations which in former times protected a tenant against a potentially unjust land lord. The law tends to be on the side of the small battalions and not the big battalions. The purpose of the changes which are being made here is, I am happy to tell the Honorable Members, in ease of the wage earner and not in ease of the person who is trying to grab the money. The position at the moment which we learned sometime after the appointment of the new Magistrate was in the course according to our former procedure, but when a few hundred dollars were collected from maybe only 50 dollars collected from a debtor and was lodged in court by the employer we will say either the government of White Pass or some such firm, the hundred dollars then goes into the custody of the court and will not be paid out except there is an application for it made for the purpose in open court, so on certain days of the week when these will build up, the magistrate's time was taken up by listening to applications made by lawyers for the big battalion to pay out monies that had accumulated in court, and a lawyer was charging a fee for this application, so although there might be only \$50 in court the lawyer's fee could have been \$20, \$25, it could have been \$49 for all I know. If the debtor owes, we'll say \$100 on a T.V. set the amount that is credited to the debt that he owes is not the \$50 which is paid into court, it's the amount less the cost. So to collect that \$50 the company was forced to employ a lawyer to go to court and pay him \$25 or \$30 or \$40 to take the money out of court. Even though the wage earner was admitting the debt. The purpose of this admendment is to enable the court office to pay out the money on application, which will be without fee. Under certain circumstances, which are listed out in (a), (b) and (c) of section 10, subsection 1. This is the new part of the law. The

BILL #2 Mr. Legal Adviser cont.

objections which were raised by the Honorable Member from Whitehorse East, were to subsection 2 which is a reproduction of the existing law on this subject and no changes made between subsection 2 of the old Section 10 and subsection 2 of the new Section 10, although there are certain changes of languages in order to meet with the Honorable Members wishes from Dawson to make it more easily understood, and to run in more harmonious English, but the content is precisely the same. The conditions are to get this money out, this is now out of court office, or even out of the court itself, 10 days notice must be given in advance to the defendant in the case or the judgment debtor and the garinshee. Notices must be sent. They don't have to be all typed and commonly, as the Honorable Member ...the other Honorable Member said, commonly the debtor is not going to reply and he is not going to cooperate, but he must as least get a notice. It only operates after a judgment has been made by the magistrate in the substantial case itself, in relation to the payment of the T. V. That judgment can be either default or it can be contested but until the judgment is made in the main case the money cannot be paid out. This seems to me to follow ...the substantially...the procedure which is in use in the provinces whereby you are dealing with, usually in this case, small sums of money, but a lawyer goes in, produces his judgment, produces his proof that he has served notice on the other person all are consent and then the clerk can hand him out the money. This can only take place as a rule after the case has been heard, because **it's six months** after.

Mr. Chamberlist: Mr. Chairman, with respect, I will be speaking for five or ten minutes and it is almost twelve o'clock, I will suggest that we start after.....again at two.

Mr. Chairman: In view of the time I will declare Committee stands recessed until two o'clock this afternoon.

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Tuesday, March 11, 1969.  
2:00 o'clock p.m.

Mr. Chairman: At this time we will call Committee back to order and we are discussing at this time Bill No. 2. Councillor Chamberlist. BILL #2

Mr. Chamberlist: Mr. Chairman, what we must remember is that a person does not owe money until a court adjudicates that that is so, so that we must not consider that the person who is being garnisheed has got an indebtedness. Now, the suggestion made by Mr. Legal Adviser that the cost of making applications to have money paid out of court is high only applies to where the action has been taken before the Territorial Court and for a large sum of money. Where an action is taken by the Small Debts Court or in the Police Magistrate's Court anybody can on the payment of 25 cents pick up an application at the court office and fill out the application there and it is dealt with there before going - without the necessity of going before the magistrate or the small debt official, so I think that this particular point points out the suggestion that there is a saving of costs and any benefits to either party. Now, the thing that is upsetting about this garnishee process is the manner in which wage-earners can have all except \$3.00 a day garnishee. Now, if we refer to section 17 of the Garnishee Ordinance which is a section dealing with the exemptions from attachment, no just due or accruing due to an employee for or in respect of wages or salary is liable to attachment under this Ordinance unless that such debt exceeds the sum of \$3.00 per day for the period in respect of which the wages or salaries are owing on the day the garnishee summons is served on the garnishee and then only to the extent of the excess. Now, I think we have to be very realistic that no person today can afford to live on \$3.00 a day. Now, we have to bring this type of section of legislation up to present day needs and if we have to have this amendment to the Ordinance we should also amend the amount of money that is exempt from seizure and nobody here could deny that to leave a man who may be a family man with \$3.00 would obviously be a ridiculous thing entirely. I mean what we would be doing we would be creating and continuing legislation which is to the detriment to the people in the Territory and we must not allow this to happen. Now, as I think therefore that Mr. Legal Adviser could give some information that he would be prepared to amend that section 17 in light of the remarks that I have made I feel sure there shouldn't be any difficulty and it would cut down upon my opposition to the other items which must go through. Now, to come back to this section 2, Mr. Chairman, before recess the Legal Adviser said that section 2 in fact is exactly the same as was in the Ordinance prior to this amendment but that some of the words had been changed. The particular portion that I take exception to in 10(2) is this, that where it said before "no money paid into court pursuant to a garnishee summons shall be paid out except on the written consent of the parties interested or by order of the court, which order may be made ex parte or on such notice as the court directs". Now, in this new section which has just been placed before us it says this "with the written consent of the parties interested or by order of the court made ex-parte or otherwise.". Now, I want Mr. Legal Adviser to explain what is the "or otherwise". This is something that is an addition to what was in there previously, and these particular words and what is meant by it and what

BILL #2 is the "or otherwise", what is this other alternative that has been added into this that wasn't in there before, and what is the reason for it? Mr. Chairman, I wonder if Mr. Legal Adviser can tell us about that.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, the words "or otherwise" cover the case of more than one party being involved. Ex-parte, I think someone said earlier, is when there is only one party. That is the applicant present before the court. Now, ex-parte or otherwise means where there is only one party or where there is more than one party. In other words, if the defendant is there also. That is the "otherwise". Now, so this is an additional safeguard that allows it to happen where there is an application made alone or with representation for the defendant. Now, with regard to the mention by the Honourable Member of section 17, I can't give an undertaking that this will be amended but I can say that the suggestion is an excellent one and certainly would have my support and I would recommend it to the Administration for amendment, and the lines I would prefer to see taken on this is that instead of having a flat sum of \$3.00 per day free from garnishee on a person's salary, it should be fixed as a modern sum which would enable a man living alone to live, then there should be a scale added to it exempt in respect of his wife and a further amount in respect of each of his children. I think this would be a fairer method of attacking the problem rather than just leave it at \$3.00 a day. Now, this might involve - I couldn't say at this time without going through the whole of the green book - it might involve amendments to other ordinances such as the Execution Ordinance which would change the exemptions which would be exempt from seizures under other forms of attachment or writ of execution.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, to bring the Honourable Legal Adviser, the Honourable Member from Whitehorse East up to date, if they will look back in the ordinances they will find that the fall session of 1965 an ordinance was passed in this Chamber as follows, that it allows a person \$6.00 a day and I would say that that would be adequate.

Mr. Chamberlist: Mr. Chairman, as one gets older one doesn't need so much to eat and I take it that Councillor Shaw has got into that category now that he doesn't need to eat so much or a place to sleep, but I think \$6.00 a day, if that is so, is totally inadequate, but however I am quite satisfied, Mr. Chairman, that Mr. Legal Adviser has taken note of the objection and is going to make certain recommendations, I take it, to the Legislation Planning Committee with reference to this particular item. However, to come back to these words "or otherwise" it appears to me that there must be some other reason other than the reason that is given because it would be by ex-parte or a court order and I say that "or otherwise" in the court order this would be included in that, but there must have been a specific reason which I cannot see and I don't know if any Member of this Committee can see, that those specific words "or otherwise" should be instituted in this amendment. Now, if there was a reason for it we should know it. If there was no reason for it, then I don't think that the explanation that Mr. Legal Adviser has given can in any way be consistent with the rest of that particular section,

and I am reluctant to okay a specific word that I don't understand reasons for, and I think that Members of Committee should look closely at that particular section and see how it reads and ask themselves what actually does it mean, and whether or not Members of Committee can be satisfied with the explanation that Mr. Legal Adviser has given. BILL #2

Mr. Chairman: Councillor Shaw,

Mr. Shaw: With reference to the Honourable Member's reference to age, let us put it that as one grows older one realizes that one must live within one's means. When people are aged and they have no other means of sustenance, the government very generously gives them \$103 a month to live on. They are expected to live on that. Now, we are talking about a person that owes money through a debt that he has justly incurred, that he owes to another party, and we give him the equivalent of \$180 a month. I think that that is quite generous, at least it is as equal - it is almost double the amount we give to a pensioner. In the first place if people want to create a lot of debts there must be certain responsibilities attached to them, and I do not agree with the Honourable Member on my left stating that one has to starve when they get old and when they are young they have to eat ten times as much. I've got a pretty good appetite, but nonetheless at \$6.00 a day, I think that is quite reasonable an amount to have. It is double what it used to be.

Mr. Chamberlist: Mr. Chairman, the Honourable Member from Dawson seems to have missed the point completely. The point that I make is that where a person is garnisheed before judgement and he doesn't necessarily have incurred a debt, until such time as the courts rule that he has incurred a debt - we must live by law not by otherwise. This is the point, that a man is garnisheed his pay and is left a minimal amount on which to live. Now, even if there was any merit in the Honourable Member from Dawson's remarks that a man could live on \$6.00 a day. There seems to have been no provision made for that man if he is a married man with a family. Nor can the Honourable Member from Dawson explain how a single man could have a place to sleep and to eat on \$6.00 a day. Personally, I think it is a ludicrous amount and I would challenge the Honourable Member to show how he could live on \$6.00 a day. I know that Members of this Committee who are getting a pittance for their expenses for being down here. I would like them, each and one of them, to live on \$6.00 a day. They couldn't do it and I think that we have to consider the inconvenience that is being placed on people who have not had judgements against them but have had their livelihood removed from them, because it is a removal of livelihood until such time as a court has ruled. We cannot assume that because some people have in fact incurred debts and do owe this money that everybody that is sued is owed the money. Quite often there are actions taken against people in the hope that they will not defend the action and therefore get money that way. This happens quite often. I think that consideration must be given and I hope that Members of this Committee will look with favour upon the suggestion that has been made by Mr. Legal Adviser to bring to the attention of the Legislative Planning Committee the need for up-dating this particular section in the legislation. Thank you, Mr. Chairman.

BILL #2 Mr. Chairman: One question from the Chair. Do I take it, Mr. Legal Adviser, that this proposed amendment would be proposed at this session?

Mr. Legal Adviser: No, it would need a certain amount of care because we would have - the last amendment was made in 1965. This is now 1969, so that the value of money has changed, the standard of living has changed. Changing a section of that type is an on-going thing. We would want to fix an amount and I think there is merit in the suggestion of making a different privilege allowance to a married man and a man with children than a single man. Now, this would take a certain amount of drafting. I would expect it, say, next session when routine legislation was coming forward.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Yes, Mr. Chairman. If a person put a garnishee on my wages and it was absolutely erroneous. It was wrong. Would I have a recourse to take that man to court for a false ascertainment or whatever you may call it in these legal - have I no recourse?

Mr. Legal Adviser: Well, the recourse would be - this would arise in the course of routine collection of a debt where a summons was issued in respect of a debt and at the same time - there is provision in every province - that at the same time you can garnishee something because the person may, on receipt of it - and people do this sort of thing, unfortunately - as soon as they get the summons they run away, so you garnishee some piece of property they have - in this case talking about wages. Now, the employer in the case would be ordered to pay to the court direct the excess over the allowance to be paid into court. In other words, at the end of the month if the man's wages are \$500, he would give the man the \$6.00 a day, which is \$180, and the balance, that is \$220 would be paid into the court to await - now that isn't paid out until the court decides what is to be done about it. Now, the form - the summons would say that you must appear and answer to this thing in so many days and then a date is fixed for hearing of the case. Now, in the vast majority of this type of case the defendant does not appear at all. He lets it go by default because in fact he does owe the money. In a proportion of cases he will say, yes, I bought the television set but it was unsatisfactory and therefore I returned it. Therefore, I don't owe the money. Now, this issue would be tried and the judge would then - or the justice, magistrate - would hear the case and make a decision. Now, in the event of them making a decision in favour of the vendor of the set, the vendor would be entitled to his costs against the defendant and would get an order for the payment out to him of any money which is in court allotted out of the garnishee order. If, however, the defendant made out his case satisfactorily - the set was unsatisfactory and he had no obligation to pay for it and he had in fact returned it - then the money in court would be paid out to him and the costs involved of appearance or lawyer's fees or what have you, they would be ordered to be paid by the defendant. The successful defendant normally gets costs, and normally a successful defendant in this type of case can collect his costs which is more than a successful plaintiff can usually do. Now, there is some merit but it is a little complicated to give him interest. The essence of the thing is that if the man is being wronged by a succession of garnishee orders hitting him, taking half his pay month by month, his remedy is to ask the court to hear the case, not

delay, and he can get the case heard in such a circumstance with tremendous promptitude, but certainly so far as it would be in the Magistrate's Court, but in the Territorial Court now from now on, I wouldn't anticipate there would be any delay either. He could get it heard within the week if he would arrange it. BILL #2

Mr. Chairman: Councillor Shaw.

Mr. Shaw: My question though is very similar to the answer. I understood the first part but for example, I am sued and it is wrong - or I am garnisheed, I should say - and I have to leave my job and spend two or three days coming down here and appear in court, and this is an unjust complaint. It is an unjust garnishee. Am I entitled to say to the judge, this is wrong. It is proven wrong. I want my wages from this time, my expenses and so and so - will I get them?

Mr. Legal Adviser: Yes. Well, I couldn't guarantee you would get them, but at least you'll get an order from the judge that the plaintiff should pay them to you.

Mr. Chairman: I wonder if I might proceed with the reading of the Bill?

All: Proceed.

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

Mr. Shaw: Mr. Chairman, here is something I noticed in this particular Garnishee Ordinance - the amendment that was made. I thought there was something here. Section 2 reads as follows: "This Ordinance is hereby further amended by the addition thereto of the following section: "19. The schedule to the Ordinance is hereby amended by adding thereto the following forms...", and that is where the defendant herein applies to the court for an order increasing his relief from \$6.00 per day and files in support an affidavit of circumstances. Now, in other words, we don't need any more additions in relation to that because that is already covered and was covered since 1965.

Mr. Chamberlist: Mr. Chairman, with respect, I think the Honourable Member from Dawson is not reading what is there. I would say he is reading what he would like to be there. That situation would apply after the garnishee has taken place. After all, when the garnishee is made the \$6.00 permissible per day would be deducted from the amount of money and then the person who is being sued would have to go before the courts to ask for relief, and relief isn't given to them automatically. Perhaps Mr. Legal Adviser would confirm this.

Mr. Legal Adviser: Yes, Mr. Chairman, this point is well taken. He has to make a specific application to the court.

Mr. Chairman: Have you anything further?

Mr. Chamberlist: I have one question for explanation purposes for Mr. Legal Adviser. Section 54 of the Judicature Ordinance already deals with small debt claims. Is it the intention that the summons and any other documents relating to a small debt claim is used and served in exactly the same manner as

BILL #2 for the claim itself? Is this the intention of this particular...

Mr. Legal Adviser: It is to regularize the procedure. Instead of having two different forms of service and so forth, it is to put garnishee proceedings into the same manner of service as a small debts claim, if it is used in such.

Mr. Chamberlist: Thank you, Mr. Chairman.

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

Mr. Livesey: One question. Am I correct in assuming that the total amount of debt that can be collected by a small debts court is no longer \$200 but now \$400 maximum? Am I correct in this?

Mr. Legal Adviser: I don't think so. There is an ordinance in relation to this - legislation for it.

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

Mr. Dumas: Well, Mr. Chairman, before I make a motion on the Bill I would like to state that I am in agreement with the Honourable Member from Whitehorse East in having the amount of money reviewed that is allowed under the Garnishee Ordinance, and I hope that we'll see something before Council, possibly in the fall session. With that, I would like to move that Bill No. 2, An Ordinance to Amend the Garnishee Ordinance, be passed out of Committee without amendment.

Mr. Chamberlist: I will second the motion.

MOTION CARRIED

MOTION CARRIED

BILL #3

Mr. Chairman: We will proceed to Bill No. 3. (Reads section 29(1) of Bill No. 3).

Mr. Chamberlist: Question on that section, Mr. Chairman. I have two questions. I'll deal with the first one. In section 29(1)(c) "by some other person or persons". I wonder if Mr. Legal Adviser can let us have the category of that other person or persons.

Mr. Legal Adviser: This is a highly complicated and technical bill. This means exactly what it says. It means that a trust can be established and a testator, not being the person who established the trust, can by the terms of his will leave a bequest to be administered by that particular trust established by another person.

Mr. Chamberlist: (b) says by the testator and some other person or persons. Now, and then it goes on to say "or by some other person or persons". Isn't there a.....?

Mr. Legal Adviser: No, at the risk of being technical, "and" is used in a conjunctive sense in subparagraph (b) of subsection (1) so that the testator must, to operate under subsection (b), have another person jointly forming the trust with him. In (c) he is not involved. It is another



person; a stranger to himself. If you visualize the testator as being Mr. A, he can establish the trust himself by paragraph (a). He needs a friend to jointly set up a trust, himself and another person, under (b); and in (c) the other person sets it up alone. One, two, one.

Mr. Chamberlist: Under what circumstances?

Mr. Legal Adviser: This is an exceedingly complex subject and if I answer that question it'll take about 15 minutes to explain the whole purpose of the bill, if that might be a convenient point of time to do it. This is my pithy English. It reduces the English to five lines. Now, this piece of legislation is brought in because it is a recommended piece of legislation by the American Conference for Uniformity of Legislation in America as well as by the Canadian Conference on Uniformity of Legislation which last year held its meeting in Vancouver. Now, I think at the moment there was originally about 15 or 20 States introduced this legislation, and now I think some 40 States have introduced the legislation. Now, as you see in the headnote, up to now it is impossible for a testator to leave money to a trust in the terms of paragraph (c) of subsection (1) because a court will refuse to allow this trust to be considered valid if the terms of the trust itself - the original trust document - would permit another person to change the terms on which the testator leaves the money. Now, for a number of purposes when you are dealing with large sums of money, from a quarter of a million up, there are advantages in having this type of legislation in force. The average testator, the average family, is not going to make use of it, but more and more trusts of various types are being set up by wealthy individuals for the benefit of their families, and they hand over the terms of the trust in a trust document, drafted precisely according to their wishes, but there may come times when it is necessary to change the operation of the trust, and at that time another person, who may be a co-settler of the original sum of money or a sum of money jointly incorporated into the trust, may change the terms on which the trust will operate or the money which will be paid out as a result of the trust. This legislation is unlikely to be used in everyday draftsmanship by lawyers but it is currently quite a lot used by wealthy families in America and there is a move for it here, and the keypoint is actually, as the Lamberts pointed out, is setting up a trust by some other person. Say, this Honourable Member can set up a trust for his family. I can then settle money into that trust for the benefit of my family - it may be an investment trust or an open-ended investment trust of various sorts - the trustee is given different powers of discretion.

Mr. Chamberlist: Does this mean also then - is it confined to only where there is a specific mention of the amount of funds in a will? It doesn't refer to any funds or assets that are outside the written will of a testator?

Mr. Legal Adviser: Well, yes and no.

Mr. Chamberlist: What kind of an answer is this?

Mr. Legal Adviser: Well, I often give answers yes and no, because there is always an implication in the Honourable Member's question. A court wants to know when it has a will before it exactly how that money is going to be handled, who is going to handle it, why and how, and if it can't see

BILL #3

that, then it won't operate the trust. It'll deem the trust to be invalid for one of the various reasons, possibly that was before this House on an earlier occasion when we were talking about the Rule in Shelly's Case, and I know we don't want to go back into that, but if the court can't see a trust in a will precisely, it won't operate it. What we want to be able to do in this is that a man during his own lifetime can set up a trust, either alone or with a friend or a partner or a business associate or a banker or an investment company, and that having settled that money, it is an on-going thing. The children may be given the benefit for education, travel, a hundred and one different things. When he dies he should be allowed to just put in a simple clause in his will and say I give another hundred thousand dollars to the trust set up in such and such a time - name the trust, so that the court then, once it is satisfied what precisely the testator wants - if he wants to put it into a slot already set up - a trust - the court will operate and say that's fine. That's where the hundred thousand goes.

Mr. Dumas: Mr. Chairman, that's an irrevocable trust, you're talking about then, is it?

Mr. Legal Adviser: These trusts will be revocable trusts. If it is an irrevocable trust the court will allow the money to be given to the trust, but if it is a revocable trust and in particular if it is revocable by another party, the court will not allow the trust to operate. That is why this legislation is necessary.

Mr. Chamberlist: It's not clear to me. Quite frankly, I don't follow Mr. Legal Adviser's remarks with reference to that section (1)(c) "by some other person or persons..". I don't follow this because what he has said I follow regarding the testator and some other person or persons, but I can't see it where the testator is not part of it, and this is what - the testator, surely he must have something to do with the disposition of his own will.

Mr. Legal Adviser: He does, but he is dead. Now, this could have been redrafted as an A and a B. It could have been said a trust established by the testator or by some other person, or by the testator and some other person or persons. Now, but the English shows in here that (a) by the testator alone; (b) by the testator jointly with some other person; and (c) by some other person alone. If we call them Mr. Jones and Mr. Smith. It can be done by Mr. Smith; by Mr. Jones and Mr. Smith; or by Mr. Brown.

Mr. Chamberlist: Why? Why by Mr. Brown? That is what I would like to know. Why?

Mr. Legal Adviser: Well, we'll take two brothers. Brother A sets up a trust for himself and his children and it turns out to have a beneficial method of investment and everything else. So, a brother says I will put my money into the same trust, subject to the same conditions, and payments out, and he dies, and the money is paid into that trust under the terms of this. It makes it legal. But the first brother may still be alive and may change the investment procedure or the method of paying out. This would normally be forbidden and the courts would not allow the trust to accept the money if this was so, and specifically in subsection (3) it makes this point clear.

"(3) A devise or bequest made under subsection (1) is not invalid because the trust (a) is amendable or revocable or both; or (b) was amended after the execution of the will or after the death of the testator." It makes it clear and precise that what is permitted under this Ordinance is what is forbidden under the law as it stands because of the technical nature of trusts combined with trusts set up under wills. The courts will not allow revocable, cancellable trusts at the moment under wills. This allows it to take place.

Mr. Chairman: (Reads sections 30 and 31 of Bill No. 3).

Mr. Chamberlist: I wonder if Mr. Legal Adviser could explain that last section, Mr. Chairman.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: Well, put it another way. I am quoting now from Professor Leal's report to the Conference and he says that "It is clear law that a document not existing in unalterable form at the date of the execution of a will cannot be incorporated into a will. The courts have stated that a testator cannot by his will create for himself a power to dispose of his property by an instrument not executed as a will or a codicil." and there have been a series of cases from time to time on this. Now, when he is referring to the problem involved he points out "that it does not frequently arise in Anglo-Canadian jurisprudence, but that this may be attributed to the fact that one only sees the tip of the iceberg. The problem plagued the American courts in estate.....for two decades and loomed so large between 1953 and 1961. Twenty-two States passed separate legislation to remedy the deficiency of the common law and on August 25, 1960 the National Conference on Uniform State Laws approved the uniform testamentary addition to Trusts Act which was approved the same year by the American Bar Association. In the period between 1961 and 1964 eighteen States enacted it. Connecticut enacted its own legislation in 1953 and it repealed its own law and substituted the uniform act." Now, this is the Canadian uniform act which shows very minor differences from the American uniform act. Now, each line of this is, shall we say, pregnant with meaning, and its impossible to divorce one line from another. Its drafted not by me but by better hands than me and it has taken seven years to bring it to fruition and every year it has been considered by no less than 35 or 40 lawyers, and I am not prepared to quarrel with their drafting of this particular ordinance. So, I can explain any particular line but I'm not sure that if I explained it for a week - it would get an awful distance down the road. It took me two days in Vancouver to make head or tail of it myself in the first place.

Mr. Chamberlist: Mr. Chairman, all I can add to this particular discussion is that if Mr. Legal Adviser cannot explain it after having studied it for so long, it is a pretty tough proposition to put on this Committee to approve something that we cannot understand ourselves in a half hour or so.

Mr. Livesey: Well, I've only one comment to make, Mr. Chairman. I feel that it is mandatory confusion irrevocably controlled by promoters of articulated static.

BILL #3 Mr. Chairman: What is your pleasure in relation to this Bill?

Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 3, An Ordinance to Amend the Wills Ordinance, be moved out of Committee without amendment.

MOTION  
CARRIED

MOTION CARRIED

BILL #4 Mr. Chairman: This is Bill No. 4, An Ordinance to Amend the Civil Emergency Measures Ordinance. (Reads Bill No. 4)  
Does this one page constitute the entire Bill?

Mr. Legal Adviser: This is the entire Bill, Mr. Chairman. This is a short ordinance which attempts to make it clear that the officer who is operating emergency procedures in the Territory is a planning officer and not an executive officer, and the Ordinance is being passed at his request. We need to make this specifically clear that the duties come from this government and don't come from another government but we engage him and appoint him as a planning officer, and I think this might meet with the susceptibilities of some of the Members of Council.

Mr. Chamberlist: Mr. Chairman, I have one comment that I would like to make. It would appear to me that the need for amendment to the Municipal Ordinance to parallel this particular section would be required because I don't see how the Commissioner can actually say to the Municipality of the City of Whitehorse, for instance, you shall use your officers to perform a certain function unless it is in the legislation so to do. I would ask Mr. Legal Adviser to comment on whether my suggestion that this is a requirement should be made.

Mr. Legal Adviser: It is possible. I would be open to convincing on this, but it is the intention of the planning officer merely to establish the areas of responsibility. He's not saying go and do this, lay out this hose-pipe. He is merely saying in the plan, if the hose-pipe is to be laid out, well then you want a number two fire officer to do it. He's not there to tell them. He just says if your boss tells you to do something, this is what he should be telling you to do.

Mr. Chamberlist: Well, except that the words say in section 3(a) establish and assign the responsibilities of municipal officers and employees relating to any emergency. This is the point that I make. It appears that the planning officer can just instruct the officers and employees of a municipality as to what their duties are.

Mr. Legal Adviser: No, I don't think so. The full section is on the far side. "For the purpose of dealing with an emergency, a municipality may by by-law..".

Mr. Chamberlist: Yes, that's right. The municipality may by by-law but you see.....

Mr. Legal Adviser: "A municipality may by by-law establish and assign the responsibilities of municipal officers".

This is the full text. We're taking nothing away from the Municipal Council. BILL #4

Mr. McKinnon: Mr. Chairman, I wonder if I could ask of anybody who has knowledge of it who is the Yukon Civil Emergency Planning Officer.

Mr. Commissioner: Mr. Chairman, Mr. Green. He is a cost-shared employee between the Northwest Territories Government, our government and the federal Civil Emergency Measures Organization.

Mr. Chamberlist: In case of emergency, does this mean that we have to get him to come from Yellowknife or Hay River?

Mr. McKinnon: Could I ask, Mr. Chairman, how much it cost the Yukon Territory a year to have this planning officer for the Yukon living in Edmonton, or wherever he does.

Mr. Commissioner: Yes, we can bring this information forward.

Mr. McKinnon: I wonder if I could also ask, Mr. Chairman, when was the last time he was in the Yukon Territory and when he last submitted a report to the Territorial Government of his activities in the Yukon Territory.

Mr. Commissioner: Very recently. We can bring this information forward.

Mr. Chairman: Just in speaking from the Chair, I believe it was late last fall he visited all the communities in the Territory, and this is not Mr. Green anymore. We have a different chap.

Mr. Livesey: Mr. Chairman, if I might rise on a point of vantage. Mr. Billings is his name, and I had the pleasure of proceeding to the Arnprior College in January of this year on this very same subject, and all the provinces - well, most of the provinces - were represented at the College in the training program on the essence of the training program at the College which I felt was done very well, was towards not using the planning officer for instructing the municipalities in what to do but bringing to the attention of all elected officers of the municipalities throughout the whole of Canada, including both the Northwest Territories and the Yukon Territory, the absolute necessity for them to promote an organization now - not tomorrow or the day after or next week or just put it off and never bother with it - but to provide a skeleton so that when emergencies do arise and not only war emergencies but also civil emergencies as well which, as you know, can occur, but these things will progress naturally because the elected bodies throughout the third echelon of government in the municipalities have had time to train and time to understand what their responsibilities are, and I hope, Mr. Chairman, to make a report on this to the House during this session, and will go further into it at that point, but the planning officers definitely are necessary and there is no question about that at all. You can't co-ordinate civil emergency planning or war emergency planning without having your proper structure to provide the thesis that is necessary so that everyone understands what the problem may be, and I do feel, Mr. Chairman, with regards to this bill we have before us that it is part of the workable platform that we require with regard to civil emergencies and

BILL #4 war emergencies.

Mr. Chamberlist: Mr. Chairman, I agree with the Honourable Member from Carmacks-Kluane. I agree with him absolutely, wholeheartedly. All I am concerned about is have we the necessary legislation to be assured that within municipalities we have the power to do this. You see, the way section 6 reads at the moment "For the purpose of dealing with an emergency, a municipality may by by-law..". Now, is there any place in the Municipal Ordinance that gives the power to the municipality to do this by by-law? Now, this is what I am concerned about and I would ask Mr. Legal Adviser if this is in the Municipal Ordinance. If it is not, I would suggest that legislation be prepared so that it is included in the Municipal Ordinance and we will not have any problem at any time in the future. This is all I ask for. I'm not opposed to it in any way.

Mr. Legal Adviser: When one is giving a municipality a power, especially a power one would think they already do not have, you are faced with a choice. You can conveniently put it in the Municipal Ordinance or you can put it tidily in the area where other similar types of power are allocated. Now, in dealing with parking by-laws for instance, one would choose to put them in the Motor Vehicles Ordinance because the whole subject dealing with motor vehicles is there conveniently dealt with. In powers dealing with emergency measures you put all the powers, municipal and territorial, in the Civil Emergency Measures Ordinance. It is a choice but it would be unnecessary to do the same thing twice. It wouldn't improve it. It wouldn't make it better to do the same thing twice.

Mr. Chamberlist: Well, Mr. Chairman....

Mr. Chairman: Order, gentlemen. At this time I'll declare a recess.

Mr. Chamberlist: May I, please, just finish off this particular...

Mr. Chairman: Well, if it is very brief..

Mr. Chamberlist: Yes, it will be. Well, this is the point that I am making. In the Motor Vehicles Ordinance there were sections with reference to parking by-laws which were also incorporated, notwithstanding that I think they were legally done, in the Municipal Ordinance, and what I am saying is this, that if it is incorporated in here it should also be incorporated in the Municipal Ordinance in like manner. This is the point I make, and I agree with what Mr. Legal Adviser has said in this particular point, and this is the point I make. You follow what I mean?

Mr. Chairman: Well, at this time I will declare a recess.

RECESS

RECESS

Page 34.

Tuesday, March 11, 1969.

3:30 o'clock P.M.

Mr. Chairman: At this time I will call Committee back to order, and we were discussing Bill No. 4, An Ordinance to Amend the Civil Emergency Measures Ordinance. Is there anything further on this matter?

BILL NO. 4

All: Clear.

Mr. Chairman: What is your pleasure?

Moved by Councillor Shaw, seconded by Councillor Livesey that Bill No. 4, be reported out of Committee without amendment.

BILL NO. 4  
REPORTED OUT  
OF COMMITTEE

Mr. Chairman: Bill No. 6, An Ordinance Respecting Scientists and Explorers. We'll take this Section by Section. (Reads Short Title). I wonder if Mr. Legal Adviser has any remarks he wishes to make on this Bill. preliminary to its discussion?

BILL NO. 6

Mr. Legal Adviser: Mr. Chairman, the intention of the Bill, the primary intention is to deal with people in a slightly different way from the existing Ordinance respecting Scientists and Explorers. The original reason for the Bill will be found in Section 7. Section 7(a) is read. Now these are the particular St. Elias Mountains and Icefield Ranges, the areas where there is a certain element of danger involved when people go to find them and we wanted not to control people climbing the mountains as to see that people who climbed in the St. Elias Range are equipped and properly equipped for the purpose and this will have the effect of lessening the need for rescue and for searches and so on. And the intention is that when a person wants to climb in these Alpine type ranges that they will apply for a licence and they will then be given a routine circular for the purpose, asking them have they got equipment of the following types. And the equipment will be laid out that they must have ropes, they must have ice picks, they must have a radio, they must report when they are going in and out and so on and they are asked to conform with these rules and then if they do they will get the licence. It is not intended to charge any fee for these licences but merely to administer the law without fee. As the work proceeded in drafting the Bill, other areas came to light which might need some form of control. Now, there has been apparently some problem arising out of photographing parties who go in to game areas and stampede game for their own purposes so they get good photographs; people who under cover, under guise of having a photographic expedition, will damage game or shoot game and then when they are asked the question, what are they doing here - it is a photographic party. Now, the other two classes of person who are controlled in Section 7 are a person who not being a resident, collects rocks and mineral specimens, is also thought in some parts of the country to be going into an area of danger and we don't want to prevent them from doing this but we want to know that they are there and roughly where they will be at any time if a search has to take place for them. Now Section (d) is to cover a person who is not a resident who travels on water, except on a ferry or a commercial vehicle. There have been no accidents that I know of by ill-equipped parties going down the various rivers and going out on the lakes, but this is only by chance that there have been no accidents. The police have several times come on tourists who drive in here, put a boat down here on the lake and start off on a journey to Dawson, having seen on a map, and coming up in the summer time - they've seen on a map that it's a journey of two or three hundred miles and they think there is nothing to do but sit in a small boat and off it goes and they have been asked by the police on several occasions, and Mr. Innes-Taylor has himself asked parties to come back and get themselves equipped. They've gone down with no life belt,

Mr. Legal Adviser continues...  
no proper supply of food, no equipment to deal with any emergency situation that may arise. They think, that just like in some parts of America they can just pull into a marina or a store or a cafe whenever they feel hungry. So they can have a licence for the asking; they'd be told, coming into the Territory at each point that this type of licence is necessary. We won't prevent them doing it but it's just that they come before some officer who can give them a circular or a pamphlet recommending that certain precautions be taken before you go out into the wilds or on water. Now this is a primary purpose of the Bill but the opportunity was taken at the same time to redraft it in shall we say a more pleasant and easily understood style but there is no main point of policy other than those. Now the bulk of the Ordinance is exactly the same as the old one and the reason it doesn't appear on the left-hand side of the page is because it would just mean reprinting the old Ordinance. The old Ordinance is Chapter 100 in the green book.

Mr. Chamberlist: Mr. Chairman, I would just like to make a couple of general comments. The interpretation of residence for purposes of this Ordinance appears to place on a person who lives here and actually is employed here a most cumbersome restriction. For instance if a person lives here for eleven months and he goes and collects rocks and minerals according to Section 7, a person shall be deemed to have entered the Territory for scientific or exploration purposes and to carry out such purposes, who not being a resident, collects rocks and mineral specimens, and the interpretation Section, "resident" means a person whose home is in the Territory for a period of not less than twelve months, so it places on a person who is making his living here the responsibility of having to obtain a permit. He's not a prospector, he just collects rocks. Now he has to obtain a permit to collect rocks and by the same token a person who has been here for ten or eleven months, according to Section (d), not being a resident, travels on any river or lake in the Territory, except on a ferry or commercial vessel. So that anybody who is here for ten or eleven months and takes a boat out on Marsh Lake, has to get a permit to go out on Marsh Lake. Now I am sure that Mr. Legal Adviser has seen what I am referring to there because of the interpretation of "residence" and there has been pages and pages of interpretation, legal interpretation of what the intent of the words shall be deemed to be. Now if a person is not deemed to be a resident and has to get a permit to go on Chadburn Lake, you know this is taking it from the sublime to the ridiculous. Surely we are not going to have legislation that is going to prohibit people from coming into the Territory from participating in an ordinary boating session or the innocent picking up of rocks and stones for collection just because he hasn't been here for twelve months. Now this is something that should be looked at. And quite right, they can take the rocks away from you as the Honourable Member from Whitehorse North has stated, and not only this; if he doesn't get a permit "any person who violates any provision of this Ordinance or the regulations or the conditions of a licence issued under this Ordinance is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment." And this is for taking a boat out to Chadburn Lake. Now isn't that really something! So we are going to legislate against people who want to go out on Chadburn Lake. Now surely-at this time Mr. Legal Adviser isn't going to tell me that thirty-five other lawyers had anything to do with this drafting of this piece of legislation. I think he should accept the responsibility himself if he has done this. This is



Mr. Chamberlist continues..

a general clause in there and I have some other remarks to make BILL NO. 6 later but this is a general clause and I wonder, Mr. Legal Adviser, before we go into it and ask for it to be withdrawn so that he can correct this and save the Committee a lot of time.

Mr. Legal Adviser: The Administration has no oblique purpose in this. We're not really trying to prevent people from going on Chaburn Lake. This is a piece of legislation which is put up for the consideration of Members and the Administration would like it passed. Now I accept responsibility for drafting of the word "resident" and it took a lot of time and a lot of discussion to put it in the exact form in which it is and the Members should at least give me credit for not including the word "deems" at all. We say "resident" means a person whose home has been in the Territory for a period of not less than twelve months. Now if it is the wish of the House that we should cut the time down we have no objection to it. We were just trying to find a convenient definition of resident because it does cause a lot of argument in the courts as to what is a resident and what is not a resident. So we fixed on a period of twelve months. If six months is more equitable this is fine. Even if it is a month it doesn't really make that much difference because it is intended to control people who are inexperienced in this particular field, but the Honourable Member should remember that almost every boating accident that ever has occurred here has occurred to a resident and not to a stranger because a stranger takes more care; at least a lot of them do.

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

Mr. Chairman: Go ahead Councillor Taylor.

Mr. Taylor: Mr. Chairman, we have not, of course, because I have gone through this Bill, I have fleetingly looked at this Bill but I have great reservation of the need of this piece of legislation. Based on the information I have, just in perusing the Bill I find that I cannot agree with it for many, many reasons. We speak of an area of danger. This area of danger could be anywhere in the Territory and I would suggest to you that one of the greatest areas of danger in the Territory is Main Street right here in Whitehorse without having to go to the mountains. As I see it the Bill would restrict exploration. I note that under one section mining exploration has been exempted from that Section but I see that this Bill serves no useful purpose - I see in Section 7 where we have defined St. Elias Mountains, Icefield Ranges and Ogilvie Mountains as well as Selwyn Mountains. We haven't included the other equally precipitous though not as heavily glaciated areas of the Yukon and believe me there are many; any one of which could be considered dangerous if we choose to look at it from that point of view. Believe me there is mountain range after mountain range after mountain range of steeply precipitous mountains and the whole thing just does not make sense. Now if you had a person coming in here, as we do in the summer months, for the purpose not so much of painting as bird watching - university students who come up and older people who are not necessarily involved in universities, coming up and studying water life, birds and animals and things of this nature, I meet many of them in the Territory every season. I don't feel that it is in the best interests of ourselves or them to impose upon them such restrictions as are suggested in this Bill. I think it's premature. Under the Game Ordinance I think it was suggested earlier by Mr. Legal Adviser, Mr. Chairman, that there was a problem which I suspect may have given rise to this Ordinance

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Mr. Taylor continues..

in its first instance - the problem of photographers hazing game. Now currently under our Game Ordinance we do provide that any one, in order to haze this game I assume must be using aircraft and this is against the law - the existing law as written in our Game Ordinance- spelled out quite clearly in that Ordinance. We have provided also for helicopters specifically under the Game Ordinance. So if this is the problem and this be the reason why this Bill was drafted, I would suggest that this problem is already covered in another Ordinance and I would think, just from a first review of the Bill, that it is competely and totally unnecessary and would have a tendancy to impose unnecessary restrictions on not only the people of the Territory but the visitors to the Territory. I really think it is premature. However, as we go through the Bill why I will certainly have much more comment on it.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Well, without discussing the actual items clause by clause on it, looking at them as specifics, in my own area, in the St. Elias Range area there are quite a number of mountain climbers who come from foreign countries who make expeditions into this area and that is most certainly a dangerous area and I understand there were some fatalities last year. Now, I have often wondered when I have seen these parties coming in from the north, not from the south, as to whether they did have the authority to climb various mountain peaks in the St. Elias Range area and I also wondered at the time whether they were aware of the regulations concerning the Park and wildlife regulations and the fact that they were not supposed to hunt in that area although they had to traverse through it to get to the particular mountain that they were going to climb. Quite a number of these expeditions certainly were in the Carmacks-Kluane Lake area and specifically in the St. Elias Range area last year. Whether it is through lack of communication or lack of understanding and so on, I have often wondered and I would like to ask a question now, if the Administration could tell me, if a party coming from a foreign country through Alaska, could travel down the Alaska Highway and become involved in this type of exhibition such as climbing one of the high mountains in the St. Elias Range without ever having to come to Whitehorse to find out the problems that they may have to face for the simple reason, I feel that Canada, especially the Yukon Territory, would have to foot the bill if anything went wrong in that area and I wonder, perhaps, if Mr. Commissioner could inform me on this point.

Mr. Commissioner: Mr. Chairman, I am afraid that it is very possible that such a situation can occur and indeed I do believe that we have evidence of it having occurred. The intent of the legislation and the reasons for it I think have been well explained by Mr. Legal Adviser and on the other hand I'm afraid that I have to basically agree with what has been said by other Councillors here in the discussion so far but some reasonable means has got to be found that will require people embarking on expeditions such as has been described in this Ordinance here, or notifying the proper authorities as to where they are going, whether they are properly equipped, what means of communication that they have with our authorities and basically, when are they expected back. Now, maybe we haven't worded this thing exactly the best way; I'm not prepared to say that it is perfect. Maybe there are some things that we should be doing here just a little differently but I would like to assure Council, Mr. Chairman, that the need for such a plan as we have here is certainly far beyond doubt because our experience up to now indicates that there is an ever-increasing number of these adventurers, should I say, coming into the area and there is going to be an ever increasing cost to the Territory in possibly search and rescue and things of this nature unless we have some reasonable anticipation or

Mr. Commissioner continues....

control over at least where they are going and whether they are properly equipped.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Thank you Mr. Chairman. In this particular Bill, the part with reference to mountain climbers I think is very necessary. I agree with that because this can evolve into a considerable amount of expense if we have to look for these people. Also, travelling from here, as a number do travel from here to Dawson, that is about 500 miles of river. There are parts that are hazardous and they could get into problems. Except for stopping at Carmacks, there is no place where they can get fuel or anything on the way. In fact from Carmacks on, I think there is only one family that they can meet on the river if they happen to be located there at the time. So, therefore, this Bill, in my estimation Mr. Chairman, has a great deal of merit. But at the same time we do get a little too far out when we take some of these sections. For example, not being a resident, collects rocks and mineral specimens. Now, I don't know how many, but it would appear to me that about fifty per cent of the tourists are rock hunters. They are collecting mineral rocks and specimens and would come strictly under this category so that it would be rather foolish to chase after these persons and get them to obtain a licence because they are in fact doing just exactly what is prohibited here without permit, or whatever you may call it. And perhaps the merits of this Bill; in other words: the sections whereby we want to know who is travelling up on these mountains and these more or less inaccessible places, there should be some means and I think they should require a permit and of course if you have twelve months you have to set some time down to become a resident so therefore I have no objections to the residence requirement. But could there not be - and I would ask this of the Legal Adviser Mr. Chairman, could there not be something in which would exclude persons travelling in the normal travel areas of the Territory; in other words on the roads and where you normally go by vehicles or by foot, to exclude that from this particular Ordinance so that we could get it for these people who are say, travelling from here - and I say from here to Dawson could be very dangerous as I've travelled it so I know what it is like. And certainly climbing these mountains in the Carmacks-Kluane Area, as a matter of fact practically any area is extremely dangerous and if they get into trouble at least somebody will know where to go and look for them to help bail them out. I am for the Bill but I am not for the way this is phrased to make it incumbent upon persons to get a permit when they travel on the roads and byways of the Territory. I think that that could perhaps be rephrased because right now there is no question that any tourist who comes up and collects rocks and I think that there must be about 35% that do; they go out of here with more rocks, I'm telling you now, if you could just put that gravel in a pile you would have a mountain if they all got together when they got outside, so that must be taken out of there.

Mr. Chairman: Do you wish Mr. Legal Adviser to answer your question?

Mr. Shaw: Yes, if it is possible for him to rephrase that to exclude these type of people.

Mr. Legal Adviser: Mr. Chairman, I think this subsection (c) of 7 could be rephrased. There is no question of that, but in explanation to the Honourable Member from Watson Lake, the reason

Mr. Legal Adviser continues... that these particular mountain ranges are put in this way is that we took what we think is expert advice from one well-known mountaineer here and I found difficulty at the meetings which surrounded this Bill - I found difficulty in coming up with a definition of a mountain. Everybody knows what a mountain is and everybody knows what a dangerous mountain is but it's impossible to put it down in less than a page of definitions because you are dealing with heights above sea level and you are dealing with the description of the terrain-merely to say if you go past a certain number of feet over sea level you might be on a level plain, you might not mean a mountain at all. This is quite a difficult thing to do. So, while we did work we took advice as to what are the dangerous mountain areas which people are likely - if they indulge in rock climbing and mountain climbing, where are they likely to go. Now the obvious place to control was the St. Elias mountains so the description, which is all the one phrase, St. Elias Mountains and Icefield Ranges, that's a singular place and it is the exact geographical description of this place which we have to get in case ever, one would not want to, of course, but in case one ever had to go to court to prove it, then some person would be able to say, that place is within that definition, the St. Elias Mountains and Icefield Ranges. The second one was the Ogilvie Mountains and the third one was the Selwyn Mountains. Now there is not much rock climbing done in either of those areas but it is a possibility. Now, so far as collecting rocks and mineral specimens are concerned, I don't suppose I'd be letting out any state secrets to say that in my original definition I had down here (c) not being a resident, is a prospector, and a certain amount of debate followed and eventually the cliff fell down on my head and I changed the wording from prospector to just simply collects rocks and mineral specimens, because the long history of a prospector's license, they have them in B.C., at one time they had a Prospector's Licence in the Yukon which was part of a Game Licence and when you had a Prospector's Licence it automatically entitled you to certain fishing rights and game rights and at some point then in our history this was dropped, with a certain amount of inclination not to bring it back. Now, I see there's no reason why we could not say "not being a resident, collects rocks and mineral specimens in an expedition departing so many miles from a public road" or something; something like that. Again, a river or lake in the Territory, it's my wording here, "except on a ferry or commercial vessel" the intention is that visitors here who hire a boat, apart from ferries, but who hire a boat, that will be a commercial vessel, and the owner of the boat knows that they have gone out; he knows where they've gone and he knows when to expect them back so we don't want to control these people. Anybody that we can keep an eye on we don't need to control. But a person is going to set out with a wife and three small children in what is virtually a canoe and set off down the river with, you know, about two or three pounds of tea, some pounds of sugar and three loaves of bread, we do want to control these people.

Mr. Taylor: Mr. Chairman, I am nonplussed, to say the least, at the attitudes of Administration in this area and it absolutely baffles me why the Federal government are opposed to and will not encourage the development of the Game Department in the Territory and why the Territorial Administration are constantly, for one reason or another turning down any proposals to enlarge and enhance the functional Game Department in this Territory, certainly as long as I've been in Council anyway. Now these functions of search and rescue come under the Game Department. We provide funds for search and rescue purposes annually in our Game Estimates for lost hunters and lost people of this nature. Now, if we had conservation officers in the field where they properly

Mr. Taylor continues....

should have been many years ago this could be a function of the conservation officers on a voluntary basis to meet these people, to advise them, to find out where they are going, what they are planning on doing, this type of thing, this is why a conservation officer is in the field. You talk about rivers, here we begged in this Council Chamber to get the Fisheries taken over and these things take years and years and years so that we can develop - not ten years from now, as it seems to be going, but tomorrow, an A B C type fishing guide system so that we can get our Indians on those rivers, people that understand the rivers, to take these other people on these trips, these boating trips, to see that they don't drown, to see that they have an enjoyable trip, catch fish and do all the things that they want to, or guide them just for the scenic benefit of the trip. These are functions that a Game Department should be looking after and still we are not prepared to come up with the money or additions to the Ordinance to make this possible within our Game Department. Now we propose a new Ordinance which is unnecessary and ill-timed. It is pointed out in the explanatory notes appending this Bill; of course we haven't read it yet but professional game and wildlife photography is included and also non-resident prospecting and non-resident river travel. Let us take a look at non-resident prospecting. If we didn't have non-resident prospecting in this Territory we wouldn't have a Territory which would be worth calling anything. We certainly wouldn't have a viable economic entity. We begged, cajoled, pleaded, encouraged and offered incentives both at the Federal level and mostly at the Federal level and some at the Territorial level to get these non-resident prospectors in here - mining companies to come up and go to work on our resources with an object of creating and developing and expanding industry. Now here we are going to place an imposition upon you. We are going to say, "now if you come in here, there is every possibility, depending on how you go about your affairs, that you may have to buy a licence from the Territorial Government who are not in a resource business. The Federal government is in the resource business in this Territory. Game is the only single resource that we have under control of this Council." It goes on to say these activities are not prohibited but those who engage in them will now have to notify the Government of their intention. I say to you, Mr. Chairman and Members of this Committee, that it is none of the Government's business necessarily what these people are doing. What type of a society are we generating into or degenerating into as the case might be. Notify the government of their intentions. I also cite to you that there are books of Ordinances here -- here is one of them right here and there are many more, compounded with piles and heaps and stacks as the Honourable Member from Whitehorse North indicated this morning, of Regulations. Regulations, legislation by regulations that high that there is no possible way that this Administration could enforce. Why come up with another like this. Why don't we sit down and try and enforce what we have already written. Now, it goes on to say that it will give the Administration an opportunity of checking that the applicants have provided themselves with proper equipment, and if necessary communication. Who, in this Administration, is competent to say to any of these people, were this Ordinance to be passed, whether or not they've got proper equipment. I can't think of one. I cannot think of one sufficiently competent to tell a bushman, or people who live in the bush what they need and what they don't need. Generally these people provide communications themselves. Now if you are talking about mountaineering and apparently you have to dig but you find out -- now here are mountaineers no doubt who brought this up and I think I know the party involved which makes me a little more reluctant to accept this. If you said that the Mountaineering Institute of North America had made a

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recommendation and they had been consulted, fine. But you go pick one mountaineer who comes along and says climbing would be a grand idea if you people wrote an Ordinance and you did this and you did that because I've been thinking about this for a long time. That to me is not the basis or means by which you base legislation; not for one individual and quite often when these Bills come up it is the result of one individual's beef or suggestion. Now if we must go in and provide for mountaineers which I think is rather an interesting idea, go to your Mountaineering Institutes and your Mountaineering Associations. There is a Canadian Association, and consult with them. Now this particular legislation it would seem, under Section 7, would place an imposition upon some people if they were mountaineers or any of the other people who are suggested here; it would place upon a portion of these people an imposition which is not placed upon another portion of these people; that is to say, if you go climbing mountains, and there are mountains as I indicated earlier, besides the St. Elias and the Selwyn and the Ogilvie, there are many others in several hundred square miles of the most treacherous country you have ever seen outside of those areas. Now why place an imposition on one group and not on another? And these bird watchers go and look at birds in this area and they travel rivers throughout the Territory and they do all these things. So there is an inequality there. The prospector's licence I've dealt with. Now I've just noticed that we have a Scientists and Explorers Ordinance which is not yet repealed which could use a little shaking up as well, the one that is already in existence, because it seems to me it is very archaic. I've been browsing through to see when it was created and I haven't been able to locate it yet but it would appear that it was done some time ago .....Officer in Charge of a Government Patrol or.... so it must have been a long time ago. But I would call upon the Administration, Mr. Chairman, very seriously and very strongly, I would call upon Administration to withdraw this Bill and go take another look at it because in its present form, assuming it was amended with a whole series of midnight amendments as we would term them, I still can't see it coming out as being anything acceptable. I would find an Ordinance like this quite repugnant from people of the Yukon and I certainly could not endorse it in the manner that it is written. And if it is necessary and we have to go through it and read it I would call upon the Administration to withdraw it. I am wondering if Mr. Commissioner would have anything to say.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: I have no comment. I think Mr. Legal Adviser has some comments.

Mr. Legal Adviser: It was a happy thought to suggest that the Mountaineering Association should be consulted. As it happens the impetus for the whole legislation comes from them who suggested it in the first place and this is how we attempt to control mountaineers. The actual points where we exercise control are chosen on advice. Now, the Administration isn't impressing this as a vital measure that must be in operation today. In the normal course of events it has come up that we do need to control our knowledge of where mountaineers, where they go and where they come, as the Commissioner said. The other points arose because in the normal course of events, when you are dealing with legislation like this the suggestions come in and they are

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Mr. Shaw: Might I ask a question, Mr. Chairman? This is for Mr. Legal Adviser. The Province of British Columbia has a lot of mountains in their area. How do they work it when people want to go mountaineering in B.C.?

Mr. Legal Adviser: I honestly don't know. They have a Prospector's Licence that you must have. All I can say is that the impetus for controlling this, and our advice is from the Canadian Alpine Association so it must be in use elsewhere.

Mr. Taylor: Yes, Mr. Chairman, but a Prospector's Licence in the Province of British Columbia as in the Northwest Territories, of our northern Canada, doesn't require you to tell anybody where you are going. It gives you the right to stake claims and they both give you game privileges within themselves and it doesn't involve itself with anything like this. I will now resume the Chair. Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I cannot but concur wholeheartedly with the suggestion that has been made by Councillor Taylor. I have expressed myself on other reasons and very valid reasons that have been given by Councillor Taylor and that is the interference with the individual. The suggestion that has been made by Mr. Legal Adviser that we could not have a woman with three children taking a boat out on a lake seems to be somewhat erroneous because you couldn't have that if they were residents here for five years, so it doesn't matter. So that piece of information, or that remark that Mr. Legal Adviser made with respect was very superfluous to the debate that was being carried out here. I'm sure you will agree with that particular point. Now, my concern is exactly the same as the concern of other Members who have spoken that we should have legislation to control for the purposes of regulating the people who are interested in mountain climbing and who are really interested in coming into the area for scientific purposes but when you expand this particular legislation to interfere with the liberty of the subject then I am opposed to it because you are interfering with our local people who are making a living here. Just because they come here and are only here for ten or eleven months you have to permit them to go on a lake, you have to permit them to go on a river, you have to permit them to pick up rocks. There is no point at all in creating restrictions on a freedom that we have enjoyed up here to some extent. Unfortunately, if we were making the law ourselves certainly no elected body with administrative responsibility would put this type of legislation before this Territorial Council but it has already been suggested that the Administration withdraw this because I can assure you that you are only wasting time because nobody is going to go for it. We are going to leave it; that is all that is going to happen, because I won't go for any part of this at all and from indications that I have heard from other members they will also deny the passage of this and I would suggest that the Administration make a strategic withdrawal or a review of the situation.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask a few questions. I think the whole thing before us - as I read it I have to agree with what is said around the table that I find it quite ludicrous to be in front of Council and I would just like to ask a few questions to let me know whether my assessment of what we have in front of us is right. In Section 6(2) there was a group from the National Geographic Magazine who were through the Territory two summers ago - I would like to know, under the old Ordinance they had to apply for a licence; did they apply for a licence, did they get it, did they leave the Commissioner with return copies of all photographs taken, maps, plans made in connection with the work together with explanatory notes and if

Mr. Legal Adviser continues...

dealt with and that's it. One of the suggestions was to completely redo the existing Scientists and Explorers Ordinance so this is what was done. I took it and completely redrafted it to bring it up-to-date and eliminate these old-fashioned words and that is how it occurs in its present form. This in fact has been done. But certainly we are open to a suggestion as to how we might liberalize residents collecting rocks and minerals. The original draft which I drafted had not being a resident, is a prospector for minerals and it's my fault I suppose that the head note, the explanatory note which was drafted at the time of the original, final draft, was not checked. We are not attempting to control prospecting as such. That had been pulled out but unfortunately the expression controlling non-resident prospectors is left in the head note. We are trying to control what is commonly known as rock hounds, not prospectors.

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Mr. Shaw: I'm all for finding out where these mountaineers are going. Now that is simple enough that somebody asks if they are going on an expedition to get this permit. As an illustration we go to another country that has mountains and this one has the highest mountain in the world, Nepal. They have Mount Everest in this particular area. If you want to climb Mount Everest at the present moment you will be permitted to climb providing you have the equipment and providing also that you pay for each member of your party a fee of \$1,700 and some odd dollars. I think the Government of Nepal has found out that it costs them quite a lot of money some times to go and gather up the parts and pieces of some of these mountaineers after they have got part way up and they came down faster than they went up of course. So a fee for climbing that mountain is \$1,700 odd dollars and all we ask here which I agree with very much is that they get a permit for mountaineering. Now as far as collecting rock specimens I really cannot go for that. I don't see the purpose of it but for someone who is going away from the roads, away, away in some of these mountains that the Honourable Member for Watson Lake has down there that we are unaware of, and the dangerous conditions, that would be something too to take into consideration - any kind of mountain climbing. I think that is what is creating a big problem are these mountaineering people. And I mentioned this that in another country that is how they look at it. And I think we must admit that climbing Mount Everest certainly brings in a lot of revenue to the country but also at the same time I suppose it gives them a lot of headaches. So this way they can keep track of things and only people who are really probably well qualified and well equipped can go and tackle that mountain and they have to go and pay \$1,700.00 for start and they have to have more behind them than just the ambition to climb mountains.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Mr. Chairman, it seems very obvious from the discussions that have been held thus far in this Bill that what we are really talking about are mountaineers and that is apparently where the problem is now. I understood that it was photographers ad the outset but apparently it is down to mountaineering. Why then, if this be the problem, do we not sit down and have the Administration work with the Canadian Alpine Association or whatever it is called, and work out an Ordinance respecting mountaineering in the Yukon Territory and leave this area alone without starting appending this and photographers and bird watchers and rock hounds in these grey areas where nobody quite knows where they fit and this type of thing and I would once again ask Administration to consider withdrawal of this Bill at this time.



Mr. McKinnon continues....

not, were the prosecuted and fined under the terms of the Ordinance.

Mr. Legal Adviser: I don't know, I don't think they were prosecuted. These kind of expeditions usually write in advance and they are given permission to come in. Once they have left the Territory it is very difficult to run after them except to impound copies of the Geographical Magazine as it comes to the news stands as being an illegal purpose or something like that, or further to a legal purpose. I honestly don't know and I don't think the Commissioner could give you a quick answer to it but we could find out.

Mr. McKinnon: Could he find in his file copies of all photographs taken, maps and plans made in connection with the work, together with the explanatory notes because he knows as well as I know that he hasn't. I doubt very much that there was a licence granted and I doubt very much whether there were any steps taken to prosecute the Members of the National Geographic Society after they left the Territory. In Sub-section 3, Section 6, does this mean that a group of university students who go down the Yukon River and following their return have to give any member of the Royal Canadian Mounted Police who ask them or any authorized Federal or Territorial officer of any nature, size or description of any nature, a log of voyages by water taken by the licensee information of the route followed on journeys by land or air taken as the case may be, together with full particulars of such voyages or journeys and if they do not have this information and do not give it to these people who demand it, that they are liable for a fine of one thousand dollars or six months in prison?

Mr. Legal Adviser: I don't know what information might be asked for; I can conceive it being asked for in any area here which is relatively unexplored, it might be necessary and it was certainly necessary at the time the Ordinance was originally put into force so we would have a record of the exploration trips.

Mr. McKinnon: If they cannot supply they are liable for the.....

Mr. Legal Adviser: It is just to tell them what their duty is. It is not an order which you will chase people up on but you do want to keep track of scientific expeditions and to add to the knowledge of the country itself by the scientists who come in.

Mr. McKinnon: Mr. Chairman, in section 6(4), under the - in Section 7(c) anyone of the tourists coming in who decides to collect rockhounds, the Commissioner may stop this person and designate any or all of the specimens collected by this licensee to be disposed of in a manner the Commissioner sees fit. Would this also be correct and if the person doesn't give up his rocks or fossils to the Commissioner or his appointee will be liable to a fine of one thousand dollars or imprisonment or both?

Mr. Legal Adviser: This is a restatement of the law as it presently is and the only real addition to it is, as I think I pointed out earlier, to make it clear that certain types of people come under the law as it is. 7(a), (b), (c) and (d) are the people we want in this Bill to include for the first time. The rest of the Ordinance is the same except for changes in English.

Mr. McKinnon: One more example. Under the terms of the new Ordinance, and this would be sub-section (d), if I'm taking a girl out to the lake on a Sunday, do I have to ask her now whether or how long she has been in the Territory, whether she has a permit to go for a boat trip with me, and if she hasn't do I have

Bill No.6

Mr. McKinnon continues...

to find some place where I can get her a permit so that I can take her on a boat ride on a lake? Of if she hasn't is she then liable to a fine of one thousand dollars or to imprisonment of a term not exceeding six months or to both fine and imprisonment. Is this correct?

Mr. Legal Adviser: It is correct that she would have to have a permit and she might be wise to get one.

Mr. McKinnon: Mr. Chairman, just to conclude, it has relegated itself right down to the ridiculousness of the position that this Bill puts every Member of Council. We can read through it, we can debate it, we can argue it but I am sure that every Member of Council agrees that it is extraneous, it's superfluous, it's unnecessary but parts of it are rational and reasonable; the parts concerning mountaineering but it certainly has to be put before Council in a different fashion, in a different way because the way it is presented here - no Sir.

Mr. Chamberlist: Mr. Chairman, at this time I would like to move that we dispense with the reading of the Bill and allow the Bill to die in Committee.

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

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, in the lighter side, before we dispense with this Scientists and Explorers Ordinance, twice in my life I have usurped the power of the Commissioner; one was more or less an immaterial facetious approach and the other one had a little more substance. The one approach was when I applied for Licence Plate No. 1 and I was informed by the Administration that they didn't think that I had achieved that status as yet. The second time was when I presented a flag of the Yukon Territory on behalf of Mr. Commissioner, without his knowledge, to Mr. Kunio Sakan of the Tohoku University Alpine Club, 75 Katahiracho, Sendai, Japan and this gentleman I might say was very happy to get the Yukon flag and promised to display it in all areas of the University and give it as much publicity as possible in Japan, which I thought was very nice. He was one of these mountaineers. I told him that if this helped to cement the relationship between Japan and our Commissioner, that I felt at that time that he would be more than pleased. Thank you Mr. Chairman.

Mr. Chairman: I have before me a Motion by Councillor Chamberlist, seconded by Councillor Dumas that Bill No. 6 be not read and left to die in Committee. Are you prepared for the question? you agreed? Any contrary? I declare the Motion carried.

BILL NO. 6  
DIE IN  
COMMITTEE

MOTION CARRIED

Mr. Chairman: We will proceed now to Bill No. 7. This is An Ordinance to Amend an Ordinance to Provide for the Vocational Rehabilitation of Disabled Persons. (Reads Bill No. 7).

BILL NO. 7

Mr. Chamberlist: Mr. Chairman, I think at this time I take very much pleasure in pointing out and if you will refer to the Votes and Proceedings we discussed last in pointing out that I had a long debate with Mr. Legal Adviser on this particular point and I am pleased to see that the point has been seen and the correction has been made.

Mr. Dumas: Mr. Chairman, I would like to move that Bill No. 7 be reported out of Committee without amendment.

Mr. Chamberlist: I'll second that Motion.

Bill No. 7  
REPORTED OUT  
OF COMMITTEE

Mr. Chairman: It has been moved by Councillor Dumas, seconded by Councillor Chamberlist that Bill No. 7 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

Mr. Chairman: Do you wish to leave Bill No. 8 at this time? We can start on it if you like. This is Bill No. 8, An Ordinance to Amend the Labour Standards Ordinance. (Reads Section 1, "6(1), (2) and (3). Shall I proceed? BILL NO. 8

Mr. Legal Adviser: All the changes in this are of a technical nature. Section 10 is changed instead of Sections 11 and 12 where it occurs in Section 6 (1), this is in retyping it was overlooked. The numbering should have been changed and the Ordinance passed the House on the last occasion. Subsection (2) of Section 6, that is the old subsection (2) is in fact superfluous and should have been eliminated because the Advisory Board can now make the recommendation. Now the word "maximum" occurs here because it was pointless to allow the standard hours to be exceeded. What we really meant was the maximum hours and I suppose it was the draftsman's for not seeing this at the time the Bill passed the House and the same occurs where maximum occurs in Section 10 (1). Maximum is substituted for standard where it occurs.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: When we are referring to industrial establishments or class thereof, would that refer to cafes, for example? Would you classify that as an industrial establishment?

Mr. Legal Adviser: Without the Ordinance I couldn't say. Establishment is divided into two classes; a shop and an establishment and it depends on what you are doing whether it is a shop. A shop is something which serves the public.

Mr. McKinnon: Section 6 sub one, Mr. Chairman, is this permission in writing from the Commissioner. Is this correct? You don't have to go for permission to the Advisory Board for 6(1).

Mr. Legal Adviser: Not in excess of the standard but in excess of the maximum, then I think you do, if it is going to be a seasonal thing.

Mr. Chairman: Order please, gentlemen. If you wish to speak would you rise, one at a time? May I proceed with the Bill? Section Two is read; Section Three is read).

Mr. Chamberlist: Mr. Chairman, I find a couple of items in this Section here very inconsistent because of the reference to a calendar month. Now we know a calendar month is from the first day of the month to the last day of the month. Some people are employed on a monthly salary basis and if they commence their employment on say the sixteenth of the month they would not be entitled to payment for their month's salary until the fifteenth or the fourteenth of the month following. Now, if this were to be followed, an employer shall not later than ten days after the expiration of each calendar month, all wages other than vacation pay, it puts the onus on the employer to pay for less than a period of one month. Now I don't know whether it is the intention of this legislation to split an employer's pay roll book because he has set up his pay roll procedure to pay on the

Bill No. 8

Mr. Chamberlist continues...

basis of a full month's employment and this would restrict some employers from doing this. I see every reason why it should be not later than ten days after cessation of employment or after ten days when payment falls due but if you deal with it as a specific calendar month this puts a responsibility on the employer that should not be there. I think it is unfair in this particular part. Can I have some comment on that.

Mr. Legal Adviser: Mr. Chairman, this was considered at the time the original Ordinance was passed in the House, at the time of the drafting. Employees have bills to pay, they've got electricity, they've got various bills to pay and these bills are customarily delivered and payable at the end of the calendar month so, although an employee may turn up for duty on the twenty-first of a month, there is no hardship on an employer to pay him for those nine days and then start him with the first of the month. This is necessary for enforcement and necessary for the average employee to get his wages whatever is due to him at the end of the month. Now there is the ten day lag in this. He can get his wages any time in the first ten days of the next month in order that he may be able to pay his bills. Now, the change that is made in this arises out of a law case which we were involved in where, when there was a dispute over pay, an employer had committed an offence, we found in fact that we could not get all the payment due the employee on the one order from the Magistrate. So this amendment comes forward to make it possible that when an order is being made, totalling up in a month what was due month by month, that this would include over-time pay and any other payment for work which the employee had performed. Otherwise we are limited to the terms of the old draft to get paid not later than ten days after the expiration of each calendar month. We don't know really what it means except one assumes, his ordinary wages. Now at the same time opportunity is taken to turn the passive voice into the active voice because it is difficult when you are prosecuting to lay a duty on a person when a duty is laid in the passive voice. In other words you say, employee shall be paid forthwith. Does this mean the employer shall pay him or some other person. The modern way of drafting is you always use the active voice where that is possible and to say the employer shall pay to the employee. Then when you are drafting your charge you say the employer failed to pay contrary to the .... of section so and so and so and then you have a tidy little information that can't be attacked by dissident technically minded defendants. This also occurs in sub-section two where we say that an employer shall forthwith pay the employee all wages. Now all wages in that section mean all wages including his vacation pay, because at the termination of his employment, that is the terminal date, so we can then get an order from the Magistrate in accordance with the other sections which enable us to do so that he will pay him the sum made up of X dollars for wages, X dollars for overtime, X dollars vacation pay and then we can get one compound order from the Magistrate and a breach of that order in turn is a punishable offence.

Mr. Chamberlist: Mr. Chairman, this may well be but are we not telling the employer how to run his business. Are we not telling this employer that his pay roll, books and proceedings must be based on a salary basis commencing from the first of the month or the last of the month? Supposing a person is on a bi-weekly pay. It might be that he gets paid every two weeks. He might be placed in a very awkward position. I know that with monthly employees that I have, they have commenced work on the fifteenth of the month, they don't get paid until the fourteenth of the next month because they are on a monthly basis. They can draw advances - their final pay and time and record on the fourteenth day of the month. This has been a long-standing practice and I

Mr. Chamberlist continues...

think you will find that it is a long-standing practice with many businesses in the Yukon; that they pay in this manner. This particular item, while discussing it with one Company, was brought to my attention and they said they have to alter their books completely because they started their operations on the seventeenth of a month when twenty-one monthly employees commenced work with them. Those twenty-one monthly salaried people started on the twenty-first and their pay cheques are given to them on the nineteenth or twentieth, or whichever is the week-end nearest to it. Now, they have to completely alter their whole system, pay a short period of time and then go on to follow this one. I don't think the intention is to do that, I think the intention is to make sure that there are only ten days allowed in which an employer should clear up an indebtedness to an employee for the month previous and I am talking not necessarily about the not necessarily the calendar month previously but it should be for the thirtieth day previously. That is one point. Now the other point is - I'm not suggesting that this could not be done and it does inconvenience some employers and this could be done if everybody is doing it, that is fine. Now the other point that I wish to make is in Sub-section (2) and they are the remarks that the employer shall forthwith. Now, I don't know what the intent of forthwith is to be; whether it means now or immediately on cessation of employment. Would Mr. Legal Adviser just acknowledge, yes or no if this was intended before I go on with that argument.

Mr. Legal Adviser: Forthwith means as soon as reasonably it may be.

Mr. Chamberlist: Well, if this is the intention, this is fine because I visualize people out in the field, in the construction industry, out on the highway where their employers are say a Whitehorse based company and they find that it is going to take - the foreman fires a man and says, go back to Whitehorse, you are off pay. Now, if it means forthwith and it means right now, the foreman is not going to take the records out of his back pocket. Now, I think it should be clear and it is not sufficiently clear like that, that the intent is that when a person is employment has been dispensed with, as soon as he goes to the office at which he is employed, then the employer shall pay forthwith but I think that it should be clear because as I say a person might be out in the bush for four or five days out on the highway, might be on a Friday that he quit and he might not get into town until the office is closed until Monday. Are you going to prosecute these people because the foreman or the superintendent didn't have the man's insurance book and his holiday pay and money to pay this man forthwith? These are the things that must be clarified, and the intent must be shown.

Mr. Legal Adviser: With respect, Mr. Chairman, this section is extremely clear; what I take is the Honourable Member does not agree with the principle conveyed in the extreme clarity and precision with which this section is drafted. Now, they must pay him - it says they shall forthwith pay him and that is when his employment is terminated he owes it now. Now, as soon as reasonably may be means as soon as it is reasonably possible but it still means now. The Labour Standards Officer exercises a certain amount of discretion as to whether or not he brings prosecution so that normally speaking, when someone is terminated, if he is terminated on a Saturday it may not be possible to get to the auditors who may keep the books and I can think of an instance where it occurred here, where an employee was terminated

Mr. Legal Adviser continues...  
Bill No. 8 at three o'clock and he wanted his money now and he could not get it because the auditors could not produce the books that afternoon so the Labour Standards Officer ordered that he be paid the following day, even if it meant bringing somebody back because the person was offered a job elsewhere and had to leave town immediately and had no money to pay his fare. We had a case that you are all familiar with where a man was hanging around waiting for his pay and it wasn't forthcoming and he froze to death overnight because he hadn't enough money to get out of the Territory in default of his pay. Prosecution was had in regard to that case. Now, so far as the accountancy procedures are concerned, if the facts are as stated by the Honourable Member, then he has been committing an offence monthly as long as this Ordinance has been in force.

Mr. Chamberlist: Why didn't you prosecute? I'll argue it then.

Mr. Legal Adviser: This is a question of mercy rather than anything else because the Member isn't breaching the spirit of the Ordinance which is to pay people what they are due when they are due it but the correct method of interpreting this is that at the end of the calendar month which is January, February, March or April, the employee should be paid his money, whether he is paid weekly or fortnightly or monthly, the Ordinance doesn't care but at the end of a calendar month an account should be made so that all sums due to him in the way of overtime are accounted for and paid to him.

Mr. Chamberlist: Mr. Chairman, personally I think I have been employing people for a long time and I think it is a ridiculous piece of legislation to impose upon an employer conditions such as that. A man might be working on an hourly basis and not get paid for a couple of weeks. He might be out on the road, somewhere up north pushing a ..... Does he have to be paid at the end of of the calendar month. That's ridiculous. I've never heard anything so nonsensical in all my life.

Mr. Legal Adviser: Not less than ten days after.

Mr. Chamberlist: Well, even ten days some times you can't get the people, but it is so ridiculous that I'm not going to argue about it because most employers would ignore it completely and I challenge the Territorial Government to prosecute employers under this particular section. You couldn't get anywhere. The Court would just look at it in the ridiculous light that it is. And this is where you know you have legislation you can't enforce. And this is another piece that you would not be able to enforce. You would have to be prosecuting, I would think, nearly every employer in this country and furthermore on this subsection (2) I think there is a necessity to say, to protect the interests of the employer as well. Where the words the employer shall forthwith, and after that should be put "and as soon as reasonably possible".

Mr. Legal Adviser: Forthwith means now but this, although it means now, it does not mean as of that minute. Anyone is going to get a prosecution who does not hand a bundle of notes to an employee. But it does mean, as soon as possible and once the word forthwith is used instead of the word immediately, there is a slight difference in "immediately" and "forthwith", the Court is not going to extend the time beyond a very, very narrow span of time.

Mr. McKinnon: Mr. Chairman, as far as Section 34(1) is concerned I tend to agree with the comments made by the Honourable Member for Whitehorse East but it seems to me that the intent of the Ordinance is this; that ten days after the work has been performed

Mr. McKinnon continues...

by the person he should have been paid for it; that type of idea. Bill No. 8  
Now why should we force an employer to change his method of bookkeeping because we want to enforce it ten days after a calendar month to make it easy for the Administration that that employee has to be paid. Can't there be some wording that brings the intent of the Ordinance without making employers throughout the Territory change their bookkeeping systems for the Administrative ease of the Yukon Territorial Government. I don't think this is what we are trying to do in the Government.

Mr. Commissioner: Mr. Chairman, in this particular regard I would like to pass the observation that around this table within the next couple of years you are going to be called upon to pass legislation that will require twenty-six pay periods a year. Now I think that you will find that in most of the union agreements that are presently being signed that pay periods are being continually shortened. They are not being lengthened the time between pays. Most of them, particularly in the type of industry that we have, the service type industries, every second week pay periods or at least bi-monthly pay periods are pretty well the order of the day and I would like to suggest that this apparent impediment that is being mentioned here now that we are placing some type of penalty on employers and asking them to change their bookkeeping systems; I would say this to you, that if it has been the practice of an employer to pay on a monthly anniversary date of the time that he employs his people, he must be making out pay cheques every day of the week. There ain't no other way! In other words, what we are saying here is this that if a person comes on the pay roll on the seventeenth of March that he will get paid his monthly pay on the sixteenth of the month following and the person who is working along side of him and who came on the pay roll on the twentieth day of that same month is going to be getting paid on the nineteenth of the month following. Now this is effectively the corollary or the opposite to the argument that we are putting forth here that there has to be some kind of a fixed date beyond which; I should say there has to be some kind of an anniversary date set in the law that says that up to that point the employee must be paid and only ten days will be allowed after that time. Now there may be other ways of putting it down and I'm not saying that there isn't but certainly there is no business that is operating in this day and age that does not pay all their employees on some kind of a regular anniversary date irrespective of the date that they signed on to the pay roll. The penalty that is imposed, or is implied here to the employer is that on the first pay cheque that the person gets that is not of a complete month, it is for a portion of the month that they will get paid. Now I think I have had as reasonable an amount of dealing with pay roll as any one here and I can assure you that the Administrative convenience of the Territorial Government is not the point in question here; it is a matter of putting something down in the Ordinance that can be properly and intelligently interpreted as far as the employee and the employer are concerned with regard to pay periods.

Mr. Chairman: I would like to direct your attention to the time.

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

Mr. Chamberlist: I will second that.

Mr. Chairman: It has been moved by Councillor Dumas and seconded by Councillor Chamberlist 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 now call Council to order. May we have a report from the Chairman of Committees.

REPORT OF  
CHAIRMAN  
OF  
COMMITTEES

Mr. Taylor: Mr. Speaker, Committee convened at 10:50 A.M. to discuss Bills and Sessional Papers. It was moved by Councillor Dumas, seconded by Councillor Shaw that Bill No. 1 be reported out of Committee without amendment and this Motion carried. Committee recessed at twelve noon and reconvened at 2:00 P.M. this afternoon. It was moved by Councillor Dumas and seconded by Councillor Chamberlist that Bill No. 2 be reported out of Committee without amendment and this Motion carried. It was moved by Councillor Dumas, seconded by Councillor Shaw that Bill No. 3 be reported out of Committee without amendment and this Motion carried. Moved by Councillor Shaw, seconded by Councillor Livesey that Bill No. 4 be reported out of Committee without amendment and this Motion carried. Moved by Councillor Chamberlist, seconded by Councillor Dumas that Bill No. 6 be not read and left to die in Committee and this Motion carried. Moved by Councillor Dumas and seconded by Councillor Chamberlist that Bill No. 7 be reported out of Committee without amendment and this Motion carried. It was then moved by Councillor Dumas and seconded by Councillor Chamberlist that Mr. Speaker do now resume the Chair and this Motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committess. Are we agreed. May I have your further pleasure.

Mr. Taylor: Mr. Speaker, in respect of the agenda for tomorrow I can report good progress on Bills and if we get the Main Supply of the Operation and Maintenance Section of our Bill it may be possible for us to proceed with that tomorrow but I would suggest Bills, Public Bills.

Mr. Speaker: Are there any further suggestions.

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

Mr. Speaker: Are we agreed?

All: Agreed.

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



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Wednesday, March 12, 1969.

10:00 o'clock a.m.

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to Order and I have for the attention of the House a reminder about our proposed recess at 10:50 a.m. in order that we may attend the ceremonies in the Courtroom with respect to the swearing-in of the new judge, Judge Maddison for the Yukon Territory. Also, I have a memorandum for your attention this morning, addressed to Mr. Speaker, reference to Yukon land transactions as required by the Yukon Land Ordinance. Attached are all transactions respecting land since the last Session of Council is assigned, H. J. Taylor, Clerk of the Council. Are there any Reports of Committees? Introduction of Bills? Notices of Motion or Resolution?

Mr. Chamberlist: Mr. Speaker, I would like to give Notice of Motion that Sessional Papers 4 and 8 be passed into Committee of the Whole for discussion. NOTICE OF MOTION #3

Mr. Dumas: Mr. Speaker, I'd like to give Notice of the following Motion, that the Administration study the feasibility of introducing Legislation making it mandatory for all Trade Unions operating in the Yukon to establish Yukon Locals. NOTICE OF MOTION #4

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

Mr. Taylor: Mr. Speaker, I'd like to give Notice of Motion this morning respecting Frontier Package at Teslin and another Notice of Motion respecting L.P.R.T. facilities at Ross River. NOTICE OF MOTION #5 & #6

Mr. Speaker: Our next Item under Orders of the Day, Motions, and Motion No. 1, Moved by the Honourable Member for Whitehorse West seconded by the Honourable Member for Mayo, that a special select Committee consisting of Messrs. Chamberlist, Dumas, Livesey, McKinnon, Shaw and Taylor, and Mme. Gordon be appointed to consider Bill No. 5, An Ordinance to Provide for Government Control and Sale of Alcoholic Liquors, and all matters pertaining thereto, with the power to call for persons, papers and records, to examine witnesses, and generally to do all things necessary to fulfill the functions and purposes of the Committee. The Committee, notwithstanding any adjournment of the House, may sit during such adjournments within the precincts of the House or beyond the precincts of the House, as may be deemed both expedient and desirable, and may report to the House as circumstances may permit. Is the Honourable Member for Whitehorse West prepared to proceed with this Motion at this time? MOTION#1

All: Question.

Mr. Speaker: Question has been called. Are we agreed?

All: Agreed.!

Mr. Speaker: I will declare the Motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker Continued:

And Motion No. 2, Moved by the Honourable Member for Whitehorse North, seconded by the Honourable Member for Whitehorse West, It is the opinion of Council that a member chosen by Council attend the Mid Canada Development Corridor Conference at Lakehead University August 18th - 22nd, 1969. Is the Honourable Member for Whitehorse North prepared to proceed with this Motion at this time?

Mr. McKinnon: Mr. Speaker, I wonder if I could have the indulgence of the House to debate this question in Committee when we come before the...in the estimates of the Yukon Council, I'd like at that time to see an Item probably put in the estimates that would provide for Councillors to be able to attend Conferences of this nature, I think that that would be an apt time to debate this matter if the House would agree.

Mr. Speaker: Well the simple procedure would be then to proceed with a procedural motion that this Motion be discussed in Committee if the House so desires.

Mr. McKinnon: Mr. Speaker, I would move that this Motion be passed into Committee for discussion.

Mr. Taylor: Mr. Speaker, On a Point of Order, I do not believe that the Mover of the Motion can propose an amendment to his own Motion.

Mr. Speaker: Well, you see under our rules a procedure motion is not an amendment.

Mr. Taylor: I will second the Motion that being the case .

MOTION  
#2

Mr. Speaker: Moved by the Honourable Member for Whitehorse North, seconded by the Honourable Member for Watson Lake, that Motion No. 2, It is the opinion of Council that a member chosen by Council attend the Mid Canada Development Corridor Conference at Lakehead University August 18th - 22nd, 1969 be discussed in Committee of the Whole. Is the House prepared for a question on the Motion?

All: Question.

Mr. Speaker: Are we agreed?

All: Agreed.

Mr. Speaker: I will declare the Motion carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Mr. Clerk, May we have the Commissioner for the purpose of proceeding with a question period. I'll call a five minute recess.

RECESS

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

Mr. McKinnon: Mr. Speaker, I wonder if I may address a question to the Commissioner. Being an appointee of the Federal Government I know that he doesn't realize what political overtones some of his statements may have when he makes them in his address, my

Mr. McKinnon continued:

phone has been ringing steady and people have been stopping me on the street and everybody has been asking me when and how much the price in beer is going to be, and I wonder if Mr. Commissioner could answer at this time so that I could answer the thirsty people that I meet on the street.

QUESTION  
RE PRICE  
OF BEER

Mr. Commissioner: Mr. Speaker, I am very sorry that there is political overtones in the price of beer and there will be a paper an information paper tabled and I think we should have it here for Council in the morning as I promised in my opening address and I can assure you that we will try to stop the telephones jangling and set people's mind at ease as to exactly what our proposals are in this regard.

Mr. Taylor: Mr. Speaker: I have a question I'd like to direct to Mr. Commissioner this morning. In light of the recognized fact that the Touche, Ross study recently commissioned by the Government to study taxation in the Yukon, will be used as a Bible in relation to future Federal Territorial fiscal negotiations, I'm wondering if Mr. Commissioner could advise me this morning if any effort or action is being taken to have a study of this report undertaken by the Territorial Government on behalf of the Council or the Territory itself, to determine the accuracy of this Report?

QUESTION  
RE TOUCHE,  
ROSS STUDY

Mr. Commissioner: Mr. Speaker, with respect that I answer that question when an item appears in the Operation and Maintenance Budget in this regard.

Mr. Chamberlist: Supplementary to that, would Mr. Commissioner assure Members of Council that the accuracy of the report would be likened to the accuracy of the different Bibles that have been used in the Territory. Question, Mr. Speaker, this is to the Commissioner, Could the Administration advise the Superintendent of School that the Public Gallery is available to students during Council Sessions so that the students can get an opportunity to see the Council at work or otherwise.

QUESTION  
RE ACCUR.  
OF REPORT

QUESTION  
RE PUBLIC  
GALLERIES

Mr. Commissioner: Mr. Speaker, the Supintendent of Education certainly doesn't need any information from me to the fact that the Public Galleries are available and are open and I have seen at least on two or three occasions in recent Council Sessions the presence of school boys and girls here, I think in some instances accompanied by their teachers. However, I would be only too happy to see that The Department of Education particularly appraises this and indicate the interest that Council would have in seeing any opportunity taken by the students of the local school to come to the Council Session.

Mrs. Gordon: Supplementary to that, I would ask if the Commissioner has informed the staff of the building to put a sign up by the elevator?

QUESTION  
RE SIGN BY  
ELEVATOR

Mr. Taylor: Mr. Speaker, I have another question that I'd like to direct to the Commissioner, that is in light of the fact that the last consolidation of Ordinances dates back to 1958, further in light of the fact that its becoming virtually impossible to in many of our Ordinances, The Motor Vehicles Ordinance, Municipal Ordinance and so forth, its becoming very impossible to find all the amendments without going through stacks and stacks of books, I'm wondering if Mr. Commissioner could inform me this morning as to whether a consolidation of Ordinances will be undertaken in the coming fiscal year?

QUESTION  
RE CONSOL.  
OF ORDINS.

Mr. Commissioner: Mr. Speaker, this matter came up for discussion I believe, at the Spring Session of 1967, when an item I believe, of ten thousand dollars was proposed in the Operations and Maintenance Budget for a consolidation of Ordinances to be done. At that time it was questioned both by Council and the Administration as to the advisability of assigning that amount of money to this project in view of the fact that we knew that many important Ordinances were going to be getting either completely revised or very greatly revised in the course of the ensuing year or two. As a consequence of this, with the concurrence of Council, we have endeavoured to do as much work as we can in the Territorial Secretary's Office and at the present time, and I would ask the Legal Adviser to answer the last part of the question, there has been a large amount of work done on this consolidation and in fact some Ordinances would be available to Members of Council for their use that are the result of this consolidation. As to exactly what these Ordinances are, I wonder if Mr. Legal Adviser could have the privilege of answering that.

Mr. Legal Adviser: Well I think these are what we call Office Consolidations Mr. Speaker, the Municipal Ordinances have been consolidated, the Motor Vehicles Ordinance and a few other Ordinances which are frequently amended and copies of these are obtainable from the Territorial Secretary's Office. They have no validity in Court, they're merely for the purpose of office use, but of course they are adequate.

QUESTION  
RE GENERAL  
CONSOLID.  
OF ORDINS.

Mr. Taylor: Supplementary to my original question, Mr. Speaker Am I to take it then that indeed due to the fact that we make Ordinances every year that it is not the intention of the Administration to make a general consolidation in this coming fiscal year?

Mr. Commissioner: No, Mr. Speaker, I'm sorry if I left the impressions that we do not intend to make a general consolidation. We are actively at work in the process at the present time. I may say that we have not been able to assure any one individual who came to work on this of continued employment. They had been hired on a what you might term a casual employment basis, as a consequence we have had several changes of personnel doing this work and I do believe that with certain staff changes that are presently authorized that it may be possible to put someone on this on a more permanent basis and very hopefully the end result will be coming forth much quicker than it would be otherwise.

QUESTION  
RE DATA  
PROCESSING  
& CENTRAL  
PURCHASING

Mr. Dumas: Mr. Speaker, I'd like to ask the Commissioner if the recent studies that were commissioned regarding data processing and the setting up of a central purchasing department if bids were asked of any local firms to carry out this study and if not why not?

Mr. Commissioner: Mr. Speaker, I would like to handle this in two ways. First of all, concerning data processing we are not committed to anyone on data processing. As I said in my opening speech to Council, the firm of International Business Machines are coming in with two people on the seventeenth to take a look at the possibility of this at no cost to the Territorial Government. Secondly, as far as central purchasing is concerned, I think that I would be quite accurate in saying that no local firms were contacted in this regard. I'm sorry that I can't say how many other firms were contacted but they were contacted on the basis of their known experience in this particular field. If we have been remiss in not asking any local firms on this, it is because of the fact it was not brought to our attention that there was any local competants in this particular field.

Mr. Chamberlist: Mr. Speaker, I have a series of written questions and written answers. Mr. Commissioner, Lots formerly part of the R.C.M.P. Compound were placed on sale by Public Tender, in groups. Tenders were opened yesterday, the 11th of March. Can the following information be available to Council 1. Who were the Tenderers and/or their agents 2. Who were the successful tenderers 3. Did the successful Tenderers comply with the Tender Call 4. Were plans of development supplied with each bid 5. What were the prices submitted 6. Why were the groups of Lots not offered in smaller numbers to give local people an opportunity to bid and supplementary for an oral answer, is the Commissioner willing to withhold completion of transaction until after written answers to previous questions have been studied by Council?

QUESTION #4  
QUESTION RE WITH\* HOLDING COMP OF TRANS.

Mr. Commissioner: Mr. Speaker, I would not be prepared to commit myself at this time as to that last statement.

Mr. Chamberlist: May I ask a further Supplementary question, on this Mr. Speaker. Mr. Commissioner, from your answer to the previous question then, do I take it then that you wish not to provide the Council with the information requested.

Mr. Speaker: I will have to rule that question Out of Order because the Commissioner I think, clearly stated that he wasn't prepared at this time to make a commitment.

Mr. Taylor: Mr. Speaker, I have a final question I'd like to direct to the Commissioner this morning, having reference to the Big Game Outfitters. In recognition of the fact that a horse is the backbone of the Big Game hunter's operation, livelihood, and also in recognition of the fact that once again this winter many horses starved to death for want of care and attention by the owners of these horses, and further in recognition of the fact that the Council have discussed this from time to time at each Session, can the Administration inform me this morning as to whether or not they have taken any action in a direction which would place the owners and the outfitters of these horses in a position where they are legally responsible for their stock, their livestock or their horses, either when penned up or when at large.

QUESTION RE LEGAL RESPONSIB. FOR HORSES

Mr. Commissioner: Mr. Speaker, if it isn't horses its dogs and if it isn't dogs its horses. There is a Sessional Paper that will be coming forward which I trust will answer the question that has been posed here at this time. If it doesn't, when the Sessional Paper comes up for discussion, I would be most pleased to supplement the Sessional Paper with any answers that could be forthcoming.

Mr. Speaker: Are there any further questions?

Mrs. Gordon: Yes, Mr. Speaker, I would like to direct a question to the Commissioner this morning in relation to the Frontier Package Television at the Elsa, Keno, Mayo area. Last Fall it was noted that there was a study to see whether one outlet would serve the three areas. I'm wondering if the Commissioner can tell at this time whether it will take two or whether the one will service the one area, and if its a two operation how soon can we expect it?

QUESTION RE FRONTIER PACKAGE TELEV.

Mr. Commissioner: Mr. Speaker, this is not a question that I am really competent to answer and I would propose to bring forward a statement from the CBC organization in this matter. I know that the question has been under study and I do believe that they have suggested a means of overcoming the technical problem

Mr. Commissioner continued:

QUESTION  
RE WOLF  
PELTS

but I would prefer the opportunity of bringing forward a written answer that came directly from the CBC.

Mr. Taylor: Mr. Speaker, another question in relation to game just occurred to me and as a matter of interest I'd like to direct it to the Commissioner/ Would Mr. Commissioner be able to inform me what happens to these pelts of these wolves that are poisoned in the Territory and brought into Whitehorse here. What happens to these pelts, are they destroyed or are they sold. Does the Commissioner have this information?

Mr. Commissioner: Mr. Speaker, I'll have to find out then I'll be very glad to bring the information forward.

QUESTION  
RE PORTER  
CREEK  
SCHOOL  
WATER SUPPLY

Mr. McKinnon: Mr. Speaker, I wonder if I could address a question to the Commissioner. With the discovery of crawly, wriggly creatures in the Porter Creek School water system, has an alternative system of water been supplied to the Porter Creek School?

Mr. Commissioner: Mr. Speaker, I hope it is, but I will have to verify this.

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

THIRD  
READING  
BILL #1

Mr. Shaw: Mr. Speaker, I would move that Bill No. 1, An Ordinance to Amend the Taxation Ordinance, be given Third Reading at this time.

Mr. Dumas: I'll second the Motion.

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse West that Third Reading be given to Bill No. 1, An Ordinance to Amend the Taxation Ordinance. Is the House prepared for the question on the Motion?

All: Question.

Mr. Speaker: Are we Agreed?

Mr. Chamberlist: Contrary. I would ask that my contrary vote be recorded.

Mr. Speaker: I will declare the Motion carried.

MOTION  
CARRIED

MOTION CARRIED

TITLE  
ADOPTED  
BILL #1  
MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that the Title of Bill No. 1, An Ordinance to Amend the Taxation Ordinance be adopted as written.

MOTION CARRIED

THIRD  
READING  
BILL #2

Moved by Councillor Dumas, seconded by Councillor Gordon, that Third Reading be given to Bill No. 2, An Ordinance to Amend The Garnishee Ordinance.

MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon, that the Title to Bill No. 2, An Ordinance to Amend The Garnishee Ordinance be adopted as written.

TITLE  
ADOPTED  
BILL #2

MOTION CARRIED

MOTION  
CARRIED

Mrs. Gordon: Mr. Speaker, I move that Bill No. 3 be given Third Reading, namely an Ordinance to Amend the Wills Ordinance.

THIRD  
READING  
BILL #3

Mr. Dumas: I'll second the Motion.

Mr. Speaker: Moved by the Honourable Member for Mayo, seconded by the Honourable Member for Whitehorse West that Third Reading be given to Bill No. 3, An Ordinance to Amend the Wills Ordinance. Is the House prepared for a question on the Motion?

Mr. Chamberlist: Question. Mr. Speaker, My remarks on this because I will be voting contrary, is that the House was admitted by most Members of this Council that they do not understand the contents of the Legislation. I feel that it is regrettable indeed, that Members of Council after admitting that they do not understand the contents are prepared to vote on this piece of legislation. I am voting against for no other reason but simply the language to it is not clear. Thank you, Mr. Speaker.

Mr. Taylor: In speaking to the Motion, Mr. Speaker, the remarks made by the Honourable Member from Whitehorse East, it should be recognized in all fairness that indeed as laymen when approaching a matter as complex as this, that we were much guided in our decision by the fact that gentlemen much more qualified than ourselves had recommended this to us, and this was of course the Commissioners on Uniformity of Legislation in Canada, and I think many of the Members in reaching a decision in relation to the disposition of this Bill did so with this in mind.

Mr. Speaker: Is the House now prepared for the question?

All: Question.

Mr. Speaker: Are we Agreed?

Some Councillors: Agreed.

Mr. Chamberlist: Contrary, I would ask my contrary vote be recorded.

Mr. Speaker: I will declare the Motion Carried.

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Gordon, seconded by Councillor Dumas, that Title to Bill No. 3, An Ordinance to Amend the Wills Ordinance be adopted as written.

TITLE  
ADOPTED  
BILL #3

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Taylor, seconded by Councillor Shaw, that Third Reading be given to Bill No. 4, An Ordinance To Amend The Civil Emergency Measures Ordinance.

THIRD  
READING  
BILL #4

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Taylor, seconded by Councillor Shaw, that the Title to Bill No. 4, An Ordinance to Amend The Civil Emergency Measures Ordinance be adopted as written.

TITLE  
ADOPTED  
BILL #4

MOTION CARRIED

MOTION  
CARRIED

THIRD  
READING  
BILL #7

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Third Reading be given to Bill No. 7, An Ordinance To Amend An Ordinance To Provide For The Vocational Rehabilitation Of Disabled Persons.

MOTION  
CARRIED

MOTION CARRIED

TITLE  
ADOPTED  
BILL #7

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that the Title to Bill No. 7, An Ordinance To Amend An Ordinance To Provide For The Vocational Rehabilitation Of Disabled Persons be adopted as written.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure?

MOTION TO  
RESOLVE TO  
COMMITTEE.

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

Mr. Taylor: I will second the Motion.

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Watson Lake that Mr. Speaker do now leave the Chair for the purpose of proceeding to Committee of the Whole to discuss Bills. Is the House prepared for the Question?

All: Question.

Mr. Speaker: Are we Agreed?

All: Agreed.

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

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: We will now proceed to Bill No. 8, We are discussing Bill No. 8 as we left off in Committee yesterday and were working with Section 2, I believe of this Bill. Pardon me Section 3. I did have a question if I might be permitted to direct to the Legal Adviser in Line 3 of Sub-section 2, Is there not a punctuation problem there?

Mr. Legal Adviser: There could be a coma after question

Mr. Chamberlist: Mr. Chairman, I wonder last night I was looking at Section 3, I wonder if the Legal Adviser can clear what is in my mind.....between 34 (1) and 34 (2) If for instance an employee is terminated and its during the calendar month and he is a monthly employee which section, which Sub-section comes into play. Is it section 34 (1) or Section 34 (2).

Mr. Legal Adviser: Section 34 (2) Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, I feel at this time that another matter I would like to bring up which isn't directly involved with this Amendment to the Ordinance but indeed with the Labour



Mr. Chamberlist continued:

Provisions Ordinance in other words the Labour Standards Ordinance. I wonder Mr. Chairman, if we could find out from Mr. Commissioner why Section 25 of the Ordinance is not being enforced and Section 25 of the Labour Standards Ordinance reads as follows: Section 25 (a) Where the class of the employees of an employer is represented by Trade Union and the parties to a collective agreement entered into with regard to the terms and conditions of employment of the employee, notify the Trades Standards Officer in writing that a specified date has been designated in the collective agreement as a holiday with pay in lieu of a general holiday under this part, such designated days shall, for those employees mentioned in the collective agreement be a general holiday for the purposes of this Ordinance. Now Mr. Chairman, what has occurred is this, that the number of Mining Companies have not paid employees for Rememberance Day and they have intimated to the Administration and the Labour Relations Officer that they have ...that they are allowing Boxing Day in lieu of Rememberance Day Now as we all are aware when Unions bargain for holidays the holidays sometimes are more beneficial than the legislation that is laid down. The United Steel Workers for instance who have a Contract with New Imperial Mines only provide in their Agreement their collective Bargaining Agreement for eight paid holidays. Our Legislation provides for nine paid holidays and in the eight days that are provided for in the Collective Bargaining Agreement it includes a day referred to as Boxing day but not Rememberance Day. Now it is my understanding that the mining Company is suggesting that Boxing Day is in place of Remeberance Day, but neither of the parties had notified in writing in accordance with Section 25 that this is a substituted date. Consequently I have had visits from the President of the Local Union pointing out that the Administration is not enforcing that Section of the Ordinance and consequently the employees and not only this Company, I understand other companies, have not been paid for Rememberance Day. I wonder if Mr. Commissioner could detail what information he has in regard to this and whether it is the Administration's intention to either discuss or rather either enforce the legislation or prosecute the companies who have not met the legislative requirements.

QUESTION  
RE LABOUR  
STANDARDS  
ORDINANCE

Mr. Commissioner: Mr. Chairman, with respect the question that was answered by the Honourable Member yesterday to which I asked permission to bring forward a written reply will cover in detail the matter which has been brought up at this time and if I could ask Mr. Chairman that we would be given the Opportunity of bringing forth our written reply and then be prepared to defend or discuss our position at that time, it would be I think a better situation with the Administration at that time, if we could be permitted that privilege.

Mr. Chairman: Anything further in relation to this Bill?

Mr. Shaw: There's one question I have in relation to this, I did ask the question I think yesterday, on the catorization of the industrial establishment, the shopper's establishment in relation to cafes. Under what catagory do they come under. Are they permitted sixty hours a week work.

QUESTION  
RE CATORIX\*  
ATION OF  
CAFES

Mr. Legal Adviser: .....for definition

Mr. Shaw: Without having to go back right now, would the Legal Adviser know whether they were entitled to work sixty hours a week before having to make application, without having to make application.

Mr. Legal Adviser: I couldn't give a quick answer at this time, without reading through the Ordinance, Mr. Chairman.

Mr. Shaw: That is the problem, Mr. Chairman. To look at the Ordinance there are about sixteen different books that you have to look at and I'm not quite sure which book to look at.

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

Mr. Dumas: Mr. Chairman, I have a word, I'd like to move that Bill No. 8, An Ordinance to Amend the Labour Standards Ordinance be passed out of Committee without amendment.

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

MOTION  
BILL #8  
OUT OF  
COMMITTEE

Mr. Chairman: It has been moved by Councillor Dumas, and seconded by Councillor McKinnon that Bill No. 8, be ordered Out of Committee without amendment. Are you ready for the question.

All: Question

Mr. Chairman: Are you agreed?

All: Agreed

Mr. Chairman: Any contrary. I declare the Motion carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: Gentlemen: At this time, I'll declare a recess in order that we may attend the swearing-in ceremonies of our new judge.

RECESS

Mr. Chairman: At this time we will call Committee back to order and we will proceed with Bill No. 9, An Ordinance to Amend the Judicature Ordinance. (Reads section 1 of Bill No. 9) Councillor Chamberlist.

BILL #9

Mr. Chamberlist: Question. Mr. Chairman, I wonder if Mr. Legal Adviser could say what comes in the category of "or otherwise".

Mr. Legal Adviser: Kind, Mr. Chairman.

Mr. Chamberlist: What kind is Mr. Legal Adviser referring to, Mr. Chairman?

Mr. Legal Adviser: Well, kind is an old English word which means payable in something otherwise than money.

Mr. Chamberlist: Well, Mr. Chairman, with respect, I think we musn't be flippant about this at all. I think there is a necessity to recognize what a person can be sued for and if a person can be sued for a debt, whether payable in money or otherwise, we must know whether he can be sued in a small debts court for a horse, a dog, a cow or a woman. Now, let's have an explanation why what this "or otherwise" is. I mean if you say in kind, this is insufficient. There must be a reason for it. What is the reason?

Mr. Legal Adviser: Money is, I presume, currency of Canada, and something might be payable in gold, say, which is not money any more. You could owe a debt - one person might owe a horse in exchange for a dog and what have you. This is a phrase which has lived without objections since somewhere about the 1870s, I think. This phrase is unchanged and the small debts court jurisdiction has been slowly increasing and a debt is something which is owed by one person to another person. Normally, it is measurable in terms of money but it does not always itself consist of money.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser could say that it would be a proper procedure for somebody to bring before a small debt official in a notice of claim or notice of claim for a dog that was loaned to another person.

Mr. Legal Adviser: I think it might be.

Mr. Chamberlist: I'll help you defend the matter when I hear it.

Mr. Chairman: Are we clear on section 1?

All: Clear.

Mr. Chairman: (Reads part of section 2 of Bill No. 9)

Mr. Chamberlist: Question. Mr. Chairman, I think that the service is necessary to be served by an adult literate person other than the plaintiff, but it appears that it is quite satisfactory to serve this on somebody of the delicate age of 16 years of age. Now, if it is necessary for a specific

BILL #9 point being made in the legislation that an adult literate person be the person who is allowed to process and become a processer by serving a court document, why is it not necessary for there to be an adult person who is also literate to receive the document on behalf of somebody else? Would it not appear, Mr. Chairman, that there is a point being made that it must be an adult literate person for the service but it may be a minor at law to receive the document. Would this be an error, Mr. Legal Adviser?

Mr. Legal Adviser: It is not an error, Mr. Chairman, It is carefully drafted. The existing ordinance at subsection 2 says "it shall be served on the defendant by the plaintiff or his agent". If it must continue to be served on the defendant and there is no alternative methods of service then by the simple method of keeping the door locked and looking out through the window you can't serve, and this is putting people to tremendous trouble to try and serve documents in this Territory and each ineffictive service is charged up against the defendant and increases the amount of the debt. As well as that there is a common custom here of refusing to accept registered letters, so when anybody goes to pick up their mail at a mailbox and the postmaster or one of the officials says there is a registered letter here for you - and I can see the Honourable Member smiling at this - he says no, I'm not going to take it, and he leaves it there. So, this makes service quite difficult. Now, this is partly in ease of plaintiffs who cannot get their documents served and partly in ease of defendants. The sections here, subsection 4 and 5, are similar to the methods of service in the other provinces and I think the original draft of this came from British Columbia, and this method, while not completely satisfactory, is at least in ease of the present situation. The reason you have the service effected by an adult literate person is to enable that person to be able to intelligently swear an affidavit that in fact he did serve it, and you want an adult literate person to be able to do this. Now, the reason that you can serve it on anybody in the place of 16 years of age or older is that they don't have to serve an affidavit but they must be sufficiently intelligent to be able to say to their father or mother when they come home, I got this, and take an intelligent message. Now, on children below that you can't be sure, but 16 years or older, they would be around about, say, tenth grade level of education and they should be able to convey an intelligent message, and in this manner a man can be served without undue expense.

Mr. Chamberlist: Well, Mr. Chairman, you know this to me is a little bit of legal gobbledy-gook because there is no doubt in my mind that if it is necessary for an adult person to do a certain thing, it should be necessary for an adult person to receive it, or if it is not necessary for an adult person to do a certain thing then it should be satisfactory for a person of 16 years of age. What I am pointing out is there is in this particular subsection a discrepancy recognizing on the one hand that it is necessary for an adult literate person to be available for the serving of a process but it is not necessary for an adult literate person to receive that process. Now, if it is served on a lad of 16, it doesn't say here whether this lad of 16 must be literate. See, whereas it says he has to be literate to hand it to somebody but he doesn't have to be literate to take it from somebody. I mean, this in itself to me is ridiculour. It would appear to be applicable right the way through. He should either be an adult to serve

and an adult to receive or otherwise. I'm concerned with the fact that we're not recognizing that there should be conformity in all pieces of legislation and especially in a piece of legislation which deals specifically with law, and to me there must be recognized that a lad of 16 or a person of 16 is a minor at law, and I mean surely Mr. Legal Adviser recognizes this, and yet he is willing to put in legislation giving a minor at law the right to receive process. This I don't understand, and I don't see any reason why it should be like this. I think it should be corrected so that it refers to an adult person both times.

BILL #9.

Mr. Legal Adviser: Mr. Chairman, I couldn't do it. This is the most convenient method of doing it and it is a fair and just method. If you leave a legal document with a person 16 years old they should be able to give a message to their father when he comes home. The necessity for an adult literate person is, as I said, so that they can swear out legal documents to prove the service. Now, service is not quite as simple as people might think. What you are supposed to do is go down with two documents and you show one and deliver the other. You can't quite be sure that this method would be carried out by a person who is not an adult literate person who can take instructions from somebody to do it properly.

Mr. Chamberlist: But, by the same token, Mr. Chairman, a lad of 16 who is shown two documents - you know, this is the original and this is the copy that I am serving on you - he doesn't necessarily understand what they are. They are just two pieces of paper that is being shown to him. How could he say that he has received them, and how does he know what importance they are to give it to the person who's named in that particular document, and this is where you're not making provision for that. It is the human element that has got to be always recognized in these particular things, and certainly a lad of 16 or a person of 16 hasn't got the responsibility that an adult would have, and if it applies to adults why not have it that it has to be served to some person of the full age of 21 years. I have seen that in many pieces of legislation where we recognize the age of 21. You know, we're going to be talking about before too long, we're going to be talking about making men out of people by attempting to lower the liquor age, you see, and then all of a sudden we're going to make a person of 16 responsible for a legal document. This just isn't right.

Mr. Chairman: May I proceed?

All: Proceed.

Mr. Chairman: (Reads rest of Bill No. 9). Anything further?

Mr. Chamberlist: Mr. Chairman, I am very surprised at Members of this Committee that would allow anything like this to go through without recognizing the need for making sure that there are adults involved in this and not children. I think it is a penalty if you let this go through without making any comment on it, you're just saying that children can go ahead and perform almost a process of law, because it is a process of law to receive a document of the court, and it is just not right. I don't care what anybody says here, and I would have thought there should have been some comment on that particular point alone.

BILL #9 Mr. Chairman: Councillor Shaw.

Mr. Shaw: Before we pass this particular bill, Mr. Chairman, I wonder if it would be possible of the Legal Adviser to ascertain the process in relation to something like this - particularly where the complaint comes about the 16 years of age. How applicable would it be, say, to the Province of Alberta and/or the Province of British Columbia? Could that be ascertained, and in the meantime if I could have Committee's indulgence just to forego this until we get this information, Mr. Chairman?

Mr. Legal Adviser: I don't think it is necessary. This is taken from the Province of British Columbia and has been asked for by the courts and it is at the instigation of the courts that the legislation is introduced. You know, it wasn't dreamt up by the Administration.

Mr. Shaw: Mr. Chairman, I'm sure that I don't use that term dreamt up by anybody. Anything can be dreamt up or a lot of thought put into it. It depends on whether you approve of it or disapprove of it, whether you say it is dreamt up or say it was cheerfully researched beforehand, but I would like to know, Mr. Chairman, just if this procedure is followed in other Provinces of Canada, and I think if that could be ascertained.....

Mr. Legal Adviser: It is similar to the Province of Alberta but it is a duplicate of the Province of British Columbia.

Mr. Chairman: Have you anything further? Councillor Gordon.

Mrs. Gordon: May I also ask of the Legal Adviser whether in a court of law anyone of the age of 16 years of age and over is available as a court witness and could answer to the fact whether they received a document of this sort or not. I mean in an open court of law, not a closed court.

Mr. Legal Adviser: This procedure is not penal. This is a method of serving a person in order to give him notice that a claim is being made. In the event that he did not receive the notice it is open to him, if he learns about the matter later, to come to the judge and say I didn't get it. Then, the judge will re-open the case, usually on penalty he will say well, do you owe the money or not. If he says, I don't owe it, then the judgement can be re-opened and the matter re-heard. It wouldn't go by default in that sense. It is always open to a person who doesn't receive direct service to re-open the matter and explain the circumstances to the judge that he didn't get it in time, and therefore it wasn't a valid service.

Mr. Chamberlist: If he doesn't know about it, Mr. Chairman, and the money has been paid out of court, and the plaintiff has received his money - then he can go and open it, but you're right.

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

Mr. McKinnon: Well, Mr. Chairman, I have no difficulty at all in accepting the fact that a 16 year old child can deliver his parents with the service of a notice of a claim and I would like to report Bill No. 9 out of Committee without amendment. I would like to move that Bill No. 9 be reported out of Committee without amendment.

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

BILL #9

Mr. Chamberlist: I noticed, Mr. Chairman, that the Honourable Member from Whitehorse West looked at the Honourable Member for Carmacks-Kluane for instructions as to whether he should second the motion. That was very interesting.

Mr. Livesey: Mr. Chairman, it is entirely out of order for any Member to cast reflections on any other Member of the House in Committee or otherwise because if that is so then the dignity of the House is being threatened by a single Member.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: We will now proceed to Bill No. 10, An Ordinance to Amend the Motor Vehicles Ordinance. We will take this section by section. (Reads section 1 of Bill No. 10). Clear?

BILL#10

Mr. Chamberlist: Mr. Chairman, where in 1(a) "the driver of a vehicle approaching the intersection and facing the red or "stop" traffic control signal" - what about a red traffic control signal, but when we say stop in inverted commas, is this the word "stop" in rights or a sign "stop"?

Mr. Legal Adviser: It is put in inverted commas in order to indicate in some manner that it is not a technical legal expression. It is what is properly known as a stop sign. "facing the red or "stop" control signal". This is one of a number of sections dealing with the behaviour of motorists and pedestrians in dealing with traffic lights. Now, this particular subsection is not essential to pass because I think there is a by-law of the City of Whitehorse which permits this to be done. Now, it is necessary if we are going to have more traffic lights than just traffic lights in Whitehorse. Now, the distinction - and I would like the Honourable Members to realize there are two methods of operating this particular section. One is a method in one or two provinces or a few towns whereby when you are coming up to a red light without stopping if there is no traffic, you can just keep on going, or you can provide that they must come up, stop, and then turn right. Now, the first method, that is without a stop, is more common in places where they have a flashing green signal which comes on half-way through the red sign and allows a filtering of traffic to go without stopping on a broad highway where there is a lot of city traffic. The other type where you move up and stop, then go to the right is more common where you don't have a flashing red signal but just a plain set of traffic lights facing you. Now, the original impetus came from traffic control authorities for this. Before this came through the people using the traffic signals and coming from Alberta where this system is in use have in fact been doing it in breach of the law, then the City of Whitehorse Municipal Council introduced a by-law permitting traffic to advance and turn to the right notwithstanding a red stop sign if the conditions permitted.

Mr. Chamberlist: I'm not quite yet - I wonder if Mr. Legal Adviser can explain the difference between the actual words what is in the Ordinance now and what has been prepared because it would appear that you can still come to a full stop and make a turn.

BILL #10 Mr. Legal Adviser: There are two separate things here. One is the City of Whitehorse by-laws and the other is the Motor Vehicles Ordinance. As our Motor Vehicles Ordinance says at present, a red stop sign means just that, and you must stop and remain stationary until the green light comes on permitting you to move. The change here is that although the red light goes on, if the traffic flow across your front from left to right stops, you can then filter into it at the end of it and join the end of the stream provided you have a right of way. In other words, this allows movement on a red light which otherwise would not be permitted.

Mr. Chamberlist: Thank you, Mr. Chairman.

Mr. McKinnon: But if there isn't a red light, its applicable?

Mr. Legal Adviser: It is applicable because this would override the by-law in that sense.

Mr. Chairman: (Reads section 2 of Bill No. 10). Clear?

All: Clear.

Mr. Chairman: (Reads section 3 of Bill No. 10).

Mr. McKinnon: Question. What is the Commissioner allowed to do with this information that is provided to him?

Mr. Legal Adviser: This is a Registrar of Motor Vehicles function really. He keeps records of all claims made, driver's records and so on and this is one of the things which he is required to know. If he hasn't otherwise got the information then he will make enquiries about it, having got it, back-handedly, as you might say, from the insurance company.

Mr. Chamberlist: Mr. Chairman, I'm satisfied that if a person of 16 could give his parents a summons then I'm sure the Commissioner can give the Motor Vehicles Registrar information.

Mr. Chairman: Are you clear on section 3?

All: Clear.

Mr. Chairman: (Reads part of section 4 of Bill No. 10).

Mr. Chamberlist: Mr. Chairman, I would like Mr. Legal Adviser to give an interpretation of a traffic ticket because there isn't one at the moment.

Mr. Chairman: I wonder if I could just continue to read the section?

Mr. Chamberlist: Well, I thought that section was complete. Oh, I beg your pardon.

Mr. Chairman: (Reads rest of section 4 of Bill No. 10). Is that ticket or tickets?

Mr. Legal Adviser: Ticket, singular. Mr. Chairman, I think there are two words missing in subsection (6) the word "shall be" should be inserted between summons and deemed in the second last line. I think there is a superfluous comma in paragraph (c) of subsection 3.



Mr. Chairman: Yes, this is where I ran into a problem with the reading. Will you proceed.

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Mr. Chamberlist: Mr. Chairman, I would first like to obtain from Mr. Legal Adviser an interpretation of traffic ticket and if there is any other legislation in Canada where there is an interpretation for the words traffic ticket.

Mr. Legal Adviser: Traffic ticket, Mr. Chairman, is clearly indicated in subsection (2) of section 167. It says a traffic ticket may be composed of any one or more of the following, and lists out what they are. Now, there is an information, notice, report of conviction, police record or summons. The form of each of these documents which will be identical except for the heading and possibly a notice at the foot will be prescribed.

Mr. Chamberlist: Well, we're referring, later on in this part, to a traffic ticket summons. Now, then we're also saying a traffic ticket is an information or summons. Does this mean that a policeman may put a traffic ticket, as Mr. Legal Adviser has explained, Mr. Chairman, on a vehicle and this is a summons that is served?

Mr. Legal Adviser: Quite so, and this is the intention of the Ordinance of the change. The intention is that we have a short easily organized procedure for minor offences such as speeding, cutting a corner and parking. Now, as many Members know who may have occasion to go through the corridors downstairs there are queues of people queueing up and waiting for magistrates and justices to sit and hear the case and deal with them and then they have got to come up and go through the paraphernalia of the procedure of pleading guilty and paying a fine, except alone in the case which is provided by the Municipal Ordinance which provides for an easier form of procedure. Now, this procedure is designed to save time to the person who has to pay the ten dollar or fifteen dollar fine. It saves time to the policeman who has to come in to give evidence or be available to give evidence. It saves time for the court officials and it saves time for the magistrates and it is a procedure which is fairly common elsewhere and we had a choice of a few different forms of procedure available to us when we were introducing this abbreviated procedure and this is the form which was chosen after discussion of available differences.

Mr. Chamberlist: I'd like to make it clear, Mr. Chairman, that I am not opposed to the principal that has been outlined. I think it is high-time that we had it. I feel at the same time that if we are going to make legislation to this effect we should understand the legislation. I particularly want to understand the legislation because I might need to use it. I would like to ask Mr. Legal Adviser this question. Where there are procedures set out in the Criminal Code, would not those procedures supercede the procedures of this particular Ordinance if a person felt he was being charged and not being charged in accordance with the Summary Conviction section of the Criminal Code? It is then required that an information must be sworn before a justice of the peace and a summons must issue by a justice of the peace. Surely, if the procedure is going to be this way then the Criminal Code sections are not being complied with? Is this not so?

Mr. Legal Adviser: Well, as often happens, the Honourable Member is half right and half not right. It is correct that

BILL #10 the Criminal Code procedure is supreme but only in respect of criminal cases. Now, no breach of a Territorial offence is a crime. Crime in Canada is not the same as a crime elsewhere. It is only a crime if it appears in the Criminal Code as a crime. Now, the procedure for dealing with offences or violations of local ordinances, by-laws and such like rests in this House, so it is necessary to come to this House with this procedure to make a change, which they are perfectly competent to do so.

Mr. Chamberlist: Mr. Chairman, do I understand that notwithstanding the fact that any charges laid under any of our Territorial ordinances which are heard before a court of summary jurisdiction within the Territory and it is being dealt with in a summary manner, does not necessarily have to be dealt with in accordance with the procedures under the Criminal Code, notwithstanding that the charges are being laid - not being laid necessarily but being dealt with under the Summary Section of the Criminal Code?

Mr. Legal Adviser: No, the reason that we use the Criminal Code for local offences and the procedures set out in the Criminal Code - the reason for this is because in one of our ordinances we say unless a procedure is laid down by this House in default of laying it down, the procedures in the Criminal Code will apply, but we can change them but only in relation to local offences, not in relation to Criminal Code offences.

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

Mr. Livesey: Yes, there certainly is. I would like to ask the Legal Adviser, Mr. Chairman, how will this Ordinance affect motor vehicle traffic outside the boundaries of municipalities in the rural areas.

Mr. Legal Adviser: This section does not only apply to municipalities. This section applies throughout the Territory so if somebody is on the highway and they meet up with a police car and they are deemed to be guilty of speeding the man can issue a ticket. Now, the person who gets the ticket has the option of saying I didn't do it and I'll go in and defend it. Just like any other criminal cases. Rights are all protected for him, but if he doesn't want to delay his holiday, if he wants to move on to Fairbanks and he looks down the ticket and he sees that the penalty - he may plead guilty and pay the penalty set in default of any other and he just puts the ten dollar bill in an envelope and posts it in to Mr. White in the Magistrate's Court and that is an end to the matter. Now, I would say it would actually increase the amount of fines which would be collected as opposed to people who, having been given a summons, just carry on to Alberta or to Alaska, because we don't bring people back normally except for a serious offence because the cost of bringing a man up from Edmonton to face a traffic ticket offence would run to around about \$500 so for the sake of collecting \$2.00, \$5.00, \$10.00 we don't bring him back but rather than have this on his record as an unpaid fine he would pay the \$10.00 I would think. The normal person in Canada and especially the Yukon is a very law-abiding person and if the law is reasonable he will normally conform to it.

Mr. Livesey: Well, Mr. Chairman, there is a slight difference between those people who live outside the municipality and those who live in it. It seems to me that the people in the rural areas have for years and will continue, I suppose, under this system, for every penalty they have to pay two penalties; not one. There is the penalty of having to come in here and go back home for a number

of offences. Why people living out in rural areas have to pay more penalties than somebody else is something I can't understand, but this most certainly does go on. A whole number of things that I could bring to the attention of Committee occur where people living in this particular area have one penalty; the people living in the rural areas have two penalties. They have to come in here and they have to be off work, and time and wages and everything are sacrificed, and they have their transportation costs and everything else to go on; and this I tell you is in my estimation is distinctly unfair to those who do not live in this particular area when the laws effected are changed so that we are not equal. We are supposed to be equal but we're not. There is certainly no equality there the way I see it, and I would like - this is my question to the Legal Adviser - just how is this going to effect people living a hundred miles from here, two hundred, three hundred, four hundred miles from Whitehorse - how is this going to be effected? How do we go about it? For instance, if you have a traffic ticket and you are caught on Main Street here, why you don't have to go too far to pay it, but supposing now you get a traffic ticket two hundred miles from here. Now, you not only have your traffic ticket of offence to pay for but you have got all these other conglomerations of indebtedness that you have to pile up, too. Actually, on a basis of equality, you pay for the same so-called offence as anyone else, but you're not. You're paying double and triple.

Mr. Legal Adviser: Mr. Chairman, this is a form of justice in what one might call the Eaton Canadian tradition. This is mail order justice and these people will be able to post in their fines and get back a receipt from the Magistrate's office in Whitehorse without having to actually come personally to deliver the money or plead guilty, and I think of all the people who will benefit from this type of procedure, I think the people in Beaver Creek will benefit the most.

Mr. Livesey: Well, this is certainly very condescending on the part of the Legal Adviser, Mr. Chairman, but I would suggest to him that a few years in the bush would certainly change a few of his philosophies. This mailing your answer I don't understand. Supposing now, you've got a person from California and he's going up the highway and he gets between Burwash Landing and the White River and a policeman comes along and he says now, look here, boy, you were going over 60 miles an hour. Now, look here you've got a ticket. Well, now you mail this in to the Magistrate. Well, fine, and he's going to Alaska. Well, I wonder how many of those mailed tickets you're going to get back because once he gets to Alaska are you going to extradite him back into the Yukon Territory? I don't understand this, Mr. Chairman. There's a lot more to this than has been explained.

Mr. Chamberlist: Mr. Chairman, I cannot help but agree with the Honourable Member. He is so right. One thing that just struck me is - I am surprised, Mr. Chairman, that Mr. Legal Adviser has suggested that people plead guilty by sending in their ten dollar bills just for the sake of a ten-dollar bill. Surely Mr. Legal Adviser is not encouraging people to plead guilty just for the sake of getting away from the use of the courts on a ten-dollar basis, because I think that would be wrong. There are other areas of this that need questioning, of course. Subsection (5) says a peace officer shall sign the traffic ticket and shall indicate the offence charged by marking the traffic ticket in a space provided to the left of the word or expression describing

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the offence charged as printed on the traffic ticket. Now, it doesn't say what charges are going to be subject to traffic tickets. We don't know whether all the charges that are in the Motor Vehicle Ordinance are going to be subject to it and it is really something to find that at the end of that particular subsection it says if the word or expression describing the offence charged is not printed on the traffic ticket he shall write it in the space provided therefor. I can just imagine all sorts of policemen try to say, well, I can't find anything written down that I can charge him with, but I'll soon make something up and I'll write it down. You know. It can't be in the Motor Vehicle Ordinance if the information that is laid on the traffic ticket - if the traffic ticket is the information, how can you go and put more in it that is not in the information. Really, it seems a little bit of stupidity on the part of those who were helping the Legal Adviser to draft it. You notice how careful I was, Mr. Chairman, Also, there is another section, section (6), that says "A traffic ticket summons may, without the swearing of an information, be delivered by a peace officer or by registered mail to the person charged with an offence therein or left by a peace officer on the motor vehicle in respect of which the offence is alleged, and delivery of the traffic ticket summons deemed to be personal service of the summons upon the person". Now, in one instance there they refer to an information without the swearing of an information, and then they refer to the ticket as a traffic ticket summons. Now, a policeman puts it on a vehicle. It is raining and the ticket gets wiped off. The driver doesn't know anything about it. He can have a warrant issued for his arrest because he hasn't done anything about it. It's a summons and he hasn't attended the court. Now, I understand that nobody gets summoned to court unless it is done by a justice of the peace and/or a magistrate. Now, is it the suggestion that every policeman is going to be a justice of the peace because if that is the suggestion there is something radically wrong with what is being set up here. I am sure that Mr. Legal Adviser has tried very, very hard to set up a piece of legislation that will serve the purpose but I think this is going to do, quite frankly, and, after all, time is the only thing that members of the legal profession have to sell and they're going to be selling a lot of their time the way this piece of legislation is written up now.

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

Mr. Chamberlist: Yes, Councillor Taylor.

Mr. Taylor: Well, Mr. Chairman, I fail to see too much of a derogatory - I shouldn't say derogatory, but too much of a deterring note here. I think it is generally recognized throughout Canada, North America and indeed the world that it is necessary that we have traffic laws and when people violate those laws that we pay penalties, and certainly traffic tickets for speeding, parking and the other areas for which you issue traffic tickets is an acceptable way of life, in North America at least, and certainly in Canada, and indeed in the Yukon, and it has always been my opinion that it is very easy to stay out of trouble. All you need really have to do is play the game and accept the rules of the road and you won't get involved with parking tickets and this type of thing. It seems to me that - I can recall even myself being involved in a speeding ticket - getting a speeding ticket some years ago, coming into Council on a weekend and when I went to court the judge said well, he said normally this would be a \$25 fine against Mr. Taylor.

I had to send a lawyer to court for me because I had to be here, and he said seeing as it's Mr. Taylor and Mr. Taylor is a Councillor who makes these laws, we'll have to double that penalty for Mr. Taylor, and so I got a \$50 fine. As far as I'm concerned I didn't like it one little bit, but I must confess it is justice. If it is upon us to make the laws, then we of all people should set the standard in showing the public that we respect those laws, and so therefore I say it was justice. So, I wholeheartedly concur with the Bill, and those are my comments on it.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, it appears to me that government does a lot of experimenting in a good many ways, and I wonder if they would be interested in experimenting in the municipalities first to find out how it works there, and then while they are going over the whole process to find out how it does work then perhaps they can work out a system whereby they will be able to operate this bill in the outlying areas and in the rural areas so that when a person living beyond the outer precincts of these highly-concentrated areas may be treated on an equal basis to other people, and perhaps they would be able to figure out all the problems which I think they are going to run into if they try to take this bill, as it is, and try to apply it to the whole of the Yukon Territory. For instance, somebody up on the Dempster Highway there - he is going to get a ticket up there on the other end of the Dempster Highway. Well, yea or nay, is the tourist in the Yukon Territory who comes from southern California or New York City - does he live here or where does he live? A lot of these things have got to be taken into consideration so that we treat each and everyone alike so that one doesn't get fined \$25 and no further costs and another one gets fined \$25 plus \$150 worth of expenses on top of it just to provide the same penalty as the other individual who is going to pay \$25. This is what I'm interested in. I'm interested in equality of suffering for the same effect. That's what I'm talking about. Well, however, I do have another point I'd like to raise, and that is along with a question which comes up at the beginning of the Ordinance where we have discussed this question of making a right-hand turn at an intersection. Now, when you make a right-hand turn at an intersection, according to this, after we passed this, you will be able to make the right-hand turn providing no traffic is approaching in the lane to your left, following the green signal or go signal while you are making a turn to the right against the stop signal or the red light which you are facing. Now, normally at an intersection the driver who is on the right has the right of way. Now, if this is so, the driver on the right could make a right-hand turn. The driver to his left could be following the green light. In case of a collision between the one following the green light who hit the one turning against the red light, he would be the driver on the right of the individual who had the green light. Now, who would be correct, Mr. Chairman?

Mr. Legal Adviser: The person would be correct who had the right of way at that time.

Mr. Livesey: Ah, but this doesn't answer the question, Mr. Chairman. The question is that the vehicle travelling facing the green light has the go signal. Right? The other one - the member to his right is facing the red signal, the stop signal, but according to this he can turn and make a right-hand turn around the corner, but as far as the fellow is concerned travelling the go signal, the one that is making that right-hand turn over there, has the

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right of way, or does he have the right of way? I understood that the vehicle on the right at an intersection has the right of way. Well, let's get the explanation, not just say it is so.

Mr. Legal Adviser: The driver facing the green light would win in a law action if there was a crash between the two. The driver facing the red light must give way and therefore he would have failed to give way if he runs into the driver facing the green light.

Mr. Livesey: How is it explained, Mr. Chairman, that the driver on the right of any vehicle has the right of way? Either he has or he hasn't. Now, has he or has he not? That's my question.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Mr. Chairman, just in reflecting the remarks of the Honourable Member from Carmacks-Kluane, it would seem to me that the Ordinance states that the driver of a vehicle may, after he has stopped his vehicle, which would indicate there is some onus upon that driver to determine the way is clear before he proceeds - I would think from my own observations - but the Honourable Member from Carmacks-Kluane brought up the question of people living in the hinterland in relation to their paying fines and I would just like to get some clarification from the Legal Adviser again. Am I right in understanding that if you have a ticket for certain infractions such as speeding and this type of thing - non-criminal type infractions - that you can, for instance if you live in Teslin or near Teslin, you can pay this at a Teslin police detachment - this traffic ticket - or you can pay it at the Watson Lake or the Dawson or other detachments of the R.C.M.P. where a JP exists or in communities where JPs exist or do we have to send these to Whitehorse?

Mr. Legal Adviser: You'd have to send them to a court office. This whole procedure is very carefully designed to make sure, not because any misuse might occur, but to prevent any suggestion of misuse that the police themselves or any peace officers handling these tickets do not handle money and have nothing to account for except the physical document. The court clerks handle the money, so it would indicate the address at which you could post it, and you could use the mails in the normal way. You're given a period of time to get the money. It isn't as if you had to pay it instantaneously.

Mr. Taylor: Then, Mr. Chairman, I have it that if a person in Beaver Creek or a person in Watson Lake who receives a ticket for one of the offences as described, that he merely sends this to the Territorial Court or Police Magistrate's Court, as the case might be, in Whitehorse?

Mr. Legal Adviser: As at present designed, this would be the position.

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: Inconversely, supposing he was going to refute the charge and go to court it would appear at the next sitting of the Police Magistrate's Court within that area?

Mr. Legal Adviser: It would appear for hearing within his own area, his own local area where he would normally go to court.

Mr. Chairman: Councillor Taylor.

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Mr. Taylor: One additional question. What happens to the individual, say in Watson Lake, who receives a ticket from the highway patrol and this person is told to go to the justice of the peace at ten o'clock the following morning or whatever it might be, and during the afternoon he looks his ticket over and he says well, I've got to go to Dease Lake, or I've got to go to Whitehorse or I've got to go somewhere and decides to put it in the mail and mail it to Whitehorse. How is the local R.C.M.P. detachment to know at ten o'clock the following morning that the party won't be there and what becomes then of the party who has failed to make the scene?

Mr. Legal Adviser: They won't know. The time and place will be fixed if he is going to defend. If, in the meantime, he has pleaded guilty, then that's it. He doesn't appear and then the machinery will eventually catch up with him, I presume, and he'll produce his receipt because the mill of justice grinds slowly but it grinds surely and they pick him up if he is a resident here.

Mr. Taylor: Mr. Chairman, I just raise this point - it is not my intention to propose any additional amendments at this time but I think the matter should be reviewed by the Administration in order to refine this a little more so if they could for future sessions because I can see a little bit of a problem here with information being sworn out and this type of thing before a JP and somebody in the interim decides they are going to put this thing in the mail and send it to Whitehorse. It will cause nothing but confusion.

Mr. Legal Adviser: This is a question of machinery but of course there is a time element. The date set on the traffic ticket for an appearance would be something like a month ahead, something to give him time, and then at that time if he wants to send in word looking for an adjournment, but these are only minor fines and a letter to the court would indicate that he wants an adjournment. They are liberally interpreted.

Mr. Taylor: I will resume the Chair. Councillor Shaw.

Mr. Shaw: Mr. Chairman, this particular Ordinance in relation to the traffic tickets has been asked for by Council at least three or four years ago and I'm very pleased to see that it is here. I think that it is a sensible move. I note under section 151 of the Municipal Ordinance that the Commissioner has the power to erect highway signs governing rates of speed. I should say, I beg your pardon, the Motor Vehicle Ordinance, and there is nothing wrong with this. It is very good. However, there is a very serious situation that is becoming more apparent each day on the Territorial roads. You will notice that there are signs placed up there that say passing speed 30 miles an hour. Now, passing speeds can mean different things to different people and what does that mean - that when you pass a vehicle that you can't go over 30 miles an hour or just what does it mean? It's extremely ambiguous. I know what it means. It means that when two vehicles are passing in opposite directions that that should be the speed that they should not exceed. However, that is the intent of the notices on the Territorial road, the road going from here up to Dawson and Mayo. I think different Members have seen it. Passing speed 30 miles an hour. Now, the traffic is increasing tremendously on this road and these big trucks are on there with a gross weight of about 40 tons or 30 tons and they roll down that road at 50 miles an hour. There are many persons travelling on that road now that are

absolutely terrified to travel on that road. When it is icy they have got to get off to the side. More people have gone in the rhubarb this last year or so than ever had because they have just got to make room for these trucks. The trucks are scared to get over because they may land in the ditch, maybe on a soft shoulder. In the summertime the clouds of dust that come from these trucks when they are travelling at these great speeds, you see nothing, you have got to stop. Period. That's all there is to it, and as the traffic increases on this road this condition is going to become real serious and when I say real serious I mean real serious. We have some person going along in a small car weighing maybe a ton or a ton and a half and here comes this 25-ton monster and you just can't see anything. In the meantime we have signs up there that say passing speed 30 miles an hour. Now, to me, Mr. Chairman, this is inadequate. The signs should state very clearly that cars passing in opposite directions should not exceed 30 miles an hour and further to that I think they should be more enforcing. Otherwise, we are going to pick up a lot of dead bodies around, busted up vehicles and what not, and I'm a person who has travelled quite considerably on this road and I know just what I'm talking about. It is quite a serious situation and I wonder what can be done. Whether this can be altered, whether improvements can be made to this and perhaps better enforcement be instituted in relation to this. I wonder if the Commissioner would have any comments in respect of this, or the Legal Adviser, Mr. Chairman?

Mr. Legal Adviser: Mr. Chairman, I think that the notice passing speed 30 miles an hour means that when you are passing something out that you go at 30 miles an hour. Two vehicles who are approaching one another are not passing, they are approaching each other. There is only a moment when they are actually passing by. I think it is a passing out speed of 30 miles an hour to take care of equipment which is on the road or a bad section of the road, although I agree that it is open to misconception. I don't know how the notices got there and I don't know myself exactly what they mean, and I'm not sure - there is a Deputy Motor Vehicles Registrar here who might cast some light on it. This is as far as I can bring you.

Mr. Shaw: Mr. Chairman, the road limit - the speed limit is 60 miles an hour. How can you pass somebody at 30 miles an hour if you are going in the same direction? It is impossible. This means it must mean, it can only mean, that vehicles passing in opposite directions, and I'm stating right here that that is fast enough on a gravel highway for vehicles to pass each other, and perhaps the Clerk could put on his hat as the Deputy Registrar of Motor Vehicles - perhaps he can inform me. It does seem to be ambiguous. It is obvious the Legal Adviser is unsure about it, but what does that mean? Passing speed at 30 miles an hour. Could somebody explain that? Could the Deputy Registrar of Motor Vehicles please explain that to me.

Mr. Clerk: I'm sure we will be able to right after coffee.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I think it actually means passing equipment at 30 miles an hour. It is the only logical thing that it can mean. It surely doesn't mean passing a car for the reasons you have given and it certainly doesn't mean passing an on-coming car at 30 miles an hour.



Mr. Shaw: Mr. Chairman, we have two or three variations, or I should say interpretations of this particular sign. Now, am I wrong when I say there is something haywire about it?

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

RECESS

RECESS

3:30 o'clock p.m.  
12th March, 1969.

Mr. Chairman: I will call Committee back to order. Order please. BILL NO.  
We are discussing Bill No. 10. What is your pleasure? Pardon 10  
me, Mr. Clerk, I wonder if you have an answer to the question.

Mr. Legal Adviser: Mr. Chairman, we have contacted the .....  
and he says that the standard signs erected by him and his  
staff and reads "Slow to 30 Miles and Hour when passing equipment".  
Now it is always possible the sign might be damaged, it might be  
around the place but the intention of the sign is to protect the  
operators of road equipment which may be in use, ahead of the  
driver, to warn him but as I say we cannot say that the sign  
might have been broken or damaged or something like that.

Mr. Shaw: Mr. Chairman, these signs are not broken, they are not  
damaged, they just have those boards that I have stated. I see  
under sub-section (3) of Section 151 "no person shall, without  
the authority of the Commissioner, remove or deface a traffic  
sign or device along such highway". The fact is that the Govern-  
ment are not aware that they have these signs. Would I be able to  
get permission to saw it off and bring it in to produce proof of  
this, Mr. Chairman?

Mr. Legal Adviser: I am sure that the Commissioner would grant  
that permission.

Mrs. Gordon: Mr. Chairman, may I go and take a number of people  
along to make sure that Mr. Shaw hasn't taken his out of his back  
warehouse because I concur these signs are on the highway and I  
would like proof that they were taken off from the sides of the  
road.

Mr. Chamberlist: Mr. Chairman, I would ask that Mr. Legal Adviser  
say how the particular offences under the Ordinance, which are  
subject to licence suspension or endorsement at the discretion of  
a Magistrate, the discretion of the Court, will be dealt with; for  
instance where. Up to now a speeding offence is dealt with by the  
Court by the endorsing of a licence. What occurs when a person  
sends in his \$10.00 for exceeding the speed limit. Is the discretion  
now taken away from the Court that has been placed in the  
Ordinance already, for dealing with matters of this description?

Mr. Legal Adviser: No, there is no discretion taken away. The  
discretion will rest - at that level - it will rest with the police  
officer. One would imagine a police officer would exercise discre-  
tion with some intelligence and if a person is doing ninety miles  
down the road, that it won't be just a common garden ten dollar  
speeding ticket that he gets. His name and address will be taken  
and he will be served with an information in the normal way. Now  
the instructions will be given to him by the people responsible  
for prosecutions and presumably they will be carried out.

Mr. Chamberlist: Mr. Chairman, could Mr. Legal Adviser say where  
in the Motor Vehicles Ordinance is the power allocated to Police  
Officers to endorse the licences of any driver.

Mr. Legal Adviser: They don't endorse the licences. They merely  
choose a particular procedure. This procedure is one which one  
would hope, in the exercise of the discretion, subject to superior  
officers, whoever gives instructions, they would only utilize  
this procedure during relatively minor cases. In a serious case  
they would exercise the discretion and issue an information. Now,  
we can't control every single instance but we can see that  
instructions which are issued for these officers in the use of these

BILL NO. Mr. Legal Adviser continues...  
10 procedures will be intelligent and one can expect the R.C.M.P  
to interpret them with intelligence.

Mr. Chamberlist: But, Mr. Chairman, with respect, this Section 167 (1), rather 167 (2) clearly defines that the information is on the traffic ticket. Now are you suggesting now that there would be a different type of information? This is becoming confusing. Is the traffic ticket for the purpose of bringing people before Court as has been the normal manner under the Motor Vehicles Ordinance and dealt with by the Court or is the traffic ticket for the purpose of it being an information, a summons, or, - what - a traffic ticket may be composed of any one or more of the following. Now what does the policeman have with him? Does he have five different traffic tickets, one listed as an information, one listed as a notice, one listed as a ...conviction, one as ..... one as a summons. What's he going to have with him. He's going to have his own office, isn't he? I don't follow this at all, not after what you have just said.

Mr. Legal Adviser: To recap, the position is that the policeman will be supplied with a block, a book of tickets. The tickets will be made out in quadruplicate or quintuplicate. The body of the ticket will be printed; each one the same but each one a different colour. In other words there will be sets of four or five and when he writes on one he will have to press pretty hard because the indentation will go right through the tickets. Now, the top one will be the one to be served on the accused and then there will be another copy which goes to Court, another copy which goes to the police files and another copy which may or may not be used as a summons. The face of the ticket will have, depending on its colour, at the top, either Information, Notice, Report of Conviction, Police Record or Summons; each having a different colour. The body then, running down the side, will consist of a series of short stated offences such as speeding, and then speeding will be divided into twenty-mile an hour zone; thirty mile an hour zone, forty mile an hour zone, fifty mile an hour zone, or about. And so on with the parking, obstruction, cutting a corner over a white line and any of a series that may be 15 or 20 offences in two parallel columns with a box attached so that when he wants to charge a person with speeding over the speed limit in a forty mile an hour zone he will X that block. The indentation will pass through each of the documents. He gives one to the accused and the others then are distributed in the manner I said before. Now, at the foot will be certain information for the benefit of the accused and one section will say "if you admit this offence please pay the fine opposite the block which has been ticked above. I could envisage, say, something like if you speed in a twenty mile an hour zone, thirty mile an hour zone, forty mile an hour zone; there might be say ten, fifteen, twenty or twenty-five dollars available. And you read down your slip and see what the fine for the offence you are accused of is and in accordance with the other instructions written off at the foot of the piece of paper, will be "please post your fine, addressed to:". If it is addressed to say the Court Clerk, Police Magistrate's Court, Whitehorse, Y T, you pay that fine and send a ten dollar bill or a postal order or cheque, then that it seemed to be an admission of guilt of the offence and there is no more about it. If you want to defend then there will be a block and the police will ask you "do you admit it or do you intend to defend". If you say "guilty" then that's it. If you say you want to defend then he will know the date to fill in. It might be one month ahead or thereabouts, or he may just take your name and address and you may receive a postal notice telling you to come to Court and the postal note you will get will be the summons which is "E" which was not given to you the first time.

Mr. Legal Adviser continues

It will be posted to you and you will be told to turn up at such and such a place; it might be Beaver Creek or it might be Whitehorse, depending where is a convenient place to hold the case. Now that case will depend on a combination of convenience, of the place where the offence takes place or where the witness lives, or where you yourself live. In the case of a guilty plea, always the case will be heard, for convenience, in the nearest point to the evidence or permanent residence of the accused. This is a carefully designed procedure to eliminate work, not to make work. If there is any suggestion in operation as to how it might be improved and streamlined and made easier, certainly the Administration will be only too glad to hear it but this particular procedure has been designed with several things in mind including, to save the time of everybody involved in Court cases, and to give a procedure whereby a person may be able to pay the fine without actually having, as they have in some American jurisdictions, to pay physical cash money to a police officer which is something which we all wish to avoid involving the police in the actual punishment of offences as opposed to the administration of the criminal law which they do so well.

Mr. Chamberlist: Mr. Chairman, I agree with Mr. Legal Adviser when he refers to when the policeman asks the person whether he wishes to plead guilty to this or not, but because there is a section here that says a policeman can put a ticket on a vehicle without the driver or owner being there, then how does he know if he wishes to defend, how does he know when to appear in Court unless he is notified when to appear in Court. In the instance that you have given I agree that this is the proper way to do it but let's take an instance - as I said earlier, where a ticket is put on and it is blown away and nobody knows about it, or the ticket is put on and the driver comes along and he finds it and looks at it and says "gee, this is not right, I'm going to defend it". But you know, he's on his way north. Now what is he to do about it. When does he have to come back. When is he notified? You see, this is the thing that hasn't been made clear.

Mr. Legal Adviser: As the mill turns and the fine has not been paid and his name still appears on the list, then it will be picked out, in the eventuality, in some jurisdictions, they pick these people out by machine and these traffic tickets are computerized and thrown out by .... or IBM machine and the people who haven't paid their fines are picked out and data is printed out so that it is a very simple thing to organize. Here we made it ... to process the documents every so often to pick them out. He will then be served with a form "E" Summons and be told, come to court on such and such a day and then he will come and answer. If he doesn't come at that point he is liable to be arrested although they may give him a reminding letter first and certainly in the initial start of the proceedings in dealing with residents, I imagine, in order to give the system a fair start off the police would act with a certain amount of gentleness rather than a certain amount of harshness.

Mr. Chamberlist: Mr. Chairman, I understand this because it is easy for a member of the R.C.M.P. who see the vehicle on the Highway and he puts a ticket on it. He doesn't know who owns that vehicle. All he has is a licence number. Now, he can go to the nearest telephone or he can check with Whitehorse to find out who is the owner because if it is a Yukon licence plate but what is the position if the plate is an out of Territory plate? Who is he going to send that notice to? He might not be able to get in touch with him. Does this mean that people with local licences are going to have means of bringing them into court whereas people who are out of the Territory can get of scot free because they are

BILL NO. 10

Mr. Chamberlist....

just passing through, you know, somebody from Alaska is on his way home down to Florida, something like that. Tickets are put on there and there is no way at all that you can stop that. The Policeman can't say, would you report in. Let's say he stops in just past Teslin. "Which way are you going, Sir?". "You are going via Watson Lake, will you please report in at Watson Lake, if you plead guilty and pay at the Police Detachment" or something like that. I mean that you haven't made any provision for those type of things.

Mr. Legal Adviser: With a moving offence one would expect that the policeman will personally serve the driver, having ascertained what his name is and the driver must give his name and address by law. When he is dealing with a parked vehicle I think he would have to use his intelligence when he is dealing with an out of town licence plate and he can sit patiently until the driver comes out of the bar or hotel or wherever he happens to be, or a cafe until he can catch him. If the offence is sufficiently serious and justified. It may not be. If he sees a foreign licence plate he may just walk on and put a ticket on the next car and this is what a lot of policemen will no doubt do and I certainly would not pass any blame on them for not waiting around for three or four hours. However, in the serious offence it is up to him to enforce it. Now, as the law stands at present, the position is no different. He still has to wait around to catch him.

Mr. Chairman: What is your further pleasure? Councillor Gordon.

Mrs. Gordon: Mr. Chairman, I have an area in the Motor Vehicles Ordinance which I find disturbing, not only for Whitehorse but throughout the Territory; in some ways particularly in Whitehorse. It is the pedestrian's rights and duties. In the Motor Vehicles Ordinance there are one, two, three, four, five sections related to pedestrians. The "Penalty" section has only one. In the unorganized areas we have exactly the same problem as you have here though you have a municipality and I would like to know if within the Municipal Ordinance in the Municipality of Whitehorse there are laws and regulations whereby people are fined for jaywalking; if it's enforceable and if it isn't how can it be made so and if it is, why isn't it being done?

Mr. Legal Adviser: Mr. Chairman, to enforce these regulations and rules requires the physical manpower. It means that people must stand and watch and be prepared to go and take names and addresses. The Police Force here is not a very highly manned force in a sense although the police here have the duty and obligation of exercising police functions within the City of Whitehorse, and this in fact they do but these minor details concerning pedestrians means physical enforcement by people standing at intersections and taking names and addresses. If it is neglected it can't be helped with the manpower position as it is. If Council wishes to expend money on it by recruiting more men, well then this is a matter for the Council to decide. This, I think, in the last resort, as the Commissioner often said, is a matter of dollar bills. This can be done if you provide the money.

Mr. Chamberlist: Mr. Chairman, the last section, sub-section (8), "Where a form or forms of traffic ticket is or are prescribed for a municipality, the Magistrate may, subject to the provisions of this Ordinance, fix fines to be indicated on the form or forms of traffic ticket". When you refer to the Magistrate there isn't an explanation of "Magistrate" here. If we are dealing with tickets, traffic tickets, what has the Magistrate got to do with it at all because the penalties are already imposed upon the

Mr. Chamberlist continues...  
ticket. Where does the Magistrate come into this?

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Mr. Legal Adviser: As long as a penalty is imposed on the ticket the amount is indicated on the ticket which a person who pleads guilty will send in. If he defends it then of course all cards are on the table and the fine or penalty is open to the person who reviews the case, whether he is a Justice or a Magistrate. In the case of municipalities, where they are going on to this type of procedure, some person must fix the scale and it is thought that the fairest person to fix the scale of fines would be the Magistrate. We are open to suggestions on this but it is a fixed penalty and not a question of a varying penalty. He fixes \$5.00 for jaywalking, \$10.00 for obstruction, so much for speeding, so much for speeding in a school zone and so on. They will be all listed out and we have to give somebody authority to do it and I think in the case of a municipality there is no harm to give the Court some function.

Mr. Chamberlist: Yes, except that the Municipal Ordinance and the section dealing with by-laws gives the right only to the Council to set, that is the Municipal Council, to set the penalties, not the Magistrate.

Mr. Legal Adviser: This is not quite so, Mr. Chairman, the Council fixes the maximum penalties for an offence and the Court customarily has the power to fix not more than a \$50.00 fine, not more than six months and so on. The Magistrate then, when the case is heard, says I fine you \$25.00, \$5.00. Now, these are a scale of fines which the Magistrate is fixing, and he could fix, if the case came before him in each individual case. In this case he is fixing a general, wholesale rate, as you might say, and I think that - somebody must do it, why not the Magistrate.

Mr. Chamberlist: Is the suggestion being made now that a Magistrate has the power to supercede a bylaw where there are certain sections in the bylaw where there is the fine for such and such offences of \$2.00, \$3.00, \$4.00 and \$5.00. Is Mr. Legal Adviser suggesting that the Magistrate can go beyond that and increase it? I say he can't do that.

Mr. Legal Adviser: No, he can't increase it Mr. Chairman, he'd be bound by the terms of the particular section itself and would advert to it. To fix it over would be ultra vires and this is not a power which is given to him here.

Mr. Chamberlist: Well, it looks like that.

Mr. Legal Adviser: He has power to fix the fine but he's governed by the maximum of the fine. For instance, take an extreme case. He couldn't fix a fine of a thousand dollars for jaywalking because the penalty for jaywalking has a maximum of say ten dollars so presumably he would fix two dollars, maybe two fifty; depends on the value of money in Whitehorse at the time he fixes the fine and how much he likes jaywalkers.

Mr. Chairman: Have you anything further on this Bill now?

Mr. Dumas: Mr. Chairman, I am sure there are things that could be added to this Motor Vehicles Ordinance and there are certain areas that should be looked into but generally I agree with the Bill and I think it is something that we have long been looking for so with that I would like to move that Bill No. 10, An Ordinance To Amend the Motor Vehicles Ordinance be passed out of Committee without Amendment.

Mr. Shaw: I second it.

BILL NO.  
10

Mr. Chairman: It has been moved by Councillor Dumas, seconded by Councillor Shaw that Bill No. 10 be reported out of Committee without Amendment.

Mr. McKinnon: Before the question is called, Mr. Chairman, I wonder if I could have an answer. I asked a question on Section 3 and I would like to give the background as to why I asked the question. For the first time in approximately twelve years of driving in the Yukon Territory, I received last year a licence with no black marks on the back of it and I was pretty doggonned proud of it. Anyway I got notified by my friendly insurance agent that my insurance was jumping this year so I naturally ran down and said "look, I'm pretty proud, the first year I had a conviction-free licence and my insurance is jumping, why?". He said "well, we received a notice from the Motor Vehicles Branch saying you had an accident last year that cost \$250.00 and so your insurance is going to have to go up". Well, this accident that I was involved in paid, with claim against the other fellow's insurance because he was completely at fault in the accident; there was no claim against my insurance company and there was a charge which had been made; a charge of which I was not found guilty and when the insurance went to the Motor Vehicles Branch to find out whether I had been involved in anything the previous year, they gave the insurance company this information - that I had been so involved. Now I'm darned good and mad about you, the Territorial Government Motor Vehicles Branch being used as a vehicle to increase my insurance on an accident and a charge of which I was found not guilty and a claim which the other fellow's insurance company paid. I don't think it's right, I don't think it's fair and I don't think it's proper. Now, this is why I asked the question as to ...the Commissioner and who he can give the information to and if every accident that happened in the Yukon Territory the insurance agency reports to the Commissioner and he reports it to every insurance agency throughout the Yukon, even if you are not at fault, your insurance company pays out no claim, but your insurance jumps because the Motor Vehicles Branch of the Yukon Territorial Government is giving them out information which is none of their darn business, then I object wholeheartedly to this type of section in the Ordinance. I wonder, has it been resolved and could I have an answer as to why this type of thing is going on.

Mr. Legal Adviser: This comes under Section 75 of the Motor Vehicles Ordinance, Mr. Chairman, and a written report has got to be furnished in relation and then it's available to any person involved in the accident. I agree it has its drawbacks and it does increase people's insurance rates, sometimes unjustly because insurance companies customarily assess a person's policy whenever they are involved in an accident of any description - they come within the insurance company's rules. This is a matter I'm afraid, which must be taken up between the public and the insurance companies themselves. The Insurance Company does not have the private contact between the Insurance Companies and the individuals themselves and they assess a person's premium on the rules which are laid down by them. The person that is charged can go to another insurance company. As it happens we maintain driver's records and we do this in conformity with rules which have been agreed to throughout Canada so that Insurance Companies can get statistics on which to base their policy formulation rules and we are no different from any other place and we get the benefit, when we want it, of this information from other provinces. It is available for the ... as stated in Section 75 to any person involved in the accident. This must be because it may be necessary for a Court case.

Mr. Dumas: Mr. Chairman, I beg to differ. Normally insurance companies to not increase insurance rates where the person involved in the accident was at fault nor was he convicted. If he is just charged, no conviction, he is innocent, his insurance doesn't go up. I was involved in an accident a few months ago. The other man was charged; his insurance company paid my insurance isn't going to go up because of this. The information that Councillor McKinnon's insurance agent received was such that he in fact had been guilty of an infraction of some sort. That was the way it was read to us and on that basis .....

Mr. McKinnon: It was sent to the insurance office as I had been charged with. No follow-up at all as to what happened after the charge; whether I was found guilty or I was found not guilty, or whatever happened. The charge was given to the insurance company and that was the end of it. Certainly, in justice, if the Motor Vehicles Branch is going to give this information to the insurance company they also have to deliver what was the result of this charge that the person came under in the Motor Vehicles Branch. I can't see how anything could be more unjust than this going before the insurance company with a charge, and with nothing as to how the charge came out.

Mr. Legal Adviser: I confess, Mr. Chairman, I am inclined to agree with this. I think that the information should be the involvement of the person in the accident. I don't know how it would get across from the Territorial Secretary's office to the insurance company that there was a charge laid because this isn't known information that you would have at that time because the system which has just been reorganized, after conferences with the police bringing information from the police to the Territorial Secretary's office and other offices is that an extra copy of an information sheet is typed out with all the particulars and on the completion of the case, that information, with the result typed on the back, is forwarded, not as before in the follow-up monthly statements which are never used by anybody except the Territorial Secretary, but to the relevant Departments requesting the information in the first place. So that a copy of every information, for conviction, for any offence under the Motor Vehicles Act or any of the Sections of the Criminal Code which involves the use of motor vehicles. At the conclusion of the case it is forwarded to the Territorial Secretary's record section and becomes a part of the driver's record so that a very precise and elaborate piece of paper he gets. Now, apart from that any report concerning an accident that comes into him is filed so that when people request information concerning a driver's record for insurance purposes is available there but I was not aware that part of this information would be that he was charged without giving further information and certainly I'd be prepared to look into the matter and if a question is raised at a later time then the Commissioner, in view of the information which would be forwarded to him and prepared by the Territorial Secretary, would furnish a paper setting out what information is supplied customarily and what reports are in fact kept.

Mr. McKinnon: This is what happened in my personal case and I approached the Registrar of the Motor Vehicles Office and this was in fact what had happened - that the charge had been put on my record with no disposition as to how the charge was finalized. Mr. Clerk is well aware of this and I would like to know if anything has been done to alleviate this situation. I think it is wrong. I think it is unjust. I'm prepared to fight to have this resolved because I think it's wrong. I can't see the Councillors not agreeing how unfair this is - my insurance rate will be raised because of information given from the Registrar of Motor Vehicles office on a charge that as far as my insurance company knows I was convicted of. This is the information they have; just that a charge was laid, nothing else, and certainly



BILL NO. 10

Mr. McKinnon continues...

there's got to be some way of resolving what happens to the charge, the disposition of the charge can also go through the Territorial Secretary's office so that this is also given to the insurance company; is this so formidable a task to do this?

Mr. Commissioner: Mr. Chairman, could I have the opportunity of having a proper sessional paper prepared on the basis of this question so that it can be dealt with in its proper context? I'll get it tabled. You'll have to give us a few days on this but I think that this would get the matter into its total proper context so that it can be thoroughly aired.

Mr. Chairman: Will the Committee so grant the Commissioner the request?

Mr. Chamberlist: Yes, but I would like to add a couple of points for the Commissioner to look at.

Mr. Chairman: Order please. I wonder if I could first have concurrence that the Commissioner deal with this matter in a Sessional Paper.

All: Agreed.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I would like to add that the Commissioner look into these particular points. One: where in the Ordinance is the power given to the Government to supply this information to the insurance company when a person isn't convicted and I would also ask that reference be made to Section 75 which clearly gives this in it "a written report of statement made or furnished under Section 71, 72, 73 or 74 (a) is not open to public inspection. Now, as far as I am concerned, giving this type of information to an insurance company about a person who has no responsibility in an accident or has not been convicted in an accident is strictly non-compliance with the Ordinance itself and I think that it is only right that the Commissioner should have an opportunity to go over the whole thing and bring this forth. I'm not too interested in Mr. McKinnon's personal things but it might happen to other people as well.

Mr. McKinnon: This is the point, Mr. Chairman, it is just fortunate that a few of us, if I dare to look to my right, that the Honourable Member from Whitehorse East, that some of us are involved in minor infractions against the Motor Vehicles Ordinance that these things are brought to light.

Mr. Chairman: I wonder if it is Committee's wish that Councillor Chamberlist's request be looked into as well.

All: Agreed.

Mr. Chairman: What is your further pleasure now in relation to Bill No. 10.

Mr. Livesey: I have one more point I would like to raise, Mr. Chairman. I feel that this Bill, in my estimation, is not complete. I don't think, - all the facts of the case in rural areas I'm talking about. I can see the operation here. I can't see the operation anywhere else because there are so many things involved that it is truly different than what you have in this particular area, in my opinion. For instance, on the Alaska Highway there are about, during the summer months, about forty outside vehicles to every one Yukoner, forty vehicles. These vehicles no longer have to check out of Canada. They can drive

Mr. Livesey continues..  
 out any time they feel like it. This didn't occur years ago but that is the way it is now. There is also, I might say, traffic coming into Canada that is not registering entry during the night, all through the winter time, trucks included; no bonding, no nothing else. This is also going on. It seems to me it is the same way as another Ordinance which we passed not long ago to set up a checking station on the southern part of the Highway. There's no checking station on the western side so the trucks operating in one area of the Yukon are treated in a totally different manner to what they are treated in another area, and it's the same way with compulsory insurance, the same way, Mr. Chairman, compulsory insurance for residents, not compulsory insurance for anybody else. Within the Yukon in the summer there are probably 20 or 30 times as many uninsured compulsory uninsured vehicles as there are insured vehicles so that the law really and truly only applies to residents and doesn't apply to anybody else. This is what I'm talking about and there are a dozen other things that I could bring up. I feel, certainly as this thing sits with regard to areas in the vast recesses of the Yukon Territory where this Ordinance will apply, that I don't feel it has been fully investigated and the problems looked into that may arise and on that basis I will vote against the Bill.

Mr. Chairman: I have before me a Motion. It has been moved by Councillor Dumas, seconded by Councillor Shaw that Bill No. 10 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Do I have two contrary? I will declare the Motion carried.

BILL #10  
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MOTION CARRIED

Mr. Chairman: In relation to Bill No. 11, with the concurrence of Committee of course, I would ask that we defer this matter until the Game Director, in conjunction with myself and the Legal Adviser attempt to prepare a further amendment - if this would be agreeable. This is the Game Ordinance.

BILL NO.11

All: Agreed.

Mr. Chairman: The next Bill would be Bill No. 12, An Ordinance to Amend the Fuel Oil Tax Ordinance. (Reads Bill No. 12). Mr. Legal Adviser.

BILL NO. 12

Mr. Legal Adviser: As is set out in the explanatory note, after this Bill was passed, when the papers were being prepared for the forms to put the Bill into effect, it was discovered that through certain accidents of geography and positioning, anybody who drives from Watson Lake to Whitehorse has to pass through a portion of northern B.C. Now, there are one or two points I think where a similar effect occurs and I must carry my share of responsibility for not noticing that the geography would have the effect of making it difficult for us to operate the Ordinance exactly as we had designed it. So the effect of this is that - if you recall, the method of tax on these large operators in respect of fuel tax, was changed in the Fuel Tax Ordinance which passed the House in the last Session. This was designed that for every five miles of vehicle he would travel on the road he would be charged with tax and in order to avoid double taxation he was buying his fuel and getting a remission on the fuel so that he didn't pay tax twice. Now, a through freighter, an inter-provincial carrier, was defined as such, defines a person who goes from one province to another or passes through the Yukon Territory. This definition, when sound in most provinces, is not suitable any more for this province because every truck that goes from Watson Lake to Whitehorse comes within this definition and by virtue of the

BILL NO. 12 Mr. Legal Adviser continues

effect of the Ordinance which has just gone through, they automatically are entitled to buy duty free fuel. Now this wasn't our intention so in order to pick up these places, we know of one; we know there are other spurs of road which extend from Yukon into B.C., may extend possibly occasionally into the Northwest Territories and possibly there may be a piece - I think a piece of B.C. which you have to pass through when you are dealing somewhere around Haines Junction - I'm not too familiar with the geography of these sections. However, subsection (b) of 17 is a flexible section and it provides for the exemption of operators or classes of operators so that we can, by regulation, design out specifically an exemption which would exempt these classes of people; that is people holding certain types of licences who do certain journeys, as not being through freighters or interprovincial carriers. In addition to that there is a sub-section (c) which comes in because we want to provide for refund or rebate of any tax charged out of this Ordinance. Now this is in respect of a double taxation situation which is occurring to a company which is operating what one might call on a single run out of the Territory, refueling and coming back, and because of the effect of our law as read with B.C. law, they are paying tax twice on some of these journeys and they have made representations about it quite often and the Territorial Treasurer is satisfied that this is so; they are being charged double taxation and we should give them a rebate of the amount. I don't think it will be the intention of the House at any time to charge double taxation and more especially double taxation in respect of a run which is outside this Territory. One of the effects of the error which we made in drafting the original Ordinance would be that an operator of duty free, - an operator was allowed to take the privileges of operating duty-free, is using duty free gasoline in his truck even when the truck is idle and with some of these operators they use a considerable amount of gas when they are parked here; sometimes they don't switch off their engines for two days at a time and this, if this was done on duty free fuel when a truck is standing here idling and reloading, if the operator wishes to run it, it would cost some money to the Territory and would be a certain loss of revenue. It is our suggestion that (b) and (c) are necessary and are not, as I think was suggested by one of the Honourable Members when the Bill was read a first time or second time, it is not a question of giving permission to the Commissioner.....to make rebates at will to one or other class. It is to provide for a very narrow class but we found difficulty in drafting the precise type of vehicle and run involved and the (c) is to provide for a particular case for refunds where double taxation is involved and which will continue to recur.

Mr. McKinnon: Each operator who is exempted by regulation, the name of the operator will come in the ordinary course of regulations received by the Members, will they not?

Mr. Legal Adviser: It will be drafted as a regulation. It may provide that any operator other than a certain class, to operate over that piece of road. Now you have got to get the geographic co-ordinates of the road and things like that - for the spur line that I can see extending down to B.C. and there are pieces of road going into the Northwest Territories. So any person who holds a Yukon Licence and travels over a particular stretch of road, or maybe a person who obtains a public works contract. Somebody made the point to me recently that there are points where our Department of Engineering Services or the Department of Public Works operate camps which are technically within B.C. So any contractor who is delivering goods to that camp and has to pass outside the confines of the Yukon Territory itself would become, through definition, a through carrier and entitled to duty-free fuel and destroys the scheme of the Ordinance. Now he might,

Mr. Legal Adviser continues...

for the purpose of that camp, have to come within a special definition, a special order made for the purpose, exempting from this, and when I say exempting, what it really means is taking away the privilege from him, rather than exempting from anything. When you exempt him from the class you make him pay duty which otherwise he would not have to pay. Now, in (c) it will provide specifically for- we tie it down as best we can to a specific section of road and a particular person or firm operating a set of trucks on a case made to us. So (c) may actually give the name and address of the firm involved and (b) will probably be tied to geographical co-ordinates as they arrive and we would expect human error, being what it is, that if a mine operates in B.C. which is serviced from the Yukon then there may be another road created which is just down the border. Maybe it runs into Atlin and a person may have to be deemed, for practical purposes, holding one of our licences, not to be a through freighter even though he is going twenty or forty miles down the road into Atlin and back.

Mr. McKinnon: The reason for my question is that actually (b), if you look at it as it appears in the Ordinance, does give the Commissioner broad power. I would like to know how the public is aware of what operators are to be given what exemptions for what purposes type .....

Mr. Legal Adviser: It would be provided for in regulation and if we used geographical co-ordination and related it to holders of Yukon licences, we might say, provide that holders, operators of vehicles holding a Yukon Public Service Vehicle licence who travel between point so and so and point so and so, shall be deemed not to be through freighters for the purpose of section so and so of the Ordinance. I would like to emphasize that the operation of this Order will not be giving any exemption to the operator although this is the way it has to be done for drafting purposes but what it does is it takes away the privilege from that particular operator of buying duty-free fuel.

Mr. Chamberlist: Mr. Chairman, I think that satisfies the objection that I had made earlier because the power that appears to be given was so large and it was left in the hands of the Commissioner as to what operators he could make exemptions for. Now from what I understand now the regulations will only make exemptions for those operators who actually are either in business or performing a function between say points where an interprovincial line is outside - occasions like that and also where it goes into the Cantung via Watson Lake. I'll be satisfied with that.....

Mr. Legal Adviser: When an operator is exempted from the provisions of the Fuel Tax Ordinance he falls back into the normal collection Ordinance and he pays tax under the normal budgetary provisions of 11 cents a gallon. So he doesn't get away with anything but what merely happens is that the method of collection of tax from an operator who is exempted would change from one Ordinance to another.

Mr. Chairman: Have you anything further on this?

Mr. Livesey: Yes, Mr. Chairman, I have two points I would like to raise. One is has the Administration contemplated the possibility that B.C., knowing Mr. Bennett's capabilities, may possibly, in view of what we have done say that on the Haines road for instance we will put up a station down there and we will do the same thing as you are doing in the Yukon Territory, with trucks passing through the B.C. section which is considerable on that road.

BILL NO.  
12

Mr. Livesey continues....

Another point I would like to raise is the confusion on the Alaska highway at the moment where we have trucks running between Canadian Customs, the ones that don't come in during the night; going down, using the ferry and vice versa, travelling in that area, which the operators serving diesel fuel, these operators are not concerned with the check point down here at Iron Creek at all; it doesn't affect these people at all. They travel through the Territory, back and forth the same as if there was no check point in existence. Now, these same people naturally may come in contact, I don't know if they will or not, but they may come in contact with people coming from Iron Creek directly to Fairbanks and Anchorage up the Alaska Highway. They are going to stop at your gas station and say "well now I've already paid for all my fuel down there at Iron Creek; I've paid for it but I need some more". What do they do. Do they serve them fuel without the tax because they've paid for it according to five miles per gallon to the border? Is this what they do; they just serve them fuel without the tax because they have a paper in their hand that says they paid all the tax right to the border or what do they do. How do they go about serving these people with fuel?

Mr. Legal Adviser: If a person has a ..... or a document to show that he is entitled to buy duty-free fuel because he is a through truck operator then he will have an arrangement whereby he pays for the fuel and he pays whatever price he is charged and either he, or in the design we have in the Ordinance, the original distributor will have claims made back until in the original sheet showing the duty paid to the Territorial Treasurer the exemption is claimed and verified in accordance to form. This is the normal thing. But any service station operator who casually sold fuel to a truck, whether diesel fuel or gasoline fuel and accepted the man's word that he was a privileged through truck operator, would have to pay the fuel tax himself which he failed to collect. Now, any operator travelling through here is in breach of the law if he hasn't got the correct document permitting him to operate in the manner in which he operates and if there are instances of breach of the law, well then if any instances or succession of instances are brought to the Government's attention, the Government will do something about it but so far as the buying of fuel is concerned we don't anticipate much difficulty with the Ordinance. It's a fairly flexible Ordinance but operators should not sell fuel except at full price unless the person who buys it can produce his correct numbering and documentation; name, address and everything in accordance with his ..... which would be displayed and must be displayed at all times on his truck and the papers that go with it be kept in the truck for inspection.

Mr. Livesey: Well, Mr. Chairman, will the Administration admit that there are trucks using the Alaska Highway now who pay no tax and trucks that do pay tax.

Mr. Commissioner: Mr. Chairman, very, very obviously so.

Mr. Livesey: Yes, but I mean trucks that come from outside the Yukon and should be paying tax and who do not pay tax.

Mr. Livesey: Mr. Chairman, we are the first to admit that this situation exists, and to my knowledge I trust that no one in my Administration has ever denied this fact.

Mr. Chairman: Have you anything further on this Bill?

Mr. Shaw: Just one question Mr. Chairman. We were discussing P.S.V.s so the question might be in order in relation to this, whereby they are restricted to so many for a certain area for certain purposes.

Mr. Chairman: This is a point of order. We are discussing the Fuel Tax Ordinance.

BILL NO. 12

Mr. Shaw: Well, I think this all comes under the matter of what we are discussing, Mr. Chairman.

Mr. Chairman: Does Committee agree that we go on discussing this other item? Agreed?

All: Agreed.

Mr. Chairman: Proceed Councillor Shaw.

Mr. Shaw: The question, Mr. Chairman, was that they are restricted in areas. They get so many for Watson Lake and so many here and there and these people have it so that they can make a living because there aren't too many doing the same business. At the same time, when contracts are let, Public Works contracts or people from outside areas come in with large equipment and having won this contract, of course I can quite understand that they have to be given a P.S.V. in order to be able to operate. I have no objection to that. But these same people, having got it for this specific purpose are then perfectly free to go into competition with the local people with this large equipment and in effect almost put them out of business. I did make representations or complaints about that to the Motor Vehicles Branch and they were going to see what they can do about such a thing and I wonder if they have made any progress in respect to this, Mr. Chairman.

Mr. Legal Adviser: Mr. Chairman, this is a very flexible situation with regard to P.S.V. licences, particularly at the present time. The House is aware that the Government introduced a Bill at the last Session to control this whole operation and set up a Public Utilities Board which would have the whole overseeing of the issue, the conditions and even controlling any increases in freight rates which might be imposed by operators of P.S.V. licences. This Bill failed. The only control we have at the moment is that the Commissioner seeks the advice of a Board which he has set up and every application for P.S.V. licence must come before that Board but an operator, when he tenders successfully for contract with D.P.W. or with the Territorial Government, he must get the necessary documentation and he must apply in the ordinary way without privileges to the Registrar for the issue of a licence. Normally that licence will be referred for advice to the Board set up to consider it and in a normal case the Commissioner will accept their advice. But they must advertise and they must face any objections. In the case of a restricted P.S.V. licence, the objections are usually less vociferous and they might be easier to grant because there is no reason why a contractor should not have a certain limited licence for a particular operation but I don't know of any case where an operator was given a blanket P.S.V. licence for all purposes merely because he got a contract and then turned to private competition. If this happened then at some future time possibly the matter may be reviewed but licences are a very flexible situation for obvious reasons that business and economic activity is increasing. So it is a matter for the Board to consider in each case whether a particular licence should be granted and if the business increases then normally licence would increase with it but the Board is a local Board, appointed locally, takes its decisions locally and they have a certain bias towards Yukoners who apply for licences as opposed to outsiders and possibly it might be easier for a person here to make a case if he needs a licence because he knows more about it but it is open for anybody to apply and get one.

BILL NO. 12

Mr. Shaw: Mr. Chairman, it sounds very good, what Mr. Legal Adviser has just said and it no doubt is the truth. When we talk about locally we talk about Whitehorse, I think and that is just at the bottom if you look at the map. It is nearly on the B.C. border; in fact it might be extended down in a very short time, you never can tell. But my complaint was, Mr. Chairman, that these people, they get a contract, a Public Works Contract. It is obvious that they must have permission to do the job. It must be competitive and I have no brief whatsoever with that but it would appear to me that any firm that gets a government contract for a section of road in such an area that that is restricted to doing the work on that particular section of road; not getting into the local business where a person already has a P.S.V. When I complained about that a year ago I was told that there was nothing that could be done about that. They got a P.S.V. licence so they can work in that whole area and I think the Deputy Registrar will corroborate the fact that I went to him on that and that nothing was done and I wondered if it wasn't about time that something was done in respect of matters such as this.

Mr. Commissioner: Mr. Chairman, as far as the actual complaint that Councillor Shaw raised, we looked into this very carefully at the time and, unfortunately, the validity of the complaint that he laid was very real and also unfortunately it was not confined to the Dawson area. It is prevalent throughout the Yukon Territory and I would like to suggest that until such time as we have some type of a public utilities type operation such as is prevalent in the provinces on our southern boundaries, it is practically an impossibility for us to legislate and to administer every last single detail of these conditions that come up. There is not enough paper printed but I say this; that when we run into a particular situation of this nature there is not only the problem of the issuing of P.S.V. licences, there is also the problem of the issuing of business licences and it is the combination of these two things that come together that make, literally speaking, life very, very difficult for the localized operator when all of a sudden he finds himself surrounded in his business territory by a big wheeler dealer from the outside world who has got multitudinous equipment of modern, up-to-date nature that has got the capacity for doing as much work in one hour as what all the local contractors' equipment put together has got the capacity of doing in one day, and I thoroughly sympathize with the problem that Councillor Shaw brought to our attention at that time and I can assure Council that we have looked at it very carefully but without public utility type legislation I am afraid that we are pretty well stymied as far as doing anything about it is concerned.

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

Councillor Chamberlist takes the Chair.

Mr. Taylor: It gives rise to a question, Mr. Chairman, would then the Administration, of course recognizing the need for a Public Utilities Commission, agree possibly at this Session to put forth a Bill along the lines suggested by the representatives of the people where the legislature are involved in the creation of this particular body.

Mr. Commissioner: Mr. Chairman, it is not my Administration's intention to bring forward legislation at this Session but I mentioned in my opening address that in connection with another matter, which is related to it, it may be necessary that we bring this legislation forward at another session of Council.

Mr. Taylor: Thank you Mr. Chairman, I will resume the Chair.

BILL NO. 12

Mr. Chairman: Now may we return to the matter of the Fuel Tax Ordinance. I wonder what your pleasure is in relation to Bill No. 12.

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

Mr. Chairman: Is there a seconder?

Mrs. Gordon: Mr. Chairman, I would second that Motion.

Mr. Chairman: It has been moved by Councillor Shaw, seconded by Councillor Gordon, that Bill No. 12 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

Mr. Chairman: This brings us to the end of all work that we can do. We have one Bill remaining in Committee at the moment and we have one Motion in Committee which is awaiting discussion in Main Supply. What is your pleasure?

Mr. Dumas: Mr. Chairman, don't we have two Bills in Committee. Oh, pardon me, you are right.

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

Mr. Chairman: May we have a seconder.

Mrs. Gordon: Mr. Chairman, I would second that Motion.

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

MOTION CARRIED

MOTION  
CARRIED

Mr. Livesey: Thank you Mr. Chairman.

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

REPORT OF  
CHAIRMAN  
OF  
COMMITTEES

Mr. Chairman: Mr. Speaker, Committee convened at 10:35 A.M. It was moved by Councillor Dumas, seconded by Councillor McKinnon that Bill No. 8 be reported out of Committee without amendment. This Motion carried. Committee recessed at 10.50 A.M. to attend the swearing in ceremony of the new Judge of the Territorial Court, Judge Maddison. Committee reconvened at 2:10 P.M. It was moved by Councillor McKinnon, seconded by Councillor Dumas that Bill No. 9 be reported out of Committee without amendment and this Motion carried. It was moved by Councillor Dumas, seconded by Councillor Shaw that Bill No. 10 be reported out of Committee without amendment. This Motion carried. It was moved by Councillor Shaw, seconded by Councillor Gordon that Bill No. 12 be reported out of Committee without amendment, this Motion carried. And it was moved by Councillor Shaw, seconded by Councillor Gordon, that Mr. Speaker do now resume the Chair and this Motion also carried.

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



Mr. Taylor: Mr. Speaker, in respect of the Agenda, we have now concluded all the work we are able to do in Committee at the moment. However, I note that Mr. Clerk, during Committee today distributed copies of Bill No. 13 and I would like to move that we suspend Standing Order No. 41 and revert to Orders of the Day in order that this Bill could be introduced at this time.

Mr. Shaw: I would second the Motion.

BILL NO.  
16

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Dawson, that Standing Order No. 41 be suspended at this time for the purpose of introducing Bill No. 13, An Ordinance for Granting to the Commissioner certain sums of money to defray the expense of the Public Service of the Territory. Is the House prepared for the question?

Mr. Chamberlist: Question. Mr. Speaker, I do not approve of setting aside the regular rules of the House unless it is a specific ..... and therefore I consider that there is no emergency and I will therefore vote to the contrary.

Mr. Taylor: Mr. Speaker, in proposing the motion it was not intended, if I thought for one minute that this could be properly handled tomorrow I certainly would not propose the motion and to put the Member at ease, it is not my intention to obstruct or to do anything here. What I am trying to do is point out to Members of Council who are also Members of Committee that tomorrow morning they have no work to do and in order that we can more expeditiously proceed with the business of the Territory I suggested this evening that by introducing this Bill, reverting to Orders of the Day to introduce the Bill, that tomorrow morning we could then proceed, if it is the wish of Council, with the first and second reading, thereby giving us something to do tomorrow. However, this is going to require unanimous consent and I would ask the Member if he would bow to the wishes of the other Members of this elected body and permit us to proceed with work tomorrow morning; otherwise we will have to do the same thing tomorrow morning in order to proceed or shut down and go home. Many of us have come some distance into this community of Whitehorse in order that we can proceed with this business. Now, may we have the co-operation of the - or the Members from Whitehorse who live here in order to assist us in being able to carry on with the duties we were elected by the people of the Yukon to so do.

Mr. Shaw: Mr. Speaker, in seconding the Motion I did it for the same purpose as outlined by the Honourable Member from Watson Lake. I would also ask the Whitehorse Members if they would take into consideration the fact that some of us do travel a long way. Tomorrow we just have - if we do not handle this at this time, tomorrow we have two Sessional Papers. That is all the business we have for tomorrow unless we tackle this very important piece of legislation. I cannot see any harm in doing it. It is the Main Budget. We have to tackle it some time and I would ask the indulgence of the Whitehorse Members to endeavour to get this business on the road just as soon as possible.

Mr. Chamberlist: Mr. Speaker, if you will allow me to speak a second time..

Mr. Dumas: Let him be heard.

Mr. Chamberlist: Mr. Speaker...

Mr. Speaker: Does the House unanimously agree that the Member may rise?

All: Agreed.

Mr. Speaker: Proceed, Mr. Chamberlist.

Mr. Chamberlist: Mr. Speaker, I've made my position clear that to me there isn't an emergency. This morning when there was a waiving of the rules, if I wanted to vote contrary to that the same thing would have applied and I could have perhaps delayed. I felt then that there was a necessity for the rules to be waived but I don't feel there is a necessity for the rules to be waived today. I regret that Members, some of the Members of the Territorial Council do come from outside Whitehorse and I think this is only proper that we have representatives from outside Whitehorse, although we can manage without them at times. But the point that I make, Mr. Speaker, with all due respect to the Honourable Member from Watson Lake, that he must recognize that if we are to continue to set aside the rules we might as well tear them up. I am of the opinion that it is not an emergency and I will vote contrary.

Mr. Speaker: Is the House prepared for the question?

All: Question.

Mr. Speaker: Are we agreed?

One Member: Contrary.

Mr. Speaker: Contrary minded? Did I hear a contrary vote?

Mr. Chamberlist: Yes, Mr. Speaker, contrary.

Mr. Speaker: I will declare the Motion defeated.

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

Mr. Speaker: Are we agreed?

All: Agreed.

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

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Thursday, March 13, 1969.  
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 will now call the House to Order. I have for your attention some procedural deletions and typographical errors in the journals for the attention of the House. Foot of Page 11 March of the 11th, the Motion that Mr. Speaker do now leave the Chair is missing from the records, on Page 51 March 11th, Mr. Speaker, you have heard the Report of the Chairman of Committee, Are we Agreed, the fact that the House did agree is missing from the records and on Page 53, the words "procedure motion" in Paragraph three and Paragraph 6 should be "procedural motion". May I also draw to your attention the tabling of Sessional Papers Nos. 13-16 inclusive. Are there any Reports of Committees?

CORR. TO  
JOURNAL

TABLING  
SESSIONAL  
PAPERS  
#13-16

Mr. McKinnon: Mr. Speaker, The Financial Advisory Committee met on February 3rd, February 16th and March 10th to examine the operation and maintenance portion of the 1969 budget. We are pleased at this time that these estimates are available for Council's study. Under Operation and Maintenance, gross expenditures totals \$13,138,946.00 against which revenue has been estimated at \$4,225,223.00 and recoveries at \$3,711,240.00. This results in an estimated operating deficit of \$5,202,483.00. Particulars of these figures will be found in the Operation and Maintenance side of the 1969 main estimate. Against the estimates operating deficit the Territory may expect to receive from the Federal Government under the new Federal Territory Financial Relations Agreement, covering the fiscal year 1969-70, a deficit grant of \$5,306,014.00. Estimated therefore is a surplus of \$103,531.00, which is subject to adjustment according to additional requirements. Estimated revenue for 1969-70 is shown as \$4,225,223.00 arising principally from taxation and liquor profits. Major tax sources are fuel oil tax, \$1,470,650.00, liquor tax, \$250,000.00, and school tax \$347,257.00. Liquor control profits have been estimated at \$1,350,000.00 with an additional \$12,180.00 coming in from licenses issued under the Liquor Ordinance. The Revenue total of \$4,225,223.00 shows a marked increase over the figure for 1967-68, which was \$2,893,738.00. The increase is due to higher business activity in the Territory with particular reference to mining into changes in taxation intended to produce higher revenue. Expenditure has been estimated at \$13,138,946.00 recoveries at the figure of \$3,711,240.00, net expenditure therefore has been estimated to amount to \$9,427,706.00. This compares with net expenditure estimated for the previous year of \$8,530,458.00. The difference of \$897,248.00 represents the substantial increase but is not out of line with the trend of Operation and Maintenance expenditure in recent years. The departments which count principally for the increase are Personnel Services, \$560,012.00, Education, \$194,174.00, and Municipal Affairs, \$175,625.00. The deficit grant receivable in respect to 67-68 and 68-69 under the fiscal arrangement, covering these two years are expected to produce a surplus on the 31st of March, 1969 of \$677,808.30, Thank you very much, Mr. Speaker.

FINANCIAL  
REPORT

Mr. Chamberlist: Mr. Speaker, on a Point of Order, I wonder if the Honourable Member from Whitehorse North is prepared to admit that the report that he has given out is in fact the report of The Territorial Treasurer which was addressed to the Commissioner.

Mr. McKinnon: Mr. Speaker, it is the report of the Budgetary Programming Committee, which is as you know a meeting of both the Administration and the Council's Financial Advisory Committee.

Mr. Chamberlist: A point of Order again, I point out Mr. Speaker, that I followed word for word the report of the Honourable Member from Whitehorse North from the letter that was attached to the Budgetary documents.

Mr. McKinnon: Yes, Mr. Speaker, this is our report at the beginning of the estimate.

Mr. Chamberlist: Thank you.

Mr. Speaker: I don't consider that there is any Point of Order as this seems to be a question of difference of opinion, which is then a question of a debate rather than Point of Order. Introduction of Bills?

Mr. Taylor: Mr. Speaker, I would beg leave to introduce at this time Bill No. 13, namely an Ordinance for granting to the Commissioner certain of money to defray the expense of public service in the Territory.

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

Mr. Speaker: I'm sorry, could I have that repeated please.

INTRODUCT- Moved by Councillor Taylor, seconded by Councillor Dumas, that  
ION BILL Bill No. 13, namely an Ordinance For Granting To The Commissioner  
#13 Certain Sums of Money To Defray The Expenses Of Public Service  
in the Territory, be introduced at this time.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Are there further Introduction of Bills at this time? Notices of Motion or Resolution?

NOTICE Mr. McKinnon: Mr. Speaker, I would like to give Notice of  
OF MOTION Motion concerning Sessional Papers Nos. 13 and 16.  
#7

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

Mr. Speaker: Are there further Notices of Motion or Resolution? Notices of Motion for the Production of Paper? Motion No. 2 has, I believe been moved into Committee by procedural motion, may we proceed to Motion No. 3.

Some Councillors: Question.

Mr. Speaker: Motion No. 3 was moved by Councillor Chamberlist, seconded by Councillor Shaw, that Sessional Papers Nos. 4 & 8 be passed into Committee of the Whole for Discussion. 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 Whitehorse West, seconded by the Honourable Member for Whitehorse North, that the Administration study the feasibility of introducing legislation making it mandatory for all trade unions operating in the Yukon to establish Yukon locals. Is the Honourable Member for Whitehorse West prepared at this time to discuss Motion No. 4?

MOTION  
#4

Mr. Dumas: Yes, Mr. Speaker, I'll be rather brief. I'd like to point out that it does ask for a study of the feasibility of introducing this legislation. A year ago, this session, we had union members representing all of the unions in the Yukon, members from outside up here discussing various problems with us and this was one of the problems that we discussed. As we made clear at that time, we wanted preference given to citizens of the Yukon when hiring for Yukon jobs. We were assured that this would be done. Since then, its been brought to my attention on several occasions, that in fact, people have been told that they had to go to Vancouver to join a union before they could work on a project in Whitehorse. In some cases, and at least one case that I know of, a person went to Vancouver to join the Union and was told that they would let him in but his name would be placed on the bottom of the list and there were some fifty or so people on the list outside waiting for jobs and these people would have preference for those Yukon jobs that came open. This type of thing, I feel, is absolutely unfair to the Yukon working man. I'm talking about the qualified Yukon working man, the qualified tradesmen. I believe that a citizen of the Yukon should have first opportunity to work on projects in the Yukon. One of the ways of assuring this is to establish Yukon locals for the unions. In some of the unions they now have Yukon locals, but those that don't have this practise of making a person go through an outside local in order to work in the Yukon. I haven't had the time nor indeed the money to go ahead and follow through a lot of these complaints we don't have at our disposal the wherewithall that the Administration has. I think if we ask the Administration to make a study, I'm prepared to give names and dates to the Administration which they can follow up and find out if this practise is occurring and if it is, I would like to see them place before Council at the Fall Session, making it mandatory for trade unions to establish Yukon locals. If the legislation isn't necessary then at least we can have a Sessional Paper discussing the matter.

Mr. Chamberlist: Mr. Speaker, I concur with the principle of the motion itself. I know that there have been many problems brought about by the abundant manner in which outside union organizations have opposed the principle that Yukon residents be employed when they have, on their own books, in Vancouver or Rupert, Prince Rupert, members of their own union, wherever they live, not employed. The only point I question, that the Honourable Member has made, is the question of whether we should leave until the Fall Session for legislation to be brought about because of the very busy construction year that we are looking forward to this year, especially the construction of the Faro townsite. Now, Mr. Speaker, just very recently, a week or so back, a Member of an Electrical Trades Union whose branch is 230, and whose branch is Vancouver, was offered

Mr. Chamberlist continued:

MOTION  
#4

employment at Anvil, and he was unable to be employed there because, although he is a union member and has been a longtime resident of the Yukon, they felt that they could not employ him because he didn't belong to the Prince Rupert local, who say --this is the electricians-- that the Yukon is their jurisdiction. Consequently, we have a case of the unions fighting each other at locals to the detriment of the residents of the Yukon Territory. Here is a case where a man is actually in the International Brotherhood of Electrical Workers, and because he belongs to a Vancouver Union, when the Prince Rupert union were not even interested in having anybody from the Yukon on their books and belonging to their branch, this fellow can't get employment, although the employment is there for him. I contacted the Prince Rupert union organizer in this particular thing and he said well we have 53 electricians out of work now, why should we give it to somebody when we have these people out of work. Now, Mr. Speaker, if Members of Council will recall, when the union organizers were up here and we had a meeting with them, I, at that time, made it clear that I would support legislation that would prevent them from carrying on in this manner by having the Territorial Government introducing legislation which would not recognize a union agreement that was made outside of the Territorial jurisdiction if there was not a local hiring office. I think that its necessary, now, especially after Members of Territorial Council have been very very patient in this, taking cognizance of the fact that we have a responsibility to the people who live here, to see that when there is employment available in the Territory that that employment should be available for local people. If they were not qualified to do the work, this would be an entirely different matter, and there might be circumstances where outside people would have to be brought in, but while there are employees available, this should not detract at all from the fact that employment must be given to them first. Now I would ask that all Members of Council not only agree with this motion that has been proposed because it is very sound and very very much needed, that a study be made of it, but the study should be a prompt one, I think it should be prompt, it should be acted on quickly and expeditiously and there should be no hazing with the union organizations, that they should be told what the position is. I would also add, Mr. Speaker, that in speaking to a number of Presidents of local union organizations, who are residents in the Territory, they agree wholeheartedly that opportunity for work must be given to local people, because they themselves are local people and they understand the position. I again would ask the support of the whole Council for this Motion and also that the Administration take steps to put the Motion into effect as quickly as possible. Thank you, Mr. Speaker.

Mr. Speaker: Is there any further discussion?

Mr. Shaw: Mr. Speaker, I haven't anything much to add to what has been said except that I concur with it wholeheartedly, I would feel that no labour union should be recognized in the Yukon Territory unless it has a local right in the Yukon Territory and I think its just as simple as that as far as I am concerned.

Some Councillors: Question.

Mr. Speaker: Question has been called, are we agreed?

All: Agreed.

Mr. Speaker: I will declare the Motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: Motion 5, Moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Whitehorse West, reference Frontier Package - Teslin, that the Northern Service of the Canadian Broadcasting Corporation be asked to investigate the possibility of establishing a five-watt Frontier Package at the community of Teslin. Would the Honourable Member be prepared at this time to discuss the Motion No. 5.

MOTION  
#5

Mr. Taylor: Yes, Mr. Speaker. The Motion rises here, today in light of the fact that it has always generally been the practise where a community requires these services, that we bring it to the attention of the CBC by these Council Chambers. Unfortunately, in the past, it has appeared that in the case of L.P.R.T.'s at least, that it usually takes three years from the time you generate the idea in this Council Chamber until the idea bears fruit and these facilities are provided. With this in view, I would ask the support of Council in my effort to bring to the attention of the Canadian Broadcasting Corporation the necessity for a survey to look into this matter and see if indeed that Teslin would be able to acquire a television facility. I might say that now in Watson Lake we have the Frontier Package in operation and it is now giving us four hours, what some people term canned Canadian culture and a little bit of entertainment thrown in to boot, but really and truly we're quite pleased with the facility at Watson Lake and we found that this extends not only to Watson Lake itself, but to Lower Post, to the Indian Residential School and down as far as the Liard to a native village there and to the Airport. The benefit this is giving to the children is beyond description. They're seeing things portrayed that they've only seen in books in school textbooks and so forth, and now they can actually see wildlife, game, and peoples of the world and it's really an eye opener. I've heard reports both from the Fathers at the school and from the people at the Liard and they're just very pleased. I have also talked with the CBC installation crew and they tell me that a five-watt station would more than adequately service the Teslin area and so consequently this is why the Motion appears before you and I would certainly encourage the support of all Members in Council.

Mr. McKinnon: Mr. Speaker, I would certainly support the Motion but just to further the remarks that Councillor Taylor has made and knowing the way that our Canadian Broadcasting Corporation works, wouldn't it be more feasible to put the study of receiving a satellite receiving station in Teslin at this time, rather than a Frontier Package?

Mr. Speaker: Is there any further discussion? Is the House prepared for the question on Motion 5?

Some Councillors: Question.

Mr. Speaker: Are we Agreed?

All: Agreed.

Mr. Speaker: I will declare the Motion carried.

MOTION CARRIED

MOTION  
CARRIED

MOTION  
#6

Mr. Speaker: Motion No. 6, Moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Carmacks-Kluane Lake, reference L.P.R.T. facility Ross River. That the Canadian Broadcasting Corporation (Northern Service) be asked to consider the installation of a L.P.R.T. facility at Ross River and Faro Townsite as soon as communication facilities permit. Would the Member for Watson Lake be prepared now to discuss Motion No. 6?

Mr. Taylor: Yes, Mr. Speaker, my remarks in relation to Motion No. 6 would be much similar to Motion No. 5. However, there is one added attraction involved here. What I'm asking the CBC to do of course, is to consider the installation of these L.P.R.T. facilities in both these communities. I think if Members of Council will recall, the Federal Government made some Agreement with the Anvil Mining Corporation in respect of the development to be at the Anvil townsite and complex with is now known as the Faro townsite. Now, it seems to me that in that Agreement they no doubt will have television and radio and all these things. This must have been promised at the Ottawa level and of course as all Members are aware we weren't part of this Agreement. Now what I am concerned with is that Ross River may be bypassed in the installation of these facilities and lately the Canadian National Telecommunications' people are in the process of putting in a U.H.F. Communications system that is, rather than a land line, something which is transmitted. This communications system will also carry to Ross River. It is my hope that the CBC will be able to utilize a channel or two channels or whatever is required from this U.H.F. system, to further these transmission facilities to the Community of Ross River, who have waited so many years for this facility. That is the reason behind the Motion. Again, I would encourage the support of Council in this endeavour.

Mr. Speaker: Is there any further discussion on Motion 6?

Mr. Dumas: Question.

Mr. Speaker: Are we Agreed?

All: Agreed.

Mr. Speaker: I will declare the Motion Carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Mr. Clerk, I wonder if you would now please inform the Commissioner that we are prepared to proceed with the question period? I will call a five minute recess.

RECESS

Mr. Speaker: I will now call Council to Order. We are proceeding with questions, at this time. Are there any questions?

QUESTION  
RE ANSWER  
TO QUEST.  
#4

Mr. Chamberlist: Mr. Speaker, I wonder if Mr. Commissioner could say when answers to question No. 4 - Re R.C.M.P. Compound will be forfeited?

Mr. Commissioner: Mr. Speaker, I'm sorry I can't say exactly when but the questions I believe, were asked yesterday and I am sure that they are in the process of...the answers are in the process of being prepared and will be brought forward.



Mr. Taylor: Mr. Speaker, I have a question I'd like to direct to Mr. Commissioner this morning which relates to the development of a Legislative and Administrative complex, Territorial Government complex sort of thing, something we've been working on for the last two or three years. I'm wondering if Mr. Commissioner could advise me if any site location work has been completed in respect of the placement of this new Legislative building.

QUESTION  
RE NEW  
LEGISLATIVE  
BLDG.

Mr. Commissioner: Mr. Speaker, last year I should say the current fiscal year that we are in, there's an item in the estimates that relates to this. This in turn is related to the further development of the Whitehorse Metropolitan area plan. I think that Councillors are aware that under the original plan made by Central Mortgage and Housing Corporation, a site which we could refer to as the "old post office" site and the adjacent area was indicated as a future capital site. I think it was the desires of the Members of Council and also the City Council to have this examined in the light of current and reasonably anticipated future developments in the city. We have invited a firm of consultants to give us proposals concerning the updating of the Metropolitan area plan, which in turn, would involve the examination of the presently proposed site to see whether this is the one that should be developed or whether other sites should be developed. Now that is the status of this matter at the moment.

Mr. Speaker: Are there further questions?

Mr. Shaw: Mr. Speaker, I wonder if the Commissioner can inform Council whether or not the Chairman of the Board of Transport Commissioners, Mr. Pickersgill, has ever acknowledged the invitation sent to him to visit the Yukon by Council, about two or three months ago?

QUESTION  
RE INVITATION  
TO MR.  
PICKERSGILL

Mr. Commissioner: Mr. Speaker, to my knowledge, I signed a paper in this regard this morning. I don't know if it is here on the Councillors' desks or not yet. Yes, Mr. Speaker, it's headed up here Sessional Paper No. 15 and the final paragraph (reads S.B.#15).

Mr. Shaw: Thank you, Mr. Speaker, I'm sorry I asked that at this time. I hadn't had the opportunity to read this morning's Sessional Papers.

Mr. Taylor: Mr. Speaker, I have another question I'd like to direct to Mr. Commissioner this morning, having reference to the Watson Lake-Ross River Highway, the Campbell Highway or the Ross River-Watson Lake section. In view of the increase traffic and in view of the fact that a good portion of this road was built to a minimum standard many years ago, and in view of the fact that it is now becoming completely unsafe and in areas impossible to pass vehicles, is it anticipated that the Administration either Federal or Territorial will be widening the road this current year?

QUESTION  
RE CAMP-  
BELL ROAD

Mr. Commissioner: Mr. Speaker, the answer to this question is yes, but not in the current year. The anticipated time for this road widening I could bring forward and would be quite happy to table a written answer to the approximate scheduling of this on the Road Priority Program, but I think that Council would realize that while there is increased traffic on this particular highway there is much greater traffic increases on other roads. The monies that are available are being assigned on a priority basis in line with known traffic patterns. If I can have the opportunity of bringing forward such information as we have in this regard, Mr. Speaker, I would be most happy to do so as it relates to the highway that is in question.

QUESTION RE ACORN LUMBER CO. Mr. Chamberlist: Mr. Speaker, a question addressed to Mr. Commissioner, Mr. Commissioner, it is my understanding that the Henry MacMillan River area, a Company known as Acorn Lumber Co. have been granted timber limits. Is the purpose of this to ship out the logs as logs or is it the purpose to cut the lumber and strip them and treat them before it is shipped out?

Mr. Commissioner: Mr. Speaker, the information that has been stated by the Councillor is quite accurate. As far as the use to which the timber cut will be put, I would have to bring forward that answer. I do not have it immediately available.

QUESTION RE NEWS-LETTER Mr. Chamberlist: A question, Mr. Speaker, to the Commissioner, Mr. Commissioner, in the newsletter that you forwarded to Territorial Council, which incidently is very informative to us, why is there continually no report on Recreation, Legal, Central Registry, Territorial Treasurer, collective factors of Municipal Affairs?

Mr. Commissioner: Mr. Speaker, I would suggest that the department heads involved would answer that question on their own. I would be very hopeful that the nil reports opposite these particular departments would in the course of time become eliminated. May I say a word with regard to this Newsletter, Mr. Speaker, while I'm on my feet, this Newsletter has been developed in the course of the last couple of years as a consequence of continuing requests from Council to be kept informed on progress of departmental activities. I'm very pleased that Councillor Chamberlist has indicated that he finds it very informative. This is the information that I get from other Councillors and the department heads who supply this information are becoming, I would say very prompt and very good at bringing forward this informative matter and I'm very hopeful that in the next few months that we might be able to develop this into a Newsletter that would not only be available to Members of Council but would be made available as a general publication of the Territorial Government. I think it is highly desirable that we let the general public know what we are doing and I would also say that the departments who, at the present time possibly on some continual basis, are indicating nil reports are for the most part departments that are one-man operations. In many instances the people involved were called upon to spend time in making these reports, it would be time that would be taken away from duties of which they are urgently required to be performing otherwise. I would apologize on their behalf but I am sure that as soon as the opportunity presents itself that they will be making information available in these Council newsletters, Mr. Speaker.

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

QUESTION RE FOREST FIRE HAZARD Mr. Taylor: Mr. Speaker, I have another question relating to the Forest Industry and fire protection. In view of the recent announcement by the U.S. Meteorological Forecast people, which would indicate to us that we may experience this season an unusually dry and unusually warm summer, and in view of the possibility of a higher fire rate than last year, I wonder if Mr. Commissioner could inform Council this morning, as to whether or not in the opinion of the Administration, there are sufficient funds available to ensure adequate forest fire protection, for the Territory and its resources this season.

Mr. Commissioner: Mr. Speaker, I'm sure that the word adequate as far as any Government service is concerned could be interpreted by 18,000 different people in 18,000 different ways. All I could say to you is that I am quite confident that my department, and in this case it is the Federal department that is involved, have made available what they consider to be the necessary funds to provide an adequate level of forest fire protection in the area. However, I don't know whether I can have this detail available for Council during this Session or not, but I would certainly undertake to make available to Councillors the actual monies in relation, that have been voted say for this coming year, in relation to what has been the pattern for several years in the past. I would endeavour to make this available as promptly as possible.

QUESTION  
RE  
FORESTRY

Mr. Taylor: Supplementary, to my last question, Mr. Speaker, again in light of the sudden move by the Federal Government in Forestry to impose a very highly sophisticated list of requirements and restrictions upon logging operations in the Yukon, and in light of the fact that there are certain areas of the Yukon which contain timber, mercantile timber, as recognized by the Carr Commission Report and where we have operators working in the Yukon, would the Commissioner be able to indicate this morning as to whether or not in light of these requirements and the restrictions placed upon these people, that they will receive 1. A priority in fire protection this summer, in order to preserve the facilities and projects that they have undertaken in the forest products industry?

Mr. Commissioner: Mr. Speaker, I could not give assurances of that nature. I could determine what the policy will be with regard to it, but I'm certainly in no position to give that kind of assurances.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I would like to ask the Commissioner where one can obtain information regarding the loans to small businesses recently announced by his Minister?

QUESTION  
RE LOANS  
TO SMALL  
BUSINESSES

Mr. Commissioner: Mr. Speaker, at the present time there is no definitive information available. The terms and conditions under which this money is to be made available are presently under study and are being compiled by the Federal Department of Finance and the Department of Indian Affairs and Northern Development in Ottawa and as quickly as these regulations have been made available the necessary machinery will be getting set up so that the funds as outlined can be channeled into productive deals in the Territory.

Mr. Dumas: I was just going to, if I may, Mr. Speaker, elucidate a little on that. I've tried to follow this through and I was told finally that its highly unlikely that these funds would be made available for this building season. In other words they probably won't be finalized until August or September. This was the information that I had from a good source.

Mr. Taylor: I have on final question this morning, Mr. Speaker and I think it is one that everyone in the Yukon Territory is very concerned about and as the populations sit in the outlying districts, as they do in Whitehorse, with bated breath, they would wish to know if the announced proposal for the reduction in the prices of western beer and ale will in fact result in a

QUESTION  
RE BEER  
AND ALE  
PRICES

Mr. Taylor continued:

QUESTION RE BEER & ALE PRICES      lowering of prices in licensed premises to the consumer in the Yukon Territory or if indeed that possibly this would only extend to those who buy from the Government Liquor Store. I wonder if Mr. Commissioner could give me a yes or no answer as to whether this will result in a reduced price of beer at the tavern, cocktail lounge level?

Mr. Commissioner: Mr. Speaker, I would say that this is a matter that the operator of the licensed premises in question will no doubt have to take under consideration for themselves. Our approach to this is one whereby we have control of the price that it is sold at the liquor store level and the program that we have endeavoured to embark upon here is one which will lower the price at that particular level and also remove all the pricing anomalies that presently exist in beer pricing throughout the Territory.

Mr. Speaker: Are there any further questions?

QUESTION RE LOANS TO SMALL BUSINESSES      Mr. Shaw: Mr. Speaker, due to the importance of the proposed loan that has been mentioned to small businesses, I wonder if the Commissioner would be able to ascertain from the Northern Affairs Department or the Minister, whether this will be available for this Summer's business or not?

Mr. Commissioner: Mr. Speaker, I will do my best but I think it is only fair and right to say that an anticipation of anyone who is in business in the Territory at the present time to get the use of this kind of money to do the many good, for the should we say the tourist season or the summer season, I would suggest its very highly unlikely but I will definitely make further enquiries.

Mr. Speaker: Are there any further questions?

QUESTION RE RESOURCES      Mr. McKinnon: Mr. Speaker, I would like to ask a question of Mr. Commissioner, whether agreements between the companies removing resources from the Yukon Territory and the Federal Government could be tabled in this House so that though we have no say in what happens to our resources, we could at least know what we're being stripped of at the time.

Mr. Commissioner: Mr. Speaker, would it be a reasonable assumption that the Member would be referring to an Agreement such as the Anvil Agreement which we tabled for Council's information.

Mr. McKinnon: Acorn Lumber Co. which definitely must be an Agreement between the Federal Government and the company in question because no one here has seen any agreement regarding the removal of timber resources from the Yukon Territory with Acorn Lumber Co. Does anybody here know under what acreage they're working under? Does anybody know what the terms and conditions are? Has anybody seen the Agreement? Is this not happening in the Yukon Territory? Could we have this type of information tabled. As Phil Givens said when he was up here, "when you're getting raped you should relax and enjoy it," well I'm not one of those who does Mr. Speaker, and I was just wondering if this type of agreement could be tabled in this House so we could know what's happening to our resources with the Federal Government.

Mr. Commissioner: Mr. Speaker, I can't answer one way or the other in this regard, but if Council will give me the opportunity to make the necessary enquiries, I would be happy to do so.

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

Councillor Taylor takes the Chair.

Mr. Speaker: Councillor Livesey.

Mr. Livesey: Mr. Speaker, I have three written questions this morning addressed to Administration. My first covers Beaver Creek Airstrip 1. When was the present airstrip at Beaver Creek first surveyed? 2. Was the survey carried out under the auspices of the Department of Transport of the Federal Government? 3. What were the results of soil surveys, or composite earth material? 4. Have any aids to navigation, or facilities to assist in landing or takeoff of aircraft been provided or promised by either the federal or territorial governments? 5. Did the federal or territorial governments provide any financial assistance toward the clearing and levelling of the airstrip? 6. Is it proposed or otherwise under consideration that the airstrip will be recognized as a port of entry. My question No. 2 addressed to Indian Affairs by the Administration, How many children of Indian ethnic origin are presently resident at the hostel in Riverdale and b.) Are there any of a metis status, if so, how many and my question No. 3 addressed to the Administration covering the Haines Road, upon how many occasions has it been found necessary to close the Haines Road this winter? Thank you, Mister Speaker.

QUESTION  
#5, 6 &  
7.

Mr. Livesey resumes Chair.

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

Moved by Councillor Dumas, seconded by Councillor Taylor, that Third Reading be given to Bill No. 8, an Ordinance to Amend the Labour Standards Ordinance.

THIRD  
READING  
BILL #8  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Taylor, that the Title to Bill No. 8, an Ordinance to Amend The Labour Standards Ordinance be adopted as written.

TITLE  
ADOPTED  
BILL #8  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Taylor, that Third Reading be given to Bill No. 9, an Ordinance to Amend the Judicature Ordinance.

THIRD  
READING  
BILL #9

Councillor Chamberlist: Contrary

MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Taylor, that the Title to Bill No. 9, an Ordinance to Amend the Judicature Ordinance be adopted as written.

TITLE  
ADOPTED  
BILL #9  
MOTION  
CARRIED

MOTION CARRIED

THIRD Moved by Councillor Gordon, seconded by Councillor Dumas, that  
READING Third Reading be given to Bill No. 10, an Ordinance to Amend  
BILL #10 The Motor Vehicles Ordinance.

Councillor Chamberlist: Contrary

MOTION  
CARRIED

MOTION CARRIED

TITLE  
ADOPTED  
BILL #10

Moved by Councillor Gordon, seconded by Councillor Dumas, that  
the Title to Bill No. 10, An Ordinance to Amend the Motor Vehicles  
Ordinance be adopted as written.

MOTION CARRIED

THIRD  
READING  
BILL #10  
MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that  
Third Reading be given to Bill No. 12, An Ordinance to Amend The  
Fuel Oil Tax Ordinance.

MOTION CARRIED

TITLE  
ADOPTED  
BILL #12  
MOTION

Moved by Councillor Shaw, seconded by Councillor Dumas, that  
the Title to Bill No. 12, An Ordinance to Amend The Fuel Oil  
Tax Ordinance be adopted as written.

MOTION CARRIED

Mr. Speaker: May I have your further pleasure?

MOTION  
TO RESOLVE  
TO COMMITT.

Moved by Councillor Taylor, seconded by Councillor Dumas, that  
Mr. Speaker do now leave the Chair and Council resolve itself  
in Committee of the Whole for the purpose of discussing Bills  
and Sessional Papers.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker leaves the Chair. Mr. Taylor takes Chair in  
Committee of the Whole.

Mr. Chairman: I will now declare a recess.

RECESS

Page 106

Thursday March 13, 1969.

11:00 o'clock p.m.

Mr. Chairman: At this time I will call Committee back to order. SESSIONAL  
The first item of business this morning is Sessional Paper No. 4. PAPER # 4

Mr. Chamberlist: Mr. Chairman, the question I wish to ask, I wonder if Mr. Commissioner should perhaps be here as it relates to the Section 3, which reads "inquiries have been made to the local manpower center and the Department of Vital Statistics in Ottawa" and these figures are not available. The Dominion Bureau of Statistics maintains a record of the total number of persons employed in British Columbia and the Yukon, but it is a combined figure. What I want to know is, whether the Commissioner has been making any representations to the Dominion Bureau of Statistics that any figures relative to the Yukon Territory should be separated from other areas.

Mr. Chairman: Would you ask Mr. Commissioner if he could be present. I declare a recess.

RECESS

RECESS

Mr. McKinnon: Let's take Sessional Paper No. 8 and finish it.

All: Agreed.

Mr. Chairman: I'll call Committee back to order and proceed to Sessional Paper No. 8. SESSIONAL  
PAPER #8

Mr. Chamberlist: Mr. Chairman, I just wanted to know if everyone was in agreement with the name of Robert Henderson. It's fine as far as I'm concerned.

Mr. Shaw: Mr. Chairman, it's very peculiar that the person that first discovered gold in the Klondike area of the Yukon Territory, has had no recognition whatsoever in any manner shape or form that I am aware of, I do not know of a thing that gives recognition to the fact that he was the first person that came over the trail by foot and first explored that particular area in prospecting and I would...I'm very happy to see that we are at least starting to give him certain amount of recognition which he so justly deserves and I would be very pleased to move that we accept the recommendations as contained in Sessional Paper No. 8. Mr. Chairman, I would state that I was thinking that the new bridge at Dawson have his name with a plaque thereon engraved, however, I don't know as I'll live long enough to see this.

Mr. McKinnon: We'd be happy to name the Skyline after him.

Mr. Chairman: I have before me a motion moved by Councillor Shaw, seconded by Councillor Dumas that the Committee accept the recommendations contained in Sessional Paper No. 8. Are you agreed? I shall declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: We will now return to Sessional Paper No. 4 and I believe Councillor Chamberlist had a question. SESSIONAL  
PAPER #4

Mr. Chamberlist: Yes, Mr. Chairman, Mr. Commissioner, in Section 3 of this Sessional Paper the last sentence in that Sessional Paper it indicates that the Dominion Bureau of Statistics keeps combined records of persons employed in British Columbia and the Yukon. I wonder if Mr. Commissioner can say whether he has made any representations to the Dominion Bureau of Statistics pointing out to them that the Yukon is a separate geographical area and that we require, that the members of Council will require,

SESSIONAL MR. Chamberlist cont.

PAPER #4 and they have shown interest always in having statistics for the Yukon, separate.

Mr. Commissioner: Mr. Chairman, the matter of separate statistical information as it applies to the Yukon, is a matter that is becoming more urgent each day of the week. As a consequence, a general representation has been made through my departmental officers in Ottawa to the Dominion Bureau of Statistics likewise representation has been made through our Member of Parliament and representation has been made through Minister, that all statistical material that is compiled by the Bureau start to have identification not as being combined with either our Sister Territory or the Province to the south of us. If the question to me was, have I made special representation concerning this specific item here, the answer would be "no", but I am prepared to make a special representation on this matter, but it is part of an overall general requirement as far as statistical information is concerned, all the way from population figures to what the local income tax collections are, and it is becoming increasingly evident to me that we cannot either plan properly intergovernmentally, we are not able to supply business and industry for those who are here and for those who would contemplate coming here with necessary background information until we have this information available to us. It may well be that some types of information, particularly as it relates to population, may well have to be undertaken by the Territorial Administration. Until such times as the next census comes up, there are many things that are involved that relate to just the population alone. As far as the labour force is concerned it may well be that we may have to seek the help of the Department of Manpower, to get us up to date and accurate information concerning the number of wage earners in the Territory and I can assure Council, Mr. Chairman, that we are continually doing everything that is within our power to try to update this general type of information and I would also assure Council that I am prepared to instruct that a specific inquiry and requests be made concerning the item that is referred to in the Councillor's question.

Mr. McKinnon: Mr. Chairman, I wonder is there any possible way of doing any kind of a census on the Territory as far as population goes in the next while or this. Economic consultant from Pedlin Menzies and Associates who was here just recently had the latest Dominion Bureau of Statistics figures as of....that Whitehorse contained 4500 people and he said, "My goodness, it certainly seems to me that there are more than 4500 people around this area" but that was the figure that he was provided with and the figure that he was basing the study that he was doing on. I wonder if there is any possible way of getting more accurate up to date figures in the hands of people who are conducting these kinds of surveys?

Mr. Commissioner: Mr. Chairman, this is just exactly what my prior remarks refer to, this particular type of a question and I'm not saying that it cannot be done, this would be an unfair statement, but it is like everything else, there is no problem that we can't solve if there is enough money to do it with, and within the next month or so, it may well be that we will have arrived at a conclusion one way or another as to whether or not we are simply going to have to find the money to have a census taken in the course of the next few months or whether we feel that it can be delayed. I may say that there has been considerable correspondence between my own office and the Dominion Bureau of Statistics through the department in Ottawa on this particular subject because many things depend upon the accepted figures of D.B.S. for grants to the Territory and it is most important that this type of information be accurate and as up to date as is possible and of course, I may say this Mr. Chairman that if we did



Mr. Commissioner cont.

undertake to do something along these lines on our own, it would be really nothing of any more than intrinsic value unless it was done under some kind of acceptable auspices or acceptable standards to D.B.S. otherwise we would simply be wasting our time.

SESSIONAL

PAPER #4

Mr. Livesey: I have one question, Mr. Chairman, and that is, I believe that the last census was in 1966. The figures provided by this census, were they ever made public to the people of the Yukon or to the Council of the Yukon Territory? Were they tabled?

Mr. Shaw: The answer to .....I refer to Section 3 or Subsection 3 of this, inquiries have been made to the local manpower center in the Department of Vital Statistics in Ottawa and these figures are not available. I quite accept the fact that the local administration have their best to ....best effort to get the information, but we hear from the manpower section of the Yukon or it emanates from some place that there is so much per cent of the people unemployed in relation to how many were employed in the recent year or it's gone up or it's gone down, I don't understand why this information cannot be furnished. It must be there some place. If it isn't there, what are they doing? If they don't know the manpower situation in the Territory, what are they getting paid for, what is the department for, if they don't know what's going on? It just appears to me, they just don't want to give the information up. This department is certainly furnished with finances from the Treasury Department which is in turn is from the taxpayers to do a certain job, surely the taxpayers, the people who pay the shot, should be entitled to know what's going on and it's their job to provide it, that is when they just decide that they don't want to give the information I just don't understand that. If they can't get the information, I say fire them and get someone who can get the information. They don't know how many people are employed in the Territory ---the Department of Manpower. Well, for goodness sake, who is supposed to know? I don't understand that at all. I can understand where the Department of Statistics and I assure you, Mr. Chairman, that every month I get letters from these people with forms demanding this information, that information and every other bit of information. They know my business better than I know it myself now, and yet they can't give you any information. Surely before the department...the Bureau of Statistics get these ...this information to compile these statistics they must know where it's from. They certainly know where it's from, the government, when they want any money for information from me. They know right where I'm at and it just takes a postage stamp to get to me, so I think myself, Mr. Chairman, that the Manpower Center should be able to do a better job than that.

Mr. Chamberlist: Mr. Chairman, I wonder if because of the references made to the cost involved in taking a census and the value of a census, I wonder if Mr. Commissioner has any information or could bring any information forward of the amount...what was the cost of the last taking of the last census in 1966 and how much it costs to enumerate during a Federal election, how much it costs to enumerate during a Territorial election, so that from these figures we may be able to assess what the cost of doing a survey, a population survey, would be. It is quite true that if we brought these statistics and figures forward the Dominion Bureau of Statistics might not accept them as actual because it was not done under their auspices but certainly it would be an outgoing record for the Territorial Administration to know perhaps every three years, what the population increase is in the Territory and therefore could help the Administration to plan and it would help the Territorial elected body who no doubt in the very near future will be taking control of the Administration to plan as well and it would appear to me that

SESSIONAL

PAPER #4 Mr. Chamberlist cont.

there's a necessity right now for a type of census to be taken because as the Honorable Member from Whitehorse North has already said, how do you know what our position is here if we haven't got up to date information. I wonder if Mr. Commissioner could make any comments on bringing the availability to Council of the cost of general census being taken.

Mr. Commissioner: Mr. Chairman, we would do our best to bring this forward. I am sure that we can secure certain information from the items that have been mentioned by Councillor Chamberlist and also from our own files. I am sure that there is much that we can bring forward, however, there is something I think that I would like to mention and that is that in our area at the present time the changing population pattern of the consequence of resource development doesn't go forward at any kind of a patterned pace. I would bring particularly to you the situation in Dawson City where Dawson City itself has services that are capable of taking care of what was looked upon as an anticipated population here a few years ago and now we find that the population of Dawson has leveled out for the time being but just 45 miles away all of a sudden, out of the clear blue sky we have 400 people. The same situation is going to arise here at the Ross River area where the Ross River settlement itself is no doubt going to be there for long long into the future, possibly with a fluctuating population of certain amount of stability built into it but great fluctuations between summer and winter and only 45 or 50 miles away we're anticipating a town in the next two or three years, conceivably will have 2500 or 3,000 people in it. As a consequence, it is very difficult to even use current information as any type of a guide toward what is liable to happen in the future. I'm sure that all Councillors realize this just as much as I do, however I say this that if we could ever formulate some kind of a local basis on which to at least predicate our current population using certain known guide lines, we would have accomplished a great deal. We have endeavored to do this with the school population but the Territorial Secretary who is here at the moment as Clerk of the Council, can confirm that even between our two offices, between his office and my office, we cannot even agree between the two of us as to whether 20% of the population should be used as a basis of the school population or whether it should be 23% and this 3% makes a tremendous difference when you are trying to predicate what the present population is. I simply bring this to your attention so that although I am very much in favour of the suggestion that had been made here and we will do everything we can to bring forward the information, I would want you to know that the usefulness of this information will only be for about the length of time that it takes to get it printed on a piece of paper. About 15 days afterwards it is of now value whatsoever as far as using it as any type of a criterion is concerned.

Mrs. Gordon: Using the last remarks of the Commissioner as a guide line and the information that is provided by the Dominion Bureau of Statistics, I don't know if you realize that there is another Federal source of population that hasn't been taken into consideration in the answer to question 3. This is through the Post Office Department. Whether this applies to Whitehorse or not, I don't know, but I'm quite sure it does to all the out-lying areas, where each year they list and itemize the number of people in their area and these are usually kept fairly close on a yearly basis. I don't see that this information was available or possibly it wasn't known that it was available at the time this question was answered, but using this as a guide line and our population increase in the schools and the percentage increase in the town population in preschool, we can get a far

Mrs. Gordon cont.

more realistic picture of our population than what the Dominion Bureau of Statistics can provide.

SESSIONAL  
PAPER #4

Mr. Dumas: Two points. I agree with the Commissioner when he said that the data is outdated 15 days after it is collected. The fact of the matter is now that any outfit coming in from outside is using data that was collected in 1966, so it's like putting an airplane in the sky, as soon as you take it off the runway it's outdated and they have something else in the drawing book, but still the one that's in the sky is the one that is in effect and being used and it's the same case in this instance, but referring to Section 3 of the answer, it says that the Dominion Bureau of Statistics maintains a record of the total number of persons employed in B. C. and the Yukon but it is a combined figure. D.B.S. has got to get a figure from somewhere for the Yukon to combine them with B. C. and that's the figure that we want and surely we should be able to get it from them.

Mr. Commissioner: The D.B.S. figures for the most part are compiled as a result of formula that has developed over the years and they are not based necessarily on a census and as a consequence this is why the break down of the figures is now available from them.

Mr. Chairman: Mr. Chamberlist would you please take the chair? I just have some observations to make Mr. Chairman, in the discussion now underway. I think it is exceedingly important that we do find the funds and the wherewithall to undertake a census within the Territory ourselves, exclusive of the Federal Civil Service. I think it has been pointed out over the years that the Civil Service has a census figure which they use and Northern Health Services do the same thing. They would just as soon use an inaccurate or lesser figure than a higher figure as we have all seen and certainly as I have said many times in this house, the Civil Service in the Department of Indian and Northern Affairs under its existing Deputy Minister has become in my opinion stronger than the Government itself and the Government of the people of Canada. This is a socialist state slowly and insidiously assuming strangle holds on our resources, it's seen every day, it's now being seen in oil, in the proliferation of these departments, this new resource department it's just beyond all reason and it's the Canadian taxpayer paying for it. The statistics that are brought up by these departments I'll give you one example, which I also raised in the house a few years ago, was a statement that \$60,000,000 had been spent in the Yukon and the Northwest Territories from period (a) to period (b) so this would leave Canadians to think that at least \$30,000,000 was spent by D.P.W. Yukon Territory. I asked in Council for a breakdown into Yukon and Northwest Territory expenditures and indeed found in the breakdown that \$250,000 of this \$60,000,000 was spent as the final payment as a matter of fact in this Federal Building in which we now sit. The balance was spent building Inuvik, Cambridge Bay, Frobisher Bay, these places, so the way the government work up these statistics, they leave a very distorted picture of what is really being spent on the North. They have a tendency to include in expenditure releases things like D.O.T. airports and meteorological facilities and aeradio facilities which are a benefit and a necessity to the rest of Canada. They are not just here to help us out and this type of thing and I feel then that when we talk about population figures it's clear that the Touche, Ross Study was based on population figures, but whose? The Touche, Ross Studies was based on figures brought up and conjured up by Ottawa not by the people of the Yukon and yet there is ...the government I understand will accept this as the Bible for all future taxation and fiscal negotiations with this Territory. It follows on per capita contributions under Federal Territorial fiscal negotiations.

SESSIONAL

PAPER #4. Mr. Taylor cont.

They are based on archaic and way out of date statistics and I think it is to our benefit to have a census of our own in order to determine just how far out these figures are and those are just my thoughts on it. I think it is essential that we do this and it is my hope, although I would doubt that Ottawa would let us do such a thing because it would not enhance their position and they would no doubt refuse as usual, but would hope that we could get money from them, the Federal Government, in order to carry out this census, or participate 50-50 with them.

Mr. Shaw: Mr. Chairman, would any member of this Committee, could they tell me what is the population of the Whitehorse area or what do they feel the population is or how many people do they feel are actually working. I've been trying to find that out for years and still can't find it out. It varies between 15,000 and 7,000, it could be any where in between. Are there no figures available, that is what I was trying to get, to get some figures to get an idea of what was going on. Does anyone know the population of this area? Can anyone give me that? Or the working population?

Mr. Chamberlist - Chairman; Speaking from the chair, Councillor Shaw, about ten months ago, I took a rough estimate and I brought into the whole of the Whitehorse area and I came to a figure of 8900, an approximate figure for the whole Whitehorse area.

Mr. Shaw: Thank you Mr. Chairman. It is certainly something that I am very pleased to hear, that you've given the time and attention to find out something like that. Did you, perhaps, go further and would know about the amount of people employed in this area?

Mr. Chamberlist - Chairman: Councillor Shaw, I didn't do that although I made some inquiries from the unemployment insurance people to let me know and I got a nil response from them.

MR.  
SPEAKER  
RESUME  
CHAIR

Mr. Taylor: At this time I will resume the chair. Do you have anything further on this Sessional Paper? We have concluded our business and we would entertain a motion that the speaker do now resume the Chair. It has been moved by Councillor Gordon seconded by Councillor Dumas that Mr. Speaker do now resume the chair,. Agreed? I will declare the Motion carried.

MOTION  
CARRIED

MOTION CARRIED

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

Mr. Chairman: Mr. Speaker, Committee convened at 10:55 a.m. to discuss Bills and Sessional Papers. Moved by Councillor Shaw, seconded by Councillor Dumas that Committee accept the recommendations contained in Sessional Paper No. 8. Moved by Councillor Gordon, seconded by Councillor Dumas that the Speaker do now resume the chair and the Motion Carried. I can also report that the Committee concluded all the work before them that we can deal with at this moment.

Mr. Speaker: We have heard the report from the Chairman of Committee. Are we agreed? May I have your further pleasure.

Mr. Chamberlist: Mr. Speaker, in view of the fact that the Financial Advisory Committee wishes to sit this afternoon, I suggest that we adjourn until 10:00 o'clock tomorrow morning.

Mr. Speaker: Are there any further suggestions? Agreed? The House now stands adjourned until 10:00 a.m. tomorrow morning.

Page 112  
Friday, March 14, 1969.  
10:00 o'clock a.m.

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. I would advise the House that as you will see we have no Sessional Papers this morning as yet, but I understand some are ready for us a little later in the day. Are there any reports of Committee? Introduction of Bills? Notices of Motion or Resolution? Notices of Motion for the Production of Paper? Passing to Orders of the Day, Motion No. 2, moved by the Honourable Member for, excuse me, Motion No. 2, I believe has already been passed into Committee, Motion No. 7, moved by the Honourable Member for Whitehorse North, seconded by the Honourable Member for Whitehorse West, that Sessional Papers No. 13 and 16 be moved into Committee of the Whole for discussion. Would the Honourable Member for Whitehorse North be prepared to proceed with this Motion at this time? MOTION #7

All: Question.

Mr. Speaker: Are we agreed?

All: Agreed.

Mr. Speaker: I will declare the Motion Carried.

MOTION CARRIED.

MOTION  
CARRIED

Mr. Speaker: At this time I wonder if I could ask Mr. Clerk, if the Commissioner is presently available for the question period?

Mr. Clerk: I believe so, Mr. Speaker.

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

RECESS

Mr. Speaker: I will now call Council to Order. May we proceed at this time with a question period?

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner, Mr. Commissioner when will an answer for forthcoming to the R.C.M.P. Compound Lots?

QUESTION  
RE RCMP  
COMPOUND  
LOTS

Mr. Commissioner: Mr. Speaker, its my fault that this isn't here this morning, I was away performing a very pleasant duty opening the Polar Games this morning and the paper has been signed and I'm sure will be getting distributed as soon as the Clerk has the opportunity of getting it stencilled.

Mr. Speaker: Are there any further questions?

QUESTION  
RE FISH.  
AGREE.

Mr. Taylor: Mr. Speaker, could Mr. Commissioner indicate to Council this morning as to when the Fisheries Agreement will be signed?

Mr. Commissioner: Mr. Speaker, the last information I had, was that barring some unforeseen circumstance it will be before Cabinet this coming Tuesday morning and we anticipate no difficulties in having it attended to at this time.

QUESTION  
RE QUEST.  
#2

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner, is it possible that the answer to question No. 2, re Statutory Holiday Pay is also ready?

Mr. Commissioner: Mr. Speaker, I'm speaking from memory on this, but I think that I'm quite right when I say Yes.

QUESTION  
RE TIME  
ZONE

Mr. Chamberlist: Mr. Speaker, question to the Commissioner, is the Administration now prepared to reconsider the position of separate time zones in the Yukon and if so, when will the Commissioner proclaim Yukon Standard Time the one time zone?

Mr. Speaker: It doesn't appear that the question is clear to the Commissioner.

Mr. Chamberlist: Can I repeat the question, Mr. Speaker? Is the Administration now prepared to reconsider the position of separate time zones in the Yukon and if so when will the Commissioner proclaim Yukon Standard Time as the one time zone?

Mr. Commissioner: Mr. Speaker, the answer to the first part of that question is I think in all fairness No and as the answer to the first part is No, I don't think that the answer to the second part would be called for, Mr. Speaker.

Mr. Shaw: Mr. Speaker, might I direct a question to the Honourable Member from Whitehorse East. I presume by Yukon Standard Time he would be referring to the time that is considered as nine hours behind Greenwich Meridian Time, is that correct?

Mr. Chamberlist: Mr. Speaker, I refer to Yukon Standard Time, as one standard time for the whole of the Yukon.

Mr. Shaw: With all respect, Mr. Speaker, my question hasn't been answered. I was asking if this was standard time, Mr. Speaker.

Mr. Speaker: I think in all fairness, I will have to rule this question Out of Order on the grounds that it would tend to debate. I think perhaps, this would be a better question for the Order Paper.

QUESTION  
RE SIDE-  
WALK &  
LIGHTING

Mr. Chamberlist: Mr. Speaker, a question for Mr. Commissioner, many people both adults and children, now walk along the Alaska Highway to Hillcrest homes, would the Administration be giving consideration to a sidewalk being constructed and adequate street lighting being installed between the traffic circle and the entrance to the Hillcrest sub-division?

Mr. Commissioner: Mr. Speaker, this, along with many other similar problems in the Whitehorse Metropolitan area, has got to come under consideration in the very near future. I would like to suggest that it is tied in very very distinctly to traffic patterns what and where the next residential developments are going to come in the area, the extension of city boundaries,

Mr. Commissioner continued:

the responsibility of the local municipal government as opposed to the responsibility of the senior government. I would like to suggest, Mr. Speaker, that it is part of a very great and comprehensive problem which is going to have to be dealt with in the very near future. Not only as it applies to this particular piece of highway, which the Honourable Member refers to, but I may say that the point that he brings up is one of particular note and particular interest, although I would say that I don't see where there is any more people using this highway for walking on now, than there has been for several years past. Its still a very important and proper question, but I think it is part of a total package of questions that have to be dealt with as part of the whole development of this area.

Mr. Chamberlist: Supplementary question, Mr. Speaker. Mr. Commissioner it has been drawn to my attention that drivers of vehicles are being placed in a position of danger and also people walking on the highway are in a very hazardous position. The difference being that the Air Force had bus services and now the people in Hillcrest do not have bus services. Would the Commissioner not give consideration to some immediate effort of grading just a portion of the Alaska Highway for a sidewalk, temporarily?

QUESTION  
RE SIDE-  
WALK ON  
ALASKA HWY.

Mr. Commissioner: Mr. Speaker, the Alaska Highway falls under the jurisdiction and the responsibility of a federal department. I would like to assure Council that I would be most pleased to bring this matter at a meeting with all the federal departments that will be getting held in the course of the next few days concerning the general activities in the Territory, and I would certainly be very pleased to bring this matter up and see if the federal department involved would give consideration to this request. I state emphatically, Mr. Speaker, that I think it is a very right and justifiable one and certainly would have my support and anything that I could do to help bring it about, I'd be very happy to do so.

Mr. Taylor: Mr. Speaker, I'm wondering if there has been any new target date set for the takeover of the Alaska Highway by the Territorial Government?

QUESTION  
RE TAKE-  
OVER ALASK.  
HWY.

Mr. Commissioner: Mr. Speaker, April 1, 1968.

Mr. Speaker: Any further questions?

Mr. McKinnon: Mr. Speaker, I would like to ask the Commissioner whether the plans for the development of the townsite of Faro are available for Council to see?

QUESTION  
RE FARO

Mr. Commissioner: Mr. Speaker, I believe they are, I would have to check into this but if you would give me an opportunity to bring forward an answer to this, I'd be very pleased to do so.

Mr. Speaker: If there are no further questions I will.....

Mr. Shaw: Mr. Speaker, I have a question. I was trying to write it down Mr. Speaker to give it to the Clerk. Due to the increased cost of urban delivery services, the Post Office has announced that they are closing some of these Rural areas or smaller Post Offices, I wonder if the Commissioner could ascertain whether or not the Post Office at Old Crow will come under this act of economy that it may be closed?

QUESTION  
RE POST  
OFFICE OLD  
CROW

Mr. Commissioner: Yes, I would certainly, look into this,  
Mr. Speaker.

Mr. Speaker: May we now proceed with Public Bills and Orders?

FIRST  
READING  
BILL #13

Moved by Councillor Dumas, seconded by Councillor McKinnon, that First Reading be given to Bill No. 13, an Ordinance For Granting To The Commissioner Certain Sums Of Money To Defray The Expenses Of Public Service To The Territory.

MOTION  
CARRIED

MOTION CARRIED

SECOND  
READING  
BILL #13

Moved by Councillor Dumas, seconded by Councillor McKinnon, that Second Reading be given to Bill No. 13, an Ordinance For Granting To The Commissioner Certain Sums Of Money To Defray The Expenses Of Public Service To The Territory.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure?

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 Bills Sessional Papers and Motions.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker leaves the Chair and Mr. Taylor takes the Chair in Committee.

Mr. Chairman: We will proceed to Bill No. 13.

Mr. Dumas: Could we not have the Treasurer here, Mr. Chairman?

Mr. Chairman: Do you wish to have the Territorial Treasurer come in?

Some Councillors: Yes.

BILL  
#13

Mr. Chairman: Mr. Clerk would you see if he can join us please. I'll proceed with the reading of the Bill. (reads Bill No. 13) The first item will be Yukon Council in the amount of \$55,558.00. I'll declare a brief recess while the Clerk gets the Treasurer.

RECESS

Mr. Chairman: At this time I will call Committee to Order and.... we have with us, Mr. MacKenzie, our Territorial Treasurer. The first item is Yukon Council. For Advertising \$150.00 - Clear? Travel and Living Expense \$6200.00. Is it clear?

Mr. Chamberlist: Mr. Chairman, these travel expenses, these are for out of town people only, is that right? Mr. MacKenzie?

Mr. MacKenzie: Correct, as per the Yukon Act.

Mr. Chamberlist: They're some questions I'd like to ask on this. The Financial Advisory Committee up till changed positions just recently was never any suggestion that local members would be paid expenses, nor were local members paid expenses. Now according to this here the way I read it "living allowance for three members at \$25.00 a day for four days per session." Am I to understand that the two Whitehorse Members of the Financial Advisory Committee are going to receive \$25.00 a day. Then I would suggest if people are shaking their heads, I would suggest that it be



Mr. Chamberlist continued:

withdrawn.

Mr. McKinnon: Mr. Chairman, its to provide for a maximum, providing the three Members for the Financial Advisory Committee were chosen from out of town.

BILL  
#13

Mr. Chamberlist: Well, is it my understanding then, that local Members will not be paid for these expenditures. I think that outside Members do not get enough when they have to come into town, but I think it would be improper if there was a budgetary item for Local Members to be paid.

Mr. Commissioner: Mr. Chairman, just so as there is no misunderstanding about this, Members are only paid for those expenses which they can show that they are out of pocket. Although, the amount of \$25.00 is shown, this doesn't mean that they are automatically given \$25.00 a day. I'm sure that Mr. MacKenzie can verify that he only pays out on the basis of vouchers that are turned in.

Mr. MacKenzie: Yes, that is so, the Yukon Act I think, provides for reasonable costs.

Mr. Chamberlist: So this really isn't an estimated Expenditure, at all because if its not going to be spent whats it in there for?

Mr. McKinnon: Mr. Chairman, the people of white minded thinking may get together and propose three people from out of town to be Members of the Financial Advisory Committee in the very near future. Who knows in politics?

Mr. Chamberlist: Well, I hope this is the case, they'd do far better I would think. Now another item I would like an explanation on is the Financial Advisory Committee Trip to Ottawa? Could it be explained what is that trip for? If there's nothing to go to Ottawa for until the new agreement is made, its understood that in this Council that it would be agreeable that all Members would go to Ottawa if it dealt with a new agreement and that there would be no necessity for the Financial Advisory Committee to go to Ottawa.

Mr. McKinnon: Mr. Chairman, I hope its never a necessity for The Financial Advisory Committee to go to Ottawa again. I would rather take .....like to see the people from Ottawa coming here and meeting us on our home ground and with our facts and our figures and our statistics and in our home ground on our own Territory to meet them. When people go to Ottawa, it seems we're snowed under by all the expertees and all the Deputy Ministers and the Ministers and Ministers' assistants they can possibly drag out of the woodwork at any given time and I'd like to see the reverse be true, however, there has to be a time when the Financial Advisory Committee has to go to Ottawa, I think the budgetary provision should be made, but as I say, I hope that Ottawa will be coming to us, rather than us going to them as we always have in the past.

Mr. Chamberlist: Well, can I take it that that answer, Mr. Chairman, that these funds are not for a specific trip but only if a trip was necessary.

Mr. McKinnon: Correct.

Mr. Chamberlist: Thank you.

BILL  
#13

Mr. Chairman: Are we clear on this item?

All: Clear.

VOTE #1

Mr. Chairman: The next item is Special Services in the amount of \$36,900.00 - is this clear?

All: Clear.

Mr. Chairman: Materials and Supplies , \$11,400.00.

Mrs. Gordon: Mr. Chairman, I have a question on this. The item No. 4, To Purchase Hansard Committee reports, etc. for Councillors this includes I take it the standing Committee Reports on Indian Affairs and Northern Development. I have received a few copies but I think the last one was dated sometime in December and I'm sure they've had a meeting since.

Mr. Chairman: Is there anything further?

All: Clear.

Mr. Chairman: The next item is Utility Services, \$340.00, Repairs and Maintenance, \$200.00, and Rentals \$368.00. Clear?

Mr. Chamberlist: I have a question that I have asked for information on which hasn't been forthcoming yet, with reference to the leasing of equipment. Now, I think Mr. Chairman, there's a necessity for that to be answered before this budget is approved on those items just in case the Administration have not the power to have rentals and lease equipment.

Mr. Commissioner: Mr. Chairman, with respect, I think I have undertaken to have a search of Ordinances with regard to this but in the Financial Administration Ordinance, certainly under the Public Dispersment Section of Part 3 of the Financial Administration Ordinance there would appear to me to be very adequate authority there. When the item is voted in the Appropriations Ordinance that as long as the monies are used in the item that it is appropriated for subject to the other conditions of the Ordinance it doesn't matter whether we're talking about a leased item, whether we're talking about a contract which is effectively what you're entering into when you lease something, whether its a lease of a building, a lease of a piece of equipment and certainly subject to anything to the contrary that the Legal Advisor would advise both Council and myself, it would appear to me that there is adequate authority there providing that the item is cleared in the budget by Council.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Commissioner would care to indicate which specific section he refers to.

Mr. Commissioner: Mr. Chairman, it would have to be the whole section 3, the Public Dispersment Section. You would have to deal with the whole section, you couldn't pick out any one item Mr. Chairman, with respect, you would have to look at the whole Public Dispersment Section.

Mr. Chamberlist: Mr. Chairman, I have read this very thoroughly from Part 3 Public Dispersments from Section 13 up to Section 27 and taking each section or all sections together, there, in my opinion is no provision for the Territorial Government to enter into lease arrangements for equipment and I would ask if Mr. Legal Advisor could express a legal opinion on this at this time

Mr. Chamberlist continued:

he hasn't done so. I'm not opposed to the leasing arrangements. I think this is fine, but I think it is a necessity for us to have it in the legislation so that we could do it. As it is now it appears to me at least, that there is no power to do this. This is why I raise this particular question. We should protect ourselves by having it in there.

BILL  
#13  
VOTE #1

Mr. Commissioner: Mr. Chairman, I have no objection at all to the legalities of the matter being looked into. I'm the last person who is interested in doing anything that there is any question of a legality of. However, I do say this to you, that the leasing arrangement falls in to the terms of a contract and it states specifically in the Financial Administrations' Ordinance that a contractual arrangement entered into, on behalf of the Territory.....I'm sorry I don't have the section right in front of me here, is good only for the length of the appropriation for which it is made, namely one year.

Mr. Chamberlist: Mr. Chairman, this is the point that I make. These lease arrangements for equipment are for more than one year.

Mr. Commissioner: Yes, but these subject to the laws of the Territory, Mr. Chairman.

Mr. Chamberlist: Well I haven't seen any of these lease contracts brought forward, unless there is a specific item in the lease contract that only allows for the expenditure of these funds during the current year for which the budget is set. It means then that each year these lease contracts have to be rebudgeted for and noted and this is the only objection.....I repeat I am not objecting to the leasing but I think we should make darn sure that we're on the right track as far as expenditure is concerned.

Mr. Commissioner: Mr. Chairman, I concur entirely with what the Honourable Member says and if you take a look at Section 26 of the Financial Administrations' Ordinance, it states specifically and it is to cover such things as we are talking about now. It is a term of every contract providing for the payment of any money by the Territory that payment thereunder is subject to there being an appropriation for a particular service for the fiscal year in which any commitment thereunder would come in the course of payment. There's no argument or question, of paying out under a lease agreement. I can sign a lease agreement for 79 years, unless there is an appropriation each year to take care of the payments that come due under that particular contract, there is no way to pay that money.

Mr. Shaw: Just one thing, Mr. Chairman, this matter has come up just about three times, I think at this Session. Could we have one of those contracts here and everybody would be satisfied then that this is ..... and I think that should resolve the situation.

Mr. Commissioner: We'll gladly bring forward in fact we'll bring along a bucket full of them and every contract that is entered into by the Territorial Government is automatically subject to the laws of the Territory. I cannot sign a contract, it doesn't matter what the clauses are in it, you can have all the clauses you want to in it, but you cannot enter into a contract that is not overridden by the laws of the Territory unless there is a special Ordinance which is to give effect to something different than what is already listed down here right now.

BILL  
#13

VOTE #1

Mr. Chamberlist: Well, Mr. Chairman, this really is another point. Another reason why I raise it is, it might be beneficial financially to the Territory to go into a five year contract because then you can get a much better rate. This is why I'm suggesting Mr. Chairman that there should be an Amendment to the Legislation to allow for a continuing rental agreement on certain types of equipment, or some method where it can be made easier to continue on this. Otherwise, you might find yourselves in a position of not being in the advantageous position of having benefit out of lease contracts, this is the point I make.

Mr. Commissioner: Mr. Chairman, subject to anything that the Legal Advisor would tell me to the contrary, and I am sure that he examines all these contracts before they're signed, they're all initialed by him before they ever get to me. I am quite confident that there is no way that you can legislate, properly legislate, for anything beyond the term of an appropriation, namely one fiscal year.

Mr. Chairman: Is that clear?

All: Clear.

Mr. Chairman: That gives us a total expenditure of \$5,558.00.

MOTION  
#2

Mr. McKinnon: Mr. Chairman, I wonder if it would be appropriate at this time for me to bring to the attention of Committee Motion No. 2. It was seconded by Councillor Dumas and states that it is the opinion of Council that a Member chosen by Council attend the Mid Canada Development Corridor Conference at Lakehead University August 18th - 22nd, 1969. Mr. Chairman, it is my opinion that items should be appropriate under the Yukon Council for attendance of a Member, an elected Member of the Council, at various conferences that go on around the country at different times. I'm sure that all of us heard the results of the Northern Transportation Conference presently held down East, where many and varied speakers from all over Southern Canada gathered to determine how Northern Transportation should be developed. We heard from Professors from down in Indiana from down in the Southern states, we heard the Chairman of the Board of Transport Commissioners denouncing the Carr Commission study stating that monies could be much better spent in the Southern areas of Canada where the population was than in developing the North. As far as I understand the Commissioner had been invited to this Conference however, other commitments did not allow him to go. I think that its necessary for the Commissioner to be attending these Conferences but I also think that its extremely necessary for representation from amongst this table to be at these types of conferences. The Mid Canada Development Corridor Conference is coming up at the Lakehead University on August 18th - 22nd. I think its essential that a Member from this Council attend this conference so that the wishes of the people of the Yukon can be expressed to the delegates fathered there. One of the most frustrating aspects in my attendance at the Constitutional Conference, was when people were discussing the Premiers of the Provinces and Prime Minister of Canada, were discussing human rights in Canada, and I was really stirred by the wonderful speeches, by the emotional speeches, that were made by all the Prime Ministers, considering how the human rights of every individual Canadian, should be enshrined in a Canadian Constitution, which would be irrevocable. In the next breath, Mr. Chairman, there were determining the fate of the residents of the North in a most jocular fashion imaginable. Joey Smallwood yelling over the table "I'll trade you Baffin Island for the Eastern Arctic" and this type of basis. Now I

Mr. McKinnon continued:

think, Mr. Chairman, its essential that when conferences are held of experts who are determining what the policy of the North should be, that the rights of the people of the North should be heard. That we are individuals, we are the people primarily considered with the development of the North because we live here. It seems that Southern experts are always telling us how we should be running our affairs. We don't seem to even be invited, they don't even seem to consider there's people of a worthwhile caliber to be invited to these type of conferences, to be able to speak for the people that they represent and for the people of the North. Witness even in Whitehorse, when we have the Alaska Science Conference, when we have the Northern Resources Conference, take a look at the program, see how many people from the North are represented on these programs in opposition to the number of people the instant experts from the South, who are invited from all over North America and in fact internationally to tell us how to run our affairs in the North. I think its darn well about time that we started getting to these conferences, forcing invitations if we have to, being delegates and being able to speak and participate and tell it like it is in the North. I think that Council should determine what conferences we go to and who goes to these conferences. Mr. Chairman, I would press most strongly, that Council all agree that an item be placed that we ask the Administration to consider placing a budgetary item in the estimates so that in the future we shall be able to pick conferences where we think elected Member could serve a purpose and we can chose the Members that should attend these conferences, Thank you, Mr. Chairman.

MOTION  
#2

Mr. Chamberlist: Mr. Chairman, I would go further than the Honourable Member for Whitehorse North. I would say that there should be a sum put in the budget not specifically for this particular conference but a sum that would be a continuing sum to be entered every year until such time as we're able to take care of our own finances --when I say able to take care of our own finances ourselves, we can do that now, but have the authority to take care of our finances. I think Councillor McKinnon is quite correct, even knowing full well that he probably may be the Member to go every time, however, the point must be that a member of this Council must be in attendance wherever the North and specifically the Yukon, is discussed. It should be well noted that although the conference that is to take place in Whitehorse in the second week of April is in Whitehorse and there are three Members of Council in the Whitehorse areas to my knowledge - I can say for myself, I don't know about the other Members, but neither of the three have been asked to speak on the particular subject, and it doesn't matter to me which one would be asked, but I think certainly that we're living here, we have a little bit more information about the North and about our needs and requirements, that many of the people who are coming up here and who have studied the North by book reading. A practical knowledge of the North, is of course, far better for a person to have. I agree that Members of this Committee should put forward at this time a sum that would perhaps be held on the books in exactly the same way as sums for the Advisory Financial Committee travelling to Ottawa. It may be there, it might be needed or it might not be needed, but I think it should be there and I think that the opportunity should be made clear, that the reason why its there is because the Members of Council want to participate in Canada with reference to Northern development and Northern requirements. I support the proposition that has been put forward by Councillor McKinnon.

MOTION  
#2

Mr. McKinnon: Mr. Chairman, a slight correction. I have been invited to attend as a panelist in a workshop discussion on the Resource Conference. This is a minor type of activity for the delegates to be engaged in.

Mr. Livesey: Mr. Chairman, in view of the fact that most of the resources that are presently being considered in the Yukon, at the moment, I think being dug out of the ground in places other than in municipalities, I think that the outside Members and the Rural Members should also be considered in the greater interest of resources rather than those specifically from this area, and I would like to bring that point up and make it quite clear, that I think that all Members of the Yukon, and especially those in the Rural areas, where these resources are, and where they are being extradited and brought out of the ground, and put into the pocket of the people of the Yukon -- this is where the interest is just as much as anywhere else in the Yukon.

Mr. Chairman: I have before me, a Motion, Motion No. 2 -- Order, I have Motion No. 2, moved by Councillor McKinnon and seconded by Councillor Dumas, it is the opinion of Council that a Member be chosen by Council to attend the Mid Canada development Corridor Conference at Lakehead University, Aug. 18th - 22nd, 1969.

Some Councillors: Question.

Mr. Chairman: Are you Agreed?

All: Agreed.

Mr. Chairman: Any contrary? I declare Motion No. 2 has been carried in Committee.

MOTION  
CARRIED

MOTION CARRIED

Mr. Shaw: Mr. Chairman, could we not ask Mr. Treasurer at this time, what sum of money could be made available in the budget for this type of thing?

Mr. MacKenzie: I think, Mr. Chairman, the amount would be approximately \$1000.00, I would say at the most. Did you intend in putting this item in this budget here?

Mr. Commissioner: Mr. Chairman, this is a matter that we will put up to the Budget Programming Committee, but certainly until there is a very very firm understanding --until such times as two or three major items that we do not know the actual cost of are dealt with, I am certainly not prepared to accept any additions to the budget that is before you at the present time. Mr. Chairman, I support fully the Motion that has been put before you, and I'm also quite confident that the necessary monies to give effect to Council's wishes can be provided, but they will have to be provided within the total that presently exists in the budget.

Mr. Chairman: Are we now clear .....Council?

All: Clear.

BILL #13  
VOTE 2

Mr. Chairman: The next vote is vote 2. The first item under Advertising, \$1000.00. Travel and Living Expenses \$4,315.00. Special Services \$3800.00. Materials and Supplies \$25,000.00. Utility Services \$1200.00. Repairs and Maintenance \$3000.00. Rentals \$3,672.00 and miscellaneous \$250.00, giving us a total appropriation of \$42,237.00.

Mr. Chairman continued:

The first item in Vote 3 is Advertising in the amount of \$4,494.00. Clear?

BILL  
#13  
VOTE 3

Some Councillors: Clear.

Mr. Chairman: Next, Travel and Living Expenses - Superintendent of School, \$23,695.00 - Clear?

Mr. Chamberlist: Mr. Chairman, I wonder if we might get an explanation why sometimes, some people pay mileage charge of seventeen cents an hour, and why rather seventeen cents a mile, and why should school teachers pay twelve cents a mile? Is there any reason why there's a difference, in these particular items, I just noticed that the Territorial Council is allowed seventeen cents a mile and these school teachers are only allowed twelve cents a mile.

Mr. MacKenzie: My recollection of the Budget Committee's discussion of this particular point, resulted in the rate of seventeen cents and scaled down to twelve.

Mr. Shaw: Mr. Chairman, My recollection is seventeen cents when you use your own vehicle and twelve cents when a government vehicle is used, in other words its one means of putting forth the actual cost to the government of operating the vehicles. Would that refresh your memory, and is it not correct?

Mr. MacKenzie: I'm not sure to be quite frank.

Mr. Chamberlist: I would like to get some sort of explanation of this because there is quite a difference.

Mr. MacKenzie: May I enquire into this and produce an answer later on?

Some Councillors: Clear.

Mr. Chairman: Special Services, \$20,566.00 - Clear?

Mr. Chamberlist: Mr. Chairman, with respect, I want to study these properly and I can't say clear without even having time to look at them.

Mr. Chairman: You had all yesterday afternoon. Are we now clear Special Services....

Mr. Chamberlist: No, I am not clear...

Mr. Chairman: This being the case I will declare a recess while the Honourable Member for Whitehorse East looks over the budget.

RECESS

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Friday, March 14, 1969

11:00 o'clock a.m.

Mr. Chairman: Are you clear on Special Services in the amount of VOTE #3  
\$20,566.00 ESTAB. 300

Mr. Chamberlist: Mr. Chairman, I wonder, there are two questions I have and they can be answered together. Mr. Commissioner, I wonder if under (c) the sum of \$1.00 to provide funds for a "Report of the Committee on Education" can the Commissioner say when it is proposed to carry out this investigation and also in (d) when it is proposed that this new setup will commence for the Board of Examination?

Mr. Commissioner: Mr. Chairman, at the present time I think that all members will agree that the school Ordinance needs a certain amount of revision to bring it into line with the facts of educational life of 1969. The terms of reference for this Committee are being worked on at the present time with the thought in mind that the glaring problems in the school Ordinance are forming the foundation for this. I would say that it is very difficult for me to put a date on when this will get under way because we have several other studies going on at the present time, we felt that there was just about as much on our plate right at the moment as what we could handle. Could I say this to you that I would be very hopeful that this study would be done in the course of this coming winter, not the winter that we are in right at the moment but starting as the November - December period next year or in this current calendar year so that we would be able to bring forth recommendations in the Spring Session of Council one year from now. I think that this would be a fair assessment of this. Now, the next question was concerning the Board of Examiners. This is already underway and I think that I could refer to the, possibly, the supplementary estimates, I think that is where it was dealt with for the present fiscal year and is part of an on going program in the regard.

Mr. Chairman: Clear on Special Services? Next item is Materials and Supplies \$15,087.00. Utility Services \$6,500.00. Rentals \$1,035.00.

Mr. Chamberlist: We have a total there \$1,035.00 and the total lower down is \$1,034.04. Is this....

Mr. Treasurer: Well, we just rounded it off.

Mr. Chairman: Miscellaneous (staff upgrading) \$16,240.00. Which EST. 301 gives us a total under Administration of \$87,617.00. Under & 302 Schools Administration an item of \$2,691.00. Curriculum Supplies Schools \$222,952.00.

Mrs. Gordon: May I ask if a breakdown of this is what appears in the back of the book? There are other items itemized out in more detail..... What I'm relating to was some of the supplies that were made to schools and there was one piece of equipment that was itemized in here for one particular school in my area and I had a question to ask about it and if it comes up later then fine, if it's in this particular section....it is a need for an autoharp at \$60.00 for the Mayo School. Why the necessity for an autoharp in the Mayo School. Who is going to be the instructor, or play it or just what gives? There is another item, while I'm on my feet that I note on 3/14 a Rock Collection for the Jack Hulland School for the cost of \$20.00 when we can get mineral samples and rock chips from the geological survey downstairs for \$2.50 each.

Mr. McKinnon: Mr. Chairman, in the field of school curriculum



VOTE #3  
EST. 302

Mr. McKinnon cont.

supplies, the supplies which are in the budget for each school are requests from the principals and the teachers of those schools. We didn't feel on Committee that we had the proper knowledge of the need of each school area to start chopping things out of what the teachers and the principals in those areas felt that they needed in those schools. If Members of Council feel that in any of their schools are not items that they have been requested in that school to be included in the budget or items that are extraneous, that should come out, then it is perfectly the will of any of the members to do with these items as they see fit, I would imagine, because I am certainly not going to be responsible for taking things out of the budget that principals and teachers in that school area have asked for in the budget.

Mrs. Gordon: Mr. Chairman, would it be advisable if someone from the Department of Education was here to answer these sort of questions? I also note in here we have four typing desks for the school in Elsa and our school system there is going to be upgraded to where we have bus service to bring children in from the Elsa school, can not these classes be taught where these facilities now exist?

Mr. Commissioner: Mr. Chairman, if in the process of refinements of the curriculum or refinements in the consolidation of school service it is found that any of the items that happen to appear in this budget do not have to be needed. Certainly the money is not going to be expended for them, but certainly the need appears at the present time and provision has been made.

Mrs. Gordon: Mr. Chairman, I accept this but I think in all departments we all realize there are lots of things they would like to have and if someone doesn't question it and nobody has any knowledge of it, okay, we spend this kind of money needlessly. It could be used in other areas, where the need is greater.

Mr. Dumas: Mr. Chairman, surely we have to rely on the people who are working for the government to tell us what they need. When we sit in Committee and ask these various questions, if we are going to question every \$20.00 item, if we can't rely on the teacher or the principal of the school and on their integrity to put forward a budget, that is a reasonable budget that they feel that they need, then we are going to have to question every item in here and ask for an explanation of every item and I suggest that getting the Superintendent of Schools down here won't be enough, we'll have to ask the principal of each school to explain these items.

Mr. Shaw: Mr. Chairman, as a Member of the Financial Advisory Committee, in going through there are many items here such as previewers and hockey mitts and do they need one and have they got one. There are so many items in here that it is absolutely an impossibility to be able to say that you do or you don't and give an intelligent answer. For a very good example, this autoharp for the Mayo School. I noticed the autoharp in the Mayo School and I wondered what that was for, that was to complete an orchestra as far as I remember and maybe they need an autoharp and maybe they don't need one, but it is impossible for me as a member of the Committee to be knowledgeable on every \$20.00 or \$50.00 or \$75.00 item and I think that when we have this particular budget before the Council, that's a wonderful opportunity for any member to review any of these expenditures and that's the time to come up and say that I don't think that is necessary, I think that we should cut this out for this reason, because they are knowledgeable as an illustration the Honorable Member from Mayo is well acquainted with what goes on in the Mayo

Mr. Shaw cont.

area, because she lives there, but I couldn't tell you whether they need an autoharp or a mouth organ. I haven't the merest conception, but as a member of the Financial Advisery Committee I don't say "cut it out" maybe it is necessary so therefore there are many items where I... that I am not knowledgable and I don't think any other member could possibly be knowledgable on what goes on all over the Territory in each individual school and this is a wonderful opportunity for any member to get up and say I don't think this is necessary, this is an expenditure that we could well do without and perhaps use the money to better value elsewhere and I will take no umbrage at that. I think that that is a very good thing if they do, give their peculiar knowledge to pointing out these particular things.

Mr. Livesey: As the member for Carmacks-Kluane Lake, I take a particular interest in this Session of the Department of Education because this last year we have had all kinds of problems. We had to hire various people in the neighbourhood, volunteers, great citizens of the North, to pack in an out great quantity of supplies I think that belong more to the member for Whitehorse North than they did for the area covered by the member for Carmacks-Kluane Lake, great bundles of custodial supplies were pouring in there by the truck load and none of them were needed and it would be a good thing if some of us in our local area really know what we were going to get and what we were not going to get, and while I'm on my feet, Mr. Chairman, I personally think that someone somewhere along the line should be the arbiter of the decisions in relation to items that are required and requested by the staff of the Department of Education and if these items do come to the Committee and they sit on this then they feel that those who ask them are more competent to make a decision than they are themselves and I would say that this leaves us a free and open field. I'm not suggesting the Administration isn't going to put their thumb on this eventually, I most certainly think they will. There is no question about that, but in the meantime there could be a stopgap between the time when these various items are asked for by the various principals concerned and the time when the Committee here, the Financial Advisery Committee and so on, cover these questions. There would have to be some other force also to level these things off and I certainly think the Administration will do this, but I also think the influence of the members of the Committee should be interested in this position also.

Mr. Dumas: Mr. Chairman, as a member of the Financial Advisery Committee, I don't want to give the impression that these people present a budget and we say "Oh well, that's fine, you know more about it than us so you are going to get it". This is a result of much paring down, believe me, but we can't tell a principal what items he is going to cut out unless there is something very obviously wrong in the item that he has presented, so what we've done is the Department of Education, if they present a budget of \$100,000.00 initially, we may say, "Well look fellows, there is only \$70,00.00 allowed for your department. You are going to have to cut out something somewhere" and then he'll turn around to the Mayo school and say, "Fellows you have got to cut your budget in half" and this is a result. They felt that what they needed, the priority items included an autoharp in the Mayo school. That is surely their decision unless like I say you come across some item that is not needed or called for, but all these specific items, you have to rely on the people in these departments.

Mr. Chamberlist: Mr. Chairman, I feel that Councillor Gordon when she raised the point, that she was absolutely correct in

VOTE #3

EST. 302

Mr. Chamberlist cont.

raising it, because it is this Committee's responsibility to closely scrutinize every budgetary item and if there is any item of expenditure which is not clear to a member of the Committee or where the member of this Committee feels that it is an item that shouldn't be....money shouldn't be spent on I think has every right of a member to stand up and say so and I'm pleased that Councillor Dumas explains himself further when he stood up again because he gave me the impression when he spoke first, that if a government personnel or heads of departments not forward a specific budget the first time he spoke we have to accept it because who else is there to depend on? This is the function of the Advisery Financial Committee, is to pull that down as much as is possible where the money isn't warranted to certain expenditures and I would also suggest that that Committee there are also individual members of this Committee and therefore during the scrutiny of these accounts if there are further amendments to be made, I mean they should support the amendments and not necessarily say because we have already passed it and approved it we are not going to reconsider it and really it gives members of the Financial Advisery Committee an opportunity to hear the considerations of other members of Committee. As far as I am concerned the remarks of both Councillor Gordon and Councillor Shaw and I am pleased that Councillor Shaw made them, he's a member of the Advisery Committee and he recognizes the necessity for the close scrutiny of these accounts before this Committee and of course I would say that consideration be given to what Councillor Gordon has said. If she feels that there is no necessity for it, it's her area, she knows locally whether it is needed or not, if she doesn't want it in there and she moves that she wants it moved out of the budget, I will second it.

Mr. McKinnon: Mr. Chairman, I would like to explain exactly how in these estimates in Education work. The requests for Curriculum Supplies are received from every school in the Yukon Territory from the principals and from the teachers. This came to about half a million dollars, when it first came to the Superintendent of Education. He chopped that right in half with no question because naturally the teachers and the principals want their schools to be the best equipped of any on the North American continent, which is only right. It is good that they feel this way. So he came originally with a budget of \$250,000.00 for supplies after he had dealt with it, The Superintendent of Education set priorities which is his function in his job. After we were finished with the original \$250,000.00 Operation and Maintenance Budget which was half of what was originally submitted by his people, we got it down to \$222,000.00. I remember going through these estimates and running through I said "My goodness, an autoharp to the Mayo school. Why do we need an autoharp?" It was explained that there is a person who is a professional player of this instrument who can give people lessons on this instrument in the Mayo school, and I feel it is a distinct advantage to have this person in the community and I'm extremely surprised that the Honorable Member from Mayo wasn't aware of this situation and whether this person could....was professional on this instrument and had said that he was willing to give his time and energy to teach children this instrument. Now this is \$60.00. This is the way that it went all through the Budgetary Programming Committee. Are we going to, for a \$50.00, \$20.00 item in the budget call down the Superintendent of Education, where possibly a simple phone call between the Honorable Member from Mayo and the Superintendent of Education would suffice in this type of area. If it is the Committee's wishes that this be done and we get the Superintendent down here to explain why a \$60.00

Mr. McKinnon cont.

item should appear in the budget, then I suppose bowing to the wishes of the Committee then we will have to do this type of thing, but I thought that with the confidence in the Budgetary Programming Committee and with the teachers and the principals in the area and the Superintendent of Education that this type of piece by piece item by item the budgetary question throughout the budget would be unnecessary to the point that the Superintendent had to come down here and explain it. If it has to be that this is the way it has to work, then I think the whole exercise of what we are trying to do, might as well be thrown out the window, however, this is the explanation that we received when we went through the budget and of course every member in the locality if they feel that there are unnecessary expenditures that we would certainly go along with them. I'm sure I will and strike these items out of the budget. I would have no qualms about that what so ever. That the person in any area in any school felt that there were extraneous items in the budget that the school didn't need and that money could be spent better elsewhere that we would be only too happy to take their advise as being the elected member from there and strike the item from the budget with no qualms what so ever.

Mr. Gordon: This is an odd sort of situation. I did not realize that we had a professional autoharpist in Mayo, but the point I would like to raise is this. We may have a professional autoharpists, but how long is he going to stay there? What happens to that autoharp when he leaves? It sits in the ruddy cupboard. It would be a darn sight more sensible to spend \$60.00 on plywood and help to equip, boys and girls if they are so inclined, to be able to use their hands and earn a living for the rest of their lives. If this person who is an autoharpist is qualified, he must have an autoharp of his own. If he has any student in whom he has confidence and feels he needs to encourage, he can take him into his own place, give him the lessons and let it go, but I don't want to see any part of an autoharp sitting in a cupboard ten years from now and nobody playing it.

Mr. Shaw: Mr. Chairman, I can see that Councillor Gordon has a very good point there, "How long will that person stay?", but I felt that this was a break through when I saw the autoharp there because in the years that I have been on this Council, I've noticed that in the Whitehorse area they are getting trumpets and basoons and gosh knows what else that from time to time, in fact the whole orchestra, and this is the first break through other than the normal piano that goes into the school that I have seen an instrument go into one of the outside schools, I thought that maybe we are going to have an orchestra of our own. That is kind of shot down the pipe now, but it did seem like a break through at the time, Mr. Chairman.

Mr. Chairman: Mr. Chamberlist, would you take the Chair please. Mr. Chairman, I hope that we can resolve this problem because this is where we always seem to get bogged down, This is Parkinson's Law and we seem to be practicing it at the moment. When you come up in the budget with a \$450,000,000,000.00 atomic plant, everybody says that's okay, that's fine, but try and get by the coffee fund. That they don't understand and that is exactly what is going on here and in the time that we have sat here and discussed autoharps in Mayo, no doubt it has cost this Territorial Administration about another \$200.00. I don't know where we are really getting at. If there is something to be deleted from the Budget, I would suggest a motion for deletion be forth coming and the matter dealt with and we can proceed on in a more expeditious manner. I will resume the Chair now Councillor Chamberlist. Have you anything further on Schools Curriculum Supplies?

VOTE #3

EST. 302 Mrs. Gordon: Yes, I still don't know why the necessity and this hasn't been answered, why we need extra typwriting desks at Elsa, in addition to autoharps. If these children are going to be moved back and forth between the communities and the class is set up in Mayo, why do we have to provide a second one in Elsa? If it's a grade difference, fine, but I don't know this. I want the answers.

Mr. Chamberlist: I think, Mr. Chairman, that in view of Councillor Gordon's remarks she perhaps has a right to question the principal as to what these desks are for. Question the Superintendent. She wants an explanation and it should be given to her. I see nothing wrong with that.

Mr. Commissioner: Mr. Chairman, I want to assure every member of Council that in so far as any specific items that they see here if there is question in their mind as to the advisability or the necessity of these particular things irrespectable, whether they appear in the budget or whether they don't, but any kind of representation made to me will be dealt with and they will get either the proper justification for them or they will have assurance from me that I will not permit the expenditure anyhow.

Mrs. Gordon: The point is this, Mr. Chairman I got this book yesterday, the day before yesterday, I spent a lot of hours going through it. If I had had this book a month ago or realized what was in it, I could have talked to my people there and let's face it, with the amount that the Territorial Council in their phone bills that you have to make to get a simple yes or no answer when you have to come up here to Whitehorse, I can't afford it. I want the answers in this Council Chamber.

Mr. Shaw: Mr. Chairman, in order to expedite this, and I think that Councillor, the Honorable Member for Mayo has got some very good points there, could we make a notation of these particular objections and carry on and later on find out the answers and then proceed .....just leave the Department in abeyance until the answers are forth coming at a later date. Would that be satisfactory, Mr. Chairman?

Mr. Chairman: I wonder Mr. Commissioner if you would endeavour to get the information on this for Committee?

Mr. Commissioner: Mr. Chairman, I want to assure you that we will bring forth these answers and the Clerk will be only to pleased to keep track of these questions and we will see that answers are tabled for Council's information.

Mr. Chamberlist: Mr. Chairman, I wonder if it would help if we did have the Superintendent here, because without harping on a particular subject, I would like to ask some questions about a plastic human brain, an ear model, an eye model, heart model. I want to know what they are for, who they are for.

Mr. Commissioner: Mr. Chairman, it would be far more satisfactory to Council, they will get more satisfaction if they would permit the questions to be asked and the answers to be properly brought forward because in order to answer this type of a detailed question, with all due respect, I question very much if the Superintendent of Education has these answers right off the top of his hat either. He would certainly have to do some research in order to bring forward a proper answer.

EST. 303  
& 304

Mr. Chairman: May we proceed? The next item is Custodial Supplies for schools, Materials & Supplies \$36,169.00. Schools Physical Education Supplies \$9,775.00.

Mr. Chamberlist: Is there a break down for that?

Mr. Treasurer: No. I have seen no breakdown for that.

Mr. McKinnon: Mr. Chairman, this is an expenditure of \$9,775.00 for items costing less than \$100.00 each. It's a formula that works out to provide certain amounts of money for each school in the Territory to provide for replacement of sports equipment and for extra material supplies. Committee wants every item a break down of every item under a \$100.00 we can look for 20 more pages in the Budget for everything going from \$.02 to \$100.00 and Mr. Chairman, in all sense is this a reasonable request rather than to work this on a formula that is known that replacement equipment is needed to a certain extent in each school over the year?

Mr. Chairman: Are we now clear on this item? Next is Schools Library Supplies \$18,120.00. The next is Advertising \$5,719.00. EST. 305 & 306

Mr. Chamberlist: What does Advertising cover? I would like to know that.

Mr. Chairman: Newspaper advertising of school opening announcements, bus schedules, course calenders, tenders, etc.

Mr. Chamberlist: \$5,719.00 How does this figure come about?

Mr. Commissioner: Well, for example, we put out tenders for the school buses. I would say that just this item alone would probably cost \$700.00 or \$800.00 in advertising cost. They are normally advertised, I believe for at least three consecutive issues and three consecutive weeks and each issue of the local newspapers and possibly in some of the surrounding areas as well, possibly we'll say in the Peace River District or something of this nature. The printing of the bus schedules I think that you will remember that there was considerable dicussion here in the Council approximately 2 years ago right about this time that the great amount of secrecy in the bus schedule so we now publish them in the newspaper and I believe the cost is somewhere in the neighbourhood of \$100.00 a page per issue that they are published in. The next situation concerning other tenders with regard to schools. We have a tender for garbage hauling, tenders for small maintenance work around the schools. I can assure you Mr. Chairman that this is not an unreasonable sum of money at all for what is involved here.

Mr. Chairman: The next item is Special Services \$1.00. Utility Services \$282,406.00. Rentals (Leases) \$7,860.00.

Mrs. Gordon: In this Item 68 I note that the Radio-Telephone in bus service between Elsa and Mayo is itemized out at 7 months for \$22.50. I can only assume that these are the cold winter months, but I am wondering if in the Department of Education and their bussing service if there is any consideration given to the mileage covered. We don't only have cold weather, but over a considerable distance there is a 28 mile run each way between Mayo and Elsa. If this is taken into consideration that there is even with a new vechile, there's a possibility of break down and for the additional cost to provide contact instantly for an extra 3 months I think it should be looked into.

Mr. Commissioner: Mr. Chairman, with respect, this budget terminates during the school term on the 31st of March. This is talking about starting on September 1 through March 31. There will be another Vote in next years Budget for that portion of the unexpired school term April 1/70 to June 30th.

Mrs. Gordon: I'm confusing calendar years, school years and

VOTE #3  
EST. 306

Mrs. Gordon cont.  
fiscal years.

Mr. Chairman: The supporting pages are 3/21 and 3/22 are the supporting figures I believe for School Services Establishment No. 306. The first Item is Contracts \$8,109.00. Transportation Non-Employees \$277,148.00.

Mr. Chamberlist: Transportation of Non-Employees, can I have and explanation of that?

Mr. Commissioner: Yes, school children.

EST. 309  
& 311

Mr. Chairman: The next item is Materials under Student Accommodation Territorial (Tagish House) Materials & Supplies \$12,316.00. Yes, if you wish to take this Student Accommodation Territorial (Tagish House) as one item \$15,465.00. Next is Student Accommodation - Private in the amount of \$55,560.00.

Mr. Livesey: I wonder if I could raise a question in relation to the situation that has been discussed in the last ..... or so in regard to answers and ask the Administration if they are now satisfied that provision for student accommodation both private and otherwise is, or do they feel that is reasonably going to be taken care of within the next year or so. I don't feel that we can project our estimate much more than a year ahead, but are they satisfied now that this condition as far as student accommodation is concerned more or less away from the area of argument and discussion which we have gone through during the last two years, especially, I know in the rural areas they are very upset about this condition here because most of the children have to come to Whitehorse if they are going to get higher education because especially in my area, we don't have any high school at all, so I wondered if I could ask that question? Is the Administration satisfied that this is being well taken care of and the needs for at least a year ahead provided for to their satisfaction?

Mr. Commissioner: Mr. Chairman, I would speak in answer to this question in two ways. First and foremost there is no such thing as providing satisfactory living away from home conditions for young people. There is no such thing. Secondly, I would say that we are doing the very best that we can and the resources that we have at our command. Thirdly, there is no doubt going to be discussions that will take place at this Council Chamber possibly in connection with our next fiscal agreement with the Federal Government that will cover this particular aspect of living accommodations either in the Whitehorse area and also possibly in other areas of the Territory.

EST. 313

Mr. Chairman: The next item is Retarded Children's Classes in the amount of \$8,652.00.

Mrs. Gordon: May I ask a question? Does anyone around this table, can anyone tell me how many retarded students are there?

Mr. Commissioner: I would have to supply that but we would gladly do this.

Mrs. Gordon: Because I have another question that relates to another Vote and they are connected.

Mr. Commissioner: We will gladly supply that.

EST. 314

Mr. Chairman: The next item is Post Secondary Training \$141,805.00

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Commissioner

VOTE #3  
EST. 314

Mr. Chamberlist cont.

could say whether that portion of the first item \$3,975.00 which is the Correspondence School for Handicapped Children, would this not come out of a different fund and wouldn't the facilities for the correction inmates not come out of the Correction Fund? Why should it come out of this Department of Education Fund?

Mr. Commissioner: We have to vote it into the Department of Education in the first instance because it comes under their supervision. As far as recoveries are concerned in certain areas there is some recovery that may possibly be available to us particularly with the handicapped aspect of things under Canada's Assistance Plan and the Department of Manpower, but basically speaking the provision of education in the Territory in the first instance, as it relates to grade school level is the responsibility of the Department of Education and I would like to suggest, Mr. Chairman, that the money in the first instance is rightfully voted in this department, but this does not preclude us getting such recoveries as we can from those participating sources from other governments and I assure you that the Treasurer would confirm that we do this.

Mr. Treasurer: That is correct Mr. Chairman. We are not debarred from recovering under any agreement we might have for this expenditure.

Mr. Chairman: The next item is Yukon Federation of Home and School Association \$530.00. Kindergarten \$8,401.00.

EST. 315

Mrs. Gordon: We have reached the point where I can ask this related question. I am all in agreement that retarded children or anyone handicapped in any way needs assistance, but I question \$8,000.00 for retarded children and this is a supposition, say there are probably 20 at the most 40 people. In our kindergarten system I am quite sure we have hundreds and the assistance given to these where we are creating a situation where we bring a child into our school system, someone that can cope with the situation, at a cost of \$8,400.00. There is no equity here I feel.

Mr. Commissioner: Mr. Chairman, I would like to bring to your attention that the primary item here under kindergartens is for material supplies and equipment only in the kindergarten. It has nothing at all to do with building rentals, the payment of teachers, the bussing of children are all a hundred and one other things that are dealt with in this specific items in which they occur. Now, as far as the retarded childrens situation is concerned, this is an entirely different kettle of fish altogether. This is a situation whereby we have a class in one of the schools in Whitehorse, I'm sorry I can't say specifically which one it is presently operating in but I do believe it is Camp Takhini but I am subject to correction on it, whereby we make these funds available and out of those funds and everything to do with that retarded childrens class is paid for. So we have two different.....we are talking about apples and oranges, Mr. Chairman, and I would be very happy to bring forward the information concerning the retarded childrens classes which I think would put the thing in its proper perspective and I am sure that Councillor Gordon will be more than satisfied with the answer when we get it put into its proper perspective.

Mr. Chairman: At this time I will call Committee in recess.

RECESS

RECESS



Friday, March 14, 1969.  
2:00 o'clock p.m.

Mr. Chairman: At this time I will call Committee back to order and we are - Order, please. Is there anything further on the last item? Councillor Gordon.

BILL #13  
VOTE #3

Mrs. Gordon: Over the lunch hour I had occasion and the opportunity to clarify the situation as to autoharps, and I find that autoharps are simply a mechanical instrument. It doesn't take any musical ability to be able to operate one and even someone as unartistic as I could operate an autoharp. It doesn't take a professional and I would agree that it should be sent to Mayo, and would ask a supplementary question as to how many more are in use or will be in use in our schools throughout the Territory.

Mr. McKinnon: Mr. Chairman, there are autoharps presently in use in the Whitehorse Elementary and Christ the King Schools and this, as far as I know, will be the first one that has been requested and will be sent to schools outside the Whitehorse area. They are simple enough, as Councillor Gordon has said, that any child with limited musical ability can be taught chords - or teacher. There was a question asked in Budget Programming that there was a person capable - of enough musical ability - to teach the chords of the autoharp in the Mayo School and this is the reason that it was requested in this area, and if these requests are coming from other areas with people with musical ability to teach primary school children music, the Department of Education feels that this is an item that should be passed in the Budget.

Mr. Chairman: Are we clear? The next item is found on page 327. Grants. Is that clear?

All: Clear.

Mr. Chairman: Kindergartens. Is there anything further on kindergartens? Clear?

All: Clear.

Mr. Chairman: The next item is Special Student Events, Education in the amount of \$12,150.

Mr. McKinnon: I just would like to comment, Mr. Chairman, that originally there was a budget of some \$30,000 allocated for Special Events for Students and your Committee felt that some of them were extremely beneficial and necessary and others weren't and the ones that are remaining to the amount of \$12,150 are the ones we felt the most benefit could come for the children of the Yukon attending special events. There were some pretty wild schemes and I'd like to tell some of them to Members over coffee, one particularly that was extremely interesting but unworkable at this time.

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: May I ask a question in relation to this? Some of these items listed in these sort of things seem to be confined to the Whitehorse area. Are there students in the outlying areas who would qualify?

BILL #13  
VOTE #3

Mr. McKinnon: Mr. Chairman, every one of these events and one of the criteria we used in accepting is that the majority of them are available to students in any of the schools through the Yukon and others that would be available to all students through the Yukon if the students and the teachers in the schools took the initiative of forming certain clubs which they then would be eligible to enter in the competitions, to go on these type of trips, specifically I mean under the United Nations Club. Only people who have a United Nations Club at their school are eligible for two of these trips, I think, that you see in here, but there is nothing that prohibits any school anywhere in the Yukon from forming a UN Club, which I think would be valuable to the students in the area and then be eligible for these type of trips.

Mr. Chairman: Are we clear on this item?

All: Clear.

Mr. Chairman: The next item is Special Student Events. I guess this is all inclusive of these. The next is Administration for Personal Training in the amount of \$5,041.

All: Clear.

Mr. Chairman: The next is Yukon Technical and Vocational Training Centre, including Dormitory, \$352,590. Are we clear?

All: Clear.

Mr. Chairman: The next item is Adult Education, Night School, \$18,250.

Mrs. Gordon: May I ask a question? In these night school classes - adult night school classes - how much is recoverable or is there a section in the budget that shows how much is recoverable from those taking these courses?

Mr. Treasurer: Page 25, sub 11.

Mr. Chamberlist: Mr. Chairman, are any of these night classes available in areas other than Whitehorse?

Mr. McKinnon: No, Mr. Chairman, these are the night schools that are held at the Vocational and Training Centre and as such are only available to people in the Whitehorse area.

Mr. Chairman: Are we clear? The next item is Apprenticeship Training, \$10,800.

All: Clear.

Mr. Chairman: Rehabilitation of Disabled Persons, \$20,000.

Mrs. Gordon: Oh, I'm sorry I missed one. May I refer back to Apprenticeship Training? Is the program of certification of apprentices still under consideration? Has there been any progress made in setting up the examination of the various vocations taught within this system? Can anyone give me any information on this?

Mr. McKinnon: Mr. Chairman, when the estimates on the Apprenticeship Training were under examination Mr. Baston was asked this similar question and the answer that he gave at the last meeting still holds true that they have not finalized all the areas in being able to certify all graduates in the high school at this time; that they are still working on it and he hopes, as he has said prior to Council, to be able to come up with certification programs in all aspects of Vocational Training in the near future.

Mr. Chamberlist: Mr. Chairman, in Primary No. 72, this transportation for non-employees for apprentices that would have to go outside Whitehorse to complete their training, would this mean out of Whitehorse to other parts of the Territory or out of the Territory?

Mr. McKinnon: There are certain areas, Mr. Chairman, in the Vocational Training program where people reach a certain level in the Whitehorse Vocational Training Program and then to be able to qualify for certification they must leave the Territory and take further training in areas that are not available in the Yukon Territory at this time.

Mr. Chamberlist: Well, Mr. Chairman, it looks as if \$900 would be inadequate because this would only make provision for about five apprentices in a whole year. Isn't that an inadequate amount? This is a particular case where I think we should have more money available than the \$900 that is in there. I wonder if perhaps Mr. Treasurer could say, Mr. Chairman, how many apprentices made use of this facility last year?

Mr. Treasurer: I'm afraid, Mr. Chairman, I'm not able to say that.

Mr. McKinnon: Mr. Chairman, there was \$300 voted for this in 1967-68 and there was \$600 voted in 1968-69 and this is another third increase of \$900 - a further increase of \$300 for 1969-70. This was not knocked down at all from what the Director of Vocational Training originally submitted in his estimate.

Mr. Chamberlist: Thank you.

Mr. Chairman: Are we clear now on Education? Councillor Livesey.

Mr. Livesey: No, not clear, Mr. Chairman. I would like to ask, apart from Vocational training, what night school classes are available outside of this area? This is a good question. If we're going to provide adult education only in one area in the Yukon Territory I'm afraid we're going to sadly neglect those who in a good many instances need and require this adult education which they can only take in night classes outside of this particular area, and I think this is a question that I would like answered, Mr. Chairman.

Mr. Shaw: Mr. Chairman, when we passed this Vote here - when we went through this as a Member of the Financial Advisory Committee, Adult Education, Night School, where we have a provision \$18,250, I assumed - maybe incorrectly, but I assumed that was for night classes all over the Territory. It does operate in Dawson at the present moment and I felt that this

BILL #13 was just a continuation of the same thing and that was the  
VOTE #3 amount of money required. It doesn't say Vocational School  
necessarily. It does put one point there where we have  
materials under Primary 64 but the Adult Education, Night  
School, in my belief, covered the whole spectrum of adult  
education.

Mr. McKinnon: Mr. Chairman, the point that I was making was  
that in the Vocational Training night school classes - these  
classes are only held in Whitehorse where the facilities of  
the Whitehorse Vocational School are, and other areas of  
adult education, the academic program, I know that courses  
are taught in Dawson outside of Whitehorse and Watson Lake  
also, and that the Superintendent of Education has stated as  
a policy that where there is a sufficient number of people  
interested in taking night school classes and where there is  
a teacher willing and available to earn extra money by holding  
night school classes that it is the policy of the Department  
of Education to set up these classes in every area that the  
minimum requirements of attendance and a teacher available  
to teach these night school classes.

Mr. Livesey: Well, Mr. Chairman, the reason I raise this was  
in view of the Commissioner's question this morning - the  
Commissioner in a statement, I should say, this morning - he  
said that rather than bring the various Department Heads to  
this Committee to discuss the questions that as we go through  
this budget that we should ask these questions in order that  
the Administration may answer them and that is a question I  
would definitely like answered by the Administration.

Mr. Chairman: Are we now clear on Education in the amount of  
\$1,607, 811? Clear?

All: Clear.

VOTE #4 Mr. Chairman: The next item is Vote 04, Territorial Secretary  
and Registrar General. The first item...

Mr. Chamberlist: With respect, I don't think we dealt with  
Establishment 324, Rehabilitation of Disabled Persons.

Mr. Chairman: It's all been cleared. If you have any questions  
we can go back to it.

Mr. Chamberlist: Oh, well, I'm sorry, perhaps I was looking  
at something else. I'm sorry, Mr. Chairman.

Mr. Chairman: Vote 04, Territorial Secretary, \$43,492.  
Councillor Dumas.

Mr. Dumas: How often does the Boiler Inspector go around the  
Territory, Mr. Chairman?

Mr. Chairman: Mr. Clerk.

Mr. Clerk: Once a year.

Mr. Dumas: \$1,600?

Mr. Clerk: Yes, he spends about three to four months here in  
the summer.

Mr. Dumas: Oh, I see. Okay.

Mr. Chairman: Are you clear on this item? Councillor Gordon.

Mrs. Gordon: Within the Public Administrator's expenses in connection with checking property and estates in outlying areas, this seems a very minimal amount. I suppose some of it is a result of using a policeman throughout the Territory to do these, but it would seem there must be certain areas that are covered by the Public Administrator where it should take a more personal contact of necessity. This doesn't seem very much.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser can say when he is unable to act in matters of public administration as far as giving advice to the Public Administrator.

Mr. Legal Adviser: When he is able to or unable to?

Mr. Chamberlist: Unable to.

Mr. Chairman: The item states, for the edification of Mr. Legal Adviser, to provide for legal services to Public Administrator when Legal Adviser unable to act.

Mr. Legal Adviser: I don't know but I imagine that we would occasionally use the services of lawyers in other jurisdictions. We have done this from time to time. We may need a lawyer to come to court if there is an actual case. I can think of a case which will arise shortly where a man was killed in an accident in the street and the only funds in the estate, apart from some unsaleable mining stock, is his rights under the Ordinance which provides for payment to the estate of a person who is dead. We may employ a local lawyer to actually take the case for negligence in the local courts and handle the ordinary details and he will be paid his fees but of course his costs will be reimbursed to him when the case is successful, which it will be, from the insurance company, but to extend the money in the first place we would have to have an item in the estimates to allow us to do it, even though we would be reimbursed.

Mr. Chamberlist: Well, surely this says for legal services to Public Administrator.

Mr. Legal Adviser: Public Administrator would be the plaintiff. This man is dead. He has some people who will be getting money out of the estate, but the Public Administrator will be the personal representative. She is the administrator of that man's estate and will have to take an action in her own name on behalf of the estate and if the insurance company don't pay up...you might have \$200, \$300 or \$400 legal fees to outlay before you actually collect your money at the end of the time. Any expenditure of money by a Department has to be voted by the Council in an estimate. It is not just enough for us to say when the case is over we'll collect the money back. This becomes part of public revenue and it may balance out but in the first instance we must vote the money.

Mr. Chamberlist: Mr. Chairman, I don't follow this. As I understand it the Public Administrator's function is to deal with estates where there has not been - where a person has not - has died without leaving a will or a next of kin. Well, surely the funds would come out of that person's estate to -

BILL #13 any legal fees would come out of that person's estate, would  
VOTE #4 it not?

Mr. Legal Adviser: If there are funds in the estate to start the thing off in the first place. In the particular case I am thinking of, there is no money whatsoever. There is nothing but a pile of useless stock certificates from mines which no longer operate, so she has no money in her little till in respect of that estate. If, on the other hand, you get a bank account with \$2,000 in it, then she could use those funds to finance the action, but in the first place she must get this little primer to prime the pump.

Mr. Chamberlist: So, this is recoverable then?

Mr. Legal Adviser: Probably recoverable, Mr. Chairman, but not in every case - you might lose your action in some cases.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: I wondered, Mr. Chairman, whether the Territorial Secretary could assist me with the problem that it appears that the estimates for 1969-70 are almost double that of 1968-69. I wonder if he could give me a rough - roughly a reason why this is so.

Mr. Treasurer: Perhaps I could answer that, Mr. Chairman. The reason is that last year advertising and travel and living expenses totalling \$12,000 appeared last year in another vote, Vote 18, which is no longer in existence. Those charges have now been distributed amongst each of the various Departments, that had been collected in one vote.

Mr. Chairman: Are we clear?

All: Clear.

Mr. Chairman: Have you anything further on Vote 04?

Mrs. Gordon: Perhaps Mr. Territorial Secretary can advise us what we are going to do with two thousand floral emblems from the Queen's Printer for \$2,000.

Mr. Chairman: Mr. Clerk.

Mr. Clerk: Well, hopefully when we do get them, if and when we do get them, we'll sell them.

Mr. Chamberlist: What are they?

Mr. Clerk: (Inaudible).

Mr. Chairman: Are we clear on this item?

All: Clear.

VOTE #5 Mr. Chairman: The next vote is Health, Vote 05. The first item is venereal disease control, \$7,000.

Mr. Chamberlist: Mr. Chairman, it appears that we have more VD in the country and I wonder if there is any explanation for it?

Mr. McKinnon: Mr. Chairman, I was assured by the Medical Health Officer that we still are keeping our number one rating right across the country.

Mr. Chairman: Have you anything further? The next item is tuberculosis control, \$38,710. Clear?

BILL #13

VOTE #5

All: Clear.

Mr. Chairman: The next item is cancer control, \$18,850.

All: Clear.

Mr. Chairman: The next item is mental health services, \$78,000. Councillor Gordon.

Mrs. Gordon: Under Primary 75, can someone tell me if vol. means voluntarily admitted?

Mr. Dumas: Yes, it does.

Mrs. Gordon: I do know of an instance where a person wanted to be voluntarily admitted and they were refused and I wonder how many we have of these in the Territory.

Mr. Chamberlist: Could we have Mr. Commissioner here to answer some of these questions. It looks like - we're all wondering about answering these questions and there is nobody to answer them.

Mr. Chairman: I wonder if Mr. Commissioner would be in a position to answer that question in the first place.

Mr. Chamberlist: Well, he's the Head of the Administration here. Find somebody else then.

Mr. Chairman: If you do have a question, I'm sure Mr. Clerk would note it and get the answer for any Member of Committee. Mr. Clerk, would you see if you could find the answer to Councillor Gordon's question. Anything further on mental health services? Councillor Livesey.

Mr. Livesey: Yes. I wonder if the Medical Health Officer - the Northern Health Officer could advise Committee as to the reason for the increase in medical health problems as indicated in the estimates for this year. Is the problem increasing in the Yukon Territory, and if so, why?

Mr. Chamberlist: Mr. Chairman, with due respect here, I can't see how can we approve a budget or any item if we cannot get an explanation now at the time we are going through this on a particular item. What is the point of us saying this is clear and pass the budget and then afterwards we get an answer which is not satisfactory, and we can't then withdraw the item. The item has been passed. Now, I would like to ask some questions about this hospitalization committed by judicial order, but I can't ask those questions if they are going to be written down and then after we pass it and we come back again and we say well, this is the reason for it but this doesn't do what we are supposed to do, and we're to scrutinize the accounts.

Mr. McKinnon: Mr. Chairman, so far as I can understand, there have been two questions asked. One on venereal disease. These questions were asked by Dr. Black when he appeared before Budgetary Programming Committee, and the answer he gave was that Dr. Black advised the Committee that venereal disease is increasing steadily throughout the Territory and this has necessitated the increase in expenditure over last year of \$2,500. Perhaps because I gave a rather flippant

BILL #13 answer to what I thought was a rather flippant question,  
VOTE #5 perhaps the seriousness of the answer wasn't indicated. In  
the field of mental health, this, of course, was also of  
course asked of Dr. Black, and the increase - it was stated  
by him - that both the per diem rates and the travel expenses  
have increased sending people outside the Territory. More  
services are being provided and this accounts, with the  
increase of people known in the Territory suffering mental  
illnesses, an increase of \$18,000 over last year's  
expenditure was also raised by the Budgetary Programming  
Committee at that time what could be done to provide facilities  
for people because of the increase of mental health patients  
in the Territory needing mental health treatment, and we  
were advised by Dr. Black that though money and capital wasn't  
available for building a treatment centre in the Yukon, and  
that the provinces had their mental health institutions filled  
to overflowing, but the Government of the Northwest Territories  
was building a mental health treatment centre in Yellowknife  
and that the people from the Yukon would be given first  
priority in this institution other than people from the  
Northwest Territories. This means now that where it is  
extremely difficult for people to receive mental health  
treatment in the provinces because their institutions are so  
full that we will have an easier time getting people who need  
treatment into facilities because of the facility the Govern-  
ment of the Northwest Territories are building. Now, these  
are the two questions that I have seen and that these answers  
aren't good enough. The same questions that we asked of  
Dr. Black seem to have been asked of the Committee and we  
certainly have to find further answers from Dr. Black himself.

Mr. Chamberlist: Mr. Chairman, I thank the Honourable Member  
for giving us an explanation that we didn't have before. I  
mean this is why I asked the questions, but at the same time  
I would like to know on this amount of money of people who  
are committed by judicial order, is there any recovery in  
that or does the Territory foot the whole bill for this?

Mr. Treasurer: No, we receive health grants from Ottawa. One  
for mental health, one for cancer, one for VD and so on. There  
are five of them, and they total approximately now \$55,000.  
They do not meet our full expenditure.

Mr. Chamberlist: On previous years, Mr. Chairman, could the  
Treasurer say whether the same amount of grants met our  
expenditures on these particular items?

Mr. Treasurer: No, no year have the grants met our expenditures.  
The grants have been increasing each year by a small amount,  
\$1,000 or so each year. They started out at \$46,000, I recollect,  
about ten years ago, and they are now around \$55,000 odd.  
The position is that these grants appeared as a lump sum of  
several million dollars voted by Ottawa and they are spread  
amongst the various Provinces, perhaps according to population,  
and as a result we come at the tail end of the line and get  
very little.

Mr. Chamberlist: Would you say that our grants are less than  
the Provinces or equal to the Provinces?

Mr. Treasurer: In total, of course, they are much, much less.  
Per capita-wise, I couldn't say. I have not attempted to  
check.

Mr. Chamberlist: Well, perhaps, Mr. Chairman, Mr. Clerk  
will obtain that information.



Mr. Chairman: May we proceed? Disease Prevention, Sanitation, \$1,500.

BILL #13

VOTE #5

All: Clear.

Mr. Chairman: General Health Services in the amount of \$228,147.

Mr. Chamberlist: Could I go back a minute? Could I have an explanation of why this health unit in use by the Health Inspector has 15 cents a mile? Here is another difference again of mileage. Could we have an answer to that? I don't know who could answer that.

Mr. Treasurer: I think the answer will be that this is a unit under Federal control, you know, for use and this is the Federal rate.

Mr. McKinnon: Mr. Chairman, wasn't I to understand that there was supposed to be an answer coming explaining the variance in costs between twelve, fifteen and seventeen all the way around? The twelve and seventeen have been answered and it is the fifteen cent one only that is in question right now. The cars, and Councillor Chamberlist will remember from the time that he was on the Budgetary Programming Committee, that the cars are given to the Department of National Health and Welfare will not be put in the pool even though the estimates of this Department come under the purview of the Yukon Territorial Government that the Department of Northern Health judiciously guarded against their units being put in the car pool system provided by the Yukon Territorial Government, and as such I imagine that this is the normal Federal charge-back that is used by Federal Government units.

Mr. Treasurer: I think that is the case, Mr. Chairman, yes.

Mr. Chamberlist: Thank you, Mr. Chairman.

Mr. Shaw: I think, Mr. Chairman, the biggest expense - the reason that is the larger expense is the fact that they have to tow them around so much in the wintertime.

Mr. Chairman: The next item is General Health Services, \$228, 147.

Mr. McKinnon: Mr. Chairman, it might be interesting to note the percentage of Territorial and Federal breakdowns in there as to Indian responsibility and Territorial responsibility, and Committee felt, and much of this discussion was raised by the Honourable Member from Whitehorse East the other day, that the percentages that you see are based on statistics from DBS that are locally inaccurate and out of line. This is just another area where I am sure that new statistics could probably help the pocketbook of the Government of the Yukon Territory.

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

Mr. Chamberlist: Yes, Councillor Taylor.

Mr. Taylor: Mr. Chairman, I am just not completely sure that these were based on DBS figures. It seems to me in recollection that about two fiscal agreements ago when we started getting health plans from the Department of National Health and Welfare, Northern Health Services, that they were

BILL #13 based by local surveys, made up by the Department. I could  
VOTE #5 be wrong here but I think that is what these figures are based  
on, and I really agree and concur with the Honourable Member  
from Whitehorse North and I don't feel that these figures are  
really practical in this day and age. We've gone and extended  
agreements and we've gone through two agreements up to the  
current one and then we've made two additions to it, two  
extensions and these figures no longer are realistic. I did  
want to say one other thing and I would be remiss if I didn't  
say is that I completely deplore the fact that there is no  
provision in this Vote 05 in this budget for the operation of  
a nursing centre at Ross River, and it is my sincere hope that  
Northern Health will reconsider their stand and start attempting,  
at least, to provide for adequate proper medical facilities  
to this community which they desperately need. Thank you,  
Mr. Chairman, and I will resume the Chair.

Mr. Shaw: Mr. Chairman, in this matter I did bring up in the  
Committee the matter of the percentages that they have covering  
those, we'll say, of Indian status and otherwise. It really  
doesn't matter. These people all have to have service, but  
of course when you get down to analyzing where the responsibility  
lies in an agreement, some of these appear to be way off base.  
For example, here's Dawson City. \$28,000 for non-Indian and  
\$5,775 for Indian care as far as the health nurse is concerned.  
I'm sure that if that were investigated you would find that  
this is way, way out. The proportion, I would almost be willing  
to gamble, would be the opposite, and the same as Old Crow - I  
don't think there are 26 per cent white either, but they may  
count that as the R.C.M.P. and teachers up there and all these  
things. It really doesn't make a great deal of difference in  
so far as these people all have to have this attention and I  
think they are doing a pretty good job of attention, but if we  
start to really get down to dollars and cents, I think the  
Territory is coming out on the wrong end of the stick on this.  
Taking into consideration, Mr. Chairman, those people that  
get the services of these health units, that's what I'm  
referring to, not the population, but the people that obtain  
the services

Mr. Treasurer: Mr. Chairman, let me comment on this, please.  
These percentages will have appeared in the Yukon Health Plan  
forming part of the current fiscal agreement which we all saw  
and agreed to, and also if there is any discrepancy here in  
the percentages then that will be taken care of in the deficit  
grant, whereas now it is five million, three hundred and six  
thousand dollars for a current year, it might have been less  
if these percentages were different.

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

Mr. Chamberlist: Yes, Councillor Taylor.

Mr. Taylor: The big point is who is paying the bill. I mean  
what are we being charged for. What are we paying and what  
does the Federal Government pay? And every time we come to  
a question like this the first thing the Administration say is  
oh well, don't worry, fellows, we'll pick it up in the deficit  
grant, but really and truly there is no extracting how much  
money the Federal Government actually owe the Territorial  
Government and pay for services in education and Health and  
Welfare and other fields. I mean actually owing to the Territory  
for services rendered, and the Federal Government like to sluff  
this off by saying oh well, whatever the balance is, why we'll

just pick it up in the deficit grant, but then they go across Canada and tell people of the nation and indeed the people of the world how heavily they are subsidizing the people of the Yukon Territory by quoting that very same deficit grant, not indicating the money that they are actually paying to us for services we are actually rendering them. I think that this should be recognized. I'll resume the Chair. Is there anything further? Councillor Chamberlist.

BILL #13  
VOTE #5

Mr. Chamberlist: Mr. Chairman, I note on page 511 at the bottom - it shows an asterik which says includes provision for Ross River and there is an amount of \$11,500 in the Whitehorse Health Centre for utility services in Ross River. How do you come about when you have \$11,500 for utilities in Ross River? How does that come about, Mr. MacKenzie?

Mr. Treasurer: I couldn't say, I'm afraid, except that Ross River will be in the Whitehorse health area, I think, and that is why it appears in that column.

Mr. Chairman: Speaking from the Chair. It is probably for water and power.

Mr. Chamberlist: To what?

Mr. Chairman: The water system to the little shack north of Ross River - that little log shack.

Mr. Chamberlist: And there is also \$3,130 for utility services for Beaver Creek marked in here as well. I wonder perhaps if the Honourable Member from Carmacks-Kluane knows what is being spent on that? That is on page 511.

Mr. Livesey: Well, Mr. Chairman, no, I can't say that I do, but we do have a nurse at Beaver Creek who operates from her own home. I certainly don't understand how the utility services were arrived at either, but I'm certainly going to question it, there's no question about that.

Mr. Chairman: Have you anything further on General Health Services?

Mr. Livesey: Yes, before we leave this vote, I wondered if I could direct a question to our representative on the Whitehorse Hospital Board, and ask him if he could provide us with the details as to if there is any truth to the information or to the rumour at the moment that the Medical Health Center is going to be somehow attached to the Whitehorse General Hospital in the Riverdale area, or close to that vicinity? Is that true or has the Member heard anything about it?

Mr. Chamberlist: Yes, Mr. Chairman, at the Hospital Board meeting at the beginning of the month this particular item was brought forward and I objected most strongly because of the suggestion that there would be a grant in lieu of taxes paid by the Medical Clinic paid to the City of Whitehorse, and after some discussion, and the Commissioner was there at the time, it has been decided that there would be no authority given to the Medical Clinic until such time as the question of whether 1) it is within the municipal bounds because it is a separate reserve land, and also whether in fact the Federal Government would permit a private enterprise from operating on those grounds and what would be the situation as far as taxes on a fair basis equal to that of any other commercial proposition.

BILL #13 Mr. Chairman: Councillor Dumas.

VOTE #5

Mr. Dumas: Just one comment on that, Mr. Chairman. While we're on the subject, I don't see how the Territorial Government could condone any government supporting financing or in any way private enterprise, and this is exactly what we would be doing if we allow the Medical Clinic to go on Crown land. What is to stop the next set of doctors that come up, and let's hope they come up soon, who want to set up a medical clinic from also saying, well, we're also entitled to some Crown land to set up a medical center and the same on and on and on, and I think it would be a very bad practice to get it started.

Mr. Chamberlist: Mr. Chairman, I received today a copy of the minutes of that meeting and I am prepared to table it so that any Member of Council can read the minutes of that meeting.

Mr. McKinnon: Mr. Chairman, I wonder if I could go back to the question of moneys in the operation and maintenance budget for the Beaver Creek Health Centre. If Members will recall that at the capital session of this budget we passed an estimate of \$25,000 to provide for a health station at Beaver Creek. This money that appears in the operation and maintenance side is for the utilities for that station that we passed in the capital, Mr. Chairman.

Mr. Chamberlist: In that case, Mr. Chairman, I must ask the Honourable Member from Whitehorse North whether the amount of \$11,500 for the Ross River area provided for the same purpose is for, perhaps, a health centre in the Ross River area?

Mr. McKinnon: No, Mr. Chairman, it is for the utilities for the facility that is already there. The Budgetary Programming Committee re-stated the principals and the philosophies that the Honourable Member from Watson Lake had stated prior in Budgetary Programming Committee that he felt that in the five-year health plan that there was the facility provided for Ross River, that Northern Health has now gone against this plan and we are no longer going to build this facility in Ross River because they felt that the operation of the hospital in Faro would serve Ross River admirably. We re-stated his cause and we're told that this is the way that things were in Northern Health and that was the way it was, and the money that is here provided is for utilities out of the Whitehorse health district which serves the building at Ross River, which is now used as a first aid centre type of operation.

Mr. Chamberlist: Well, Mr. Chairman, it seems to me that almost a thousand dollars a month for utilities at Ross River - there must be a.....

Mr. Chairman: Whitehorse and Ross River.

Mr. Chamberlist: No. I beg your pardon. It does not include Whitehorse and Ross River. Oh, I beg your pardon. I see the asterisk is for.....

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

Mr. Chamberlist: Yes.

Mr. Taylor: I would like to direct a question to Mr. Treasurer. I believe, Mr. Chairman, Mr. Treasurer is aware of the fact that the nursing station that has for many years been programmed

for Ross River now - or it is the intention of Northern Health to build this at Anvil. Now, moneys were provided in the current fiscal agreement to construct this facility at Ross River and recognizing the fact that Anvil has a separate agreement outside our fiscal agreement - our current fiscal agreement for the construction of facilities in Anvil - is it then legally possible under our agreements for the Northern Health Services to take this facility and build it in Anvil, which is an area subject to another agreement entirely? BILL #13  
VOTE #5

Mr. Treasurer: Mr. Chairman, I think it true to say that this health centre in Anvil is going to be constructed by the Anvil Company, not by us.

Mr. Taylor: Well, Mr. Chairman, it brings me back to my old point. We've provided moneys - I just can't jump to it right at the moment - we have provided moneys for the construction of this station at Ross River. Now, it is my contention that they cannot take those moneys legally and spend them at Faro. They could take them and spend them at Carmacks. They could spend them at Swift River or Beaver Creek, but they cannot spend them at Anvil, and I very much feel that with these funds provided for in the estimates that some pressure should be brought to bear upon Northern Health Services for the Federal Department of National Health and Welfare to encourage them to get on with this project while these moneys exist, because I can see that if nothing is done this year at Ross River where this facility is needed, then these moneys will lapse or be lost or transferred somewhere else and the whole program will be lost and we fought, I don't know how many years now - several - six, anyway - for this facility at Ross. We still haven't gained it and if we lose it prior to the negotiation or the coming into force of the new agreement, we might never see it again for another six years and I am completely frustrated in this subject. What is our position in this regard?

Mr. Treasurer: Well, I think that the Department of Health and Welfare are dead set against putting this facility in Ross River, aren't they? They are convinced that Faro or Anvil will take care of the needs of Ross River.

Mr. Taylor: Yes, well, Mr. Chairman, the need is for a health nurse and treatment-nurse facility sort of thing at Ross River. where the Indian people reside and the people who require more care, shall we say, and the needs of Faro are plainly simple. They need a small cottage hospital in Faro, and I mean it is just as clear as that. Mine facility is one thing but you can't have a public health nurse adequately serving a community who needs continuous attention, driving the fifty miles the one way; a hundred mile round trip just to visit Ross River every day. That is pointless, and this is why it has just got to be at Ross River where the general public live. I won't carry on with the subject but I hope it is noted by the Northern Health in the Votes and Proceedings when they do read them, if they do read them, that as far as my people are concerned at Ross River - they have public meetings and they say, Taylor, go and do everything you can to get us that facility, and we have been promised this for years and years now, and it gets into a budget and poof, it is chopped out. It goes into the next budget and is chopped out again. Well, I see it went right out of the budget this time. I really think that the people of the Yukon should be able to exercise more influence and say in applying for their own necessities and this is a pretty prime important necessity. It is as important as education. I'll resume the Chair.

BILL #13 Well, is there anything further on General Health Services?  
VOTE #5 The next item is Child Welfare Services, \$5,300. Clear?

All: Clear.

Mr. Chairman: The next is Social Assistance, \$20,500.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Treasurer can say how this estimate - how much of this estimate is being spent for social assistance in the various parts of the Territory.

Mr. Treasurer: No, Mr. Chairman, I couldn't break it down in that way, I'm afraid.

Mr. Chamberlist: Well, how did we arrive at the figure?

Mr. Treasurer: This is the Director of Social Welfare's effort and he is the man to provide the explanation that you need, I think.

Mr. Chamberlist: I wonder, Mr. Chairman, whether Mr. Clerk has that information?

Mr. Chairman: Will you so note, Mr. Clerk. The next item is Whitehorse General Hospital, \$6,000.

All: Clear.

Mr. Chairman: Subsidization of Travel, Medical Necessity, \$10,000.

All: Clear.

Mr. Chairman: That brings us to a total of \$414,007. The next vote is Municipal Affairs. The first item is Administration, \$9,404.

VOTE #6 Mr. McKinnon: Mr. Chairman, just as a point of clarification, this vote, which was originally found under vote Engineering and Municipal Affairs combined, is now split between Engineering in a separate office of Municipal Affairs which is hoped to come into being as of April first, 1969.

Mr. Chairman: Clear?

All: Clear.

Mr. Chairman: The next item is Beaver Creek Services, \$2,784. Burwash Landing Services, \$200.

Mr. Livesey: I notice the cost of living has gone up but the price for Beaver Creek Services has not.

Mr. Dumas: Fewer people.

Mr. Livesey: More people. Three people born in an ambulance, Mr. Chairman.

Mr. Chairman: Order, please. Canyon Crescent Services, \$250.

Mr. Chamberlist: What is that for? I thought they had closed down the Canyon Crescent.

Mr. Dumas: Mr. Chairman, we have four families out there and they need the road cleared so the schoolbus can get in.

BILL #13

VOTE #6

Mr. Livesey: Well, Mr. Chairman, Canyon Creek has four families. I don't know how many we got at Burwash Landing. They got \$200. This is a real sad state of affairs, but not only that the people of Burwash Landing have been trying to get a fire prevention services that they are willing to look after themselves. They have been trying to get all kinds of things out there, and so far we haven't got much action and I promise this Committee that I will be working on this strenuously.

Mr. Chairman: The next item is Carcross Services, \$2,926. Clear?

Mr. Chamberlist: Question. There was supposed to be a lighting system installed in Carcorss that I have heard about now and have been asking about for the last 18 months. Can you give me an explanation about it.

Mr. McKinnon: Utilities service, \$65. That is tremendous.

Mr. Chamberlist: This is for maintenance, for paying of the maintenance, as I understand it, and there was supposed to have been street lighting put in.

Mr. McKinnon: Mr. Chairman, any area was treated generously in the whole of the Yukon Territory was the village of Carcross. All existing street lamps this year will be converted to 250 watt mercury vapour and an additional 15 215 watt mercury vapour lamps will be added to the town. Mr. Chairman, I don't know of anyone who receives such generous treatment in any of their constituencies throughout this budget.

Mr. Chamberlist: Mr. Chairman, I can assure the Honourable Members that it is only because of the hard work of their representative that this has been done.

Mr. Dumas: Thank you very much.

Mr. Chairman: The next item is Carmacks Services, \$2,202.

All: Clear.

Mr. Chairman: Crestview Services, \$2,198.

All: Clear.

Mr. Chairman: Crestview Local Improvement District, Proposed, \$1.00.

All: Clear.

Mr. Chairman: Dawson City, General Purposes, \$12,870.

All: Clear.

Mr. Chairman: Dawson City Road Maintenance Grant, \$4,500.

All: Clear.

Mr. Chairman: Dawson City Conditional Grant, \$54,000.

BILL #13 All: Clear.

VOTE #6 Mr. Chairman: Dawson City Sewer Services, \$16,000.

Mr. Chamberlist: Mr. Chairman, does Dawson City pay for anything?

Mr. Shaw: Well, Mr. Chairman, they do pay. The citizens there pay about \$45,000 a year taxes, so I think for the size of the population they certainly pay on a per capita basis for what they have. There is only just so much money to go around, I guess. Their taxes are the highest in the Yukon Territory, 55 mills.

Mr. Chairman: Dawson City Water Service, \$48,000.

All: Clear.

Mr. Shaw: I would say at this time that there are negotiations going on, Mr. Chairman, to create economy to get the sewer and water service under one heading, whether that will be NCPC or the other to do it, which of course will make a difference because it will be a more efficient operation and we hope that that can come about this year. I can assure you that every effort is made to make this as economical as it is possibly able to make it without closing down the operation. I'm sure that no-one would like to see it closed down, even the Member on my left. In a jocular mood he might state that at times but I'm sure he doesn't feel that way; not in his heart.

Mr. Chairman: The next item is Destruction Bay Services, \$1,530.

All: Clear.

Mr. Chairman: Faro Townsite, Administration, \$35,000. I might ask a question from the Chair of Mr. Treasurer. Is this recoverable from the Federal Government by virtue of our agreement?

Mr. McKinnon: Mr. Chairman, it darn well better be because I understood that everything concerning the Faro Anvil Townsite that came under the budgetary provisions for this year was provided for by an increase operating deficit grant for all services and all capital and all operation and maintenance was taken into consideration in this budget to an increased operating deficit grant from the Federal Government to provide for these services which were above and beyond the original agreement. This is the guarantee that we were given by the Administration and by the Federal Government also.

Mr. Treasurer: What has just been said is right as far as capital is concerned, and I believe it is true to say also for operation and maintenance as well. I just don't recollect the exact details of the arrangement at the moment.

Mr. Chairman: Clear.

All: Clear.

Mr. Chairman: Faro Townsite, Water and Sewer.....



Mr. Chamberlist: Could we get that item confirmed,  
Mr. Chairman. I'm a bit worried about it. I would like to  
get it confirmed - perhaps Mr. MacKenzie could get this  
looked up and then pass the information to Council.

BILL #13  
VOTE #6

Mr. Chairman: The next item is Faro Townsite, Water and  
Sewer Service, \$8,350.

All: Clear,

Mr. Chairman: Faro Townsite, Services, \$6,200.

All: Clear.

Mr. Chairman: Haines Junction Local Improvement District,  
\$10,220.

All: Clear.

Mr. Chairman: Hillcrest Services, \$16,500.

All: Clear.

Mr. Chairman: Hillcrest Water Services, \$31,000. Is this  
recoverable from the Federal Government?

Mr. Shaw: Mr. Chairman, just one matter, if I might bring  
up the matter of rentals for Hillcrest services to provide  
for rental of equipment to maintain roads in winter and  
summer. I thought all these roads were paved.

Mr. Dumas: They are.

Mr. Chamberlist: You still have to push the snow away.

Mr. Shaw: For seven thousand bucks?

Mr. Treasurer: This will be recoverable by way of a property  
tax, for one thing, and then road maintenance grants for  
another, and general burden grant for another.

Mr. Dumas: Mr. Chairman, Hillcrest Water Services, \$31,000.  
The last time we discussed this it was \$25,000. I wonder if  
Mr. Treasurer or somebody could elucidate this.

Mr. Chairman: Mr. Treasurer.

Mr. Treasurer: No, I have no information on this. You need  
the Municipal Affairs official to advise you on this.

Mr. Chairman: Next is Hillcrest Sewer Services....

Mr. Chamberlist: Mr. Chairman, do I understand from that  
remark that what has been passed by the Financial Advisory  
Committee in conjunction with the members of the Administration  
has been altered without the Financial Advisory Committee  
knowing about this?

Mr. Treasurer: I would doubt that.

Mr. Dumas: Mr. Chairman, I'm sorry but there seems to be  
a possibility of this because I've never seen this \$31,000  
figure before and \$25,000 is the only figure we discussed and  
as a matter of fact we were looking into getting it reduced

BILL #13 from \$25,000 because we thought it was too high, so we do need  
VOTE #6 Mr. de Klein here to discuss this or let's put it this way,  
I'll have a talk with Mr. de Klein the first opportunity, which  
will probably be at 3:15 p.m. and see if this matter can't  
be cleared up.

Mr. Chairman: The next item then is Hillcrest Sewer Services,  
\$8,000. Clear?

All: Clear.

Mr. Chairman: Keno Services, \$2,212.

Mrs. Gordon: This is not going to degrade our Keno Services,  
Mr. Chairman, and I wonder if the Municipal Affairs man at  
the same time could explain the increase in the number of  
lights in the town of Keno. With the ones they have there and  
twenty additional, I think they'll have a mercury vapour lamp  
on every house in the community.

Mr. Chamberlist: Also, what I would like to question there,  
Mr. Chairman, is why is it that there the cost of \$8.50 a month  
affair, when in other localities further south it is only  
\$4.50 a month. Who operates the utility in Keno?

Mrs. Gordon: Yukon Electric.

Mr. Chamberlist: Well, could we have an explanation of why  
it is \$8.50 up there and \$4.50 down here? I wonder who made  
those arrangements? I require some information on that.

Mr. Chairman: Mr. Clerk, would you so note.

Mrs. Gordon: I can assure you, Mr. Chairman, the people of  
Keno ask this, too, because the rate structure there for the  
power and the rate structure in Mayo - there is a vast  
discrepance.

Mr. Shaw: May I ask, Mr. Chairman, of the Honourable Member  
from Mayo? Is this supplied by the hydro power or is it  
local diesel produced?

Mrs. Gordon: It is sold from the hydro production and re-  
distributed through Yukon Electrical. No, it is not diesel.  
I would say at the moment it is debateable whether it is  
hydro or diesel generators because we have had an accident  
there and one of the generators is out of commission for six  
months.

Mr. Chamberlist: You don't mean one of the generators, you  
mean one of the turbines?

Mrs. Gordon: One of the turbines is gone.

Mr. Chairman: The next item is Keno Water Truck, \$2,400.

All: Clear.

Mr. Chairman: Mayo Local Improvement District, \$23,498.

Mr. Chamberlist: Have we received the budget for this Mayo  
Local Improvement District? Have Members of Council received  
that yet? I don't recall receiving this budget, for the  
amount here. I haven't received a copy of this budget.

Mr. Chairman: Would these be available, Mr. Treasurer, from

the local improvement district?

BILL #13

Mr. Treasurer: They should be. There again, Mr. de Klein is the man to produce them.

VOTE #6

Mr. McKinnon: Mr. Chairman, the people from Mayo were down in meetings the same as the local improvement committee from Watson Lake came to meet with the Administration of the Yukon Territorial Government and they do have a budget which was decided between themselves and this amount of monies was asked for in the budget. Now, these budgets, of course, are the same as the City of Whitehorse budgets being available for public scrutiny. The Members of the Financial Advisory Committee felt that they should not be included in the estimates but available for Council if they wanted to see them for the same reason for the grants that we give to Dawson and the grants that we give to the City of Whitehorse - we do not also provide the budgets of these cities in the estimates so they are available for any Councillor or any member of the public to be able to see them, and the concept behind it being, of course, that the people from those districts who agree with Administration on the budget are much better able to determine what their needs are in the community than this Council is able to do for them.

Mr. Chamberlist: Well, Mr. Chairman, this might well be the case but we are being asked to approve a round sum of \$23,498 and we don't know what that sum is for, and I would like to know what it is for, and I think it should be submitted in conjunction with it so that Members of Committee here know what they are voting on. It is as simple as that.

Mr. Shaw: Mr. Chairman, I think that any Member of Council who wishes to get the budgets of the various improvement districts, municipalities and so forth that that is open and all they have to do is enquire from the appropriate member of the Administration and I am sure they will receive the budgets. I know, myself, I requested to get the budget of the City of Dawson - the past one, I should say - and that is, as the Honourable Member from Whitehorse North has stated, these are the people that draw it up. If we wish this information, I think we can get it but it would be a ponderous lot of paper to have the budgets of all these communities plunked on the table with this. It is not that they aren't available. If someone is especially interested...

Mr. Chamberlist: Mr. Chairman, with all due respect, the point that is being made now is that we are here to scrutinize these accounts and I am not going to walk away from here to go and ask an official of the government whether they have a breakdown on this particular thing and then come back again and vote on it. I want to be able to look at it quickly and say yes, I approve, or no, I don't, but surely Members of this Committee don't expect other Members of this Committee to just look at a figure and accept it on the basis of the figure because we would be failing in our responsibility in looking through this particular budget. We might just as well approve every item in a lump sum basis. Now, I don't think it is right for us to even consider approving this, notwithstanding what Members have said who have already spoken. It might well be that there is everything in order in it but there might be something that somebody has overlooked and there might be something that shouldn't be allowed in it, or it might be something that they haven't got the right to ask for approval of. Really, they should be attached to this, and I would ask that before we vote on clearing an item like

BILL #13 this that we have made available just a copy of the budget  
VOTE #6 to go with it. I think we're entitled to that.

Mr. Chairman: Just in speaking from the Chair, before recess, I certainly would like to see one on Mayo and on Watson Lake as these are new programs. I think all Members are pretty interested to see how they are making out and I will ask that Watson Lake be added to that.

Mr. McKinnon: Mr. Chairman, I fully agree that as an addendum to the budget, this is fine, but to have the budgetary requirements that the people of Watson Lake and Mayo have drawn up with the Administration included as part of the budget, I think we'll defeat the very purpose of what we're trying to do. It is like saying we'll give the City of Whitehorse so many thousands of dollars in conditional grants - now, we have to see the breakdown of the City of Whitehorse budget in our budget so that we will know where these conditional grants are being applied to in the City of Whitehorse, and anybody, when they can get a copy of the budget of the City of Whitehorse and of the City of Dawson and of the local improvement district of Mayo and the local improvement district of Watson Lake, I think we would be making a mistake, and I say again we will be defeating the very purpose of what we are trying to do of providing local autonomy in these districts if these appeared as an itemized - as itemized items in the budget and were gone through and agreed to, item by item, but as far as having them as an addendum to the budget, there is no argument whatsoever.

Mr. Chamberlist: That is all I've asked for.

Mr. Chairman: Well, at this time I'll declare a short recess.

RECESS

RECESS

Friday, March 14, 1969.  
3.30 P.M.

Mr. Chairman: At this time I will call Committee back to order. VOTE 06  
I wonder if we yet have copies of the Mayo Local Improvement  
District Budget? I wonder when these will be available, Mr.  
Clerk? Would it be permissible if we proceed and come back to  
the Mayo Local Improvement District Budget?

Mr. Dumas: Mr. Chairman, we have to come back to a couple of  
other items too; in fact the Hillcrest Water Supply Budget was  
presented previously but I missed it and I have been talking to  
the Director of Municipal Affairs. He doesn't know how this  
\$31,000.00 figure was arrived at, and I certainly don't know  
how it was arrived at. Also the \$12,000.00 that is coming up  
for fire fighting services in Hillcrest. We were negotiating  
to have this reviewed with D.P.W. Now if these figures are  
passed as they sit there will probably be an attempt to increase  
taxes in that area so I would like to be able to come back to  
these at a future date after I've gone into it a little further.

Mr. Chairman: I will so note this. Councillor Chamberlist.

Mr. Chamberlist: I want the Honourable Member for Whitehorse  
North, who is Chairman of the Financial Advisory Committee, to  
comment on whether these particular items that have been referred  
to by Councillor Dumas, in fact were not in the discussion during  
the Budget Planning Committee meeting because I think it's quite  
serious to state that if these monies are being put into the  
records for Committee of the Whole to deal with without the  
knowledge of the Financial Advisory Committee, there are some  
errors being made on the part of the Administration which  
should be corrected and corrected quickly.

Mr. McKinnon: No, Mr. Chairman, they are exactly as were  
originally presented in the Estimates and the Honourable Member  
from Whitehorse West said he had missed them at that time.....

Mr. Shaw: Mr. Chairman, I think the confusion arose when this  
amount, \$31,000.00 did come up and was approved by the Financial  
Advisory Committee. However, the Honourable Member from  
Whitehorse West questioned the amount and I think that it stated  
there was a possibility of it being reduced as a result of no  
negotiations with D.P.W. and I think that is where the error must  
have crept in.

Mr. McKinnon: Mr. Chairman, the Honourable Member from Dawson is  
completely right. What happened is they were questioned and I  
think we met subsequent to the original meeting with D.P.W. and  
got the figures reversed and the corrected figure was not picked  
up and put in the Estimates that we have now and on review of the  
final estimates it wasn't noticed - the difference between thirty-  
five and thirty-one.....

Mr. Chairman: We'll have to hold the item until we get the  
actual figure. Committee agree?

All: Agreed.

Mr. Chairman: The next item is McRae Subdivisions Services,  
\$77.00. Clear?

Mr. Chamberlist: Mr. Chairman, in here we have another different  
price from what we...now I've seen three different prices for....  
and I'd like some explanation on that.

Mr. Chairman: I believe, in speaking from the Chair, this is a  
question that is asked annually and the answer that is annually  
given is that the power rates vary in various communities.

VOTE 06

Mr. McKinnon: Mr. Chairman, you will find all the rates in the Metropolitan Whitehorse area are all.....the different areas that have different prices per month reflect a difference of power costs to the Territory in the different locales .....

Mr. Chairman: The next item is the McRae Industrial Subdivision, \$750.00. Old Crow Services, \$612.00. Pelly Crossing Services, \$1,258.00. Porter Creek Village, proposed, \$1.00.

Mr. Chamberlist: Mr. Chairman, I was looking at something else when we passed the Old Crow services. Now I see we are talking about .....\$27.00 a month rather than .....a month.....Surely the Territorial Government can get a .....that applies to all instead of having different contractual amounts. There seems to be something wrong in that. I was of the understanding that.... they are going to have a tough time justifying it to me.....

Mr. Shaw: Mr. Chairman, in respect of that, with all due respect to the discussion as it is given, I think that the Yukon Electrical must be complemented for the simple reason that they are flying fuel in there at the present moment at about \$2.00 a gallon to keep this life tank going to provide this at \$9.00 a month and it would appear to me that it is not a very paying proposition at the moment. It happens from time to time - the cost of getting fuel into there.

Mr. Chamberlist: Well, Mr. Chairman, the Member from Dawson surely doesn't think that because they are working at a little bit of a loss at ..... they are losing money because the money they are making in the Whitehorse area.....certainly the charges and the cost of production of electricity in different areas warrants a change but I can't see where it warrants a change from \$4.50, \$5.50 \$9.50..... and these are fixed lights. I can't see that particular item at all.

Mr. Shaw: Mr. Chairman, I couldn't agree more with the Honourable Member for Whitehorse East. I can see that he is a believer in equalization of power rates and I am exactly in the same category. I hope we can continue with this discussion at a later date.

Mr. Chamberlist: Mr. Chairman - well here again at Pelly Crossing, \$4.50 per month - \$5.50 at Porter Creek, \$4.50 at Pelly Crossing, .....\$9.00 at Old Crow.....I don't think the Administration are looking at these.....

Mrs. Gordon: Mr. Chairman, I think though that the Honourable Member for Whitehorse East has missed the point. The 175 watt Mercury Vapor Lamp is at Old Crow but it does not distinguish what they are at Pelly Crossing; it could be a 50 Watt bulk.

Mr. Chairman: The next item is Porter Creek Services, \$11,752.00.

Mr. Chamberlist: Do we have particular on this item as well.

Mr. Chairman: Yes, .....

Mr. McKinnon: The idea of this \$1.00 in Porter Creek is that if the people in Porter Creek and Crestview for this fiscal year decide to become either a village or local improvement district and change their status, it provides for an easy transfer of funds between Establishments, it provides the monies that are in under the Municipal Affairs funds as has appeared every year up until this time to transfer into the Village Budget if such an event occurs.

Mr. Chairman: Next is Porter Creek Water Services, \$15,000.00. Ross River Services \$1,762.00. Ross River Water Services \$1,700.00. Teslin Services, \$8,466.00. Teslin Water Service \$600.00.

Mr. Chairman: Transient Subdivision Services - nothing. This is now under the Whitehorse Industrial Subdivision. Upper Liard Services \$1,184.00. VOTE 06

Mr. Chamberlist: Do I understand that there is no snow plowing or street maintenance to be carried out on the Robert Service Road?

Mr. Chairman: It is now under the Whitehorse Industrial Subdivision.

Mr. Dumas: That would be Wells Subdivision Services.

Mr. McKinnon: Under Whitehorse Industrial.....

Are you clear on the Upper Liard Services? Watson Lake Local Improvement District \$37,900.00. This will be covered again by .....Budget. Wells Subdivision Services, \$1,890.00.

Mr. Chamberlist: Is .....included in this ....subdivision.

Mr. McKinnon: Mr. Chairman, the Wells subdivision is a separate establishment under 660 and the Whitehorse Industrial Subdivision will be ..... as Establishment No. 666.

Mr. Chairman: Next is Whitehorse General Purposes Grant, \$161,467.00. Whitehorse Road Maintenance Grant \$26,000.00. Whitehorse West of 8th Avenue \$3,000.00. Whitehorse-Sleepy Hollow, \$100.00. Whitehorse Industrial Subdivision \$325.00.

Mr. Chamberlist: Mr. Chairman; I've been waiting for this. I can't see how you can have an item like this for clearing..... \$325.00.....and the money is gone. It seems to me to be insufficient. Where did the money come from last time? .....

Mr. Chairman: Mr. MacKenzie.

Mr. MacKenzie: Offhand I don't know Mr. Chairman, I'd have to look and see how much we spent this year.

Mr. McKinnon: ....transient area subdivision in 1968-69 under Vote 09 .....and there was \$390.00 voted for the - for this item.

Mr. Chamberlist: And how much was used.

Mr. MacKenzie: \$271.00.

Mr. Chamberlist: Oh, I can't believe it. I can't believe that on that Highway there was only \$271.00 used so from the entrance of the Two Mile Hill to the Wells subdivision there was only \$271.00 used - the books have been cooked! They must have used more money than that - it's impossible.

Mr. Shaw: They charged it up to Beaver Creek and Dawson.

Mr. Chamberlist: That's impossible!

Mr. McKinnon: Perhaps having the Territorial garage right in front of the road .....

Mr. Chamberlist: Anybody that knows that road knows that it's impossible to keep that road clear and grade it for \$271.00 - keep it clear of snow and grade it with all that heavy traffic that's coming out of there for \$271.00 - it's been coming out from some other road. It's impossible. They can't just put the blade down in the first end - what about the rest of it, going all the way through.....

VOTE 06

Mr. MacKenzie: Mr. Chairman, it's a simple matter to find out by directing an enquiry to the Territorial Engineer and he will ....

Mr. McKinnon: Mr. Chairman, I find it also impossible to believe because considering the condition of the road all last year I don't think there should have been \$271.00 spent on it. And it was bad!

Mr. Chamberlist: I would like to see, Mr. Chairman, some particulars from last year of how only \$271.00 was spent on maintaining that portion of that service road from the entrance up the Two Mile Hill as far as the Wells Subdivision - you've got Liard Construction Equipment up there, for the Wells subdivision. You've got two or three other construction companies there and the propane tanks run up there, you've got The White Pass and Yukon petroleum trucks up there, the B.A. trucks go in there, you've got the Texaco going in there; it's almost impossible. A whole load of trucks - \$271.00 - no. I wonder if we can get a little information on that.

Mr. Chairman: Mr. Clerk would you please see if you can get a little information on that for the Members? The next - Order please. The next item is Water Services - areas adjacent to Whitehorse \$12,730.00.

Mr. Chamberlist: How many premises are being supplied by trucked water in the Porter Creek-Crestview area?

Mr. Commissioner: A large number.

Mr. McKinnon: Almost 300 homes at this time, Mr. Chairman.

Mr. Chairman: Next is Sewer Eductor Services \$5,330.00. The next is Insect Control - \$38,400.00.

Mr. Livesey: Mr. Chairman, I would like to rise at this time and advise the Administration of the very scotch methods of the people of Beaver Creek and how they have saved, according to this formula, hundreds of dollars to the doffers of the realm and that toe fogging methods they used in the area locally by volunteer crews, no pay, no salary, did, I think, a terrific job in the area and the costs in comparison, if one was to bring the new, especially the new mathematics now being taught in the schools, into this situation here, I think probably it might convince a few more of the other areas that they could try the same thing and we would certainly be saving the tax-payers' money by operating, especially in a number of these areas like this, and I could not pass the temptation, Mr. Chairman.

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

Mr. Chamberlist: Yes, Councillor Taylor.

Mr. Taylor: Mr. Chairman, I've got a question I want to get an answer to in relation to insect control. For the last two years I've been trying to get for the people of Ross River included in the insect control program and the first year I didn't get anywhere but last year I was almost assured that although it could not be included in last year's estimate, it would most certainly be included in this year's estimates. However, - I'm sorry it was my error, I was looking at Faro ---that is very good then. This is the first year that Ross River is in it.

Mr. Shaw: Mr. Chairman, in relation to Councillor Livesey's proposal I would also say we have another area, namely Old Crow. They do their own defogging also and I'm not sure just what the



Mr. Shaw continues.....  
mosquito population is.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Just before I resume the Chair, I have another question which I wish to direct to Mr. Commissioner and that is that in view of the one year when we got all balled up in letting tenders on this thing and the program kind of failed, is it anticipated now that we will be able to have this tender out and ready to go in the event of an early spring so that we can get this thing timed properly this spring?

Mr. Commissioner: Mr. Chairman, if Council passes the Budget today the tenders will be called on Monday morning.

Mr. Chamberlist: You'll never get it through today, I can tell you.

Mr. McKinnon: Mr. Chairman, I would like to ask Mr. Commissioner whether Chadburn Lake is included in the Whitehorse area. There is no specific area for Chadburn Lake and this is an extremely active community playground in the summer.

Mr. Commissioner: We operate on the assumption that the people are so active in the Chadburn Lake area that the mosquitoes never have time to light on them Mr. Chairman.

Mr. Chamberlist: I take it that Mr. Commissioner is not prepared to answer that simple question.....

Mr. Commissioner: Well, I felt that it was answered quite competently, Mr. Chairman. But, I would say that the fringes of the populated area of Whitehorse benefit from the ..... should I say that occurs as a consequence of the great swoops across the valley that the craft takes and I will bring it to attention of the Engineering Department that as much of the over-spray as possible be directed to the Chabburn Lake area and I am quite confident that they will agree.

Mr. Livesey: Mr. Chairman, I was wondering, out in the outlying areas we hear so many discussions about game and wildlife conversation and so on and I remember when we wanted to use local fogging why according to some individuals we would have to apply for a licence and permission and all this sort of thing because some of the fog spray might seep over Beaver Creek where most of the time there are no fish in any event. There is fish there by the thousands when the river starts to run and you can practically bulldoze them up on the bank but not during the summer; there are none in the river at all. Here, I was wondering how that theory operates in Whitehorse when they spray the whole river here in the summer - that fog must get into that Lewes river and I never understood how they equate their argument as to what applies out there and what applies here. I wonder if Mr. Clerk would take note of that and would he ask the Fish and Game and Wildlife and the various other associations that are connected with Administration how they answer that question.

Mr. Commissioner: Mr. Chairman, I would assure you that the type of chemical spray that is used was changed here three seasons ago to give effect the requirements of the Wildlife and others in this particular regard.

Mr. Chairman: Councillor Taylor.

VOTE 06

Mr. Taylor: Mr. Chairman, yes, I was making a note here and I didn't fully hear the Member's question but two or three years ago in the interests of pollution control, a chemical was instituted on areas, more particularly over water where fish are involved, they are called "baytex" and is harmless to fish and this is used over all waters wherever these people are spraying. The balance of the materials used are in such quantity and such dilute proportions that they are harmless to any insects and birds and things of this nature as well.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I think that you also have to remember, when you start spraying lakes, and even though it may be a recreational area, that when you spray lakes, you kill off presumably-with this DT, you might not hurt the fish but you are killing off the food of the fish. All these bugs and so forth, that's what the fish live off. If they didn't have that they would not perpetuate. I imagine they'd go pretty hungry. Therefore, when you start spraying lakes you must also consider what you are doing to the fish population. You are certainly taking away their food. That is one thing. And then another thing. If the government goes into the proposition of spraying lakes because people are going to fish there which they use for recreational areas, well then how many have you got. You've got Ethel Lake, Kluane Lake, Aishihik Lake, this lake, that lake; they are continually spraying lakes and at the same time you would in all probability take away a great deal of the food for the fish. Now, that is something to consider when we start talking about spraying lakes.

Mr. Taylor: Mr. Chairman, lakes aren't actually sprayed but around lakes. When the aircraft is making a pass through a community and comes to a lake there is - he sprays up almost to the lake shore and where this is done, when he reaches the lake he cuts off his supply and flies across the lake and then cuts in on the other side of the lake again. I'm informed by Fisheries, I looked into this at some length here two years ago, and I'm informed by Fisheries that the chemicals used now present no problem and as far as the fish are concerned, though it may reduce for a short while the number of bugs that might be eating fresh water shrimp and bugs of all sorts in the water, something like the Porter Creek drinking problem, there are lots of these little things crawling around.

Mr. Chairman: Question of privilege.

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

Mr. Chamberlist: Mr. Chairman, I notice that on the - on page 651, it refers to Hillcrest still as a DND area - now I think that that is an error .....

Mr. Commissioner: Mr. Chairman, there is a certain area in the general Hillcrest locality which comes under the Department of National Defence - under the Department of Transport and I think that this is what the situation is referred to here. We have the area that is lying in between Valleyview and Hillcrest and we have the Airport - things of this nature that are all outside of the immediate responsibility of the Territorial Government and this is what is involved here. The Department of Public Works area, the Department of Transports; I'm sorry that DND is actually is actually used, it is very possible that this has been used, these initials, in error, but it still affects an area of responsibility.

Mr. Chamberlist: I understand this. I asked the question because I wanted to know if DND have in fact.....their land. This led me to believe that there is some DND land still in the Hillcrest area

Mr. Chamberlist continues.....

because here I see DND, Hillcrest 130 acres, and down at the bottom Hillcrest townsite 300 acres and this is why - because there are two separate items, I am asking whether in fact DND have in fact 130 acres still.

Mr. Commissioner: Mr. Chairman, it may well be and also remember that these budgetary items were constructed several months ago and possibly at that time some of the holdings were still shown on the maps as - which may be in fact at this point and time maybe turned over to another Federal Department and I would be very happy to get an answer to that but I am quite confident that if we were to refer to these as areas of Federal responsibility then it would be a much clearer situation.

Mr. Chamberlist: The information I want to know is whether there is any DND land that is still in this area.

Mr. Chairman: Is there anything further on insect control, Yukon Territory?

All: Clear.

Mr. Chairman: Dust Control, Yukon Territory - \$30,000.00.  
Clear?

Mr. Livesey: There is one thing I would like to add, Mr. Chairman, and that is that it seems to me in these areas that the Territorial Government is applying a form of oil that the roads are improving almost to the same degree as the amount of dust is being reduced. As you drive down the highway when you suddenly realize all the rattle and clatter quits you know you are going over one of these small sections covered with this oil. There is a tremendous difference there so they are killing two birds with one stone.

Mr. Chairman: May I ask from the Chair; maybe the Commissioner could answer this. I understand from the Commissioner's opening address that calcium chloride, I believe, is this found in this Budget.

Mr. Commissioner: Mr. Chairman, it comes in on that section which is involved with the Territorial-Federal engineering services agreement. I don't know just what page it is involved on here and also overlaps completely into the Federal field on the section of road that will be finished this year. We are surfacing this year - I'm sorry I don't know the miles that are involved but it is in the Carmacks-Ross River area where the final surfacing will be applied that will include calcium-chloride application which does not appear on our budget. Not in our budget because it is still a road under construction by the Federal government.

Mr. Chairman: There is no way you could bring it down, for instance to Watson Lake-Ross River Section without coming through our budget.

Mr. Commissioner: Oh, no, that is a road, and Mr. MacKenzie can correct me on this now; that is a road which has been turned over to the Territory for maintenance purposes and comes under the Federal-Territorial Engineering Services Agreement and work that is done on that road must be voted in our Budget. That is a road after it has been turned over - a road still under construction prior to it being turned over, at least under present arrangements, is a Federal responsibility which is strictly a vote at the Federal level.

VOTE 06

Mr. Chairman: Anything further? Removal of Condemned Buildings and Cleanup Campaign - \$5,000.00.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Commissioner could say whether the \$5,000.00 that was allocated for this purpose last year was in fact used?

Mr. Commissioner: I would have to bring that information forward Mr. Chairman. I am sorry. Mr. MacKenzie, do you happen to have a statement of allotments there with you?

Mr. MacKenzie: There is only \$348.11 been taken from the \$5,000.00 - Removal of Condemned Buildings. \$348.00 was the expenditure this year to date - to the end of January.

Mr. Chamberlist: Is there any reason to assume that \$5,000.00 is going to be needed this year?

Mr. Commissioner: Mr. Chairman, this is not a particularly easy question to answer. This is a particular sum of money which we have had agreement with the Federal Government to vote in our Estimates for some period of years. Perhaps Mr. MacKenzie might remember the period of years but if I said approximately five years I think I would be quite close on it. It is to provide with the necessary funds to move buildings that conceivably would be on property that we either say got through tax sale or got by some other means and gives us the opportunity of getting those buildings moved from the property and this is the monies that is used for this. There was some thought in mind that we might have to have used some of these monies last year in conjunction with the road right of way that is just outside the City limits. I believe it was a road that was referred to as the Dog Pound Road. But the arrangement that we arrived at with the owners of the property was that the property would be turned over to us unencumbered and the costs involved were handled by the former owner of the property, but I could not make a commitment, Councillor Chamberlist as to exactly the money but I think it would be a mistake not to continue to provide it.

Mr. Chairman: Clear? Next item is Cemetery Maintenance \$1,200.00.

Mr. Chamberlist: Mr. Chairman, I wonder if that means the cemeteries that are included - specifically what are we doing about the Carcross Cemetery, which I understand was to be treated as a historical site. Could we have some information on that.

Mr. Commissioner: I cannot confirm this but I do believe that there was a recommendation from the Historical Sites Board that the Carcross Cemetery be looked upon as a historic site and I will bring the information forward as to just exactly where the matter stands.

Mr. Gordon: At the same time I might ask if these are cemeteries that are currently in use or is some consideration given to cemeteries that were in use and now their use is being discontinued. I'm thinking particularly of the Mayo area where we have two cemeteries in use and two that have not been used for many years.

Mr. Commissioner: This one is designed to provide continuous access and some form of ground maintenance within the limitations of the \$1200.00 which you can see is very minimal, for cemeteries outside municipalities which are currently in use.

Mr. Chairman: The next item is the Zoning Appeal Board - \$6,000.00

Mr. Chairman: Councillor Gordon.

VOTE 06

Mrs. Gordon: Question. Does the Zoning Appeal Board only apply to Whitehorse or does it apply to municipalities or Local Improvement Districts?

Mr. Commissioner: The Zoning Appeal Board?

Mrs. Gordon: Yes.

Mr. Commissioner: The Zoning Appeal Board operates throughout the Territory for this matter but there is only one general area where its activities are confined to and that is the municipality and the metropolitan area of Whitehorse. As you will see we have a cost-sharing arrangement with the City here of-- \$1500.00 of it is recoverable from the City of Whitehorse. Its the one Board that applies to the whole territory when they sit. The representation is made up of a nominee from the City of Whitehorse and a nominee agreed to by the Whitehorse area Councillors and they themselves chose their own Chairman. Mr. Boyd, Mr. Kapy and Mr. Verslucé are the Members of the Board.

Mr. Chairman: Next is Inter-Governmental Committee on Urban and Regional Research - \$1,000.00. Next is Fire Marshal- Yukon Territory - \$5,600.00. Training Program- Fire Brigades \$2,100.00. Investigation - Fires - \$1,000.00. Beaver Creek Fire Protection - \$1,535.00. Does someone have a question here?

Mr. Commissioner: Mr. Chairman, I wonder if I might just take the liberty of saying at this time that we are enjoying the experience for the first time in the Territory's history of having our own Fire Marshal's equipment and at this time I would like to publicly say, and commend Mr. Nairn for the very fine job that he is doing on behalf of the Territory at this particularly trying time that he has happened to come here in on and I am sure that the work and the activities that he is doing on behalf of all the communities in the Territory, not only in helping to organize their fire brigades and fire protection services but for the very high standards of professional advice that he is able to bring to us. He is certainly a value to the Yukon Territory and we should be very pleased to have him.

Mr. Livesey: Mr. Chairman, while we are on this Vote I wonder if I could direct a question to the Commissioner and enquire if it is now more or less a guaranteed situation and no longer, well, we will put it off to next year with regard to the new fire truck for Beaver Creek and Destruction Bay and both fire hall and fire trucks in perfect shape this year for Carmacks, Haines Junction, Destruction Bay and Beaver Creek.

Mr. Commissioner: Mr. Chairman, I believe I signed a paper on this matter which is here as a Sessional Paper, is it not Mr. Clerk? This was an answer to a question from the last Session of Council. I am quite confident, Mr. Chairman, that if Councillors will be kind enough to refer to their Sessional Papers they will find this information.

Mr. Shaw: Mr. Chairman, this is Sessional Paper No. 5. Apparently the outfit that makes these fire halls caught on fire and it didn't and they are working on them and it was to be done by mid-January, 1969 for the Ross River Fire hall and it goes on to say that this information applies as well to the fire halls under construction at Beaver Creek, Haines Junction and Carcross.

Mr. Livesey: My question, Mr. Chairman includes Fire Trucks as well.

Mr. Commissioner: All the fire trucks for which the money was appropriated in the current fiscal year's estimates are either ordered and here or are on their way. There has been no di-

VOTE 06

lution of any kind in the fire protection program that was put forth to Council approximately two sessions of Council...

Mr. Chamberlist: Mr. Chairman there is one item in this Carcross Fire Protection - twelve months at \$5.00 a month for providing power for the fire siren? \$60.00 a year to provide power for a fire siren? Isn't anybody looking at these figures?

Mr. McKinnon: \$10.00 to provide for power...

Mr. Chamberlist: No, it says to provide toll calls and telegrams as required \$10.00. To provide for power for fire siren twelve months at \$5.00, that is \$60.00. That's impossible! \$60.00 for that.

Mr. Chairman: Just before we continue, are we clear on the Beaver Creek Fire Protection. Proceed.

Mr. McKinnon: Mr. Chairman, the item that Councillor Chamberlist has raised, the whole item is read as one to provide that toll calls, telegrams required, and to provide for power for fire sirens and all this for twelve months at \$5.00 is \$60.00. To provide power for fire halls - twelve months at \$20.00 is \$240.00. And it costs \$5.00 a month for the fire engines sirens, I'd say that this is an exorbitant charge.

Mr. Chamberlist: Well it is that, it is an exorbitant charge and this is what the item is. You see, the way this item is put down here - the first item is for the calls and telegrams, the second item is for power for fire sirens - \$60.00, that is exorbitant. Did Administration look into charges like that. I tell you this is one item I am voting against because it is exorbitant - that particular item.

Mr. Shaw: Mr. Chairman, I think that these things require continual maintenance or checking over, do they?

Mr. Chamberlist: This is power, the maintenance-the Territorial Government have to pay for the equipment. This is just for the supplying of power.

Mr. Commissioner: Gentlemen, I want to assure Council that before we authorized any payment of this nature we will have a satisfactory explanation for it or else we will see about putting batteries in....

Mr. Chamberlist: As a matter of fact I would suggest that you run a couple of lines off the garage or something like that and hook it up there instead of letting them hit you like that for \$60.00. I don't mind free enterprise but gee whiz, this is not free - we are giving it away.

Mr. Chairman: The next is Carmacks Fire Protection, \$701.00. Destruction Bay Fire Protection \$1,146.00.

Mr. Chamberlist: Well I'm raising the question again, Fire siren, twelve months at \$5.00 - another \$60.00. That's like picking the government's pocket.

Mr. Chairman: Destruction Bay Fire Protection \$1,146.00.

Mr. Shaw: Mr. Chairman, do we provide the siren or is that a rental deal?

Mr. Chairman: Faro Townsite Fire Protection - \$800.00. This again, we were assured, comes out of the Anvil Agreement.

Mr. MacKenzie: I'm not positive on this particular point, as I said, you know. I'm not positive. I think this is before the town becomes a town, as long as it is under the Territorial-- administration.

Mr. Chamberlist: Well, it is not a townsite, is it, until .....

Mr. McKinnon: Now, Mr. Chairman, I'm really concerned because as far as I was concerned, in any discussions we had with both the Federal Government and our Territorial Administration was that capital projects that had to come about because of the Faro townsite were over and above any capital project that we foresaw in the five year agreement and it would form a separate part of capital project, that operation and maintenance of the Faro facilities would be taken into consideration in the operation and maintenance deficit grant that was also negotiated with the Federal Government.

Mr. Commissioner: This is not a capital project here, this is an operation and maintenance situation and the question of who is going to pay for this as to whether or not is part of that agreement is something that Mr. MacKenzie can get looked up and let us know further about, but there certainly has to be some in-term provision or something of this nature until such times as it becomes a village, which we anticipate, or at least I think part of the agreement is that it will become a village as of January 1. Is it not 1970. I think that is the date that I have in mind, anyway, and the costs that are involved in the meantime are the.....

Mr. MacKenzie: Now, I should like to add something here. These costs, even if they are absorbed and are not recoverable specifically, the deficit grant that we are to receive is sufficient to cover them already without specific provision for it. The Grant is \$5,306,000.00, will.....

Mr. Commissioner: The specifics are particularly related to the capital and then the introduction of village status to take the operation and maintenance from that.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I note that at least in one instance Faro sewer and water service is recoverable under Municipal Affairs under recoveries. I am looking to see if the rest of these items are.

Mr. Chamberlist: Mr. Chairman, it is my understanding as well, and I agree with Councillor McKinnon, that at least for the first year, until such time as the townsite really was constructed, that there would be no additional costs or burdens on the Yukon Territorial Government. Now this is the way I read the Agreement. I would like to be assured that this was the policy and perhaps Mr. MacKenzie, when he is able to, can take a look at the agreement and what was intended.

Mr. Chairman: Next item is Hillcrest Fire Protection \$5,000.00 Next item is Keno Fire Protection, \$1336.00. Porter Creek and Crestview Fire Protection - \$786.00. Ross River Fire Protection \$1,146.00. Teslin Fire Protection \$1,539.00.

VOTE 06

Mr. Chairman: Whitehorse Metro Area Fire Protection \$2,400.00.

Mr. Chamberlist: In relation to the fire at McRae just recently. It has been my understanding that the Whitehorse Fire Department did not go out to McRae because it was outside the Metropolitan area. Is it right that there is no arrangement for help in case of fire to come from the City of Whitehorse Fire Department on a pay-cost arrangement between the Territorial Government and the City of Whitehorse?

Mr. Commissioner: Mr. Chairman, as far as I am aware, this is what the contractual arrangement is to provide for but also I think that there is an internal operating arrangement which supercedes this, namely that only a certain amount of equipment will leave the heavily populated area at any one time. Now I'm sorry that I am not right up on this, Mr. Chairman, but I would venture an observation that this would be the over-riding factor in a situation of this nature but only so much - in other words the DND equipment and the City equipment work on a straight co-operative basis.

Mr. Chairman: In speaking from the Chair, if I might shed a little light on this. The arrangement here is that the City of Whitehorse has only two trucks and if they get an all out at the DPW Fire Hall, all the DPW equipment, they go to the fire but one of the City of Whitehorse trucks will suddenly move up and occupy a bay to cover Takhini and so forth and they have this arrangement when both trucks are out from Whitehorse a truck from DPW will come down and this is why sometimes why metropolitan trucks don't necessarily get out.

Mr. Chamberlist: The reason why I asked this question is because this - Porter Creek, Crestview, etc. Now, in the etcetra category - yes I know, Metropolitan area, what happened at McRae, I'm talking specifically about McRae which is outside the Metropolitan - it is inside; well why wasn't the City of Whitehorse Vehicle at the McRae fire?

Mr. Commissioner: For this reason just explained.

Mr. Chamberlist: Just again from the Chair, they have to leave one truck - they always have to leave one truck here in Whitehorse to cover the City while the other truck goes to DPW while DPW are fighting the fire. It is a matter of shuffling equipment.

Mr. Chamberlist: Isn't there any arrangement for the Department of Transport fire department - I understand they have some fire engines. Is there any arrangement being made so that in case of extra help the Department of Transport vehicles would go out.

Mr. Commissioner: I understand that the Department of Transport equipment comes under the jurisdiction of the Department of Public Works Fire Department and as a consequence they would automatically be in this set-up.

Mr. Chairman: Next is Housing and Accommodation \$185,940.00. as enumerated.

Mr. Dumas: Mr. Chairman, I wonder if the Commissioner could tell us if the Administration is giving any thought some time in the future of phasing out of housing altogether or as much as possible. I realize there are some areas where housing will have to be subsidized and assistance will have to be given, but it seems to me that if you took the amount of money that we spend on housing, all things included, including salaries and so forth, and in fact



Mr. Dumas continues....

increase the payroll or increase the salaries of the people who use government housing, they would probably be happier and be quite happy to find their own and we would get out of this field that I don't think government should be in to begin with and it just seems to grow and grow. Is there any thought in the back of Administration's mind that maybe we could some day do this or maybe we could start now to work towards this?

Mr. Commissioner: Mr. Chairman, I think that Council will recollect my statements here in Council on several occasions in which I intimated that it will certainly be with no approval of mine whatever that any government department build any more houses in Whitehorse. The aim, as far as the Territorial Administration is concerned, is that we are hopeful of entering into guaranteed rental arrangements and possibly coming up with a scheme at a later date of buy back arrangements as far as our employees are concerned so that people will have the complete opportunity of seeking and getting their own housing on the open market and get away from the paternalistic attitude that has been prevalent here for so long and has worked, I feel, to the very great detriment of the community. Now, we cannot take the same attitude in areas outside of Whitehorse at the present time and I think that there is going to be a need on a continuing basis for a long time into the future for the government provision of housing in the smaller communities of the Territory. I don't think that this is one that we are going to be able to remove ourselves from in the foreseeable future but certainly it is our aim and we are working towards complete and utter removal of government at the Territorial level from housing activity here in the Whitehorse area.

Mr. Shaw: Mr. Chairman, I would like to direct a question to the Commissioner in respect to housing that is going up in outside areas. Some of it I can quite see is very necessary, but will the policy in renting these houses be based on an actual cost of operation; in other words not a subsidization factor.

Mr. Commissioner: Mr. Chairman, there are many situations involved in this and there is no one answer for each community. We are going to be presenting various schemes to the Budget Programming Committee here in the very near future and after these have been examined I think there will be ample opportunity for the ones that appear to be most likely of acceptance to be discussed here on the floor of the Council and I think that you will readily see at that time there is no pat answer for each and every community. We are right back here to the problem of endeavouring to equate the value of a dollar bill throughout the Territory and the major areas in which this may be done that are open to Government at the present time are quite minimal but as far as the cost of a roof over a person's head is concerned, if we are going to endeavour to maintain one scale of pay for people in similar jobs in the Territorial government we are then faced with endeavouring to provide a similar cost of maintaining a roof over that person's head in the community in which they live in relation to what it would cost here in the base area of Whitehorse. It is not an easy solution.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Commissioner, or perhaps Mr. MacKenzie can - dealing with the duplex units at Takhini - there are 45 units at \$205.00. Do we mean 45 double units.

Mr. Commissioner: No, individual. One unit is one-half house.

Mr. Chamberlist: Well, how can you have 45 units, is this using just the duplex units? Or does this mean single houses - can we get an explanation?

VOTE 06

Mr. Commissioner: Mr. Chairman, perhaps it would be best if we said we are using 45 housing units - the fact that it may happen to be built in multiples of two is beside the point. If we rent a complete duplex this is two housing units and would cost us \$410.00 a month which is recovered from the tenants.

Mr. Chamberlist: I wonder if we can have a break-down on the \$205.00 that is being recovered as to all fuel used and electricity consumed. Is there a break-down on that.

Mr. Commissioner: Mr. Chairman, we cannot supply this breakdown because the figure that is used here is the figure that we are charged under contract with the Department of Public Works. Could I confirm that we, as the Territorial Government, do not own any houses in the Takhini area. Thank you.

Mr. Chamberlist: The other question is, is this Selwyn Staff House - I guess this is the old CPA house. What is happening with that building. I understood a number of years now it has been operated at a total loss. As a matter of fact I understand some people are living in there at about \$45.00 a month. What's happening to that?

Mr. Commissioner: Mr. Chairman, I was a member of Territorial Council at the time when in a moment of very poor advice the Territorial Administration bought this building. It has been nothing but a source of difficulty as far as the Government is concerned and it has cost a lot of money to maintain it and it has been a most unsatisfactory place for people to live in and I am very hopeful that the housing situation will alleviate itself sufficiently in the near future so that we will be able to abandon this. This is certainly not going to be possible in the immediate future but I would be very hopeful that it will not be too long before this is possible.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: This Selwyn Staff House, as the Commissioner stated, that was purchased by the Territorial Government for \$50,000.00 and at that time the Council was assured by the Administration that that building would pay its own way. The charges would be made that it would not be a loss to the Territory but as things turned out it became a direct subsidization for food and for shelter for Territorial employees. That is what happened to it at that time and I suppose that policy got started and it is hard to get away from that.

Mr. Commissioner: Mr. Chairman, I could verify the fact that we are no longer in the boarding house aspect of the business. It is strictly shelter accommodation.

Mr. Chairman: Have you anything further on housing accommodation.

Mr. McKinnon: Mr. Chairman, I hate to see this slip through and nobody comment on Primary - 684 because the Budgetary Programming Committee thought that the way for government to get out of tying up huge capital amounts of money in the Territory's budget and also to provide accommodation for people who have signed on with the Territorial Government would be, as they have in the Northwest Territories, provide for guaranteed rental schemes from the government. This high rise apartment building which is presently being built is being done exclusively of any capital monies of the Territorial government. They have guaranteed that they will take a certain number of suites and guarantee the rental of them to the government staff. Of course, they don't involve themselves at all in the rental of the suites. This is done between - or the arrangement is done between the persons who provide the money to put up the building even to the extent that this apartment building is going to be able to have a

Mr. McKinnon continues...

swimming pool in the basement because of the money that will be available to the entrepreneur through guaranteed rental. We felt that this was probably the wisest way which the Territorial government could move at this time foreseeing the growth of the Whitehorse area, particularly in the next ten years and I think it would be remiss if your Financial Advisory Committee didn't point out that we had a dollar for this type of rental scheme in principle in the budget.

Mr. Chairman: Are we clear on this item. The final item is Territorial Tax Assessor, \$14,600.00.

Mr. Shaw: I did want to say, Mr. Chairman, to add to what the Honourable Member from Whitehorse North has just stated that this Primary 68, item 4, is extremely important and could be the answer to the housing problem in this area.

Mr. Chairman; Territorial Tax Assessor, \$14,600.00.

Mr. Dumas: One question, Mr. Chairman, why do we go to Alberta to get our Tax Assessors. It seems to me that their background—the land in Alberta is cheaper than B.C. too and that is the whole point. I wonder how realistic an assessment we get from these fellows. And why don't we go to B.C. which is much closer to us.

Mr. Commissioner: Not too many years ago there was the necessity of getting a general assessment done here in the Territory under some kind of standard. Councillor Shaw was on Council at that time and I think he will remember that the question was posed as to where should we seek this professional advice and I believe that we were advised that it would be best if we used the province of Alberta's assessment base and if at all possible get people seconded to us from their Municipal Affairs Department who were experts in the field. At that time the Alberta Assessment base and their assessment manual was looked upon as one of the most up-to-date in Canada. Once you have started with this type of a thing it is best that you carry on with it instead of changing and I may say that assessments are relative; in other words it is the choice of the taxing authority, once it has the assessments as to whether they divide them by ten or multiply them by two; the fact remains that the constancy of the base remains and I am very hopeful that now that we have our own tax assessor that in the course of time we may well be able to come up with our own assessment manual. Now maybe this is looking too far on in the future but I hope that I have explained the reasons for staying with the Alberta Municipal Affairs people for our assessment requirements.

Mr. Chamberlist: Mr. Chairman, I don't see the point of taking on a tax assessor and not using him. You take a Tax Assessor, you make another position available in the Administration; he is called a Tax Assessor and then notwithstanding that we have a Tax Assessor and have to pay for the operation of his office we now have to go outside and get it done again so that we are in the position of having tax assessment done at twice the value that it would normally be had if we didn't have a tax assessor. Why have a Tax Assessor if we have to pay for somebody else.

Mr. Commissioner: Mr. Chairman, this is not quite correct. The period of time in which an assessment might be done is, of necessity limited. If you were going to use the one man department that we have now to conduct a general assessment of the Territory, I think that you would find that this general assessment would be spread over such a long period of time that by the time you got to

VOTE 06

Mr. Commissioner continues....  
the end of the list the beginning of the list would be completely outdated. The work of the Tax Assessor is of a continuing and very important nature and we need this man in the Municipal Affairs Department and we are fortunate in having a very good man. At this point in time he is busy preparing and getting up-dating everything that he can possibly can in preparation for this general assessment. He will have similar professionals to himself in the field for a limited period of time to get the package done. From then on he will be keeping this up-to-date and due to the continuous changes of new buildings, etc. being constructed throughout the Territory and when the next general assessment rolls around, it will still be necessary to bring in other people to supplement his services at that time and I think for verification of this I am sure that the Clerk of the Council here today, Mr. Taylor, who at one point in time was faced with doing this on the ground would be only too happy to verify what I have told you.

Mr. Chairman: Councillor Dumas.

MOTION  
SPEAKER  
RESUME  
CHAIR

Mr. Dumas: Mr. Chairman, in view of the fact that at least one Councillor has a very urgent and pressing business at five o'clock, I would like to move that Mr. Speaker do now resume the Chair.

Mr. Chairman: Is there a seconder?

Mrs. Gordon: Mr. Chairman, I would second that Motion.

Mr. Chairman: We have three items in this Vote to return to, Hillcrest, Mayo and Watson Lake. I wonder if Mr. MacKenzie may be excused.

All: Agreed.

Mr. Chairman: It has been moved by Councillor Dumas, 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 resumes the Chair.

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

CHAIRMAN  
OF  
COMMITTEES  
REPORT

Mr. Taylor: Mr. Speaker, Committee convened at 10:25 A.M. to discuss Bills, Sessional Papers and Motions. Mr. Ken MacKenzie attended Committee to discuss Bill No. 13, Main Supply Bill. Motion No. 2 was carried in Committee. Committee recessed at twelve noon and reconvened at 2:00 P.M. I can report progress on Bill No. 13. It was moved by Councillor Dumas, seconded by Councillor Gordon that Mr. Speaker do now resume the Chair and this Motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are we agreed. I will declare the Motion carried. May I have your further pleasure?

Mr. Taylor: Mr. Speaker, in relation to agenda for Monday morning I believe the Select Committee on Liquor will be sitting at 10:00 on Monday morning, in Council Chambers to hear Briefs from the general public.

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

Mr. Speaker: Are we agreed?

All: Agreed.

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

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Monday, March 17, 1969.  
10:00 o'clock a.m.

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

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. 17 to 21 inclusive, and a procedural correction in the Votes and Proceedings, page 111. Mr. Speaker, we have heard the Report from the Chairman of Committees. Are we agreed? No mention of an agreement which should have been recorded appears in the Votes and Proceedings. I wonder if the Honourable Member for Watson Lake would please take the Chair?

Mr. Taylor takes the Chair.

Mr. Speaker: Councillor Livesey.

Mr. Livesey: Mr. Speaker, I have a question of privilege this morning, March 17, page 85. The line in paragraph one, page 85, which reads "Within the Yukon in the summer there are probably twenty or thirty times as many uninsured - compulsory uninsured vehicles as there are insured vehicles" should read "twenty or thirty times as many uninsured vehicles as there are compulsory insured vehicles", and on page 88, line 15, after the word "fuel" the word "tax" should be inserted, and at the foot of page 88, line 53, the word "Mr. Livesey" should be replaced with the word "Mr. Commissioner". Thank you, Mr. Speaker.

Mr. Speaker: Would you resume the Chair, please.

Mr. Livesey resumes the Chair.

Mr. Speaker: Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. Chamberlist: Mr. Speaker, I would like to give Notice of Motion re Sessional Papers 17 and 21.

Mr. Speaker: Are there any further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? Under Orders of the Day, the Order Paper is clear. This morning, gentlemen, the Commissioner will not be available for the question period due to a prior engagement. However, it will be quite in order to provide the House with written questions. You may proceed with the question period. Are there any questions?

Mr. Chamberlist: Mr. Speaker, I wonder if, with respect, I can address a question to Mr. Speaker?

Mr. Speaker: It depends on the question. However, proceed.

Mr. Chamberlist: Mr. Speaker, I would like to know if it can be ascertained what previous engagement the Commissioner would have to the Council sitting. It was the Commissioner who proclaimed Council would be sitting and I'm sure the fact that he knows this, the Commissioner should be here to answer questions.

Mr. Speaker: Yes. I don't think it would be advisable for me to engage in any answer to that question at this time. Are there any further questions? May we proceed to Public Bills and Orders?

Mr. Taylor: Mr. Speaker, there being no bills to process today under Public Bills and Orders, I would at this time move that Mr. Speaker do now leave the Chair and Council resolve into Select Committee for the purpose of discussing matters related to Liquor Control.

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

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: The House now stands adjourned until further notice.

Mr. Chairman: At this time I will declare a brief recess.

RECESS

RECESS

BILL #5  
J. ALDER  
HUNTER OF  
KOPPER KING  
SERVICES  
BRIEF #7

Mr. Chairman: At this time I will call the Select Committee to order, and the matters of business today are to hear any representations in respect of the briefs submitted to this Committee respecting the alcoholic sale and control of liquor. It would be appreciated if the Committee would first receive a statement from the witnesses as they appear and following this it shall be your permission to ask any questions of the witnesses in respect of any matters related to their briefs. We have first with us today Mr. J. Alder Hunter, who has submitted Brief No. 7. I wonder, Mr. Hunter, if you have any comments you would like to make in relation to your brief?

Mr. Hunter: Well, I don't really know whether I'm here to ask questions or have you ask me questions on my brief. As I stated in my brief, the purpose of this Bill is to repeal the present Liquor Ordinance and to introduce a new one, and I say why not take the time and money to do it right. This is quite a large Ordinance, Bill No. 28. One can hardly make a proper brief on this Bill in as much it seems to me it needs explanation by those who drew it up unless you can explain it, and some of the articles that are in it because it does affect operators and does affect the general public. Is there anything in the brief that anyone would like to ask me?

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I'd like to hear Mr. Hunter's reasons why he is opposed to a permanent-type board being set up in the Yukon Liquor Board.

Mr. Hunter: Well, I may not be opposed to the Board but I am opposed to the Board the way it is stated, if I understand it correctly. To me, we have elected representatives in the Yukon Territory and these are the people that represent the people. This is why I am opposed to the Board the way it is set up, if I understand it correctly. I understand that the Council has nothing to do with the Board. The Council does not pick the Board. I don't even know if they have the authority to pay the Board what they would like to pay. In other words, what I am getting at is that in the whole Bill 28 it seems to me it should be administered by the Council, the elected representatives, and I think this is the crux to my whole brief. Another thing that I might add as far as the Board is concerned - it seems to

me that the liquor revenue or the revenue from liquor probably last year - correct me if I'm wrong - was probably one of the biggest years in sales. From a business standpoint it seems to me now then there are probably a lot of problems in the existing operation of the liquor management - I don't know, but there may be in as much as they seem to want to change it. However, if everything operated this past year successfully as far as the administration or the management of the liquor, why add such an expense to something that is already showing a good profit, unless you could improve you are going to make a greater profit with a board or a higher expense, it is not the way business is operated.

Mr. Dumas: Mr. Chairman, Mr. Hunter also asked in his brief why should there be a regulation in setting of licencing hours. What would be your suggestion for hours of opening for cabarets and cocktail lounges?

Mr. Hunter: Well, there again, it comes to the whole outselling of liquor. We seem to want to put the selling of liquor into a separate category of a business and make a mountain out of a molehill. To me, I cannot see any particular reason why a person in business can't obtain a licence to go into that business and open and close his own hours. This all adjusts itself in the operation of any business. We don't regulate the hours in any other business. Why should we regulate the hours in this operation? This is my business opinion and my personal opinion.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, the second paragraph of your brief, Mr. Hunter, commences as follows: "This brief is written on behalf of the Kopper King Services Limited, who operate two licenced premises." Now, do you operate the two licenced premises at the Kopper King or are these licenced premises leased out to others?

Mr. Hunter: I directly operate the tavern. I have in the past two years leased the lounge, but I am directly responsible for the lounge.

Mr. Chamberlist: Do you feel, Mr. Hunter, that where a licence is issued to the one party whose licence is issued on the basis of the accommodation, etc. - do you think it would be advisable that there should be separate licencing for separate drinking establishments without accommodation attached to the licenced premises? In other words, do you think there should be a split licenced area?

Mr. Hunter: I don't quite understand what you are asking. I'm sorry.

Mr. Chamberlist: Mr. Chairman, perhaps I can clarify for Mr. Hunter. One of the licences that are held by Kopper King Limited is issued on the basis of its accommodation in conjunction with the premises that are licenced. If you separate your licenced area by sub-leasing that part that sells liquor, are you then operating the licenced premises or is it operated by those you lease those premises to?

Mr. Hunter: Don't misinterpret this. I don't lease it in the sense of we have a management - I have a management lease it. I mean it is just a different way of operating it through a manager.



BILL # 9. Mr. Chamberlist: Well, do you receive a **monthly rental** for that purpose?

Mr. Chairman: One moment please. I don't think the witness should necessarily be required to answer the last question. I think that what we're here to do is determine what the witness's opinion is in relation to his brief, and I would appreciate it if Members of Committee would hold their questioning just to the matters at hand rather than. Perhaps the gentleman would find it difficult to answer.

Mr. Chamberlist: Well, I'm not interested in the.....what I'm trying to ascertain is whether the witness, Mr. Chairman, feels that a licence for liquor should be obtainable where there is accommodation attached to it or without accommodation because this is the method in which the particular premises is being operated at the moment, and if Mr. Hunter could give some advice to Committee on that.

Mr. Hunter: Generally speaking, I can only give you my own opinion on whether or not licenced premises should be with or without room accommodation such as laid down in the existing Ordinance. My personal opinion is yes, I would certainly be in favour having liquor outlets without the strings attached as far as room accommodation is concerned.

Mr. Chairman: Are there any further questions?

Mr. McKinnon: Mr. Chairman, paragraph number 10, "operators must have the right to legal protection like any other **operation**". I wonder if you could clarify to me, Mr. Hunter, what you mean by legal protection and where you feel you are not being protected by the law as a licenced premise operator.

Mr. Hunter: Well, as far as I know we are being protected. This is with reference to - I couldn't point out the article in the Bill - I imagine we have legal protection now. This is in reference to the Board that has the right to close up a business; for what reason, I don't know at this particular time, but it does state in the Bill and I understand it - there again, I say this Bill does need an explanation that if a board were picked and if a member of the board were to close up any establishment, it is my interpretation that they would not have the right to go to legal means to dispute the reason they were closed up or for the length of time they may be closed and so on and so forth. To me, it takes a person on a board to close you up and that is the end of it. I don't know.

Mr. McKinnon: Mr. Chairman, I have that clarified now. It might interest Mr. Hunter to know that in the original cursory reading of the Bill that this was picked up by Members of Committee and it was the consensus of the Committee that there was no way a board was going to have these types of powers without recourse by appeal by the operator. Everyone felt that along these lines that there had to be an appeal on any decisions of a board of this nature. Section number 12 - I would like to ask Mr. Legal Adviser is it against the law for cabarets to charge for entertainment now?

Mr. Legal Adviser: Not so far as I know.

Mr. McKinnon: That is the way I understood.

Mr. Hunter: Well, I have to put this down as personal experience. Three years ago I had the occasion to place a cover charge for

the Kopper King and we did it on a Friday and Saturday, and on Monday I had two R.C.M.P., one sargeant, one constable, come to me and tell me I couldn't do it. It wasn't in the Ordinance we could. It wasn't in the Ordinance we couldn't, so we did. So, this is why I have this in here. Now, I seem to have it clarified after the brief was written. The Inn cabaret did it and has done it in the last two weeks and I phoned Mr. Vars and he says well, it's not in; it's not out, and go ahead if you want to, but two years ago I just said I couldn't do it. End of point.

Mr. McKinnon: This came from the R.C.M.P., not from the Territorial Government in any way, shape or form?

Mr. Hunter: It came from Mr. Vars in conjunction with the R.C.M.P.

Mr. Chamberlist: I wonder, Mr. Chairman, if the answer Mr. Legal Adviser has given will not be necessarily accepted as a firm answer because there are areas of the Liquor Ordinance where, I will submit in debate, that it prohibits a cover charge in as much as it is necessary for all liquor outlets to be open to the public who are of the right age, and there is no reference that this is only open to the public on the basis of a charge, and I would ask Mr. Legal Adviser what.....clear.

Mr. Chairman: Well, that would have to be a decision of Committee.

Mr. Legal Adviser: Well, I have this comment to say. I was asked a specific question in relation to a cabaret which is presently operating in the Main Street of Whitehorse and is in fact charging a cover charge of one dollar for admission, and the Liquor Controller and I searched through the legislation and we couldn't come up with an answer that it was legal or it was illegal, so we drew the assumption that in Canada it is a free country and you can do what is not forbidden.

Mr. Chairman: Have you any further questions of Mr. Hunter at this time? Mr. Legal Adviser.

Mr. Legal Adviser: When you are dealing with a board in paragraph two, you also refer to legal protection and the Commissioner in later paragraphs, do I take it, Mr. Hunter, that you would prefer a board to exist but you would prefer the selection of the board to be in a certain manner, that is by the Council, or would you prefer the present situation where the Commissioner as an administration is in complete control through his officers of the discipline and operation of liquor control?

Mr. Hunter: The board, if the Council feels there is a necessity for a board, I'm all for them. To me - again I speak very personally - the Commissioner is not an elected representative of the people and so therefore in my opinion does not represent the people. He does not represent the wishes of the people. We do this and would like to do it. At least, I say I would and I'm sure I'm not alone. We have the Council for a purpose and these are the people that should govern the Liquor Act without the Commissioner.

Mr. Legal Adviser: Is it your suggestion then that the board should be a sort of sub-committee of the Council itself or something like this?

Mr. Hunter: Yes, very much so.

Mr. Legal Adviser: And they should have everyday dealing with

BILL #5

the administration of the Act as a sub-committee? Is this it?

Mr. Hunter: Yes.

Mr. Legal Adviser: Now, this is a question to you as an operator. You say the interdiction list should have been abolished years ago.

Mr. Hunter: In my opinion, yes.

Mr. Legal Adviser: Could you give a reason for this?

Mr. Hunter: Well, I don't know how you could make it work. As an operator we certainly couldn't make it work. They couldn't make it work in B.C. and they couldn't make it work in the Yukon. If it was a workable item, yes, by all means probably leave it but I'd like to meet somebody who could make it work.

Mr. Chairman: Well, have Members of Committee anything further at this time? I would like to thank you for your time and interest in this, Mr. Hunter.

Mr. Hunter: Excuse me, may I ask the Council a couple of questions before you close me off here?

Mr. Chairman: Does Committee agree?

All: Agreed.

Mr. Hunter: Sorry. This item - if there must be a board with two members, two members cannot constitute a quorum and be fair. There must be - I believe in the Bill it states where a quorum will be two. I bring this up particularly because the same wording - I don't know who makes up these bills but they come from the same - they must come from the same office. I don't see how anybody can have a vote and have two people voting. I have run personally into this in another situation last year from a government department where a quorum of two - it took thirty days to get the answer. I asked the gentleman why it took so long after we did get the answer. Well, he said, the two of us couldn't make up our minds. Well, I said, who weakened first. Well, he said, I had to give in. This is just undemocratic to have a quorum of two to vote on a situation or even discuss a situation where you just can't argue. You can argue all day and all night. Now, this isn't the only legislation I have seen coming out of the Administration office where a quorum of two states. It doesn't make sense to me.

Mr. Chairman: The only one who could possibly answer your question is a member of the Administration. Mr. Legal Adviser.

Mr. Legal Adviser: This is a frequent - in boards of three, this is a frequent clause because matters come up of minor importance quite frequently on any board and it is necessary to take a decision. Now, the board cannot take a decision if the two members who form the quorum are split. They have got to wait for the third member, but commonly they will be unanimous. It will be something like even to adjourn the meeting, they couldn't agree. To sign some renewal of licences. There's dozens of things which a board has to do which two members are quite competent to do, but if it is a question of a hearing then if the two members were to be split, there would be no decision. It might be inconvenient but the only alternative is to have

extra members on the board permanently. It doesn't normally give rise to any trouble. I can't think of any case where this gave rise to trouble here.

Mr. Hunter: I'm sorry. You can't foresee what the quorum may have to be faced with. This is what I am getting at and it could be very important. Well, you say you are only assuming that these minor problems may come up. We had a - oh, what do you call it when you want to turn a piece of property into a zoning board - last year and a very important piece of zoning, and there was only a quorum of two, and this is what I speak of. To me, it was very important, and I think zoning is a very important part of our legislation. This is what I am referring to, although when they said this, a quorum of two, maybe they didn't figure they were going to have any problems but as I say it took thirty days to come back and this is why it took thirty days to come back. It just isn't proper legislation as far as I am concerned. That is my opinion, anyway.

Mr. Chairman: I wonder, Mr. Hunter, if you have anything further?

Mr. Hunter: I wonder if you could tell me why - I may be wrong in as much as it was advertised over the weekend about beer - why cabarets are charged one price for beer and taverns are charged another price?

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: I don't know the original reason except that it was felt, I presume, at that time that cabarets were providing more services to the public and therefore the public would pay more and in turn the cabaret operators could pay more for their beer, but this distinction is now being abolished with effect from April the first completely. It is academic what happened in the 1950s when the trend was set.

Mr. Hunter: Is there any reason that the Council could give me why - to give you an example, during the Rendezvous the Elks, the Armouries and the Legion could serve alcohol at 2:00 and 3:00 in the morning, where others would have to abide by their licence laws? I mean is there a special rule or regulation that these clubs come under - the Elks, Armouries and Legion?

Mr. Legal Adviser: There are special rules dealing with this when they get a special type of permit when people are being entertained and this is customary throughout Canada that when you operate a dance dealing with people who are entitled to drink, over 21, then you get a special licence to cover that particular occasion, and...

Mr. Hunter: To almost any hour they particularly want to put on this.....

Mr. Legal Adviser: There would be limits on the hour. Not to any hour.

Mr. McKinnon: No, six hours in a row, I think.

Mr. Legal Adviser: It is a continuous period of six hours, I think.

Mr. Hunter: A continuous period of six hours?

BILL #5

Mr. Legal Adviser: So, if they start at 9:00 they would be able to go on to 3:00; if they start at 8:00 it would be 2:00.

Mr. Hunter: It is just like New Year's Eve. We have to close at 2:00 or whatever it is - 3:00 - and others go til 5:00, but I see the reason now. I didn't know it existed. We might apply for that special privilege some time. Does anyone know the price of beer to restaurants? I don't know. I'm just curious as to whether it is all going to be the same.

Mr. McKinnon: It is all the same as of April first, Mr. Hunter.

Mr. Hunter: It is all going to be the same? There are supposedly thirty-five briefs that came into the Council. Is this correct? Approximately? As a person living in the Territory I was a little concerned with so few briefs dealing with this type of thing or any business for that matter, so I made it my business to find out why others haven't put in briefs, to the man in the street and the man in business, and astounding enough I got a stock answer. Why bother, the Administration will do as they please. I hope the Council doesn't take this attitude. Thank you, gentlemen.

Mr. Chamberlist: Mr. Chairman, one point that has been raised - a question put by Mr. Hunter. He made reference to the two members of a board constituting a quorum. Mr. Chairman, Mr. Hunter, this particular matter was raised during the time that Members of Committee went through the Bill. I think you could be more concerned in this particular section; that the member holding office - it says two members constitute a quorum and where there are two vacancies the member holding office may exercise and perform all the powers and duties of the board under this Ordinance. So, then, if there were two vacancies one would be the quorum. This is what we are more concerned about, and Committee have taken note of this particular thing.

Mr. Hunter: I think the Committee ought to review the whole Act because I think it has got more dictatorship in it than really meets the eye in its present form.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, before Mr. Hunter leaves, I would just like to touch briefly on his point number nine. If there must be a board it cannot be independent of the government. Otherwise, why, a government, these are our representatives. This is - this position, I think, is not something you meet as far as Mr. Hunter is concerned, this is a position where I feel even the public are confused on this. This is, of course, what we, the representatives, are trying to alter. The government has been known in the minds of the public for many, many years - several years, I think - as being that of the Administration, not that of the representatives of the people, and the representatives of the people do not have the power that the public appear to think that they do. This is what we are trying, and have been trying for the last decade to change, and as soon as we do get a change, then I think we would be more in a position to be attached to any form of criticism for certain things that go on in the Yukon than we are today. Today, the preponderance of power is with the Administrative side rather than with the legislative side of government. Thank you, Mr. Chairman.

Mr. Chairman: Are you now clear on this brief?

BILL #5

All: Clear.

Mr. Chairman: I would like to thank you, Mr. Hunter, for your time and interest.

Mr. Hunter leaves Chambers.

Mr. Chairman: The next brief is presented by Mr. Carl B. Williams who we have with us today, and that is Brief No. 14. Mr. Williams, I wonder if you have any remarks you wish to make at the outset in respect of your brief?

BILL #28  
CARL B.  
WILLIAMS  
BRIEF #14

Mr. Williams: Well, the only thing I didn't put in my brief was that when you have a child that wishes to get married or something, you don't wait till they are 21. When you want to teach them something, you don't wait till they are 21, and I believe if you teach a person at a younger age than 21 in order for them to learn. That goes the same with the military service or anything else.

Mr. Chairman: I wonder if Committee had any questions they would like to direct to Mr. Williams in respect of his brief?

Mr. McKinnon: Mr. Williams, you don't suggest initially an age. You seem to be in agreement totally that the age be lowered with the eventual abolishment of any legal drinking age altogether. Do you have any kind of a steps and processes to see it eliminated gradually? What would be your original concept on lowering the drinking age? 20, 19, 18, 17 type of thing?

Mr. Williams: Well, for the first time 18 would be fine. After that, take it about every three years - every two or three years until people got used to it, and I think that the drinking problem would eventually cease because if there is no law to prevent someone from doing something wrong, they're not going to do nothing wrong. I know I have a fifteen year old daughter right now and I have let her drink at home and she doesn't even have any desire to drink now.

Mr. Chairman: Any further questions? Councillor Gordon.

Mrs. Gordon: I'm going to ask Mr. Williams. I understand in France they have wide open drinking with children but at the same time they still have a problem that they have the highest rate of alcoholism of any country in the world. Do you think its possible that we might have this here?

Mr. Williams: I don't think so because in France it is more on a wine basis. Here it is more on a beer basis. I don't know too much about Europe because I haven't studied their problems but I am basing my brief on my own experience and a few friends that I have had across Canada who have done the same thing that I am doing, and I have found out that I don't expect any problems in my family and I know that they don't expect any in theirs because generally we have found out that the kids don't want to drink after.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I note the brief of Mr. Williams points out where he has liquor in the home and has no problems with his children. I'm very happy to see that, but would Mr. Williams

BILL #5 consider that perhaps it would be different where the children did not have the same examples set by their parents as he apparently sets to his children; where the parents themselves did a great deal of drinking and so forth in the home and the children were able to indulge and join in with the parents who did not have the same control as he would have in his house or with some of his friends, would he feel that would be good for the children?

Mr. Williams: Well, in that case I feel that the adults have to be educated, too.

Mr. Shaw: Well, Mr. Chairman, would not Mr. Hunter feel that...

Mr. Chairman: Mr. Williams.

Mr. Shaw: Mr. Williams. I beg your pardon. Would not Mr. Williams feel that in the event the parents did not have some control that the state itself would need to have some control for the protection of the children in an event such as that?

Mr. Williams: I still believe it would take time. Once a person has never been taught how to drink, then it is up to individuals to learn how to drink, and I think it is a little bit too late for those adults that don't know how to drink, but it isn't too late for the children to learn how to drink. It's the same old story. You can't learn an old dog new tricks but you can learn a new dog new tricks.

Mr. Shaw: The point I was getting at, Mr. Chairman. If the big dog is showing the little dog bad tricks, should not some good dog come along and stop that little dog from learning these bad tricks. In other words, not have it free and open. There must be some control if the persons themselves can't effect control.

Mr. Williams: That isn't going to work either because they're going to snitch it anyhow so they might just as well give it to them so they can't snitch.

Mr. Shaw: Well, I'll just give an illustration, Mr. Chairman. Yesterday, Saturday night, I went to the show and in leaving the show - as I was leaving the show there was a little boy in front of me about ten years of age and before we got out of the show he pulled out a package of cigarettes and he lit one and off he went. We do have laws that are supposed to prevent this for the health of the child, but if it were permitted they could all do that, isn't it possible they would all start these things, say, at seven and eight years of age?

Mr. Williams: Not if they were taught, and I'm not suggesting that it just be taught in the homes because, as you have already stated, the home - everybody hasn't got the same system I have, but it could be taught in the schools. They want to teach everything else in school. Why not teach them how to drink in school without actually having the liquor in school.

Mr. Chairman: Are there any other questions? Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, Mr. Williams said that he would like to be able to take his children into a tavern. Would this apply to any type of licenced outlet - cabaret, cocktail lounge?

Mr. Williams: Well, I'll put it this way. In Whitehorse there is only about two or three bars I would take my kids in, and it

wouldn't be no tavern because I don't like the way people act in taverns. It would have to be the Taku, the Bamboo or some place like that where people act like sensible people.

Mr. Chamberlist: No advertising, please.

Mr. Williams: Sorry.

Mr. McKinnon: Then you wouldn't put any prohibitions on the type of outlet that children were allowed into? I'm thinking of a cabaret that was providing adult-type entertainment. You would still feel that you should be able to take your children in here if you so desired?

Mr. Williams: Yes. I'm presuming you would be able to judge the type of entertainment. I don't see anything wrong with taking my child into a tavern or a cabaret where someone is singing a song much like they would have on the radio and they could enjoy it and watch the show and have a beer under your supervision. I'm not suggesting that they go into the bar by themselves and just drink as much as they want.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, Mr. Williams, you refer to children. Now, are you suggesting, Mr. Williams, that you should be able to take any child into a cabaret, watch the entertainment and let the child drink a beer by him or herself whether the child is two, eight, ten, twelve or are you limiting it to a specific age?

Mr. Williams: Actually, I'm leaving it to their parents. The parents should know when a child is ready, and if a mother takes a child into a bar, even if it is a babe in arms, I'm not saying that she should give her baby liquor but I am saying that she should be able to have a beer herself because she is going to be conscious of the fact that she has extra responsibility with her, and as a result she is going to conduct herself accordingly.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Williams, you have your brief. It is mostly connected with responsible parents as I note. Now, what provisions would you make for parents that are, and in fact we do have quite a number, that are irresponsible? What control would you have, then, to guard the children against excesses where you have it free like that? I mean you can't make fish of one and.....

Mr. Williams: I was hoping that the good would teach the bad, even though that is a long shot.

Mr. Shaw: You are an optimist, sir.

Mr. Chairman: Kindly address the Chair, gentlemen, during your discussions. Have you anything further to ask of Mr. Williams. Councillor Livesey.

Mr. Livesey: As Mr. Williams knows, the parents are responsible up to the age of 21 so that by lowering the drinking age below 21, you are then involving the parents in the further responsibility that the law makes an attempt now to provide a protection for the parents, although under certain circumstances it still applies.



BILL #5

Now, how low would you consider the drinking age to be where such a provision as a sort of.....operation in liquor, which I don't believe is a good thing any more than it is a good thing in any other form of society and regulation. There has to be a certain amount of regulation. How low would you go before you were considering that you were interfering perhaps with the educational system of the young people?

Mr. Williams: To me, learning how to drink is an education. If you don't know how to drink, then you aren't educated. I don't think there is a Member of Council here who doesn't know how to drink properly. Maybe, I have a little bit too much respect for Council, but..... And I don't think the liquor laws should protect the parents. The parents should have enough initiative about them to teach their children properly, and if they can't teach them properly pay the penalty.

Mr. Livesey: Mr. Chairman, the idea, of course, that they are doing it anyway, so let's change the law, to me, is totally absurd, and I don't feel this is - there has to be some form of guideline. For instance, if we didn't have laws and regulations in society to provide for the minority, not the majority, but the minority, why, it wouldn't be safe to even go to bed at night. You might not wake up in the morning. There has to be some - this is what I am getting at. Where is the area of your thinking where you think there is going to be a dividing line in age?

Mr. Williams: In age, I would say round about 16.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Yes, Mr. Chairman, Mr. Williams, your brief indicates the accompanying of children by their parents. Could you express an opinion what you think should be the lowest age which a person should be able to enter licenced premises and drink legally?

Mr. Williams: That is with their parents?

Mr. Chamberlist: No, without their parents.

Mr. Williams: Without their parents? Oh, I think about 16.

Mr. Chairman: Have you anything further? Thank you very much, Mr. Williams, for your kind donations in this matter.

Mr. Williams: Thank you.

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

RECESS

RECESS

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Monday, March 17, 1969.

11:00 A.M.

Mr. Chairman: At this time I will call Committee back to order. BILL # 5  
We have with us now Mr. Darral Collins who has submitted a brief  
on behalf of the Yukon Teachers' Association - oh, pardon me, ...

Mr. D. Collins: On behalf, Mr. Chairman, of those who favour MR. D.  
minimal legislation relating to the use and consumption of liquor. COLLINS  
BRIEF #24

Mr. Chairman: Yes, my Briefs got a little confused here. This  
is Brief No. 24. Mr. Collins, I wonder if you have any initial  
remarks on your Brief.

Mr. D. Collins: Only to this extent, Mr. Chairman and Members of  
Council. I want it understood that I submitted this Brief in no  
official capacity; only in the capacity of a private citizen  
speaking on behalf of those who I believe exist who favour  
minimal legislation relating to the use and consumption of liquor.  
I perhaps should have said the availability, use and consumption  
of liquor because that is to what my Brief has been directed.  
Aside from that, Mr. Chairman, I will be pleased to answer any  
questions that Members of Council might like to put to me concern-  
ing my Brief.

Mr. McKinnon: Mr. Chairman, as a layman, one thing that I am  
confused on, I wonder if Mr. Collins could help me in this at all.  
Does he feel that protection is adequate, if the Ordinance in its  
present form is passed was the charge of the drinking in a public  
place as removed from our Territorial Statute Books that the  
Criminal Code adequately provides protection for the public from  
drunks.

Mr. Collins: Yes, Mr. Chairman, I feel that any legislation that  
deals with a breach of the peace should remain in the Criminal  
Code and be dealt with there and this Council should not attempt  
to deal with it in liquor legislation because I don't think it  
has any place in liquor legislation although it is customary to  
place it there. I think this Council should set a new precedent  
and make it uncustomary to place it there.

Mr. McKinnon: Mr. Chairman, would Mr. Collins propose the sale  
of beer, wine and distilled alcoholic beverages in super markets  
and grocery stores, or just beer and wine?

Mr. Collins: I really don't see any reason why there should be  
any limitation on the sale of liquor except perhaps at the whole-  
sale level. I would favour the Territorial Government controlling  
the wholesale of liquor but I think that liquor should be avail-  
able at any retail outlet. Now it might be too much to ask the  
public to accept a situation where all liquor were being sold at  
retail outlets all in one fell-swoop, so to speak and therefore  
I would perhaps favour wines and beers in the retail outlets to  
begin with, with the idea of gradually working into an arrange-  
ment whereby all liquors were sold at retail outlets. I don't  
consider that liquor is any different than soda pop insofar as  
its being handled is concerned.

Mr. Chairman: I've one question if I might be permitted from  
the Chair. Although the Brief of M. Collins' could not deal  
with the subject of a Board, I wonder if Mr. Collins would have  
any comment to make in relation to the constitution of the Liquor  
Board.

BILL NO. 5 Mr. Collins: Of course, if you were to adopt my views concerning the minimal legislation, you would probably not require a Liquor Board. It would seem to me that all the functions that a Liquor Board would perform would be adequately performed by other administrative bodies; for instance by your Sanitary Inspectors insofar as your restaurants and other forms of beverage outlets were concerned. I don't think that there should be any restriction on the number of licences. If people want to enter into a business and go broke that should be their privilege. I don't think that there should be any regulations that a Board really could deal with. I would have to say that I wouldn't favour a Board if the type of legislation was adopted that I would favour, and that would be a very minimal type of legislation which would provide for the sale of liquor on a wholesale basis. And incidentally, I would only recommend the wholesale liquor by the government, by the Territory, because it provides the Territory with a good means of revenue. This is the only reason I would favour it being retained in the Territory. I say that because I didn't want somebody coming back and saying "why don't you favour the sale of pop by the Territorial Government". Indeed that might be a good idea if the Territorial government did manufacture its own pop and sell it on a wholesale basis. It would be another means of revenue. It probably would be objected to by local entrepreneurs and if I were one I would certainly object because that hasn't been customary. But the point that I am making is that I only favour minimal legislation which would allow for the sale of liquor in the Yukon Territory and would put up as few barriers as possible. Now, I don't go as far as Mr. Williams does on the matter of young people drinking. Perhaps in the future it will get that far but we are not ready for what Mr. Williams has suggested, and I say that with..... respect to Mr. Williams. I would not favour the Board if you were to pass legislation that I would favour. If you were to pass the present legislation I would favour that the Board not be selected by the Administration but that there be some element of control at least, inserted whereby the elected Members have something to say about the constitution of the Board and of course I abhor the provision which could permit the Board to consist of one Member making all the decisions. Certainly we've seen what has happened in British Columbia with that sort of situation and we don't need it here.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Collins would intimate what, in his opinion would be a sensible minimum age where people should enter a licenced premises on their own for the consumption of liquor.

Mr. Collins: Well, there again I think that we are going to have to educate the public - if we are going to adopt new practices insofar as consumption of liquor is concerned and we are going to have to educate the people, otherwise the change will be too much for them to accept. But I would think that to begin with an eighteen year limit would be proper and I do this for this reason; that nowadays most of our young people leave school, or graduate from school at the age of eighteen, and at that age they are off on their own. They are expected to pay income tax, they are expected to contribute in every way that the adults are to society and if that is so, then surely they should have all the privileges that society has to offer, including, incidentally, voting, which in some places they are considering lowering the voting age to eighteen and if they are doing that, if children have enough responsibility at the age of eighteen and vote, then they surely have enough responsibility to drink. I would favour, eventually, lowering the age further down to the age of sixteen and not any lower than that and the reason I favour that is that the only way that children are going to be taught to drink, as they are taught to drive a motor vehicle or taught to do anything else,

Mr. Collins continues.....  
is by their parents. Certainly, at the age of twenty-one, when the parents no longer have any control over them the majority of them are gone and they have never learned anything about how to drink. Well, how do you expect them to go out into public and all of a sudden have the privilege of drinking and be able to control it. We are expecting too much of them. They have to learn to do this. At the age of eighteen I think it would probably give the parents an opportunity, some opportunity at least, to teach them proper drinking habits. At the age of sixteen certainly they would have perhaps two years with their parents where they could really be taught proper drinking habits. Now where parents will not help them well then sociological agencies within their communities must attend to this, not laws written into Statute Books.

Mr. Dumas: Mr. Chairman, I'm not one of those who believes that you can legislate morality but there are many who feel that their moral problem is involved to a great extent with drinking and I wonder what Mr. Collins' opinions are on the affect that lowering the drinking age and making minimum legislation for drinking and for accessibility of liquor and so forth might, how it might affect the moral problem in our society.

Mr. Collins: Mr. Chairman, I don't feel that it would affect the moral problem in our society at all. The moral problem, if there is one in our society exists and I don't think that the availability of liquor makes the slightest bit of difference because the availability of liquor doesn't seem to make any difference with young people. If they want the liquor they get it and therefore, if they want it, to utilize liquor and so-called corruption of their morals, if indeed liquor does this, and I am not prepared to suggest it does necessarily, but if it does have an effect on them it is having an effect on them now so that I don't think removing the controls is going to make any difference to what presently exists. Indeed, the removal of the controls might have the effect, and we all know this, that young people, they feel that they are exhibiting some form of adulthood if they can do what adults do when they are not supposed to do what adults do. If they can drink just the same as adults can then there is no longer any challenge really and it seems to me that we will have the irresponsible young children just the same as the irresponsible adults. The responsible young children will not fare any differently than they do now.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Thank you Mr. Chairman. I note that Mr. Collins is advocating eighteen as a good age to start to be able to drink in a legal manner and I believe did mention a matter of voting also and doing other things that normally one would not be able to do until twenty-one years of age. Would Mr. Collins feel that perhaps, insofar as we are lowering these ages to be permitted to do certain things, we are in fact calling a person eighteen years of age an adult rather than one of twenty-one years which is a fact at the present time. Would this philosophy, would Mr. Collins feel that the only thing left would be - a person would be responsible as as an adult at eighteen years of age instead of twenty-one. We are lowering the whole works down; they would be responsible and capable of entering into any documents, signing anything, being responsible for it; in other words they are capable of doing this and something else at eighteen years of age. Would it not be befitting to say well, we'll just lower the whole thing on to eighteen years of age and they will then accept full responsibilities as adults.

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Mr. Collins: Mr. Chairman, my answer to that is "yes". I feel, Mr. Chairman, that our world in the last fifty years has become so much more sophisticated than it was during the Victorian times for instance as have our educational system, that people who are now eighteen years old have the maturity of persons who perhaps in the Victorian were twenty-one years old and I would not, certainly suggest for one minute that if the young people were capable of assuming certain responsibilities in a community at the age of eighteen they were not also capable of assuming the responsibility of being liable on contracts so that I think, as Mr. Shaw has put it, I think the age of adulthood should be lowered from twenty-one years to eighteen years.

Mr. Livesey: Mr. Chairman I would like to direct this question to Mr. Collins. It seems to me that the provinces have eliminated themselves from a problem that we have in the Yukon Territory with regard to the government being in business. Now, my understanding of government, especially in a government where free enterprises ....would be the understanding of procedure, thinking and theory of the government. The government in Canada should not be in business but should only be able to raise revenues by taxation. Now, in the Yukon Territory we appear to be making a profit. The government has been making a profit and not raising this by taxation at all. So, here is a question. The way we can get out of this of course is to establish a Board the same as the provinces do. Now, my question is, to Mr. Collins, if he feels that this is correct and if the Board is established, does he feel that the Board should be subject to political pressure; should be subject to the government in power or should be totally free from all forms of pressures and be able to act as a totally independent body?

Mr. Collins: That is a pretty general question, Mr. Speaker. I think that under those circumstances a Board would probably perform a useful function provided its powers were limited and the type of function that I am thinking of is that it would perform the function of saying, of establishing perhaps, standards for the type of liquor that was to be brought into the Territory. It would establish standards insofar as the size of glass, perhaps, that was used in a tavern. These types of things it might establish; something that is not going to affect the civil liberty and freedom of the individual but is simply going to establish good, sound standards of practice insofar as the use of alcohol is concerned. But if it went further than that; if it were empowered as for instance in British Columbia, to have its own inspectors who went around in a most autocratic manner generally, made rules and regulations almost on the spot, then this sort of thing I think we can do without. I think that if you set up an administrative board I personally, being the business of law, don't favour administrative boards very much. Indeed I don't favour them at all so consequently my thoughts are being influenced by that view. I would be more inclined to have a form of executive from the elective body to which the public had recourse, administer whatever laws had to be administered insofar as the use, consumption and availability of liquor is concerned and that those laws be minimal. I must stress that again.

Mr. Chairman: Are there any further questions of Mr. Collins? Councillor Chamberlist.

Mr. Chamberlist: Mr. Collins, on page two, second paragraph from the bottom of your Brief, you say "enforcing the laws against the serving of alcoholic beverages to minors and to intoxicated persons, that the extent of direct activities relate to the idea of promoting temperance". I wonder Mr. Chairman if Mr. Collins would indicate that the reduction of the present drinking age would create more temperate drinking or not?

Mr. Collins: I am sorry, Mr. Chairman, the quote was taken from what part of my Brief?

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Mr. Chamberlist: The second paragraph from the bottom of page two of your Brief, commencing with the word "enforcing".

Mr. Collins: Well, I say that it would promote temperance to reduce the age for children to drink and temperance is not total abstinence, of course. It is simply that you must temper your drinking habits and I submit that once you withdraw prohibition insofar as young people are concerned, then you are going to set up a situation whereby the young people do not have something to challenge and they will not, therefore take the challenge because it does not exist. It will be something else that they can do if they want to do it, and that being the case, I would submit that while more children may take advantage of the privilege of being able to consume alcohol, fewer of them would consume it in excess.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Collins would indicate whether the reduction of the age would or would not encourage breaches of the law in relation to criminal offences which could be brought about by persons under the age of twenty-one at present, ~~who~~ are committing felonies.

Mr. Collins: Mr. Chairman, no more so than presently exist. In my business, if I may refer to it, Mr. Chairman, I find that ninety per cent at least, if not a higher percentage, of all crimes that are committed by young people under the age of twenty-one years are generally influenced by the fact that the children have had something to drink and it is not just something to drink. They have had a considerable amount to drink; they have had so much to drink really that it has relieved them of the inhibitions that normally flow in the ordinary person. I submit that if these children, who are generally in this age group between eighteen and twenty-one, or these young people, I shouldn't call them children, these young people in that age group, if they had been able to have the liquor without recourse to having to get it illegally, they would not have consumed the liquor in excessive quantities in many instances, not in all instances but in many instances and therefore would not have found themselves under the influence of liquor resorting to criminal activities. In some cases I couldn't say that and in those cases they would have been resorting to criminal activities in any event. So, I don't think that lowering the age is going to have any material on the commission of crimes by young people in the age bracket of eighteen to twenty-one.

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: I have two questions for Mr. Collins, Mr. Chairman, and one relates to the previous series of questions. Amongst our native people they have been able to have access to liquor for a considerable length of time and I think Mr. Collins will agree with me that over a period of years they have been allowed to drink. Their drinking problems haven't been reduced, if anything they have increased and as a lawyer I feel you realize this and I am wondering if you could make a comparison to this and the particular age group we are talking about.

Mr. Collins: No, I can't compare the native problem and one certainly exists, I quite agree with you. I can't compare the native problem with the problem that might apply to the age group of eighteen to twenty-one and the reason I can't do that is that in the majority of instances the children affected, the young people affected, have already been assimilated into our society. In the case of the native population, it is regrettable to have to

BILL NO. 5

Mr. Collins continues....

concede that they have not been assimilated into our society in the proper manner and in my view it won't be for quite some time and many years to come. Until they are, they tend to have, and again I am speaking from a personal view, they tend to have inferiority complexes and I don't think that exists amongst the age group of eighteen to twenty-one in most instances. This inferiority complex leads them to abuse the privilege of being able to drink alcohol, and there again I don't think that that abuse would occur in the age group of eighteen to twenty-one. For these reasons I say it would be unfair, I think, to make a comparison between the problem that exists with the native population and what might exist with the age group of eighteen to twenty-one.

Mrs. Gordon: As a second question, I know that interdiction is practically an unenforceable restriction but as a lawyer I think that Mr. Collins is associated with the rights of the individual and I would pose the supposition of the person who knows his own weakness. Is there anything in the law existent today that will protect this man who knows that once he has had a drink he's lost. Is there any law whereby a Court could say he must turn his cheque over to a certain authority; his wife or someone to administer it because otherwise, if he gets a cheque on Saturday night and he takes that one drink, his children go hungry for a week. Is there anything in the law that would cover such situations?

Mr. Collins: No, there is nothing specific in the law that covers this situation. Of course in the Interdict Law, and I quite agree with the former speaker on this matter that our interdict laws are useless because they are unenforceable but in the Interdict Law there is a provision whereby the person who has the problem with alcohol himself can put himself on the list but there again, the list doesn't really mean that much because one way or another everybody that is on that list gets the alcohol somehow and the reason on the list is because this is an illness with him and they just simply find it and the people who sell liquor many times don't know these people and can't know them. They have a list and the names on this list could mean nothing to them. But there isn't anything in the law that would, as you have suggested, make it incumbent on one of the spouses to turn over his or her earnings, as the case may be, to the other, so that these earnings would not be spent in a useless manner on alcohol. This I think again comes back to the problem and so does the problem with the native population; it has to be controlled, I think not by rules and regulations made by you or anybody else but by a sociological reform, by groups within the community who are prepared to take an interest in the social ailments that exist in the community and do something about it and we do have some associations in our communities that are doing this and doing a good job of it. It will take a long time and is probably something that will never be overcome completely but I don't think that rules and regulations in Statutes help it a bit. I think if anything they cause more problems than we already have. But we will always have problems, unfortunately.

Mr. Chamberlist: Mr. Chairman, a final question I would like to ask Mr. Collins is: What are Mr. Collins recommendations with reference to the enforcement of a liquor ordinance? I am putting this question, Mr. Chairman, to Mr. Collins because as Crown Prosecutor he is familiar with prosecutions made under the Liquor Ordinance. What I would like to know is whether Mr. Collins would recommend that enforcement be on a much stricter basis than has hitherto been the case?

Mr. Collins: Mr. Chairman, I am not quite sure what Mr. Chamberlist is getting at. Is he speaking of the Ordinance that currently exists or is he speaking of the Bill that is presently before Council, or is he speaking of the type of legislation that I would like to see enforced?

Mr. Chamberlist: Mr. Chairman, I think it would be a great opportunity for Mr. Collins to express himself on the three items which he has made reference to.

Mr. Collins: Well, you are putting me on the spot really insofar as the current legislation is presently in force. There are certain aspects of the current legislation that I can't agree with at all. While it is in force though, the law enforcement agencies must enforce it and this includes not only the police force but also the Magistrates' Courts. The way they go about enforcing it or applying punishments that they are entitled to apply is something that I am not going to comment on but I would say this; that whatever punishment they impose on the individuals for drinking in a public place for instance, and that is the most common one; pardon me, not drinking in a public place but drunkenness in a public place, that's the most common one, whatever punishment they impose on those people, it is not going to have any beneficial effect; indeed it is going to simply have a detrimental effect on society, in my view, because to put frequent drinkers in the Correctional Institute on the hill is costing us nothing but money. It isn't providing us with a solution at all so can't favour the present Ordinance at all. As far as the proposed Ordinance is concerned, if the Ordinance got rid of such matters as, and does get rid of such matters as drinking or drunkenness in a public place and causing a disturbance while drunk, or something of this nature and leaving it up to the Court to decide the necessary punishment when the charge is under the Criminal Code, then I would be inclined to think that the punishment would be at a level that would be more likely to act as a deterrent than the present punishments that are being imposed. It is always the tendency of the Court to impose lighter punishments in the case of provincial or in this case Territorial legislation than it is where the punishment is being imposed in respect of an offence under the Criminal Code and as our Criminal Code has something to cover this problem, I think that is where it should be left. The remarks I have made insofar as your current Bill is concerned would apply equally to the type of legislation that I would favour, that is the minimal type of legislation where the sale and consumption and availability of liquor was restricted in the most minimal manner, in which case you would not have many offences that you would have to deal with. And I would think that under those circumstances the form of punishment would level off and if the Courts, and I have no reason to believe that they wouldn't, if the Courts are doing the job expected of them they would apply punishments that were applicable as to terms, which is really what we are looking for.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I wonder if Mr. Collins would indicate whether, if a Liquor Control Board was constituted, whether the Board should be under direct control of the Commissioner or whether it should be independent of all political activities or persons.

Mr. Collins: Again you are dealing with a subject matter that I have some fairly strong views on, and the strongest being that



BILL NO.5 Mr. Collins continues....

I don't favour administrative boards at all. Certainly I don't favour an administrative board that has terms of reference that will permit it to make completely autocratic decisions and those decisions being final. I would only favour a Board, I think, that was answerable to the elected representatives who in turn are answerable to us.

Mr. Chairman: Mr. Shaw:

Mr. Shaw: Thank you Mr. Chairman; I have a question I would like to direct to Mr. Collins. It is more or less two phases and I will ask them one at a time. Firstly, in lowering the drinking age to eighteen, it is a matter where people have violent disagreement on and they all have some justification in what they say. Nonetheless, I would ask Mr. Collins whether he would feel that in making this drastic change, because it hasn't been done before, would he consider it to quite some degree an experiment in sociology, or whatever you may call it?

Mr. Collins: I think, Mr. Chairman, that any changes in effect are going to resolve in an experiment because we don't know what we are likely to encounter and for that reason I would have to say "yes", it would be an experiment. My views, probably contrary to many people's, would be that the experiment would prove to be successful. Of course there would be the contrary view that it would not prove to be successful. But I think it would certainly be an experiment.

Mr. Chairman: Mr. Shaw.

Mr. Shaw: I do think that it would indeed be an experiment, a good one or bad one but would Mr. Collins then feel that if legislation were created to have a lower age, having these privileges or rights, depending on what side of the fence you are on, would he feel it was legislation to be created as a permanent act of legislation or legislation to be created for a certain trial period?

Mr. Collins: I can answer that quite easily, Mr. Chairman. I don't think any legislation should be passed on a trial basis. The legislation should be passed with the idea in mind that it is going to be permanent. If it proves to be bad legislation then changed, when it proves to be bad legislation.

Mr. Chairman: Any further questions of Mr. Collins. Councillor Shaw.

Mr. Shaw: I concede that this is a very good point that Mr. Collins has brought up Mr. Chairman in respect of legislation, but would not there be some merit in the fact that everyone concerned would know, particularly of course the ones that had this new right, that if they abused this right they may lose it and if they contain the right as it should be, that possibly it might stay in. There is that way of looking at it.

Mr. Collins: Mr. Chairman, yes I agree that you probably make it clearer to the general public that that was so, but that in fact, and I think you will all agree with me that that exists any way whether you are going to write it into your legislation or whether you don't write it into the legislation. The only advantage that I could see that this would have was that you would be able to say clearly to the public that this legislation is in force for a period of probation and if it works it will be made final and if it doesn't work it will be thrown out, but I feel that while I don't object to that necessarily, it isn't doing that, I don't think you gain much because I think you could do this in any event. Indeed

Mr. Collins continues...

I am sure you could do this in any event.

Mr. McKinnon: Mr. Chairman, I would like to know if Mr. Collins would be in favour of removing sleeping accommodation requirements from the terms of premises before they can get a licence to sell liquor.

Mr. Collins: Mr. Chairman, I don't really have any strong feelings on this; only to this extent, that I don't think the requirements should be so large as to make it prohibitive on the entrepreneur. It might be a good idea to have some sort of regulation whereby certain types of licences would run in conjunction with lodging. Other types of licences would run in conjunction with something else. You are speaking now, I understand, of the type of place where entertainment might be provided or a lounge or a cabaret or a tavern or something of this nature rather than just the general sale of liquor.

Mr. McKinnon: Mr. Chairman, I take it from Mr. Collins remarks that he had a complete laissez-faire attitude towards the licensing of premises and I was wondering whether he would be in favour of so few restrictions that we would see the type of Whitehorse where there was a bar every second premise type of thing.

Mr. Collins: No, no, I don't want you to get me wrong on that point. First of all, let me make this clear - first of all I think that bulk liquor should be sold from any retail outlet, subject to licensing, but not subject to any particular regulation which would prohibit the sale of that liquor in that premise. You have to have your regular building regulations for stores and health regulations in stores and these sort of things and these would have to be complied with. Now, insofar as the premises that are catering to the general public for drinking as a form of entertainment, then I think certain restrictions would have to be placed on those premises; restrictions that aren't such that it would make prohibitive for an ordinary bona fide businessman to carry on a business but restrictions that would make sure that the place was a healthy, comfortable place to sit and drink. Now in this field your Board might perform a function but again I think there are other ways of providing rules and regulations without having a Board.

Mr. Chairman: Clear? I would like to thank Mr. Collins for his time and interest in this matter and for coming today.

Mr. Collins: Thank you Mr. Chairman and all Members of Council for permitting me to speak to you.

Mr. Chairman: I wonder Mr. Clerk if we could get a representative from the Yukon Baptist Missionary Society. Brief No. 26. We have with us at this time Mr. Wilson who has a Brief on behalf of the Yukon Baptist Missionary Society. I wonder, Mr. Wilson, if you have any preliminary remarks with respect to your Brief.

BRIEF NO.  
26  
MR. WILSON  
YUKON  
BAPTIST  
MISSIONARY  
SOCIETY

Mr. Wilson: Mr. Chairman, Members of the Council, I think we have put our conviction, not just a belief that - our thoughts along this line, but our convictions in writing here and I think all the Members are acquainted with the fact that we are quite definitely opposed to reducing the age of consumption of liquor and I believe we have set forth our reasons for this quite plainly and we have concluded our foregoing remarks with the words that surely the costs in lives snuffed out as well as many other tragedies outlined above are too numerous to mention disqualifies any entertainment or thought of lowering the liquor consumption

BILL NO. 5

Mr. Wilson continues...  
age to eighteen years.

Mr. Chairman: Any question of Mr. Wilson?

Mr. McKinnon: Mr. Chairman, the last line in the first page of the Brief makes a statement that "should any liquor traffic should be classed as a illegal for it is most certainly a demoralizing agent". I wonder Mr. Wilson, could I take it from this reasoning that your Society would actually be in favour of complete prohibition of the sale and traffic of liquor?

Mr. Wilson: Have complete prohibition?

Mr. McKinnon: Yes, you make the case that liquor traffic should be classed as illegal.

Mr. Wilson: This is putting it fairly strongly, we all agree, however no doubt the sale of liquor is here to stay, we realize this, yet if you follow through out reasoning from the beginning I think we are making an important point here

Mr. Dumas: Mr. Chairman, the Brief discusses morals and liquor and I wonder if Mr. Wilson would say whether the Yukon Baptist Missionary Society or he himself thinks that drinking is morally wrong?

Mr. Wilson: You mention personally, yes, I feel personally that drinking is morally wrong; that is when it comes to indulging in it. We realize that from a medical standpoint liquor is prescribed. However as far as from a moral standpoint and a social standpoint, we can't actually endorse it.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Wilson has stated what is his personal opinion in that particular case. I refer to the Brief. It appears to me that it has more or less been accepted that there are certain means of obtaining legally and otherwise; your reference is more or less to illegal sale of liquor as it exists and to lowering the liquor age. Is that what you are mostly concerned with at the present time.

Mr. Wilson: Yes, Mr. Chairman, these are the two main points; the enforcement of the liquor laws and secondly, as you mentioned, that we are opposed to the lowering of the age, to eighteen.

Mr. Chamberlist: The Brief submitted by the Yukon Missionary Society, the Baptist Missionary Society, is almost identical to the Brief that was submitted on November, 1962. I have both copies here. I wonder Mr. Chairman, if Mr. Wilson could state whether there has been any difference of opinion at all in the members of the society thinking on this matter since 1962 or is the situation, as far as they are concerned, exactly the same.

Mr. Wilson: Mr. Chairman, I would say that we certainly haven't changed our thinking concerning drinking and particularly regarding alcoholism. However the preamble of our Brief here certainly does run very much along the same lines, very few changes in this thought. However, we are leading up to the question on review at this time in our final paragraph of the preamble and we do state, as I mentioned at the outset, that in view of these things, we cannot endorse the lowering of the age of consumption.

Mr. Chamberlist: Mr. Chairman, the indications from this Brief No. 26 is that it is morally wrong to drink. Would Mr. Wilson indicate whether references to the Bible that have been made in other Briefs that permission is granted to drink would be immoral.

Mr. Chamberlist continues...  
on the basis that it is referred to in the Bible it is permitted  
to drink.

Mr. Chairman: I don't know if..... that question, however if  
the witness wishes to answer it is perfectly all right.....

Mr. Wilson: Thank you Mr. Chairman. I would make this remark,  
that any mention, or the mentions that we have in Scriptures  
have reference to medicine in many cases. There are various  
interpretations, I realize. However, I don't want to get into a  
theological discussion here today. I believe the point is though  
it is true, Timothy was told to take something for his stomach's  
sake. Now, that didn't say to indulge in liquor.

Mr. Livesey: In view of the time, Mr. Chairman, may we call it  
twelve o'clock and that the Standing Committee reconvene at  
two o'clock this afternoon.

Mr. Chairman: Thank you very much. I wonder if you would be  
able to attend with us this afternoon Mr. Wilson, to conclude  
the questions. The Committee stands in recess until two o'clock  
this afternoon.

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Monday, March 17, 1969.

2:00 o'clock p.m.

Mr. Chairman: It now being 2:00 o'clock, I call Committee **BILL #5**  
back to order and we have with us to continue discussions **MR. WILSON**  
in relation to his brief, Mr. Willson. Would you proceed? **BRIEF #26**

Councillor Chamberlist: Mr. Chairman, I'm sure that the Yukon Baptist Mission Society has with all sincerity, placed their brief before my remarks earlier on the **questions** that I was asking was not questioning the sincerity of the organization. I wonder, Mr. Chairman, if Mr. Wilson could indicate whether age itself has any responsibility in the manner of **excessive drinking** and whether it is more favourable to have firmer controls on excessive drinking? I wonder if Mr. Wilson can give an opinion on that?

Mr. Wilson: Chairman, Members of Council, actually at the age of 18, it's true that we've heard here today and we are all aware of the fact, that young men can be called up to serve their country but when it comes right down to making a major decisions it's not too likely that they are able to cope with major decisions and the traffic violations today are rising, the offences are rising, certainly there are many more teenagers involved in drinking and accidents and casualties and this certainly cause me to think and I am sure .....and believe that these youngsters are not able to cope with the situation at the age of 18. Certainly, the second part of your question, the enforcement of the laws is definitely a need, mind you I believe that our police force are working hard, we do have laws already to control to a point at least, however, I believe there is a great lack in the enforcement of the law because the general public are not reporting offences and secondly are not laying charges so that something can be done about it. This is where I believe that there is a weakness. Enforcement of the law in this town.

Mr. Chairman: Are there any further questions? Clear?

Mr. Dumas: Just one question. Brief No. 28 which was submitted by .....No. 27, by the Whitehorse Baptist Church is Mr. Wilson speaking on behalf of the Whitehorse Baptist church also in this discussion?

Mr. Chairman: No. Reverend Hill is here. We would like to **PASTOR** thank Mr. Wilson. Mr. Andrei is next. We have with us at **ANDREI** this appointed time, Pastor Andrei for the Baptist Mission **BRIEF #4** in Carmacks and I was wondering, Pastor Andrei if you have any additional remarks you would like to make.

Pastor Andrei: Yes, Mr. Chairman, I would like to make the statement that as a minister of the gospel of Jesus Christ and friends, I am happy to be able to say to you that I have, by the grace of God, been able to lead quite a few of the natives to the Lord Jesus Christ by faith and they have been delivered from the bondage of drink. In other words, from alcohol and that their lives are truly, if I may say so, commendable in comparison before they were converted to Christ and to me when I think of the drinking age to be lowered to 18, I just shudder to think **how many more** wrecked lives there will be. It's bad enough now as it is and my prayer for you gentleman is that you would consider this wisely and do fight for the proper morals that we keep things the way they are at the age of 21. We don't want it to be any worse and I'm sure you don't either. I have with me one of the natives of Carmacks, I wish you would let him have a few words . himself and I'm sure you would be

BILL #5  
MR. ANDREI  
BRIEF #4

Pastor Andrei cont.

interested in what he has to say and so I'm glad that I can speak to you folks here to tell you that in a Ministry it is a wonderful thing to be able to speak the truth and win the people to Christ to be delivered from alcoholism which is a betterment to them and I'm sure to the rest of us.

Mr. Chairman: I wonder if Members of Committee have any questions they would like to direct to Pastor Andrei?

Mr. McKinnon: Mr. Chairman, I don't think that there is anyone at this table who would question that there are many serious social affects brought about by the use of alcohol and is it your contention, Pastor Andrei, can you in any way substantiate that these abuses will be much more wide spread if the drinking age is lowered to 18 from the present age of 21?

Pastor Andrei: Do I gather the excuse of the reason that some use that it should be dropped to 18 years is because say 21 to 18 years they sneak in to drink. It's hard to tell the difference between an 18 and a 21 year old, but supposing the drinking age is lowered to 18 then the 16 years old would sneak in. How do you tell the difference between them. And then it is dropped to 16 and the 14 would sneak in. It would go right down and then you'd say well, let them go in as soon as they come out of the cradle and that's what I'm afraid of. That's why I'm on guard against it myself and I think it would be the wrong thing to do to lower the drinking age because of that. If we are going to.....

Mr. Shaw: I would like to ask you a question perhaps to consider what we are endeavouring, I think he understands to consider it from all angles. There is a problem, of course, to 18 then the 16 year old could come in and if you lower it to 16 then the 14 years old, and I can quite understand that, but if per chance to eliminate as much as possible, we'll say illicit, drinking in cars and all this kind of stuff. If it were permitted that they could drink at 18 and that they carried a card identifying them to make sure that under this age could not receive it in a legal manner. Do you think that that would perhaps be advantageous to having to do things....not having to do things but the practice of doing things in an illicit manner. Do you think that that could possibly take away some of your fears?

Pastor Andrei: Mr. Shaw I can't go along with that because the... when you lower the age so far and hoping that they will be responsible, I mean, we haven't enough responsible at the age of 21, surely we will not increase this responsibility by lowering the drinking age. I cannot see that this is going to help in any way shape or form.

Mr. Shaw: Mr. Chairman, I wondered if Pastor Andrei would I think he has heard some of the questions of the other briefs where certain people have advocated the fact or the considered fact that in this day and age, people mature more rapidly and at 18 years of age they have the thinking ability, the measure of control and so on which they had in previous years 20 or 30 years ago it took them until 21. Would you feel that this is the case, that in fact persons of 18 years are more mature now than they were at 21 years of age say 30 years ago or a period of time ago? Would you feel this?

Pastor Andrei: That is a pretty strong question but when you speak of maturity, there are more pleasures that a person can indulge in and I'll go on record as saying that there are more simple pleasures that a person can indulge in than...so when you speak of maturity, I mean, a lot of people are mature in pleasures and not mature in spiritual things concerning salvation through Jesus Christ. And there is an ignorance in the world today to this and they may be mature, yes, in the ways of the world, but very ignorant in the ways of... God's ways, to live according to God's standards. To love God to love thy neighbour as thyself, so when you speak of maturity, true they are mature in the ways of the world, but not in the ways that God would have them to go.

Mr. Shaw: My question in maturity, Mr. Chairman, in respect to would you feel that a person nowadays of 18 years old can reason as they would have done at 21 years of age a hundred years ago? Apart from the spiritual, I'm talking of the moral viewpoint and that of control and things like that.

Pastor Andrei: No, I'm afraid I can't see that they are more mature to handle this problem. Really I can't.

Mr. Chamberlist: There are two questions that I would ask Mr. Chairman. My first question is this, Mr. Chairman I wonder if Pastor Andrei would indicate whether he feels that if a person is to become an alcoholic, he will do so at 18 or 25 or 30 or 40. Is there a different age standard on becoming an alcoholic.

Pastor Andrei: That all depends on the family life. A person could become an alcoholic at the age of 14. You know where we get that first drink, he may take his first drink as a social drinker.

Mr. Chamberlist: Mr. Chairman, my supplementary question is to Pastor Andrei is this, If the family life of a young person is good and he enjoys his wine with his dinner with his family, would there be any danger of that youngster becoming an alcoholic? If he drank elsewhere than in his home?

Pastor Andrei: I must go on record as saying, that I like to quote the Bible which is the word of God and the Lord Jesus Christ himself says that the strong are to protect the weak. Mind you, we are all free moral agents but I think that the weak should be protected from their weakness rather than to be exposed to it to their own destruction.

Mr. Chamberlist: Mr. Chairman, it's already been suggested that we don't go into the theological aspect of it and I don't wish to at this time you'll probably outbeat me because I'm not trained in it, but what I'm trying to ascertain Mr. Chairman, is whether Pastor Andrei would be prepared to agree that drinking within the family circle under the supervision of parents whether they be at home or whether they be outside in a public place. Whether they are having a meal at home and wine and drink with a meal at home or wine and meal in a restaurant with their parents. Does the Pastor consider that this is ill or immoral?

Pastor Andrei: Yes, I must go on record again as saying it is ill and immoral because when you say wine or strong drink that contains alcohol, let me say this that I was converted to Christ in 1957. I used to take the odd drink. I wasn't

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MR. ANDREI  
BRIEF #4

Pastor Andrei cont.

an alcoholic or anything like that, but I used to take the odd drink, I'll go so far as saying that it never hurt me but after I was converted to Christ, my friends, I ...my desire for it was taken away from me and I'm all the better for it and my wife and I don't drink, my children don't drink. We have no desire for it. We are happier, we are healthier and I feel that a family thus can be more of a blessing and an advantage to a community to a country. When you speak of wine, let me once again say that some will say that the Bible says that you can drink wine, but the wine that they used in the days of the Old Testament came from wine presses not from distilleries. The wine that the Bible talks about was not fermented. That kind of wine you can drink it like water, it's good for you, but the wine that we have nowadays, sure some person can take a glass and it won't hurt him, but it might hurt a thousand others so we want to protect the thousand rather than say that the one is right, therefore to be able to protect the weak from the weakness you have to expose them to it.

Mr. Chairman: Any further questions?

Mr. McKinnon: I wonder Mr. Chairman if I asked Pastor Andrei if it were his decision would you prohibit the sale and distribution of alcoholic beverages?

Pastor Andrei: I'm only one person, and therefore I can only speak for myself. I cannot speak or to try to force my way on the public.

Mr. McKinnon: I'm asking for a personal answer.

Pastor Andrei: If I had my way and I could persuade the people, I would be in favour of it, yes.

Mr. Shaw: A type of a question very similar to that Mr. Chairman, I would like to ask Pastor Andrei as we quite understand that with prohibition we get a group of other evils that will come in. I think that is admitted so that in prohibition, I think, I wonder to have such a thing that could create more evils would you agree that it would contain more evils, prohibition, than say sensible control of the consumption of alcoholic beverages.

Pastor Andrei: I haven't got the statement before me to quote this but I understand that in the United States when they had prohibition that the bank accounts of more people went up and people were eating more and as soon as they had done away with prohibition the bank accounts went down and there was more misery and poverty and therefore to me that makes sense, where it could be an advantage in one country it surely could be in another also.

Mr. Chairman: Is there anything further?

Mr. McKinnon: Just one statement in the Brief that worries me a bit though others may argue this and debate it I do consider myself a Christian and I do imbibe on occasion and in your brief you say that the proposed act is anti-Christian. I wonder if you could explain this to me?

Pastor Andrei: We spoke on that. The Bible condemns strong drink and if we say we are Christians, let's stand up to it and protect our weaker brother and sister.

Mr. Chairman: Have you any further questions?



Mr. McKinnon: Does Pastor Andrei consider that the present Ordinance then is also anti Christian along with the proposed Ordinance?

BILL #5  
MR. ANDREI  
BRIEF #4

Pastor Andrei: Whoever is behind this to try to lower the drinking age, yes, I certainly must say that it is anti-Christian. They must be anti Christian themselves to even think of lowering the drinking age. Certainly I'll go on record and say that.

Mr. Chamberlist: Yes, Mr. Chairman, although as I said I had no wish to get into Biblical argumentation, I find it difficult to understand, Mr. Chairman, the reference by Pastor Andrei, I'm speaking as having a background of a faith older than Christianity, I can't quite understand where the Pastor would say that those who are ...have requested or would approve of the lowering of the age to 18 would become anti-Christian. I wonder if, Mr. Chairman, the Pastor would indicate any ways that those good Christians and Christian churches who support this are anti-Christian in their outlook?

Mr. Chairman: I would disallow that question because I feel that it is not the Reverend who is on trial here, it is the proposed Ordinance and I'm wondering if we could more or less keep our questions related to the text.

Mr. Chamberlist: With respect Mr. Chairman, the points that were raised, were raised by the Pastor, so therefore I felt in proper terms of reference that I could question him upon the points that he raised. I didn't introduce them.

Pastor Andrei: I would like to answer the question if you don't mind. First, Councillor Chamberlist, I would like to correct you. I didn't say in my brief that a person becomes anti-Christian because they want to lower the drinking age. They must be anti-Christian to begin with and you mentioned that your faith is older than Christianity, well (inaudible) that doesn't make religion better than Christianity. Religion without Christ is dead.

Mr. Chairman: Are there any further questions? Clear? Thank you Mr. Andrei. We are now proceeding to Brief #27 and we have with us to assist us today, Reverend Elwood Hill on behalf of the Whitehorse Baptist Church. I wonder if Mr. Hill, you have any remarks you wish to address to Committee prior to questioning of your Brief?

REV. HILL  
BRIEF #27

Reverend Hill: Mr. Chairman, Members of the Council, I am happy to be here to represent this Brief from the Whitehorse Baptist Church. I would like to say off hand that Pastoring specific church which is my privilege, liquor is not our basic problem. We do not legislate morality, we do not seek to, but I would like to resound perhaps some of the thoughts that have been spoken here already that once people have a personal relationship with Jesus Christ, liquor problem, in my opinion and in my experience, is gone. However, I feel that we all have a responsibility towards those who still do have the problem and who wrestle with the problem and it is very obvious that the Yukon has a liquor problem. That is the reason of our gathering today. Should we have laws for opening up the liquor issue more and more or should they be restricted. My Bible says, and I trust that no one is averse to hearing the Bible, I believe the Council opened this morning with the quotation of the prayer from the word of God and "I will be done one earth as it is in heaven" and so forth. We know that the law is good, if a man use it

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REV. HILL  
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Reverend Hill cont.

lawfully, knowing this that the law is not made for a righteous man, but for the lawless and disobedient, for the ungodly and for sinners, for unholy and profane, for murderers of fathers and murderers of mothers, for manslayers, for whore mongers, for them that defile themselves with mankind, for men stealers, for liars, for purged persons and if there be any other thing that be contrary to sound doctrine. This is the reason for law. There are children in homes today who seem not to need God. In love and adoration and respect, day by day they live in a way that is an honour to their parents. There are other children and it can be in the same home, who need the rod, who need law, who need to have the way laid down and mapped out for them and if they transgress they must be corrected and I believe that we need laws for this reason. It has been suggested here today in a previous brief or perhaps 2 or 3 that the laws should be released. I am a father of 3, all teenagers and I happen to know that even teenagers need guidance. I know that when I was a teenager, I would say that the most critical time in my life is when I was 15. I think that perhaps all of us who have gone through that teenage stage would admit that it is a very critical period and we need guidance in this particular age, not just at 15, but I would say right up on through the teenage and consequently we have submitted this Brief suggesting very very definitely that the age, legal age for the consumption of alcoholic beverages be not lowered but rather that there be greater penalties put on offenders of the Liquor Ordinance, especially those who supply liquor to minors and that imbibing minors who hold information re: suppliers be detained and penalized by law and forthly, the consumption of alcoholic beverages in places other than licensed premisses or private dwellings and the transportation of open liquor to be upheld as a public offence. When my boy or my girls disobey, I feel that I would be a very, very lax parent to say "well, if you're going to do it anyway, go ahead son, go ahead daughter, we will relax the laws. Do as you please and take the consequences" and I feel that is what we are doing when we are lowering, suggesting that the age for drinking alcoholic beverages is lowered.

Mr. Dumas: Mr. Chairman, to Reverend Hill as well as to someone who has spoken before him, I would like to make clear that for my part, if I agree to the lowering of the drinking age, I am on record publically as saying that it should be lowered to 19, it's not because they are doing it now and we may as well legalize it, it's because, and this is an argument I would like to hear that is used by many and one that I hold to, you ask a 19 year old person to be responsible, you ask them to earn their living or in many cases work their way through University, you may allow them to marry, we allow them to marry and raise families, we allow them to fight our wars for us. We ask them to be responsible in many, many ways and yet we are not going to, your suggestion is that we not allow them to be responsible in other areas for their good. Surely when we allow them to go to war it is hardly for their good. The speaker before you suggested that there should be an individual moral freedom, was the term I believe he used. If we hold to this, and I certainly agree with him, that it is up to the individual to decide what is morally right and morally wrong and I don't think that anybody can dictate, not the strong to the weak, not in church to a membership, not anybody to anybody else, on this at any rate. If we hold that this is

Mr. Dumas cont.

true and good, how can we here say "no, we'll protect you against yourselves" at the same time asking them to be responsible in all these other areas? I would like to hear the witness on this, Mr. Chairman.

Reverend Hill: I assume what you are getting at is that you feel that they are responsible at a lower age, perhaps than they were years ago. This is the issue, I would say that young people today are better educated at the age of 18 than they were 30 years ago, but education doesn't always give moral direction, in fact all you have to do is look at our Universities today to see how morality is going, in educationally circles and this even above the age of 18 or maybe 21. As far as taking on responsibility is concerned I would say that there are probably men and women in this assembly today who took on responsibility above that which 18 or 20 year olds are taking today when they themselves were maybe 14 or 16. Many a person went to work, had to get out and earn their own living and perhaps help support a family at 14 and 16 some years back. Now these people learned the ropes and they learned how to make decisions. Today, I would say that although we have better education, better head knowledge in a lot of areas that does not come down to basic morals of life. These things do not necessarily equip an individual to make the all important decisions of life. Is an individual, has he attained to the age of responsibility at 18? All you have to do is look at our insurance companies and their records and they say definitely not. Not until he is 25 can we consider him to be on the plane of a....consider him to be a mature adult. We can't take on , can't be responsible for him until he is 25. He doesn't settle down. I don't think the insurance, I can't prove this, but I don't think the insurance companies even brought that in until just a few years ago, intimating that young people are more immature today as far as important decisions and responsibilities are concerned than they were when some of us were teenagers. I know teenagers don't like that because as soon as you say, "when I was a kid" they turn the other way, but just the same some of you folks took on responsibility when you were maybe 15 or 16, but young people today are not. It's true we let them marry today. Why? I'm sorry to say, but too often it's because they have to marry. Why? Often because liquor was behind it. Why? Because of permissiveness of parents and rules that were not upheld that are actually in our law but being disregarded.

Mr. Chairman: Are there any further questions?

Mrs. Gordon: Reverend Hill, to quote from your brief, the bottom of page 2 it says "to practice medicine, carpentry or law may bring experience and perfection" and then there is the balance of the sentence. Before a person can practice medicine, carpentry or law or any other field of vocation, they go through a certain training period. As it exists today, anyone under the age of 21 years is presumably to have no contact with liquor. Would you agree then that essentially from this sentence that within the confines of our Ordinances as it stands right now, this should be changed and that there should be permissive drinking within the confines of the family and family life? This is the training period.

Reverend Hill: I'm sorry if this has confused anyone. Actually, perhaps it has been wrongly read. May I read it?

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Reverend Hill cont.

To practice medicine, carpentry or law, may bring experience and perfection, but to practice drinking brings heartache misery, disease, alcoholism and death. No, we are not advocating practicing drinking because we are not advocating heartache, misery, disease, alcoholism and death, and it has already been intimated in the court room today, that well some have asserted that we should allow our young people to learn how to drink at home or practice and I think our member from Mayo has raised the issue regarding alcoholism in France. Statistics show that France has the highest percentage of alcoholism in the world. It is a tremendous problem today and they have taught their youngsters to drink from childhood. I know many people will say, well why don't we do like Europe. They don't have the problem of alcoholism. Someone who says that, doesn't know the facts. Those people it's true, you don't see them stumbling around on the street because they drink in their home and when they get, shall we say "tight" they are already home and they simply lie in bed, but there is alcoholism plus in France. France has, well may I read you something, France happens to be the worlds largest consumer of alcohol, about 78 imperial gallons of beer, wine and spirits per person per year, and holds the record for the number of deaths because of alcoholism. The only country that comes even close to matching France gallon for gallon is Italy. Once more a nation that teaches its children to drink. U. S. and British drinking is in 5<sup>th</sup> and 6<sup>th</sup> place respectively taking a year to consume what France gulps down in 4 months. The French aren't hard drinkers, Gin and Rye are rare. Wiskey is generally taken as an aspertiff, I don't even know the meaning of that word. Does anybody? They are just steady drinkers, mostly of wine. 6 million sons and 1 million daughters of France get through more than one quart of wine a day. This sort of punishment makes even the toughest French livers lose some of their epicurean gayity. Deaths from sclerosis and other diseases directly connected with alcohol have doubled since 1950. They reached an all time high of nearly 21 thousand out of a population of 48 million in '63 and dropped to 19,976 last year. Alcoholism is costing the state \$43,000,000.00 a year in hospital treatment and unemployment insurance. That's from McLeans magazine.

Mr. Livesey: Mr. Chairman, I noticed in some of the briefs, the reference to the maintaining the law as it is. It seems to me that the laws that we have made, are of course made by humans and are subject to human error, and the law in itself to me, does not make it impotential or doesn't make it, put it at the top of the class or list or something that you could look upon as being something that will create an ideal situation. The moral I think is only a deterrent at the best of times.. In the Yukon I think we have the top of the list when it comes to drinking per capita. I think we have the prize when it comes to any distribution in Canada as to how much can be drunk in any one year by a single person, which seems to me that ...to show that the law as presently constituted has failed. This is the way it looks to me. That the law in itself is in suspicion. It seems to me that the law without the backing of any moral code and especially as far as the parents are concerned in relation to their own offspring and their own children within the home. The law in itself doesn't apply because it is only the measure by which someone may be chastized. This is all it is, so I don't see this great reliance on the law at all. It is quite obvious in the Yukon that, though the principal behind it ... most law, especially when you come

Mr. Livesey cont.

to the end of it where you find out what the penalty is going to be it's supposedly made so that you are chastized sufficiently that you will not repeat the error. I have had many a discussion with prominent jurists over the last decade or so in the Yukon and I have asked them, I have said, "well how do you feel that the law is progressing in the Yukon?" and the discussion usually has turned to the point whereby, well we can't say this in certain ways, but we can admit to a certain extent that we don't feel that it has fulfilled the purpose for which it was intended. In other words there is no other position in which they could find themselves, for the simple reason which I pointed out I said, "how is it then if the law is supposed to prevent you doing a second time what you have done the first time how is it that on the books we have records of 30 and 40 and even 50 times doing the same thing over and over and over and over again?" Now the law is not fulfilling its purpose so I don't quite see how people can turn to the law and just leave it and say by leaving it the same as it is now it will solve all our problems. I don't think it will. I have to be honest about it. I think that you are going to have to go a little further with this and really stating what the final penalty should be because quite obviously if you go to the various jails that we have either here or British Columbia, but even here, there they are. They were there last week and they are here this week. Now if that is the case, well the law is certainly not fulfilling its purpose, so surely there must be something far greater and far more deeply required underlying any structure that is going to prevent any abuse of any privilege that we have and I think a good many things that are allowed in the world today are privileges of mankind and surely isn't it a question of the relative merits of moderation that we should be thinking of on an individual basis. Isn't it the background of the moral code of the individual and the moral code of the parents and the relation between the parents and the family looking upon it from other than a theological point of view. Isn't this the blessing that is required rather than the law in itself to merely rely on the subject matter of law. Surely isn't...is only in some instances in my estimation an excuse for what has happened. When we go to the court room in the Yukon Territory, if you visit that court room here there is this tremendous line up. One after the other and you see them there, sometimes as I say they are there day after day, week after week. How do you feel about this Mr. Hill? Do you feel that the law in itself is sufficient or do you feel that they should be backed up by some other means apart from the theological code of ethics? How about these other questions in relation to the understanding of the meaning that the law is only the final resort, only the final thing, it doesn't solve anything?

Reverend Hill: Mr. Chairman, I appreciate this question apart from the fact that it was inserted apart from the theological side of it. The Bible which is used in our courts today, are we a Bible believing land or are we not? The Bible shows very plainly that the law is not sufficient. Then you are correct according to the Bible. The law was not sufficient, therefore Jesus Christ the Saviour came to do what the law could not fulfill. The law is the school master to bring us to Christ and in him we find forgiveness, but the law shows us our sins, it shows us where we are wrong and if we will not accept mercy, we must have punishment. That's basically the gospel truth right through. Now

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...but to get down to the issue from perhaps a more legal aspect, my viewpoint is this, that our laws are not being enforced as they ought to be. To tell you the truth, I sometimes turn away from our local paper in disgust at the lack of punishment for evil doers. That is a strong statement but it is a true one. Only recently a young boy who has come up here to look for work, as a matter of fact he was so hard pressed that we took him in. He has just turned 21, but prior to his turning 21 he informed us that well he liked to get into the bars and he was questioned well, you can't do that. You are not allowed in. "Oh yes," he said, "they don't stop you". "Well," someone said, "what if they find out that you are in there drinking under age?" "Well," he said, "no worry. What would happen say." now this is the opinion of a young man who I believe turned 21 just the other day, he said "here in the Yukon, you would get nothing. Down in Nanimo, where I come from, you'd get \$150 fine." Now that's what he told me. Maybe he is wrong, but this is his opinion and the way a young person sees it. That here, it doesn't matter in the Yukon, you can get away with it. Many of us were thrilled when the principal of our H. F. Collins High School clamped down on drinkers. And I only wish he had gotten more support. The young people themselves said, one of our young people came home and said that a certain young fellow who was always in trouble over there, he said at last we've got someone who cares for us. Somebody that would lay down the law and seek to stick by it. If I want order in my home, I want order. If it is disobeyed, if it is denied, am I supposed to fold my hands and wobble my knees and say oh well, let's lower the age, we aren't getting anywhere. We'll let him take over and let him yield the club in this home. Shame on us, and as far as that goes, I know that that word prohibition causes a lot of trouble and a lot of questions and so on and I hate to introduce it, although it has been mentioned here before, I still would like to say that there is something wrong when a law passed by the membership or the citizens of a nation cannot be enforced. Who is being bribed? Or what is it?

Mr. Chairman: Order please, I don't think that we can accept any allegations on your suggestion that someone within government has been bribed....(inaudible) I would rule that (inaudible)

Reverend Hill: There is something wrong when law cannot be enforced though. There is something, but as far as, Mr. Chairman, Mr. Livesey's question that law is no good unless it is completely enforced or of course the complete answer is when a person sees their guilt, they turn for mercy and in thankfulness leave the old way of life. This is what happens under the gospel.

Mr. Chairman: I have one question if I might be permitted to religion in this brief. I would like to get some clarification on . . . In Section 2 on Page 3 it was stated that the greater penalty be placed on offenders of the Liquor Ordinance especially those who supply liquor to minors. Then in Section 3 we see that inbibing minors who with hold information re: suppliers be detained and penalized by law and I'm just wondering how you orient these two thoughts given in here. I would assume from what I see that all liquor offenders be penalized. Is it your inerence then that all teenagers who break the law should be put into jail and if they are put into jail should remain in jail until the people find out where the liquor came from? Are

Mr. Chairman cont.  
these correct or have I got this misunderstood.

Reverend Hill: These are two separate thoughts. The greater penalty is for as mentioned especially those who supply liquor to minors, but to any offender of the Liquor Ordinance a greater penalty. Maybe we could at least say that the present law laid down be enforced, be strictly enforced. I would advocate stricter penalties. I mentioned just now, I don't know if this young chap is correct, but at least that is the opinion of youth. Here nothing, somewhere else, \$150.00. The third point, that inbibing minors who with hold information, these minors be detained and penalized by law. I know that parents are most disturbed that when youngsters are picked up, their own son or their own daughter, they want to know where that youngster got the liquor and as you know, this is one thing that we can say for our youth of today, they are close lipped. They just don't believe in tattling on others. In fact, it seems to be an opinion that to "fink" as they call it is worse than the issue itself, but why can we not get the information from these young people who supplied them? I have been given to understand that in other provinces they can detain youth until they do tell who supplies them. Now maybe I'm wrong.

Mr. Chairman: I have in answer to my question that you feel that teenagers who offend the ordinance, then it is quite logical that they be put in jail for this?

Reverend Hill: Well, whatever the law provides. Of course down below a certain age, our present law does not of course condone this, but whatever the law provides that they be detained in some way. In fact, I would like to see even young people detained until they give information...is not with holding of information in a court a legal offence? Why should not with holding information of this sort which has caused heartbreak and desolation, why should this not be a legal offence?

Mr. Dumas: Well there is one point, the witness has suggested that the youth thinks such and such a way as going into taverns under age and so forth. I think you have generalized from the specific to the general and I don't think you can do that properly. You'll have one case (inaudible) who feels that this is the attitude. That he gets the attitude that he had and it may not be true in fact that all of the youth of the area feel this way. Also we have a couple of Briefs from young people who would disagree with the approach, so I wanted to point out that the argument is falacious on that basis

Mr. Chairman: Just to remind the Members that the witness is not really on trial here. It is just a case of Members giving the questions.

Mr. Dumas: Mr. Chairman, you have mentioned that several times and I am afraid that we are involved with a moral issue and we can't discuss it publically and openly then we are in trouble and as politicians and as legislators we just have to be able to discuss this thing. This is what the people want to discuss, that is why they presented briefs.

Mr. Chairman: The witnesses are here to answer questions. We will have a number of opportunities in the future to fully discuss among ourselves the representations given today.

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Mr. Chamberlist: Mr. Chairman, I am sure that Reverend Hill is practical enough to recognize that the consumption of liquor is here to stay. I wonder if Reverend Hill could indicate whether he thinks it improper for parents to...who normally have drinks with their meals, would it be improper to 1) have their children sitting at their table in their own home and have wine with their meals and give them a glass of wine or whether he would think it improper if they took their children out to dinner one night and had a bottle of wine on the table under their supervision. Does he consider that that would be improper? Or does he consider that simply lowering of the age relative to people of a lower age than 21 being able to go into a liquor outlet and drinking on their own. I would wonder if the Reverend could say whether there is a difference in his opinion between those particular aspects?

Reverend Hill: Once more as I said at the off set here, it is not our habit nor our policy nor our objective to try to legislate morality and we cannot tell our people what they do, what to do and what not to do, but I personally am against parents teaching underage children to drink, introducing it to them. I feel that if we have a law that says it's wrong why should parent disregard the law just because they are behind four walls that have their name on it? I don't think it makes it right because they are behind a little piece of property that they have title to.

Mr. Chamberlist: Mr. Chairman, the question then that must follow, if the law is changed so that parents can in fact have a drink with their children, I take it then from what you say that this is satisfactory then.

Reverend Hill: I am hoping very much that the law will not be changed.

Mr. Chamberlist: If it is within the law, would you find any arguments against it.

Reverend Hill: I would still disagree. I would not like it myself. I will not teach my children to drink and I trust that there will be many other who would not. I do agree with you, drinking is here to stay. I could quote you a few things from the Bible and show you very plainly that these things are here and they are going to get worse. I know they are going to get worse, but as long as I'm here it is my business to deter as long as I possibly can, it's my business, my responsibility to deter what I call evil and what the Bible calls evil.

Mr. Chairman: Have you any further questions at this time?

Mr. McKinnon: Mr. Chairman, I wonder if I could ask Rev. Hill whether it would be fair to say, and I hope you do correct me if I'm wrong that one of the tenants of your belief is that your congregation do not use alcoholic beverages. Could this be correct?

Reverend Hill: We do not lay down that our people cannot use alcoholic beverages, but as I mentioned before, when a person has, know you folks seems to be a little bit adversed to theology and the gospel, but I know from personal experience when people come to know Jesus Christ who is and who gives the water of life, He says "whosoever drinkith of this water shall never thirst again" I know that he can take and does take away the desire for drink.



Reverend Hill cont.

I have never said that a drink will keep anybody out of heaven, but I believe that those who come into a proper relationship, a personal, intimate relationship with Jesus Christ, will have the desire taken away.

Mr. Chamberlist: Mr. Chairman, at one time, if I recall correctly, Jesus Christ turned water to wine for people to drink, wasn't that so?

Mr. Chairman: Do you have any further questions now.

Mr. McKinnon: Mr. Chairman, I would just like to follow this a bit, because of your congregation and members of the congregation that I have talked to Reverend, as far as I know do not use alcoholic beverages. Would it be a fair thing to say that even the present ordinance even does not have much application to them because they do not use alcoholic beverages and any future ordinances and changes in the law will really not affect them personally because they are not known to be users of alcohol. Would this be fair to say.

Reverend Hill: I think you've struck the very note I started off with and that is why I said that read from here knowing that the law is not for the good, we know that the law is good and if a man uses it lawfully, the law is not made for righteous man but for the lawless and disobedient and so forth. For men stealers, for murderers, for liars, for you name it, that is what the law is for, but the difficulty is that, or the problem is that any one who, well just because I may not be a murderer that does not mean that I'm not suppose to take any interest in this issue. As a citizen I want to deter murder and I want to deter theft and I want to deter you name it.

Mr. McKinnon: This is the point that I would like to make, Mr. Chairman, that you would like us to legislate the beliefs that you feel and I know that are good and proper on the broadest society. Would this be correct?

Reverend Hill: I would like to see, here comes this word again, Christian principals laid out as much as possible, and although we know that drinking is here to stay, if we can deter it, if we can keep it out of the hands of youths, as long as possible. I think we should do it. I believe it is my responsibility, the responsibility of everyone who knows the tragedy that has occurred because of drinking, and I would like to insert this, if I may, speaking with a member of Alcoholic Anonymous and as you know this group does not take any public stand on any issue whatsoever, but as an individual, this person told me that he has belonged with the A. A. for years and he has met with, he said as I recall it, thousands of A.A.s across the country over the years and almost a hundred percent of the members that he has met are people who started drinking in their teens and early teens. He said that he could name probably on one hand the individuals who have become alcoholics and have membership in A. A. who started after the age of 21. They started when they were teenagers. He himself started when he was 13.

Mr. Chairman: Any further questions at this time?

Mr. McKinnon: Mr. Chairman, I just have to comment that this where the Reverend Hill and I have a theological barrier because this is the second time that I have been

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called either anti-Christian or unchristian because I do favour moderate alcoholic consumption. I don't think that we could get into the argument of what makes a Christian and what doesn't but I do protest the fact that because members may support drink in moderation do get labeled as either anti-Christian or unchristian, Mr. Chairman.

Mr. Chairman: Will there be anything further?

Reverend Hill: Well, I'm glad to say that it has already be intimated, wine has been mentioned in the Bible over and over, but there was wine and there was wine and although this was not for argumentive sake but it has been referred that Jesus turned water into wine, that is true. Can anybody prove that it was alcoholic. My Bible doesn't say it was alcoholic. It was good wine and when it comes to alcoholism, the Bible is very, very, clear. It says wine is a mocker, strong drink is raging and whosoever is deceived thereby is not wise. Who hath woe? Who hath sorrow? Who hath contention? Who hath babbling. Who hath wounds without cause? Who hath redness of eyes? They that tarry long at the wine, they that go to seek mixed wine. Look not upon the wine when it is red, when it giveth its colour in the cup, when it moveth itself aright. That is the kind you stay away from. At the last it biteth with a serpent and stingeth like an adder, and it's the after affects or the other affects of drinking that also are involved. Yea, it says thy eyes shall behold strange women and thy heart shall utter perverse things, Yea thou shalt be as he that lie down in the midst of the sea or he that lie upon the top of the mast. They have stricken me and I was not sick, they have beaten me and I felt it not, feeling no pain, you know? When shall I awake, I will seeketh yet again. There is the picture of alcoholism

Mr. McKinnon: Mr. Chairman, in conclusion then a vintage bottle of wine with my steak at the 202 Club makes me a pig and I must say jilted.

Mr. Chairman: Have you anything further at this time? Thank you Reverend Hill. I think at this time we will call a recess..

Reverend Hill: I don't know if it was overlooked but Mr. Andrei did request that one of his native folks be allowed to say a word. I wondered if that was overlooked or not?

Mr. Chairman: Just before I do declare a recess, I believe it was just noted that some other witnesses was solicited, but unfortunately by the terms of reference of this committee it is not my perogative to bring witnesses here that have not submitted briefs. Accordingly I cannot allow the attendance at this session of anyone who has not submitted a brief. I'll declare a recess for 15 or 20 minutes and the next witness will be Miss Judy Whyard. The Committee stands recessed.

RECESS

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Mr. Chairman: At this time I will call Committee back to order. We have with us Miss Judith Whyard to discuss her brief which is labelled Brief No. 28, I believe. Also, Miss Whyard has been asked to answer any questions that might relate to Brief No. 9, Mr. Metcalfe. Do you have any initial remarks, Miss Whyard?

Miss Whyard: No, except that I'd like to answer any queries you may have regarding my opinion on my brief.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Yes, Mr. Chairman, if I may be permitted, I'd like to ask the witness if she is under 21?

Miss Whyard: Yes, I am 19.

Mr. Dumas: Mr. Chairman, could the witness tell us if the opinion as expressed in her brief is as far as she knows a reflection of the opinion of the people that she knows in this age group.

Miss Whyard: Yes, it is. I've written down what the kind of kids my age think that I hang around with. I can't speak for all teenagers.

Mr. Chamberlist: Mr. Chairman, I wonder if Miss Whyard would expand somewhat No. 1 of the brief and especially the suggestion that the lack of entertainment outlets for the group between 18 and 21 leads to the dangerous practise of drinking in automobiles and other illicite behaviour which affects the illegitimacy rate in the Yukon Territory. Can you expand on that?

Miss Whyard: Once you reach 18, you feel out of the entertainment field you were in the year before, like teenage dances and things, and speaking for females, you're going out with males who are 21 and over. So you're out of your age group and you're out of their age group and there's nowhere for you to go socially, except a show, or a hockey game or out for dinner or drinking in a car and fooling around in a car. I don't want to commit myself, but I guess everybody drinks in a car, and its no fun. What I've been trying to put down here was we just want to get into places, like bars, like taverns, like nightclubs, just so that we can have somewhere to go and associate with the people we're out with, with their age group. So that we can dance, so that we can just be entertained that we wouldn't be otherwise.

Mr. Dumas: Mr. Chairman, is the witness saying that in fact the people in this age group consider themselves neither fish nor fowl they're too old for the high school group activities and yet they're at this age too young for adult group activities in the social field.

Miss Whyard: Yes, its very frustrating.

Mr. Dumas: I'm sure it would be.

Miss Whyard: Most of us, Mr. Chairman, have been away from school for at least two years, and some of us have been to University for one or two. You're out on your own and if you're not at University, You're working and you've accepted a lot of the responsibilities that you're ever going to meet as a 21 year old. We'd just like an outlet for entertainment.

Mr. McKinnon: Mr. Chairman, I wonder if I can ask the witness, would she be able to say whether she would feel that the age restrictions in the cocktail lounges and cabarets are plainly abused by the 18-21 age group in Whitehorse. What I'm getting into is the false I.D. cards and going into the bars by people in the 18-21 age group. I wonder, Mr. Chairman, if Miss Whyard would be prepared to say whether in her experience or otherwise from hearsay or that she may have heard about, that the group from 18-21 is as well as, or better behaved or not as well behaved as the age group over 21, when they are in these licensed premises and cabarets.

Miss Whyard: Well, I can speak for myself on this, when I was at University we went in bars and we had phony I.D. and have yet to be drunk or under the "affluence of alcohol." In a place where there are adults and liquor, and act the way the adults are....

Mr. McKinnon: Now, if you were allowed by law, to be able to be on these premises, between 18 and 21, do you feel that this would hold true or were you more scared of being caught with your phony I.D. and this is why you were so well behaved?

Miss Whyard: Well, that's a point, I suppose. I don't know, I think if we were allowed into places where they had entertainment, we could work it off. Its not like just sitting around imbibing and not doing anything but consuming all this liquor, all this alcohol. If we could get in, just for somewhere to go, because I can, and a lot of my friends that I hang around with, drink at home anyway, so it wouldn't be the thrill of going in and drinking.

Mr. Chamberlist: Mr. Chairman, the last two paragraphs of Miss Whyards' brief reads as follows: "We do not suggest that the drinking age should be lowered, simply because young people drink now anyway and in brackets she has although it is true, we only ask for a more mature attitude towards this matter, and in the last paragraph,"by all indications the 18 - 21 group in at least ten years ahead of its years socially as compared to those of a decade ago. The liquor Ordinance of the Yukon Territory is terribly antiquated and the sooner it is rectified in favour of respect for the morals and maturity of 18-21 years old...I wonder Mr. Chairmen, if Miss Whyard can expand on how the morals and maturity of people drinking at an age less than 21 years would be advanced.

Miss Whyard: I think it all goes back to the parents. I feel that when you've reached the age of 18, if you're going to become an alcoholic, if you're going to become an unwed mother, if you're going to become a misfit, a social misfit, you're going to become that regardless of your age, because your parents can only teach you so much up to 18 and then you're on your own. Lowering the drinking age, well I can only speak for the crowd that I know, and I think we have a mature attitude towards it.

Mr. McKinnon: Mr. Chairman, I wonder if Miss Whyard could tell me in her opinion, whether she feels that girls of 18 are more mature than boys of 18 or whether she feels they're on the same level of maturity at the same age.

Miss Whyard: Well, I couldn't go out with an 18 year old when I was 18. I think we feel older than they are.

Mr. Livesey: Would Miss Whyard feel that the 18 year olds, if the drinking age was lowered to 18, would she feel that they had a wholesome respect for the law as applied?

Miss Whyard: Well, I think so, this is why I put in No. 3, on my brief, on my comment on the point that the decrease of police protection and the decrease in penal corrections. I said this because from sneaking into bars I know that there is a lot of police protection and supervision and I think that if 18-21 was allowed in we wouldn't be breaking the law and thereby this amount of police supervision would be lowered because they wouldn't have to worry about the delinquents breaking the law. This would go along with less fines, less charges on these kids, and then they wouldn't have to go to jail, they wouldn't have a criminal record, but there would be a record of some kind on their name, for doing something that they can do at home, just in a search for something to do. The same with welfare provisions and I think we'd have just as much respect by being allowed in.

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Mr. Livesey: The point I'm getting at, Mr. Chairman, is this that merely to relax regulations which is practically what you're doing when you say you're going to change the law, merely to relax regulations in order to allow that which is now being done illegally is insufficient reason in my opinion, to make the change. This isn't sufficient reason, if you do this, solely on this grounds, and on this basis, all you're doing then is showing an area of weakness towards those who feel they are superior to the extent that they can disrespect the law and maintain that disrespect, this is the point I'm getting at, now I'm wondering how young people feel about this, do they feel that the law, even at 18 is going to be respected, now how about then from 14-16? Do you feel that these would be in a different group or in the same group as you are now? It's a question of how far are we going to go, how far down the line are we going to go. Somewhere I feel we have to draw the line somewhere, and say well this is yea and that is nay, but where, this is always the question before any legislature, just where to draw this line and a good many of these times are drawn sometimes by popular feeling sometimes by the majority, a mass feeling towards a certain thing, this is as you know, liquor is, well I feel there are two things in life and one is liquor, that will cause more arguments than anything else, and its a question of satisfying the need without increasing the possibility of more attention to the provisions of law and more restrictions later on because of an increase of the breaking of such regulations.

Miss Whyard: I appreciate, this fact, Mr. Livesey, its just that we feel the way everything is structured now, socially up to 17 you have school to go to and there's always something and from 21 up you have the right to go into a bar and have a beer or a glass of wine or whatever you want, but its this 18-21 its so lacking. Maybe that's what Univeristy is for, to fill in the time while you're sitting around growing up, I don't know, but even if they just allowed the consumption of wine and beer with dinner or just letting us into these places without being able to drink, just so we can, we're socially alive, we know what's happening and we know how to react in these places and act in these places.

Mr. Shaw: Miss Whyard, I'm very happy to see a brief from one of the persons that could be affected by this in a personal manner and you should be commended for your efforts in this respect. You no doubt, went to a lot of trouble to prepare this and also to get concensus from other of your contemporaries, I was wondering, when you went around asking certain friends of yours, acquaintances about their feelings in respect to that, did you run onto any of this age that would object or felt that this was, that the age should not be lowered from what it is at the present time, that it should not go down to 18 years of age.

Miss Whyard: No, I didn't.

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Mr. Chamberlist: Yes, I understand Mr. Chairman, that Miss Whyard will answer some questions relative to Brief No. 9, from Mr. Fred Metcalfe. In Mr. Metcalfe's brief, number three of his suggestions were lower the age to 20 the first year, 19 the second year, and 18 the third year. Firstly, I wonder if Miss Whyard could answer as to what are her feelings about this particular item?

Miss Whyard: Well, I think its very logical because its very hard to take the responsibility of all right 18 and up can go into the bar and this is a nice way to get over the problem, you can just slowly ease people into accepting the idea.

Mr. Chamberlist: Well, in that case are you in agreement **that** this particular suggestion would be beneficial to the age group that you're in.

Miss Whyard: Well it still doesn't accomodate the 18 and 19 year olds, but its still a step toward a change.

Mr. Chamberlist: Well it doesn't accomodate the 12 year old either, but this is why I'd like to know as a teenage whether you feel that a step towards bringing the age down, if Council felt so inclined, would be to bring it down on a graduation over a period of years. This is what I'd like to obtain from your opinion. Could I get an answer to that?

Miss Whyard: Well, I like it.

Mr. Chamberlist: On No. 8, in Mr. Metcalfe's brief, deals with the lowering of the age for married people between the ages of 18 - 21 years of age, have you any strong feelings on that particular item?

Miss Whyard: Yes, I do. I feel that if we can marry at 16 even starting very low, and accept the responsibilities of a marriage and all the problems that go with it, with a young marriage, and if one of the spouse is 21, it doesn't seem fair that perhaps the husband can't take his wife out on a night on the town with him, or if the wife is older than the boy, which is probably not going to happen. When they have this kind of a responsibility, then they should be able to have wine together at dinner, they should be able to have the opportunity to go to a bar if they get the urge, and they do this in the Northwest Territories. I like that idea.

Mr. Livesey: Mr. Chairman, I wonder if Miss Whyard could tell us roughly her estimation of the number of young people between 18 and 21, what are the percentages now, to the best of her knowledge, who are interested in liquor and those who are not. What percentage would it be one against the other?

Miss Whyard: Well, how do you mean interested in liquor?

Mr. Livesey: Well, individuals that talk to you every day and they say, well if the law was only different I'd like to have a drink. Which would include those that you know who actually do drink.

Miss Whyard: Well, everybody I know drinks, that is my age. 90 per cent of those at home.

Mr. Chamberlist: Mr. Chairman, I have some information on that particular point that I would like to give you at this time. At a meeting of teenagers, I think it was early last year, there was a resolution passed where it is an established fact that many of our 18 - 21 year old teenagers consume alcoholic beverages regularly at home with parental consent, and whereas existing liquor regulations in this Territory force these teenagers to drink outside the home in an unnatural and illegal manner, feel as a result that the legal drinking age in the Yukon be lowered to 18 years. There was a vote taken on that and it was interesting to note that the resolution carried by just a margin of four votes. There were 25 for and 21 against. It is somewhat.....

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Miss Whyard: I can only speak for my friends.

Mr. Chairman: Well, do you have any further questions of Miss Whyard?

Mr. McKinnon: Mr. Chairman, I would like to read a paragraph from Mr. Metcalfe's brief and ask Miss Whyard if she would care to comment on it. It's the last paragraph on the first page, One solution would be a permit card with parental permission to enter and drink, the card could have the person's name, birthdate, picture, signature and the parents signature enclosed in plastic. Now this type of permit card would be one which would be issued and signed by a responsible person of the community, such as a mayor, I really like this I can see where I can make some money, Territorial Councillor, Forestry Officer, attesting to the holder's maturity and stability. To get a card one must either be in University or be employed for three consecutive months. A permit may be taken back should the holder come up before the Courts. Do you think there is any sense in this type of an operation at all. Should this type of thing be put into practise.

Miss Whyard: Well it might relieve the parents of worrying that they don't have any control over their kids. This way they have that card and they can hold it over your head and take it back from you when they figure you're spending too much money in the bars or going out too late at night. It's a solution.

Mr. McKinnon: Do you personally agree with this type of solution?

Miss Whyard: Well, it's just like a student card, I guess. You get into shows cheaper or something, actually it would be just like an I.D. card.

Mr. Chairman: Are there any further questions?

Mr. Shaw: Just one more question, Mr. Chairman, Miss Whyard, if a student were given a card for we say just under 21, would you feel that it would be right that that would be revoked if that person abused the privilege they had. Should that card be taken away should they appear in Court for an offence under the Liquor Act? Should lose that right if they abuse the privilege.

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Miss Whyard: I'd like to add something on this card bit. I'd think it would be very hard to instigate because there are so many people, whose to say who's better than the other really. I guess it wouldn't really work.

Mr. Shaw: Mr. Chairman, I'm referring to if you are 18 years of age and are allowed to go, you must have a card and you'll have your picture on this card, and providing you stay within the confines of the law you don't abuse the privilege that you have, that you have this identity card with your picture on it, however if you should appear in Court, that is taken away until you are 21 years of age.

Miss Whyard: Yes, this goes the same for anybody.

Mr. Shaw: Well, Mr. Chairman, we have, it has been stated many times that the problem is to know how old a person is, so the only way that you can ever resolve how old a person is, is by them carrying a card to prove that they are of this age and entitled to these privileges or rights or whatever you may call it, so that there shouldn't be any difficulty in that. If one wants to go into a tavern, under 21 or presumably look that way, they would need to get a card to prove that they were of this particular age. It should be quite simple.

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Mr. Chairman: I would like to Thank Miss Whyard on behalf of the Committee for her assistance in this matter today. The next Brief for consideration today is the Brief No. 34, from the Bethany Pentecostal Tabernacle and we have with us today Reverend York to discuss this brief. Reverend York, do you have any initial comments.

Reverend York: I have with a great deal of interest, heard the procedures thus far this morning, and I must say that I believe the number of pros and cons of the question as I understand it, is the lowering of the legal age from 21 to 18 to licensed premises, is this correct.

Mr. Chairman: Yes, this is one of the considerations which is involved.

Reverend York: Is this of prime concern?

Mr. McKinnon: To some people it is, but not to me.

Mr. Chairman: This would be determined by the individual...

Reverend York: Primarily then, the question has been will this Committee sanction or bring about a law to bring the Legal age to 18 years.

Mr. McKinnon: As I understand it Mr. Chairman, there is a draft of an Ordinance, and this Ordinance contains many considerations that deal with liquor legislation, some consider the biggest bone of contention the main issue in this proposed Ordinance, to be the lowering of the drinking age from 21 to 18. Personally, to me this is one of the minor areas of the Ordinance, and one which I really can't get that excited about, but other people have made this their prime consideration and the biggest bone of contention in the Ordinance. Every individual Member may have their own idea of what is the major point in this Ordinance, and what isn't. Most of the briefs today, seem to think that this is the prime consideration. Your brief does also.



Reverend York: So in other words, we are looking just for the moment at that one factor, within the changing of the Liquor Ordinance, that is it controls liquor consumption, sale etc. in the Yukon Territory. BRIEF #34

Mr. Chairman: I wonder, If I may ask Sir, if you've had an opportunity to read the Ordinance.

Reverend York: Yes, I've gone through part of it, but I was of the opinion that the main issue was this lowering of the age. I wanted to say that one of the things I'd like to be very clearly understood on and that is that I'm not opposed to change. We in various areas of Church work, I overhead someone say this morning concerning my friends the Baptist, they are my friends, that they were against everything, well that's not quite right. Its like the story about the Irishman, he said I don't know what you're talking about, but I'm agin' it. Well I'm not agin' everything. I'm not against change, in fact I can look around and see where a few changes might be very much in order, but being very frank gentleman. One of the gentlemen here, on this Committee, is my representative, Whitehorse East, and I can see where a change toward brushing up theologically might get him along a lot better with some of his..... I would go back to what I said, I believe in change. I believe we're in a world of change right now but I would ask in all sincerity with all earnest, that men who are in the position that you men are in today, Mrs. Gordon, you people are in today, not to make changes for the sake of changes, not for the sake of changes but for the sake of better changes. I am wondering, honestly and sincerely wondering if everyone of us, with all due respect to everything that has been said since ten o'clock this morning, concerning the Liquor Ordinance in general, and the lowering of the age in particular, to 18, I am wondering if there's anyone of us could ponder for a few moments the position that would be brought about by the lowering of this legal age limit. The making of alcoholic beverages more obtainable, more accessible, more easily acquired and consumed, less questionable, almost without any question at all, unless some of these riders may be mentioned... if anyone of us could say that it would be a change for the better, you know what the problem is, I'm not going to quote lengths of statistics, they're available to you the same as they are me. The statistics are staggering, they are statistics that you see with your eyes on Friday and Saturday in a town as small as this, are staggering. I put in more time than any other Minister in this community in the local Correctional Institute as a visitor I mean, and I will tell you and you can corroborate this with anyone you care to check with, that a very very large percentage getting up into the 70's and 80's percentages, are both men and women inmates in that institution are there because of an offense that started with the misuse of liquor. Now I know that a lot of them are adults, I recognize this and I realize this and I believe that there should be more action taken on the law that does exist because we have some excellent law, and the law was made for the law-breaker, but would you say that if an easing off on the liquor consumption area of legality was brought about by your deliberation and you were the people who made this possible, would you say that it would be a move for the better. I wonder if you could possibly say that, if you pondered it for a moment. May I cite one or two instances, Mr. Chairman, I'm not wanting to drag something out of the closet, but I wonder if you will not agree with me that an incident here a few days ago, where a young woman was picked up at a local bar and taken out to the city dump and misused and mishandled etc. etc. and you know the gory details of the situation, I'm wondering gentlemen, and Mrs. Gordon, I'm wondering

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gentlemen, if this would have taken place had not liquor entered into the scene. Now I'm not saying that they couldn't have gotten liquor, had there been prohibition, I'm not in favour of prohibition, I don't believe in prohibition, I don't think it will work, I don't think its the right act at all, but I do not likewise believe that it is right either to throw the door wide open to young people and one of our gentlemen who contested the problem and asked for a lowering of the age, kept referring to these young people as children, he was right. A young lady who spoke a moment ago, spoke about growing up up till the time they are 21, that's right, we're still growing up till 25 according to a lot of people. I'm wondering if a group of responsible learned people like we have before us deciding this particular act, now what it will be, I'm wondering gentlemen, I'm wondering Mrs. Gordon if it would be possible for you to sit down and say, it will be a move for the better, if we open the places of amusement, the places of entertainment that sell alcoholic beverages to the people who are 18 years old and up, if it will be a move for the better on their behalf. I lived in the Cariboo country until a short while ago, three young men all under the age of twenty, picked up an Indian girl in one of the hotels, 16 year old Indian girl, took her about 40 miles down the road and the following day a man out in the area hunting for worms to go trout fishing found her naked body, dead lying at the side of the road where they had dumped her. Now, gentlemen, the consumption of alcoholic beverages was totally responsible for that among the youth and underaged and because of the fact that it was given free reign in that community, almost unquestioned, this is one of the outcomes, one of the effects, of the proposition that took place. These things will be multiplied over and over and over again if this is done and inacted here. Gentlemen, if you as a body that are law-making people, if you lower, if you sanction the lowering of the age, from the present 21 years to 18 to consume alcoholic beverages, you mark my words will be "sowing to the wind, and you'll reap to the whirlwind." Further, its comparatively easy to change something just at this moment, and pass something just at this moment, let the great multitude of young people once be given this privilege, and I'd hate to be the man or the body of men to try and take it away. Its a whole lot easier not to hand it out right now than it is to take it away. Could I cite, Mr. Chairman, the acquaintance and the information that I've leaned over a number of hours talking through a period of some months and a couple of years, to the Director of Corrections for the Province of B. C., Mr. Roxborough Smith, a penal reform institution man, who I believe is highly respected in his field, perhaps Mr. Legal Adviser you're acquainted with Mr. Roxborough Smith talked about the problem that lies in the hands of legal people, law makers, he told me this, he said we have a problem our problem is not in the older catagory of people who are law breakers, our problem is and is increasingly with the youth. Now I'm not saying by that that he said, nor do I think that the youth are worse today than they were when I was a youth, I rather doubt that, I'm looking at some people that I rather doubt it too as well, I think probably you were about as bad as you dared to be, some of you fellows, but I also think, that one of the prime reasons that you cannot deny the fact that youth are a bigger problem today and tomorrow and the tomorrows that face us, as people who are going to have to live with them awhile longer, is that there are more of them, there is a tremendous increase in population as you know, and it is the young people that are taking the forefront right along as we go. If the people in responsible positions will make such thing

Reverend York continued:

as the consumption of liquor, more available, more accessible, less questionable, we're going to have a tremendous price to pay before we're very far down that road. Are you aware when you follow the course of the erection and the bringing about of the various places across Canada that are called Hathway Houses, I'm sure you've heard of them, they're institutions set up by lay people to re-establish alcoholics and drug addicts and almost without exception, the people who are in those Hathway Houses that the thing that led them to the final position of a drug addiction condition was starting with alcoholism. It started when they were teenagers and young people, because they were given a permissiveness that somebody that had enough concern for them should have come along and tapped them on the shoulder and said as was mentioned by one of the Councillors a moment ago, some things are yea, and some things are nay. If you take away all of the nays, there are a great number of things, there's been a lot of Bible quoted here today, I'm thankful for that, because we are supposed to be a Christian Nation, I hope it is more than suppose. There are things in the Bible today, that are no, just plainly no gentlemen and they're still going to remain that way and if as a group of law-makers we care to sanction things and make them all yea and make them all permissive then I'm afraid we're going to see that terrying hour of what was suggested by one man this morning who said let us take our children into the bar and let our fifteen year daughters etc. etc. in the bar, nay nay, this body of men be so guided that this thing will never happen in the Yukon Territory or anywhere else in North America.

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Mr. Dumas: Yes, Mr. Chairman, in his opening remarks, Reverend York asked us to ponder for a moment the advisability of lowering the drinking age, well I can assure him on behalf I'm sure of everybody in this Committee, that we pondered for many moments, from the first time it was brought up last Session of Council and even before then, this problem and we will be thinking about it even more as we go on. The reference to young people or to children under the age of 21, I feel don't have, haven't heard any satisfactory explanation which explains how we can give people under 21 the responsibility of driving a car, of paying taxes, of getting married, of raising children, of fighting a war, any of these kind of things, most of these if abused would be deadly, driving a car for instance. marriage, raising children, if they're abused by anybody under 21 or over 21 who knows .....just as abusing alcohol would be deadly, done by anyone under 21 or over 21. How do we corrolate our thinking when we say you can do all these things, you can take all of these responsibilities, but you can't have the responsibility of alcohol or going into a cocktail lounge. I'd like an answer to that , then I have a further question.

Reverend York: Mr. Chairman. I wonder Mr. Dumas, if we are prepared to say because a girl is physically capable of bearing a child at 12 years old, I wonder if we're prepared to say that she is also responsible.

Mr. Dumas: Mr. Chairman, that's a Red Herring, its got nothing to do with what.....we're allowing people to get married under 21 years old, we have no control over the physical anatomy of a child, God is the one who is responsible for that and perhaps you could discuss it with him, I'm talking about the legal ramifications of that which we allow the children to do now in the Yukon and that which we don't allow them to do. Why the dividing line, maybe we shouldn't allow any of these things before they're 21. All I want to know is what's your opinion, should we not allow them to marry, drive cars, or anything else until

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they are 21, or should we allow them to do all of these things including drinking.

Reverend York: Mr. Chairman, I believe, Mr. Dumas speaking of discussion, I do discuss a number of these things with God. They don't all entail children either, would you suggest then that it would not be within the order and framework of correct thinking to distinguish between what is, what a person is responsible, in what field they are responsible, we do not have responsible conduct on the part of adults in relation to liquor, do we? In a great many cases, in a growing number of cases. We do have people who will drive an automobile, we have lots of youth under age who will drive an automobile safely. You cannot say because they drive an automobile safely that they should all be allowed. For example the young lady that just spoke a moment ago, admitted that because she was 18, she wouldn't like to go out with a young fellow 18. Therefore if young people differ this much just because of their sexes, if they're capable of being responsible at 18 as a female and not as a male, then you can't set the age and say all youth at 18 are capable of being responsible. Where they may be quite responsible to drive a car.

Mr. Dumas: That's exactly my point. If we can't say that they're all responsible at 21, we can't say that they're all not responsible at 18. This is where the individual morals are involved and this is what I think we should be discussing.

Reverend York: I agree. But, if the age were lowered then you're automatically saying they're all going to be responsible at 18.

Mr. Dumas: We're saying it at 21, its very arbitrary.

Reverend York: Well, there's three years.....

Mr. Dumas: Mr. Chairman, there's one other point, notwithstanding that discussion, Reverend York has suggested as lawmakers, we have a duty to maintain the present stature regulation as it stands, as lawmakers, as elected representatives of the people, I believe we have a duty to reflect the opinion of all the people, primarily the majority of all the people. This is what we must do, notwithstanding in many cases what we may personally feel about one section of this Act or another, I think that if the people of the Territory, if the majority of the people of the Territory say indicate through briefs or what have you, they in fact approve the lowering of the drinking age, I think we're bound by it. Its my own philosophy on politics. I don't think that a minority can dictate to a majority, and I'm not referring to any of the briefs, I'm referring to this Committee. If the people who put us here want this then I think its wrong for anyone to suggest that we're being irresponsible in carrying out that which the people ask us to do on their behalf.

Mr. Chairman: Any further questions?

Mr. Chamberlist: Mr. Chairman, Reverend York has really dealt with one specific area of the proposed legislation and I can only take it that he is necessarily rather not necessarily in agreement with the balance of the legislation but figures that this particular point dealing with the lowering the age is of prime importance to him. Now I would put this question Mr. Chairman, to Reverend York, would he be opposed to parents taking their own children who are under 21 into a restaurant or their home and drinking with them, as against giving "carte blanche" authority for people under the age of 21 to go into a outlet to drink on their own.

Reverend York: Well, I'm afraid that I must take a very personal BRIEF # 34 position here. That is I do not think that it is within our rights as individual people or as administrators, whatever it may be, to legislate what people must do with their children. From the legal standpoint, you're saying would I believe it right...in fact I believe it possible today to take your family into a dining room where liquor is served, is this not true? Can a family not go into a dining room where liquor is served, licensed premises and not give them a drink. Well, perhaps they'd be very wise if they didn't. However, to legalize the drinking of children apart from some legislation that we're talking about now, I think its probably just a matter of something that would probably never happen. Personally, I couldn't see for the life of me why anyone would want to take their children and teach them to drink liquor. I can't quite understand that, however, I don't think like a lot of people think so maybe they would; but I am not in agreement with seeing law that would allow in any way shape or form the consumption of liquor for children- no sir, I am not.

Mr. Chamberlist: Mr. Chairman, perhaps I didn't clear my question, if this Committee thought that the legal age for drinking should be reduced, what I am trying to ascertain from Reverend York, is whether he would be in favor of a complete if it was complete reduction to an age of 18 or whether it was reduced only when those people of 18 - 21 were accompanied by their parents, which would he prefer?

Reverend York: We're now looking for the lesser of two evils.

Mr. Chamberlist: Well, with respect, Mr. Chairman, you may call it evil, I don't.

Reverend York: Naturally, we would chose the lesser if we were put to having to chose. This brings me to something I wish I may just inject here if I might Mr. Chairman, if and I trust that it may not be so, but if the position is found that the legal drinking age, either with parents or in general just across the board, that is lowered let us say to this age of 18, I would also like to ask for a great deal of further consideration on the part of this Committee in relation to enforcing what would be considered then a breach of that law. We are aware, with all due respect to law enforcement people, and I highly respect them, that's why I try to stay out of trouble as much as I can, I highly respect them but I honestly believe that should this take that something a great deal more stringent should be applied in relation to the keeping of these regulations that are permitted and are passed. Exactly what someone had mentioned before, is going to happen, if this takes place, the people who may be a problem today at 18 - 21 year of age, because of the law saying they must be 21, are then going to be from 14 - 16 years of age, that are going to be the problem area. May I cite further, Mr. Chairman, I'm sure a lot of you people have just in general reading in National magazines have heard of the man David Wilkerson, who has instituted across America today and other parts of the world, an organization called Teen Challenge and they have been responsible for rescuing thousands and I'm saying literally thousands if not tens of thousands of young people from dope addiction and alcoholism. David Wilkerson has testified in many a court across America that the biggest percent, way up in the 70's and 80's and 90's, the biggest percent of the youth that they find that they must take in to their refugee and try to dry them out and get them away from heroin and all of the various dopes that their main line is on today, was because they started as young people on the streets with liquor, with alcohol

Reverend York continued:

BRIEF #34 and you can't possibly, statistics will stand glaring you in the face and me in the face for the next number of years as we're able to see them, we're going to face this same proposition if this law is brought about that 18 year becomes a legal age then you're going to be dealing with 15, 16, 17 year olds, the same as the problem is with 18 and 19.

Mr. Dumas: Just one comment on that, the last remark, I wonder if the witness might not consider the fact that 15, 16 and 17 year olds in fact are in a school environment therefore, have more activities to entertain themselves with, more things to do, they have school, besides their extracurricular activities, whereas the problem today with the 18 - 21 group as expressed by the previous witness, they don't have this same time of thing, so I wonder in fact if it's correct to suggest that the problem is just transferred down X number of years. Comment please.

Reverend York: Percentage wise, it may not be 100 percent, but may I just state this that in the past several years here in this Community, having dealt with several hundreds of young people, of all ages in relation to youth camps, completely apart from the conventional Church work type of thing that we do, our position in dealing with young people in the teenage bracket we have found that rather than it being just the older young people, 17, 18, 19 year olds, and we've had a number of these young people that we have dealt with, we're finding that there's a great number of 14, 15 and 16 year olds, are again doing just what the other young people are doing, looking ahead to those few years, wanting to do what other people do. Now this is natural, but there's one thing almost without exception, they have appreciation, and that is, when someone comes along with reasonable authority, I'm not talking about a club over the head now at all, but I'm talking about reasonable disciplinary authority, and say this is not right for you today, you can do what you please when you get a little older, you can believe or not believe, you can act or not act, but this is not right for you today. Youth will respect the adult who comes along with a firm position, not one of shame, not one of disregard, but with a firm conviction and say this is not good for your welfare and because of that we are stating that this is an out of bounds type of thing. Until you are 21 years of age.

Mrs. Gordon: Mr. Chairman, may I make a remark that this is the area that disturbs me. It doesn't matter what age group you give this qualification to, at 18-21 or 25 if you open the liquor law, if these people don't have some preparation before hand and as the law stands now, no parent can give his child liquor in his own home, if the law would read where a child is taught more or less to drink at home, I would ask you if you feel this would be a criteria to set up so that at whatever age group liquor is allowed the person is allowed to go out into the public, would you agree either way or no this is an area that we are missing. We're not training our young people to drink sensibly, simply because we don't do it in our homes.

Reverend York: I can't answer that yes or no, but can I just say Mr. Chairman that it is illegal I believe under a lot of circumstances, to have a revolver, a lethal weapon for example without being properly registered etc. it's illegal to have certain firearms etc. now because this is illegal, and because everybody is going to someday or another get a gun in their hands would it be advisable on the same basis to say to our children now look in the back room here we have a loaded revolver, and we want you to go and see if you can just take a few pot shots around the

Reverend York continued:

room and see whether or not...now learn to use this thing because someday you might have to use it. Its a deadly thing, its not necessary at that stage, learn to drink liquor? BRIEF #34

Mr. Chairman: Are there any further questions?

Mr. Chamberlist: Mr. Chairman, I wish we had about 50 copies of this book called "Teenage Drinking" to pass around because there are some items in it that I think Ministers should take note of, especially Mr. Chairman, because it really doesn't show that teenagers turn into criminals simply because they drink beer and I think an interesting short piece is this, that the age limits which are legally imposed also seem unrealistic to many people. Most people would agree that it is advisable for us to prohibit the sale of alcoholic beverages to children, no one wants a 12 year old to be able to experiment with buying a bottle of whiskey in a liquor store, but it seems unreasonable to many people that a young man who is old enough to hold his job, to marry, or to go into the armed forces is considered legally too young to drink a can of beer except in the presence of his parents. Now this is published by Margaret Baker and Mary Jones who have done a real good job on this, on investigating teenage children, I wonder Mr. Chairman, if Reverend York would indicate whether in his opinion, that simply for a youngster to go into a cabaret where there is music, and where there is entertainment and just accompanying the parents, would the Reverend feel that this would be damaging to the education and to the character of the child.

Reverend York: Mr. Chairman, I wonder Mr. Chamberlist, If I might ask you a question,

Mr. Chairman: Do all your directing to the Chair please.

Reverend York: I'd like to ask Mr. Chamberlist a question, in this problem of taking the son or the daughter into the licensed premises, and teaching them if you will, this young person to consume liquor, and then in the comparison of the family who do not teach this young person in their family to drink liquor, which of the two are most likely to become an alcoholic on a skid road bar, there's not much question here, and further we all have seen the sad I won't say conspicuous the sad situation when someone, when I was first out of theological school I was very badly broke and I drove taxi at night, on a night shift, and I saw some of the sorriest sights that was an education far above what I ever learned anywhere else. If there's one person who is most liable to become that person who is completely down, down as low as the ladder will go its the person that starts to drink, not the person that never did drink. I wonder if in your question, you could foresee your son or your daughter as a parent at the bottom of that ladder that you would then still advocate taking that youngster into a dining room and saying here son, here daughter try this if you be moderate with it it won't hurt you. How do you know that young person, though its one of your own children, is going to be able to be moderate, but you start them off on the road down and you encourage them to start that road downward and see how if they hit the botton of the road, see how you feel then. No, I don't believe we should take out children into those.....

BRIEF #34

Mr. Chamberlist: Mr. Chairman, I might add this, I'm quite proud of my family and I can assure you that my family will never end up on skid road. Now, they have taken and participated in wine, they know how to drink, they have no problem. There's liquor in my house at all times, anybody who has been in my house knows that full well, and they leave it alone, they just don't touch it, they know its not there for them and the only time they have liquor is when we offer it to them. If I take them, as I've taken my son who is out in B. C., I took him into a cocktail lounge for the first time, although he turned 21, he didn't enjoy that well, but he always was able to drink in the house, and this hasn't turned him into an alcoholic and he'll never be an alcoholic. I am more concerned, Mr. Chairman, that there be some general practical view taken which does necessarily conflict with views of Church organizations, because I think it is necessary for us to be practical, now certainly I do not support the suggestion that liquor given willy nilly to every youngster, I think there should be some controls, and I agree Mr. Chairman, with the Reverend York and the Reverend Hill who indicated this as well in his brief, that there should be stronger efforts made to enforce whatever legislation there is, but I cannot get it in my mind that it is been satisfactorily answered that it is objectionable for mature parents who have a satisfactory home life and there are only some whose home life is not satisfactory, but who have a satisfactory home life would be damaging their children, afterall what parents want to damage their children. If I take my children out to dinner, or if I have them at home for dinner, I would like to know how anybody can justify and objection to me offering them to enjoy table wine with their dinner. While this position is adamant with Members of Church organizations, I find quite honestly, that I'm in conflict with them. There's not a realistic attitude being recognized in this particular point.

Reverend York: The conflict is simply this, that all people are different. I am very personally speaking, I am very thankful, most thankful indeed, for the kind of homes where if this is the case, if the parent has the prerogative, if the parent does introduce liquor to his children and he has the prerogative, I repeat that, you can't stop him if you wanted to, so I am very thankful for those homes that do have control and do maintain a kind of teaching, or a kind of morality, or a kind of something, that goes over, but we know too well, that this is not the case in the great number of homes, and a great number of families, rather the opposite is the case. So, do we look at those who do have control and say lets make them the pattern where we know right well that the bigger percentage by far the greater percentage are going to be the kind of places where those youths are not benefited rather there's a very derogatory thing in their lives.

Mr. Chairman: Anything further.

Mr. McKinnon: Mr. Chairman, I have one question, I think Reverend York used the phrase that if this legislative body were to lower the drinking age, from 21 to 18 that we would reap the whirlwind, I wonder if this is just a personal observation or whether he has facts at his disposal where the drinking age was lowered and in fact, the whirlwinds was reaped.



Reverend York: This brings me to a point that I would like to make as well, this is of course, as some of you will know, I'm sure, a quotation from the Bible. There is no question, simply apart from proof in relation to being able to say in one place or one country you don't have to ask me for statistics, you can read the statistics that were quoted right here this morning quite correctly, concerning France, concerning Italy, and I believe England also is experiencing a great problem in her youth right now, in fact I don't believe I know England is experiencing a great problem, one of the greatest youth upheavals in relation to demonstrations and crime increase at the lower ages is taking place in the British Isles today, you read the statistics, and I think that we don't have to ask for proof, Mr. Chairman, concerning the reaping to the whirlwind. I think its a foregone conclusion sir, that we will reap to the whirlwind because it has stood the test of question in the times past, and it is proof not a case of proving it over again. There's another point that I would like to make Mr. Chairman, if I may, and that is this, I appreciate and I also enjoy the tossing around of the term "Christian" now when I say tossing around I'm not using it irreverantly, but that term is tossed around considerably, some took offense, some didn't, some have their own reasons for this, there's an old adage, "if the shoe fits, wear it" if you should happen to feel guilty well have a look and see what's making you feel guilty, maybe there's a cure for it, if you look in the right place .....

BRIEF #34

Mr. Chairman: Do you have any further questions of Reverend York at this time?

All: Clear.

Mr. Chairman: We thank you Reverend York.....next will be the Trinity Lutheran Church, well the next brief is Brief No. 16, from the Trinity Lutheran Church and we have Reverend Manrodt here to discuss this matter with us. Would you care to proceed now?

BRIEF #16

Reverend Manrodt: Councillors I'm only here to answer any questions you may have concerning the brief.

Mr. Dumas: I have a question, under Section 1, Biblical Study, you mention the wine that was drunk, was that fermented wine in your opinion.

Reverend Manrodt: Yes, sir.

Mr. Dumas: It was, thank you.

Reverend Manrodt: Will you notice on the 2nd page the proofs No. 3 I deal with this, wine is an alcoholic beverage.

Mr. Chamberlist: Mr. Chairman, I wonder if the Reverend Manrodt would indicate if this is the same Bible that has been referred to by other speakers.

Mr. Chairman: I wonder if we could get back to.....

Mr. Chamberlist: There's nothing wrong with that, Mr. Chairman, with respect, I just wanted to make sure that we're dealing with the same Book.

**BRIEF #16** Mr. Chairman: Could we get off of the theology and get back to the brief. Are there any further questions?

Mr. Dumas: In the witnesses discussions with young people over the years, in his experience does he feel that there would be a general lowering of morals would result in the lowering of the drinking age?

Reverend Manrodt: No, I don't believe so, I think we have to recognize the fact that morals are taught in the home and hopefully also in the Church, the alcohol in itself is not morally moral or unmoral, its the use or the abuse that makes the thing moral or immoral and so a moral man would use anything morally that is the right relationship to other people and himself, and the immoral man with regard to anyone else the consequences would use anything immorally so the lowering of the age limit doesn't apply, if they are moral at 18 they are going to be use this rightfully if they are not moral they won't.

Councillor Chamberlist: Mr. Chairman, in the brief, Part 2 under the heading Theological and Moral Arguments, paragraph two, you say we cannot apply one standard for a man of fifty and another for a man of 18. I wonder if the Reverend would expand on that particular item.

Reverend Manrodt: Well, Mr. Speaker, I think that this would tie in with the same point made in No. 3 and I think the problem before us is to determine when is a young person an adult. This is a sociological problem. Its been mentioned many many times .....in our present society we expect a person of say age 18 to be legally responsible for certain acts yet on certain other things we kind of draw the line. Now, it seems to me that what we've got to decide is when are we going to make the youths responsible and when are we going to call them an adult and in No. 2 I would say at this point he is an adult at 18, he's out of school, he's taking on a job, he's taking on a responsibility so I would call him an adult at 18. I think the law should read uniformly in all respects that he is treated as an adult and make him responsible for his actions also at this point. I think this is the problem in our society. So if indeed he is an adult at 18, well then we can't draw one standard for him and another for a man who is 50 and an adult.

Mr. Chamberlist: Mr. Chairman, I would like to read four of the conclusions, that is 1, 2, 3 and 5 because I think there should be a general observation made by the Reverend Manrodt on these. Conclusion 1, . We believe that it would not be an immoral act to let 18 year olds use alcoholic beverages moderately, I read this because there has been some suggestion to the contrary, that it would be an immoral act, 2. We believe that the legal age could be lowered without fear of moral condemnation, this again there's been some reports contrary to that 3. There may be other reasons for keeping the present legal age, but we believe that much of the problem of alcohol has to do with the conflicts of drinking and not with the age of the individual, this particular point I agree, I will not comment on 4 and No. 5 There well may be some youths who will take advantage of this new legal freedom at the time this law is passed but in due course a more balanced approach to alcoholic beverages would come into existence, and we would see no more abuse than we do now. I would like a general observation made of these conclusions and specifically I would ask Mr. Chairman, that the Reverend Manrodt, whether he feels that the age should be reduced to 18 or should it be a gradual decrease from 21 and also comment on whether if there is

Mr. Chamberlist continued:

a gradual decrease from 21 what opposition would he feel there would be towards the parents having with them their own children in participating with wine with dinner? BRIEF #16

Reverend Manrodt: Mr. Chairman, first as far as we are concerned we do not think that drinking an alcoholic beverage is immoral. I would not regard it an immoral act if parents took their children into a licensed restaurant and shared with them a little bit of the table wine with their meal. I have no comment as to whether you lower the age all at once or gradually, it accomplishes the same thing, thus one way a little slower, or a little faster, but to me this is not really the problem. If you want to lower it, you lower it regardless of whether its done fast or slow. I pointed out in number 3 that there may be some, this I'm not certain of, but there may be some information which I don't have or which we didn't have when we drew this up, that would say its not a good thing for us to lower it to this age, but these would be for sociological or psychological reasons and not immoral reasons, such the circumstances ....and I think we have to face reality .....that no doubt if the age were lowered there well may be some not all but some who would possibly take advantage of it. Imbibe more than what is good for them in the beginning, but I think in time this would straighten itself down.

Mr. Chairman: Anything further, Councillor Livesey.

Mr. Livesey: Mr. Chairman, I wonder if the witness could say that from what I get from his brief, that he believes that there should be preparation in the law and as the law stands today, part of it should be removed to the affect that part of it is moral, one is morally wrong and the other is criminally wrong, in other words you're drawing a hard line between what you think should become a question of moral conduct or anything to do with the moral aspects of living and the other is a situation which the law really should come under the criminal code. In other words, that which affects drunken driving, or the over consumption of liquor while driving an automobile, such things as appear under the Criminal Code, are you saying then that this is what should apply to liquor, and the other aspects of moral aspects should be removed from our legislation in the Yukon.

Reverend Manrodt: Well, if I understand your question, if you put whatever punishment you're going to give for breaking the law, whether you put them in the Liquor Act or some other Act, as far as I'm concerned, I'm not particularly interested in it.... basically what we're trying to say is that when we speak about the moral aspect of this thing....is that we would not be immoral, it is not immoral for adults to drink alcoholic beverages no matter it would not be immoral for anyone of 18 or so to do the same. I'm not certain I'm answering your question, because I don't know if I really caught it.

Mr. Livesey: Perhaps, Mr. Chairman I didn't put my question clearly. For instance today drunkenness is a legal question, its against the law, you cannot be drunk in a public place, now where drinking and driving is a criminal offence. What I'm saying is do you feel now that drunkenness is a moral offence and not should not be considered a legal offence?

Reverend Manrodt: Well, of course, I suppose you could make drunkenness a legal offence if you care to do so, I don't know why we would want to make it a legal offence, however, if the drunken man becomes a pest that is a different story.

BRIEF  
#16

Mr. Livesey: Well, Mr. Chairman, in that case this is the point, as long as the person does not interfere with the freedom of another then, this is the question, this is the reason why I asked it, if he doesn't interfere with the freedom of another I think it is a moral offence, he's offending really himself more than anybody else. If he does trespass on the freedom of others then there is a question where the law then should step in and try to prevent this from continuing.

BRIEF  
#20

Mr. Chairman: Do you have any further questions at this time. We'd like to thank you Reverend for your appearance today..... The Next Brief is No. 20, and is from the Yukon Teachers' Assoc. and we have with us Mr. Pacey. I wonder, Mr. Pacey if you have any remarks.

Mr. Pacey: Just that the teachers would like to go on record here, to some extent, explain their varied positions. We are confronting your remarks, as you know from the brief, to the matter of lowering the age since contrary to Miss Whyard's remark we do have a lot of 18 year olds in school and quite a number of 19 as well. In drawing up the brief there were even some teachers that were opposed to having anything to do with it, and as a result at a general meeting that gave us the final okay to submit this brief, which was drawn up by a Committee, they asked that a vote be taken that outside teachers might have some indication of how they felt. A general result of this was that about 50% not quite 50% of the teachers felt fairly reasonably well aligned with the brief, not to lower or if we did then there should be some legislation to protect the public, there should be some education of youth in the system to help prepare them for this new responsibility. There was nearly 40% which came out all in all opposed to the lowering of the age, no ifs and buts or maybes, and about 10% right on who felt that they would like to see the age lowered. Then in the report, itself, in the final comments that I made, and pointed out at the general meeting, I must mention that ...being the author of the report I must point out that this was perhaps a personal bias of mine, the last half of that last sentence, we do have a layman's sneaking suspicion that like smoking, drinking has so little to recommend it and its so dangerous to the well-being of drinkers and non-drinkers alike, that it should be actively discouraged by Government. This is not the feeling of the majority of teachers. We didn't vote on it but I just wanted to point out, it was a point that I put in myself and as such I would answer for it. It seems to me from the teaching that we do in guidance that perhaps the only real positive value of liquor is its use as a social lubricant and particularly that for young people, we feel that it is a crutch with adults also, but with young people even more of a crutch and prevents the proper maturity and development of these social skills. Also, I would like to add, personally, along with I think Mr. Metcalfe, that perhaps the idea of a card in a sense, a license to drink is not a bad idea. We have now a license to drive a car, for what reasons, obviously it can be dangerous both to the person in and to the general public and they can harm people and property, and so we require that they take some training in the use of the car and that they pass some test, and I'm wondering if the license to handle alcohol after some training which may not be anything other than a training at home, which we've spoken of, a training perhaps they might get in school if this is introduced, would form a basis upon which a license could be given to individuals. Now here again, this would apply to all ages not just the youth, and if over this interdict law problem that we spoke of earlier, because here would be a case that so long as drinking was responsible, it was a privilege, and when it became irresponsible it wasn't and checking it would be simple enough but this is a personal little thing I wanted to add to it as a result of this final comment. Now any questions?

Mr. Chairman: I was wondering if you wished, if you will be sitting in again tomorrow morning, in light of the time and that the stenographer's tape is nearly done would it be convenient for you to attend tomorrow morning after Orders of the Day to continue your discussion. It appears to me that we will have a lengthy discussion. Would this be agreeable to Committee.

BRIEF  
#20

All: Agreed.

Mr. Chairman: Thank you, in relation, I wish I could have leave to continue again tomorrow morning. Its beyond the confidence of this Committee to adjourn itself, so I will declare Committee in recess.

Mr. Speaker: Will the House now come to order. Are there any reports?

Mr. Taylor: Mr. Speaker, I have an interim Report of the Select Committee on Liquor. The Select Committee on Liquor convened at 10:10 a.m. this morning and the following witnesses attended Committee this morning: Mr. Alder Hunter, Mr. Carl Williams, Mr. Darrel Collins, Mr. R. Wilson, Committee recessed at twelve noon and reconvened at 2 p.m. and the following witnesses attended Committee this afternoon: Mr. R. Wilson, Pastor Nick Andrei, Rev. Ellwood Hill, Miss Judith Whyard, Rev. J. L. York, Rev. Manrodt and Mr. John Pacy. I can report progress in those matters related to the terms of reference of this Committee and your Committee wishes to Thank all those witnesses who have attended today, for their interest and opinions, all of which are respectfully acknowledged. Your Committee begs leave to sit again on the day following that being Tuesday, March 18th.

REPORT  
OF  
COMMITTEE

Mr. Speaker: Thank you, Mister Taylor. Are we Agreed?

All: Agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Shaw: Mr. Speaker, I would move that we call it 5:00 o'clock at this time.

Mr. Speaker: Are we Agreed?

All: Agreed.

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

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 and tabling this morning Sessional Papers No. 22 to 26 inclusive. Would the Honourable Member for Watson Lake please take the Chair.

Mr. Taylor takes the Chair.

Mr. Speaker: Councillor Livesey.

Mr. Livesey: Mr. Speaker, a question of privilege. Page 125, line 16, the word "session" should read "section". On page 130, line 16, the word "two or three years" should appear after the word "last"; and line 18, the word is "satisfied" not "saified". Line 19, after the word "is" should be inserted the word "available". Page 146, line 3, the words "Canyon Creek" should read "Canyon Crescent". Page 155, line 31, "doffers of the realm" should read "coffers of the realm"; and "toe fogging methods" should read "the fogging methods". Thank you, Mr. Speaker.

Mr. Livesey resumes Chair.

Mr. Speaker: Are there any Reports of Committees? Introduction of Bills? Notices of Motion or Resolution?

Mr. Dumas: I would like to give notice of the following motion; that Sessional Paper No. 1 be discussed in Committee as a whole.

Mr. Chamberlist: I would move that Sessional Paper No. 24 and 26 be discussed in Committee of the whole.

Mr. Speaker: Are there any further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? I'm passing to Orders of the Day. We have Motion 8, moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Dawson, that Sessional Papers No. 17 and 21 be moved into Committee of the whole for discussion. Would the Honourable Member be prepared to discuss the motion at this time?

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: Mr. Clerk, would you please enquire if the Commissioner is available for the question period, and I will call a five minute recess.

RECESS

RECESS

Mr. Speaker: I will now call Council to order. You may proceed.

Mr. Taylor: Mr. Speaker, I have a question - a very important question - to direct to Mr. Commissioner this morning. In light of the recent announcement that CPA would be reducing its services to the Yukon, and more particularly the Watson Lake area, whereby the economy of the southern Yukon is seriously impaired, I'm wondering if the Commissioner could inform me today whether it

QUESTION RE  
REDUCTION  
OF FLIGHTS  
TO YUKON BY  
CPA

QUESTION RE  
REDUCTION  
OF FLIGHTS  
TO YUKON BY  
CPA

is the intention of the Administration to protest this move in order that we may see continuity of postal and passenger services to this area?

Mr. Commissioner: Mr. Speaker, it is very difficult to protest something that we don't know what we are talking about protesting on, and we are endeavouring to get written confirmation that will substantiate or otherwise the press reports that I believe are referred to by the Honourable Member. If, indeed, we find that what is reported in the press proves to be correct and that it is going to have detrimental effects on any part of the Yukon, whether it be the central, the southern or any other part, I can assure you that we will be protesting it with the utmost vigour.

Mr. Chamberlist: Supplementary, Mr. Speaker. Can the Commissioner say whether the Administration has been in touch with CP Air to ascertain from them whether the press reports are correct or otherwise?

Mr. Commissioner: Mr. Speaker, I can verify that we were in touch with the company referred to yesterday and as soon as we have more information Council will be hearing from me on this.

Mr. McKinnon: Mr. Speaker, could I ask Mr. Commissioner when he expects a reply? I think this is a matter of urgent public importance. I really do. Here we are expecting the biggest year, economically speaking, in the Yukon's history ever and a company has just decided to cut the service to the Yukon in half, and I think it is of urgent public importance, and I would like to ask Mr. Commissioner when a reply can be expected.

Mr. Commissioner: Well, Mr. Speaker, we have no control over the people who have the authority to reply, but if I could have the opportunity of reporting further to Council tomorrow morning I will keep them up to date on what the situation is as far as our information is concerned.

Mr. Chamberlist: Mr. Speaker, a supplementary. Has the Commissioner taken any steps ahead of time to ensure from the Department of Transport that the Minister will take an interest in the situation if this does occur?

Mr. Commissioner: Mr. Speaker, not up until this point because, while I was speaking with officials in Ottawa yesterday on the subject, it was certainly a decision that until we have factual written information in front of us to know what we were talking about, there was really no point in protesting or taking any kind of action until that was available to us.

Mr. McKinnon: Mr. Speaker, a further supplementary question to the Commissioner.

Mr. Speaker: Order, please. The Honourable Member for Dawson.

Mr. Shaw: Mr. Chairman, in view of the fact that CPA are mere pykers when it comes to pro crastination relations with the government, have we heard anything in relation to the airports here from Mr. Pickersgill? I wondered if this letter was sent last fall and I would like to know if we can ever expect an answer from the Department of Transport or the Transport Commission, Mr. Speaker.

Mr. Commissioner: Mr. Speaker, another situation I have no control over those people to whom we direct correspondence. All

I can suggest is that I will instruct my officers to enquire once again and if an answer is forthcoming it will be made available to Council.

QUESTION RE  
REDUCTION  
OF FLIGHTS  
TO YUKON BY  
CPA

Mr. McKinnon: Mr. Speaker, a further supplementary question to the Commissioner. As it is the stated policy of the Board of Transport Commissioners to grant regional air routes to regional carriers and leading the national and international carriers on the national and international route, would it be possible for Mr. Commissioner to ascertain whether there is any fact or whether he could ascertain whether it is true that CPA is looking to eventually leaving the Yukon service and this being turned over to a regional carrier?

Mr. Commissioner: Mr. Speaker, I wonder if the Honourable Member would be kind enough to put this in the form of a written question, and I think it would be a subject of considerable import and considerable breadth here and I think it goes far beyond the original point that was raised here and if I could have the courtesy of having this in a written form I would be pleased to see that it is forwarded to the Canadian Transport Commission and seek a proper reply from them on the basis of the written question, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, a supplementary. I wonder if Mr. Commissioner would indicate whether he is prepared to suggest to the Department of Transport that a competitive company run an air route from Vancouver to Whitehorse?

Mr. Commissioner: Mr. Speaker, the prerogatives of the Commissioner are limited and I would strongly suggest that recommendations of this nature would rightfully come from the Council.

Mr. Taylor: Mr. Speaker, I have a further question I would like to direct to Mr. Commissioner this morning. Could Mr. Commissioner advise me if it is the intention of the Administration in the near future to alter and change the policy of land disposition - land sale in the Territorial subdivision? Is there any anticipated change?

QUESTION  
RE  
LAND  
POLICY

Mr. Commissioner: Mr. Speaker, we have been working on disposal policy matter for some time. Members of Council sit in on this committee that we have and the changes that have been proposed and talked about, I believe, are arriving at a state of reasonable concreteness. I would say it is a reasonable assumption that this policy referred to should be clarified within the course of the next few weeks.

Mr. Taylor: A supplementary question, Mr. Speaker. I'm wondering if Mr. Commissioner could advise me what Members of Council are establishing or assisting in the establishment of this policy on behalf of all Members of Council who, of course, are the major policy-makers in such things - or should be?

Mr. Commissioner: Yes, Mr. Speaker, I am informed that that portion of the policy which will apply to the metropolitan area is what we have been discussing and the three Whitehorse Members are the people who are sitting in on this.

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

Mr. Chamberlist: Yes, Mr. Speaker, a question to the Commissioner. Mr. Commissioner, from information I have received it appears that the Skookum Jim Memorial Hall may have to close its doors because of lack of operating funds. What consideration is the

QUESTION  
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ING OF  
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JIM HALL



QUESTION RE CLOSING OF SKOOKUM JIM HALL Administration giving to this matter and is there any possibility that grants would be forthcoming to prevent this from happening?  
Mr. Commissioner: Mr. Speaker, could I have the opportunity of bringing forth a written answer to this question? There is more than just a straight-forward yes or no involved here, Mr. Speaker.

QUESTION RE REDUCTION OF POWER RATES IN TERRITORY Mr. Taylor: Another question I would like to direct to Mr. Commissioner this morning. I wonder if Mr. Commissioner could advise Members of Council as to whether the Administration have received from the Yukon Electric Company any indication of proposals for reduction of power rate reductions within the Yukon Territory?

Mr. Commissioner: Mr. Speaker, I would have to enquire. I am not aware of any, but could I have the opportunity of bringing forth a proper answer to this question, Mr. Speaker?

Mr. Speaker: Are there any further questions?

QUESTION RE RELEASE OF CONTENTS OF SESSIONAL PAPERS TO PRESS PRIOR TO COUNCIL Mr. McKinnon: Mr. Speaker, according to the Votes and Proceedings on Monday, March 17, Sessional Papers 17 to 21 were tabled to this House. This is the first I had seen of them, yet the contents of Sessional Paper No. 19 was the subject of a press article on Friday. I wonder if Mr. Commissioner could tell us whether the Sessional Papers are to be given to the press prior to Council's release?

Mr. Commissioner: Mr. Speaker, I don't know just what has transpired here. I'll have to look into it to find out. I see the Paper is dated the 13th of March, Mr. Speaker.

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

Mr. Chamberlist: Mr. Speaker, I move that the House adjourn and the Members of Council form into the Select Committee for the liquor briefs.

Mr. Speaker: Your motion includes that Mr. Speaker do now leave the Chair?

Mr. Chamberlist: Yes.

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

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

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: The House now stands adjourned until further notice.

BILL #28 JOHN PACY FOR YUKON TEACHERS' ASSOC. BRIEF 20

Mr. Chairman: I will now call this Committee to order and we are, of course, the Select Committee on liquor and we have with us Mr. John Pacy to continue discussion on Brief No. 20 from the Yukon Teachers' Association. Councillor Dumas.

Mr. Dumas: Mr. Chairman, could Mr. Pacy sum up this brief and tell us whether the teachers are in favour of lowering the drinking age or not?

Mr. Pacy: This is the initial thing I tried to do yesterday and didn't do a good job of it. It is one of the real weaknesses of trying to come up with a composite synopsis among 200 teachers.

I feel for you people among twenty thousand of your constituency. BILL #28  
Generally speaking, there is a small minority, a very vocal one, that is definitely in favour of lowering this age and from a ballot-comment type procedure of all the two hundred teachers there is about ten percent who fell into this category. There is another equally vociferous group amounting to nearly 40 per cent who are definitely against lowering the age, and then you have the remaining half who are somewhere in the middle which is about where this brief is about to stand, although it stands perhaps a little bit to the left of middle. So, to sum it up, let's say that generally speaking I would say that we are against the - we are not really here to ask or suggest that the legislation should encourage or discourage drinking as such. It is not a moral issue, is it? However, if we had to make a choice between the two, I think it would be discouraged simply because a certain amount of this is included in our teaching and guidance and so on, and one has to, I think, or at least it is aimed in this direction. The other thing that people are worried about is the problems that arise - some of it affects the school and in a larger way affects the whole community - the results of drinking to excess or irresponsible drinking which leads to automobile accidents, fighting, damaging of property and persons and so on. So, if there is some way that the legislation could induce more responsible use of drink, we would be in favour, and here we are not directing our remarks particularly to this lower age group but to the whole society as a whole. If there is some way of encouraging - demanding, even - responsible use of alcohol, then we wouldn't need an age limit. I think this is the basis of what I am trying to say.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Pacy would indicate whether the majority of the teachers would agree with this particular sentence: "Most adults would agree that a 21 year old is more mature in judgment and more capable of making important decisions than an 18 year old". Would you think the majority of people consider that?

Mr. Pacy: Well, definitely. I think the definition is true. An 18 year old on the average would not be more mature than a 21. Therefore, the statement as is would be true. It would be considered true by the majority.

Mr. Chamberlist: Now, following that, Mr. Chairman, does Mr. Pacy consider that age is an abundant necessity in capability as to judgment as far as drink is concerned?

Mr. Pacy: No, definitely not. I think you've talked about this already here. Age is but one factor and it certainly isn't a good one because a good many old people are still immature and irresponsible and very young ones that are, but as a generalization the statement would still be true.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I would like to ask Mr. Pacy a question. As an educator - yourself as an educator, sir - during these briefs I think we have heard where high school education - in other words attaining a grade 12 degree, it appears to me it is usually between 18 and 19 years of age. Now, I have heard 17. In fact, by 18 you are all through with high school, but it appears to me that most of the children are in school or just completing their high school when they are 18 years of age. In other words,

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if we had to draw some line across there to say when they would complete their high school in the normal course of events, they would be approaching their nineteenth year. Would this be correct?

Mr. Pacy: This is correct. There are very few who complete in their seventeenth year, and there is likewise quite a number of nineteen year olds.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, there will be 122 students in school during this school year at eighteen years of age. So, I have suggested 19 if we are going to lower the drinking age - lower it to 19. I wonder how that would be accepted by the teachers as opposed to the whole discussion in this paper, and lots of the discussion on lowering the drinking age is lowering the drinking age to 18 as opposed to leaving it at 21? What would the witness feel, Mr. Chairman, on lowering the drinking age to 19?

Mr. Pacy: Well, certainly so far as the problems mentioned in this first page, this would help this situation considerably. It would be better at 19 than 18. It would be better at 20 than 19, too, for that matter because we have a number of nineteen year olds as well.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I would like to have the witness say how can he reconcile this last statement with the agreement that he indicated in answer to a question earlier that age was not a factor?

Mr. Pacy: Well, I was asked to make the judgement on an age basis by the former speaker.

Mr. McKinnon: Mr. Chairman, I wonder if I might ask Mr. Pacy how many students are there at 18 years of age in the F.H. Collins Secondary School?

Mr. Pacy: Mr. Dumas quoted 120 in the Territory.

Mr. Dumas: 122 in the Territory.

Mr. Pacy: A large percentage of these would be in the Collins School.

Mr. McKinnon: How many students 19 years of age would there be?

Mr. Pacy: I'm sorry, I don't have the figures. I could get them for you, though, a little later.

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

Mr. Livesey: Yes, Mr. Chairman. I wonder if Mr. Pacy could inform Committee if the schools generally - without picking on one or one teacher, or anything - if generally they have a tendency to impress upon the youth of today attending our educational institutions the necessity for respect of the law, and I ask this question sincerely, Mr. Chairman, because quite obviously if they are not respecting it then surely there must be ways and means of getting this point across and if the drinking age is 21, why are

so many drinking at age 18 if we have institutions of varying kinds making the necessary approach because without the respect for the law, the law really is meaningless. This is the position I take on this point.

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

Mr. Pacy: I haven't answered this one yet. I'm thinking.

Mr. Chairman: Oh, pardon me.

Mr. Pacy: We obviously try our best to inculcate a respect for the law, a respect for the group decision to be followed by the individual and so on, but there - you still have human nature to contend with and I think in the briefs that you have heard before from our teenagers and so on - they don't respect this law for reasons that in their own mind they consider it unjust or whatever, and we have a very tifficult time overcoming this.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Yes, Mr. Chairman, I wonder if Mr. Pacy - if the witness could tell us how much or give us a general idea how much discussion in school in the classroom is centered around drinking and problems of drinking, particularly amongst teenagers. I think health and curriculum development is one of the courses that might discuss this.

Mr. Pacy: The YTA sent along Miss Sagert with me and she is teaching in this area and I would like, if it is possible, for you to call her after me and perhaps direct this question to her. She is more aware of what is involved there. They have also been working on a curriculum - a whole unit involved with guidance or spread around between the various subject matters - science, covering this aspect and so on, and she has the information on this and she would very much like to have the opportunity to share it with you.

Mr. Dumas: Supplementary. Unfortunately, I'm afraid the terms of reference of the Committee won't allow us to do that, but I do have another question. It has been suggested that up to 90 per cent of students have done some drinking before they leave school. Would you agree with this figure?

Mr. Pacy: Yes. There was a study done last year, a survey done of all of our grade eight through twelve and vocational school students. Now, this was done by the education authorities, guidance teachers and so on in conjunction with John Keating and I would suggest that you definitely get ahold of this report and analyze it for yourself and this is one of the figures, I believe, that came out of that study, and most of the drinking starts in the early teens, actually, the 13, 14, 15 is their first acquaintance with it. Most of them - the majority's first acquaintanceship is in their own homes. There is a lot of interesting data there and you should avail yourself of it.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: I've forgotten my question, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, I would put the same question that I put to most of the witnesses, Mr. Chairman. Does Mr. Pacy consider that it would be improper for parents to take their children to dine with them and have them enjoy a bottle of table-

BILL #28 wine with them?

Mr. Pacy: No, I definitely feel the teachers have no objection to this or to the obvious right that exists now of drinking in their own homes and so on.

Mr. Shaw: Mr. Chairman, in relation to these many questions, I think that there is a tremendous responsibility put on teachers perhaps nowadays that it would appear to me whether it is good drinking habits, whether it is good habits in general, whether it is respect for the law would be - would Mr. Pacy agree with me that perhaps that this should first emanate - the most important influence is where it emanates from the home itself?

Mr. Pacy: I agree 100 per cent. In fact, I personally, as an educator - now I speak personally rather than for the Association for just a moment fear at the adacity that we educators have to step in and replace the parent, not only in the area of our expertise.....knowledge and the intellectual scales and development of reason but in all these other areas of morals and spiritual values and all these other areas - family life and all this sort of thing. You know, really this belongs in the home, the church. There are other places for it. I'm just not prepared personally to accept all this and yet somehow we do. It is just too big a task, personally, the way I feel.

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

Mr. Chamberlist: Yes, Councillor Taylor.

Mr. Taylor: Mr. Chairman, this brief as represented by Mr. Pacy, represents a fair segment of our society, that is the teaching profession, and I am just wondering would Mr. Pacy, Mr. Chairman, feel that in his opinion that the use of alcohol by students 18 years to 21 years is more dangerous to the student than the use of tobacco?

Mr. Pacy: I think - no, to the student. The question was is drinking more dangerous than tobacco?

Mr. Taylor: I will clarify the point. Is the consumption of liquor by the students or the young people, in the opinion of the teachers, more dangerous to the student than the use of tobacco?

Mr. Pacy: I would suggest yes; mostly because of the impairing effects of alcohol, the way it overrides the normal inhibitions and values of the individual. He can get into more trouble physically, in brawls. He can damage himself and other people in car accidents and this sort of thing, whereas smoking affects his own health. This is true, and drinking does this, in excess, as well, but I would think definitely yes. This is, I suppose, partly why my little comment at the end which I said was mine, is perhaps uncalled for from the Association.

Mr. Taylor: Mr. Chairman, the reply then would indicate to me that indeed Mr. Pacy on behalf of the Teachers' Association, and of course is giving his own impressions, would agree that alcohol, as in tobacco, indeed affects health because of fighting, and quarreling and murders and all these other things are really related to health as well. Now, in the brief you suggested here automatic removal of drinking privileges the first time for one year and the second time for the rest of this student's life if he is found in an accident and has taken a breathalyzer test and is found medically to have consumed alcohol. Then would it not follow

logistically that if anyone was caught in an accident found inhaling a cigarette or having inhaled a cigarette and taking a breathalyzer test, analyzing the breath, and if tobacco is found - tobacco being harmful - that this should also entail that the person's driving privileges should be taken away?

Mr. Pacy: No, Mr. Chairman, because the nicotine does not lower the reaction rate - does not change the ability of the person to react properly in a situation, whereas alcohol does.

Mr. Taylor: Well, Mr. Chairman, this is kind of a funny line of questioning but I only cite it just to have Members remember the equal dangers between the two. Now, it has been suggested here that compulsory breathalyzer tests be taken in case of every accident attended by the police and of course the teachers feel that - it doesn't really say whether the person is responsible for the accident or the victim of the accident, but nevertheless a breathalyzer test must be made, and I think it must agree that every teenager that I know, or young adult, will tell you that if he thought for two minutes that he was going to have an accident after drinking in a car well, he wouldn't get in the car; but the point I'm getting at is that in my opinion as long as the 18 to 21 years age group are not permitted to drink, mixed drinks in lounges, to participate where drinking is taking place in restaurants, in dances as indeed one witness said here yesterday in dances and the like, that we are going to see an increase in accidents, an increase in deaths by these young people drinking raw liquor, unmixed liquor, in the car when indeed, in my opinion, and in their opinion - those I have talked with - that they would far sooner go to a cocktail lounge or a place where liquor is served and have a beer that they don't have to gulp down or a mixed drink and so forth. I take very great interest in the question asked by the Honourable Member from Whitehorse West. Teachers have not, in my opinion, come up with a real answer, or it would appear they haven't considered the answer of dealing with 19 year olds or 20 year olds. You have dealt with 18 year olds and 21 year olds here, and it would be interesting to note just what the teaching profession would feel about 19 year olds drinking as opposed to their 18 year old recommendation here. However, I did want to ask those questions and make a couple of points. If I have made them.....

Mr. Pacy: Mr. Chairman, a lot was covered there. First of all, the person, teenager or otherwise, who would not get in the car if he knew he was going to have an accident may be true before he was drinking, but after he was drinking his judgement in this regard is somewhat lowered and he might then make this decision, and I think this is perhaps what happens in a large number of cases. Now, so far as this age. Once again, if there is some way of demanding responsible youth, the teachers feel that an age doesn't really matter so long as they are not going to hurt themselves or anybody else using it, so I don't really know how to answer this 19 year old business other than so far as the item on the first page is overcome - they wouldn't be coming to school under the influence and so on because they would be too old to be in school perhaps. The other thing I would like to comment on is in regards to this list on the last page. It seems very stiff and as is it was just selected from comments that came in from teachers when we were preparing this. As you know, in England they have incorporated something like this and in fact their accidents have dropped something like a third. The damages sort of thing have been reduced by something like 40 per cent and directly related to a very stiff situation like this which is demanding of everyone responsible use of alcohol in so far as

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cars is concerned and perhaps this should be broadened even a little further.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, to get away from the questioning in regard to the 18 to 21 year old situation which seems to have predominated this enquiry, in relation to the setting up of a liquor control board, and in view of the fact that the liquor control board, once set up, will control the drinking habits of the Yukon greatly, I feel, to a certain extent, because of their propriety in regard to laying down regulations, or proposing regulations, the instigation will come from them at least, would the witness, Mr. Chairman, feel that this liquor control board should come under the control of the Administration, under the control of the elected representatives, or be an entirely free body free from any pressure whatsoever, to act as they see fit?

Mr. Pacy: Well, first of all the liquor control board in controlling habits, unless it was set up such as the Swedish system where you have in effect.....a privilege to drink, I don't think in effect the board would control. Personally, I hope that something like this could be worked out. I think it is a responsible method. As to who has ultimate control of the board, the political thing of course is to say the elected representatives, but as an Association we haven't discussed this, so I really can't answer for them. Privately, I would say that it should be responsible to the elected representatives all right.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: I just have one further question that I would like to get an answer to from Mr. Pacy. Would Mr. Pacy, in his own opinion, feel that in view of the fact that youngsters drink liquor and get quite a kick out of it. I guess everybody does who drinks liquor. Do you think that it is possible that by refusing the young adult liquor, again at any age under 21, do you think that that could mean that these people or is this the reason behind why these students sniff glue, take barbituates for kicks. Indeed, partake of marijuana, other drugs, mixtures of combinations such as coke and aspirin, and all these other things you hear about. Do you think that if these people could drink they would get off these more dangerous forms of kicks?

Mr. Pacy: I don't know. I feel that there must be some reason for students, or even young adults, wanting these kicks so bad of whatever sort they are. There must be something lacking in the challenge of living, in the excitement, the drive for greatness, trying to accomplish something. You know, we are no longer a frontier and we're all bundled up here and certain frustrations and so on - I think it comes out in the use of these things. Which one is more dangerous than the other, I don't know. I notice that we're now taking a positive attack to discourage smoking because of health. We have taken attack towards alcohol in this respect in the past and to all these drugs and so on and there are certain things in common among the group, in so far as they give a kick. It satisfies whatever seems to be lacking in their make-up or in the society in which they are operating, and I don't know that alcohol is any better answer than some of the other things. Perhaps you could, I suppose, strictly on a health principal, line them up and categorize them one, two, three from the least harmful to the most harmful or something, but they certainly are all in this area.

Mr. Chairman: Councillor Livesey.

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Mr. Livesey: Mr. Pacy, do you think that this experimentation has something to do with lack of affection at home? For instance, when both parents are working, both looking for more of the abundant things of life and the children suffer for it because I felt for many, many years that a child lives as much on the love and affection of his parents as it does on anything else, and if that love and affection is not there, and when the child goes home where his mother is still working or she is out doing something else, or his father is gone - he's not there, either - and to a certain extent they are lost at this point, and experimentation, I feel, does have a tendency to occur where the normal home environment is not present. Do you feel the same way, Mr. Pacy?

Mr. Pacy: I think a great many teachers feel this way, and we reap the result in our classroom of kids that are frustrated. They haven't had their emotional desires satisfied at home. The teacher has to take on this added load or if the student doesn't get paid attention to, he acts up, you know, and you have difficult problems on your hands, and a good many of us feel this definitely is the case. Not that there is much you can do about it in this day and age. This is part of our value system. It is a materialistic thing and I don't suppose there is anything you can do to change it. You certainly can't legislate a change, but it is definitely a factor, in my opinion.

Mr. Taylor: I'll resume the Chair. Is there anything further at this time? Councillor Chamberlist.

Mr. Chamberlist: One question I would like to ask. I wonder, Mr. Chairman, if Mr. Pacy will agree that the result of the students looking for kicks because perhaps the parents haven't kicked the students in the right places at the right times. I wonder if this point has to do with home family life that was brought up earlier, and what suggestion would you have on that particular item?

Mr. Pacy: Well, I don't know. This whole area is pretty difficult and I am worried about the fact that society is demanding the school take over some of this training in family living. A kick in the pants, I don't know; but it seems to me that there isn't much demanded of the young person today. You know, whether it is physically bringing in the wood or excelling in his grades at school. The demand isn't there. It is just too easy and you know the feeling you have when you tackle a hard situation, whether it is preparing a report or whatever it is, and when it is done the sort of satisfied feeling you have, and I think that too often perhaps our young people miss out on this. They are not given anything difficult and challenging enough to do, and so they don't get their thrill out of a job well done, so they get it out of something else, perhaps. I don't know.

Mr. Chairman: Have you any further questions? Clear?

All: Clear.

Mr. Chairman: Well, thank you, Mr. Pacy, for your assistance. Well, gentlemen, at this time it would appear that all the witnesses who have indicated their desire to attend these hearings have now appeared. We have three - or, I have three on my list, a Miss Joan Shaxon of Mayo; Mrs. Marie Peterson, and J. Worsell,



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and I don't believe these people are here today. These people were told that we would be having these hearings.

Mr. Chamberlist: Well, I think, Mr. Chairman, that most of these people, although they know that we were having the hearings, some of them can't just sit and wait while other people are being heard, and if they are available we should perhaps show them the courtesy by letting them know.

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

RECESS

RECESS

Tuesday, March 18, 1969  
11:00 o'clock a.m.

Mr. Chairman: At this time I shall call Committee back to order. BILL #28  
During our recess we determined that the three people remaining  
on our list to make appearances here are not available so the  
Committee has now heard all of the representations from those  
who have submitted briefs to the Committee. What is your  
further pleasure? Councillor Chamberlist, would you take the  
Chair?

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, we have arrived now at what I think  
we might term an impasse. I think it is well at this time, to  
consider how we proceed at this moment, to review a couple of  
items. First of all I think that many, and at least some Members  
that are still on Council, will recall that we caused a study  
to be undertaken in relation to the sale and control of liquor  
in the Yukon Territory back, I believe, in 1962. Now, this was  
done **at some expense and some inconvenience** in some cases to the  
people of the Territory and interested parties. As a result a  
report was issued and considered by this Council; that is a prior  
Council but the legislative Council of the Yukon Territory.  
As a result of that report some amendments were made to the Ordinance,  
which we will call and termed and styled the existing Ordinance,  
to update it. It was suggested that some of these amendments, of  
course, were midnight amendments, but nevertheless they were re-  
quired in order to provide the legislation and the services to  
the people of the Yukon. It was the only way we could do it.  
It was agreed that the now, what I term the existing Ordinance,  
was not really the very best but study would be undertaken and a  
new Ordinance prepared and submitted to Council for consideration  
in order that we could upgrade the Ordinance. Now, this was  
achieved by the Administration submitting to Council last Fall,  
or last November, an Ordinance entitled and styled Bill No. 28,  
Fall Session. Now at that time this Bill was discussed, read in  
Committee and discussed and it was determined by I think the  
majority if not all Members of Council that the Bill was  
repugnant; it was unsatisfactory, basically based on the develop-  
ment and creation of the Liquor Control Board and the manner in  
which it would be created. Indeed, it was felt by many Members  
that Section 3 of the Bill which reads "There shall be a Board  
**known as the Yukon Liquor Control Board** consisting of three Members  
appointed by the Commissioner, to hold office during pleasure,"  
was insufficient. It was felt by Members of Council that indeed  
this Board should be appointed by the Commissioner, by and with  
the advice of Council, in other words this legislature would be  
working with the Administration as is done in the provinces, in  
the appointment of the Board. It was further pointed out through  
the Ordinance that this Board held almost complete powers and  
indeed powers to the extent that this existing Ordinance that I  
referred to would virtually disappear completely and with it the  
rights of the elected representatives of the people of the Yukon  
Territory to write their own liquor laws. This would go to. Now,  
this, as I say is repugnant; certainly it is to myself and those  
I represent. During the course of this Bill a funny thing happened.  
When this Bill was submitted, and I still haven't determined where  
it came from; whether it came from Ottawa or whether it came from  
our own Administration, but wherever it came from, into the Ordinance  
went a suggestion that eighteen year olds should be given the  
privileges of consuming alcoholic beverages. I often wonder, and  
I do question a little bit anyway, the motivation behind this because  
if it was designed to have the effect of putting a carrot in front  
of a donkey to lead him away from the barn so that you could steal  
the feed, then indeed it has succeeded because that is exactly what

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Mr. Taylor continues...

seems to be happening here. Everybody has targetted in on this one section of the Ordinance and has forgotten about the rest of it. Now, when this was submitted last November to Members of this Legislative body it was discussed and the Committee hearings were forecast, submissions from general public were solicited. In the interim between last November and now, March, this same Bill has been returned to this Legislative Chambers with not so much as one comma changed in it. The Administration would appear, though cognizant of the discussions and the opinions expressed by this Legislature, they must be cognizant of this because it is a matter of record in Votes and Proceedings. The Administration haven't changed the Bill one little wit and really what we're talking about today, a discussional draft; in other words we have gained no ground at the Administrative level at least in those several months. We have a need in the Territory for improvement in our Liquor Laws, indeed the matter of eighteen year old drinking could certainly be covered in our existing Ordinance at any time in this Legislative Chambers with the concurrence of the Administration. We have a need, with the coming tourist season, for, or we have a suggestion, I feel and I support this proposal, to allow licenced dining rooms to serve mixed liquors. But, comes another tourist season and it doesn't look like we are going to get at it. And there are other areas in the Ordinance which could use, what we might term, midnight admendments. I feel it would be fruitless on our part, as a Legislature, to sit down and go through this exercise again by virtue of introducing what is proposed as Bill No. 5, until such time as the Administration has given us another draft, an updated draft, something a little closer to the areas of conflict that exist between the Council and the Administration. There have been no changes forecast in this Bill. Is it then wise or is it indeed useful to go over the thing again. I think what must be decided here is do we or do we not agree with the philosophy and the makeup of the Board. Do we abdicate our rights as representatives of the people of the Yukon to write the laws of the Yukon Territory. Do we abdicate that responsibility and turn it over to an administration which is governed and controlled many thousands of miles away, or many hundreds of miles away in Ottawa. Now, if we do that we then merely accept this Bill. Introduce it, give it First and Second Reading, pass it along and abdicate our responsibility. This I am not prepared to do and I don't think any Member of Council is prepared to do it. However, as we have asked for since 1962, the updating of amèndments to the Ordinance, indeed if we want a Yukon Liquor Control Board, and I agree to this and my people agree to this, then we must find a way to create the Board whereby the legislature of the Yukon Territory and the Administrative body of the Yukon Territory work hand in hand in its creation. But this I think will have to be resolved before we reintroduce any Bill and those are my initial thoughts on the matter, Mr. Chairman. I feel that this must now be decided. We must decide where do we go from here; what do we do and has all our work todate, and the work of the public of the Yukon Territory, has it gone to waste? Will their representations, those of which legislature decides will be taken into account. Will these bear fruit a year from now or will these not bear fruit for another four or five years. I wonder where we go and how do we proceed? I think now is the proper time for Members in this Select Committee to discuss this and advise the Chair as to what recommendations they would refer to the House, and on that note I will resume my seat. I would like to hear other Members, Mr. Chairman in this respect.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Thank you Mr. Chairman. I was wondering at this time Mr. Chairman, in view of the fact that this is a Select

Mr. Shaw continues...

Committee to hold these particular hearings, whether this would be the appropriate Committee to indulge on debate in relation to matters of the changes to the Liquor Ordinance and I would wonder if this would be the Committee that would fit into such a program. It does not appear that way to me Mr. Chairman.

Mr. Chairman: Well, speaking from the Chair, I feel that all matters relating to the briefs and the Bill for which the briefs were sent in for to study are part and parcel of the same subject and I would agree that this is the right time for the Select Committee to discuss these matters. Any further comments? Councillor Livesey.

Mr. Livesey: Yes, Mr. Chairman, further to that I also feel that we should spend an appropriate discussion covering all other briefs other than those which have merely been brought to our attention by virtue of witnesses.

Mr. Taylor: Mr. Chairman, I might say that we have before us thirty-five briefs covering several of the principal areas of Bill No. 28 of last Fall and I would suggest that having had these briefs for some considerable amount of time, all Members should be aware of the contents of these briefs; they should have read them. I call that homework - I know I have. They should be prepared to debate the contents of these and the contents of Bill No. 28 at this time. This is what this Select Committee was set up to do. Upon conclusion of that debate we are then prepared to decide whether to proceed or whether not to proceed with Bill No. 5 and give further recommendations beyond those that we have already given. This is what this Committee is for.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Councillor Livesey has a good point, Mr. Chairman, insofar as many of these fine briefs that we have here were not spoken to by the people who presented them, unfortunately. For instance the Yukon Medical Association tells us that a consensus of opinion by the majority of seven to one they believe the legal age should be lowered to eighteen years. Now this is a group that we must consider in any debate that we have, but it is not enough just for Council to know. I think it is our responsibility to pass the information on to the public as much as possible and we can only do that, I suggest, through debate and through discussion here in Council.

Mr. Taylor: Mr. Chairman, I think it is quite within the prerogative in my opinion of the Committee, upon making its final recommendations in its report to the House, to release the copies of the briefs to the general public on that occasion. This is done by any Crown Committee in their final report when these matters are released to the public so I don't think that this presents any great problem. Yes, I'll resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I agree that these briefs should be released to the public but I think it is necessary for the public to know what the elected representatives think about the items that have been brought forward by the various subscribers to the briefs and the principle of debate is the only way where the public will know what their elected representatives are thinking in relation to these items. Now, I have a few criticisms that I would like to make at this time and it deals specifically with

BILL #28

Mr. Chamberlist continues....

three particular organizations and that is, The Yukon Medical Association, the Royal Canadian Mounted Police and the Yukon Social Service Society. Now these people have presented briefs and presented them in an easily read manner. I think that they have a responsibility to come before this Select Committee and allow us to question them on their briefs so that we may clarify for the public their particular views and help us in coming to any decision in relation to Bill No. 5. I hope that they will understand that what I am saying is because of perhaps not necessarily neglect because they felt perhaps their duty had been performed once they had supplied the briefs. I feel that their duty to the public in general, and to this Select Committee is to bring forward by personal presentation, especially as these groups are based in Whitehorse, other necessary factors that Members of Committee may well have wished to speak to them about. Now, there is no doubt in my mind that the Ordinance itself is so far reaching in its changes that there is a necessity for us to be very careful that we do not change legislation that becomes harmful to the public in general. I concur with the remarks of Councillor Taylor that the time has come when we do not accept legislation that has been drawn up in Ottawa because people in Ottawa are not familiar with local requirements. Not only that, it removes from the elected representatives the very thing that they have been elected to do; and that is to legislate in the manner for the people of the Yukon Territory with their individual personal knowledge of their different particular constituencies. Mr. Chairman, my suggestion that we debate generally the various briefs that have been submitted so that the public can benefit from the thoughts we have on the various items that have been brought forward and that we also debate the various sections of the new proposed Ordinance. I think, with all deference to Councillor Taylor, that the Administration cannot be held responsible this time for not amending the Bill into Bill No. 5 as we have it presented in this Session in any way because if Members will recall, we had agreed to read it and not to make any decision upon it although we were commenting on the various aspects of alterations that may be made. The intention was that once it is represented we would go into detail into the various objections that Members of Council would meet and then ask for amendments accordingly. I am always ready to jump down the Administration's throat when they are in error; I do not think they are in error at this time and therefore I cannot concur with the Honourable Member from Watson Lake on that particular item although, as I have already said with most of the remarks he made in this matter I can see no difference of opinion but I do hope that this Committee will continue to discuss these briefs and bring forward as much criticism or corrections or our thoughts for the betterment of a piece of legislation which will improve the liquor situation in the Territory. Quite frankly there is a great concern to me. I worked out some percentages the other day although I heard it publicized that liquor was the second largest revenue for taxation, etc. purposes. This is not so. It is the first largest revenue in the Yukon, including profit taxation and licences liquor is 38.1601% of the total revenue of the Territory and 34.052% is fuel tax; in both ways the public of the Territory is using up a lot of liquid. I am going to ask, Mr. Chairman, for Committee's intention to continue with the discussion generally.

Mr. Chairman: Councillor Shaw, would you mind taking the Chair for a moment?

Mr. Shaw takes the Chair.

Mr. Taylor: Mr. Chairman, I think that my point has been missed. I clearly agree we should debate every area of this Ordinance.

Mr. Taylor continues....

BILL #28

We have debated, not really debated, we have to some extent, I suppose, but we have listened to people who have come to discuss their briefs. We are all cognizant of what the briefs contained and I think they will now serve as a good guide in the consideration of any new Ordinance. But what I am getting at is where do we proceed. Where do we go? Can you plant a garden if you haven't any seeds to plant? No, you can't. Now, this was resolved at the last Session and I would like to direct three questions to the Administration to find out indeed if we may proceed at all in this direction. My first question, Mr. Chairman, would be directed to the Administration and I believe Mr. Commissioner might be able to answer this; if the Council continue to pursue their desire to write themselves into Section 3 of this Bill "whereby there would be a Liquor Control Board appointed by the Commissioner, by and with the advice of Council" would the Commissioner give assent to the Bill?

Mr. Commissioner: Mr. Chairman, with respect, I don't think that I should be called upon to answer ad hoc items out of this thing. I think it is up to Council at this point and time to proceed in a manner that is of their own choosing and let us see just exactly what the end result is in toto. I certainly am not prepared to start taking items out of this; out of context in this and committing myself to a course of action which may be completely detrimental to the ultimate package of the total Bill.

Mr. Chamberlist: I must rise on a point of order, Mr. Chairman, We are in Select Committee and Mr. Commissioner is not part of that Committee, nor is he a witness and it would be necessary for the Committee of the Whole to agree to Mr. Commissioner being questioned at this time.

Mr. McKinnon: Mr. Chairman, I don't see why we are getting all wound up and we always seem to be on these procedural questions and Committees in this House. Now, we have had all thirty-five briefs and we have made a specific committee for a specific purpose to listen to people who wanted to talk on their briefs; who wanted to ask questions of Committee and Committee to ask questions of them. This has been accomplished. The specific terms of reference that this Committee was struck for has been accomplished. As far as I am concerned this Committee should report to the House, then the House decides on the procedure of the Bill of the Bill and how it will be debated. To me Bill No. 28 is a thing of the past. It was given First and Second Reading and it died in the last Session. Let us, in the normal course of events introduce Bill No. 5 tomorrow, give the First and Second Reading the next day in Committee of the Whole, go through the whole Bill, strike out the parts of the Bill we don't like, amend those parts we want to amend and bring it up to the point where we think that we are able to pass this in this House. I cannot understand why we are getting all tied up in this type of a debate when to me the procedure seems to be quite simple and quite easy to get around. The Committee has been struck for a purpose; that purpose has been served; let's report back to the House with this Committee and get on with processing Bill No. 5 in the form that has been presented by Administration and we'll do what we darn well please with it when it comes in the House.

Some Members: Hear, hear!

Mr. Chamberlist: Well, Mr. Chairman, we haven't completed what we have set out to do. The Terms of Reference was to deal with the briefs and that hasn't been completed yet. We have dealt with some of them and I would suggest that we follow the Terms of Reference.

BILL #28

Mr. Taylor: I just want to point out I concur wholeheartedly with the Honourable Member from Whitehorse East but I merely point out that unless the Administration have changed their attitude, at the last Session they said "no" they weren't agreeable to go along with the suggestion on the question that I just asked Mr. Commissioner. They weren't prepared to answer that question before. If we have a stalemate and this is what I'm trying to get at; if there is indeed an area, which I feel that there is, whereby the Administration will not give assent to any legislation necessarily that we produce then what is the object of the exercise? This is all that I was getting at. I agree that the Honourable Member is quite correct; we can go back into the House but we have no Bill No. 5 at the moment. If any Member is crazy enough to introduce this Bill again then fine, I certainly won't introduce a piece of legislation I find repugnant but this is fine with me. I'll go along with it.

REFERENCE  
BILL #5

Mr. Livesey: The question can be resolved quite simply, Mr. Chairman, in my opinion. The Committee has been set up for a distinguished purpose and all it needs to do is complete that purpose and I would suggest that to complete it we should look at the rest of the submissions presented to us in the form of briefs and after that is done Committee must become charged with the Bill which so far has not been introduced. As soon as the Bill has been introduced and the Committee is charged with it, then the Committee can proceed with the Bill and with all other matters before making its final report to the House. It is quite simple, simple and straight forward as far as I see it Mr. Chairman.

Chairman: There seems to be disagreement as to whether this should be debated - this particular matter, or whether the Committee should report to the Council and go on from there. Can someone advise me at the present moment just what is their pleasure. It was my recommendation in the first instance, you might say.

Mr. Livesey: Well, Mr. Chairman, the simple way, the Committee is still in existence and until it is found that it is of no more use or purpose and as long as Committee is in existence, it can continue with its work and ask specific questions and after the Bill has proceeded in the House it can be charged with discussion of the Bill, by Motion. Quite simple.

Mr. McKinnon: Mr. Chairman, I would move that Mr. Speaker resume the Chair and hear the report of Committees.

Mr. Chamberlist: No, I would be opposed to that.

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

Mr. Chamberlist: Well, I knew this, there is no doubt about that.  
....

Mr. Chairman: Order, order. It has been moved and seconded that Mr. Speaker do now resume the Chair. Are you ready for the question. Speaking on the question, Councillor Chamberlist.

Mr. Livesey: On the point of order, Mr. Chairman, it is entirely out of order. This is the special Committee and the Speaker does not resume the Chair from the special Committee. This is entirely out of order.

Mr. Taylor: I think at this time I will resume the Chair. Is it your wish to return to the House merely at the direction of

Mr. Chairman continues....  
the Chairman to assess Committee .....be in order.....

Mr. Shaw: I move, Mr. Chairman, that this Committee recess at  
this time.

At this point Committee adjourned until two o'clock in the  
afternoon.



Tuesday, March 18, 1969.  
2:00 o'clock p.m.

Mr. Speaker: The House will now come to order. Are there any Reports or directions for the chair at this time?

Mr. Taylor: Mr. Speaker; I have a report on the select Committee of Liquor. Committee convened at 10:20 a.m. this morning to discuss matters related to the sale and consumption of alcohol. Mr. John Pacey attended Committee this morning and was the last of witnesses to appear for discussions related to public submissions related to Bill#28 of November last. I can report progress in this matter and Committee begs leave to sit again.

REPORT  
ON  
LIQUOR  
COMMITTEE

Mr. Speaker: Are we agreed? May I have your further pleasure. Moved by the Honorable Member for Dawson, seconded by the Honorable Member for Whitehorse West, that Mr. Speaker do now leave the Chair for the purpose of convening in the Committee of the Whole to discuss Bills and Sessional Papers. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried and the Honorable Member for Watson Lake will please take the chair in Committee.

MR. CHAIR-  
MAN TO TAKE  
THE CHAIR.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: We will proceed this time with discussions on Bill #13 and I wonder Mr. Clerk if we could have Mr. Treasurer here? Are there any other witnesses that Committee would like?

BILL #13

Mr. Dumas: Mr. Chairman, I would ask that Mr. Ben deKleine be asked to come down also. There are a couple of points that must be asked.

Mr. Chairman: Committee agree? Mr. Clerk would you see if Mr. de Kleine is available? I will declare a brief recess.

RECESS

RECESS

Mr. Chairman: At this time I will call Committee to Order and we have with us Mr. Treasurer-Mr. McKenzie and also Mr. Ben de Kleine for discussion. We have before us 3 questions. The first consideration would be the Mayo Improvement District. We have I believe, copies of the Budget.....

VOTE #6  
EST. 635

Mr. Dumas: Mr. Chairman, there is a difference between what is in the Budget and what is in the Estimate and what was actually budgeted for by the local Improvement District. I wonder if we could have this explained? Why the difference?

Mr. de Kleine: I cannot say too much about this big document that you call the estimate because I have been very little involved in the actual preparation of this document, -but the Budget for Mayo, I think in the last 3 months, the Budget has been subject all the time. The final Budget that you have before you, was approved at the Budget Programing Committee and therefore I thought that this was to be incorporated into the estimates at those figures.

Mr. Chamberlist: Mr. Chairman, I would like to know why this establishment #635 shows that the estimates for 1969-70 for the Mayo Local Improvement District is \$23,498.00 and that the Budget that has been presented to us shows a total of \$19,000.00.

Mr. Treasurer: Mr. Chairman, you have to add to the \$19,000 or rather correction, you have to look upon the amount of

VOTE #6  
EST. 635

Mr. Treasurer cont.

\$23,498.00 as made up of a deficit of \$15,658.00 on the Mayo Budget you have in front of you plus the grant position of \$7,840.00. Those two, \$15,658 and \$7,840 make up \$23,498 which is in the Budget.

Mr. Chamberlist: It is obvious, Mr. Chairman, that the Treasurer can do this because he knows of it but we look at it, there is no reference to these items and how they should be put together in the Budget.

Mr. Chairman: Are we clear on the Mayo Improvement District?

Mr. Shaw: I have been wondering if the, I'm not sure of this, possibly I could look it up, but in the matter of revenue for these improvement districts, I see no provisions are made whereby they can also get a certain amount of their own revenue from licences. Is there no provision for that at all?

Mr. de Kleine: I would say that under the present Ordinance the answer should be no, because the Ordinance gives very limited power and actually the only power that can be transferred to a local improvement district, as I understand it, it is to operate certain services for the Commissioner so the whole matter of local improvement district and other is under study and it is felt that certain responsibilities could easily be handled by the local improvement district rather than by the Central Administration in the ...in Whitehorse, but at the present time the local improvement district ordinance as it reads I am subject to correction by the Legal Adviser, I would say that the ordinance would not give us any, ...the same matter came up for example in transferring dock control to the local improvement districts and it was felt that it would be very difficult to do this under the present ordinance.

Mr. Chamberlist: Well, I take it, Mr. Chairman, that the same question re: Watson Lake would be the \$17,025.00 plus the \$20,875.00 would make up the amount of \$37,900.00?

Mr. de Kleine: That is correct.

Mr. Shaw: Mr. Chairman, I wondered if the Mr. de Kleine could inform the Committee is there perhaps there are ways and means of perhaps extending these powers of these communities in so far, I mean, we have \$480.00 for dog catcher, well, obviously there must be a number of dogs around that you could, revenue could be created from these to produce sufficient revenue perhaps to break even on the catching of them when they get at large and also for a certain amount of revenue for licences, which is normal and which they can establish themselves and operate themselves.

Mr. Dumas: Another item I would like explained is in these Budgets presented by the Mayo Local Improvement District there is included insect control and it seems to be involved in a arriving at the Grant and deficit grant and the other grants mentioned, but it comes up again in Establishment 673, Insect Control, Mayo Townsite. I may have missed a point here and I would like it explained.

Mr. de Kleine: Well the reason for that is, I think Mr. McKenzie could answer that also is that the local improvement district is going to be billed for these services provided but other words, we provide the service under contract, but

Mr. De Kleine cont.

VOTE #6

we will bill them so that the total cost of the program is charged against the Territorial Government Establishment, but there will be recovery from the Local Improvement District for their share, but the reason for that Mr. Chamberlist, is to show that this is a particular amount that was spent on behalf of the Local Improvement District.

Mr. Chamberlist: Yes, but aren't we...this way there are two items for dust control and insect control in the Budget dealing with the same factor.

Mr. de Kleine: Right. Actually there should be 3 items. There should be 2 expenditures and one recovery.

Mr. Chamberlist: Right! you haven't got a Recovery, this is what we are pointing out.

Mr. Treasurer: If you will look at Page 25/15 you will see that \$10,000.00 has been put in to the Recovery for Insect Control in particular amongst others Mayo and Watson Lake.

Mr. Chairman: Anything further on Mayo and Watson Lake Improvement Districts?

Mr. Livesey: I wonder where the difference in the make-up for Mayo and Watson Lake as that compared to Haines Junction. It seems to me that the one for Haines Junction is a very simple affair. It doesn't seem to have been programed in anything like the shape and form that has been done for the Mayo and Watson Lake area, and if these people that have been newly appointed to operate the Local Improvement District for Haines Junction are going to proceed in an efficient and orderly manner, I would suggest, Mr. Chairman, that they proceed in the same manner that they are proceeding in other areas and along the same lines and have detailed accommodation as provided in these other documents and pamphlets that have been brought to our attention in Committee this afternoon. I feel that this page 622 Establishment 626, doesn't satisfy me as a description of the powers and prorogative of the new appointed Committee for the Haines Junction Local Improvement District, and I wondered if, Mr. Chairman, if the Treasurer could enlighten me on this matter?

Mr. Treasurer: I must confess to being a little in the dark myself about this. Possibly, Mr. de Kleine could help with this.

Mr. de Kleine: The main reason for that is that the Haines Junction Improvement District, we weren't aware of the fact that if this would be a yes or a no at the time that the estimate was prepared. In the last 2 months that we knew that this was going to be the case, I had tried to get meetings going with the trustees on and off and I have not been successful, as a matter of fact, coincidently, I had just completed a phone call with Mr. Watson, when I was asked to come here, and they are planning to come down at the end of this month and I told them this would be very difficult to get everything lined up for the annual meeting which is supposed to be held on April 2nd, but the main reason was that I did not feel that the department itself should change this into a Budget form and then say, now here this is what you are going to get and I have tried to get them to come down to Whitehorse and have meetings with us, which we do with the other Local Improvement Districts, and then we establish the Budget and it is approved, so I

VOTE #6 : Mr. de Kleine cont.

don't know if this could be done, but perhaps this could be corrected in the supplements later on or something, but we had to leave this in to give them the basic funds that they will require, because if you leave it out they will have nothing to go by, so what will have to happen is, take those figures and transfer them into a Budget that is acceptable to them plus whatever the Local Trustees would like to add and then it will have to come back for approval.

Mr. Livesey: Another question, Mr. Chairman. Does Treasury feel that this Budget as is presently laid down on block apparently, has not been broken down due to the explanation just received. Is this sufficient to allow for a change over to an entirely different program from that ordinarily carried out in the District directly by the Territorial Government from Whitehorse? Is this going to provide provision for these people to go ahead and establish themselves as a responsible body for the District of Haines Junction, and provide a satisfactory result. I noticed there is a tremendous difference in the outlay for Mayo Watson Lake and Haines Junction. Watson Lake I can understand. They have a very large operation down in Watson Lake. I can certainly understand this, but I am wondering if Treasury has given full consideration to all the entire problems of the Haines Junction area and in consideration of the amount set aside, I wondered if Treasury could perhaps inform me as to how they arrived at this figure.

Mr. Treasurer: Well, in the first place I would say that this \$10,220.00 should be looked on as a very approximate cost for Haines Junction for the coming year. As Mr. de Kleine has told you, at the time the estimates were prepared, it was not known what position it would be. I think that any additional money needed could be supplied in supplementary estimates, and this should be looked upon as satisfactory for the time being.

Mr. Chamberlist: Mr. Chairman, I would like to ascertain from Mr. McKenzie, whether in fact the amounts of money that is set aside for Local Improvement Areas, are a set administrative grant or is sufficient room for expanding that...the grant if the Local Improvement area needed extra money during the course of the next year?

Mr. Treasurer: It would depend upon the need, the reason for requiring more money. The formula on which the Grants are based is fixed. For example, Road Maintenance is 25% and no more. The amount of the Grant would vary according to the expenditure on the road, but the formula is fixed.

Mr. Chamberlist: Mr. Chairman, I have come across a motion by the Honorable Member of Carmacks-Kluane in 1961, which I pulled out, which Mr. Livesey moved and seconded by Mr. Chamberlist, that the recommendation to this Committee are that sufficient scope be allowed for future expansion of villages or other communities and that no monetary limits be set by way of administrative grants to such communities. Was that ever followed?

Mr. Treasurer: I don't think that it can be said that any Local Improvement Districts have been found short of money. I think it's had sufficient for its need.

Mr. Chamberlist: This may or may not be, but I'm concerned as to whether if the need should arise, Mr. Chairman, Mr. Treasurer has indicated that they are fixed and my concern

Mr. Chamberlist cont.

is whether if there should be a requirement for additional funds, would the administration stay with the fixed grant or make money available for a particular need, should that particular need arise during the course of the next year?

Mr. Treasurer: I'm not prepared to say one way or the other on that, I would like to say this though, take the case of administration costs. The Territorial Government is supposed to give assistance towards the cost of administration of Local Improvement Districts by a special annual Grant not exceeding 50% of administration costs. Now if those costs rise, then the amount of our grant rises. That is what I mean when I say the formula is fixed, but the Improvement District would get more money if it's spent for.

Mr. Dumas: Mr. Chairman, on the Keno Water Delivery there is an item in the Budget for \$2400.00 and our discussion as per paper that I have in hand was that a short term offer of \$200.00 per month has been forwarded to the Community Club regarding water services and I thought we had agreed to a short term for the next three months subsidizing to the tune of \$200.00 until another arrangement could be made. That was my understanding. I wonder if Mr. de Kleine, Mr. Chairman, could confirm this and if so we would then need an explanation as to why Keno Water Truck is for \$2400.00 which is 12 months.

Mr. de Kleine: Yes, you are very correct, Councillor Dumas, but I think what might have happened this year is that the period of time is so uncertain that perhaps for safety practice the 24 (inaudible). In other words it's going to depend on the availability of getting a well some time during the summer and I understand that it is a capital item approved to supply the water source and so that even if the well has been provided and still a decision has to be made as to how the water is going to get from the well to the houses so perhaps it is kind of a safety act if we leave the \$200 in to see what happens, but I think that definitely there will be after the well has been drilled there will be a resurvey of the whole situation and some recommendation will have to be made for your approval.

Mrs. Gordon: There is one area that relates to the Maintenance and Operations in this Municipal affairs in my district in Mayo itself and I would like to receive some assurance that consideration will be given to the fact that the sewer and water system in Mayo which is using twice and three times the amount of water that it should that funds in supplementary estimates will take care of taking this whole thing apart and putting it together the way it should have been done in the first place.

Mr. de Kleine: I think Mrs. Gordon, that in most of our systems we are wasting a lot of water out of necessity in order to keep the system running in the winter time. We were just talking to Mr. Lawrence, of Associated Engineering and he was pointing out that this problem could increase so tremendously that we will reach a point where it is not economical or feasible to run a system any longer. I'm not sure in the case of Mayo what I do know about the technical problem is that we do expect...suspect that there are certain leaks at the present time in the city which can be corrected in the summer months and then it will be a very good study of the whole city in the summer to find those leaks and, but

VOTE #6 Mr. de Kleine cont.

as far as having the system wasting water in the winter time through the bleeding system, we couldn't discontinue that unless you put in a very expensive system based on pumps or something like that, but that is the system that if created would be difficult to do I think.

Mrs. Gordon: This is one of the things that I hope all Councillors who have a possibility of Local Improvement Districts within their area will be cognizant of. I fully believe that the sewer and water system in Mayo was completely ill designed, it's inefficient and it will never be solved until it is taken apart and put in sanely and sensibly, which should have been done in the first place and we've expended Territorial and taxpayers funds .....until it is done.

Mr. Livesey: I wonder if the Administration, Mr. Chairman, has entertained any suggestion from the Haines Junction area that instead of carrying on with the present water trucking service down there and the present welling operation that they make a survey of the present wells in the area that are being dug and there are several new ones that have been dug recently, in order to use these wells of private owners to supply water to other people in the district, especially within a block or so of these other wells where the amount of water is sufficient in order to get a better distribution of water to homes in Haines Junction that so far have no way of getting water and I was wondering if the Administration has listened to any suggestions of this nature because I'm sure that most of the residence of Haines Junction feel that the present set up in Haines Junction as far as water is concerned is unsatisfactory.

Mr. Treasurer: I'm not aware of any suggestion or request for this, but I can check into it.

Mr. Chairman: Do you have anything further on the Mayo or Watson Lake improvements districts? We can proceed then.

Mr. Dumas: Hillcrest fire protection I note that the tax base for the 7 month period which ends this March 31, the mill rate was based on expenditures on fire protection of \$12,000.00 per annum. Establishment 689 indicates that the contractor for the Department of Public Works for the next year will be \$5,000.00 per annum therefore lowering the tax base if not in fact taxes themselves, however, under Establishment 629, we see Hillcrest water services \$31,000.00 The estimate last year was \$25,000.00 for the Hillcrest water services contract with D.P.W. and it was felt in discussion that we had, the Whitehorse Councillors had with some of the D.P.W. and Administrative representatives, that this in fact might even be too high. I would like to hear Mr. de Kleine, comment on this and see if he could let us know where the \$31,000.00 figure came from.

Mr. de Kleine: First of all I like to, again I have to refer to this meeting with the Budget Programming Committee where the final Budget which was presented to the Committee and was approved. If I have to take the blame for this, then I will. I took for granted that as the Territorial Treasury Department was represented here at the meeting that they would automatically take the new figures as approved by the Budget Programming Committee and put them in the estimates, perhaps I should have sent out a memo saying please change those figures from this to this, so if

Mr. de Kleine cont.

I am to blame for this, I will accept this, but at this meeting the figures that were approved was for the water system \$18,000 and for the sewer system \$6,000 and for the scavenging service \$4,000. The \$12,000 figure for fire protection was left in there and I have no knowledge of getting a figure of \$5,000 from D.P.W. The last that I have ever heard was that it was still not finalized, so perhaps you have additional information about this.

Mr. Treasurer: I should like to comment on the \$31,000 figure. I see that from the minutes of the Budget Programming Committee that that figure was approved.

Mr. Dumas: Mr. Chairman, I can't accept this because I really don't recall it at all. I don't know if I left the room or what but there is no way that this would be approved without an explanation. If I can get an explanation now I will be very, very happy, but Mr. de Kleine thought that \$18,000 and \$6,000 and in here we have \$31,000 and \$8,000. That is \$31,000 for water and \$8,000 for sewer in here, he mentions \$18,000 for water and \$6,000 for sewer. I would just like to know where we had the parting of the ways.

Mr. de Kleine: I think that the Committee was aware that the explanation given for the reduction was we did a further study on the total consumption and it was found that the total estimated consumption was way high for one reason or another. My problem of course is that I hope the Council realizes that this.....is only one person and I have been dated at so many things that I have not been involved in the estimates **very much** because they were prepared before I came mostly and so.....

Mr. Chamberlist: Mr. Chairman, there is no doubt that Members of the Whitehorse Members of Council will call together to discuss with the Administration the high cost of sewer and water to the residence of Hillcrest and D.P.W. representatives sat in with us on that and there was an agreement that it be not more than \$25,000 and the words that were used were in all probability it will be less than that figure. Now this is what we were told. It is no perhaps or otherwise, we were told that would be the maximum and in all probability less. I would like to know in exactly the same manner as the Honorable Member from Whitehorse West wants to know, is how come not withstanding this was agreed upon that these figures are now being pushed up?

Mr. de Kleine: As I said the only explanation that I can give is that at the meeting that I was called in, we discussed the Budget and those figures represented on the basis I just gave to you, the only thing as I said I might have erred, I took for granted that this would automatically be changed in the estimates and therefore I took no further action. I took for granted that this would be changed in the estimates without me sending out a memorandum instructing the Treasury Department to change them, so this might be the error.

Mr. Dumas: Am I correct in assuming that Mr. de Kleine thinks that in fact the lower amount should be the one in the estimates.

Mr. de Kleine: My job was, I was asked to come down with those figures and to prepare a Budget for Hillcrest that would be usable and would be realistic, so those are my

VOTE #6 Mr. de Kleine cont.

estimated figures and therefore I say that the water system should cost us \$18,000 for a 12 month period, the sewer system is estimated at \$6,000 and the scavenger service at \$4,000. I can report to Council that so far, the estimates as far as consumption are within our estimates so that.....

Mr. McKinnon: Mr. Chairman, what happened on this is that the meeting that the Whitehorse Councillors held with the administration and D.P.W. and all interested parties, there were decisions arrived at and made. We in the next Session of the Budgetary Program Committee weren't sharp enough to pick up the decisions that we had made and been agreed to and to present the revised figures in the Budget and in this and in the subsequent final preparation of the Budget the original figures went in so it both the fault of the Administration and the Budgetary Programing Committee that these weren't picked up in subsequent Budget Programing Committee meetings and the figures that were arrived at in the meeting should be the ones that should have been instituted into the Budget and the ones that should go in now. The lower prices right the way through. Establishment No. 629, Primary 69 as far as I can understand should be \$18,000 now for water.

Mr. Dumas: Mr. Chairman, can the Treasurer suggest any reason why we shouldn't move the lowering of this figure. All I'm trying to establish Mr. Chairman is whether there is some real reason for this being \$31,000 instead of \$18,000 that we weren't aware of.

Mr. Treasurer: This might be relevant, Mr. Chairman. It's an extract from the Budget Programing Committee minutes. Mr. Baker advised that there is a possibility of this figure being reduced as a result of negotiations with D.P.W. In other words it was by no means certain that it would be \$31,000 at the time. I would suggest leave the figures alone and let them lapse. They won't be spent.

Mr. Chamberlist: That might be so Mr. Chairman, but we've also got to think of the people of Hillcrest as well. Just because the figures are there, it might be an acceptance that they are approving, this Budget for Hillcrest and I'm not approving it because of the fact that we already had made a trial arrangement and the commitment was made to us and I think that commitment should be maintained in the Budget. I would say that the idea of bringing it down to what it was intended to be, it should be in there notwithstanding that it might be a little work for your Department, Mr. Treasurer.

Mr. Dumas: Mr. Treasurer, says it's going to create havoc but it is going to create havoc in Hillcrest, believe me, because the present practice of the Territorial Administration is to recove all expenses and if we say the expenses are \$31,000 and in fact they are \$18,000 the people in Hillcrest aren't going to be too happy about it and if we can't substantiate the \$31,000 figure because somebody is going to be upset in Ottawa or otherwise because we put in the actual figure then we are going to just have to create havoc.

Mr. McKinnon: Mr. Chairman, the fact is that the rates are fixed from the meeting that we had between the Whitehorse Councillors and there is no way that the Administration can possibly change these figures except through a further meeting and this a protection of the people of Hillcrest



Mr. Mc Kinnon cont.

and of course of the taxpayers of the Yukon Territory, so because the protection is implicate in the charges that were arrived at to create havoc to change these figures and redo the whole of this vote, just aren't worth the extra effort in manpower in the Treasury Department. It is going to cost an awful lot more than to just change the figure from \$31,000, \$18,000 when the people of Hillcrest are protected by fixed charges that were arrived at in decision with the member of the Administration and the Whitehorse Members of the Territorial Council and these figures I assume cannot and will not be changed unless there is further meetings between the Whitehorse Members of the Council and the Administration.

Mr. Dumas: Mr. Chairman, I really can't see any other way out of this except making a motion on this item because notwithstanding the fact that it is going to create a disturbance what if we come across other items obviously overcharged? Surely that is what we have to do here finally, in some cases reduce. We can't add to it we know that but we can certainly take away from it if it is needed and I think that with that I would like to move that Establishment No. 629 be reduced from \$31,000 to \$18,000 Mr. Chairman.

Mr. Chairman: Do I have it then that it has been moved by Councillor Dumas, seconded by Councillor Chamberlist that Item 629 in Vote #6 be reduced by...to a figure of \$18,000? Agreed? Is there any further debate in this question? Are you prepared for the question? Agreed? Contrary? I will declare the Motion Carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: Is there anything further in relation to Hillcrest? We have Hillcrest sewer service and Hillcrest fire protection.

Mr. Dumas: Yes, Mr. Chairman. On the Establishment No. 630 Hillcrest sewer service we have an estimate of \$8,000 and Mr. de Kleine as it is presented to us it says materials and supplies \$600, repairs and maintenance \$2,000, contracts \$5400. Now the figure that we had arrived at was \$6,000 could you tell us where the difference is with what you have?

Mr. de Kleine: To tell you the truth I had never seen those other figures.

Mr. McKinnon: These were the original estimates prior to the meeting that we had. These estimates came through last fall and they have never been picked up and never been switched right through Budget Programing decisions, so the only thing that we can do here is to make these figures show the decisions that were arrived at at the meetings that we had, so this will have to be reduced and Establishment No. 630 to \$6,000 and Establish No. 628 under 69 Contract Scavenger service will have to be reduced from \$5,000 to \$4,000 to bring into effect in this main estimate the decisions that were arrived at with the meeting of the Administration, Whitehorse Members of Council and D.P.W.

Mr. Chairman: It has been moved by Councillor Dumas, seconded by Councillor Chamberlist, that estimate 630 in Vote 6 be reduced by \$2,000 to \$6,000. Are you prepared for the question? Are you agreed? I will declare the Motion Carried.

MOTION CARRIED

MOTION  
CARRIED

VOTE # 6

Mr. Dumas: I would like to move the Primary 73 of Establishment No. 628, pardon me, Primary 69 be reduced from \$5,000 \$4,000.

Mr. Chairman: I would like to ask the Honorable Member if it is his intention from this \$8,000 figure to take out an additional sum of money.

Mr. Dumas: No, Mr. Chairman; I am referring to page 623 Establishment No. 628.

Mr. Chairman: Moved by Councillor Dumas, seconded by Councillor Chamberlist, that Primary 69 Establishment 628 of Vote 6 be reduced by \$1,000 to \$4,000. Prepared for the Question? Are you agreed? I will declare the Motion Carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: I wonder if at this time you have any further requirements for Mr. de Kleine?

Mr. de Kleine: I'm just wondering how safe it will be to leave that figure for Fire Services in Hillcrest at \$5,000? My information is that D.P.W. is not too much in favour of changing the original figure and I'm .... I have no information where this \$5,000 came from. It might be quite a gamble.

Mr. Dumas: Mr. Chairman, might I ask if the Administration of the Treasury Department consults the Municipal Affairs Department on these things? There seems to be a gap here.

Mr. McKinnon: Mr. Chairman there is a reason for this and the reason being that Mr. de Kleine was not present at the original estimate from his Department and they were made up by the Engineering Department. Engineering and Municipal Affairs were always together as one vote, so the .....who could answer any question on the origination of these estimates are not answerable by Mr. de Kleine, but Mr. Baker because his department made up the estimates and submitted them to the Treasury Department and following this operation Mr. de Kleine began his appointment with the Territorial Government then the decision was made as a policy decision to separate the two departments, Municipal Affairs and Engineering, so for this year and this time only, this is the reason for the gap in the two operations.

Mr. Chairman: Have you any further requirements for Mr. de Kleine?

MR. DE  
KLEINE  
LEAVES

Mr. de Kleine leaves.

Mr. Chairman: Well then I have it then that Vote #6 we have a reduction of \$16,000 from \$901,153 which comes to \$885,153. Is that correct? Well at this time I will declare a recess for tea.

RECESS

RECESS

Tuesday, March 18, 1969.

3:30 p.m. o'clock

Mr. Chairman: At this time we'll call Committee back to Order and the next Vote is Vote NO. 7 - Game. In the amount of \$28,062.00. Page 7/3. Clear on Game?

VOTE  
#7

Mr. Livesey: Mr. Chairman, I have a question to the Game Department, I would like to know from the Department of Game if they have discontinued their limited trapping of beaver and muskrat in the Kluane Game Reserve?

Mr. Chairman: Anything further on Game? Our Next Vote is Vote 8. General -- The first item is Administration in the amount of \$29,920.00.

VOTE  
#8

Mr. Chamberlist: Mr. Chairman, is the PABX system owned by the Territorial Government, or is this a CNT system?

Mr. McKinnon: PABX systems are never owned, Mr. Chairman, they're always rented from the Communications Company.

Mr. Chamberlist: Well, I beg to differ, the Whitehorse Inn have their own one, the Taku Hotel have their own one.

Mr. McKinnon: They came from the Yukon Telephone.

Mr. Chairman: Are we clear on Administration? Next item is Central Registry \$22,292.00 -- Next item is Personnel \$19,204.00 -- Next item is Commissioner Entertainment \$12,000.00 Clear?

Mr. Livesey: No, I notice a lot of reshuffling going on in the Vote Mr. Chairman, and some reductions might appear great methods of efficiency but seem to be just merely a transition between one vote and another or changing around from one system to another, which are labelled reductions which really are not reductions at all but are merely some other system has taken place. Now, I was just wondering with regard to the \$1200.00 last year for this particular vote and now \$12,000.00 is there any shuffling going on here or what.....

Mr. McKinnon: Mr. Chairman, the reason is to stop this type of shuffling that was going on. The Commissioner's Entertainment was \$1200.00 a year and everybody knows two dinners to any group of people during the course of the year uses up the \$1200.00. The Budgetary Programming Committee felt that instead of these amounts being voted in other areas then reshuffled to be able to allow the Commissioner to entertain in a way that an executive officer of the Yukon Territory, the chief executive officer at this time, has to entertain, was just trying to fool the public that this was all it was costing and we thought that we would put in a figure which would be relatively realistic to show how much it is costing for P.R. in the Yukon Territory for the Commissioner to entertain visiting officials and to entertain Council at dinners and other functions he has to perform as the chief executive officer. We arrived at the area of \$12,000.00 which would much more realistically show what was actually being spent by the Commissioner on entertainment, rather than taking this from other votes and not showing up in the budget.

Mr. Chamberlist: Mr. Chairman, I would suggest that its more than realistic, its stereophonic.

Mr. Chairman: Are we clear? Commissioner's Residence \$1800.00 Legal Department \$6,036.00 -- Insurance General \$5,350.00

Mr. Chairman continued:

Clear?

VOTE  
#8

Mr. Chamberlist: Mr. Chairman, what has happened with reference to the Insurance Report that was made by a company I understand re overall insurance for the Territory. Is this particular vote part of the considerations in that insurance examination. I'm wondering if Mr. Treasurer could answer that.

Mr. MacKenzie: In this particular establishment, Insurance General is covered by the report referred to and as you know the report is in the hands of the Budget Programming Committee.

Mr. Chamberlist: I wonder if Mr. Chairman, if anybody could indicate what is being done with reference to that Insurance Report. Are the policies of that report being followed or is that Insurance Report going to be presented to Council for consideration.

Mr. Dumas: Mr. Chairman, if I may be allowed, the Insurance Report is presently under study and its hoped within the near future to bring in one of the principles involved in drafting up the report for further detailed explanation and then recommendations will be forthcoming to Council, after this is done.

Mr. Chamberlist: Mr. Chairman, I would like to know whether the Report itself is going to be presented to Council for consideration.

Mr. Dumas: Mr. Chairman, I believe all Councillors have copies of the Report, is that not correct?

Mr. Chamberlist: We have copies of the Report, I want to know whether its going to be tabled in Council for Council to consider as a body..

Mr. Dumas: Yes, I understand that Mr. Chairman, but we thought it advisable until the Budget Programming Committee was thoroughly familiar with the Report and had all of the details of it, that it wouldn't be advisable to table it at this time, until that study was undertaken and completed.

Mr. Chamberlist: I still haven't got an answer. Will it be tabled for the Council to consider.

Mr. McKinnon: Mr. Chairman, the Report is in the hands of every Councillor. Notice it is marked as a Confidential document. If each Councillor has studied the Report, he knows full well why it is labelled a Confidential document. Because of the intricacies of insurance coverage, we thought when the Budgetary Programming Committee went through the Report for the first time, that it would be in the interest of all members concerned that a Sessional Paper would be brought down at this Session of Council, we had hoped and still do hope, containing the recommendations and the conclusions of the report, and then every Member at this Council be allowed to ask any questions that he may have concerning the recommendations and the conclusions of the Report to one of the principals in the company, who is responsible for drafting the report, then if all the questions are answered and the recommendations and the conclusions are the wish of this Council, that they be adopted, then the recommendations and conclusions in the Report, be adopted. Because of the very confidential nature of certain aspects of the Report, it was not the consideration of the Budgetary Programming Committee to table the full Report at Council, and I'm sure that Members who have looked at the Report and studied it

Mr. McKinnon continued:

know the reason for this. However, the conclusions and the recommendations we hope will form part of a Sessional Paper. The Budgetary Programming Committee felt that Council would have many questions because of the intricacies of the study to ask someone who is more capable than we were, answers to questions that they would have. This is the reason why we hope to have someone from the firm who did the study available to answer Council's questions at this Session, if possible.

VOTE  
#8

Mr. Chamberlist: Mr. Chairman, I would like to know further whether it is the intention of inviting representatives of the Insurance industry in the Yukon Territory to appear at the same time to give their version of matters relating to Insurance in the Yukon Territory. Because, it has been intimated to me, and this is the first information I've had, that this is a Confidential Report.....

Mr. McKinnon: Point of Order, Mr. Chairman, it said right on Mr. Chamberlist's copy of the Report Confidential document..

Mr. Chamberlist: It is a Confidential Report to me, but not necessarily Confidential, as I understand because I have already had insurance people questioning me relative to the contents of it. I don't see how this could be that Confidential, what I'm concerned about is if there is to be Insurance deals made, that they should be brought before Council and I want to be assured that this will take place, this is what I'm concerned about.

Mr. Dumas: Well, Mr. Chairman, I can assure the Honourable Member that there will be no arrangements made, no changes, or no future arrangements made before they're tabled in Council and have approval of Council.

Mr. Chamberlist: I'm satisfied, Mr. Chairman.

Mr. Chairman: Next item is Property Insurance \$43,310.00 -- Equipment Insurance \$16,875.00 -- and Workman's Compensation Insurance \$72,000.00.

Mr. Chamberlist: Question, if this stems from the previous thing, I know we're going through these various insurances, and in answer to an earlier question, Mr. Treasurer said the items in here have been dealt with in this particular Report. Does this mean to say that these insurances are going to those companies or by those methods that have already been recommended in this report?

Mr. MacKenzie: No, Mr. Chairman, the only change that has been made from what was enforced before the Report came out, in effect is Fire Insurance, since buildings are our biggest risk and I changed it last June, long before the Report was done at all.

Mr. Chamberlist: Could I have some information on this. Are the premiums for these insurances being paid to insurance companies or agents outside the Yukon Territory or are the benefits of the premiums being paid to insurance agencies in the Yukon Territory where it should be properly paid to encourage our people.

Mr. MacKenzie: All premiums are paid through one agency in the Yukon Territory, there are no agencies outside that receive Insurance premiums from us.

Mr. Chairman: The next item is Grants to the Yukon Museum \$1,000.00

Mr. Chairman continued:

VOTE  
#8

to the Boy Scouts Association \$1,000.00 -- Girl Guides Association  
\$1,000.00 -- B. C. Yukon Chamber of Mines \$1500.00

Mr. Taylor: Might I ask, has a provision also been made for the Yukon Chamber of Mines in this year's Budget or has it been deleted? The reason I asked this question is that the B.C. Yukon Chamber of Mines is in Vancouver and the Yukon Chamber of Mines is in the Yukon. This grant would automatically seem to be going to Vancouver to the B.C. Yukon Chamber of Mines, which is now a separate entity from the Yukon Chamber of Mines.

Mr. MacKenzie: There's nothing in the estimates for naming specifically the Yukon Chamber of Mines, there's simply this one grant for \$1500.00 to the B.C. Yukon Chamber of Mines.

Mr. Taylor: Well, Mr. Chairman, this is my problem, I feel that the money could better be spent in the Yukon to the Yukon Chamber of Mines which we certainly support and I feel that if we're going to ~~send~~ \$1500.00 to Vancouver to assist them in Vancouver we should certainly support our Yukon Chamber of Mines equally well, we've done this in the past and I feel that the Yukon Chamber of Mines should be given a similar grant.

Mr. Dumas: Mr. Chairman, I'm inclined to agree with the Honourable Member. I didn't know they were two organizations. Maybe he can answer a couple of questions, when did the Yukon Chamber of Mines become a separate entity or are they in fact a separate entity and if they are then why are we concerned, why is there a B.C. Yukon Chamber of Mines?

Mr. Taylor: Mr. Chairman, a couple or three years ago, the change was made in ~~name~~, we felt that we were a Yukon Chamber of Mines here in the Yukon and let the British Columbia people are still known as the B.C. Yukon Chamber of Mines. And though they work together they are two separate entities.

Mr. Dumas: Well, Mr. Chairman, the Honourable Member from Watson Lake was on the Budget Programming Committee last year and there was \$1500.00 voted to the B.C. Yukon Chamber of Mines at that time, since he is ~~knowledgable~~ knowledgeable in this, I wonder why this was voted at the time, and the Yukon Chamber of Mines wasn't considered.

Mr. Taylor: I believe last year, the Yukon Chamber of Mines was considered.....

Mr. MacKinnon: With respect, Mr. Chairman, there was simply a grant establish No. 818 under Vote 8 in last year's budget for \$1500.00 to the B.C. Yukon Chamber of Mines, and there was no differentiation whether that was the Yukon, B. C. Yukon Chamber of Mines, is ~~exactly~~ exactly the same form as it is this year. As he says, if the money is better spent here in the Yukon, which I would like to think it is, I can't see sending \$1500.00 to Vancouver. If the Mining fraternities feel that \$1500.00 would be better spent as a grant to the Yukon Chamber of Mines you'll find no stronger supporter than myself, but this is exactly as appeared in the budget last year.

Mr. Chamberlist: From the Chair, I wonder if we could ascertain who was the cheque mailed to last year.

Mr. MacKenzie: Well, Mr. Chairman, I'm unable to say.

Mr. Taylor: Mr. Chairman, obviously they erred in not noting it in last year's budget, but I think, I would assume it should be intended to go to the Yukon, and if so I think it should be changed to Yukon Chamber of Mines and this would solve.....

VOTE  
#8

Mr. MacKenzie: Yes, well could you make the Motion to Amend this to the Yukon Chamber of Mines

Mr. Taylor: Well, I'm not so sure if this is what is required..

Mr. Shaw: Mr. Chairman, I would feel certain that if the Yukon local body didn't get that \$1500.00 you would certainly have heard about it a lot sooner than this time. I can't visualize this money in Vancouver, I would say it landed right here. If we no longer have the connotation of B.C. Yukon Chamber of Mines which incidently I was a chartered Member of this group about 20 years ago, then I would say just cross out the B.C., that's very simple if we have no longer a B.C. Yukon Chamber of Mines.

Mr. Taylor: Mr. Chairman, I think I could possibly explain where the problem exists and that is that the Federal Government also makes a grant to three Chamber of Mines, the Alberta Northwest Chamber of Mines, the B.C. Yukon Chamber of Mines, and to the Yukon Chamber of Mines and so this is probably the idea that in the next budget certainly this money I believe would go to the Yukon Chamber of Mines.

Mr. MacKenzie: I should prefer to look into it and report back.

Mr. Taylor: I'd like just to make sure that it goes to the Yukon Chamber of Mines. I'll resume the Chair.

Mr. Dumas: Well, Mr. Chairman, I would ask that Mr. Treasurer take note of what our wishes are in this matter and he can look into it and see in fact where the cheque went last year, if it went to the Yukon Chamber of Mines we have no problem.

Mr. Chairman: Clear? Next we have Grants to the Yukon Research Institute \$1.00 -- Studies Yukon Territorial Government \$25,001.00

Mr. Livesey: Exactly, what is it Mr. Chairman, a study on how we can spend more money or a study on how we can spend less?

Mr. MacKenzie: This is intended to provide funds for a grant to the Yukon Research Institute to carry out an investigation.... Well \$25,001.00 is that the amount that is in question? It represents a list of professional examinations of particular situations such as data processing here, and inventory control here, and central purchasing etc. to get the best advise and set up appropriate systems in the best way, rather than attempt to do anything ourselves.

Mr. Chamberlist: I have a question, I notice there is an item here Municipal Affairs Department, Revision of Ordinance, now I did hear some astronomical figure of \$30,000.00 be set aside for a revision of the Municipal Ordinance. I wonder if anybody can give us any information about this proposed spending of \$30,000.00 for a revision of the Municipal Ordinance.

Mr. MacKenzie: Well, its a case of preparing a new Ordinance, a whole scale revision of the present Ordinance..... is \$25,000.00 for all the studies.....

Mr. McKinnon: Well, Mr. Chairman, I might be able to answer

VOTE  
#8

Mr. McKinnon continued:

this, in the original estimate that we had before the Budgetary Programming Committee started with, we had an itemized budget of some \$75,000.00, which is where your figure leaked out somehow, to provide studies for the feasibility of putting a Queen's Printer operation into service, for data processing services, for Central Inventory control and for the Municipal Affairs Dept. as a revision of the Municipal Ordinance. We felt that \$75,000.00 was pretty high for these ~~types~~ of studies which would amount to about almost \$15,000.00 - \$20,000.00 a study, and came up with a reduced figure of \$25,000.00 which we felt would be more in line and that the various and sundry studies could be conducted for this amount of money. The Queen's Printer, data processing, Municipal Affairs, Motor Vehicle employees, fringe benefits and Whitehorse Metropolitan plan.

Mr. Chamberlist: Mr. Chairman, the leak as often comes, comes from the press receiving the news of anything that's happening before Members of Territorial Council. I just happened to hear that particular item on the radio, that it was the Administration proposed having a revision made of the Municipal Ordinance at a cost of \$30,000.00, was given over the air. Now, I notice in any event a revision of the Ordinance is placed under the Municipal Affairs Dept., surely it wouldn't be out of that Dept. but indeed would come out of a legal expense, because after all the revision of an Ordinance would be a legal matter. However, I want to be assured that the Administration is not contemplating spending \$30,000.00 to revise the Ordinance, if we split it up between the Members of Council we can do a hell of a good job of this, a Hades good job of it. The point that I make in this is that I want to just be assured that the Administration are not going to be spending a sum of \$30,000.00 at any time for any item of that nature and if Councillor McKinnon as Chairman of the Financial Advisory Committee would be able to concur the question that it is not going to take place, I would be quite happy.

Mr. McKinnon: Yes, Mr. Chairman, this is ~~exactly~~ the position that the Financial Advisory Committee took, exactly the one that Councillor Chamberlist has outlined.

Mr. Chairman: Next item is Plebiscite Contingencies \$1.00 -- Move to the Lynn Building \$1.00

Mr. Chamberlist: Question, under this miscellaneous this \$1.00 I think the words are not pretty good, it says provisions for funds to cover costs of holding a plebiscite in the Yukon, surely the intention of a \$1.00 being in there in case a number of plebiscites are required, a number of them, this one only limits it to one, I wonder if that should be corrected to be provision of funds to cover cost of holding plebiscites in the Yukon.

Mr. Livesey: Does it Mr. Chairman, in view of the fact that I think when we were discussing the legislation, the legislation referred to one plebiscite did it not? Or am I incorrect on this?

Mr. McKinnon: Mr. Chairman, I remember arguing the position that why the plebiscite Ordinance was being brought at this time, was to service the specific function but the Ordinance would cover any and all plebiscites that needed to be held in the Yukon Territory, in any given year and this is the intention of this \$1.00, it should be plural, plebiscites, as the Ordinance also intimates.



Mr. Chairman: Next item is Witness Fees and Expenses of Territorial Court .....I read it once but I'll read it again move to Lynn Building \$1.00 -- Next item is Witness Fees and Expenses of Territorial Court \$4,000.00 -- Next item is Accomodation Territorial Administration \$130,994.00 -- Next item is Frontage Tax \$3,000.00 -- Emergency Measures Organizations \$4,000.00 --

VOTE #8

Mr. Chamberlist: What can be done for \$ 4,000.00 apart from paying an Administrators' costs. I wonder if anybody could answer that. He's got nothing to administer so how does he spend it?

Mr. Chairman: Clear? Next is Fitness And Amateur Sports \$72,536.00 --

Mr. McKinnon: Mr. Chairman, \$35,440.00 of this is recoverable under the terms of the Physical Fitness and Amateur Sports program.

Mr. Chairman: Clear? Public Utilities Board \$5,000.00

Mr. McKinnon: Mr. Chairman, this is a .....when we went through the estimates in the last meeting of the Budgetary Programming Committee we found that this had not been reduced to the sum of \$1.00 as we had thought would be done. Rather than reduce it to the sum of \$1.00 and having the whole process of the Treasury Dept. revising the whole of the estimate books at that point, we thought that we would leave the \$5,000.00 figure in as we had been provided with a cushion in Operation and Maintenance and that it was there the same way as a \$1.00 vote would be, that if a Public Utilities Board were passed in the next fiscal year, that monies would be available to operate it.

Mr. Chairman: The next item is Public Inquiries Board \$5000.00

Mr. McKinnon: The same, Mr. Chairman.

Mr. Chairman: Special and Unforeseen \$5,000.00 --

Mr. Chamberlist: Such as what, Mr. Chairman?

Mr. MacKenzie: That would be Special and Unforeseen. Something like the visit of the Govenor-General, something like that.

Mr. Chamberlist: Well that is unforeseen.

Mr. Chairman: The next item is Arctic Winter Games in the amount of \$15,000.00 -- which gives us a total expenditure of \$502,821.00. We move now to Vote 9 - Engineering, the first item on page 9/7 is Administration in the amount of \$15,548.00 Clear? The next item is Territorial Bldg. Maintenance \$210,159.00

VOTE #9

Mr. Chamberlist: Mr. Chairman, I wonder if we could be told how this percentage figure is arrived at. There appears to be no break-down but just a percentage figure here.

Mr. MacKenzie: Its based upon experience, Mr. Chairman, its a well known figure used in Ottawa. Its based upon very lengthly experience.

Mr. Chairman: Next is the Dawson-Dome Road \$2,000.00 -- Bonanza Road \$2,600.00 -- Granville Road \$16,500.00 -- The Atlin Road \$26,900.00 -- Tagish Road \$34,000.00 -- Carcross Road \$74,340.00

Mr. Chamberlist: Mr. Chairman, I wish the Territorial Engineer was here because I would like to know at this time what provision has been made for the bridge at Carcross that this road is to line up with, I wonder if anybody can give any information on that and perhaps Mr. Clerk could get some information, Mr. Chairman, on the position as far as the bridge or maybe I'll ask the Commissioner tomorrow, forget about it.

Mr. Chairman: The next item is Duncan Creek Road \$4,700.00 Mayo Lake Road \$1900.00 -- Cowley Lake Road \$400.00 -- Camp Ground Maintenance \$45,000.00 -- Survey, Gravel Pit and Others \$1500.00 -- Tote Trail Assistance \$100,000.00 -- Tagish Microwave Road \$300.00 -- Faro Access Road \$500.00 -- Nordenskiold Bridge \$1,000.00 -- Range Road \$2,430.00 -- Survey and Planning Territorial Roads \$5,000.00 -- Sawmill Road, Watson Lake-Ross River Road \$250.00 -- Dawson City Flood Control \$1.00 and Third Party Services \$60,000.00.

Mr. Chamberlist: What are Third Party Service, Mr. Chairman?

Mr. MacKenzie: Cases where the Engineering Dept. is requested by Members of the public to rent per annum Government equipment for the clearing out drive-ways. This is offset by the Government.

Mr. Chairman: Clear?

Mr. MacKenzie: The wording, I might say is not quite clear. In revision to whats done on other than the Territorial Gov.

Mr. Chairman: Next is Administration - Dawson Area \$7,530.00 -- Kookatsoon Lake Road \$150.00 -- Grey Mountain Road \$800.00 -- Lewes Lake Road \$550.00 -- Annie Lake Road \$3,800.00 -- The Fish Lake Road \$2,600.00 -- Jackson Lake Road \$550.00 -- The Takhini Hot Springs Road \$4,000.00 -- Miles Canyon Road \$3,500.00 -- Chadburn Lake Road \$1500.00 -- Whitehorse Ski Hill \$450.00 -- Marsh Lake Road \$2,825.00 -- and Hansen-McQuesten Lake Road \$3,725.00.

Mrs. Gordon: Question, since this is a recreational road and its only on Summer Maintenance, I wonder if the Territory's Administration has taken any consideration into building a two-mile access to this as recreational, to a lake in which, there are fish, there aren't any in the Hansen and McQuesten Lakes.

Mr. Chairman: Next is the Deep Creek-LeBarge Road \$425.00-- the Horse Creek-LeBarge Road \$565.00 -- Minto Lake Road \$2,275.00 -- Kathleen Lake Road \$675.00 -- Pickhandle Lake Road \$250.00 -- Simpson Lake Road \$250.00 -- Tagish Lake Road \$250.00 -- Ethel Lake Road \$550.00 -- Tatchum Lake-Frenchmans Lake Road \$4,800.00 -- Road near Lewes River Dam \$265.00 -- Sydney Lake Road \$625.00 -- Pine Lake Road \$300.00 -- Kusawa Lake Road \$4,500.00 -- Aishihik Lake Road \$4,000.00 -- Snag Road \$4,750.00 -- Robert Service Road \$1,550.00 --

Mr. Chamberlist: Question, where is this Robert Service Road is this into the Robert Service Camp Grounds.

Mr. Commissioner: Mr. Chairman, into the Services area here at the foot of the two-mile hill, it was known as the Service Road, and one day about ten years ago, somebody put the word Robert in front of it and its been known as the Robert Service Road ever since. VOTE #9

Mr. Chamberlist: I understood it was the Services Road, I never heard it called the Robert Service road. The Robert Service Road this has got nothing to do with the Camp Ground now,.....

Mr. Chairman: The next item is South Access Road Whitehorse \$6,525.00 -- Dawson Airport \$4,800.00 -- Mayo Airport \$4,800.00 -- Ross River Flight Strip \$1,550.00 -- Sea Plane Dock - Mayo \$400.00 -- Carmacks Airport \$1.00 -- Old Crow Airstrip \$200.00 -- Braeburn Airstrip \$340.00 --

Mr. Livesey: Is Braeburn Airstrip being used, Mr. Chairman?

Mr. Commissioner: Our Engineering Department must feel that they've done something to at least keep .....six inches off of it anyway,

Mr. Livesey: I go along with that 100% Mr. Chairman, also the Beaver Creek Airport, and for the Carmacks Airport, and Haines Junction Airport.

Mr. Chairman: The next item is the Minto Airstrip \$340.00 -- Float Plane Dock Ross River \$400.00 --

Mr. Shaw: Mr. Chairman, in respect to the Airport, I think we all note that the funds in there are practically negligible as far as running or operating an Airport is concerned and it is out hope that we can somehow in some manner, shape or form get the Department of Transport interested in this, and that is why my question about four times in this Session asking where Mr. Pickersgill is, it is a matter of my concern for these particular Airports. I hope we can get some answer before we get away from this Session. This is a responsibility of the Department of Transport, Airports, they have undertaken the responsibility, it is a governing body for such things, and its about time they paid a little interest to the North in some form or other.

Mr. Chairman: The next item is Stewart Crossing Dawson Road \$219,012.00 -- Dawson Boundary Road \$132,000.00 -- Ferry-Dawson Boundary Road \$90,000.00 -- Whitehorse-Keno Highway \$487,460.00 Two Mile Hill Whse. \$15,000.00 -- Canol Road \$89,700.00 --

Mr. Chamberlist: Is the Canol Road going to be kept open permanently on a Summer basis, is this going to be every year or now that the new road is through is this going to be closed off before very long?

Mr. Commissioner: Mr. Chairman, the policy which was subject of a paper that was tabled here in Council a few Sessions ago, is Summertime Maintenance only is assured on the Canol Road. This winter there has been a certain amount of mining activity, or rather exploration activity going on that required the use of this road and funds have been made available to a degree to keep the road open and also I believe that it has been completely opened as a consequence of more funds being made available here just a few days ago.

Mr. Chamberlist: Mr. Chairman, could we have some assurance that because of the mining exploration that is taken place along the

VOTE  
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Mr. Chamberlist continued:

Canol Road, that the extra funds will be available for the Winter months should the requirement be that the mining companies do work in the next coming year.

Mr. Commissioner: Mr. Chairman, I couldn't speak on behalf of my Minister in this regard, but I would say this, that our requests in this matter up until now have been dealt with on a very fair and equitable basis. The same situation applied to the Dempster Highway and I have no reason to believe nor have I been given any intimation that future requests of a similar nature will not be given the same type of consideration as they have during the past.

Mr. Chairman: Clear? Dempster Highway \$75,660.00 -- Watson Lake Ross River Road \$238,700.00 -- Would Mr. Chamberlist take the Chair please.

Mr. Taylor: I don't want to delay things here, but I do wish to state without any qualification whatsoever, that it is not the desire of the people in my district to have calcium-chloride placed upon this road, and we hope we can have the assurances of the Administration that its not going to be distributed on the Watson Lake Ross River Section of the Campbell Highway.

Mr. Commissioner: Mr. Chairman, I would have to seek the advice of my Engineers on this matter. Could I have the opportunity of seeking this information. I wonder, Mr. Clerk, would you be kind enough to take note of this.

Mr. Dumas: Mr. Chairman, I wonder if Mr. Commissioner might also find out why it only cost \$11.85.00 a mile to provide for year-round daily maintenance on that road and other roads it seems to cost \$1620.00 a mile. Such as the Whse.-Keno Highway, the Stewart-Crossing Dawson Road?

Mr. Commissioner: Offhand, I can't, but I would seek the information from the Engineering Department here.

Mr. Shaw: I wonder, Mr. Chairman, if that was a rather unusual request I heard in the making from the Member from Watson Lake, why he would not want a dust control in the form of calcium chloride on this very important road between Watson Lake and Ross River?

Mr. Taylor: Mr. Chairman, the reason is simply this that the people in our district, what with taxes and everything they must pay just don't have sums to buy additional parts for their car. Calcium chloride has a habit of eating away fenders and things like this and though other parts of the Territory may wish for dust control and utilize this method of dust control, we would rather not participate.

Mr. Shaw: Supplementary question, is there little traffic on this road?

Mr. Taylor: Yes, Mr. Chairman, there is a great deal of traffic on this road.

Mr. Shaw: Would not this be extremely dangerous for people travelling on this road, this dust could eliminate a few automobiles and people therein, in other words it may save their automobiles but it would be tough on people.

Mr. Taylor: Well, Mr. Chairman, in answer to the Honourable Member from Dawson, the real danger that exists on this road the road itself is too narrow, it was build by somebody in Ottawa's vision and their vision wasn't sufficient to build it wide enough, that one could pass vehicles safely on it. As I state, we would far sooner live with the dust than with the calcium chloride.

VOTE  
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Mr. Shaw: Well, all I can say Mr. Chairman, is that they will again be dying like flies in the Watson River area because this is a pretty dangerous proposition and I hope that the Honourable Member remembers that if there is no calcium chloride on the road, I'd sooner patch up a fender and be there to patch it up.

Mr. Taylor: Councillor Taylor has by no means given up. In relation to this road I think I mentioned earlier, if not in other debates, I pointed out the seriousness of the nature of the construction of this road and certainly we will have deaths on this road but I hope that we won't have any this coming season. We expected to have deaths by motor vehicles' accidents much earlier than this but this is by reason of the nature of the road. The bridges on this road in many instances are only 12 feet wide, and the grades on this road, that's filled grades, are 12 feet wide, and there's not sufficient room so one vehicle has to leave the road in certain specific areas along here and this is why I've been asking if there are monies available in this year's Federal Budget and within our own to permit us to do widening and it has been pointed out to us that funds have been made available to do a little bit each year, progressively up the road in order that we can remove some of these hazards. We have further in the next section of the road from Ross River to Carmacks, a place called Rue Creek, a very bad situation and apparantly I'm told in dealing with the Administration that they don't think that there's going to be funds available to put guard rails up, we've already had three major accidents there and I'm just trying to get at least as a stop-gap measure some checkerboard signs and get the signs up in order to give the public sufficient warning to slow down. We've had one accident where two gentlemen froze their limbs here two or three years ago, we had another one where a four by four rolled and nearly killing three people from Ross River. There's been three accidents anyway here. In any event that's all I have to say.

Mr. Shaw: Mr. Chairman, I note with some degree of interest, Councillor Taylor's, a Member from Watson Lake, his remarks in relation to hazardous sections of the road and how people go off them and so on, I might mention that in the Dawson area right close to Dawson, where they have those very dangerous tailing piles where not one but quite a number of people have gone over the bank and landed down in the dredge pond and that's been the end of them. I made a suggestion last year in relation to getting some of the grader blades painting them the appropriate colour which they did, they painted them silver plus red on top and they put them twenty feet apart or so on these dangerous curves and it costs very very little, It wasn't a guard-rail mind you, you could go over it, but it was certainly warning and since those have been up, there have been no people visiting the dredge-ponds. It notifies them where they are, and its a wonderful thing and its very little expense to put them up and possibly in the Watson Lake area we have a road here of 220 miles that must wear out a lot of grader blades and I think you've got a lot of material right there to sign up these places.

Mr. Taylor: I'll resume the Chair at this point.

VOTE  
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Mr. Chairman: The next item is South-McQuesten Road \$8,745.00 -- Yukon F.S. Lookout Tower Roads & Trails \$8,800.00 -- Y.F.S. Access Roads \$11,000.00 -- Federal Buildings \$12,000.00 -- Ross River-Carmacks Road \$192,840.00 -- Nahanni Range Road \$72,000.00 -- Skyline Operation Dawson Boundary Road \$25,000.00 -- and the Canol Road this is 60 miles above Ross River \$64,000.00. This gives us a total expenditure in Engineering of \$2,493,011.00. Are you clear? Next is Vote No. 11, Yukon Hospital Insurance Services.

VOTE  
#11

Mr. Livesey: Before you proceed, Mr. Chairman, perhaps you could advise me where the vote is with regard to keeping up the road to the Nansen Mine? Is that in the Budget?

Mr. Commissioner: Mr. Chairman, I believe I'm correct in saying that this is a mine access road and is the responsibility of the Federal, goes to Resources Program of the people who are operating the mine.

Mr. Shaw: Mr. Chairman, I just might add, this is the same arrangement, would it be, as they have from the Clinton Creek Road, from the Territorial Road its 30 miles to Clinton Creek.

Mr. Commissioner: This is correct. That portion of the road, which is termed the permanent mine access road under the construction formula there's a certain grant made in proportion of the total cost with a maximum amount per mile and from that point on the maintenance is the responsibility of the mining company.

Mr. Livesey: Well, Mr. Chairman, where does our responsibility end? From the Nordenskiold Bridge?

Mr. Commissioner: Mr. Chairman, not being entirely familiar with the physical layout of the area, I would say that this is correct. I do believe that from the Nordenskiold Bridge on, that that is the road that is looked upon as the mine access.

Mr. Livesey: There's another point of observation before we leave roads, Mr. Chairman, I wondered if the Administration is aware now that there's a mining road going past the Casa Loma Lake in the Dry Creek area at the moment, not far from the lake, and a good many people in the area think that the lake now is going to be accessible to this mining operation, possibly to the tourist traffic and this lake might come up for further observation later on in the year.

Mr. Commissioner: Just one question, Mr. Chairman, the name of that Lake please.

Mr. Livesey: Casa Loma.

Mr. Chairman: Next, Y.H.I.S. in the amount of \$820,346.00 -- Clear?

Mr. Chamberlist: Are we going through this breakdown of the Hospitalization, Mr. Chairman, this is a very large sum of \$808,000.00 which has a breakdown on the sheets following.

Mr. Chairman: The breakdown is under Primary 75 which is found on the next page or so.

Mr. Chamberlist: Is there any indication of how many hospital days the hospital was used in Mayo, I wonder if Mr. MacKenzie can give that information.

Mr. Commissioner: Mr. Chairman, could I speak on this. There's a report that will be made available for all Councillors that has to do with the calendar year operation of the various hospitals in the Territory, that comes from Northern Health Services, Dr. Black, and I'm not too sure whether this particular question that the Honourable Member has asked would be answered in detail there, but I believe, it seems to me it enumerates the nursing stations and the three hospitals in the Territory and gives the patient days in each one of them. This is getting copied and it may be a week or two before it is ready because we are busy in the copying process with Council work but it will be made available to all Members of Council.

VOTE  
#11

Mr. MacKenzie: Mr. Chairman, if patient days are requested for Mayo, I have them here for the 12th month ending December 31st 1968, if that's of interest, 1451 that figure which is 412 less than the year before.

Mr. Chamberlist: I wonder, Mr. Chairman, if the Commissioner could indicate whether the reduction would it appear from the reduction that has taken place between 66-67 and 67-68 that there's liable to be a further reduction in use of that hospital for the year 68-69.

Mr. Commissioner: Mr. Chairman, my own personal attitude is that hospitals are like fire departments -- you hope that you never have to use them at all but you have to have them and I would like to suggest, Mr. Chairman, that there are many facilities that we operate throughout the Territory that are operated by Government for the general total welfare of the community, that in many instances if you were trying to justify them economically I'm quite confident you might not even have a hospital in Whitehorse. I would say further in answer to your question, Mr. Chairman, that in many instances we find that the presence of a doctor on a continuing basis in the community preventive health measures are enforced by him and as a consequence patient bed use in the local hospital declines. It would be also an indication that there is a lesser number of men that work in the local industry in the Mayo-Elsa area, this may have some contributory factor to this, but I would say it would be a reasonable assumption that the population in the area will grow from now on instead of decrease, it would be more of a likelihood to have a little more usage of the hospital than it would be to have less.

Mr. Chamberlist: Mr. Chairman, on the basis of these details for St. Mary's Hospital in Dawson, I wonder if Mr. Commissioner could indicate whether it warrants now that the hospital of the size proposed and the amount of money proposed to be spent on a new hospital in Dawson is now warranted.

Mr. Commissioner: Mr. Chairman, in my opening remarks to Council I intimated that a paper outlining the facts of this situation would be forthcoming, it should be here for you in the next day or so and effectively speaking, to point this out, we cannot justify the original extent of the hospital proposed but that we do need hospital facilities of a lesser size but increase size to the senior citizen's home that will effectively prevent a certain amount of dilmeclary type of care and this will be the gist of the alternative proposal that will be coming forward to you.

Mr. Chamberlist: Well, Mr. Chairman, would this mean that the St. Mary's hospital will be closed because of its age and the

Mr. Chamberlist continued:

upgrade in cost of that hospital.

VOTE  
#11

Mr. Commissioner: Yes, Mr. Chairman, I think that Council will remember not too many sessions ago there was information provided to you that indicated that the fire Marshall's recommendations for the continued use of this building made it entirely uneconomical to proceed with the necessary changes and repairs and as a consequence this was where the original proposal for the new hospital emanated from.

VOTE  
#12

Mr. Chairman: Next vote is Travel and Publicity Vote 12. In the amount of \$113,670.00.

Mrs. Gordon: I wonder if Mr. Clerk would ascertain just how much of our travel and publicity information is sent to our Government departments in Ottawa and how accessible it is to **people there**. It has been intimated to me in the last several days that people coming north have asked for information, pertinent information about the Territory and they can find nothing. There were no pamphlets or forms of any sort from our Travel and Publicity department here.

Mr. Chamberlist: Mr. Chairman, it appears to me that the estimates for 1969-70, are more than 500% more than the amount that was spent in this department in 1968-69, is there any special reason why this large increase is at this particular time, I'd like an explanation to that.

Mr. MacKenzie: Mr. Chairman, the explanation is that advertising and travel and living expenses were last year shown in vote 18 which is no longer in existence.

Mr. Chamberlist: What was that?

Mr. MacKenzie: Miscellaneous expenses, including government advertising and living expenses. We thought better to take those down to the specific department responsible.

Mr. Chairman: Is there anything further on Travel and Publicity?

Mr. Livesey: Yes, Mr. Chairman, I can't sit in here in this Committee any longer and see the in my estimation, the complete lack of interest in Alaska as a potential source of revenue in Travel and Publicity and this of course is co-enjoined with another attempt of course, which I hope to make at this Session, to get some recognition for a Port of Entry on the western boundary of the Yukon. I have been suggesting the Airport at Beaver Creek for this purpose, and as this budget department vote is now before us, there is no time like the present to reinstate once again something I have done over and over and over again, for which there has been taken little or no notice irrespective of all the good intentions that I know have emanated from this place here in Whitehorse, there's no question about that in my mind, but the results are nil and that is what I'm looking at, not what we have done, no use looking back and saying sorry we failed, that's not good enough, we have thousands of small aircraft in the city of Anchorage, thousands, not one or two or the odd one here and there and we have a potential source of revenue from not only the migration of tourists from the United States in a northerly direction, this is all through the United States as well, and I beg to submit that even though coming from the south, the travellers on the Alaska Highway are more inclined to be going



Mr. Livesey continued:

to Alaska then they are to the Yukon. Now this is a fact we have to accept whether we like it or not. What I want to know is what pressure are we trying to put on Ottawa to try to attract this revenue from Alaska, I don't think we're doing very much, I really don't and the results are shown here where we're still not looking in this direction for the results from Travel and Publicity. Here we have an Airport at the border which couldn't be built by the Government because they don't have the money -- they're broke, but the private people of course have got the money, and they can do the job, how, I don't know. The comparisons are odious. The Point of Entry for the Yukon Territory is right here in Whitehorse, that's where your Point of Entry is. Even if you come from Anchorage, Fairbanks, Nome I don't care where you come from the Port of Entry is Whitehorse. I don't understand it, I never have understood it, and I'm more confused now than I ever was before, with the lack of action, to try and get something done. Just to show you how foolish this thing is, we have a small aircraft sitting on the privately built Airport at Beaver Creek and he wants to cross the land and go to Alaska, theoretically if he wants to come back, he's got to fly to Whitehorse to check back in so he can fly back to Beaver Creek. This is nonsense, let's get down to something sensible. Not only that but you have these flying farmers going over in the Summertime, by the hundreds, well we could bring those down, if we had an Airport there. This revenue is going to Nca hway, instead of coming over to the Yukon. It wouldn't be so bad if we had no Customs Officer there, but we have, we've got a Customs Office there. We've got the Customs Office, we've got the Airstrip, we've also got the energy and I think we've also got the interest, in certain areas of the Yukon, to get something done in this direction and Mr. Chairman, I am very dissatisfied with the actions of the Government that nothing has been done to try to promote more travel from Alaska to the Yukon Territory and I don't care whether its a visit over the weekend to come fishing in Kluane Lake, or fishing in Kathleen Lake or in the Haines Junction area or anywhere else in the Yukon, it doesn't matter. The point is we should be making some attempt to gain an increase in our Travel profits from the 50th State in the Union. There's no reason why we should be ignoring this fact. Thank you Mr. Chairman.

VOTE  
#12

Mr. Dumas: Mr. Chairman, I agree entirely with the Honourable Member from Carmacks-Kluane about his observations on making Beaver Creek a port of Entry to the Yukon and I believe that this would encourage traffic from Alaska to Yukon, but to suggest that the department of Travel and Publicity is not doing anything to encourage the tourists from Alaska and transportation and communications both ways from Alaska to the Yukon and back again would be wrong. I know that leads as they're called in the sales business, are traded between the Department of Travel and Publicity in Alaska and The Department of Travel and Publicity in the Yukon and something like 13,000 of them in fact, were traded last year. What these are, are letter that have been written to the Department in Yukon are forwarded after they're processed here, forwarded to Alaska for processing and vice versa, they would return this service. Both the State of Alaska and the Territory of the Yukon try and encourage these visitors to take in the whole north country. Now, under Primary 61, one of the Travel and Living Expenses allowances was for attendance at the Alaska Travel Promotion Association \$1500.00. Our Department does encourage visitors

Mr. Dumas continued:

VOTE  
#12

from Alaska, and as I recall, of all of the places out of the Territory that they have visitors from, Alaska stands second on the list, I think its second only to California. Its not something that is being overlooked by the Department of Travel and Publicity and I think they're doing a good job on it and they're working hard at doing a better job on it.

Mr. Commissioner: Mr. Chairman, just for backup information on this, there is a continuing source of liason between Alaska State officials and our own Department in fact this morning there was permission given to our Director of Travel and Publicity to attend a meeting in Skagway tomorrow or Thursday rather in connection with a ferry scheduling this summer, also we have an arrangement, a tentative arrangement which we hope is going to be fulfilled, where we will be having a telex service provided by the Alaska State Ferry people at the Haines Junction information booth, operated by the Territorial Government, and I would say that there is every reasonable effort being made within the funds that we have available to encourage travel back and forth between the two areas. However, notwithstanding all this, I would certainly support very strongly the point that has been made by Councillor Livesey, namely that the position of a Port of Entry in some other point in the Territory, than Whitehorse, where you can land an Airplane is a very highly desirable situation.

Mr. Chamberlist: Mr. Chairman, I don't think they've answered the question in my mind that was raised by the Honourable Member for Carmacks-Kluane. He dealt specifically with the Airport at Beaver Creek, I don't think the Commissioner's answer specifically dealt with Beaver Creek but with someother Port of Entry other than Whitehorse. I think that the Administration should definitely make representation to the Department of Transport in relation to the Airport there and also make arrangements with the Department of National Revenue as well for the facilities of that Airport to be used as a Port of Entry. I think its up to us as Members of Council as well to recognize that an Airport Entry at Beaver Creek would bring a lot of revenue into the Territory. Pecp.e leave Whitehorse here in private planes and they land at Northway to get gas and things like that which could be very easily sold at Beaver Creek where the tax revenue would be coming to the Territory itself. May I suggest, Mr. Chairman that the Administration get in touch through proper channels with the Federal Government and let them have some details of what the Honourable Member from Carmacks-Kluane suggestions are in relation to this particular point and see at least what reply they would give, at least we can go on from there.

Mr. Shaw: Mr. Chairman, I fully support the remarks of the Member from Carmacks-Kluane, but we are dealing with two departments of government in this particular instance and they're namely the Department of National Revenue, real Shylocks, something like Scrouge at the border that want to get any money for things that people are bringing over but they don't seem to want to provide the service that is necessary. The same applies to the Department of Transport, I don't know what them characters are doing down there, it costs a tremendous amount of money, but as far as the North is concerned, they don't even look at it. This has been going on for ten years. You can't even get an answer...

Mr. Chamberlist: You don't like Pickersgill

VOTE  
#12

Mr. Shaw: I should say I don't, I've no reason to like the gentleman, and I'm most complimentary when I say gentleman, because I'm in this House, Mr. Chairman. Nonetheless, he's absolutely, completely and totally ignored these requests. Here we have a port there, where the small planes can go back and forth. They have to fly I don't know how many hundred miles to come here to get out of the Territory. How stupid can it be? The Customs Department in the Dawson area, they decide that they're maybe losing revenue so they build a house up in the mountains about 60 miles away and they try that for a couple of years and finally it doesn't work so they come back into Dawson again and then they find out that on account of Clinton Creek they may be losing a little bit of revenue so I believe they are contemplating going back in the Mountains again. I don't know how long that'll last or how they're going to work it, I get lost on some of these things. Nonetheless, the Member from Carmacks-Kluane, what he has stated is a very simple matter. I don't know what an Airport would cost to construct out there, maybe ten, fifteen thousand dollars for the flattening of that ground, its apparantly got everything in its favor, just as a landing strip and right next to it you have a Customs, a Port of Entry where people can come and people can go, that's sensible. Any business enterprise in the world, I am sure, would consider that this was logical, sensible and a good business proposition. Any enterprise but the ones we have to deal with and they're so far away that you can't even get their ear, you can't even get them to answer a letter. I certainly would like to know where we go from here Mr. Chairman, What have we got to do. I suppose maybe if all the Members of Council put on long beards, got placards, and went over to Beaver Creek and stumped around in front there that we want an Airport and got it on the CBC we might get some action. Perhaps that's what we should do.

Mr. Livesey: There is another point I'd like to add. I won't continue with this. There is another point and that is eventually the United States is going to have to ~~make~~ make a decision as to whether they're going to bring their Customs Office from Toke down to the Border. I understand they have the land there and they've built the water and so on and they've got some political problems in the borough at Toke with regard to the release of the Customs Office going South, but nevertheless someday that change is going to take place and then a decision is going to have to be made as to what you're going to do with the Customs at the border. Whether, we're going to go right back to the border and join up with these people, because they have a plan already figured out where they are going to co-enjoin both the United States Customs and the Canadian Customs and whether they do or they don't now it depends for instance on this Airport situation. It may become eventually involved in the argument as to what we will do as a consequence. So there's another point in relation to.....

Mr. Commissioner: Mr. Chairman, I would just like to confirm the fact, and I'm sure that Councillor Livesey would do this too, that we are already doing the things that Councillor Chamberlist has suggested that we do and Councillor Livesey has been given a copy of the latest correspondance, which I'm sure is what has prompted his discussion here today. There is approximately \$1,000,000.00 per year available in Canada for the type of Airstrips that we are looking to get done at such a place as Beaver Creek and I would like to suggest that there is only one way that this Airstrip is ever going to be brought up to some kind of standards where the type of Aircraft can regularly use it,

VOTE  
#12

Mr. Commissioner continued:

that we're speaking of here, and that is if funds can be found in the Territorial estimates. I'm afraid that if we wait for our share of the \$1,000,000.00 per annum that is available all across Canada for this type of Airfield construction, we will all be memories here before it ever happens.

Mrs. Gordon: Could I ask the Commissioner if he would ascertain if the Department of Transport who now have various plots located throughout the Territory, would take any exception to the people within an area clearing and making their own Airport.

Mr. Commissioner: Well, Mr. Chairman, its going on throughout the Territory everyday of the week.

Mrs. Gordon: On D.O.T. surveyed ground?

Mr. Commissioner: This is something I could not confirm, but as far as Airport construction is concerned, why one has been constructed in the Territory in the last two years I'm sure I could say there have been at least ten.

Mrs. Gordon: But this was the question I asked, do you think you could ascertain how much objection they would take.....

Mr. Commissioner: Mr. Chairman, without getting down to the point of an answer, I would say this, that it would be very difficult for any gross exception being taken to improving something for the purpose for which it was ultimately intended. Now perhaps permission couldn't be granted but I would like to see who would have the temerity to bring these type of improvements to a half, but I will certainly make the enquiries.

Mr. Shaw: Well I was just going to comment, Mr. Chairman, it seems to me that's an effective way of doing nothing. They decide to do a survey and then they freeze the land and say well that's it buster, you can't go any further. They had no intention of doing anything in the North. There has been money made available for years if you can get a hold of it by some means or other. Possibly in Territorial funds, what is the Department of Transport for? What is their job supposed to be? I don't know I haven't a clue, except regulating everything. They certainly haven't put anything into the North. They've improved this facility here and that's as far as they've gone. Show me something else they've done and I've been here for quite a number of years.

Mr. Chamberlist: What about Burwash Landing?

Mr. Shaw: Now, what's at Burwash Landing, I haven't a clue. And I haven't a clue what main land runs up to Burwash Landing. What scheduled Airline goes up to Burwash Landing? Perhaps the Honourable Member for Whitehorse East could explain that to me.

Mr. Livesey: The move to Burwash Landing, I have always been opposed to it. It was done contrary to any suggestion I ever made, when they closed down the Ashihik and Snag Airports. My suggestion was that they use the Beaver Creek Airport and the Burwash Landing Airport, because of a very high wind district there and it is on what we call the Blue Route. Its not on the main route. The main route travels in a totally different direction. The main route does cross over Mile 1204 which is the amber route, the main aircraft route from Whitehorse to ..... and certainly not on any main route whatsoever. I think

Mr. Livesey continued:

the main idea of putting this in this area was no doubt, Ottawa felt that this was a central area and that they would be wise with what they had taken away from the Snag Airport and the Aishihik Airport and put it in the center. This was one way of keeping up the communications track without any necessity to provide any real airport facilities for travelling aircraft. That main runway, Burwash Landing was put in by Elliot Construction, during the time when the Alaska Highway was being built and it is a very good runway, but there's been no particular improvement done to it as far as I know of, its just merely cleaned it up and kept it in good shape. Its good gravel and no cross winds as far as that goes, they have a tremendous south wind at time, tremendous, very high wind area, but to my way of thinking there is no other, it wouldn't make even a Port of Entry, there's no Customs facilities present. There is the problem.....

VOTE  
#12

Mr. Chairman: Order please, I wonder if you have anything further on Travel and Publicity ?

Mr. Chamberlist: I have Mr. Chairman, however I don't think we're going to have time. I wanted to talk a bit more about this particular point because the Honourable Member from Dawson suggested "What has the Department of Transport done - nothing. I only mentioned Burwash just for the simple reason that nothing is a word that should not be used. Also, I wish to go into all the details and add up all the money that has been spent on the .....in the Whitehorse Airport and the renovations to Buildings at the Whitehorse Airport and some work done on the Airport at Watson Lake then the dollars would add up. Certainly the Dept. of Transport hasn't done all that it should do but to say that it has done nothing this is wrong. Well I'm on my feet I would want to go onto another subject unless Mr. Chairman wishes to revert to the House then I will ask my question tomorrow.

Mr. Shaw: Mr. Chairman, might I answer the Honourable Member from Whitehorse East. I think if we look at it very closely, we will find Mr. Chairman, that the money was certainly expended on the Whitehorse Airport; which is 80 miles or maybe not that much from the B.C. border. That's just the start of the Yukon, I'm talking about the North and I think Mr. Chairman, that if the Honourable Member goes North of Whitehorse that he will find that the Department of Transport opposed more Airports than what they have built up.

Mr. Taylor: Might I just draw your attention to the time.

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

Mr. Shaw: I second the Motion.

Mr. Chairman: I wonder if Mr. MacKenzie could be excused at this time. It has been moved by Councillor Gordon, seconded by Councillor Shaw that Mr. Speaker do now resume the Chair. Order please... Are you prepared for the question?

Some Councillors: Question.

Mr. Chairman: Are you Agreed?

All: Agreed.

Mr. Chairman: I will declare the Motion Carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: I will now call the House to Order. May we have a Report from the Chairman of Committees.

REPORT  
OF  
COMMITTEES

Mr. Taylor: Mr. Speaker, Committee convened at 2:05 p.m. this afternoon to discuss Bills and Sessional Papers. Mr. Ken MacKenzie and Mr. B. DeKline attended Committee to discuss Bill No. 13. It was Moved by Councillor Dumas, seconded by Councillor Chamberlist that item 629 in vote 6 be reduced by 13,000 to a figure of \$18,000.00. This Motion carried. It was moved by Councillor Dumas, seconded by Councillor Chamberlist that estimate 630 in vote 6 be reduced by \$2,000.00 to \$6,000.00. This Motion carried. It was moved by Councillor Dumas, seconded by Councillor Chamberlist that Primary 69 establishment 628 of vote 6 be reduced by \$1,000.00 to \$4,000.00 This Motion carried. I can report Progress on Bill No. 13, It was moved by Councillor Gordon, seconded by Councillor Shaw, that Mr. Speaker do now resume the Chair and this Motion carried.

Mr. Speaker: We have heard the report of the Chairman of Committees, are we Agreed?

All: Agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Taylor: Mr. Speaker in respect of the adgenda for tomorrow I would suggest that we proceed with Bills and Sessional Papers.

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

Mr. Speaker: Are we Agreed?

All: Agreed.

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

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. 27 to 33 inclusive. Are there any Reports of Committees? Introduction of Bills? Notices of Motion or Resolution?

Mr. Shaw: Mr. Speaker, I have a Notice of Motion, seconded by Councillor Livesey, as follows: "Be it resolved that a plebiscite be held at the earliest opportunity to determine whether or not the age for legal consumption of alcoholic beverages should be reduced from the present 21 years to 19 years of age. Such question to be worded, "Are you in favour of lowering the legal age for the consumption of alcoholic beverages from 21 to 19 years of age". Be it further resolved that all Yukon residents of the full age of 19 years of age and over be allowed to vote on this question."

NOTICE OF  
MOTION  
#11

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

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion re Sessional Papers 28 and 29.

NOTICE OF  
MOTION  
#12

Mr. Speaker: Does the Honourable Member have the Motions prepared so that the House will know what he wishes to be done with 28 and 29?

Mr. Chamberlist: Well, this is just a Notice of Motion, I understand.

Mr. Speaker: Yes, but we have understood that Notice meant that in order that the Notice had been given that it be read before the House.

Mr. Chamberlist: I wish to give Notice of Motion that Sessional Papers No. 28 and 29 be passed into Committee of the whole for discussion. Thank you, Mr. Speaker.

Mr. Speaker: Thank you, sir. Are there any further Notices of Motion or Resolution? Notices of Motion for the production of papers? Passing to Orders of the Day we have two Motions on the Order Paper this morning. One is Motion No. 9 moved by the Honourable Member for Whitehorse West and seconded by the Honourable Member for Mayo, that Sessional Paper No. 1 be discussed in Committee of the whole. Would the Honourable Member be prepared to proceed with Motion 9 at this time?

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: Motion No. 10 on the Order Paper. Moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Dawson, that Sessional Papers No. 24 and 26 be discussed in Committee of the whole.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: I wonder, Mr. Clerk, if you could obtain Mr. Commissioner for the question period this morning? I will declare a five-minute recess.

RECESS

RECESS

Mr. Speaker: I will now call the House to order. You may proceed with the question period.

QUESTION RE  
REMOVAL OF  
FLIGHTS TO  
YUKON BY  
CPA

Mr. Taylor: Mr. Speaker, in view of the most urgent situation in respect of the CPA change of schedule as it affects the Watson Lake area, I wonder if Mr. Commissioner has yet been able to determine what is going on with the CPA people and how we might get CPA to change their minds and maintain the continuity of service they now provide this community.

Mr. Commissioner: Well, Mr. Speaker, I would like to answer on behalf of the service to the Yukon, not necessarily to any one community, and I wonder, Mr. Speaker, if I might have the privilege of replying to this question later in the day after a further telephone call that I am trying to get through now to the President of CPA and at that time I will not only have the content of my conversation with him but will be supplemented by the further information that my Administrative officers have made available to me?

Mr. Chamberlist: Well, Mr. Speaker, I wonder if at the same time - a question to the Commissioner - whether the Commissioner would at the same time bring forward a reply or any information he might receive if he were to contact the Minister of Indian Affairs and/or the Minister of Transport with reference to this very serious matter?

Mr. Commissioner: Well, Mr. Speaker, I couldn't promise to do that at the same time.

Mr. Chamberlist: I appreciate that it can't be done at the identical time but it would take a few minutes in between both conversations. I wonder if Mr. Commissioner will do it this afternoon? May I have an answer to that, Mr. Speaker, if Mr. Commissioner is prepared to contact Ottawa in relation to this subject because it is most serious, most serious?

Mr. Commissioner: Mr. Speaker, there is no reticence on my part to bring forth any and all information, and also there is no reticence on my part to bring this matter to the attention of all parties concerned, but I certainly would seek Council's indulgence concerning the particular request that has been made until such times as the opportunity would present itself that the contacts as outlined could be properly made.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask the Commissioner whether in his discussions with the President of CPA he will ask the President whether the increase in transcontinental service granted by the Board of Transport Commissioners to CP Air has anything to do with removal of one of the 737s that has been slated for the northern run to the transcontinental run?

QUESTION  
RE TAKE-  
OVER OF  
FISHERIES  
BY YUKON

Mr. Speaker: Are there further questions?

Mr. Taylor: Yes, Mr. Speaker, I'm sure the Yukon awaits with bated breath the Commissioner's proposed announcement for Wednesday morning respecting the take-over by the Yukon of Fisheries, and I am wondering this morning if Mr. Commissioner could give me any



information as he had proposed for Wednesday?

Mr. Commissioner: Mr. Speaker, I will endeavour to get that before the day is out. I must admit that there were other matters that appeared to be more pressing this morning and this is why I don't have this with me.

Mr. Speaker: Are there further questions?

Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner. Mr. Commissioner, has the Administration met with the officials of Turret Construction Company, who are the likely company to carry out the Faro townsite construction, and if so, has assurance been given that labour, both skilled and unskilled, will be hired from the Yukon, and that employment will be offered to residents of the Yukon first?

QUESTION RE  
HIRING OF  
YUKON LABOUR  
TO CONSTRUCT  
FARO TOWN-  
SITE

Mr. Commissioner: Mr. Speaker, the conversations that my officers have had with Turret Construction up until now have certainly not gone that far. We are still endeavouring to properly analyze the proposal these people have made. They had two of their representatives here in Whitehorse last week, and they spent considerable time with my Engineering Department. The situation as it stands now is that further information is awaited from the Turret people with regard to their proposal.

Mr. Chamberlist: A supplementary.....

Mr. Speaker: The Honourable Member from Watson Lake.

Mr. Taylor: I'll bow to the Honourable Member from Whitehorse East if he has a supplementary.

Mr. Chamberlist: Supplementary, Mr. Speaker, to the Commissioner. In view of the problems that have developed with other companies in the Anvil and Faro area with reference to the employment of local labour, I wonder if Mr. Commissioner can give his assurance that before a contract is entered into with Turret Construction - if a contract will be entered into with that company - that absolute assurance be given that Yukon labour will be employed notwithstanding any union problems that might exist between unions that have not locals in the Yukon area?

Mr. Commissioner: Mr. Speaker, that is a very difficult firm assurance to be called upon to give. I am not entirely sure that this would be possible or practical. I say this, that I have just as much interest in seeing that the opportunities and the rights of local labour for opportunities in the Yukon for employment are preserved to them as any Member of Council has, and I would certainly say that we would do anything that our good offices can to assure this but certainly for me to give this as a carte blanche assurance would be something, Mr. Speaker, that I don't feel I have that capability of.

Mr. Chamberlist: Mr. Speaker, a further supplementary.

Mr. Commissioner is aware that the assurance of a right nature was given at the time of the commencement of the work at Anvil and many Yukon residents have suffered because of the inability of not being allowed to work on that project. Would the Commissioner say that he will leave you the basis of employment that has been laid before and alter it in such a way in legislation, if necessary, to assure that local people will be permitted to work on the Faro townsite project?

QUESTION RE HIRING OF YUKON LABOUR TO CONSTRUCT FARO TOWN-SITE

Mr. Commissioner: Mr. Speaker, to the best of my knowledge the agreement that is referred to by the Honourable Member is not the pre-production agreement between the Federal Government and the Anvil Mining Corporation, but the time at which the Anvil Mine will come into production, and I am quite prepared to review the content of this agreement and determine as to whether or not the parties to it are living up to the various items that are indicated, but I am certainly in no position to give any assurances that one way or the other that we would be in any position to force conditions to exist which at the present time have been subject to negotiations that are not related to the agreement that has been referred to.

Mr. Speaker: Are there any further questions?

QUESTION RE TELEPHONE RATES IN YUKON

Mr. McKinnon: Yes, Mr. Chairman, the following is an advertisement from B.C. Telephone in the March 17 edition of the Province and it is concerning night owl service, and it says, "Call tonight and save yourself money. You can call almost anywhere in the continental United States and Canada between midnight and 6 a.m. for a maximum cost of \$1.00 for three minutes. However..." - here is the catch, Mr. Speaker - "Alaska, Yukon, Northwest Territories and a few northern Canadian points are not yet included in the night owl zone." I wonder if Mr. Commissioner could tell us when the same rights and privileges accorded to all the rest of North Americans will be accorded to the people of the north in phone rates?

Mr. Commissioner: When automatic direct district dialing equipment is installed and is lying dormant for a goodly portion of the day. This is the answer that was given by the Canadian National Telecommunications people to the Whitehorse Chamber of Commerce when they made this same complaint to them here six months ago.

Mr. McKinnon: A supplementary question. When will the direct dialing service, which is use in the rest of the North American continent, be brought to northern residents?

Mr. Commissioner: Mr. Speaker, I do believe that there was an indication in this report given to the Chamber of Commerce as to when this might be available. I'm sorry, I don't know it, but we have a copy of the brief in the files here that was presented by CN and I will gladly bring it forward to the Council.

Mr. Speaker: Are there further questions?

QUESTION RE ESTABLISHMENT OF PERMANENT POLICE MAGISTRATE AT WATSON LAKE

Mr. Taylor: I have a further question, Mr. Speaker. I would like to direct to Mr. Commissioner this morning, and would ask if there has been any representations made by the Administration to the Department of Justice with a view to the establishment of a permanent magistrate - a permanent police magistrate - at Watson Lake?

Mr. Commissioner: Mr. Speaker, the answer to the question is no, but the whole question of the staffing of the judicial functions here in the Yukon either is or has been under review by the Department of Justice.

Mr. Speaker: Are there further questions?

Mr. McKinnon: Mr. Speaker, on November 22, 1968 the following unanimous Motion was passed by Council: "It is the opinion of this Council that immediate consultations begin with the City of Whitehorse with a view to implementing the recommendations of the

Pollution Survey, Whitehorse Area conducted by Dr. Lyle Black, Medical Health Officer for the Yukon Territory." It being almost four months to the date that this Motion was passed unanimously by Council, I wonder if the Commissioner is prepared to tell me whether any action has been taken to date on this Motion?

QUESTION RE  
ACTION TAKEN  
ON POLLUTION  
SURVEY

Mr. Commissioner: Mr. Speaker, I will have to bring this forward as a written answer. There has been considerable work done with regard to the pollution problem in general, but as to the exact details of it I would like to bring forward a written answer, Mr. Speaker.

Mr. Speaker: Are there any further questions? If not, would the Honourable Member....

Mr. Taylor: I just have one further question I would like to direct to Mr. Commissioner. When, in the Administration's opinion, will negotiations be started and preparations for negotiations be started in relation to the forthcoming Federal-Territorial fiscal relationship?

QUESTION RE  
COMMENCE-  
MENT OF  
NEGOTIATIONS  
RE FORTH-  
COMING  
FEDERAL-  
TERRITORIAL  
FISCAL  
AGREEMENT

Mr. Commissioner: Mr. Speaker, I would say that they're at least five or six months away yet before anything of a really concrete nature can be done. There is a continuing exercise going on within our own Administration concerning budgetary requirements off into the future but before anything of a really concrete nature can be established along the lines that the Honourable Member has questioned, I would say at least another five or six months would have to have elapsed.

Mr. Taylor: Supplementary to my last question, Mr. Speaker, and I am very concerned mostly with the development of the Game Department in the Yukon. I am wondering if Mr. Commissioner could tell me when or at what point in time will he be asking his various departments within the Administration to submit their requirements for say, the next three years, five years, or whatever it might be?

Mr. Commissioner: Mr. Speaker, the five-year forecast for capital expenditures are in the process of being up-dated at the present time. As far as operation and maintenance expenditures are concerned, they are going to be related very greatly to the capital that is made available and why as one falls or fits in with the other, I think that we are going to have to establish in the first instance at what rate capital funds are going to be made available in the course of the next few years before we can call upon our department heads to firm up their operation and maintenance requirements.

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner. Mr. Commissioner, can Council be informed of what participation the Territorial Government is taking in the proposed agreement between Acorn Lumber Company and the Federal Government with reference to the disposal of some of the natural resources of the Yukon Territory, and supplementary to it, so that he can perhaps answer them together is, is the Territorial Government being asked as to what restrictions and in what manner will the logs, etc. be removed from the Yukon Territory?

QUESTION RE  
PARTICIPA-  
TION OF YTG  
IN PROPOSED  
AGREEMENT  
BETWEEN  
FED. GOV'T  
& ACORN  
LUMBER CO.

Mr. Dumas: Mr. Speaker, supplementary to that.....

Mr. Speaker: Order. Order, please.

Mr. Commissioner: I wonder if I could have the opportunity of bringing a written answer forward to this question, please, Mr. Speaker?

Mr. Speaker: Yes, the Chair would be more inclined to believe that this question should be a written question on the order paper.

Mr. Chamberlist: With respect, Mr. Speaker, we already have been given a Sessional Paper which did not answer this specific point. Now, we are going to have another Sessional Paper and this is why I am asking for an answer to this particular point.

Mr. Commissioner: Well, Mr. Speaker, I would have to say that at the moment I do not know the answer. I will have to get it.

QUESTION  
RE RE-SEED-  
ING TIMBERS  
CUT DOWN

Mr. Dumas: Mr. Speaker, supplementary to that. Could the Commissioner also find out and bring a written answer as to whether there is a re-seeding program in effect in the Territory where - re-seeding timbers cut down - whether there is any re-seeding done? I think this is quite - if the Commissioner could bring a reply, not only in this project but in other projects where timber rights are given to other companies, whether for firewood or whatever?

Mr. Speaker: Are there further questions?

QUESTION  
#9

Mr. McKinnon: Mr. Speaker, I promised Mr. Commissioner that I would give a written question upon his request regarding the CPA service to the Yukon, and the following is a written question: "Is CPA considering vacating their Yukon service to a regional carrier in the foreseeable future, and if such a policy is under consideration, what guarantees are there to Yukon residents that they will be adequately serviced, and is the equipment now in use on Yukon routes needed for CP Air's expanded transcontinental service"? Thank you, 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 the Chair.

Mr. Speaker: Councillor Livesey.

QUESTION  
#10

Mr. Livesey: Mr. Speaker, I have one question this morning addressed to the Administration on agriculture. Are government loans available for the development of agriculture in the Yukon Territory? Thank you, Mr. Speaker.

Mr. Livesey resumes the Chair.

Mr. Speaker: May we now proceed to Public Bills and Orders? May I have your directions, 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 Sessional Papers and Bills.

Mr. Speaker: Is there a seconder for the Honourable Member's Motion?

Mr. Dumas: I'll second the Motion.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: I will declare a brief recess.

RECESS

RECESS

Wednesday, March 19, 1969.

11:00 A.M.

Mr. Chairman: At this time we will call Committee to order and we have with us Mr. MacKenzie to assist in this discussion. We are dealing with Vote No. 12, Travel and Publicity Expenditures. VOTE 12

Mr. Chamberlist: Yesterday, Mr. Chairman, the Honourable Member from Dawson made reference to the Dawson .....Department of Transport not doing anything in the Yukon. I thought some information should be brought forward to correct this and I did a little research last night and I thought I would bring the following items ...

Mr. McKinnon: Mr. Chairman, on a point of order, how does the Department of Transport activity in the Yukon get into the Yukon Territorial Department Travel and Publicity Vote?

Mr. Chamberlist: Well, Mr. Chairman, obviously travel and Transport run together. I noticed, Mr. Chairman, there was no objection yesterday to the subject being brought up by the Honourable Member from Dawson so I see no reason why I can't answer the point that he made.

Mr. Chairman: I wonder if the Member could be as speedy as possible so we can get back to this Vote and proceed.

Mr. Chamberlist: Mr. Chairman, I will just carry on with going through .....in the manner that I think I should put the question forward. Anyway here is the information. In 1966-67 there was an expenditure of \$2,018,808.00 expended by the Department of Transport. During 1967 Airport Control Service at Whitehorse, which controlled total aircraft amounting to 28,246 plane movements. There was a maintenance garage and fire hall to be built in Watson Lake in 1969-70 that has been laid on and rehabilitation of the power distribution system at the Watson Lake Airport; in Mayo in 1967 there was an air ground .....installed and construction of the two-bay garage and transmitter building was completed. In Teslin in 1967 there was construction of a radio control building completed. In Whitehorse in 1967 there was construction of radio-control building completed. In 1968, Mayo there was a radio-control building constructed. In 1967 Watson Lake Airport development and lighting project at Watson Lake, in 1967 there was miscellaneous projects in Burwash, Teslin, Watson Lake and Whitehorse. In 1968 there was miscellaneous projects at Watson Lake, Whitehorse and Mayo and in 1968 there was Whitehorse Airport development lighting. I just bring this forward because the Honourable Member for Dawson said the Department of Transport did nothing. Now I made it. Now I would like to go on with the point that I wish to raise - with rentals of the Vancouver Information Centre and that is in Primary 68. Firstly, I wonder if we can get some information on why the costs of the Vancouver Centre - operating the Vancouver Centre is so high. For instance there are three Information Centres at \$2400.00. I take it then that the rental is \$800.00. There is the use of the Territorial Vehicle, Vancouver. Is this for Vancouver, this 7,500 miles? The leasing of four adding machines, are these in Vancouver? Now, those are the Vancouver Information Centre - they show a janitor service at twelve months at \$670.00 a month. Now, is this Centre open for twelve months and for \$670.00 a month for janitor service at Vancouver office. It appears to me to be a bit higher than that and also they have a separate item as miscellaneous as a provision of operation of the Vancouver Tourist office. Expenses of miscellaneous and unforeseen nature. I wonder if we can have information of the various items dealing with the Vancouver Information Centre.

VOTE 12 Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, the first \$2400.00 for Seasonal Information Centres are for Centres at Dawson Creek, Prince George and Prince Rupert and the use of Territorial vehicles will be for the same, probably for trips to go out to these Centres. Leasing of four adding machines same thing for these Centres and the Vancouver Information Centre, I think there is a misprint here. It says janitorial services \$670.00 a month is in fact the rental rate including janitor services. \$1200.00 is for leasing of office furniture and equipment for Vancouver Information Centre. The Centre in Vancouver will be open twelve months a year because it is not really a tourist centre but it will be used as an information centre regarding all of the activities that are taking place in the Yukon at any level, business, commercial, industrial and so forth. It was felt by the Budgetary Programming Committee that this would serve a very good purpose in Vancouver and might be instrumental in encouraging secondary industry, encouraging people who are interested in moving to the Yukon but who know nothing about it into actually coming up here and we felt, all in all, it would probably pay for itself in the long run. So that is why the expenditure was allotted by the Budgetary Programming Committee.

Mr. Chamberlist: Mr. Chairman, I take it then that where it said janitor services - that should be rental and janitor service - including, well in that case would somebody advise me why higher up it says, rental, provision for seasonal operation centres - three, \$2,400.00. It is already covered by rentals.

Mr. Dumas: Mr. Chairman, those are for the three Centres; one in Dawson Creek, one in Prince George and one in Prince Rupert that will be in operation for probably three months - four months.

Mr. Chamberlist: What is the \$1,760.00 for? Under Miscellaneous for Vancouver Tourist Office; this is what it says.

Mr. Commissioner: It is exactly what it says.

Mr. Chamberlist: Well, I've already been explained - I already had the, I already have been given information about the previous items to cover everything else in there. What is the explanation in this for now?

Mr. Commissioner: Exactly what it says, with respect, Mr. Chairman. Expenses of a miscellaneous and unforeseen nature in connection with this office. We have no experience with it; if we don't have some provision for this type of thing, why we are absolutely stymied at that particular point.

Mr. Dumas: We could find, in other words, that in the summer time particularly, the Information Centre might be overloaded with questions, with people coming in and it may be necessary to hire additional help. This is a possibility but the Commissioner points out that it is unforeseen; it is a possibility that we thought we should allow.

Mr. Chairman: Anything further on Travel and Publicity.

Mr. Chamberlist: I'm not satisfied, Mr. Chairman. This said Provision for Operation of Vancouver Tourist Office. Now, this has been set aside for provision of operation. Now if that is set aside for the provision of operation what are the other items for. Now, should it not be altogether or as so often is done in Budgetary items, something to split it up and to have something as a background. I think it should be clear. It is either part of

Mr. Chamberlist continues....

VOTE 12

it and should be added to it or if it is just put there for some purpose to make it look as if we are going to spend more money afterwards, you should say possible supplementary .....not give an explanation ....provision for operation.

Mr. Chairman: Mr. MacKenzie.

Mr. MacKenzie: May I comment on this. In 1968 it was provided for the rental, including janitor service, of the Vancouver Centre, we provided for the leasing of office furniture and equipment; now we have to provide for running the centre and that is what this \$1760.00 will be for. You are going to have stationary, you are going to have telephones, things like that and \$1760.00 is just a round figure to cover it.

Mr. Chamberlist: But there is already an amount for leasing of office equipment - as a separate amount of \$1200.00 and the rental and janitor services \$670.00 a month. Now, what is, how much is the rental on the Vancouver office?

Mr. MacKenzie: I regret I have not the details.

Mr. Commissioner: With respect on this, this is an estimated amount, \$670.00 a month that we do not know for sure. We have made enquiries of one or two real estate firms and this is the anticipated amount of space rental that we can conceive of. We will rent the office equipment, the desks, the typewriters, such other office equipment as required. We will rent this. This is the \$100.00 per month. There are multitudinous other things that will be required in the operation of this office. We do not know exactly what they will amount to. It was thought to be a reasonable provision to provide something that would equate roughly at \$150.00 a month which is placed here at \$1760.00 to provide for these other items. I can assure you that there is no anticipation of using this for anything other than what would be looked upon as properly justifiable costs in connection with this operation.

Mr. Chamberlist: Mr. Chairman, if this is going to be open for twelve months, where is the item for supplying office staff for the twelve months? If it is going to be open for twelve months you have to have people in there for twelve months. Personnel. Now, where is it covered? That particular item!

Mr. Dumas: With respect, Mr. Chairman, we haven't discussed in any of the Votes we have gone through. Vote 16 covers them for all Departments.

Mr. Chamberlist: I have already looked at Vote 16. I am looking for an amount that covers the twelve months of operation.

Mr. Chairman: Order, gentlemen.

Mr. Commissioner: Mr. Chairman, it is very possible that there may not be an individual item in your Personnel Vote that will cover this particular situation but certainly there is some provision in that Personnel Vote which certainly can be properly allocated to this Vancouver Information Office.

Mr. Chairman: Anything further on Travel and Publicity? Councillor Shaw.

Mr. Shaw: I wish to thank Mr. Chairman, most sincerely, the Honourable Member from Whitehorse East in bringing forth these facts and figures to substantiate my statement of yesterday to the effect that the Department of Transport has done nothing north of Whitehorse for many years.

VOTE 14

Mr. Chairman: Is there anything further now on Travel and Publicity? Clear? Next is Vote 14, Yukon Regional Library, in the amount of \$94,081.00. Page 1403, 1404, 1405.

Mr. Shaw: Mr. Chairman, on this Library business, I wonder if the Commissioner knows if it has yet been finalized the damage that was done by a certain character to the Library a few months ago. Has that been assessed as yet?

Mr. Commissioner: Yes, Mr. Chairman, and I believe that in actual dollar bills it did not come to too large a figure and I believe the offending party has already been to see the Regional Librarian and indicated that he intends to make restitution for the damage.

Mr. Chamberlist: Mr. Chairman, would this be covered by insurance in any event, even if restitution was not made by the individual?

Mr. Commissioner: Could Mr. MacKenzie be called upon to answer that question; I'm sorry I cannot answer it.

Mr. MacKenzie: This was purely a break-in, was it not? I doubt if it would. My information is that we have approached the insurance company and we are not as yet settled with them.

Mr. Chairman: Is there anything further on the Regional Library.

Mr. Livesey: Mr. Chairman, I notice quite an increase this year, especially in the purchase of library books. I am wondering what percentage of the new thinking on new purchases for the Library concerns the education of the children throughout the Yukon through the use of the school system and what part of the new purchases are books other than fiction for the education of adults of the Yukon?

Mr. McKinnon; Mr. Chairman, the big increase in the amount allocated for the purchase of books is because the Regional Librarian is being used as the Purchasing Agent for school books that formerly appeared in the Department of Education Budget so out of this \$65,570.00, of this amount \$25,720.00 would formerly have appeared in the Department of Education Budget. However, we are using the offices of the Regional Librarian to keep a centralized book purchasing area for the Department of Education besides the Yukon Regional Library and that explains the big increase in the Budget for the last year. This is for school libraries, Mr. Chairman. That is not school text books.

Mr. Chamberlist: Mr. Chairman, I notice that under Primary 61 there is an item of \$1,700.00 for supervision and inspection of branch and school libraries outside of Whitehorse, approximately three trips a year, and immediately following that there are two items which is for branch library staff to travel to Whitehorse for one day training program and the expenses for living allowances. Now, if the Superintendent is going to these outside places to inspect these libraries, why can't the training program take place there when he goes - so we don't have additional expense incurred, a two way trip. Can't we cut that down.

Mr. Commissioner: Mr. Chairman, with respect, this is not a practical situation. The practical thing to do is to bring the people who are going to be given the training - to bring them to the point where the training aid and the actual function can be best illustrated to them and I can assure you that this brings about nothing but good as far as the people are concerned to assist them in giving better service to the communities in which many of them are volunteer workers.



Mr. Chairman: Councillor Shaw.

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Mr. Shaw: Mr. Chairman, I would like to expand further on this particular thing. For years the Library at Whitehorse has had paid help, paid this and paid that in a most beautiful building whereas the libraries on the outside in the hinterland they have had to make do with some corner in some abandoned liquor store or some other place. Now, the attempt is to try and give the people in these other areas better service, which is being done and it is to be commended upon and it is about time that it was done. Now, these people have been working voluntarily all these years; so all of a sudden we are starting to bring up the standards in these outside areas and through giving them necessary training with the facilities which they have down here which have been created by the generosity shown by the Council and the Administration in the past to this large area. All we are doing is trying to catch up and I just can't see why, when something like this occurs there should be any objections from any member of Council, particularly a member of Council who represents an area that has had all these facilities all these years, five, six, seven or eight years.

Mr. Chamberlist: Mr. Chairman, the Honourable Member for Dawson surely must appreciate that the function of the Members of this Committee is to try and see ways and means where there can be a dollar saved and if I stand up to ask if this could not be done, it is simply a question; there is no point at all in the Honourable Member getting so hot up about it because it is possible that the reason why they haven't had these facilities in a place like Dawson is because not too many people were interested in reading. .... able to read now.....

Mr. Livesey: Mr. Chairman, without delving into my quiver, I would like to .....the Honourable Member from Dawson and agree with him in this.....because it seems to me that trying to live in the Yukon away from the more popular areas is a question of the survival of the fittest and in this respect they need more than they've got and have needed it for a long long time and if anyone who feels so generous that they can impart with their great goodies and allow them to be transferred to others who need them twice as much as they may need them themselves, I think this is an honest gesture but I also think it is a necessary one. I think in time it will eventually strike home that it is these outlying areas that really are developing the Yukon and developing the north and the push north is not going to be made by remaining in any southern area or in any one particular spot so this is part of my question this morning too with regard to adult education. I feel there should be more adult education through the library or through any other source in the outlying areas so that we can help ourselves to produce.

Mrs. Gordon: Would somebody explain to me the increase from \$371.00 to \$2,328.00 in the grant to the U.K. Community Club in aid of remuneration of the Elsa Branch Library supervisor? I think we had a Sessional Paper a while back that discussed not only that area but others besides and I don't see it included in here. Primary 70 on 1404.

Mr. McKinnon: Mr. Chairman, as far as I understand it there has never before been any grants paid - that the grant was just for the running of the library but there were no salaries paid to those people at UKHM, is this not a fact?

Mrs. Gordon: Yes, Mr. Chairman, it is correct but it is also true of Dawson, Watson Lake and Mayo.

Mr. McKinnon: Mr. Chairman, you will find the salaries for these personnel on these various other communities in the Personnel Vote of the Section but because this was a community club run by the

VOTE 14

Mr. McKinnon continues....

United Keno Hill Mine that they could not come under Territorial salary requirements as other people could so they had to be given as grants for the Library was the way the Regional Librarian explained it to us.

Mr. Shaw: Mr. Chairman, I believe that this is a situation whereby in many places in the Yukon, the smaller ones the government helps them with a building and provides the heat and so forth and I believe in Keno, I think that is my understanding, I haven't got a notation of it Mr. Chairman, at Elsa if the Company provides all the facilities then this is one way of reimbursing them rather than - you can't get in to paying them for the fuel and heat. I think that is about the size of it. It boils down to about the same thing.

Mrs. Gordon: Would somebody refer to me the page where the salaries are tabled under the Personnel item?

Mr. Chairman: ....Page 21.

Mrs. Gordon: I don't recognize any of the names as the library clerks in any of the three areas that I am familiar with.

Mr. Shaw: Mr. Chairman, I think that we find when a grant is made to an organization that it would not specify that it had to be a Territorial employee to have to come under the Personnel.

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: I can understand this relating to United Keno help community club for the Elsa Branch Library but if we are going to hire people in Elsa and Dawson and Watson Lake it should appear under the Estimates in Vote 16 and as I say, I don't recognize any of the names who are listed here as being the Librarians in these various areas.

Mr. MacKenzie: This would not appear in Vote 16. We wouldn't want this person to be an employee of the Territory subject to all the rigmarole of employment, leave, termination and sick leave and this and the other and superannuation so we make a grant to the Company.

Mr. McKinnon: The question asked is where are the payments allocated to the Librarians in Mayo, Watson Lake and Dawson. Now which Vote would that be in?

Mr. MacKenzie: I doubt whether payments are made at all.

Mr. Chamberlist: Well, the question then, and I agree with the Honourable Member from Mayo, why should a librarian be paid in Elsa and not in the other Communities. Surely if the volunteer, or is it volunteer librarian is being paid and receiving payment in Elsa surely must apply to the other areas as well. I want other members of Committee to realize that I support certain things in their particular areas in the hinterland.

Mr. Shaw: Mr. Chairman, this is a very good point. It appears to me that this was accepted last year by the Council that provision has been made for these grants to be made to these various outside libraries and apparently we must have overlooked the admission of this in the Estimates. Would that not appear so Mr. MacKenzie?

Mr. MacKenzie: I don't recollect what happened, Mr. Chairman and as to why United Keno should be the only library in receipt of a grant, I can't say, a special arrangement I'm not informed about.

Mr. Chamberlist: Mr. Chairman, Councillor Shaw as a Member of the Financial Advisory Committee, must give major attention to the needs of the outside areas while sitting in that Committee. It is most important.

Mr. Shaw: That is quite correct, and I have to admit this is something I have overlooked and I can assure you, Mr. Chairman, that if I have overlooked something - you know if you are spending about \$14-15 Million dollars sometimes you can overlook something and that appears that that has been overlooked. I can't seem to find it. I did know it was a policy and I didn't have the same concern that it wouldn't be there and apparently I have been remiss in this particular section and I will take any due criticism which happens to emanate from my left.

Mr. Commissioner: Mr. Chairman, with respect, may I ask a question on an entirely different subject which I would like an answer from Committee on at this time?

All: Agreed.

Mr. Commissioner: I have a request from the President of CPA to see if two representatives from his Company could meet with Council in Committee tomorrow afternoon at two o'clock.

All: Agreed.

Mr. Shaw: Could we leave this in abeyance to see if we could get this particular matter resolved.

Mr. Chairman: Mr. Clerk, would you so note and see if you can get the answers to these questions? Is there anything further on the Yukon Regional Library? Clear? Next is Vote 15, Welfare. VOTE 15 The first item is Administration, \$19,362.00.

Mr. Livesey: Once again, Mr. Chairman, unfortunately, I will have to make the same observations as I made before and that is that it seems to me that the cost of management once again far outweighs the cost of services to those who need the services.

Mr. Chairman: Anything further on Administration. The next item is Child Welfare Services, \$213,220.00.

Mr. Dumas: Mr. Chairman, could I ask for information with regard to how many children there are to which this cost applies.

Mr. Chairman: These are listed, I believe, or an estimated list, in the various sections of the Child Welfare Budget.

Mr. Dumas: 175 under Materials and Supplies, 87 under recoverable.

Mrs. Gordon: Mr. Chairman.

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: A question in relation to this provision of clothing requirement in the amount of \$17,500.00. In my area I know of instances where the foster parents have tried to economize and look after the welfare of these children. They have received an allowance for clothing and they have been told spend it. To economize in this particular field is held, I'd say as a policy of the Department is being foolish and it is something that I can't understand. A home where a foster mother foster parents give good care to the children, they save the Territorial Government and the taxpayer money and they are arbitrarily

VOTE 15

Mrs. Gordon continues....  
told "spend that money because you received it"! This I don't think is good enough. I think we need answers to these kind of questions.

Mr. Chairman: Mr. Clerk, would you note those questions? Have you anything else on Child Welfare Services? Next is Social Assistance \$101,895.00.

Mr. McKinnon: Mr. Chairman, it might help Committee that of the total expenditure of \$101,895.00 for Social Assistance for the Territory 50% is recovered from Canada under the Canada Assistance Plan.

Mr. Chamberlist: Mr. Chairman, I note that there is a decrease this year of \$11,480.00. I wonder if Mr. Treasurer can say whether reducing, the decrease in this particular Vote is made up by an increase placed in another Vote. Has any part of it been transferred to another Vote?

Mr. MacKenzie: Not that I am aware of Mr. Chairman, I don't know what the difference is due to.

Mr. Chairman: Anything further on Social Assistance? The next is Old Age Assistance, \$13,500.00. Clear?

All: Clear.

Mr. Chairman: Blind Persons Allowance, \$504,000.00. Disabled Persons Allowance, \$300,600.00. Alcoholism Services \$200,890.00.

Mr. Chamberlist: Mr. Chairman, it seems to me that this is somewhat low. Are we giving sufficient in the Alcoholism Services if there is only \$200,890.00 involved. Perhaps this particular Department is not being helped with sufficient finance to carry out a full program. It seems to be awfully low. I wonder if anybody can give us any information on why this particular item is so low.

Mr. McKinnon: Mr. Chairman, these are the estimates that were received from Mr. Keating and appear in the Welfare Budget. If the Alcoholic - the Alcoholism Educational Services are to be expanded there is going to be a major increase in the expenditure of Territorial Government funds and also a major increase in personnel in the Alcoholism Services Department. Now, of course, this is a matter of policy that has to be decided by this Council whether enough is being done in the field of alcoholism, alcoholic education and whether more, much more sophisticated and much more embracing program should be instituted in all of the Yukon schools. I think every Member is aware that if this is done and we feel it the responsibility of this Council to so do, that it is going to cost a greatly increased expenditure of public monies. Now, this is as I say a policy decision that has to be arrived at by this Council but as a one man, one secretary operation, this is the amount of monies that Mr. Keating feels that he will need to do the job that one man can do at the level that he is now performing his operation.

Mr. Chamberlist: Mr. Chairman, it would appear that the amount of money that is available now is just simply to deal with those people who are already alcoholics. I think there should be an amount put in there to deal with people from an educational point of view before anybody becomes an alcoholic. Now, the Yukon Territory, as I've already indicated, receives over 38% of its

Mr. Chamberlist continues....

total revenue from the sale of liquor, there should be no reason why some of the money should not be set aside for an educational program throughout the schools of the Territory on alcoholism. I would suggest, if it is possible, that a further sum be included in this particular item so that lectures, etc. can take place in the schools of the Territory for this particular purpose. I wonder if Mr. Treasurer can say where money could be made available from to do this particular thing. There is no point in us going through our Liquor Ordinance and speaking to people with reference to briefs about liquor and talking about alcoholic beverages and yet not be prepared to educate people into the ways and means of dealing with alcohol. We talk about lowering the drinking age but we are not prepared to put any money out to deal with educating people, and youngsters especially about alcohol. And when I see \$2,890.00 for operation and maintenance of an alcoholism services I think it's totally inadequate and we are failing if we don't make sure that there are sufficient funds available to encourage people and encourage teachers to teach in the schools the dangers of excessive alcohol. We would be failing in our duties.

Mr. McKinnon: Mr. Chairman, I think that this should be the subject matter of a policy paper drawn up by Mr. Keating as to what he feels what services are needed in our educational system to provide a program of alcohol education in the schools. I was in the school system of Manitoba when the Provincial Legislature got it in their minds that this would be a great program to put in the educational system in teaching young people the evils of alcohol and how one should go about learning to drink properly and the program that was instituted in the schools was the biggest farce that was ever initiated in the Manitoba School system. The young people in Grades 11 and 12 knew so much more about drinking than the squares that were coming into the classrooms and delivering lectures that were nothing but tittering and a great joy at seeing these people actually being made fools of in front of the classroom. It's a very highly sophisticated type of program if you are going to reach the people in the high schools and it is going to cost us a great amount of money if it's going to be done properly and if it is not done properly it is going to be a farce so I think before we say, well, let us put \$100,000.00 in, let's do this, let's come up with a policy paper on how an educational approach to the alcoholic question should be presented to the schools because if we do it just on a gesture thing--well we receive this much from liquor and let us spend this much in alcohol education, that unless you have a program that is well thought, and it is going to cost a lot of money, then the program is going to be a complete failure and I tell you this from experience.

Mr. Chamberlist: Well, Mr. Chairman, I agree with the Honourable Member that we should not go about a program without having absolute details of what type of program to have but I see no reason why we cannot make provision in this budget so that we have funds available once the program has been prepared. The suggestion that in Manitoba it became a farce, I don't think it did too bad a job with the Honourable Member who just spoke--there is not too much farce goes out in his particular argument relative to .....and educational facilities for teaching people how to drink. My point is that we should not allow another full year to go by without there being provision for this particular program. Now, I don't know, perhaps we should do as we have done in the past, just put \$1.00 in for that particular item and I don't know how this could be done but we should have, some way we should have an opportunity to be able to get in on an amount for alcoholic education. I repeat that I think

VOTE 15

Mr. Chamberlist continues....  
that the Financial Advisory Committee slipped up in not recognizing that \$2,890.00 is a totally inadequate amount for alcoholism services.

Mr. Chairman: I have a question from the Chair I would like to direct to the Chairman of the Financial Advisory Committee. It would appear from what I heard this morning that this man's budget has been cut over what he foresaw and I am wondering to what extent it was cut and why, or was it cut at all.

Mr. McKinnon: No, it was just that - and I will take some umbrage at the position of the Honourable Member from Whitehorse East that the Financial Advisory Committee didn't recognize the fact. We recognized the fact that for a one man, one secretary operation that this money was adequate and it was the money that Mr. Keating asked for. The question is the policy decision of Council that has to be made as to whether we are going to expand our alcohol education program or not and I think the Financial Advisory Committee rightfully left this as a decision for the Council to make and I would say that the proper procedure to go about it is to ask for a policy paper to be initiated and be presented to Council as a Sessional Paper as to whether the Director of Alcoholism Services feels that such a program is necessary, and if necessary, what it should entail; and also the estimated cost of such a program. Then Council can sit down and decide if it is too rich for our blood or whether we should amend this policy or whether we should accept it and provide the money in next year's budget for such a program to be initiated.

Mr. Chamberlist: Mr. Chairman, I have already indicated that I agree with it, but what I repeat is that there is no provision in the budget for this to take place. Now, if Council did recommend that a policy with reference to further alcoholic education, and could it be put into force this year. It couldn't because there's no provision for finance for a project of that particular type and this is why I say that I think that the Financial Advisory Committee were in error in not making provision for a sum of money should that policy be acceptable. This is what I am pointing out. I'm not arguing in any way against what the Honourable Member from Whitehorse North has said with reference to a proposed policy paper but there should be an item so that you can go into this matter should that policy paper be approved.

Mr. McKinnon: Mr. Chairman, the Honourable Member from Whitehorse East well knows that a simple Motion presented by him and seconded by him will allow such a policy paper to be initiated and presented to Council under the ordinary Salary provision of the Director of Alcoholism Services at this time. If the policy paper is presented to Council and accepted, it will be no great matter of getting money in Supplementary Estimates if Council feels that the policy presented in the paper should be initiated immediately.

Mr. Chairman: Quite correct. Councillor Shaw.

Mr. Shaw: Mr. Chairman, the Financial Advisory Committee, they do have these things proposed to them and this has not been cut from the proposals from Administration and discussions were centered about possibly increasing this but the fact is that the Honourable Member from Whitehorse North has indicated that it requires possibly a new policy with possibly a large expenditure of funds or much larger expenditure of funds and this will become more evident, perhaps depending upon the future. Now, the \$2,890.00 is not exactly the figure for Alcoholism Services. The services for Alcoholism are almost \$20,000.00. In fact they are

Mr. Shaw continues....

\$19,470.00 or so because the salaries have to be taken into consideration, and when we have such a thing as alcoholism service, it is very obvious that most of that has to be tied up in salaries because you must have people; could I have order, Mr. Chairman, please? I did not speak when the Honourable Member on my left was on his feet, that is why I'm so quiet. We have an item in here to cover cost of films and other audio-visual aid requirements. This is Operation and Maintenance. There is educational literature, almost \$1,000.00 for that. Now that could spread over quite an area. It just depends on what you have so that we are spending more and as the Honourable Member North has just stated, it is a simple matter of bringing a question forth to have a policy paper. Then Council can decide on that. I think that is the best thing rather than jump into some midnight move to put \$50,000.00 in and let's go at it.

Mr. Chamberlist: Mr. Chairman, I would like a question put to Mr. Treasurer. Mr. Treasurer, if a Supplementary Estimate is asked for, isn't it so that the Supplementary Estimate must be supplementary to a particular item which is in an existing budget? I want Mr. Treasurer to answer that.

Mr. MacKenzie: No, Mr. Chairman, not at all, there is no connection.

Mr. Chamberlist: Mr. Treasurer then would find no problem in a Supplementary Estimate to make provision for an additional item other than what is already in let's say this particular Vote.

Mr. MacKenzie: That's correct. We'd have to find the money, of course. There is no problem over making provision in Supplementary Estimates for what you want.

Mr. Chamberlist: Mr. Chairman, if we have to find the money would it not be the proper thing to do it now—to see where we can find the money instead of using up the funds and then making a supplementary estimate for this purpose?

Mr. McKinnon: Money before policy?

Mr. MacKenzie: No, no Mr. Chairman, the best way to deal with this matter is by supplementary estimates after a policy paper has been submitted and considered. As regards money, we have it now and we shall have it when the supplementary estimates come along.

Mr. Chamberlist: This is what I want to hear.

Mr. Chairman: Is there anything further on Alcoholism?

Mr. Livesey: Mr. Chairman, I don't wish to confine it to Alcohol Services but definitely to the general vote. It seems to me that the cost of this Department to operate it is going up about \$100,000.00 a year, every year. Back in 1966 it was \$486,000.00, in 1967 \$540,000.00; in 1968 \$630,000.00; in 1968-69 \$720,000.00, and 1969 \$831,000.00 for welfare. Now, I don't wish to pass any remarks about the essentials of welfare. The essentials of Welfare, we all know are necessary. We can't get along without them and there are various items in here that are an absolute must so far as we are concerned. But how is this Council going to sit back and say, yes, we have passed the budget, we take the responsibility for passing this budget in this section without the power to research, to find out whether we are making increases here yearly and expanding the operation of this Department whereby I think at the present moment it is now costing the average individual or man, woman and child in

VOTE 15

Mr. Livesey continues....

the Yukon Territory \$55.00 per head, \$55.00 per head per annum for welfare based on 15,000 people. I would like to ask another question. How does this compare with Alberta, British Columbia or the province of Saskatchewan; in fact any other province in Canada. I would certainly like to know this. Also, taking the whole of this Vote generally speaking, how much do we obtain as a refund from the Federal Government. I'm not just talking about the single item, whatever it is but the actual amount we get. Now, this could possibly be different to what we have here. Now this is the budget; these are the estimates. What I'm talking about is actually what do we get on an average as a return from the Federal government to assist us in this way. I know the estimates could be there but the actual amount is the one I'm getting at. Further, I wonder what assistance the Administration can provide so this Council can find out more about the operation of this Department than we can find out sitting in this room looking at the black and white figures of this book. I do feel, Mr. Chairman, that this is getting just a little beyond the pale as far as 15,000 people are concerned. If we are going to move ahead in the Yukon with the government and we are going to talk about accepting responsibilities of this government by the elected representatives of the people, then we are certainly going to have to be just a little more inquisitive than we have been over the last decade and I would direct this question to the Administration for which I am sure we will and can expect to receive the utmost co-operation.

Mr. Commissioner: Mr. Chairman, right on the first page, the first portion of your budget here you will see what the recoveries are and recoveries under Vote 15 and Welfare, irregardless of source, are \$610,575.00 and the bulk of these recoveries come as a consequence of cost-shared programs with the Federal government. The major cost-shared program, or the major all-encompassing cost-shared program is the Canada Assistance Plan which I signed after Council agreed that we enter into it and Mr. MacKenzie may have along with him the break-down of the \$610,575.00 and if he has I'm sure he would be happy to give it to you; if he hasn't we can soon provide it as to exactly what program these recoveries come under so that effectively speaking, the total expenditure here of \$831,438.00 has applicable to it \$610,575.00. Am I correct on this Mr. MacKenzie?

Mr. MacKenzie: It would appear so, yes.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, just one thing. There was a figure thrown out of \$55.00 per head for every man, woman and child in the Yukon and I just can't let that go by because as the Commissioner has pointed out it is now down to about \$10.00 per head which is an awfully lot more reasonable. As one instance, Child Welfare Services - the estimate quoted is \$213,000.00. The recoverable is \$164,000.00, approximately 80% recoverable, so I don't think the arguments of the Member from Carmacks-Kluane are valid in this light.

Mr. Livesey: Mr. Chairman, if I might rise on that, the fact that it is recoverable, Mr. Chairman, does not alter one iota the actual cost. The actual cost is there. The fact that you are going to get a recovery through some other manipulation and movement of finance throughout the country for which you are going to



Mr. Livesey continues....  
 pay anyway through income tax and goodness knows what else.  
 We are still taking our proper share, not only in the tax field as individuals in the Territory but in the tax field as individuals as members of this nation, and citizens of Canada. We are paying for this on an individual basis and on a shared-cost basis with all the other citizens. The fact that we are getting a rebate does not excuse, in my opinion, the actual cost for welfare which is a negative aspect of government for which I have asked many many times for a more complete investigation to find out why this is continually on the increase when we are kept being told continuously that the population is not on the increase to that extent but the cost for welfare is on the increase. This is what I want to know; I want to know why, why, why are we talking about prosperity for and moving the North into a tremendous area of prosperity. We are talking about all the problem of welfare and the problem of cost is a negative item. This is what I'm getting at Mr. Chairman. In answer to the Honourable Member for Whitehorse West, I don't consider that any refund is an excuse for the actual payment out of that cost at all, in any way, shape or form.

Mr. Chamberlist: Mr. Chairman, I agree so much with the Honourable Member from Carmacks-Kluane that I can't understand how he can consider himself one of the light thinking people in the manner as the Honourable Member for Whitehorse speaks. Here we have a situation and the Honourable Member, Councillor Livesey has said that we should be more inquisitive. Now, I am inquisitive and when I become inquisitive I have certain Members of Committee who, they hail my inquisitiveness as if I don't know what I'm talking about. I try to make these inquiries. Now Mr. Chairman, the point that Councillor Livesey has taken up is very sound - the very fact that there is some recovery, which is coming out of our pocket or the pocket of the people of Canada - so certainly when he says \$55.00 a head or about that figure this is quite true. It might only be costing the Territorial Tax payer by direct taxation \$10.00 but we are paying it in any event through Federal sources and this Welfare in the stage and the manner that has gone on and on and on seems to be - but it doesn't matter because we are going to get so much of it back and this seems to be the attitude; just let it expand and expand and expand and expand and we are not doing what we should be doing to keep the costs of welfare down here. Now, there are very, very urgent cases where welfare is required and I will say this that where welfare is required nobody would argue against it but there are certain phases of it that it is deplorable to me to see the looseness in the way in which payments are paid out and the manner in which the monies that belong to the rest of Canada are being paid out on welfare here. So I agree with Councillor Livesey's remarks that we should be taking a real close look at every item of welfare to see whether we can play our part in reducing the welfare costs. I'll talk to Mr. Chairman outside the Council about the actions to me while I am speaking - most improper.

Mr. Chairman: As a point of order, this Committee stands in recess until two o'clock this afternoon.

Wednesday, March 19, 1969

2:00 o'clock p.m.

Mr. Chairman: At this time we will call Committee back to VOTE #15 Order and we were discussing Welfare, Vote #15. The next item is Welfare Training Grants and Bursaries in the amount of \$6,000. Clear? St. Mary's Nursing Home \$39,475.00.

Mr. Chamberlist: Are there items for St. Mary's Nursing Home that comes under another Vote as well? Or is it a straight Welfare Vote?

Mr. Treasurer: No, there is an expenditure item for St. Mary's Nursing Home 15/12 that is the one that you are looking at now and your query was?

Mr. Chamberlist: Are there any further Votes besides that or is this all the funds for St. Mary's Nursing Home? Is it all Welfare in there?

Mr. Treasurer: Yes, this is the cost of operating the Nursing Home Section of the joint cost of the Nursing Home.

Mr. Chairman: Senior Citizens Home - Riverdale is next \$12,200.00. Clear?

Mr. Chamberlist: How would there be an annual revenue of \$19,500 if we are dealing only with an expenditure of \$12,200 for part of the year?

Mr. Treasurer: The \$12,200 is for 6 months. The \$19,500 is annual.

Mr. Chamberlist: If it is only going to be operating for 6 months, how can the revenue be for a full year?

Mr. Treasurer: That will be it, but I would have thought the better to quote it at half that.

Mr. Chamberlist: This shouldn't read for total estimated for 6 months revenue. Oh yes, it is for 6 months.

Mr. Treasurer: Yes the answer is this, what was puzzling me was that it's \$19,500 for 6 months recovery, how can the expenditure of 6 months only be \$12,000. The answer is that this \$12,000 doesn't include salary. If you look at Note 2 at the top right hand section, it's \$29,240 total cost of which we recover \$19,000.

Mr. Chairman: Clear? Senior Citizens Home (Existing) Whitehorse \$5,770. Senior Citizens Home, Dawson \$4,110. Childrens Group Home, \$14,370. Juvenile Training Home \$7,920. There is nothing under Welfare Staff Residence. Next is Dawson Welfare Office & Residence \$2,125. Nursing Home Staff Residence, Dawson \$1,850.

Mr. Chamberlist: Is this a separate building or is this in the St. Mary's Home?

Mr. Treasurer: I think it is separate.

Mr. Chairman: The next is the Watson Lake Welfare Office & Residence \$4,025. The next is Juvenile Detention \$17,800.

QUESTION  
RE: JUV-  
ENILE  
DETENTION

Mr. Chamberlist: I wonder if Mr. McKenzie could indicate if this is for a full year, because if the building that is being constructed now will be completed in 6 months, then all of this will not be used. Is this right?

Mr. Treasurer: This could be. This is provide in part for sending children out, to Provincial Institutions, which is what we do now, but if we are going to operate our own institutions here, I presume we won't send out so many.

Mr. Chamberlist: And this will be transferred to the other Vote, is that the idea? The balance that would be left from this?

Mr. Treasurer: I think allowance will have been made for this in calculating this expenditure \$17,800 although, it compares pretty well with last years of \$18,500.

Mr. Chamberlist: Well this is the point that I am making, that if this amount of money for a whole year is only.... took \$18,000 for the whole of last year, surely half of this .....would not be used out of this particular Vote.

Mr. Treasurer: You have a point. I would like to ask about it and report back.

Mr. Chairman: The next item is Probation Services \$1,490.

Mrs. Gordon: How many Probation Officers do we have?

Mr. Chairman: I think you'll find that under Vote #16.

Mr. Chamberlist: I noticed, Mr. Chairman, under rentals for vehicles, it says "provision for operation of departmental vehicle 2,000 miles at 17¢ per mile" now my understanding was when questioning about vehicles was that 12¢ is when it is a Government vehicle and 17¢ when it is the persons personal vehicle. How is it that in this instance it says that departmental vehicle is 17¢? Is this different from the policy that has already been laid down.

Mr. Treasurer: Once again, Mr. Chairman, I think you have a point. It doesn't really make any difference though. The fact that 17¢ is in here doesn't mean to say that we shall charge out 17¢. We shall not. We shall charge out the proper rate 12¢.

Mr. Chamberlist: But you are still asking for that amount of money, never the less, to be included in the Budget. This is why I questioned it.

Mr. Chairman: The next item is the Grant-Yukon Social Service Society \$15,000.

Mr. Livesey: Mr. Chairman, on this particular item, I seem to be listening to the same speel that I listened to in 1961/1962 on a similar thing that started out at \$29,000 and winds up to be over ¼ of a million dollars. I sincerely hope Mr. Chairman, that this is not going to become, once again another Department of Government or another additional branch of Government, because this seems to me what happens is that a lot of people who have very good intentions in the Yukon and I don't say anything against them what so ever, they seem to put all their energy into doing certain things for very good purposes and it builds up to the point where they can't handle it themselves and the next thing you know it is turned over to the Government and it becomes another Government department and of course I'm mighty sure this is how this Welfare started. The same thing. I think that \$29,000 was started out to start with and it certainly ... if anyone can tell me that that hasn't mushroomed, well I'd like to hear another description. Before we pass this Vote or pass beyond this Vote to another Vote, Mr. Chairman, I wonder if someone could enlighten me as to how many employees

Mr. Livesey cont.

are covered by salaries and wages \$304,079 as listed on page 15/1?

Mr. Chairman: I was wondering if this information would be available in the next Vote which is coming up now, Personnel. Would you be prepared to hold this question, Mr. Livesey, until we get into Vote 16?

Mr. Livesey: Any way at all as long as we get the information Mr. Chairman.

Mr. Chairman: Are we clear on Vote 15 at the moment? The next Vote is Vote #16, Personnel Services in the amount of \$5,387,164.00. I think that it might be useful to deal with this.....have you anything in relation to Page 3? Are you clear on Territorial Treasurer & Collector of Taxes? The next is Education. Are you clear on Education? VOTE #16

Mr. Livesey: Mr. Chairman, before we pass from the Department of Education, a point does worry me and that is I see in several instances that the principal receives less than the subordinate. I wonder if some how,...I think it is very discouraging to some of us not to be able to ask a direct question and get a direct answer. That we have to wait for a time lag before we get the answer and we have to agree to it before we get the answer to the question. Mr. Chairman, I wonder if I could be noted that I would like to know why in some instances the principal of the school gets less than the subordinate. This to me seems funny.

Mr. Dumas: Yes, Mr. Chairman, I think I can answer that. In many cases the subordinate is....has higher qualifications for a teacher per say and is in any case also not interested in being a principal so that a class 4 teacher may in fact work under a principal whose teaching rating is class 2, therefore receives more money although the principal does get so much for an allowance and so much per annum for administration.

Mr. McKinnon: Mr. Chairman, it would work on years of experience too would it not. If a highly qualified young person just out of University, became the principal with a highly qualified teacher working under him who had years and years of experience and had increased his income would be getting more than the principal to begin with but as the principal's years of experience continued, he would eventually end up in a position where he would be receiving more than the subordinate position, and of course the other experience is true also, where people have been invited to move up to principals position and will not accept the responsibilities so with their experience they are receiving higher salaries for the moment at least than the principal.

Mr. Livesey: Mr. Chairman, would I be correct in assuming that generally speaking, the principal has higher qualifications than the other teachers?

Mr. McKinnon: Generally, but not always. As a general rule Mr. Chairman, yes, but not always. There could be exceptions where in a small school where a person with higher qualifications does not want the responsibilities of taking on the principalship and a person with not as good qualifications as that person would be in the principals position. It could happen, but generally speaking it doesn't happen.

VOTE #16

Mr. Chairman: The next is the Custodial Salaries, Pages 11-13.

Mrs. Gordon: You will note that as far as Custodial workers in two areas, one in Mayo and one in Watson Lake, there seems to be a vast difference when the schools in the two areas one has twice as many teachers as the other and the one who has the least teachers in the other instance has twice as many custodial workers. I wonder if there is any reasonable explanation for this?

Mr. Dumas: I wonder Mr. Chairman, if we can't go through this. It shouldn't take long just to rattle off the schools. We are jumping around here over 7 or 8 pages. Wouldn't it be much simpler if we just went over it. I'm at 16/4.....

Mr. Chairman: We have I understand cleared Territorial Treasurer and Collector of Taxes, and I understand we have also cleared School Teachers Salaries up to and including page 16/10. Now if you are not clear .....I did get an indication that it was.

Mr. Livesey: Mr. Chairman, could anyone provide me with the answer as to whether any of these teachers are from the Province of Quebec?

Mr. Dumas: Mr. Chairman, as I recall there are 3 teachers in this Territory that are from the Province of Quebec.

Mr. Chamberlist: Mr. Chairman, it matters not whether we are clear or not because they are negotiated salaries. I don't think we can.....

Mr. Chairman: Are we clear on Custodial Salaries?

Mrs. Gordon: I wondered if I could have my question answered. The question was, we have a school in Mayo with 8 teachers and 2 custodial workers, we have a school in Old Crow with 4 teachers and 4 custodial workers, with a discrepancy of \$13,272 in the cost of custodial care between the 2 schools. I'd like an explanation.

Mr. Shaw: I think that I could possibly provide the answer to that. In the Old Crow school it is the only school in the Yukon, I believe, where they have wood furnaces and therefore it has to be on a continuing basis. To fire and gather up the wood and pile it and all the work that is necessary in relation to that. That's about the only answer that I can give to that. We have a very similar situation and there is probably a good reason for it, when we refer to the Takhini Elementary School. Now that is not as large as the Dawson School and in the Dawson School we have \$12,000, in the Takhini Elementary School we have \$21,300 expenditures and that school I believe is supplied by ...heat by the D.P.W. boiler, so there is also discrepancy there, but I would assume, Mr. Chairman that there are probably very sound reason for the differences in cost of custodial services.

Mr. Chairman: Yes, as speaking from the Chair, these are two schools included in Watson Lake.

Mr. Chamberlist: I noticed that there are some custodial workers 2 and some custodial workers 1. I wonder if there is any difference in qualifications of these particular items?

Mr. Chairman: I believe, in speaking from the Chair, that some of these people also drive school bus and have additional duties. Are you clear on Custodial Salaries? Now on the top half of page 16/14, we have Tagish House, Citizenship

Mr. Chairman cont.

Instruction, Kindergartens, Administration-Vocational Training. Are you clear on these items?

Mr. Livesey: I have a question of 316 Mr. Chairman. \$77,000 for kindergartens. I wondered if we could have some information on how this is proceeding and if the Administration and the Government is now looking very closely at the obvious need for kindergarten, more for, I think, the children of Indian ethnic origin than for other, because I feel that they have a greater disadvantage than other children and therefore they need this kindergarten training far more than the rest because they are not trained at home and they are not equipped for beginning school, and I feel that this as I said before when we started the kindergarten is more necessary for the Indian children than it is for any other person....child in the Territory. Some go to school having heard very little of the language that is used in school and it is very necessary, I think that the Administration and Government take a very serious look at this and try to promote this form of education so these youngsters will have or be on an equal chance with others when they start school.

Mr. Mc Kinnon: Mr. Chairman, the Administration is so sympathetic towards this that the Skookum Jim Hall which now has a kindergarten program of some 40 children in junior and senior kindergarten, 30 of them being of Indian and Metis decent, may be closing their doors on April 1st because they cannot find enough money to operate the kindergarten.

Mr. Chamberlist: Yes, Mr. Chairman, this is quite true. I would like to know where this \$77,000 is being used. Just as one lump sum put in there for kindergarten, I would like to get some break down on where it is used and also a question that might be answered at this time is whether it is intended that the kindergarten itself be incorporated into the Educational system of the Yukon Territory?

Mr. McKinnon: Mr. Chairman, the item of \$77,000 under Kindergarten is a payment to teachers under this Societies Ordinance of the kindergarten and the money is paid to the Society and the Society pays it to the kindergarten teachers.

Mr. Chamberlist: I wonder if we can not only get Mr. Commissioner here to answer this question relative to the kindergarten classes in the Skookum Jim classes in the Memorial Hall. This would be an ideal time to get Mr. Commissioner to answer it....the questions that relate to it, Mr. Chairman.

Mr. McKinnon: I just attended a meeting of the Skookum Jim Hall on Monday night and this matter has been taken up with the Directors of the Skookum Jim Hall, so we are presently at work, trying to make sure that these doors will not be closed to these 40 children as of April 1st and I think that probably it would not be in the best interest of what we plan to do at the Monday night meeting to have Mr. Commissioner here now and bring this debate into the public at this time.

Mr. Chamberlist: Mr. Chairman, it might not be in your interest, but it is my interest because Skookum Jim Memorial Hall is in my constituency and I have had many complaints about it and I want to get some answers from the Commissioner. This item is in the Budget and I want to question it and I would ask that Mr. Commissioner be asked to attend so he can

Mr. Chamberlist cont.

answer questions on this item in the Budget.

Mr. McKinnon: Mr. Chairman, in this type of position I hope that I can honestly say that I never think of my interests nor the interests of the Honorable Member from Whitehorse East but rather the interest of the children who may suffer if these doors are closed and this is my only consideration and if through a debate at this time when we are negotiating with various departments of Government to see whether we can get money from various departments so that what I have stated may not happen, and I think that these are the interests that we should be involved with. The interest of 40 children who are presently in kindergarten classes in Skookum Jim Hall and I'll do anything in my power to make sure that different agencies are not embarrassed to the fact that they will not be giving money, the money will not be forthcoming to provide for the doors to remain open and this is the only interest I have in this matter and none other.

Mr. Chamberlist: The Honorable Member from Whitehorse North appears to think that any statement that he makes must be the statement and the policy that is followed. This Skookum Jim Memorial Hall is in my constituency, people from the Skookum Jim Memorial Hall have come to me about these children and also I too am concerned about these children and I want the Administration to say loud and clear what their intention is and not have meetings behind closed doors. They should say now whether they are intending to keep that place open to the benefit of those children or they should say otherwise, but for a Committee to say that it might interfere with negotiations we might have with other Government departments, I mean that is totally in error. I think all members of the Council have a right to know what is going to happen about that place. It is just to satisfy the requirements of the Honorable Member from Whitehorse North by suggesting that I am looking after my own personal interest. I am looking after the interest of my constituency and that is what I am here to do. I was asked that Mr. Commissioner be here so I could ask questions of him.

Mr. Shaw: We do have conflict of opinion in relation to this particular matter. Would it not be perhaps in order that these negotiations carry on as the Honorable Member from Whitehorse North has intimated and that before Council Recesses or adjourns that all the facts be brought to the Council so they can also at that time pass an opinion on the particular matter and ask all the questions necessary and approve whatever or disprove whatever may come up as a result of these questions.

Mr. Chamberlist: Does the Honorable Member mean before we adjourn today. If he says this Mr. Chairman then I would agree with it, but I think I have a right here during a discussion of a debate to question members of the Administration with reference to any item in this debate. The Honorable Member from Whitehorse North knows that I have the right to do that and I want that right. I want to ask questions of the Commissioner with reference to the Administration, outlook towards looking after these ...in kindergarten and that Skookum Jim Hall. I want to know what he is going to do about it...those children and I want him to say so, Mr. Chairman.

Mr. Chairman: I believe that the suggestion made by the Honorable Member from Dawson was that this matter, in view of the fact that there is a conflict of opinion as to whether or not this should be done at this time. He has

Mr. Chairman cont.

suggested to Committee that the matter be deferred and all the information be brought to Council before the end of this Session so that we can have a complete airing of the problem.

Mr. Chamberlist: With respect, I have known and so have other Member of the Committee known that when we have asked for certain this to happen before the Session adjourns, we don't get it. We get it by Sessional Paper after we have adjourned and I think this matter is so serious that we should get a straight forward answer from the Administration. I am very annoyed that the Administration is not prepared to say that we will not let these kindergartens close and I want them to say that. It is quite a simple thing that I am asking for and I don't see any reason why Members of this Committee should object in any way to asking the question that they should be asking themselves. The Honorable Member from Whitehorse North has sudden ..... that consideration should be given to other members of Committee yet he objects to the same consideration being given to me at this time, that I ask the Commissioner about this place. I would ask Mr. Chairman again that it is my right to question him during Budget, it is my right to question any member of Administration regarding items in this Budget and I want that right.

Mr. Chairman: In speaking from the Chair, I think this will probably be a decision of Committee at this point in time as one Honorable Member has pointed out that we may damage relationships or discussions that are now presently underway in regard to this school, but.....

Mr. Dumas: Mr. Chairman, I am in sympathy with the Honorable Member from Whitehorse North and I wouldn't want to see anything happen that will actually cause the closing down of the kindergarten however, the Honorable Member from Whitehorse East is asking for a right that is his view in this Committee in my opinion and therefore as far as I'm concerned the Commissioner should be asked to be present so that he can be quizzed about this or anything else in the Budget.

Mr. McKinnon: The problem of kindergarten is the money for the teachers of the kindergarten and the supplies for the kindergarten in the Skookum Jim Hall is coming from the Department of Education and the materials, supplies and cooperation from the Department of Education with no qualms whatsoever. The money is there for the payment of the teacher and the money is there for any other kindergarten in the Yukon Territory. The problem as at Skookum Jim Hall is that outside of the kindergarten there are not enough funds available to keep up the operation and the maintenance and the good order and repair of the Hall itself, so it falls to reason that this money cannot be found outside of the monies that are allocated and are being received from the Department of Education in regards to kindergarten, then there will not be a hall to hold the kindergartens in. We have spent hours, days in fact months trying to find agencies, writing, corresponding with different Government agencies with foundation with the Minister of Northern Development and Indian Affairs, with his assistant, with Manpower, with Department of Citizenship and Immigration, and all these feeling that we have had out in all these different areas and all these different departments have all said that their replies will be known by the end of March and the beginning of the Fiscal year



Mr. McKinnon cont.

of April 1st, which is as you all know 12 days away. If all this work and all this effort that we have put in it the last month is going to be completely demolished by a quiz outside of the kindergarten area itself, which there is no quarrel with, then I say that this is just destruction for destruction sake. I have no qualms and no quarrel whatsoever with any question being asked towards the operation of the kindergarten as it is now being handled in the Skookum Jim Hall. None whatsoever to go outside this area into the fields of other programs concerning the Skookum Jim Hall where we have been working and working darn hard to try to find a way and a method to keep programs going and the doors open and I say this is just nothing but sheer destruction for destruction sake and no quarrel at all, none whatsoever, with the concept of someone coming here to answer questions on the kindergarten. There are nor real problems being involved at all in the operation of the kindergarten itself. The question is whether monies can be found from other areas to keep the program of the Hall operating.

Mr. Chamberlist: With respect, the Honorable Member from Whitehorse North presupposes what my questions are going to be and he is speaking on that basis. He calls it destruction and he doesn't even know what I am going to say or whether I am going to confine my questioning to the kindergarten in the building itself, which is my intention to do. I can assure the Honorable Member that this is my intention, to confine it to kindergartens and kindergartens alone, would he be satisfied then?

Mr. McKinnon: Absolutely.

Mr. Chairman: Mr. Clerk would you please see if the Commissioner is available. I will declare a brief recess.

RECESS

RECESS

Mr. Chairman: At this time I will call Committee to Order. Are you clear on the other items reserving kindergartens for further discussion?

Mr. Chamberlist: In reference to the staff of the Yukon Vocational Training Centre, it has been brought to my attention, Mr. Chairman, that some of the teachers there have academic degrees and yet they are not being treated on a teacher basis. Consequently, they find salaries are less than the salaries of teachers of less qualifications who are in the Educational system. Shortly there is to be a Vocational teachers at the F.H. Collins School and it would appear to me that the Vocational teachers at the F. H. Collins School will be receiving more pay for doing the same work that the Vocational teachers at the Vocational School. I wonder if anybody could say if there is any intention of bringing the teachers at the Vocational School who have academic qualifications to the same basis of pay as those teachers in the F. H. Collins School who are teaching Vocational trades?

Mr. Dumas: That is the intention of both the Department of Education and the Vocational Training Centre because in fact some of the teachers are arguing that some of the people in the Vocational School are more than they are, for doing the same type of job, so they are going to try to bring them all into line.

Mr. Chairman: Mr. Commissioner is here now, so you can ask him your question Mr. Chamberlist.

Mr. Chamberlist: Mr. Commissioner, I wish to ask some questions on kindergartens and at the Skookum Jim Memorial Hall, but I do not want your.....to obtain from you Mr. Commissioner any answers relative to the operation of the Skookum Jim Memorial Hall at this time. What I want to ask though is should the Administration decide to close the doors of the Skookum Jim Memorial Hall because of lack of funds, how will the Administration take care of the kindergarten classes that are in operation in the Skookum Jim Memorial Hall now? and can Committee be assured that the children who are in the kindergarten at the Skookum Jim Memorial Hall would not be penalized in any way by the closing of the doors of that particular building.

Mr. Commissioner: Mr. Chairman, in the first instance it will not be the Administrations decission one way or the other as to whether the Skookum Jim Hall operates or doesn't operate. It has nothing at all to do with the Territorial Administration. That is the first point I make. The second I make is that we have a kindergarten policy paper which Council agreed to here some sessions ago and we are bound by the policy that was laid down at that time.

Mr. Chamberlist: Mr. Chairman, if it is not ...if the Administration has nothing to do with the closing of the doors of the Skookum Jim Memorial Hall, my understanding that you Mr. Commissioner are one of the Trustees in conjunction with the Bishop of the Yukon Territory so that certainly, Mr. Commissioner you will have some say as to whether this is going to happen or not. If this should happen, if it should close down, notwithstanding whether it is a direct authority of the Administration of the Government of the Yukon Territory or the joint Trustees of the Skookum Jim Memorial Hall can there be assurance that those children who are in being trained in kindergarten in the Skookum Jim Memorial Hall they will not suffer by having those classes closed and will there be further accommodation made available for those children?

Mr. Commissioner: It is very difficult to answer a hypothetical question. In the first place Skookum Jim Hall is not closed, it continues to operate and I think that I am right to say this that the Administration in complete agreement with Council in so far as the operation of kindergarten will endeavour to continue to operate kindergartens wherever they are, practicle and possible and in a number which is in relation to the simple requirements that are available in any particular area of the Territory. Not only here in Whitehorse, but anywhere in the District.

Mr. Chamberlist: Mr. Chairman, I have to proceed in this point because I am not getting a straight answer to the question I am asking and I want to know what is going to happen to those children. Is there going to be alternative accommodation made available to those children that are receiving kindergarten training now. I would ask Mr. Commissioner whether he could say "yes we will make accommodation available; we will make sure that these children will continue their kindergarten training" or "no," if it is closed down, whether it is hypothetical or not that they will not be receiving a place. It is as simple as that. It will either be a yes or no. It can't be anything in between.

Mr. Commissioner: With respect, I certainly have no desire



Mr. Commissioner: I would have to bring that information forward, Mr. Chairman, it is readily obtainable. I think the last report that I happened to pay particular attention to indicates somewhere in the neighbourhood of an average of round about 45 in the Institution here, but we would like to bring this information forward for Council.

Mr. Chamberlist: It should be noted that there are 45 employees in the Correctional Institute, probability there could be 45 inmates at the Institute. While I am on my feet, Mr. Chairman, I notice that there is a probation officer, there is just one. At one time before we used to have 3 probation officers...2... I thought that probation was being turned over to Correction.

Mr. Commissioner: We have made a partial move in regard to this Mr. Chairman. The adult probation services, which comes under Mr. Jones, the Probation Officer, 1701, is under the direct supervision of the Corrections Department and Juveniles, the childrens probation I should say, comes under the Welfare Department and is referred to on Page 15/27 the probation officer is a Mrs. Mc Pherson.

Mr. Livesey: Mr. Chairman, I take it that Corrections include the Wolfe Creek Mobile Camp? I wonder if the Administration can tell me how much it would cost to make the Wolfe Creek Mobile Camp mobile?

Mr. Commissioner: That information was made available for Council some time ago. I'm sorry I don't remember the figure right off hand but it is not a small amount of money and if my memory serves me correctly, to dismantle it from its present location and set it up in an entirely new location I believe it is estimated or was estimated at some time at a figure in excess of \$20,000. I'm subject to correction on this, but I do believe that that was the figure.

Mr. Dumas: I don't quite understand this. We set up a mobile camp that isn't mobile. Why did we do this?

Mr. Commissioner: We inherited this.

Mr. Chairman: This is speaking from the Chair, the large .....in dealing with the same question some time ago, was that Ottawa designed the mobile camp and that is why it is so immobile.

Mr. Shaw: I would add to that that we accepted the philosophy of the mobile camp and expected it to move all over the Territory and what we have is what the Great White Father in Ottawa considered a mobile institution. That's it and it was put up there and we had no say in where it should go or how it should go or anything else about it except to prove the principal of a mobile camp. This is what we ended up with.

Mr. Commissioner: I would like to say something about the job that is being done by the people who are in charge of this. They have done a remarkable job and continue to do a good job into the bargain they are getting themselves into a position where they are able to do a little more on a continual basis. The one project that I think is a pilot type operation, which we hope we will see much more of was the work that they did last year on the White Pass Trail and they will be continuing with this. This a fairly long range program, it may well be the fore runner of many other of a similar nature and irrespective of the impracticality of the physical plant that these people have to work with I want to let everyone know that they are doing what

Mr. Commissioner cont.

I consider to be a very, very good job in this field.

Mr. Chamberlist: I wonder if Mr. Commissioner could indicate that once the Juvenile Detention Home is built does this...does the operation of this building come under the Correction Department and would the probation officer who is in the Welfare Department now dealing with Juveniles also be transferred to the Correctional Department? I believe it should be all in one package sort of thing.

Mr. Commissioner: There is a lot of different methods of dealing with this. There have been not final decision made as far as the Administration is concerned as to which Administrative branch will take charge of the Juvenile Training Home, once it is built, but I would say that at some point at maybe the not too distant future that possibly the Ministry of Health, Welfare and Rehabilitation would be the acceptable package all the way down the line.

Mr. Dumas: It just occurred to me that if the mobile camp that isn't mobile is so impracticable, why don't we shut it down or sell it or get rid of it somehow.

Mr. Shaw: I wonder if we could not go back to the original concept to some extent. I don't know, now, the way you have it set up it might be possible that you'll have to keep some this operating on a permanent basis, but in the summer time to make this thing mobile. Now this effort that has taken place on the Trail, I have a report, I read the complete report that was put out by the Director of the Program, I think that it was a Director, and I think that it is an exceedingly good job. It served to rehabilitate the person, I think, and also provided something useful, but I think that we should go further than that, and have other at the same time during the summer time let us get a few trucks and a few tents and start elsewhere into different parts of the Yukon, cleaning up .....let us put this mobile deal as it was originally intended and agreed to by all Members of this Council to make it mobile. You don't have to have great big 50 people at a time. You can have 10 go out, you can have a tent, you can have tents and you can clean up some of these camps there is a million and one things to do. A program that is scattered all over the Territory. These are minimum securities...people, so that if one gets away well I suppose he could be caught again and if he gets away and there is a minimum security, it's not that serious anyhow because many of these people, the difference between them going to jail and not going to jail is a matter of \$50 or \$100 as far as I can see, and most of them can get fit, so a program where we make them mobile. This Wolfe Creek deal, that's a real dream proposition and I don't think the Member of Council was very satisfied with that, certainly I wasn't and I think it is about time we started to see where we could expand that into real mobility, without moving that affair, I believe even when they brought it up they needed about 5,000 tires that they kept breaking to get it up here, so I'd say that maybe \$20,000 is the very minimum amount to move it. It's so heavy that the tires would not carry the load coming up, so let's not try to move it. Let's try to make small units and send them out in the summer time.

Mr. Commissioner: This is exactly the program that the Corrections people are endeavouring to bring about, and I

Mr. Commissioner cont.

can assure you that they have gained tremendous experience of how to deal with this type of a thing in the job that they were doing on the Lake Lindeman region last year and I'm sure that they will be putting this experience to good use and we will see if we can get their rights directed towards what the Honorable Member continues to refer to as hinterland and I'm sure that that is what he has in mind when he is thinking of this particular item.

Mrs. Gordon: May I direct a question to the Commissioner. Is there any land within a 10 mile radius of Whitehorse that could be used as a garden for these people? Is it available? Is it in use?

Mr. Commissioner: The money was appropriated by Council on last years Budget for a construction of a greenhouse, which I believe will be in operation this year and the Department of Correction in cooperation with the Experimental Station at Haines Junction are embarking on a program along these lines which will also include a certain amount of outdoor gardening activity, market garden type activity, at the location of the present Minimum Security Institution.

Mrs. Gordon: I have in mind and have knowledge of another piece of ground that is agriculturally sound and I'm wondering if it was offered to the Territorial Government for this purpose, would it be accepted?

Mr. Commissioner: The Territorial Government never turns down any reasonable offer of anything of value. We would be very happy to have a hard look at the situation.

Mr. Chairman: Are we clear on Corrections at this moment? Next is the Salary Contingency Fund, Advertising-Recruitment,

Mr. Chamberlist: Replacement of 10 staffmember @ \$1,500 a year to advertise in outside papers. \$15,000.00? For Corrections?

Mr. Chairman: No, for Personnel. Are you clear on this item? The next Vote is Corrections or did you have any further questions here?

Mr. Chamberlist: What would be....the Director be travelling throughout the Territory for? Corrections when all he has to look after is the Correctional Institutes of Whitehorse, what would be the allowance made for him to travel all over the Territory for? What is it in there for? Could somebody tell me what it is in there for?

Mr. Commissioner: Perhaps the word throughout is a little bit too all encompassing. For example, last year the Director made possibly 2 or 3 trips to the Lake Lindeman camp where the trail cutting operation was underway. This would be money that would be covered in this. Also he is going to be looking at other possible projects such as I have mention here a minute or two ago in answer to Councillor Shaws question and these are the types of trips that we are talking about. I can assure you and would like to give Council this assurance that he is not travelling throughout the Territory looking up prospective customers for the Institution.

Mr. Chairman: Are you clear on Corrections? At this time I will declare a recess.

RECESS

RECESS

Wednesday, March 19, 1969.

3:30 p.m.

Mr. Chairman: I now will call Committee to Order. The next item is Loan Amortization in the amount of \$1,671,447.26 -- I thought we'd cleared Corrections, however, we can go back to Corrections if you have any further questions. Clear? Next is Loan Amortization Vote 19, are there any questions on Loan Amortization? In the amount of \$1,671,447.26 -- Clear? Any questions on this? Are we clear on Vote 19? I believe Mr. Commissioner has two or three items he wishes to comment on.

VOTE  
#19

Mr. Commissioner: Yes, could I speak on them now, Mr. Chairman. Mr. Chairman, it was brought to my attention by the Treasurer after Council yesterday, that Council had queried the improper amounts of money that were listed under Hillcrest Services. At that time Council asked that these be revised to show actual amounts of money which are part of the Agreement that the Territorial Government has with the Department of Public Works in the provision of these services. Its regrettable that this error crept into the Budget. The problem is one of either changing the whole Budget, which would be a very costly and time consuming situation or if Council would be prepared to accept from me, a written Administrative Order which I would table for Council's information, instructing that only those amounts of money which are actually part of the Agreement with the Department of Public Works would be the amounts that would be expended in connection with Hillcrest Services. The second point was the matter of monies that are allocated in grant forms to the B.C. Yukon Chamber of Mines. I would like to confirm that this money is given to the local branch of the B. C. Yukon Chamber of Mines.

Mr. Taylor: There is no local branch of the B.C. Yukon Chamber of Mines. It is now the Yukon Chamber of Mines.

Mr. Commissioner: The point I make is that it is given to the local organization. Perhaps it would be best if I put it in that manner. I would respectfully ask Council's consideration on my proposal concerning the limitations on the monies by an Administrative corrective which I will table for Council's information with regard to Hillcrest Services.

Mr. Dumas: Mr. Chairman, as the representative for the area, and as a mover of all three motions involved, I am more than willing to accept the suggestion of the Commissioner in this matter.

Mr. Chamberlist: Mr. Chairman, I think that we need further explanation on this point. It was already agreed that these figures, especially the item of the \$25,000.00, that it was agreed that this would be the maximum and probably less. We were told this, now why the change now?

Mr. Commissioner: It is my understanding, Mr. Chairman, that Council passed a Motion yesterday in Committee requesting that the amounts be changed in the Budget. We are prepared to do this Mr. Chairman, but I would advise that it is a very costly and time consuming exercise to do. I would suggest that we are talking about the re-typing of possibly 25 pages of the Budget, bringing completely new totals, in other words, we would be practically coming up with a new document here.

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Mr. Chamberlist: Mr. Chairman, can the Commissioner assure us that if it is kept as is, there will be no increase through the amounts that are now being charged to the Hillcrest residents. If we can just get his assurance I'll be quite content.

Mr. Commissioner: Mr. Chairman, I am prepared to table for Council's information an Administrative instruction to my Officers in this production.

Mr. Chairman: Well then do I have it that the figure of \$14,810,393.26 remains to be supplemented by the Commissioner's directive.

Mr. Chamberlist: Mr. Chairman, I would like to ask one question, where is the item for the Community Development Fund allocations to the various Territorial Councillors. I would like to know Mr. Chairman, what is happening to those funds that have been allocated to the other Members of the Whitehorse area? How are those funds being used or if they are not being used, when do they intend to use it for Community Development?

Mr. McKinnon: Mr. Chairman, speaking for my Community Development Fund, it has not been used and I hope that a change in policy will be available by the next Session, that I will be able to employ my funds to the fullest advantage of all citizens of the Yukon Territory.

Mr. Chamberlist: A change in policy by whom Mr. Chairman, I wonder if the Honourable Member from Whitehorse North would say.

Mr. McKinnon: As in everything, Mr. Chairman, a change in policy by the majority of this Council.

Mr. Chamberlist: Oh, am I to understand that the light thinking people have switched their thoughts in this particular thing. I look forward greatly to this happening and see some red faces in this Council.

Mr. Shaw: I can assure you, my face is not red. I am unaware Mr. Chairman, that there is any change.

Mr. Chairman: Well, then what is your pleasure in relation to Bill No. 13?

Mr. Dumas: Mr. Chairman, I'd like to move that Bill No. 13 be passed out of Committee without Amendment.

Mr. McKinnon: I'll second that Motion, Mr. Chairman.

Mr. Livesey: Point of Order, Mr. Chairman, I believe that the Bill strictly speaking has been amended by a reduction to it.

Mr. Chairman: Well, this is correct. The Committee has received three motions which would have the effect of amending Bill No. 13.

Mr. McKinnon: Mr. Chairman, would the proper policy be for the mover and seconder of these motions be asked for the unanimous consent of the Council that these motions be withdrawn because the Commissioner has given his guarantee that an Administrative Order will be put before Council saying that the actual reduction will be affected that Council has agreed to.

Mr. Chairman: I wonder if Members of Committee would agree that this would constitute all the deletions by Amendment from Bill No. 13



Mr. Chairman continued:

that if the mover and seconder agree that they be withdrawn. Is this your intent. Would the mover of these motions be prepared to withdraw the motions?

BILL #13

Mr. Dumas: Yes, Mr. Chairman, I certainly would.

Mr. Chairman: Would the seconder of these motions be willing to withdraw them.

Mr. Chamberlist: Mr. Chairman, its always my feeling that one should co-operate with the Administration where they have been at fault and I'm prepared to help them in this matter as well.

Mr. Chairman: Thank you. I have a motion moved by Councillor Dumas, seconded by Councillor McKinnon that Bill No. 13 be reported out of Committee without Amendment. Are you prepared for the question? Are you Agreed?

All: Agreed.

Mr. Chairman: Any contrary? I'll declare the Motion Carried.

MOTION CARRIED

MOTION CARRIED

Mr. Chairman: The next item of business would be Sessional Paper No. 1.

SESSIONAL PAPER #1

Mr. Dumas: Mr. Chairman, I move Sessional Paper into Committee so that we can discuss the current problem facing us regarding CPA and since we're having two witnesses tomorrow, I wonder if we could leave this Sessional Paper until then.

Mr. Chairman: Are we Agreed?

All: Agreed.

Mr. Chairman: The next Sessional Paper then is Sessional Paper No. 13. Pricing Western Beer and Ale. Would you require the Services of Mr. MacKenzie any longer?

SESSIONAL PAPER #13

Mr. McKinnon: If I could ask a question. Mr. Chairman what would be the cost to the Government of the Yukon Territory if the price of Western beer and ale was dropped to \$4.00 a dozen?

Mr. MacKenzie: I'm sorry I'm not in a position to say without figuring out.

Mr. Commissioner: Mr. Chairman, I'm sorry I don't have the figure right available as requested by the Honourable Member but this situation was the consequence of considerable amount of arithmetical exercises which the Department of Liquor Control and the Territorial Treasurer's office and my own office did a lot of co-operation on. In order to maintain our position with the Federal Government there would be no dilution of our revenues, due to changes in taxation structures, rates of income, this price of \$4.10 was the lowest figure that we could apply our various savings against in the beer purchasing and still retain that particular position.

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Mr. McKinnon: Could Mr. Commissioner tell me what the Federal Government asked us to increase our taxation by in the fiscal year 1968-69. Mr. MacKenzie, we were told to get the deficit grant, project capital grants from Ottawa, what the Yukon Territory's commitment to the Federal Government was to increase the tax revenue in 1968-69? Was it not \$660,000.00.

Mr. MacKenzie: No....I'm unable to say on hand.

Mr. McKinnon: Well, I'd like to have the answer to three questions. What we were asked to raise in taxes, what actually we did raise in increased taxation and what the cost to the Territorial Government would be if the price of Western beer and ales were dropped to \$4.00 a dozen? I would like the answers to those three questions and the Sessional Paper left in abeyance at least to my questioning until we could have those answers.

Mr. MacKenzie: Could I have those again, please?

Mr. McKinnon: No. 1, What was the increase asked by, in taxation, by the Federal Government to the citizens of the Yukon Territory in the fiscal year 68-69, what was the actual tax that was brought in by these increases 68-69, what were the actual monies that were brought in by the increase in the Fuel Tax Ordinance, and the price of liquor in 68-69, what revenues we were supposed to produce and what it actually produced? My third question is what would it cost in loss in revenues to the Government of the Yukon Territory if the price of Western beer and ale were dropped a further ten cents a dozen to \$4.00 a dozen.

Mr. Shaw: Mr. Chairman, I don't know, but it appears to me that this is probably \$4.00 a dozen for beer plus ten cents tax. Is that correct? It does seem a funny price, but the ten cents tax goes to the Community Development Fund, is that correct?

Mr. Chamberlist: Mr. Chairman, I find this Sessional Paper itself somewhat conflicting. It reads as follows "it is intended to introduce a single price of \$4.10 per dozen for both bottled and canned beer and ale to individuals and licensed establishments. Then it goes "this change will decrease the cost to individuals and to lounges, while increasing it slightly in the case of taverns." Now, how do we reconcile this? One sentence says that it is intended to introduce a stable price, and then another sentence says that there will be a different price for individuals, lounges and taverns. How can you have this in the same paragraph and why is there a different price there?

Mr. Dumas: Mr. Chairman, I think all this is saying is that the difference between what they're now paying and what they will be paying this is where....its increasing what the taverns are now paying and decreasing what the cocktail lounges and individuals are now paying....

Mr. Chamberlist: This is what they're now saying but it doesn't read like this.

Mr. Dumas: It reads that way to me.

Mr. Chamberlist: In that case I'll have to go through some discussions with you, because not the way this is punctuated. However, I want to say then, there is one price across the board, everywhere, taverns, clubs, individuals.

Mr. Chairman: Are there any further questions on Sessional Paper No. 13, at this time?

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PAPER #13

Mr. Livesey: Just one question, what is the meaning of the word "individual," in this paper?

Mr. Chairman: Where, at what point in this paper do you....

Mr. Livesey: Well, it says in paragraph 2, Mr. Chairman, it is intended to introduce a single price of \$4.10 per dozen for both bottled and canned beer and ales to individuals? Now I want to know what individuals? Individuals in business, or individuals not in business?

Mr. Commissioner: Individuals period I think is a fair statement. At the present time beer sells to a tavern throughout the Territory at \$3.90 on a freight pre-paid basis if they're 25 miles beyond the liquor store warehouse. A cocktail lounge pays \$4.50 for the same dozen beer and they pay the freight on them. Right next door to the tavern that got them prepaid. Clubs pay \$4.10, I believe and individuals pay \$4.50. We have taken the savings that have resulted from decreased freight and freight allowances from the breweries and have applied this to a rationalization of the price, which means that a dozen cans or bottles of Western beer or ale will sell in every liquor store in the Territory to any customer at \$4.10. If the customer with a license lives beyond 25 miles from that liquor store, the product is freight paid for. This removes I think, seven or eight different anomalies in so far as the conditions presently exist for the purchase of beer.

Mr. Chamberlist: Well, Mr. Chairman, how much is the increase now to taverns.

Mr. Commissioner: Twenty cents.

Mr. Chamberlist: Well, we have no assurance now, that the people who go, the average working stiff or the average stiff that isn't working, who uses the taverns, and this means he may be charged a nickle more, so therefore its not benefiting people, unless the taverns themselves take up the responsibility of accepting that twenty cents increase.

Mr. Livesey: Do I understand the situation correctly then? Where there is a government liquor store then the price retail is the same to an individual as it is to a business or a lounge?

Mr. Dumas: Mr. Chairman, does this new policy have any effect on draft beer?

Mr. Chairman: Clear?

Mr. McKinnon: Pending answers to the questions, Mr. Chairman.

Mr. Chairman: The next Sessional Paper is Sessional Paper No. 16. SESSIONAL

Mr. Chamberlist: Well, Mr. Chairman, the Paper has answers that generally, that all Territorial employees who worked the day before and the day after Statutory holidays, who were off duty with permission for those two days, are entitled to pay for the Statutory holiday. What about those people who have been taken on casual basis? They are employed by the Territorial Government and sometimes they've employed for, one particular case I know, was employed for 42 days before Statutory holidays and he wasn't

PAPER #16

Mr. Chamberlist continued:

SESSIONAL  
PAPER #16

paid. He was told because he was casual. If Mr. Commissioner would like the information and details of this particular person who has come to me, I'll give it to him, because from the paper I would say that the Territorial Government is prepared to pay that commitment.

Mr. Commissioner: I wonder if I could be favoured with a detail of the information and I would be very happy to have the particular circumstance looked into.

Mr. Chairman: Sessional Paper No. 17, now. I wonder if you have any further requirements of Mr. MacKenzie at this time. I believe we've dealt with most matters financial at the moment. I wonder if he may be excused?

All: Agreed.

SESSIONAL  
PAPER #17

Mr. Chairman: Thank you very much, Mr. MacKenzie. Sessional Paper No. 17 - Lots in RCMP Compounds. Councillor Chamberlist?

Mr. Chamberlist: Mr. Chairman, the Sessional Paper doesn't answer the question that I've asked but apparently with some advise, because it appears to me that this advise, in the way that this was written, it was written in legalees, it seems that the answers have been given not to give the real answer to the question. Now for instance, I'll make reference to Question 6 that I quote "Why were the groups of lots not offered in smaller numbers to give local people an opportunity to bid. The answer to that question was, the lots are located in an R2 zone, which is zoned for multiple dwellings. It is the opinion of the Administration that the people of Whitehorse would be best served by the construction of large apartment blocks, close to downtown Whitehorse, individual lots do not leave themselves for apartment block development. Well, I didn't ask about individual lots. My question asked, why were they not sold in smaller groups of lots instead of six or eight. My question didn't ask for the individual lots. I know of people who were prepared to put up a six-plex or an eight-plex if they would have had the lots available, and they could have afforded to do it, but they were deprived of that right to bid on them, by placing them in the manner on sale as they were. Only those who would put up large groups of apartments could really bid for them. It appears that the interpretation of the Administration as to multiple, it means a large apartment block. I disagree with that. A multiple block of apartments can be four or up and this was not given consideration. We haven't as yet been told as to whether who were the successful bidders on that and the answer to question 2, who were the successful tenderers and the answer, the Administration is still investigating the details of the tenders submitted and it is expected that an answer will be forthcoming within the near future. Well, I don't know how they could be still investigating the tenders when they've already answered that three of them only complied with the tender documents, and that was to submit development plans, so therefore they must know that there are three available bidders who have complied with the documents, with the tender call, that is Bugle Mines Ltd. on Block 34 with 36,500 Block 44 - 41,500 number two was Yukon Realty 32,200 and 36,300 and K H Construction Ltd. who bid just on the Block 34 - 22,226 Now it must be obvious from that that unless it is the intention of the Administration not to comply with the very tender calls that they put out themselves, that the tenders should be issued accordingly to let the people know that they've been successful

Mr. Chamberlist continued:

and allow them to get on with the job. Now, can the Commissioner at this time state whether the bid of the Bugle Mines Ltd. Block 34 -- 36,500 and Block 44 - 41,500 who have submitted a development plan and are high of the three that have submitted a development plan, will be granted the land in accordance with the tender call. SESSIONAL PAPER #17

Mr. Commissioner: Mr. Chairman, I'm not in a position to answer that question at this time.

Mr. Chamberlist: Well, I wonder if Mr. Commissioner can say whether the tender call has been complied with by these people.

Mr. Commissioner: Mr. Chairman, the whole package is in the hands of my officers whose advise on this matter no doubt I will be getting in due time, after they have satisfied themselves concerning all aspects of these various bids and the various proposals.

Mr. Chamberlist: Well, Mr. Chairman, Is the Commissioner aware of whether the tender call has been complied with? Its a simple answer has it been, or has it not been?

Mr. Commissioner: Mr. Chairman, I am not in a position to answer this question at this time, as I said, the matter is in the hands of my officers whose advise in this matter I am sure that I will be getting after they have investigated all aspects of the various proposals.

Mr. Chamberlist: Mr. Chairman, I feel that the reluctance and the apparent reluctance on the part of the Commissioner, to give a direct answer to a direct question can only place this matter in suspicion. Now, to me there can be no dilly dallying around with a tender call, the tenders were open at a given time and the tenders should be considered at that particular time. If it is not so, it would tend to give the public a lack of confidence in the Administration, that there is something going on that they should be knowing about. I respectfully ask that the Commissioner bring forward at the earliest possible time the name of the successful tenderer and whether the tenders of these three people were carried out according to the tender call.

Mr. Chairman: Have you anything further on this Paper? Next Sessional Paper then is Sessional Paper No. 21. I would ask that Mr. Chamberlist take the Chair. SESSIONAL PAPER #21

Mr. Taylor: Mr. Chairman, I raised this last Session and I've kind of taken a more than peculiar interest or a more curious approach to the thing than I have before. This Winter there has been quite a bit of evidence of starving horses. Even in some cases, I know of one case in my electoral district, where hay was available, it was left in Watson Lake in that not transported North by the Outfitters. It seems to me, and without going into any great length on this, some definitive legislation must be put into the Territorial Game Ordinance which would make all outfitters in the Yukon Territory completely and absolutely and criminally responsible for the care of their horses. Certainly as pointed out in the Sessional Paper, the criminal code could apply here, there have been no real test cases to find out where the loopholes are, how these people can get around it. I think it should be spelt out clearly in the Game Ordinance that any

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Mr. Taylor continued:

outfitter who abuses horses, and these horses are of course the backbone of his whole operation in the summer, they work very hard and they bring him a great deal of money, and we feel, many of us when I say we, those of us who have discussed this in the Territory with me, we feel that these outfitters should at least take a portion of that money to ensure the good health and safe-keeping of their livestock, and that was the intention of asking the questions at the Fall Session. To encourage the Administration to bring down hard cold calculated legislation to ensure that these people were criminally responsible for their horses. That's why it appears before you.

Mr. Shaw: In my particular area, I had a complaint brought to me this winter, that three horses had died from starvation. I phoned the police and asked them if they would investigate, and they did and they informed me that the law was not sufficient, did not have sufficient teeth in it, that they could prosecute. Providing a person fed a horse once in awhile there were no particular regulations concerning it. Now, here we have it in front as it is before this Council, it certainly indicates there's enough teeth in it. What I don't understand is why this continually happens. Some of these outfitters they keep their horses out until very late in the Fall and then they drive them in. By the time that they get in they're just a bag of bones. They can't possibly survive the Winter unless they are fed on a continuing basis. Now, I notice in the Sessional Paper Mr. Chairman, that the current price for hay is \$120 a ton, with feed at such high prices, coralling of horses and feeding them throughout the Winter is prohibitively expensive. I would say, Mr. Chairman, that it doesn't matter what it costs, if you have animals, you should look after them or you shouldn't have those animals, it's as simple as that. If these people cannot feed their animals because they don't make sufficient money, I would suggest that they get out of the business and let someone in that can do it. Last Winter, and I can't give you the exact amount that died in the Dawson area, not this Winter but the one before, I think there was about ten of them that died, but no one seems to have any concern. I don't know where you would go. I have brought this up before, I don't know where you would go in this matter other than to the police who are enforcing the Criminal Code, or are supposed to be enforcing the Criminal Code. Yet apparently, the Criminal Code is not sufficient for prosecution, when necessary. I'm inclined to agree, in fact I'm not inclined I definitely agree with the Member from Watson Lake that we should have definitive legislation and put it right down in black and white and prosecute these people. A horse can't talk for itself, it just dies, just from starvation, just from weakness. Especially in the North area of the Territory, Mr. Chairman, where we have as we had last Winter, there was a month of weather that averaged 49 below zero. Now any animal that isn't fed and looked after in that time -- what's going to happen. This should not be allowed. We are a civilized country. We hear all about these seals that are getting killed, they bop those on the head and kill them. Well, I assure you Mr. Chairman, it would be much more humane to go and hit these horses on the head in the Fall then allow them to starve to death.

Mr. Taylor: There was another point I intended to make with relation to this Sessional Paper, Mr. Chairman, and that is that the author of this paper apparently doesn't know a great deal about livestock, I don't know who the author is but he states here that the danger of horses of starvation and under-feeding is not great, this in itself would indicate that the person involved

Mr. Taylor continued:

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does not know the situation, even though it is quite common to graze horses in National Parks and other areas of Canada. You can graze them in the Bluegrass of Kentucky and they'll come out real good -- fat as a barrel, but I would like to point out as any outfitter will tell you, that the grasses and the material that the horses have to eat in this country on free open range ground is of a very low nutritional value. This is such as bunchgrass and this type of thing, but they can survive on this and they do, but one of the big problems that occur is when the hunters complete their Fall hunt, bring their horses back in rough condition, saddle sore, brush cut, skinny in very poor shape, in the Fall when the snow is on the ground and they boot them out for the Winter, the horses are not in shape, indeed in many instances. I don't say in all, we've got some real good outfitters in this Territory, that really do look after their livestock, and look after it well, but I say to you that we have other outfitters in this Territory who do not and who neglect their livestock. I think this should be taken into account and there is a need for such legislation as I have suggested.

Mr. Livesey: Mr. Chairman, I wonder if I could direct a question to the Legal Adviser and ask him if I am correct in assuming that the Department of Justice is contemplating much more astringent regulation in the Criminal Code or proposed Amendment to the Criminal Code in relation to the cruelty to animals.

Mr. Legal Adviser: I only know what has been commonly announced, and that is the Department of Justice are going to introduce if they haven't already done so, a more astringent section for the Criminal Code than this, but I can't think how it can be more astringent, how more detailed than here. This says, that everyone commits an offence who permits unnecessary suffering to be caused to an animal or who being the owner or person having the custody of an animal, neglects or fails to provide suitable and adequate food, water and shelter for it. Now this is as wide as you can get. Once we move into this particular field, there's a constitutional doctrine that when a field in constitutional law, criminal law has been occupied by the Federal Government, it is not competent for a Province or a Territory to attempt to occupy that field. Now it might be possible to devise some little twist, as is done commonly say when we're dealing with motor vehicle offences, but as a basic crime this is as wide a drafting as you can get. Any person who causes unnecessary suffering to an animal by failing to give it food...this is what the complaint is that these people are doing, I can't think of any method of making it any tighter.

Mr. Shaw: Mr. Chairman, I wondered if perhaps the Administration, this would be a question, if they could not contact the RCMP in the Dawson area and get a report on the horses that have died, that they are knowledgeable of, that died this last Winter and the previous winter and the circumstances of it and if I could have a copy of the report, Mr. Chairman, would that be possible?

Mr. Taylor: Just in relation to Mr. Legal Adviser's enforcability of this Ordinance, it says willfully cause or being the owner willfully permit...it seems to me that a good lawyer would be able to get around that pretty easily by saying that the outfitter put his horses out in the range and was not there so really didn't know whether they were starving or not, even though someone else found them starving. It seems to me this would apply to animals more or less in captivity. The next section says or an animals wild by

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Mr. Taylor continued:

nature that is in captivity and the whole criminal code as far as reading from the code would indicate that there isn't a lawyer worth his salt who couldn't beat both those sections. What I'm attempting to do is to get something so iron-clad and spell it out in our Territorial Game Ordinance and put some healthy penalty provisions in the penalty section in relation to this. This is what I'm getting at.

Mr. Legal Adviser: I think its partly the difficulty of proving ownership or control that prevents prosecutions. From our enquiries to the police, we only know of one complaint that was made to the police concerning this in recent times, from an inquiry made through the detachment. Although, people have written into the newspapers. In default of the public bringing to the attention of the police a particular case they know of, in sufficient time to enable the police to make an investigation, there's very little the police can do, they're not rangers going around checking on horses as such. There is a limited number of them. They have said that whenever they get a complaint, they will investigate it forewith, if they get complaints from the public.

Mr. Taylor: Mr. Chairman, again I must rise and point out that this is one of the fault of not having Conservation officers in this Territory. I personally am a voluntary Game Guardian, and have received two or three complaints this Winter already on horses, personally myself, I've heard of others. As a matter of fact one of the biggest offenders was a government sponsered hunting outfit. As usual the Government sometimes winds up being the greatest offender, but in any event I brought this to the attention of the Game Department and I asked that an investigation be undertaken. You may wish to get the results of that study as well, when you're investigating Dawson.

Mr. Shaw: Mr. Chairman, now that my memory is a little better due to the discussions, willfully was the word concerned. Apparently once in a while a bale of hay was taken out so they were feeding the animals. I can quite sympathize and understand how the police, its too hard for them to endeavour to prosecute something that they know that any lawyer worth his salt can beat. This willfully, I think is the part that really counts and is the crux of the whole situation. Just to conclude, Mr. Chairman, otherwise I don't think the Government would need to change the present act as it is now, it must be inadequate or they wouldn't be contemplating changing it.

Mr. Taylor resumes the Chair.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser wouldn't agree these sections do leave themselves open to interpretation of where if an animal is within a building owned by a person and the person willfully causes or permits unnecessary pain and suffering to the animal while its in the building, while its on a open range how can it be said that the person has custody and control, certainly he hasn't got custody, he's got ownership but he certainly hasn't got control either, because its on an open range. I would also see it if , I would see Mr. Legal Adviser's thinking if he willfully neglects the animal in his own premises or in the stable or in the yard that's fenced off then didn't feed them and neglected them, I think it would have to go much further than what is spelled out here. There must be a way of saying in actual effect that any animal that is allowed



Mr. Chamberlist continued:

to run on an open range without making adequate provision for feeding should be found guilty of an offence and I think it needs just a slight variation in this to get this particular thing done and I would certainly agree with the Honourable Member for Watson Lake and Dawson that there is something lacking.

Mr. Legal Adviser: This is what the draftsmen of the Federal Government have come up with. I presume it has been under scrutiny for some time and they're coming up with another section to add on a section of this. Now you're correct in a sense, I think in suggesting that it's a difficult charge to prosecute, because if the owner of a house which is alleged to be suffering from malnutrition or to be abandoned in distress without suitable and adequate food, water and shelter, this has got to be proved beyond a doubt by the prosecution, now I'm slightly taken aback that any Honourable Member would suggest that we take out say a word like willfully when clearly this is to express that it must be deliberately done as opposed to accidentally done. Now if the outfitter should say that horse is fine, we've got to then fly a veterinary surgeon up, we've got to have examinations, the court has got to be satisfied beyond any doubt that the offence alleged has in fact been caused. It's quite a difficult thing to prove without technical evidence the same way as if you were dealing with a child to a doctor, that was marked, suffering from malnutrition or something else. There's no question but a horse that is standing beside the road looking woe-be-gone is not necessarily starved. All information is that the outfitters appear to be doing a good job in looking after their stock, feeding it when necessary and looking after it when they're in distress. That's as far as our reports go and it doesn't seem to be any reason for all the tremendous panic, to be quite frank.

Mr. Chamberlist: Nobody is suggesting, and especially I, that the word willfully be taken out. I'm just saying that it doesn't go quite far enough, it should be left in and added to it. I repeat it is not strong enough because the prosecution could prosecute under these particular sections but I must agree with the Honourable Member from Watson Lake, it's going to take some not-too-smart lawyer, even I could win a simple case like this, on the basis of this.

Mr. Shaw: Mr. Chairman, you're talking about evidence, can anything be deader than dead? These horses fall over, they're dead, they die from malnutrition, can they be any deader? That's the point, as far as evidence is concerned, but whether it was willfully done or maybe neglected, I've forgot.....

Mr. Legal Adviser: Mr. Chairman, if the horse is dead, we've got to have a post mortem on the horse, to get evidence as to what he died from. It's not enough to find the corpse of a horse lying on the mountain side. We've got to send out a special helicopter for the purpose, or a special vehicle and we've got to bring that animal in, we've got to preserve it in cold storage, we've got to have a post mortem on it, with an opinion by a qualified officer, who is giving evidence in a criminal case, as to what in his opinion it died from, and that's liable to be met by other evidence that says it only happened last week your Honour that I happened to give him two bales of hay. There you are, it's strictly a question of money and ability. There's no question, the police are quite willing and have assured us, they're quite willing to prosecute in any case brought to their attention where they can find evidence, and there's nothing much they can do more than that.

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Mr. Taylor: I just want to make this one point, and that is that it is so obviously clear that the person who wrote it, for the Commissioner's signature, that he doesn't really know the full context of what he's talking about and I say that without any qualifications. In other words, wherever that shoe fits, that person can wear it, because whoever wrote this paper certainly doesn't know what they're talking about. I'll give you one example, as a result damage caused to horses' coats by wet snow refreezing is light in normal winter. Now that has got to be the product of a very uninformed person. We talked about the damage to snow on a horses back, to his liver, which causes death to horses, well that might be something a little closer to intelligent. What I'm getting at is this, there's nobody in this Administration that knows exactly what this horse situation is all about. Maybe I should make this point again, I say that there is no one within this Administration that knows what this horse business is all about, and therefore are incompetent to draft this legislation without the facts. Now, the people that can tell the Members of the Administration are the people from the outlying districts who this elective body happens to represent. But, as in other areas, its very difficult to get these things through. Now, when we talk about legislation which would provide that an outfitter looks after his horses, certainly a Conservation Officer or an RCMP Constable more particularly a Conservation Officer, who goes before a court and says your Worship, I bring you this case under the Game Ordinance, under this drafted regulation or I should say piece of legislation, that we embody into the Game Ordinance, and says I on Oct. 3rd or Jan. 4th or whatever the date was encountered such and such, such a situation where three horses were found dead of apparent starvation, and I can further testify that the party responsible for these horses was wintering in Florida or was...or had moved off to work at Anvil or had gone some other place and soforth and I can further bring as witness Joe Blow and Joe Blow you're going to get a conviction there's no other way, you don't have to fly veterinarians in helicopters and do it the Eastern White man Ottawa style, I can't agree with this, this is liking talking about the time the poor Indian out of Fort Good Hope shot a duck and it cost, half the city of Ottawa had to, the Government in Ottawa, had to go to Fort Good Hope to see this poor dead duck, and this poor deceased little Indian, mainly because they've never been in the Northwest Territories and it was a good chance to get there. We don't want to see any of this nonsense over here. I'll leave the point, as in other things do I take it that the Administration are not prepared to draft legislation even after this discussion.

Mr. Legal Adviser: I should say that the Director of Game was one of the group which dictated or drafted this. Mine, was the typewriter which wrote it, but the Director of Game was consulted in the drafting of it and the information concerning the danger to horse starvation and under-feeding is a quotation from a report of a veterinary surgeon's who have looked into this matter and who have given it their opinion, that horses which are turned out to rough graze in the winter are better for it and more healthy than horses that are retained either in enclosures or indoors. And that the horses which are rough grazed are better than the ones indoors, basing it on this information, on reports from the police that they have no hard information concerning any cruelty to horses, or any starvation of horses, and the same information comes from the Director of Game, who is in personal touch with all the outfitters and with their animals and is responsible for the feeding of some of the animals, which are in government hands, this is what we come up with. These are the experts, we've got, it may disagree with the expertees that is so wonderfully assembled in this Chamber, but its all that the Administration has to rely on.

Mr. Taylor: In reply, I've yet to see an expert on Game or few other fields short of Education and Engineering Department, I don't think, and Welfare maybe, I don't see many experts in anything around here, certainly not in Game. We haven't got one qualified Conservation Officer in the Territory yet. We've been trying to get one for about ten years. But I will say to you this, that if the Administration will not provide or consider provision of legislation to make these people responsible, I can only go back to my people who have complained and other people throughout other areas of the Territory and say that it is the policy of the Territorial Government to condone starvation of horses.

Mr. Livesey: Mr. Chairman, I would certainly agree with the advise given by the veterinarian, but in order to find out the true facts they would have to live out where horses graze and if you do, you find out that a horse can live through the wintertime because he can paw for food, but, what that horse paws for usually in the Yukon is peebine, and where there is no peebine this is where you run into a problem and anyone, and I have lived in areas where there are owners of 80 and 90 horses, and surely they know what they're talking about, far more than veterinarians or anybody else, they, and I know because I lived there for 20 years out in the Hinterland, so surely they were better and more equipped to inform the public than those who sit behind desks or look at books or read it in the newspapers. The problem lies in the wintertime, with these horses, when they wander off the area where they know the peebine grows, and when they do, they starve, there's no question about it. They are in a rundown condition, however, they watch them throw the wintertime, the usual alert owner, watches these horses and when they're...like in the Donjek River Area, when they wander off the Donjek River Area and cross the River and go across the other side, they'll go over there and chase them back, that's what they do. Chase them right back where they know the peebine is, underneath the snow. There's no question about it, and these things can occur but I don't know how many degress one would have to have at the end of their name to know how to handle this situation, Mr. Chairman.

Mr. Shaw: Mr. Chairman, what the Legal Adviser stated, in the opinion of the veterinarian, it may be quite valid when a horse is in good condition and is left out in the wintertime to have good feed. I would assume quite naturally that they would be would winter very well, but when these horses are all played out in the fall, with a bunch of saddle sores, they put them out with their shoes on, some of these people and when you go out and they're dropping dead, three or four, five or six, seven or eight, I think that veterinarian needs to go and study something to find out and I think Mr. Chairman, you'll find that's exactly what's happening. If it costs, as a taxpayer in the country, in Canada, I'm quite prepared to cough up in taxes to protect these animals from cruelty. This is done absolutely blatantly because that law is just practically unenforcable, if it weren't enforcable Mr. Chairman, there would be convictions in the Yukon Territory, with all the number of horses we have in certain instances. How many are there -- none, because you can't make it stick and that is the point.

Mr. Chamberlist: Mr. Chairman, I would like to put this question to Mr. Commissioner, Mr. Commissioner, in view of the last sentence in this paper, which reads, having considered the circumstances, it is not proposed to indicate legislation on the subject, I would wonder Mr. Commissioner if you would answer this,

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Mr. Chamberlist continued:

if a Private Members Bill was passed in this House, to bring forward stronger legislation would you be prepared to give assent to this Bill?

Mr. Commissioner: Mr. Chairman, we are again being asked to answer a hypothetical question, I would say this, that if a Bill of this nature was brought forward as a Private Members Bill and was passed by this House, and if in the opinion of my Legal Adviser, he had the confidence of the House to legislate in this field, had not gone beyond that point and it appeared to be enforceable legislation, I would feel duty bound to give assent, but again we are talking about a hypothetical question and I would reserve the right to get a hard look at what was being placed before us, but certainly the statement that I have made, I think would be a reasonable one, in the circumstances.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser can indicate that it is within the legislative power of this Council to legislate in this manner.

Mr. Legal Adviser: It would be a very difficult Bill to draft, because of terms of the Federal Bill, I wouldn't like to try it, I'd be prepared to try with some Members, but it would be a tough one because you'd have to have some system whereby, you might have to register all the horses and then if the horse wasn't registered an offence had been committed, a series of offences on the brands and the ownership and so forth, tied more to that type of thing, a regulation that it must be fed every so often and so forth, rather than sheer cruelty which is dealt with here or neglect and which would not be within our confidence once the Federal Government had occupied this particular field of criminal law.

Mr. Chamberlist: My question wasn't answered. I asked if it was within the legislative power to do notwithstanding whether you felt it was possible to do this or not, or how tough it was to draft, I'm asking if it is within the legislative power to draft legislation of this nature, are you prepared to then recommend that is to the Commissioner that it not be passed, notwithstanding that we have the legislative power.

Mr. Legal Adviser: If it attempted to deal with the subject of cruelty to horses, I would advise the Commissioner not to assent to it.

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

Mr. Chamberlist: Hurry up autonomy.

Mr. Chairman: The next Sessional Paper is Sessional Paper No. 24

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PAPER #24

Mr. Chamberlist: Mr. Chairman, there are some questions to be answered and I would be prepared to leave it until such time as we have these questions, and with respect No. 26 is my next one and I didn't realize this was coming on so soon so my notes are on my desk in my office and if we can put this off until tomorrow.

BILL  
#11

Mr. Chairman: Well, there is still the matter of one Bill, Bill No. 11 - An Ordinance to Amend the Game Ordinance, I have asked that this be held in abeyance until I proposed an Amendment but I find out that the Administration will not accept my

Mr. Chairman continued:

Amendment, so we will not proceed with this any further, I will proceed to read the Bill. (reads Bill No. 11)

BILL  
#11

Mr. Chamberlist: Mr. Chairman, I wonder if you'll allow me to take the Chair and perhaps give you an opportunity to express yourself on this particular Amendment that you wanted the Administration to put in and which they refused to.

Mr. Chamberlist takes the Chair.

Mr. Taylor: I had not intended to carry this on any further, I don't want to get this thing into another big hassle. I asked for a simple Amendment, once again to try and build up the Game Department, and facilitate the takeover of Fisheries, by including a simple Amendment which would state, Game Guardian in our Ordinance shall include the Conservation Officer. As this is not agreeable to the Administration, I've been informed that it would not be in any way be agreed to and that's the end of it so that's why I had this Bill in abeyance, but since I've got this information its like anything else unless the Administration wants this legislation we can't have it. I would suggest we proceed with this Bill, and while I'm on my feet I have a question to ask, what gives rise to, what is the specific reason that we require this Amendment.

Mr. Legal Adviser: Mr. Chairman, the simple reason which gave way to this Amendment was the question of somebody being able to set up an area and limit hunting in an area. That is the subject which arose, when we checked back as to what our powers were to limit hunting for one type of an animal or another type of an animal, we found that the Section was faulty in its drafting and it was capable of being used for the purpose but would be most awkward to administer. It reads that the Commissioner may make an order fixing the boundaries of the areas within which any specified type of species of game may be hunted and killed. In other words, its giving a positive permission to hunt for a species of animal, species in the plural, in a particular area. We would have to exclude the animals from the whole of an area backwards. Its more convenient if we want to designate a particular area say bear or a particular type of game, may be hunted in one area or may not be hunted in another area. In the course of this then when the question was being examined, it was realized that apart from possibly amending the Ordinance for one particular aspect of it, this would make it possible for the game Department or future Conservation Department to be able to conserve game in a forward moving fashion by building off areas for hunting, for one or more species of an animal in the way that the Provinces currently have the power, and the power we feel we should have for game conservation purposes, to allow hunting in one area but not in another, depending on the natural habitant of the game, for protection purposes, for these two purposes that the Amendment is produced.

Mr. Taylor: Well, I have some feelings on this one. In the first instance I don't feel that until we have a qualified, properly organized Conservation Department that necessarily this privilege be given. I have several reasons why, because I don't feel that we have --we have no biologists here, we have no people trained in game here, and I can see where this could lead to abuse. I believe we have if you're talking about mamologists, we have one Federal Wildlife Service mamologist in the Territory, he's a Federal Government man and he's studying grizzly bears, that's his program, he's a specialist in grizzly bears. I can see this indeed

BILL  
#11

Mr. Taylor continued:

leading to the setting off of hunting of grizzly in many areas of the Territory, which I think that this should be the privilege of the Council. I think this is something that we should decide up until such a time as we have qualified personnel here in the Territory to make this decision. I think it, if someone can come down and give Council legislative body, at least at this point in time until we become involved with Administrating, that if they could come down and ask the Council and give us good reason why certain areas of the Yukon should be closed for bear hunting, or moose hunting or anything else, this is fine. What we do, in the same breath I will say this, what we do need is to break the area of the Yukon into five or six big game management districts, so that you can if you're moose are a little short in the Mayo district you can close down the area for moose but you can leave the other areas of the Territory open and this type of thing. But in order to manage big game districts, you have to have big game managers and this takes training, it takes experience, all of which Dr. Hatter, incidently of the B.C. Game Department has offered to do for the Territory. I don't know how many years, he'll run our people through with his own as he develops his conservation people, so until we're prepared to build a game department I don't agree that this would be in the best interests of the Territory. Number two is I do know of a couple of circumstances in the Territory where people who have raised birds and things of this nature would like some little protection around the area that they do this raising of animals, now this would permit, in other words where animals leave his fence or his birds fly from the fence that they have an opportunity to get home, its not my intention to deal too much deeper with these people at the moment, because they'll be making their own representation in the normal fashion, but I see trouble here, I really do, I see bad trouble here.

Mr. Dumas: Mr. Chairman, I kind of liked the Honourable Member from Watson Lake's idea of game districts and so forth but I really can't go along with the withholding of this request from the Commissioner's office, now I just can't see any great evil plot within the Administration to abuse this simple request. Lets face it we have a Game Department set up here, I think they do a reasonably good job under the circumstances, we hope for better things in the future, but let's at least allow this type of thing to go through so that within the confines of what we now have working for us, we can work as effectively as possible and if certain, as the Honourable Members says, certain areas, certain people might want to have their areas protected or their land protected, this type of legislation will allow the Commissioner to do that.

Mr. Taylor: As I say, I had mixed emotions, and I still have on this thing. Do I have the assurance of the Administration that this is merely as pointed out to clarify a point in section 80 where the Commissioner has the right to fix boundaries of the area, within which any specified species of game may be hunted and killed and here you said may or may not be. You've added the words may not I believe, switched it around a bit, may I have it that it will not be the intent of the Administration if this is accepted to establish any new game sanctuaries or parks under this section but that any such proposals would first be referred to this legislative Council, that would be my first question?

Mr. Legal Adviser: The way the section came to be drafted, a request was made to me to give protection to a person who wanted to have some sort of a game farm for visitors to come and I set out to draft a draft order and I found that in order to give protection around a small area of land, which was bounded by two rivers or something like this, I would have to permit the hunting of animals in the whole of the Territory except this. Now this seemed to me a very awkward way of doing it. If we had out a man and say in this area say a quarter mile square for the sake of forbidding hunting in this particular small area, by visiting tourists and people passing through that we would have to give permission to the whole of the Yukon Territory to hunt all types of game and animals everywhere throughout the Territory except within this, it seemed to me awkward. I then suggested that it should be put the other way around, we can make an order, in relation to an area, around a man's game farm or bird farm, or whatever he's doing, we can prohibit say the hunting of birds in that area, but let big game be hunted or vica versa. This came up, now in the course of this, the course of discussing it with the Game Department, they pointed out that they have got no legislation whereby any game management scheme on any area can be implimented, we're lacking in legislation, so they supported the idea on the basis that as the Honourable Member put it two minutes ago, that you can close off a section for moose hunting if the reports come in that the moose are getting scarce, you can close off this by using a regulation for the purpose. We may have no manager, but we have a game department and we act on their advise and we do the best we can. We're accepting their advice for the purpose of game management of different kind of species or different kind of area, this would be a suitable type of regulation to have. There's no secret about this. Its not intended to establish National Parks or santuaries in any way,

BILL  
#11

Mr. Taylor: Well, Mr. Chairman, rather than debate on this thing, I will go along with it but if there is any misuse of this, any misuse whatsoever, I'm going to be back for a repeal and I hope that I'll have the support of the Members if I can show it has been abused, and ask for a complete repeal of this.

Mr. Livesey: Mr. Chairman, we do have people interested in promoting a game farm in the Yukon and this is quite true. If this legislation will help the situation to move ahead I'm all for it because we have to combine the thinking of this individual with Publicity and Travel, and the attraction to the Yukon af visitors to the Territory. I think its a very good idea to provide a small area or section for a man who apparently appears to be putting great efforts and is going to work exceedingly hard to provide perhaps something similar to what the graat city of Edmonton may have in this regard, this of course has nothing to do with the Klondike coin or nuggets or anything like that, I'm diametrically opposed to their views in this regard, but when it comes to setting up a light game farm to that which exists, which is a private enterprise by the way, not run by the city or the Mayor, I'm all for it because this is what we need in the Yukon, it would be a tremedous attraction to the Territory. I think it would be ridiculous to allow hunting within earshot of these animals -- I really do, I think it would be foolish, and if the Aministration can assert to assist in promoting this type of attraction for the Yukon Territory, Mr. Chairman, I think they would be doing a great thing, especially for this particular area right here where it could attract quite a number of people once its built up.

Mr. Chairman: Any further discussion on this.

Mr. Taylor: I'll resume the Chair at this point.

Mr. Dumas: There doesn't seem to be any further discussion, Mr. Chairman so I'd like to move that Bill No. 11 be passed out of Committee without Amendment.

Mr. McKinnon: I'll second that Motion.

Mr. Chairman: It has been moved by Councillor Dumas, seconded by Councillor McKinnon, that Bill No. 11 be reported out of Committee without Amendment. Are you prepared for the question?

All: Question.

Mr. Chairman: Are you Agreed?

All: Agreed

Mr. Chairman: Any contrary? I declare the Motion Carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: What is your further pleasure?

Moved by Councillor Chamberlist, seconded by Councillor 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 of the Chairman of Committees?

REPORT  
OF  
COMMITTEES

Mr. Taylor: Mr. Speaker, Committee convened at 10:30 a.m. to discuss Bills, Sessional Papers. Ken MacKenzie attended Committee to discuss Bill No. 13. Committee recessed at 12:00! noon and reconvened at 2:00 p.m. Outstanding Amendments of Bill No. 13 were withdrawn and negated by Committee, It was ruled by Councillor Dumas, seconded by Councillor McKinnon that Bill No. 13 be reported Out of Committee without Amendment, this motion carried, it was moved by Councillor Dumas, seconded by Councillor McKinnon that Bill No. 11 be reported Out of Committee without Amendment and this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Shaw that Mr. Speaker do no resume the Chair, and this motion carried.

Mr. Speaker: We have heard the Report of the Chairman of Committees, are we agreed?

All: Agreed.

Mr. Speaker: I will declare the motions carried. May I have your further pleasure?

Mr. Taylor: Mr. Speaker in relation to the agenda, it would appear that we have three or four Sessional Papers before us and that is all before Committee at this time, so I would suggest tomorrow we deal with Sessional Papers.



Mr. Speaker: May I have your further pleasure?

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

Mr. Chamberlist: I'll second that motion.

Mr. Speaker: Are we Agreed?

All: Agreed.

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

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 and tabling Sessional Papers No. 34 to 42 inclusive. Are there any Reports of Committee? Introduction of Bills?

Mr. Chamberlist: Mr. Speaker, at this time I beg leave to introduce Bill No. 5, An Ordinance to Provide for Government Control and Sale of Alcoholic Liquor.

Mr. Speaker: Is there a seconder for the Honourable Member's Motion?

Mr. Chamberlist: This is an introduction, with respect.

Mr. Speaker: And seconder required. Is there a seconder for the Honourable Member's Motion with reference to Bill No. 5? Notices of Motion or Resolution?

Mr. Shaw: Mr. Speaker, I would like to introduce a Notice of Motion at this time. Moved by myself and seconded by Councillor Livesey as follows: Be it resolved that the site of the proposed Juvenile Training Home be located other than within the boundaries of the Whitehorse Metropolitan area, and that preference be shown and serious consideration be given towards locating this institution where agricultural pursuits shall be made a part of the training program. Be it further resolved that this Motion be discussed in Committee of the Whole. NOTICE OF MOTION # 13

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

Mr. Chamberlist: Yes, Mr. Speaker, I would first like to give Notice of Motion re Sessional Paper No. 41 that this Sessional Paper be passed into Committee for discussion - and add 42 to that; and I have a further Notice of Motion, Mr. Speaker, that this Council approve broadcasting procedures and debates in this House by TV and radio media. NOTICE OF MOTION #14 & 15

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

Mr. Taylor takes the Chair.

Mr. Speaker: Councillor Livesey.

Mr. Livesey: Mr. Speaker, I have two Notices of Motion this morning for the attention of the House, moved by myself and seconded by the Honourable Member for Watson Lake. My first is on agriculture addressed to the Administration that Sessional Paper No. 10 on Agriculture be moved into Committee for discussion; and Notice of Motion No. 2, seconded by the Honourable Member for Watson Lake, with reference to Airports addressed to the Administration, that the need for development and recognition of the Beaver Creek Airport be once again confirmed and established as a policy NOTICE OF MOTION # 16 & 17

lead to all governments concerned. Thank you, Mr. Speaker.

Mr. Livesey resumes the Chair.

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

NOTICE OF MOTION #18  
Mr. Chamberlist: Mr. Speaker, I give Notice of Motion that a Brief on Securities Legislation be passed into Committee of the Whole for discussion. I beg your pardon, with respect, I don't know whether this has been tabled.

Mr. Speaker: Not yet, no. So, there could be no Notice of Motion on that particular item at this point.

Mr. Chamberlist: With respect, could I amend the Notice of Motion to read - give Notice of Motion that Securities Legislation be discussed in Committee of the Whole.

MOTION NO. 11  
Mr. Speaker: Are there any further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? And moving to Orders of the Day, we have Motion No. 11 and Motion No. 11 is moved by the Honourable Member for Dawson, seconded by the Honourable Member for Carmacks-Kluane Lake - be it resolved that a plebiscite be held at the earliest opportunity to determine whether or not the age for legal consumption of alcoholic beverages should be reduced from the present 21 years to 19 years of age, such question to be worded, "Are you in favour of lowering the legal age for the consumption of alcoholic beverages from 21 to 19 years of age". Be it further resolved that all Yukon residents of the full age of 19 years of age and over be allowed to vote on this question. Would the Honourable Member for Dawson be prepared to discuss Motion No. 11 at this time?

Mr. Shaw: Thank you, Mr. Speaker. We have discussed this particular matter of the drinking age at considerable length. We got through, and I think a great deal of it was concerned in the 103 pages of discussion relative primarily to this particular subject last fall, and we have also had considerable discussions on this this year as well as a hearing of briefs from many organizations in the Yukon Territory who went to a great deal of work to prepare these briefs and at the same time to take the trouble to come here and appear before the Select Committee which was formed by this Council. After listening to all these briefs, Mr. Speaker, it appeared to me that many people have a real deep interest in this problem. I think we will all agree that when the witnesses were here that we found an extreme divergence of opinion. The divergence of opinion was as extreme, I think, as one could ever find. In my constituency I speak to people and I ask them what they think of whether we should lower the drinking age to 18, 19 and I can speak to one person this moment at one part of the day who is very much opposed to it, very much opposed. Five minutes later I can speak to somebody that feels that it is a good idea, and they all have very good reasons for their attitudes. Some of course are emotional. That is to be expected. It is an emotional matter. It is a matter that concerns all people in the Yukon, particularly the parents. So that in order to resolve just what the people do want, and I can show you, Mr. Speaker, by my past performance, I think it has been proven that I am quite capable of making a decision on just about every issue that comes before this Table, but when it comes to something like this, I feel that this is beyond my capabilities or qualifications to be able to say whether we should or whether we should not. As you recollect, in the Bill which was presented to Council, I'm sure that I had no part in presenting this Bill. The bill was put before

Council and before myself as a Member and it very clearly put me in a position where I had to either agree or disagree with the Bill. In other words, shall or shall not the drinking age be lowered. I felt that in view of the fact that there are many children going to school that are, in fact, over the age of 18, that perhaps 19 years might be a better age at which to, at least for the time being, to use as a yardstick of making this law more permissive, so that is the reason why I have put it at 19 years of age. The third part of my resolution, Mr. Speaker, asks that persons of 19 years of age can also cast their opinion on whether they feel that this should be the law of the Yukon Territory. I find that there are 18 and 19 year olds who also have divergent opinions on whether the drinking age should be lowered. So, I think it only fair, seeing that these people are concerned, that we will also give them the opportunity to cast their feelings by form of a ballot in respect to something like this, and I would conclude, Mr. Speaker, by asking for Council's support of Motion No. 11.

Mr. Speaker: Any further discussion?

Mr. Chamberlist: Yes, Mr. Speaker. I would first wonder whether the Honourable Member who moved the Motion would indicate whether he would be prepared to have the Motion debated in Committee. If Mr. Speaker would allow him to indicate that then it might not be necessary for me to speak on the matter at this time. I wonder if Mr. Speaker could get a direction on that.

Mr. Speaker: Is this a question only to the.....

Mr. Chamberlist: A question only.

Mr. Speaker: Would the Member from Dawson like to answer the question from the Member for Whitehorse East?

Mr. Shaw: Mr. Speaker, I would have no objection to discussing the matter in Committee: if the matter were restricted only to the subject matter that is in here. In other words, in relation to having or not having a plebiscite in respect of this.

Mr. Chamberlist: Yes, I'm quite prepared to accept that,  
Mr. Speaker.

Mr. Taylor: Mr. Speaker, I wonder why we have to revert to Committee in order to discuss this particular Motion. I might ask the Member why it cannot be dealt with in Council where perhaps it should be dealt with.

Mr. Chamberlist: I think this is just a question as well and I am prepared to answer that the Honourable Member from Watson Lake knows full well that in Committee of the Whole the subject itself can be fully debated whereas at this particular time if it is done in this House one can only speak once and then not speak later, the intention obvious then is to attempt to stifle me on a matter which is of urgent public importance. If the Honourable Member feels that he wishes me to go on and debate this, I will not bow away from it because I feel sufficiently that I can make myself clear as to how weak the situation is. If the Honourable Member from Dawson who has moved this motion - if his like-thinking friends cannot comply with his wish then I will carry on, Mr. Speaker.

Mr. Speaker: Well, I must advise the House at this time that there is no Motion before the House that this Motion be moved into Committee. Unless there is a motion that this be so then discussion on the Motion cannot take place.

MOTION  
NO. 11

Mr. Shaw: Mr. Speaker, might I ask a question of the Honourable Member from Whitehorse East in respect of his request, and that is is there anything further in this particular Motion that requests an answer of yes or no, whether the public should be invited to give their opinion?

Mr. Chamberlist: Well, Mr. Speaker, I feel there is more than a straight answer of yes or no. I think there is the necessity to recognize the responsibilities of the elected Member of Council to make decisions and not to try to push his decision on to others. We are elected for making decisions and I am in favour of that. This is my answer, Councillor Shaw.

Mr. Speaker: Well, I don't wish this questioning of each Member to go to a point where we are going to have to look upon it as a debate, and once again I will reiterate that there is no motion that this question be moved into Committee at the moment, and if the Honourable Member does not rise on this question, the question before the House is Motion No. 11.

Mr. McKinnon: Mr. Speaker, if question is called as to whether this Motion should be moved into Committee or not, at this moment I would be prepared to vote against it, and I will give my reasons and why I arrived at my decision. We started out on this liquor hearing last fall session and we went through the proposed ordinance in great detail. Every Member of Council had debated the proposed Ordinance at great length. In fact, it ran to 103 pages of debate which is quite one of the lengthiest debates that this House has held. At that time every aspect of the ordinance was looked into. There was a consensus of opinion as to how we should proceed with the bill at that time, and, Mr. Speaker, accordingly, briefs were asked for from the public. Thirty-five were received and subsequently these briefs were heard. At last fall session there were direct questions asked, and I believe it was by the Honourable Member for Whitehorse East, as to why Members couldn't make up their minds as to what the drinking age should be. At that time I said that my mind was not made up but I would be willing to listen to the public, ask questions on the briefs, before arriving at a decision. After the briefs, Mr. Speaker, and talking to constituents and people throughout the winter I have arrived at a decision on what I think the drinking age should be in the Yukon Territory. I believe that age should be 19. I have great faith and I have great respect in the ability of young adults. I think that they are capable of handling alcohol as wisely, if in fact not wiser, than many people who are called adults now because the law has said that the arbitrary age of 21 shall be the age at which they shall consume alcohol. Mr. Speaker, however, I am not a parent. I am relatively young in comparison with some of the other Members of Council, and these Members have intimated to me that in their constituencies there is great controversy over the question of lowering the drinking age. As parents they have said that other parents they have talked to have strong concepts, strong ideas about what the drinking age should be. So, Mr. Chairman, in deference and in respect to these Members who have asked that a plebiscite be held, even though I personally feel and I would have no trouble at all if the question were called at making the decision at 19 at this time, I have gone home with them and agreed only if those people over 19 years of age are allowed to vote in this plebiscite. I think that besides young adults taking on extra responsibility, it will be a good involvement in the democratic process for them if they feel that this, the drinking age, the consumption of alcoholic beverages should be lowered or indeed remain as it is, to organize themselves and to platform and to lobby for the proposed change or against the proposed change. So, besides being an exercise in what

they feel should be done, it will also be an exercise in the democratic process for them. Mr. Speaker, another reason why I agree at this time with the concept of a plebiscite is because of the non-urgency of the situation. As all Members know, the concept of the proposed liquor ordinance in its present form was repugnant to every Member of this Council. The reason for this being, Mr. Speaker, that it would take the control of liquor regulations and liquor legislation from the hands of the elected Members of the Council and, as Mr. Speaker knows, this is one of the very few areas that we are allowed to move in at this time and put it in the hands of a Federal employee. Mr. Chairman, if this isn't an absolute taking away of responsibilities - the few responsibilities that we now have under the Yukon Act, I don't know what it is, and, Mr. Speaker, further to this, the Administration at this time have publicly declared that they are not willing to change the terms of the present draft liquor ordinance as it appears before Council so that the elected representatives of the people, and not an employee of the Federal Government, will continue to have control of liquor in the Yukon Territory. Now, I think that this is a time of waiting. I think and as everyone knows - it has been made publicly enough - that within the next month announcements as to the constitutional development of the Yukon should be made so that we will know whether an executive-type of government is going to be formed in the Yukon that makes most of the arguments we held at the last session, academic, and by this, Mr. Speaker, I mean that if the Minister of Indian Affairs and Northern Development recognizes the needs of the people of the Yukon to govern themselves, then we can agree to a board in some fashion. However, this board will be under the control of the elected representatives of the people and not under the control of the Commissioner, who, as I have stated previously, is not an elected member and not a representative of the people but rather an employee of the Federal Government. So, Mr. Speaker, because of the non-urgency of the question, and there is no possible way that the liquor ordinance in its present form could pass this session - we have an impasse with the Territorial Administration at this time as to how the board will be constituted and who will control it, and because following the announcement of the Minister, this may become academic in the near future, and because of the fact that Members have asked that the people be heard because I believe in participatory democracy, I believe that on questions of great public importance, on questions where there is great controversy, where there is decided differences of opinion, that I have no qualms at all in letting the people speak. If the issue was so urgent that tomorrow we had to make a decision, that we couldn't go to a plebiscite, then I would be willing to make the decision tomorrow. However, the rest of the western Provinces - in fact, most of the rest of Canada, is looking towards our present liquor ordinance as it now is as a way to liberalize their laws so that they can come up to the liberal standards of the Yukon as they now stand and, Mr. Speaker, I dare say that the proposed ordinance will put us again at least ten years in advance of western Provinces or other parts of Canada that would take our present ordinance as a standard of how liberal drinking regulations should be in force, and as I say for these reasons that I have stated that I feel we have debated and debated this question around the mulberry bush for so long now that it is time that we made a decision on whether or not we are going to have a plebiscite or not and let's make this decision now. There is no reason with the number of times that every Member has heard this question to go back into Committee and debate the whole ordinance and the whole matter of liquor again. Let's get on with the job. Let's hope that by this fall session with the age question cleared away, with the constitutional question cleared away, that by this fall we will be able to pass a package liquor ordinance which will be held up all across the country as

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being at least ten years in advance of any other liquor legislation on the books anywhere in Canada. Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member for Watson Lake.

Mr. Taylor: Well, Mr. Speaker, the thoughts as expressed by the Honourable Member for Whitehorse North more or less parallel the thoughts that I have had on this subject. It is not my intention to be repetitious in this debate. I can only say that as much... ..the Honourable Member has stated. I had hoped that when Motion No. 11 was proposed that it would deal with the 18 year old drinking question. However, I'm not opposed to the suggestion that the 19 year old figure be that considered in the proposed plebiscite, assuming that the Motion carries, for the general reason that I could state now that in my own personal opinion I feel that I support 18 year old drinking, but my personal opinion really doesn't count. I must express the opinion of those I represent, and in a cross-section of opinion throughout my district I found that a great many are opposed to this, but a greater majority are in favour based on an 18 year old drinking question, but when you suggest 19 year old drinking, you then find many more coming to the support of those in favour. I feel, as the Honourable Member has stated, that this is now a period of waiting, and though I felt initially that the elected representatives of this Council should stand or fall on the decisions that they make and that the decisions should have been made in the Council, I feel that there is a great deal of merit at this point in time to conducting this plebiscite. It is unfortunate that this was not done at the same time that briefs were called for, but however, this would be crying over spilt milk. I feel that, and I really hope that, during the interval between the prorogation of this session and the opening of the fall session and in light of the Minister's announcements respecting constitutional reform and a timing of the implementation of any of those reforms, whatever they may be, that the Administration will find the time to review the much-referred to 103 pages of discussion on this existing bill, Bill No. 28 of the last session, and Bill No. 5 as proposed for this session, and from it create a new draft which will be closer to the area of thinking of Members of Council and Administration alike. In other words, some closer ground upon which to seek a compromise or seek a reasonable legislation. It is interesting to note, too, Mr. Speaker, that only as late as last evening that Premier Robarts of the Province of Ontario, in expressing his own personal opinion and not an opinion of his government, did state on the national network through the press that he felt, in his own opinion, that this would be a very good legislation to have in his Province of Ontario, and it is also interesting to note that western editorial comment - newspaper editorial opinion, is now slanted in the direction of allowing 18 year old drinking. So, without any further ado, I just would like to say that I will concur with the Motion as proposed by Councillor Shaw, and would trust, assuming the people of the Yukon do accept the 19 year old drinking age, we will then have an opportunity to view this and at a later date consider the further reduction to 18 year olds drinking. Thank you, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, I must bring to the House the attention of Members of the House that when earlier I had asked if the Honourable Member from Dawson would indicate whether he would be prepared to have the Motion passed into Committee for discussion, he indicated that he wouldn't object to this as long as the plebiscite question itself was dealt with, and it was my intention to deal just with the plebiscite question, but I noted that when the Honourable Member from Whitehorse North and the Honourable Member from Watson Lake got up to speak on this matter, they expanded outside the area of the question of the Motion, so therefore

I am accepting, Mr. Speaker, that this gives me the right to expand also outside the question of the Motion itself. Now, Mr. Speaker, I take this particular stand that a piece of legislation was placed before us in the fall session of Council and at that time it was agreed by all Members of Council that we should read the piece of legislation, which was then Bill No. 28, and I might add that so confused now are the people concerned with the presentation of this Bill that I noticed in yesterday's copies of Votes and Proceedings the Bill was referred to as Bill No. 28 of this session instead of being referred to as Bill No. 5 - you see, there is a bit of confusion being taken place on it. Now, the point is this, that when we agreed to read the contents of the legislation that was presented in the fall session it was with the clear understanding that there would be no recommendations made by the Administration in regards to the amendments that would be required, and of course because of this fact it is obvious that the Administration took cognizance of this and did not bring any amendments forward, and I quite frankly, as I have expressed myself before - a day or so ago - that I find nothing objectionable to that because the Administration simply complied with the request of Members of Council. Now, when I find that this bill as Bill No. 5 has now been presented and that it is being stopped from going through the procedure of this House so that we have the opportunity to make our recommendations clear to them and let the Administration know that we are not in favour of giving away our rights and responsibilities that we have, I think it is an error on the part of Members of this Council. Now, it has been said that people have submitted briefs after a considerable amount of work, but Members of Council are not being considerate of the work that has taken place among these people, and out of all the briefs only about ten or eleven of them were given consideration, those people who were here to speak to their briefs, but nevertheless.....

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Mr. Taylor: Question of privilege, Mr. Speaker. Is this an accusation or an opinion? Might I have that answered?

Mr. Speaker: It appears to the Chair to be an opinion of the Member.

Mr. Chamberlist: Thank you, Mr. Speaker. Now, these people that prepared these briefs, although they were not present to talk to the briefs, had a right to have these briefs aired in Council because what has happened now is that none of the briefs that were not attended to by a person responsible for getting the brief together have no indication at all of what Members of this Council feel about their briefs, and I would say this - so detrimental is the type of happening like this that the time will come around when briefs will be requested on other matters that the public will and quite rightly ignore the Territorial Council because they will say, "we submitted briefs before and what did you do with it? You filed it in a basket and you left it there". Now, I believe that as an elected representative I have a responsibility to say on behalf of those constituents that I represent what I think is in their favour. I have spoken to numbers of people. I am politically conscious of the fact that many of the people who have spoken to their briefs are members of various church organizations who are opposed to it. I'm aware that the majority of them are in my constituency, but I know that those ministers and those gentlemen will appreciate me more by being able to stand on my feet and say what I stand for instead of hiding behind a facade of a plebiscite to try and cover up, because, as the Honourable Member from Whitehorse North has said before, "liquor is almost political suicide".

Mr. McKinnon: Question of personal privilege, Mr. Speaker. I wonder if I could find where I said that in the House?



MOTION Mr. Chamberlist: Well, Mr. Speaker....

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Mr. McKinnon: Could I have an answer, Mr. Speaker? If he is putting words in my mouth, I would certainly like to know where I said them. Certainly the Honourable Member has to be able to back up when he makes allegations as to what I say in the House, and I would like to know where I said it, or demand an apology, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, if Mr. McKinnon is finished jumping up and down like a jack-in-a-box I will give him his answer. Mr. Speaker, I think all Members of Council have heard during this session of Council the Honourable Member - and he knows full well that I haven't got the Votes and Proceedings in front of me. This is why, I would suggest, he stands up and puts this point - knows full well that he says and has spoken that the problem with liquor is almost like a problem with being against motherhood, or words to that effect. I will find.....

Mr. McKinnon: Mr. Speaker, I have to rise on a question of personal privilege because I don't recall ever saying in the House that liquor is a matter of political suicide or liquor is a matter of being against motherhood, and certainly if the Honourable Member makes these charges that I have said these things, he has to be able to show the House where I have stated these things. I would like a ruling on the question of privilege, Mr. Speaker.

Mr. Speaker: Yes, well I wonder if the Honourable Member would be prepared to bring the section of the Votes and Proceedings to the House in order that we may proceed with the question before us rather than get involved in a discussion on this point?

Mr. Chamberlist: Well, Mr. Speaker, if you are asking me to ask Mr. Speaker to adjourn the House for two or three hours while I research for you, certainly; but I recall this and so do Members of this Council recall this, and I will be prepared to bring forward to the House on another day to support the stand that I take that these were words to that effect that have been remarked by the Honourable Member that there is political fear here in liquor. If the Honourable Member has risen on a point of privilege, you have given your ruling, then I am quite prepared to give him the time to bring this matter forward to you, Mr. Speaker.

Mr. Speaker: Would the House agree that the Honourable Member may be allowed to bring these points forward?

Mr. Shaw: May I ask a question, Mr. Speaker?

Mr. Chamberlist: Am I interrupted from continuing my speech if a question is asked this time, Mr. Speaker?

Mr. Shaw: May I ask you a question, Mr. Speaker?

Mr. Chamberlist: Oh, the Speaker. Well, you can't ask at this time because I would have to be giving up my stand on the floor. It is a rule of the House. Let Mr. Speaker rule on that.

Mr. Speaker: Well, is the Honourable Member for Whitehorse East answering his question of privilege or is he speaking to the Motion, Motion 11?

Mr. Chamberlist: I would like to continue to speak to Motion 11 if I will be allowed to speak to this Motion 11 without the undue interruptions from other Members of the House.

Mr. Speaker: Proceed.

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Mr. Chamberlist: Thank you. As I have said, Mr. Speaker, I am opposed to a plebiscite because a person who is not prepared to say what he feels in this House is then failing in his duty, and I will continue, I will say again, that I recognize that there are many who are opposed. The proposition in any event is a proposition dealing with a reduction of age from 21 to 19. The proposed legislation and the briefs that were submitted were based on the reduction of the age from 21 to 18. Of course, this does not necessarily confine it to the reduction to 18. I am prepared to say and I am prepared also to give my opinion that the age should be reduced. I make no difference if the age is to be reduced - I see no difference in reducing between 18 and 19. I think it is just the method of saying, well, we're going to meet you half-way. If the age has got to be reduced, it has got to be reduced altogether. If not, we must say not. I am opposed, Mr. Speaker, to a plebiscite being taken. I say that the legislation should be read, recommendations on changes to the legislation should be submitted to the Administration. If the Administration do not heed to the requirements of the Territorial Council relative to the changes in legislation, then, Mr. Speaker, I say quite rightly we should not accept the legislation, but I think that we have a responsibility to read the legislation, go through it, make recommendations of changes - I say that we have not completed what was the original motion when we went into a Select Committee to deal with all the briefs. I think that we have failed completely if we do not continue to deal with them before any further matters are dealt with. Mr. Speaker, these are my feelings. I am certain that some Honourable Members of Council respect my remarks. There are others who belittle them, but however I am pleased to know that I do what I think is right in my mind, and what I think is right is that the legislation should be dealt with, all the briefs should be read so that the public who have performed work in preparing briefs should not be neglected. Thank you, Mr. Speaker.

Mr. Dumas: Mr. Speaker, as to the Motion itself I can only repeat again that I stated publicly last fall that I thought the age should be lowered to 19 years and there is a very practical reason for saying 19 years as opposed to 18 years, and that is that 122 eighteen year olds in the Territory will be in school during this school year and therefore this could cause some embarrassment if not a fair amount of lowering of grades, shall we say, if these people were allowed to enter into drinking establishments, so that is the very practical reason for the 19 I suggest being in here. Also, we would find, I'm sure, if many of those who are opposed to lowering the drinking age to 18 for this very reason would probably agree to lowering it to 19, so we might have a different picture of what the people of the Territory think. Now, as far as making recommendations on the bill itself is concerned, we can do that in the fall when we have a clear-cut picture in fact of what the people think of lowering the drinking age and also of what the Federal Government has in store for the Territory as regards constitutional reform and we'll be in a much stronger position in the fall to make recommendations that we hope will be carried out to the letter because of the announcement that is going to be made by Mr. Chretien, and I say this as a hope. There is no guarantee of this at all. For myself, I have read every brief that was presented. There are 35 of them. Now, we didn't discuss them in our Select Committee but I don't believe that it was necessary. The idea of the Select Committee sitting and asking for people to appear before it was so that those people who wanted to speak to their briefs could do so, Mr. Speaker, and we allowed those who wanted to speak to them to do so. Each of us have gone through those briefs. Each of us know what the

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recommendation is. Some Members have kept a tally of who is for lowering the drinking age and who is for this and who is for that and who is against it. Its all there. We have it at our fingertips. There was a suggestion that we should respond to these briefs. Now, this is beyond me. How do you respond to 35 different briefs? Do we sit down as a Committee and compose a letter to each person who presented a brief, commenting on their brief? I suggest to do this for one brief for seven people to try and come together and agree on how to reply to a letter or brief, for one would be a problem; but to do it for 35 would be impossible.

Mr. Chamberlist: Point of order, please, Mr. Speaker. Mr. Speaker, it has been suggested that I indicated that we should be sitting down and writing letters. I did not do anything of that sort. I said that they should be discussed. That is all.

Mr. Speaker: Now, this is not a point of order. It is a question of debate, gentlemen.

Mr. Dumas: Yes, Mr. Speaker, I didn't mention any Member at all during my whole discussion. I haven't. I have made sure not to do that. Courtesy. So, I can only say there is no reason for us to go into Committee on this question. Motion No. 11 is clear. There are those Members of Council who feel that there should be plebiscite put. I have already stated my position. If we had a vote today I have already said how I would vote. I would vote for lowering the age to 19. Some Members of Council want a plebiscite so that all of their people will have a say in it, and certainly there are some constituents in Whitehorse West who would agree with going along with a plebiscite. So, on an over-all basis and as a courtesy to the other Members, I'll agree with this Motion wholeheartedly, Mr. Speaker.

Mr. Speaker: Is there any further discussion on Motion No. 11?

Mr. Shaw: Mr. Speaker, last fall, if we look back in the records, I think you will find, Mr. Speaker, that I came out and I stated that I felt, personally, that the drinking age should be lowered to 19. That was my personal opinion. In this business of representing people, Mr. Speaker, quite frequently one does have conflicts to settle in one's mind on being very careful not to give a personal opinion sometimes the way one - I, myself, might feel and how the population in the Yukon might feel about it. I have to cast my mind further than just my own personal opinion. This is what I have done at this time, Mr. Speaker, in introducing this Motion. In relation to the briefs that have been presented, I have read all these briefs. There were a couple that I had quite a time deciphering at times, but I had read them all through and I have made a kind of a tally on what I would consider would be the opinion of the persons or groups that presented these briefs on what they felt about whether the drinking age should be lowered or should not be lowered, and in my assessment, Mr. Speaker, when I went through all of these according to - as close as I could get, there were 17 of these 35 briefs, which is just a little less than half, that were against the lowering of the drinking age. There were ten that were for lowering the drinking age, and there were eight that were not definite or were undecided or perhaps did not mention. So, that is the assessment I have put on that. Now, as I have stated before, Mr. Speaker, my opinion was that 19 years of age would be, as I stated in the House last fall, would be acceptable. However, with these briefs the majority of the people by a democratic process of vote, as you might say, by organizations, the preponderance were against the lowering of this age. So, obviously the briefs that were presented did not

have the same attitude as what I had. You have to remember, too, Mr. Speaker, that the Provinces themselves have not taken this step. The Honourable Member from Watson Lake has stated that Premier Robart has given his personal opinion on this should be done, which is very good, but the Premier of Ontario has not said we will legislate this. He wants to know, because it is such a sensitive subject - he wants to know, by making that statement, perhaps, the opinion of people in Ontario. That is why I have felt that the only way to resolve this is put it before the people. It is one of the most sensitive matters that concern the people of the Yukon at the present time, in their own feelings, their emotions, whether it should be or it should not be. I do not feel that I know the answer to this. I think it would be very good to have this lowering and we might say that when you put responsibilities on people, it makes better people of them than saying you can do this and you can't do that, and that is very evident as far as this Council is concerned with its relationship with the Federal Government, and at the same time it is an emotional issue with people. I can assure you, Mr. Speaker, I don't think in my years that I have represented people in the Territory have I seen people so emotionally worked up on this particular issue. That is why I think it is so important. This is something that is most democratic. It is something that whatever the people will say, yea or nay, I will be prepared to accept one way or the other, and I do hope that the Members of this Council, Mr. Speaker, will support this particular Motion.

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Mr. Speaker: Thank you, Mr. Speaker.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: The House now stands in recess for ten minutes.

RECESS

RECESS

Thursday, March 20, 1969,  
11:00 a.m.

Mr. Speaker: The House will now come to order. Just prior to recess we finished with Motion No. 11. Now may we proceed with Motion No. 12. Moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Dawson that Sessional Papers 28 and 29 be moved into Committee of the Whole for discussion. Question has been called. Are we agreed? I will declare the Motion carried. Are there any questions? MOTION #12

MOTION CARRIED

MOTION  
CARRIED

Mr. Taylor: Mr. Speaker, I have a question to direct to Mr. Commissioner this morning and I am wondering now if he can advise Members of Council in respect of the Yukon's takeover of Fisheries. QUESTION RE FISHERIES TAKEOVER

Mr. Commissioner: Mr. Speaker, I'm sorry, I have asked the Legal Adviser if he would ask Mr. Kennedy to see if we have the word in from Ottawa so far this morning. He will be back in a minute and if we have confirmation I will be very happy to advise Council on it, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, I would like to address a question to Mr. Commissioner re the Carcross bridge. Mr. Commissioner, I understand that the Department of Public Works recently took soundings .....the proposed bridge at Carcross. Could the Commissioner indicate when this bridge is expected to be built? QUESTION RE CARCROSS BRIDGE

Mr. Commissioner: Mr. Speaker, I can confirm that the statement made by the Honourable Member is quite correct and I am also fairly certain that there is a scheduling for this in the Federal Government's road program. However, I would have to have the opportunity of bringing that information forward. Could I answer it verbally tomorrow morning, Mr. Speaker?

Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner. Mr. Commissioner, at a number of meetings with the Department of Transport, Ottawa, which I had and .....has resultant correspondence I have been advised that the Commissioner has agreed, with the concurrence of Territorial Council, to accept a smaller fence around the Whitehorse Recreational Centre. I wonder if the Commissioner would say when the Territorial Council agreed to this happening? QUESTION RE FENCE FOR REC. CENTRE

Mr. Commissioner: Mr. Speaker, I don't know exactly what the date or the time was of this particular situation but this was a matter that came up in the Budget Programming Committee and the Members of Council who sit on the Budget Programming Committee indicated very strenuous objection to the expenditure of monies to build a very high fence to identify this particular area and it was my understanding that the request was made - would the Department of Transport go for something of a lesser nature-and this is the story as far as I am aware of it Mr. Speaker.

Mr. Chamberlist: Supplementary to this question. I wonder if I could read this letter to Mr. Commissioner and ask him if he agrees with the contents?

Mr. Speaker: I don't believe this letter should be read.

Mr. Chamberlist: Well, Mr. Commissioner, supplementary. The understanding is that Mr. Kennedy who, according to this letter is the Executive Assistant to the Commissioner of the Whitehorse Territorial Council, is giving authority to the Territorial Engineers to construct a fence around the building. Is this right?

Mr. Commissioner: Mr. Speaker, I think the Chairman of the Financial Advisory Committee is in a better position to know from his memory just exactly what transpired in the Budget Programming Committee on this particular subject. I am sure he would be happy to answer that question.

Mr. McKinnon: Mr. Speaker, in answer to the question, the money was deleted from the Estimates of 1969-70 because we felt that the fence is unnecessary. I took up the matter when I was in Ottawa, with Mr. Roy Axworthy, the Special Assistant to the Minister of Transport, Mr. Hellyer and from conversation with Mr. Axworthy it was intimated that he agreed with me that the fence was unnecessary and that is why it does not appear in the Estimates for this year.

Mr. Chamberlist: I take it then, Mr. Speaker, a supplementary question to the Commissioner, that in view of the remarks made by the Honourable Member from Whitehorse North, I take it, Mr. Commissioner, there will not be a fence placed around the Whitehorse Recreational Centre.

Mr. Speaker: Is that a question to Mr. Commissioner.

Mr. Chamberlist: No, to Mr. Commissioner. In view of these remarks, I want to know whether Mr. Commissioner would agree that there will not be a fence placed around this building.

Mr. Commissioner: Mr. Speaker, I would want to see verification in writing to supplement the remarks that have been made by the Honourable Member who is the Chairman of the Council Committee on Finance and I am sure that if this is forthcoming that this would be a proper and acceptable approach to all parties concerned.

QUESTION RE LAND POLICY-TERRITORIAL LAND  
Mr. Taylor: Mr. Speaker, I have another question to direct to Mr. Commissioner this morning having relation to the proposed change in policy by the Territorial Administration in the disposition of land - Territorial land - and I am wondering if Mr. Commissioner could assure Council that no change will be implemented, or I should say no policy created - no new change in policy be implemented before Council have been advised and apprised of this matter.

Mr. Speaker: In the confusion I don't feel - order please - I don't feel that the Commissioner heard the question of the Honourable Member.

ABOVE  
QUESTION  
REPEATED

Mr. Taylor: I'll take another run at it Mr. Speaker. I would like to know - apparently I am told by citizens of the Yukon who make application for land, they are told at the land office that they had better get it quick as there is going to be a change in the land policy in the Yukon Territory. This is of grave concern to people in the Territory. I wish to know, and I wish to have the assurance of the Administration that there will be no essential change in land policy as it relates to disposal without first having the concurrence of this Council.

Mr. Commissioner: Mr. Speaker, all I can answer that question on would be with regard to those lands in the Territory which come under my control and I can say that there have been considerable discussions concerning and disposition and the policies that would affect it within the Whitehorse Metropolitan Area, and I am not aware of any contemplated changes as far as the other sub-divisions in the Territory are concerned. To my knowledge it is our practise at certain times to survey and sub-divide land and price it and put it up for sale either on a public tender or on a first come first served basis. But this does not preclude the fact that there may be the possibility of changes in Federal land regulations and I think that in all fairness in answer to the

Mr. Commissioner continues....  
 Councillor's question, that I would like the liberty of  
 researching this matter and being prepared to come forward  
 with an answer at either this or a later session of Council  
 with regard to the whole matter.

TERRITORIAL  
 LAND SALE  
 POLICY

Mr. Chamberlist: Supplementary to that question, would Mr.  
 Commissioner indicate that the regulations existing for the  
 Whitehorse Metropolitan Area, if any, reference to land, will be  
 the regulations that the Administration will abide by in their  
 decision with reference to disposal of land.

Mr. Speaker: I wonder if the Honourable Member would care to  
 repeat his question.

Mr. Chamberlist: Mr. Speaker, I didn't know whether Mr.  
 Commissioner wanted me to clarify it or he was just thinking about  
 an answer. The question, Mr. Speaker is that will the  
 Commissioner, will the Commissioner be prepared to accept, will  
 be prepared to make sure that the regulations pertaining to the  
 disposal of land in the Whitehorse Metropolitan Area be followed  
 exclusively, without any amendments to it.

QUESTION RE  
 FOLLOWING  
 REGS FOR  
 LAND SALE  
 IN  
 WHITEHORSE

Mr. Commissioner: Well, Mr. Speaker, I think that this question  
 is one that is well subject to the clarification of the changes  
 in policy that will result from the Committee meetings that are  
 being held that are going to recommend changes to me. So, I think  
 that I am being asked to commit myself to something which I have  
 a group of people which consists partly of three Members of  
 Council that are going to be suggesting changes to me on. Maybe  
 Mr. Legal Adviser might sharpen me up here on my answer but this  
 I think is the exact position at the moment.

Mr. Chamberlist: Mr. Speaker, supplementary, Mr. Commissioner,  
 notwithstanding the answer given now, I am concerned about the  
 existing regulations prior to any recommendations being made by  
 any Committee, the existing regulations as they are now. Is the  
 Administration prepared to follow those regulations as existing?

QUESTION RE  
 FOLLOWING  
 EXISTING  
 LAND REGS.

Mr. Commissioner: Mr. Speaker, I think we better have a written  
 question, and a written answer on this here because the whole  
 subject of land disposal in this Metropolitan area here has been  
 under discussion by a Committee and suggested new changes,  
 suggested new regulations have been under study by this group  
 for the best part of the last six or seven months and I certainly  
 don't want to give any wrong or improper answer to a question of  
 this nature.

Mr. Chamberlist: Mr. Speaker, supplementary further, I'm trying  
 to ask the same Mr. Speaker from Mr. Commissioner, whether the  
 regulations that are in effect now are the regulations that the  
 Administration will be following now, that is if somebody came  
 and made an application on the basis of the regulations as they  
 are today, would the Administration follow those regulations or  
 would they deal with extraneous matters other than in those  
 regulations. I think it's a straight forward question, Mr.  
 Speaker, that requires a straight forward answer.

Mr. Commissioner: I am quite prepared to bring forward a written  
 answer to the question, Mr. Speaker.

Mr. Taylor: I have a final question. Now that Mr. Legal Adviser  
 has returned I wonder if the Commissioner could assure Council  
 that indeed the Territory has taken over the responsibilities of  
 fresh water fisheries.

QUESTION RE  
 FRESH WATER  
 FISHERIES

Mr. Legal Adviser: The only information I can give Mr. Speaker is the information I gave to the Commissioner, that we have a call coming, a telex asked for an immediate telephone call to clarify the situation and when I was in the Commissioner's office the call hadn't come through.

Mr. Speaker: Are there any further questions?

QUESTION RE Mr. McKinnon: Mr. Speaker, I wonder if I could address a  
LEGISLATION question to the Commissioner. Several provinces have become -  
NON-RETURN- are becoming alarmed at the litter in places of beauty through  
ABLE the provinces with non-returnable bottles. I was wondering if the  
BOTTLES Administration has given any consideration to introducing  
legislation as some of the provinces are banning the use of non-  
returnable bottles in the provinces?

Mr. Commissioner: Mr. Speaker, I would suggest that we have done nothing, nor have we considered this particular matter, but I would confirm that we would be very pleased to have any indication from Council along these lines.

Mr. Speaker: Any further questions?

QUESTION RE Mr. Chamberlist: Mr. Speaker, question addressed to Mr.  
NATIONAL Commissioner. Mr. Commissioner, in a speech made by the Honourable  
PARKS IN Jean Chretien, Minister of Indian Affairs and Northern Development,  
YUKON at the Carleton University on March 13, 1969, he indicated in his  
speech these words "At the present time we have plans for the  
establishment of national parks in the Yukon and the Northwest  
Territories." Would Mr. Commissioner indicate whether any informa-  
tion has been passed on to him with regards to proposed national  
parks in the Yukon Territory?

Mr. Commissioner: Mr. Speaker, I think the file is approximately so high. I think it started in approximately 1957 and if there was one suggestion, one piece of information pro and con on a national park in the Yukon Territory I am quite confident that there are several hundred and the situation, to my knowledge, Mr. Speaker, is that it will be a continuing situation until such time as either it is resolved for or against.

Mr. Chamberlist: Mr. Speaker, supplementary to that, what I wish to find out from Mr. Commissioner is whether recently, because this is dated March 13th, whether you have had any information on this from the Department.

Mr. Commissioner: Mr. Speaker, I would confirm, and I think I am quite correct when I say this, that the subject of a national park and the possibility of putting land aside for this particular purpose is a matter of continuing research in that section of our Department in Ottawa under whose direction it comes and the situation may well have clarified itself as per the speech that has been given here but I have not been in receipt of that particular information that is possibly referred to here.

Mr. Chamberlist: Mr. Speaker, addressed to the Commissioner,  
Mr. Commissioner..

Mr. Speaker: I'm sorry I would have to rule any further question on this to the Commissioner out of order.

Mr. Chamberlist: You are presupposing my question, with respect, Mr. Speaker. I wasn't even asking him...

Mr. Speaker: I believe that the Commissioner has answered the question to the best of his ability and

Mr. Chamberlist: I'm asking him a different question. I've nothing at all to do with that, with respect, Mr. Commissioner, I



Mr. Chamberlist continues....  
rise on a point.....you stopped me from putting a question  
to the Commissioner which had no bearing whatever .....

Mr. Speaker: I understood the Honourable Member, would you please  
take your seat; I understood the Honourable Member to say  
a supplementary question.

Mr. Chamberlist: No, I did not .... Thank you Mr. Speaker.  
Mr. Commissioner, in the same speech given by the Honourable  
Minister, he indicated that there would be, he said "I intend  
to propose legislation which will insure that there are still  
pollution control measures to maintain the quality of water in the  
north for future generations. Would the Commissioner indicate  
that the motion and discussions on pollution control that have  
taken place in this Council has been forwarded to the Minister  
for his consideration.

QUESTION  
RE POL-  
LUTION  
CONTROL

Mr. Commissioner: Mr. Speaker, yes, and furthermore there has  
been a considerable amount of work under way with regard to this  
particularly important question. It is being co-ordinated through  
the office in Calgary that comes under the direction of a Mr.  
Reeder, I believe he spells his name. I'm sorry that I don't  
know the exact title of the man but the present situation is  
that water quality standards are being worked upon and as soon as  
this initial, in other words what is acceptable water and what is  
polluted water, once this has been done, I think that you will  
see a very forward and a very aggressive policy on the part of all  
agencies concerned with regard to the preservation of the extremely  
good quality of the water that we are blessed here in the Yukon  
Territory but the Minister has been appraised, on a continuing  
basis of what goes on in the Council, the reports that have been  
made on local pollution and also of the matters that have been  
discussed in the Federal Inter-departmental Co-ordinating Committee  
that is bringing this matter to a head.

Mr. Chamberlist: Mr. Speaker, I have one further question result-  
ing from the speech by the Honourable Minister. Mr.  
Commissioner, the Minister indicated as follows "contradictions  
exist in the north that imports skilled labour while at the same  
time a significant portion of the local labour force remains  
idle. Our task is to correct these contradictions". Would Mr.  
Commissioner indicate whether or not the motion recently intro-  
duced and passed in this House has been passed on to the Minister  
with reference to this very point.

QUESTION RE  
EMPLOYMENT  
SITUATION  
IN YUKON

Mr. Commissioner: Mr. Speaker, I question very much if the  
Minister individually has been in receipt of this motion but  
certainly Departmental officials who are in a position to  
advise the Minister as to what is going on in this Council have  
been in receipt.

Mr. Speaker: Are there any further questions?

Mr. Shaw: Yes, Mr. Speaker, in relation to the invitation we  
extended to Mr. Pickersgill, I wonder if the Commissioner would  
know whether in fact his Department, his Deputy Minister or who-  
ever he might have under him, or he himself has ever in fact  
received the invitation. It might have been lost in the boom docks  
of the Northern Affairs Department; that is why I asked the question,  
Mr. Speaker?

QUESTION RE  
INVITATION  
TO MR.  
PICKERSGILL

Mr. Commissioner: Mr. Speaker, it certainly was not directed  
to the gentleman through the Department of Northern Affairs  
it was sent directly to him. But I think as a matter of .....  
on this, I think that I would ask the Clerk to prepare a telex  
and send it to Mr. Pickersgill's operations in Ottawa and ask if  
we could be favoured with a reply to the original letter we sent

and he can enumerate the content of the letter in the telex and see if we can bring this to a head.

Mr. McKinnon: Mr. Speaker, if I could further clarify this question. When I was in Ottawa I phoned the office of the Chairman of the Board of Transport Commissioners and spoke to Mr. Pickersgill's personal secretary who assured me that the invitation had been received and that a reply would be shortly forthcoming.

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

THIRD  
READING  
BILL #13  
MOTION  
CARRIED

Moved by Councillor Taylor, seconded by Councillor Dumas that Third Reading be given to Bill No. 13, An Ordinance for Granting to the Commissioner certain sums of Money to Defray the Expenses of the Public Service of the Territory.

MOTION CARRIED

TITLE TO  
BILL NO.  
13

Moved by Councillor Taylor, seconded by Councillor Dumas that Title be adopted as written to Bill No. 13, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Services of the Territory.

MOTION  
CARRIED

MOTION CARRIED

THIRD  
READING  
BILL #11  
MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor McKinnon that Third Reading be given to Bill No. 11, An Ordinance to Amend the Game Ordinance.

MOTION CARRIED

TITLE TO  
BILL #11

Moved by Councillor Shaw, seconded by Councillor McKinnon that the Title be adopted as written to Bill No. 11, An Ordinance to Amend the Game Ordinance.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure?

MOTION MR.  
SPEAKER  
LEAVE  
CHAIR

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

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

MOTION  
CARRIED

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 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

Mr Chairman: Will the Honourable Member for Watson Lake please take the Chair in Committee.

S.P. #26

Mr. Chairman: We will turn to Sessional Papers. I am wondering if we are prepared to discuss Sessional Paper No. 26. Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, this Sessional Paper has been presented by the Administration in reply to a question that I put relative to Statutory Holidays. Mr. Chairman, I put the following question: (Reads question in S.P. No. 26). Mr. Chairman, I received an answer but....that there were appropriate steps being taken under the Labour Provisions Ordinance. In fact it appears to me that the Administration have placed before Members of

Mr. Chamberlist continues....

S.P. #26

Council a Sessional Paper which sort of whitewashes the situation and tries to hide, I suspect, over a matter which they should really be working to provide proper facilities for enforcing the legislation itself. Section 25, Mr. Chairman, is quite clear. Section 25 (a) reads: "any other holiday may be substituted for a general holiday in any of the following circumstances", and I would ask Members of Committee to listen carefully, and if you have your copies, to read closely the words of this particular section. (Reads 25(a) of Sessional Paper No. 26). And I would draw your attention at this time to Section 2 which denotes, 2(b) which gives the interpretation of collective agreement and to section 2(f) which gives the general holidays - New Years 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. Now I want to draw your attention to Section 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". Nothing in this Ordinance shall be construed as affecting any rights or benefits of an employee under any law, custom, contract, arrangement that are more favourable to him than his rights or benefits under this Ordinance. Mr. Chairman, through the procedure of collective bargaining the United Steel Workers Union have entered into an agreement with the New Imperial Mines Limited, and I am dealing with this specific case; there are other cases similar to it, because I have a copy of the agreement here with me, where certain holidays were granted. Now these holidays that were granted were as a result of collective bargaining agreement and if these holidays are less than what the Ordinance gives, the Ordinance must rule plus the extra additional days that have been collectively bargained for. Now it will be noticeable that in the Agreement itself there are only eight public holidays so it cannot be suggested on behalf of the Administration that this agreement for eight holidays supercedes the law, which is the Ordinance, which in any event gives nine holidays. There are two days which have not been accounted for in the collective agreement and that is Remembrance Day and Victoria Day which is not in the Agreement but there has been a day, Boxing Day which is additional to the Ordinance which was the result of collective bargaining. I have carefully dissect Section 25 to make it read quite clearly, in my way of thinking what is implied and was the intent of Members of Council when this Legislation was passed as recently as last year, and there can be no doubt in my mind that there is a requirement for - where there is a substitution of days, that there was a requirement for those parties, that is the employer who is signatory to the agreement, the employer, and the Trade Union, to notify the Labour Standards Officer in writing that a specified day has been designated in a collective agreement as a holiday with pay substituting for any other day. Now, here is the agreement and this has not been done. Nobody can say even I would suggest that when Mr. Legal Adviser no doubt, who will be replying to my talk on this particular thing, will be replying that the intent that has been put in this Sessional Paper is that one day.....or one day is replaced by the other. But the agreement itself does not spell this out, nor has the Labour Standards Officer been advised in writing that there is a substituted day. I have Mr. Chairman, in the public gallery the President of this particular Union, Local Union, who with the permission of Mr. Chairman, I will ask later if he can be asked to attend Committee, whether in fact he can speak on this as to whether in fact he as a party to this agreement agrees that there was a substituted date. Now, I feel that commencing from the bottom of page one of the Sessional Paper, and on the paragraph on the top where it says "several companies, however, replied and forwarded copies of agreements which had been entered into by them with the unions concerned. In these cases by agreement with the workers a different list of holidays was substituted

S.P. #26

Mr. Chamberlist continues....

for the list contained in section 2(f) of the Ordinance. The difference consisted of adding Boxing Day to the list in the agreement and deleting November 11 (Armistice Day)." Now, this is not so and I am advised by a number of union organizers that this was not so and it was never contemplated. Further, that this paragraph is not factual for the simple reason that there are nine days in the Labour Standards provisions and there are only eight days in the Agreement and for no other reason this shows that there is a difference between the negotiations that took place between Union and employer and the actual piece of legislation itself. I am of the opinion that where, as in section 4 of the Legislation that no benefits that are obtained through collective bargaining should be interfered with. I believe that this is a right and benefit....this Ordinance, especially these words "that this Ordinance shall be construed as affecting-nothing in this Ordinance shall be construed and affecting the bargaining benefits that have been obtained by the Union. Now, I am suggesting, Mr. Chairman, that this answer is insufficient because it appears to me that the unwillingness of the Administration to instruct the Labour Standards Officer to proceed against this Company is because they happen to be a large company. Now this to me is improper. Time and again the Labour Standards Officer is performing a fine function in the duties in relation to enforcing this piece of legislation, but it appears to me that because it is a large company there is whitewash taking place over this area. Now, the answer that was given in the following paragraph "No decision was taken in the matter until after Boxing Day so that it could be ascertained whether or not in fact the workers concerned were given Boxing Day as a holiday in accordance with the provisions of the union agreement". Well certainly they were given a holiday - Boxing Day, in accordance with the provisions of the union agreement because this is what they had collectively bargained for. But it certainly had nothing to do with the fact that they are entitled to Remembrance Day as a holiday under the provisions of the Ordinance and this is what must apply. Now the suggestion is being made that Administration cannot interfere with arrangements between the Union and the employer. This is quite true, but this is outside of the agreement and this is what the Administration has a responsibility to see that the employees of this company are protected inasmuch as they are being paid for those holidays which are laid down by legislation. And this has not been done. Now, they go on to say then, in this reply, that - they finish up rather that "experience has shown that unions and employers can usually best settle points of difference between them without the benefit of government intervention." Now, this is quite true but this has nothing to do with the agreement between the union and the employer. This is outside that agreement and I would ask Mr. Chairman, that is if Mr. Chairman would permit, whether at this time Mr. Roy Watson, the President of the Steel Workers Union Local 290 can attend as a witness so that he can answer these questions pertaining to whether or not there was an agreement entered into. Thank you Mr. Chairman.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: I would feel that before we have any witnesses, Mr. Chairman, that perhaps we should have a little discussion on this subject. I have a question to ask. Not having gone into the matter to the extent that the Honourable Member from Whitehorse East has gone into the matter and by noting the reply to the question contained in Sessional Paper No. 26, it does appear to me by this that there could quite possibly and conceivably be a grey area in respect of the enforcement of the ....conditions of the Labour Provisions Ordinance and I would like to ask a question, Mr. Chairman, of the Legal Adviser, or perhaps whoever could answer

Mr. Shaw continues....  
it in Administration. It has been stated by the Honourable Member for Whitchorse East - sometimes Mr. Chairman, I get mixed up with Right Honourable and I hesitated.....I do not wish  
....

Mr. Chairman: Order please, I wonder if the Honourable Member might like to hold this question until after recess. Proceed then.

Mr. Shaw: I do not like to presuppose, that is why I always get this hesitation. Is this a fact that the union agreement only provides for eight statutory holidays and the Labour Provisions Ordinance does in fact provide for one more holiday than what the Union agreement provides for and this is not being complied with.

Mr. Legal Adviser: It would depend, in each case. I think that there are eleven unions involved in this particular matter and the decision was - regarding what the Honourable Member was talking about - the complaint was made not by the person suggested as a witness; it was made by a representative on behalf of other locals of the whole Teamworkers Union in general and the matter was dealt with in a general way as between a group of employers as a class and a group of union people as a class, so that when the Labour Standards Officer was first apprised of this matter, he wrote to all the Unions that are carrying on business in the Territory and asked all of them for their views and they individually replied and we got the individual agreements. Now, there are minor differences between the individual union agreements with their employers and the number of statutory holidays listed in the union agreement depends on the date on which a particular agreement was entered into. Before the Labour Standards Ordinance came into force there were eight statutory holidays in the agreement, afterwards there were nine so that the union agreements entered into after it came into force would have dealt with nine holidays and the ones immediately before would deal with eight holidays. But these union agreements and changes in legislation are ungoing things so that we are not a position to take time as standing still at any one point because a substitution of a statutory holiday has to take place at a future time so we are not in a position when a complaint is made as of say the 11th of November, to take an immediate decision except in a very general way because a substituted holiday would be on December 26th. We've got to wait for these things and we've got to ask each side for their views. But I would take the opportunity to categorically deny, absolutely that there was any suggestion of discussion or reason governing the decision of any officer of the Administration or the Commissioner himself that because one of the parties, or one of the eleven parties involved happened to be a large employer of labour, or happened to be a large company. This didn't enter into the subject at all. The decisions that were taken as outlined in this paper were taken in the first instance subject to the confirmation of the Commissioner by the Labour Standards Officer who is the ..... responsibility for enforcing and carrying out the provisions of this Ordinance which was passed by this Council and came into force last April. He consulted and obtained legal advice and as it happened he obtained the legal advice from me and quite frankly I was very very doubtful when the question came as to what the decision would be. I discussed it with him and then later I made my mind up. I discussed it with him again, we changed our minds; we must have changed our minds on this question, because it is quite a complicated legal question, we must have changed our minds three or four times before we even approached the Commissioner or discussed with him other than to inform him as we were in duty bound from a political point of view that a serious question had come before us which concerned a major trade union in the Territory and major employers of labour in the Territory and we were given complete freedom to tender our advice in our

SESSIONAL  
PAPER #26

Mr. Legal Adviser continues....

advice in our own way and the reasons are set out from point one to five and they are the reasons on which the advice was tendered to the Commissioner. The Commissioner must accept political responsibility for these decisions but it is not an arbitrary decision; it is not a decision taken without deep thought on everybody's part in this Administration. It is not a decision taken without writing one, two and three letters to the parties involved and the final decision is a matter of discretion; it is a matter of taking, as the Honourable Member suggests, taking a criminal prosecution against eleven employers in this Territory on the .....technical grounds which in my view would not succeed in a Magistrate's Court that when they forwarded a document, a contract, signed by the President of each Local, and signed by a representative of the employers, and normally signed after competent legal advice, that we should then say that even though they gave the statutory holiday, the holiday in the ....., even though they paid time and one-half and gave the workers the benefit both of the Ordinance and of the Union agreement so far as cash was concerned, that we should then, because one party actually put this agreement in an envelope and posted to us, that we should prosecute them in the Magistrate's Court on a criminal charge because the letter accompanying the agreement was not signed also by the union agreement. Now this is a matter for discretion. Maybe we were wrong but it is a matter for discretion not to bring a criminal charge when substantial compliance with the Ordinance and the workers have been given their rights. When the substantial compliance with the Ordinance and the workers have been given what we believe to be legal rights so far as the Labour Standards Ordinance is concerned and their legal rights so far as the union is concerned it is not the policy of the Administration and I would not tender advice that any prosecution be taken on narrow legalistic grounds.

Mr. Chairman: At this time I will declare a recess until two o'clock.

Thursday, March 20, 1969.  
2:00 o'clock p.m.

C.P.A.  
SCHEDULE

Mr. Chairman: At this time I will call Committee to Order. We have with us Mr. Chambers and Mr. Mc Keachie from Canadian Pacific Airlines. The purpose of this gathering today is to discuss matters relating to the airline service provided to the Yukon by Canadian Pacific Airlines. I am wondering just in order to kick off proceedings if Mr. Chambers you would care to outline what your future services will be.

Mr. Chambers: Well I think possibly Mr. Mc Keachie has word from our president and it might be better if he gave this word to you and then I can elaborate on anything that comes up at the time.

Mr. Mc Keachie: Mr. Chairman, if I may I am going to stick pretty close to the script, there is a communication to interested parties in this area that has been sent to some people and will be put in the hands of others very shortly, and this communication outlines some changes from previous schedules which our company felt should be explained. First of all all our flights will be, this is the summer schedule in the British Columbia, Yukon, Alberta districts running from April 27<sup>th</sup> through to October 25<sup>th</sup> 1969. All the flights will be operated with our new Boeing 737 jet air craft with 107 seats. The flying times are substantially reduced compared with our previous service with the propeller driven DC 6 B aircraft and we feel of course that our Northern passengers find the jet flight might smoother and more comfortable. Secondly, though frequency between Whitehorse and Vancouver is reduced from 2 to 1 per day, our fore cast indicates that the Boeing jets will provide sufficient capacity to meet the demand. We do have the capability to operate the demand....section extra flights should the need arise. The seating capacity of the Boeing is about 30% greater than the DC 6 B's which served your area until last November and while we fully appreciate the greater convenience of the 2 frequencies per day the fact is that during the months when we have offered this service load factors, that is the number of people on a flight compared to the number of seats on that flight, the load factors have been extremely disappointing and far below any possible break even point. Our company feels that it is simply not feasible to continue to offer 2 flights per day every day with their low load factors at the existing fares when the single flight meets the demand. Now because Whitehorse traffic for the most part is long haul to Vancouver or Edmonton we want the passengers to have as few stops as possible. Our 1969 summer schedule provides fewer stops and here to for on the daily flights between Whitehorse and Edmonton. There will be 2 stop service 4 days per week that is at Fort St. John and Grand Prairie, and the other 3 days there will be 3 stops. The extra stop being Watson Lake. The Fort Nelson stop has been eliminated. You will see that this is an improvement over the present schedule, in which there are 4 stops 5 days per week to Edmonton from here, 3 stops 1 day per week and 2 stops on the other day. Between Whitehorse and Vancouver we will operate a 1 stop service 4 days per week via Fort St. John. This is a reduction from the present daily 1 stop service via Prince Rupert, but we feel that this is offset somewhat by the improved service to Edmonton. Our traffic to and from Whitehorse is split, I don't mean divided 50-50, there are two main destinations Vancouver and Edmonton and on balance we feel the new schedule offers improved service to the greater number of people. We feel, we are not just looking at Whitehorse, but our schedules are looking at the Yukon as a whole. That is the basic communication of our

C.P.A.  
SCHEDULE

Mr. Mc Keachie cont.

company and I am sure that Mr. Chambers or myself would be pleased to discuss it further with the Committee. I should have led off with this I suppose, our president Mr. Gilmore did ask me to convey his greetings to the Council or Council in Committee as it happens this time. He is in Edmonton today giving a speech but said to please in effect say hello to everybody. He is in communication with appropriate people in the area.

Mr. Dumas: Mr. Chairman, I'll lead off as the witnesses probably realize the announcement is quite disconcerting to those of us who live in the Yukon. We find it difficult to understand from our point of view, why we would be reverting to a schedule at this particular time when the growth in the Yukon and the activity in the Yukon is greater in the summer and this summer is going to be greater than it has ever been at any point in its history and we are now going back to a 4½ hour trip to Vancouver on 4 days a week and a 6 hour trip on the other 3 days a week which isn't far removed from what it used to be before we had the Boeing 737 in. It's very disappointing. I have a few questions that I would like to ask, 1) Before an airlines change its schedule does permission have to be granted by a Federal body of some type?

Mr. Chambers: No. It doesn't have to be. We file the schedules with the, it used to be APB, it's now the CTC I think they call it, but these are just filed, I mean there is no permission received.

Mr. Dumas: And could you tell me if during last summer season, could you give me an idea of how much, what percentage of capacity was used on these 2 flights during the summer season of last year?

Mr. McKeachie: Mr. Chairman, before Mr. Chambers answers that I wonder if I could just point out one thing on the schedule. You said 4½ hours to Vancouver, these are local times and I think with the B. C. on daylight, Vancouver on daylight time, I think it is a 3½ hour approximately 3½ and one hour off the flying time that you took from the schedule.

Mr. Chambers: The flying time prior to, at the moment, down by the coast is 2 hours and 52 minutes flying time. By Fort St. John it will be 3 hours and 27 minutes flying time which is an increase of 35 minutes going to Vancouver however up to the present time and as it is now there is 5 hours and 27 minutes to Edmonton flying time and under the new schedule, it will only be 4 hours and 17 minutes. Mr. McKeachie, I think, in his initial dissertation indicated that we were endeavouring to help the Yukon. We were looking at Whitehorse as being included in the Yukon. Now we in the winter months at Mayo and Dawson for instance, we know it is impossible to get through Whitehorse, one way without over nighting, however, we do feel that they should be allowed to travel both ways when we do have the day light saving time, in the summer time and on the previous schedule it was impossible to do that. That is the flight was arriving here at midnight and the people arriving going to Mayo and Dawson could not go anyplace. Now on this schedule, they can. They can go to Mayo and Dawson and back out again the same day on this particular schedule. That is they can make direct connections with the South bound flights. On our last schedule change, down in Watson Lake, we received numerous complaints about this and



Mr. Chambers cont.

we did tell the parties interested at Watson Lake at that time that when the next schedule change came up we would do all possible to reinstate the schedule that they had prior to this and this is what we are doing here. They are going back to where they can be serviced on a 6 day week basis rather than the 5, and on top of this at Watson Lake, we are now giving them a much faster service with less stops through to Edmonton and to Vancouver which we feel they should enjoy. The same with the parties going to Mayo and Dawson. They will receive a faster and fewer stops on it.

Mr. Dumas: I appreciate the airlines interest in the points outside of Whitehorse and I am sure this will be more convenient for those people living out of Whitehorse, but the fact of the matter is, that those people who are coming to the Yukon are coming to Whitehorse and very often plan to spend some time here at any rate to carry on their business and then go on further north or south as the case may be, but my question was in reference to the summer of last season, what percentage of....what passenger percentage did you have of both the airlines? Say June July and August and part of September.

Mr. Chambers: I haven't got the June figures here, but I do have the percentages if you want to put it that way, on the two flights, that is the DC 6 B flights which were an 82 passenger aircraft operating in this area during the month of July this includes the Mayo-Dawson, the Watson Lake and the Whitehorse traffic off loading in Whitehorse averaged 80 passengers per day out of 164. We had two flights. On the outbound they averaged 82, this is the month of July I am talking about. Basing this on the present aircraft that we have, we would still have 857 seats available to sell this July over what we had last July if we take this one.....actually handled last July le. put it that way with the 107 passenger aircraft we will now have 189 more seats per month that we will have to sell. Our president did state that we may be in a few problems during the month of July - August, September no, and from there on it goes right down to January this year on the two jet flights on which we had 214 seats we averaged 56 passengers per day in and we averaged 48 passengers out. Now you can see where our concern came in on the load factor. We're down to about a 21% load factor on the flights. Now going back to July and August and if necessary September especially when the school starts the end of June when the school stops we do have the capacity with the jets and in as much as it is a short flight now it saves a little over 2 hours to come up to Whitehorse and back, we can set up any number of extra flights that are required to handle any given number of passengers. We can put a flight up here every night if it is so required over and above the present schedule.

Mr. Chamberlist: Mr. Chairman, I wonder if the gentlemen from C.P.A. have had the opportunity to hear the Commissioners opening remarks of this Session? It says "I am pleased to report the economic outlook for fiscal year 69/70 in the Yukon is a good one. There is no indication of a letup in any segment of our resource industries, indeed if anything the anticipated activity of this coming year will be at an even greater pace than was enjoyed during the last 12 months". Mr. Chairman, C.P.A. is not perhaps .....to the fact the economy of the Yukon is increasing all the time and certainly one must recognize that there is a necessity for people to

Mr. Chamberlist cont.

invest in the Yukon to take a little bit out of it and I would suggest the C.P.A. have got a responsibility not only to their own individual companies requirements but to the people of the north seeing that it serves the north, to invest even at a loss occasionally, but I would bring to the witnesses attention that the ....their president in his letter said that is simply not feasible to continue 2 flights per day with their low load factors at the existing fares when a single flight meets the demand. I wonder if C.P.A. hasn't considered reducing the fares so that more people will travel by air. This is as far as I have investigated the highest paid run that any passengers have to pay to fly in Canada and I think it is in consideration perhaps would be given to the lowering of the fares, certainly there may be a better load factor. I wonder if Mr. Chambers can comment on that?

Mr. Chambers: I guess I had better put it this way. We did not come up here to discuss fares. If we had we would have had a different panel. Neither one of us are on fares. However, it is rather difficult to answer your question when we have already put forward that we are very cognizant of the increase that has taken place in the Yukon to the extent that we have just instituted jet aircraft on this run which I am sure wouldn't have been done had the economy not been such that we could afford to do this. Now we do believe in our schedules that we are going to give adequate service on the schedule basis and if there is increase demand, if there is suddenly a boom over and above what there is today, then we will be in a position to increase those immediately. There is no question of this, but when you talk about, we'll continue on at a loss, we have gone for a year now with these load factors below 50% on the aircraft, the 2 flights that were running, and on the propeller aircraft you couldn't put up with that, the jets we thought we could, but unfortunately the load factor is continuing to drop on the 2. Now this isn't .....that there isn't as many passengers, this is because there is more seats being offered per aircraft. When this gets up to the point where we can put it on and get a break even then we will put on the 2 flights. We'll put them on in July in August and September if the indications are there for them, but we are not trying to say that the Yukon is not going ahead. We realize. We have looked forward to this possibly as long as you have in this area. We started back here with nothing and we've gone with the Yukon. We are definitely trying to follow it and follow the trend and we do feel that we are going to give a much better service to Edmonton than we did last year. We are reducing a certain amount to Vancouver on 3 days a week, but still there are 4 days a week you could still get your one stop service.

Mr. Chamberlist: I appreciate the remarks of Mr. Chambers has made but it was certainly just a few weeks back there was a publication to the effect that C.P.A. considered this particular run up here a fine profitable operation. I wonder if the situation has changed in the last few weeks? Also I would like to point out some information I gathered during the last few days that 70% of the so called long haul passengers are for Vancouver, when only 30% are for Edmonton. I wonder whether You have any information on that?

Mr. Chambers: Well this is why we are giving 4 one stop services to Vancouver and 4 two stop service to Edmonton and the other three days to Edmonton will be 3 stop services.

Mr. Chambers cont.

It's, I just don't know how to put it.....

Mr. Mc Keachie: I think Mr. Chairman if I can ....the matter of schedule is trying to please a lot of people in a lot of different locations and there is a certain amount of compromise in anything to meet and try to please as many people and as much as you can and this is the case here. Edmonton has a better deal from here, the service to and from Edmonton, and I might just here add that 2 flights a day in and out of Whitehorse would mean 214 people. Now our fore cast are for something, I mean it varies with the sum of the two heavy months in summer and so on but even though averages are dangerous, you get something like 88, 90, 95 people a day and this would amount to something in the order of as Mr. Chambers said below 50. Somewhere, 41, 42, 44, 45% load factor and as I mentioned in my opening remark, the load factors, these low load factors are undesirable and not necessary when the single flight will meet the demand and I reiterate that Mr. Gilmore, our president, speaking to him yesterday, he said that we should stress that we do have this extra capability of bringing in a second flight when and if required. We will meet the demand.

Mr. Chamberlist: A further supplementary, when I made reference to fares, Mr. Chambers a little while ago I was fully aware that you people don't set the rates necessarily but I am just bringing forward a suggestion to increase your load factor if there was a consideration perhaps that you can take this consideration back to your company that if the fares could be reduced perhaps this would answer what problem you people have in the operation of your line up here so that more people would travel and would perhaps be able to afford to travel and business people would perhaps consider making the extra trip. This is the only reason that I brought this particular item up?

Mr. Chambers: Mr. Chairman, all suggestions made will certainly be taken back to our company and given to them in good faith.

Mr. Dumas: I just have a supplementary to what Mr. McKeachie said. What would be required in order for you to put on an extra plane at any given time? I have visions of us screaming up here or writing letters or picking or something in trying to get an extra plane for a few weeks in the summer time. What point would you decide that another plane is required?

Mr. Chambers: Well, again you have got me on the thing. This is handled by the pay load control department in Vancouver and I know last year we did run extra throughout the arca for cargo only and one way cargo for instance where we got a back log of cargo. If there is a constant back log, if we want to put it that way, then extra flights will be set up to handle it and would be operated the same as a schedule flight. That is , we found that on a Monday for instance that we had a back log on Mondays for a period of time, then an extra flight would be set on Mondays irregardless and they would operate whether there was one passenger or 50 passengers. It would have to be done on a slightly advanced set up on it. I don't know whether I explained myself very clearly on this.

Mr. Mc Keachie: Mr. Chairman, I think Mr. Chambers mentioned the pay load control. There is a master sheet for all our

Mr. Mc Keachie cont.

flights in a central location in Vancouver and reservations coming in from all over the world go into there and when they see a flight building up and heavying up and it looks like wer are going to not have enough seats to meet this demand and this could be days ahead, weeks ahead, 3 weeks ahead, we know such things as holiday weekends and students going to and from school. All these peak periods, these fellows are highly trained and are familiar with and they are at a point where they are monitoring these sheets all the time and over and above any....every Monday type of thing Mr. Chambers mentioned they have a day to day watch on these flights. They monitor them.

Mr. Chairman: Mr. Chamberlîst could you take the Chair please. Mr. Chairman, I at the out set must say that the news of this change and amended schedule service for the Yukon by Canadian Pacific Airlines kind of caught us so to speak with our pants down here the other day. It is very, very distressing to see the quiet move of persönnel the systematic removal of personnel from Whitehorse to the outside and with the recent announcement to confirm this curtailment of service, this caused quite a lot of problems and a lot of telephone calls, communications, representations etc. Now it must be recognized that anything that happens to Whitehorse of course affects the whole Yukon Territory. Any increase in development here or in Anvil or in Watson Lake or even Dawson affects the whole Yukon Territory. Last January and more particularly in the Watson Lake area, at the request of the mining companies involved Cassiar, Canada Tungsten, Chamber of Commerce, the other people involved, indeed the Administration of the Territory here at the assistance of Council attempted to find a means and a method of increasing air services from a 6 landing a week position to a daily 5 or a daily 6 day a week. A compromise was found whereby we have experienced for I believe the last month a little better than a month, a twice daily service only 5 days a week. It was hoped that we could have this increased to 6 during the summer months. Mr. Chambers I believe suggested that the aircraft schedule as it is proposed would handle everything except perhaps July and August, but September, that was quite alright. I would like to point out that in Watson Lake that this is the peak month, September. This is the biggest month of all. This was the peak month in 1967 and the peak month in 1968, indeed, Mr. Chairman, in 1968 there were 644 passengers inplanned at Watson Lake. I would suggest to you that at least that amount again were deplanned but I do not have the deplanning figures which is very difficult to obtain, but 644 passengers in the month of September of last year were deplanned or were inplanned, pardon me, placed aboard the aircraft during the month of September. Now that is a lot of people. Indeed over in 1967 and 1968 people were wait listed for day after day after day and these were people who depended on getting from Watson Lake to Whitehorse to do business and then back to Flin Flon, Manitoba, off to Vancouver and being able to make schedules which are dictated by the pace of developments as we know them today. This is 1969. We were pleased with the change of schedule because it did improve not only the passenger volume and we could now depend on coming and going in and out of the Yukon and into the Watson Lake area, but it increased our capability of getting freight, because this has always been a bug bear here in the North. The freight is bumped at Fort St. John in order to accommodate passengers and this is only... this freight bumping has only stopped since this new schedule was introduced a month or so ago. Further to that it is interesting to note that during last year, during that

Mr. Taylor cont.

same month of September, which is the easy month which my figures do not agree with, that there was inplanned freight 8,000,000 lbs of freight. My figures say freight per thousand pounds I have 5,741 pounds and I have 2,611 pounds of freight per thousand pounds according to my figures. So that's a lot of freight. I don't know if this included mail and this is one of the big reasons we required this service and requested this daily service, was in order to get mail. If we can't get out on the aircraft or get freight in at least we can get checks and do commerce and send out orders for supplies and as a result of this the mail did improve somewhat. Now we are told that all this is going to be taken away. Taken away in the light of smoother more comfortable ride in a faster more sophisticated aircraft and I say to you Mr. Chairman that we are very pleased with the smoother and more comfortable ride and very happy about the greater capacity of these aircrafts because they can haul more and it makes it quite nice, but we are more concerned about in this Yukon Territory is that we can move and move quickly in this day and age. Why you could fly across Canada in a DC 8 or DC9 jet in the time it took you to get from here to Edmonton in the old DC 6's this is a great improvement. We have it here, we can prove that it can work. It has had its test at perhaps the lowest passenger loading period of the year. I only had the figures now for 10 months of the year. From January to October 1967 and 1968, I don't have November and December figures, but there were 3,969 passengers inplanned in Watson Lake in 1968 minus those two months. That's quite a load. Now as it has been explained in any event, this coming year is offering to be a big one for the Yukon. The Anvil Development is proceeding, new developments are taking place all over the North. The people at Watson Lake are very dissatisfied with this service that C.P.A. have now reduced to us and we feel that though we have been very pleased with the service that we have been getting, the standard of safety that C.P.A. has provided with the ... we never forget the many times that C.P.A. has stopped to pick up a passenger who is sick or injured from our hospital on non scheduled landings, but I think indeed we must point out too that Canadian Pacific was born in the North. This is where it all started and I think we must point out to C.P.A. that indeed over those years from its infancy to what we have today that it has been the revenue, a great deal of revenue from the North that has made it possible for this company to expand to the state it is in today, so we in Watson Lake and when I say we I mean the mining corporations and as early as this morning I have confirmed the positions of Canada Tungsten Mining Corporation and Cassiar Asbestos people, we must not only ask we must demand these service because these services are required in order to allow these people operations and functions. There are great controls, assay reports, mill reports that have to be coming and going to Vancouver. Without this service that we already have, this cannot be done. There is no other way. There is no other airlines. No competative airlines. We find it difficult to believe at least from our own area, now I'm just speaking in relation to the landings and volumes of express freight and so forth and mail out of Watson Lake, we find it very difficult to believe that this is not a paying proposition. Extremely difficult because of our knowledge and the companies knowledge of the amount of volume that was shipped and received. Now as I say I don't have all of the

C.P.A.  
SCHEDULE

Mr. Taylor cont.

figures, but it would appear to me that we have had over 6,000 or 7,000 people planed and deplaned at Watson Lake during the last year. We feel that this is a substantial volume. We would ask that we have as before, 6 landings north and 6 landings south a week however, I find from the companies, they have no qualms with the time schedule in the new schedule. They are quite agreeable to the noon or 4 o'clock landings but we must have the daily. We must have that daily north and south and we have to insist upon it if we have to go to the Board of Transport Commissioners or if we have to go to the Administer involved. We have got to have that service. If we do not have that service the whole economy of the area, and that is northern British Columbia, southern Yukon, and the adjacent Northwest Territories plus the total economy of the Yukon will be in jeopardy and this will have a very disaterous declining effect on the North at this time and we have been counting on C.P.A. for many years and we feel now that C.P.A. should be able to give further consideration to this new schedule and come to our aid when we need them the most. C.P.A. have always played a very important role in the development of the North, but these are the critical years. These are the...the next five years are going to be the most important years Mr. Chairman, in my opinion, in the North in its economical development. If we have to reduce services, they are necessary, they are essential services, like lights and water, like all these others. These...this is also a necessity utility and service and as I say we must insist upon these services. How we arrive at this I don't know, but I would ask that Canadian Pacific Airlines consider the position and reinstate our area with this service.

Mr. Mc Keachie: Mr. Chairman, my opening remarks related largely to the Whitehorse situation and I'm sorry I didn't go deeper into the matter of Watson Lake for the benefit of the Member and of the Council. I wanted to thank him for the very well assembled remark and also the complimentary ones about our company but there is a communication that is going to Watson Lake in which we say there are improvements from the previous schedule and of course this is the reason we are here to explain these. I might inject that these schedules, ...we have not officially announced our schedule, until we got here today, naturally for operational reasons schedules are in the hands of people and become public knowledge, unavoidably, so again this is why we are very pleased for the opportunity for coming to tell you about this. Unfortunately I think some misimpressions or misinterpretation of our schedules has sort of got around by the grape vine. We say we will be increasing our service for Watson Lake from the present 5 flights to 6 flights per week. As you will see from the schedule we accomplish this by stopping at Watson Lake north bound on Tuesday, Thursday and Saturday and south bound on Monday, Wednesday and Friday. South bound passengers on Tuesday, Thursday and Saturday will be boarded on the north bound trip. There will be a brief stop over in Whitehorse, then they will be flown to Vancouver with only one stop at Fort St. John. Edmonton bound passengers will change planes at Fort St. John then proceed to Edmonton via Grand Prairie and of course a similar pattern will flow north bound so that there is a 6 day a week service. The net result is that passengers to and from Vancouver will have only 2 on route stops, I'm speaking of Watson Lake boarding and deplaning now, passengers to and from Vancouver will have

Mr. McKeachie cont.

only 2 on route stops no matter which of the 6 week days they fly compared to the present 3 stop service only 5 days a week. Now the passengers to and from Edmonton will have 3 on route stops unchanged from the past schedule, but again the frequency is increased from 5 to 6 days per week. Passengers who travel via Whitehorse from Watson Lake do so at the regular Watson Lake fare provided they do not stop over in Whitehorse, in effect a backhaul. The flight via Whitehorse for passengers who must travel on a day when they are unable to pick up a direct flight, we feel for them there will be only a slight inconvenience. The layover time in Whitehorse, under this new schedule is fairly short. Now we hope that you will agree with us that any inconvenience that this routing may appear to cause is offset by the increase frequency, 5 to 6 per week, and the fewer stops for Vancouver traffic.

Mr. Taylor: This is our point. This is reverting back to the old schedule we had with the 6 B's essentially. The schedule we had to ask to be changed to facilitate the transport of mail and freight now certainly a passenger can come to....who is Watson Lake bound can go all that way, by Watson Lake up to Whitehorse and then go all the way back and then deplane seems like....I can't see how C.P.A. can make money carrying passengers all this way for nothing, but this can be done, but this doesn't facilitate the passage of mail and freight and this is the problem. This is why we have got to have that daily north and south and this does not provide for it. The only way you can provide for this service to Watson Lake is to provide at least the service you provide at this present time.

Mr. Chambers: First of all I will go back to your question in regard to September and we realize that Watson Lake this is the biggest month with the hunters and the miners and so on, however, due to the families who are not travelling out of Whitehorse, Mayo, Dawson and Watson, their summer holidays are now over, this leaves space available to take care of this increase in September. You talk about bumping cargo at Fort St. John, admittedly, we used to with the DC 6B's we used to bump cargo quite often at Fort St. John, believing that it was better to bump the cargo than it was for a passenger. However, the 737's have a 50% more cargo capacity than the DC 6's, number 1. Number 2, as we've advised you we have now taken off the Fort Nelson Cargo Load and their passenger load which will again accommodate more traffic to Watson Lake, Whitehorse, Mayo and Dawson. We hope in our wisdom that we have judged correctly and that is that that reduction that we have made in the load in that area will now accommodate the cargo and mail and by the way we carry every pound of mail that is offered to us by the Post Office. We will bump passengers for mail. This is a stipulation and it goes through so all the mail that is offered to us by the Postal Service is delivered by Canadian Pacific Airlines on the day that it is delivered by the Post Office to us. On the receiving of the goods it is an inconvenience as far as passengers are concerned to be over carried to Whitehorse and back to Watson Lake. The mail does arrive later, this is admitted, however, as far as the cargo is concerned for the mine, the same limousine that brings the passengers in, takes the passengers out. It doesn't leave Watson Lake and therefore the mines are not going to get it any faster. If we have a flight in there today, coming in in the morning or when ever it gets in, and turns around and goes back out again or which ever way it is, that limousine stays at Watson Lake for the next flight.

Mr. Chambers cont.

In fact the moment it comes out the following morning, they stay overnight I believe at Watson Lake at the moment and go back the following day and then back to the airport again so I don't think there is too much inconvenience as far as the air cargo at the moment unless someone at Watson Lake itself is waiting on a breakdown piece or something along this line and then they will be a matter of a few hours and it will be in there on the three days. However, in the whole setup on it, I do believe that we have to go back to this .....we are endeavouring to give to the faster service of jet aircraft and if we have to stop at 6 days a week at Watson Lake then everyone in Whitehorse is now going to be delayed in getting through to Edmonton or Vancouver or where ever they are going on it. There is a greater number coming out of this area plus the farther north area than there is out of Watson Lake and as we pointed out in the first section that there were certain inconveniencies that you can't accommodate everyone unless you run an aircraft every hour on the hour for it and there is going to be certain inconveniencies to some people, however we have tried to make the inconvenience as small as possible and to off set such inconveniencies with a better service to the main point.

Mr. Taylor: Mr. Chairman, I would just like to say that I would like to reiterate my last item and that is that there has been no increase of service according to this schedule which is the same as the old schedule with the exception as we say we have a greater cargo than in the past. This still absolutely rules out our mail....the mail problem we had resolved in the existing schedule now reverts back to the old problem we had when we started under the old schedule. It does not work. We cannot do commerce with first class mail under this system as opposed here and I realize that this might cause a delay of passengers proceeding from Whitehorse to Vancouver or Edmonton, however I think that what we must concern ourselves with is not a little delay. I think what we must concern ourselves with is the service and by stopping you can allow people to commute. People can't do that now or they can do it now but they couldn't do it before under this existing schedule and I must insist on a schedule which will permit daily landing either 5 or preferably 6 days a week. The matter is as plain and as simple as that, Mr. Chairman.

Mr. Chambers: I don't think it is as plain and as simple as that, I believe that they are getting 6 days service a week on it. When we went to the schedule we are in at the moment, this one a month ago, was brought upon by many, many letters from the Watson Lake area. I am sorry I didn't bring any with me therefore I can't read them, but they requested that we give consideration to reverting to the previous schedule in Watson Lake which was 3 days in north bound and 3 days in south bound. This ..attached to this one letter was a list of 500 names. It was a letter from the Watson Lake development group, Watson Lake Chamber of Commerce, and they all reiterated and we did I phoned them personally and told them that we would do all possible to revert to the 3 day each way in order that they could obtain 6 day a week service if they so desired and this is what we did and now it would appear that this isn't what they want. I'm not saying that they would have got it, but I do think is what you try to do is to take in the thoughts the expressions of everyone in the area and you try to melt it into a service and this is what we endeavoured to do in



Mr. Chambers cont.

this particular service.

Mr. Shaw: As a northern representative you might say, I am happy to see that consideration has been given to those north of here, that at least they don't have to spend 2 days in getting to Vancouver, they can now get there in one day. I very much appreciate that, but I have 2 question Mr. Chairman in respect to this. This one is that I would assume that in the event that in Watson Lake there were somebody who required medical attention that which ever way you were going you would stop and pick up those people. Is that correct?

Mr. Chambers: Yes, we have always done this at Watson Lake as Councillor advised and we would continue to do this. We know that we are an essential service and certainly if anyone was hurt we would stop and pick them up.

Mr. Shaw: I do know that in the past, I can't give any specific instances but in getting freight into the north part of the Territory, there have been times when this has been bumped at Fort St. John and sometimes in fact there have been times that it has been difficult to find out where in the heck the freight was but I suppose that happens with any transportation company. At the present moment this 737 is what you would call essentially a passenger plane I presume. In other words it's not one that lends itself at a moments notice to take out a bunch of seats a put a bunch of freight in, it is one that is essentially a passenger plane or the one that you are using. In our freight in this plane you will have a certain load factor, so many passengers, so much cargo, in running one plane would there be a possibility that on account of having a full load that you are going to have to as a fairly regular occurrence to have to bump freight from this particular aircraft or is it powerful enough and large enough that you can take on your maximum freight load values whether the plane is loaded or unloaded in the freight compartment. That is what I am referring to.

Mr. Chambers: You said this is not, is essentially a passenger aircraft. It is a passenger and cargo aircraft The cargo compartments in the belly of the aircraft hold 50%, have 50% more cubic capacity and weight carrying capacity than the DC 6B did at that time and therefore we can carry a greater load of cargo. You say will you ever reach the point where you will be bumping stuff. That could happen tomorrow if some one dropped in ten ton of stuff on us we couldn't handle it. We do all possible to make clear this, but with the trend the way it is going it is felt that this aircraft will clear everything that has been offered and is going to be offered including passenger and cargo.

Mr. Shaw: Could I clarify my question? When I said essentially a passenger aircraft I meant that it was constructed for passenger aircraft as opposed to having no seats and just filling it up with freight. You will have a load factor to consider according to the passenger ratio how much cargo you put in. That cargo is also restricted by the amount of area you have I would presume also, if you had a load of passengers, a full load of passengers for example, would that mean that that would reduce your cargo

Mr. Shaw cont.

carrying capacity to 10% or something like that to what it would normally carry if it had half a load. Is there a big differential in the matter, that is the question?

Mr. Chambers: When you have an aircraft loaded whether it be with cargo or passengers the aircraft is full weight wise or cubic capacity wise. If you have 10 passengers on board naturally you are going to be able to carry more cargo. If you have 50 passengers aboard, you will carry less cargo if the cargo is available. If you have 107 passengers aboard then you will carry less cargo than you would if you only had 50 on board, but it doesn't reduce the carrying capacity of the aircraft. There is still room for freight, mail and passengers on this aircraft.

Mr. Shaw: If you had a full load of passengers would that mean that the only cargo carrying capacity would be to all intents and purposes the baggage of the passengers?

Mr. Chambers: Do you mean would we bump cargo for passengers?

Mr. Shaw: Not at all. What I'm trying to get over is that you have a full load of passengers, 107, every passenger has a certain quota of luggage so okay, if you have this full cargo and all these people have luggage would that be the capacity of that aircraft? Would that be the only capacity of the aircraft? In other words you could not put any freight on it?

Mr. Chambers: No.

Mr. Taylor: I would just like to clarify a point here. It was stated here awhile back by Mr. Chambers that some representations had been received from Watson Lake which asked for the old service. Was it a time when we had the old service, just to keep the records straight, the Canada Tungsten Mining Corporation asked for 6 landings north, 6 landings south a week. The Cassiar Asbestos Corporation asked for 6 landings north, 6 landings south a week, indeed the Post Office, I don't know if they made any representation but agreed that the only answer to the postal problem would be 6 landings north, 6 landings south per week. The Watson Lake Chamber of Commerce circulated a petition around the community and by phone contact, though I didn't get a copy, I was informed that they were asking for 3 additional which would make a total of 9 landings a week, 3 additional and as for the Improvement District, I'm not too sure what they came up with, but that is the actual position and wide representations were made in order to improve the service and this is based on the movement of mail.

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

RECESS

Thursday, March 20, 1969.

3:30 p.m.

Mr. Chairman: I will now call Committee back to Order.

CPA  
SCHEDULES

Mr. McKinnon: Mr. Chairman, it was mentioned that there were two hundred and fourteen seats with the two 737's leaving Whitehorse every day. I wonder if this is actually fair to say, if 50 seats were booked out of Rupert, prior to passengers booking out of Whitehorse, would that not leave about 164 seats available out of Whitehorse in a certain day, or the same people were book from Watson Lake, Fort Nelson, Fort St. John prior to people from Whitehorse booking out, wouldn't that take in essence a seat that was available out from Whitehorse, away from the load capacity of that plane?

Mr. Chambers: You're quite right on that. When you're serving an area, everyone has the right to go on the aircraft, all we can say is that 214 seats are on there and if Whitehorse traffic books they will remain.....

Mr. McKinnon: If they booked first, they would be served first.

Mr. Chambers: In Prince Rupert, what we found in that was that they were more of an evening flight group than the morning flight and consequently the greatest portion of the seats were available to Whitehorse from this. Any figures that we have quoted today by the way, cover everything from Watson Lake and north, that is we took in Watson Lake, Whitehorse, Mayo, Dawson, everything that was coming in north and north of Prince Rupert.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask whether there was a net profit on CP Air's northern service last year, considering passengers, freight, express and mail contracts and what this profit was if any?

Mr. Chambers: Well, unfortunately, I can't give you that, I'm not on the Financial end.

Mr. McKinnon: No one here could answer. Would either of the gentlemen here know if there was a loss sustained in CP Air's northern service last year or was there a profit?

Mr. McKeachie: Mr. Chairman, I'm not sure what you mean by northern services.

Mr. McKinnon: The B.C. Yukon service? Does CP Air differentiate between the Yukon service and the B.C. Yukon service?

Mr. Chambers: I didn't get that last question, I'm sorry.

Mr. McKinnon: Is there a differentiation between the B.C. Yukon Service and the Yukon service, or is it combined in one operation?

Mr. Chambers: Well, its combined under what we call our B.C. Alberta, and Yukon service.

Mr. McKinnon: Does either of the gentlemen know if there was a net profit in this section of CPA's operations last year?

Mr. Chambers: I'm sorry I couldn't give you that, I don't know.

Mr. McKeachie: Financial figures of the Company have only recently been finalized and put out a general story Mr. Chairman, but we don't break out the profit and loss on an individual route or area basis. The only thing I might suggest is that if Council

Mr. McKeachie continued:

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wants to know this information , we could take this question back to our senior management.

Mr. McKinnon: This is a point Mr. Chairman, on three different questions we have been advised to go after the payload section in one area, the rate structure section in another area, and the financial section in one other area and it doesn't seem that any of these questions are able to be answered at this moment, which I think are all relevant to this conversation.

Mr. Chambers: Mr. Chairman, may I reply to that. We were requested to come up here to talk about schedules, schedules being presented and we weren't asked to come up and talk about fares, had we been asked this we would have had a fare expert along. If we had known we were going to be asked about the Financial we would have had a financial man along. I'm what we call the ground operations Manager, for this B.C. Yukon and Mr. McKeachie is in the public relations department and we felt that this is what the group wanted here at this time, and I'm very sorry that we didn't bring half our company, but we were not asked.

Mr. Chairman: From the Chair, I would indicate that I'm sure Members of Council are of the opinion that the gentlemen from CPA were going to come up here with answers to all questions affecting the situation in regard to a reduction of the schedules, and I think this is what the Member from Whitehorse North.....

Mr. McKeachie: Mr. Chairman, it was just yesterday we were asked to come up here, to my knowledge we weren't told we were officially meeting the Session of the Council and this is why we're probably not armed with all the information we might have otherwise presented. It was on very short notice, we were preparing to announce the schedules officially, and the information, as often happens, got out unofficially and the room went up you might say and Mr. Commissioner was in touch with our President and he said yes, we'll send somebody up to talk about the scheduling, so it isn't from any lack of desire, I'm afraid it was done fairly quickly and we weren't aware we were meeting the full Council, wanting all this type of information.

Mr. McKinnon: Mr. Chairman, I accept the information, but I just thought that it was quite relevant to that whether if the Northern services were a losing operation I think it would be much more justifiable to take off a plane than if the two service plane, through it wasn't maximizing a profit, was making a profit, that this would be pertinent information to this Committee. However, I'd like to go into this scheduling portion of my question, I know that recently the Board of Transport Commissioners allowed CPA increases in Trans-Continental flights, I wonder if either of the gentlemen can tell me how many Trans-Continental flights CP's service was increased to and when these will be going into operation.

Mr. Chambers: We increased five, of which one.....like we have two in operation at the moment, the third one will go on on April 1st, the second I believe April 27th, and the third on June 20th.

Mr. McKinnon: I wonder if I could ask either of the two gentlemen whether the 737 presently in use on the B.C. Yukon run will then be going on Trans-Continental service on April 27th?

Mr. Chambers: Not as such, now you ask this, our aircraft will be routed all over the same as any others. That is it could be on the Whitehorse operations today, it could be on the Trans-Continental tomorrow, it could be on the Prince Rupert the next day, it could be over to Edmonton, but the number of aircraft that are allocated to the B. C. district will remain the same and this is why we will have the availability to operate extra flights they are so required in this area or any other area.

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Mr. McKeachie: Mr. Chairman, I might just supplement that. We have five Boeing 737's right now. We have two more to be delivered I understand by the end of this month, two of the three additional Trans-Con flights will be operated with the Boeing 737. It takes one airplane in effect to do a cross-Canada flight. The one that goes on April 1st is a Boeing 737, the one that goes on the 27th of April is a DC8 and June 20th will be a Boeing 737. There will be two more airplanes coming this month and we've got two more Trans-Cons with a Boeing 737 and one with a DC8.

Mr. McKinnon: Mr. Chairman, there would be a connection with our service being halved on April 27th and another Trans-Continental flight being added on April 27th.

Mr. Chambers: Mr. Chairman, definitely not. There is still, as I pointed out before, capability to operate an extra flight to Whitehorse on any day of the week and therefore you're trying to indicate that we are stealing your aircraft in order to put it on Trans-Continental which is not true.

Mr. McKinnon: Thank you, Mr. Chairman, that's why I'm asking questions that I hope will get these type of answers. It is the policy of carriers that are Trans-Continental and International that are vacating a field that is being taken up by regional air carriers, now I wonder if either of the gentlemen could tell me that in the foreseeable future that it is the policy of CP Air to vacate these regional routes to regional carriers whatsoever?

Mr. Chambers: You're new in the Territory. This Whitehorse was developed by our previous President and I think that it would be the last domestic service to be given up by Canadian Pacific Airlines, unless we were told to do so by the Dominion Government, so you'll be with us for a long time.

Mr. McKeachie: Mr. Chairman, could I just elaborate a little on that. The company does look on the northern routes and the way they have developed over the years and I think we all agree, are going to continue to develop, in effect North-South mainline routes. In the airline industry, they talk about mainline routes and everybody in the south seems to think we're talking about East-West across Canada. There is a definite feeling amongst a number of senior people in our company, that we consider these pretty well mainline North-South routes.

Mr. McKinnon: Mr. Chairman, with the new schedule that comes in effect on April 27th, its going to be for all intensive purposes impossible for anyone to get connecting flights from Whitehorse to Eastern centers on the same day so we're really back to the old schedule where we had to lay overnite in either Vancouver or Edmonton before proceeding on to our destination east. Has any consideration been given to this fact at all, because we have to go to eastern Canada on quite some occasions to conduct our business.

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Mr. Chambers: My understanding that and unfortunately, Air Canada will be running a flight through Edmonton which the Edmonton flight from Whitehorse will connect. Therefore, you would have a connection onto Air Canada at Edmonton for eastern points.

Mr. Chamberlist: I understood, Mr. Chambers said unfortunately, would that mean that its unfortunate it wasn't a CPA flight?

Mr. McKinnon: Mr. Chairman, the whole of the Yukon's economy seems more and more oriented towards the Pacific market. Our goods and services all flow through, primarily flow, through the Vancouver market and through the West Coast. Our future is definitely Western oriented through the Pacific market, there's no question of that whatsoever. With so much of our lifeline attached to the Vancouver market, we very seldom hear anything about Edmonton, except in an extremely deprecating way from the Yukon at any rate, I was wondering would it be possible for the people who do make the schedules in CPA to think about one or two flights a week directly from Whitehorse to Vancouver, specifically, maybe even one flight a week, would it be possible, or feasible to make it easy for the Whitehorse business traffic which is quite considerable between Whitehorse and Vancouver.

Mr. Chambers: Mr. Chairman, may I ask the Councillor, what day we could operate this, a Monday or Sunday, Saturday. I want to make a recommendation to my company when I go back, and you mentioned one flight direct, if you could tell me the day that we're going to get all the Whitehorse people out at the airport to go on that flight, I.....

Mr. McKinnon: Well, I think they would arrange their business at the beginning of the week if they knew.....most people do have to go to Vancouver, its not urgent on the day situation, they can arrange their schedules to so travel, perhaps it could be tried as an experimental basis and if it did flop entirely then there would be no justification for leaving it on, and we would have no qualms about having the service removed. I would say on a Sunday or a Monday type of business, one flight per week, just to see if it were economically feasible to have this type of operation. I find more and more that people are almost commuting Mr. Chairman, between Whitehorse and Vancouver, on business trips and having offices in both Vancouver and in Whitehorse. The business of the two hour flight -- the last time I went to Vancouver, we didn't stop at Rupert because it was fogged in and we left here at eight o'clock in the morning and were on the tarmac in Vancouver at seven minutes after ten. It was a delightful flight and you have a whole day of business in Vancouver to do and there was absolutely no tiredness on the part of the person going out for this two hours and so many Whitehorse businessmen have commented on how enjoyable this type of schedule was. If it could be arranged once a week and if there was a good load factor it could be used and if not taken off.

Mr. Chambers: Mr. Chairman, I'll take this back to our company, however, all the figures that we have indicate that Thursday and Friday are the busiest south-bound days and Monday and Tuesday are the heaviest north-bound days. Maybe its changed, I don't know....

Mr. McKinnon: No, I agree completely with your figures, the figures of CP Air Mr. Chairman, if it were Thursday and Friday then these would be the most obvious days that an experiment could be tried just to see whether it was workable or not.

Mr. Chambers: Mr. Chairman, I'll take that back to our company, as a recommendation of your Council and again I can just take it back.

Mr. McKeachie: Mr. Chairman, there are the four day a week there is a one stop service to Vancouver now under this 1969 Summer Schedule. We all get very sophisticated in this day and age wanting non-stop service, we certainly can't blame people when you can be somewhere in two hours, however, there is a matter of cycling of aircraft, we don't have an aircraft just sitting there with a big hole six days a week and non-stop back and forth the other one day a week. That kind of frequency just isn't too compatible with the scheduling and as I mentioned earlier, the compromises of scheduling involved, how would the one stop service if it was say more frequently each week, I'd like to ask the Councillor.....

Mr. McKinnon: Any improvement, Mr. Chairman, would certainly be appreciated, anything at all. Mr. Chairman, I wonder, if perhaps I can't take this question up here. It seemed rather an anomaly that just about the time that CP Air announced a ten percent increase that Wien Air Alaska announced a forty percent decrease in fares because they were going to operate jet service, and it seems rather strange that one put on jets and we had a ten percent increase and the other one put on jets and had a forty percent decrease. Would this be under your rate structure section of.....

Mr. McKeachie: It would be interesting to note their rates before...

Mr. McKinnon: They were high, like other.....

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Thank you, Mr. Chairman, I don't think this question is too complicated, and I note the discretions of the witnesses Mr. Chairman, with regard to economics, however, from sitting here listening to the witnesses Mr. Chairman, in relation to the need for the present schedule over the old one, it seems to me that the company appears to be working or aiming at one hundred percent efficiency as far as load capacity of the aircraft is concerned. I know this is idealistic and most business of course the critia especially behind the panels in the wall, is of course the economics, and the peak of economics at that, however, the travelling public as well as safety and efficiency, always considers frequency of schedules to be just as important. Now, I was wondering if the policy of the company still allows a certain leeway for the increasing schedules or if the company stuck to its policy of one hundred percent loading efficiency and won't back away.

Mr. Chambers: Mr. Chairman, naturally the ultimate in every airline is to get a hundred percent load factor, however, I don't know any airline in the world that has it. Going back to what we had before, when you start operating with about 22 percent load factor, we're going to the other end of the scale now, how far down can you go and continue to expect to make any financial returns on it and apparently, our company feels at this particular time that we can't afford and therefore we endeavoured as pointed out before, to put in a service that would be as efficient on most of the days, and more efficient on other days to Edmonton, than we had before, and still maintain the load factor that would be compatible with the requirement in the area. If we run

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Mr. Chambers continued:

say a 65, 70, 75 percent load factor we still have a 25 percent load factor to sell. That is this is the bumper run. Now, certainly its the aim of every airline to have a hundred percent load factor, but we fully realize that we have never had it and I don't think any other airline in the world has had it. You get it on a flight or you might get it on two flights, but I don't think that you could expect to get it on all flights. I don't know whether that answers your question or not....

Mr. Livesey: I thank the witness very much, for that answer, Mr. Chairman. Another one there is though, it seems to me that there's more than one reason for putting jets on. When you take your prop aircraft off, they're a slow machine, and when you bring your jet aircraft on they of course, can travel many more miles faster, therefore, it can be worked many more miles in any one particular day than your previous aircraft. So, really you can put your jets to greater use, even if you have to shuttle them in some other direction in order to keep the pilots happy and busy. This seems to me that there's more than one angle as far as jets are concerned. Its speedier but its also capable of travelling a lot more and doing far more work as a work-horse for the company, then ever a prop aircraft is. I know I was an employee of the Pan American airways myself, for a number of years and we heard the gospel of course, as all other employees heard it. What I'm wondering is in view of the potential increase in traffic for the Summer, and in view of the new mine going into operation -- the new Faro mine going into operation in September, in view of the extra interest now on account of the Prudhoa Bay discovery, and a hundred and one other factors as far as the Yukon is concerned, this is what I'm looking for, Mr. Chairman. Is the company taking this into consideration and will they stick stoically to this hundred percent load factor or are they willing to just give a little for our sake.

Mr. McKeachie: Mr. Chairman, as you know, one hundred percent load factor is utopia. Load factor figures of airlines have as you know, as an airline employee, are at an average, and some days the airplane is three-quarters empty and other days its a hundred percent full and out of all this you can get an average. Now, I can simply go back to Mr. Gilmore's letter and his paragraph two, we will provide the capacity to meet the demand, you're quite right the jets can do a lot more work, so we do have another airplane in effect for a good period of a day, we do have a backup airplane. We do have the capability to operate an extra section should the need arise. Now, we operated two flights a day in and out of here and are operating now, and as we said the load factors were away down - 21.2 percent. Four out of five seats were empty, day in and day out, except there are peaks and valleys of course, but in effect, four out of five seats are empty a good number of days. So, they're not going to schedule that heavily again, but Mr. Gilmore told me yesterday when we were going over this letter than we do have the capability to operate the extra section. Now, at this point apparently they're not actually building it in as a scheduled second flight every day, the airplane is there if we need it, when the demand shows, the demand is not showing right now. Talking about economics earlier, we'll simply reiterate and Mr. Gilmore's put his signature on this so he must know the figures, it simply is not feasible to continue to offer two flights per day with those load factors when a single flight meets the demand. Don't forget that other airplane is there if we need it. That's the point, the only thing we can say.....



Mr. Livesey: Mr. Chairman, surely this is the lowest period of the year. This is the place when I don't think many people are going to swim in Vancouver on the beaches in January, except the boys that go down to English Bay, they might, but they've been in there every year as far as I know on that day, but it seems to me that we've got a Summer operation too. What I'm thinking of is not only the Summer operation but surely the increase in migration back and forth with all the various companies that are going to be working up in the Yukon, surely this will have an effect, far greater than what's been shown at 22 percent in January. I hope for the company's benefit that its going to run up to a hundred percent. I don't think it will but nevertheless I hope it does. I'm hoping the company will have a tendency to feel that they can increase, rather than just wait until there's two passengers waiting over. Surely, this is a hundred percent before you get another aircraft, you got to have somebody waiting for their luggage for a couple of days. This is what I assumed was your thinking. CPA SCHEDULES

Mr. Chambers: Based on the one aircraft leaving Whitehorse, and giving the service that we had indicated, and based on last year's figures we can increase 25 percent before we reach maximum. Now, if it goes to 30 percent, we're going to be under-scheduled and we'll have to set up extra flights. Based on the 25 percent available, both ways during the month of July, we can go up, now we do expect and Mr. Chairman, based on what we have found out about the developing of the north, we expect to be in some difficulty during the months of July and August, and at that time, as we said, we will run extra flights as they are required. Now, I tried to explain how we would do this, that is if on a Monday north-bound there is an indication that this is oversold and that it is going to be oversold, we'll set up another extra flight on a Monday, but we don't want to have to run that flight on a Tuesday if it is not required, or on a Wednesday, and we may find that south-bound we are in trouble going south-bound say on a Friday, then as this indication comes up, as this 25 percent available space is used, on a Friday, we will then set up an extra flight to operate up here and take stuff back. Now it may only be necessary to go to Watson Lake, because this may be where the overload may hit, but we won't have to come all the way to Whitehorse, but again, maybe we will have to come to Whitehorse, but that craft is there and this is what our intention is, but we don't want to build it in to the point that by running flights every day will draw the load factor down to the point that we can't operate.

Mr. Taylor: Just before I resume the Chair, I do have a question I'd like to ask. I think I asked this of Mr. Chambers some years ago, when we were trying to get an improvement over the service which now we're going to get back again. I think that was at a Chamber of Commerce meeting we attended, my question would be do we understand that there is still some area of negotiation of change as a result to the visit here to the Yukon or must we really confirm that regardless of what we do or what representations we make, CP Air are going to maintain the proposed schedule anyway? Could I have an answer to that?

Mr. Chambers: Well, I have an approved schedule that goes into effect on April 27th, and it will go through on Oct. 25, 1969. It is the schedule we have been discussing. I have one re Watson Lake daily both ways I will take this back to our company, I'm not saying you'll get it or you won't get it, I'm not the one to decide this, but I'll tell them as you have put it out to

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Mr. Chambers continued:

us. If they feel you are right and they are wrong then I presume there might be an addition put into this.

Mr. McKeachie: Mr. Chairman, you said five days a week, preferably six; you did not say daily did you?

Mr. Taylor: The ultimate was daily.

Mr. Chambers: We have from another Councillor that he wanted a direct flight one day per week one day from Vancouver. We have seven to chose from and I think we'll chose the wrong one more than likely the day you people don't want to travel. I do feel though that before we criticise, I believe maybe we should give it a try and if we're, if we get into the point that we cannot handle it, because of the excess volume of people coming in and going out of the Yukon, you can rest assured we'll put on extra flights into the Yukon but scheduling them at this time I think we have the approved schedule and as Mr. Gilmore pointed out in his letter that we feel there is enough capacity to take care of it with the rider that possibly during July and August we may have to put on extra flights.

Mr. Taylor resumes the Chair.

Mr. Shaw: Yes, Mr. Chairman, I was wondering Mr. Chairman, if the gentlemen here or the Canadian Pacific Airlines, CP Air, I have quite a time changing that name, I've only been calling it that since they started up, would they be having communications with the Great Northern Airways in order to try and effect a schedule so that these could run in conjunction and we could have a through flight right through. I quite understand that they are running their operation and you are running yours, but would you be having discussions to point out where this.....endeavour to have this done.

Mr. Chambers: Mr. Chairman, we submit to Great Northern Airways, a copy of our proposed schedule. They recently were awarded the license on their own to operate Whitehorse, Mayo and Dawson. We can recommend to them, which we do in each case, the schedules which we would prefer them, but as they are an independant company the same as we are, we can't force them into doing this, but if I believe that they would in order to get the business, I don't see how they'd do otherwise but I can't make any promises on their behalf because I don't know. We do advise them of our schedules and we recommend that they make connections to these flights.

Mr. Chamberlist: I wonder, Mr. Chairman, whether either Mr. Chambers or Mr. McKeachie, could indicate whether there would be any opposition from Canadian Pacific Air if a competative company decided to approach the Department of Transport for permission to fly an additional route into the Yukon from Vancouver?

Mr. McKeachie: Mr. Chairman, I think the Regional Government's air policy does state in certain cases the government through the Canadian Transport Commission will on certain sectors after due consideration and so on permit competition on certain routes.

Mr. Chamberlist: That doesn't answer my question, Mr. Chairman. My question was can either one of the witnesses indicate whether CP Air would raise any objections to the Canadian Transport Commission granting a route to somebody else on a competative basis.

Mr. McKeachie: I think that if there was a public hearing or something like that, a company operating a service, a company normally has an opportunity to comment on such an application. I don't think we're capable of saying what the company's policy might be at this point on that question.

Mr. Chamberlist: I think Mr. Chairman, I'd like to take the opportunity of congratulating Mr. McKeachie on being a real PR man.

Mr. Chairman: Well, are there any further questions...

Mr. McKinnon: I wonder if either of the two gentlemen can tell me what the change in personnel will be in the Whitehorse operation of CPA, due to the halving of the present air service.

Mr. Chambers: Well, there will be a slight reduction, we're not too sure yet, what but it won't be that great.

Mr. Chairman: Are there any further questions?

Mr. McKeachie: Mr. Chairman, if the Members wish to know anything about the Regional Air policy they must have access to the Regional Air policy of the Government.

Mr. McKinnon: Well, maybe I was wrong, but I understood the Regional Air Policy being that generally regional air carriers were given routes in the area that they serviced type of operation. The example I always used is TWA in the Yellowknife Alberta run type of area. It seemed to me that this was the policy of the Department of Transport, was now a regional air policy allowing regional air carriers access to these routes rather than national and inter-national air carriers. Is this essentially correct?

Mr. McKeachie: The policy of the Canadian Transportation Commission, Mr. Chairman, that the Regional carriers and they are designated by the government, will be allowed an opportunity for them to grow, not essentially.....

Mr. McKinnon: Well, that's why I was asking the question, about whether in the foreseeable future that CP Air will be dropping this route to a regional carrier, but Mr. Chambers answered me that this would be the last domestic run that they would ever want to give up, that was a sufficient answer.

Mr. Chambers: I might add on that, in my estimation.

Mr. McKinnon: In other words, the Board of Transport Commissioners could force vacation of CP Air in this region. Is this correct?

Mr. Chambers: Mr. Chairman, the Canadian Transport Commission hold the licenses of all Airlines and consequently they have the right to award or take away but it depends on the circumstances, they don't normally do it.

Mr. McKinnon: Now, if TWA were to present a petition to the Board of Transport Commissioners to allow them to operate in this region, would this then involve a hearing of the Board of Transport Commissioners.

Mr. Chambers: Oh yes, I imagine it would. I don't believe it has to but I believe it probably would, that's my personal opinion.

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Mr. McKinnon: There has been no indication as far as you know of anything in this direction, would I be correct in saying....

Mr. Chambers: Mr. Chairman, at the present time, I think the Regional Aviation policy of the government is after some delays and dragging out has finally decided to roll and carriers in different parts of Canada, regional or second line carriers are now getting routes, I would say this year that Pacific Western Airlines is going to be very busy because as you may know on April 27th, it takes over several of our routes in southern British Columbia.

Mr. McKinnon: Mr. Chairman, perhaps this is the wrong place to ask, but why can't Whitehorse passengers get a shot of booze on their way to Vancouver?

Mr. McKeachie: It involves the Provincial and presumably the Territorial liquor....

Mr. McKinnon: We're willing, we're more than willing.....

Mr. Chamberlist: Mr. Chairman, I think the witnesses are not aware that this cannot be done, because there's been a refusal from other Members of Council to discuss a Bill which would permit the drinking.....

Mr. Chairman: Well, have you any further questions..... I would like to thank you for coming with us Mr. McKeachie, and Mr. Chambers. We hope that when you return to Vancouver you will be able to do us a little good in this area.

Mr. Chambers: Thank you, Mr. Chairman, and I'd just like to express my appreciation of being able to sit down with you and discuss the matter and we trust that we can carry out an air service that not only you but we will be proud of. Thank you.

Mr. Chairman: Well, the next item of business, I think is to return to Sessional Paper No. 26.

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Mr. Chamberlist: Mr. Chairman, you will forgive me, if I necessarily have to repeat myself. You will recall before recess this morning, that I was discussing the extra benefits that an Agreement between a union and an employer gives that are outside the legislation itself. Now, I would bring to Members of Committee's attention that the Agreement that was entered into between the local of the United Steelworkers of America, Local 926, and the New Imperial Mines Ltd. was ....came into effect on January 1st, 1967, so that the certainty could not at that time in any knowledge on the part of the union organization itself, of a proposed new labour provision's ordinance, for 1968. Its therefore obvious that the negotiated collective bargaining arrangement for general holidays was made on the basis of an Agreement between the union and the employers without any consideration be given at the time to the new, to the provisions of the new labour relations ordinance. Now, Mr. Legal Adviser just before lunch, he raised a few points, which I take exception to. A suggestion that the fact that they received copies of agreements are facts of matter which agreed to an arrangement for holidays on an Ordinance which took place and came into affect afterwards. The language of the Ordinance itself, is quite clear and I say to Members of this Committee, that Mr. Legal Adviser

Mr. Chamberlist continued:

has got a responsibility to take an extra look again although he says he has had to look at it and then change his mind and look at it and change his mind again, obviously he was in a state whereby he wasn't sure of himself and I'm suggesting that he's taken the easy way out by saying, well I'll accept it this way and let the unions fight it out in Court. Well, the point is that the Labour Provisions' Ordinance is there for labour, for the benefit of labour. I was told this in this Council, you know, that that's what it was there for. I agree, that the provisions are there to look after the interests of labour mainly. Now it would have been far better for Mr. Legal Adviser to give his opinion to the effect that this Ordinance should be carried out notwithstanding that certain technicalities haven't been conformed with, certainly the law itself is based on technicalities, and many a case has been lost on a technicality and also Mr. Legal Adviser's well aware that many a case has been lost on a technicality. Now, there's no doubt, when dealing with Section 25, Sub-Section A that the requirements in that Section were not dealt with, i.e. that the employees didn't **notify** the Labour Standard's Officer in writing, that there was going to be an alteration of a day nor did the employers do this. Mr. Legal Adviser made a point of saying earlier before lunch, that the Labour Provision's Officer has a statutory authority, is the statutory person to do these things. Well, of course he's the statutory person to do it, but if Mr. Commissioner tells him not to because the Legal Adviser told him not to, he won't do it, so he's only a person -- a statutory person, the poor fellow he sits back and says "I'll just wait and see what the others tell me or not tell me and I'll do it accordingly." So really it's not him speaking, it's you speaking and you are aware of this and this is the opinion that you've given.

Mr. Chairman: Would you kindly address the Chair, I haven't given any opinions. Councillor Chamberlist, it is a rule that Members will address the Chair, I believe that I'm being accused of something, unless you're addressing someone else, I can only conclude that you must be speaking to someone else, rather than the Chair.

Mr. Chamberlist: I don't understand what you're talking about Mr. Chairman, I don't understand...I must repeat again, Mr. Chairman, that I have been deliberately interrupted by you on many occasions to just interrupt my line of thought.

Mr. Chairman: Well, Councillor Chamberlist, it is not for a Member to impute the motives of the Chair, I'm just asking that if you were not referring to me, please refer to the Chair when you address.....

Mr. Chamberlist: Well Mr. Chairman, when I started speaking, I started speaking Mr. Chairman, so therefore everything I say now is continuous through you, Mr. Chairman, is this clear?

Mr. Chairman: This is quite correct.

Mr. Chamberlist: All right, Thank you, Mr. Chairman. I hope Mr. Chairman understands and I will continue in that way. I hope that Members of Committee will recognize that I'm talking through the Chairman, making reference to Members and Mr. Legal Adviser who spoke before. Mr. Chairman understands that I'm sure. Now, I have to go back again to retain my line of thought.

Mr. Chamberlist continue:

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Mr. Chairman, Mr. Legal Adviser in indicating as I say that the labour Standards' Officer, is a responsible person, only says this on the basis of the advise that he gets. Now when conditions of Section 25A, are technical conditions perhaps, but they must be complied with, here they have not been complied with. There's no doubt about it, that the union in making a collective agreement with their employers have made an agreement on the basis of certain holiday dates. But certainly this does not take away the responsibility of the Ordinance itself. In one particular instance, where I'm aware of, where the President of a union wrote a letter to the employer saying that we that is our union, I'm quoting him, "recognize that Boxing Day replaces Rememberance Day," this has been done and there is no argument on this particular point. But in many areas between a number of unions and a number of employees this has not be done, nor has the commitment of recognizing a designated day in lieu of Rememberance Day has not taken place. Now I must come again, Mr. Chairman to Section 4 of the Ordinance, which is quite specific, again I spoke of this right at the beginning, that 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. Now, certainly the collective agreement has more rights and more benefits than the Ordinance, but he can't be deprived of that simply because a copy of an agreement was sent in and the agreement shows that Boxing day is being given as a holiday by a mining company. I'd say that it is additional to the nine days that have been set by legislative authority for that. Now this is the stand that I take and I would ask, I had intended to ask permission for Mr. Chairman to have the President of the Union concerned to be a witness in this matter, but I feel that it may be that we would have to call many others and I don't think we would gain much by it as long as what I have said is recognized by Members of Committee that the Ordinance itself has not been complied with. This is what I have to say at this time, Mr. Chairman, and I would like to hear the comments from other Members of Committee on this particular subject because it is very important that this whole position be aired.

Mr. Dumas: Yes, Mr. Chairman, generally speaking I agree with the Honourable Member from Whitehorse East. I'm not a lawyer or sued a lawyer and I don't know about the legal technicalities but it seems to me a wrong has been done and it seems to me as Government we should try and have it corrected. We passed the minimum legislation, therefore, if anybody does anything that goes against that legislation, then we should prosecute or we should at least put some pressures on to have the wrong corrected, its as simple and as basic as that. Working people come to us for advise, we're the ones that pass the legislation, afterall we're government for the people, its the people that are involved here and interested here. Now the minimum legislation must be adherred to as far as I'm concerned. Without any pussyfooting around and I don't agree with this policy that says well maybe we couldn't succeed if we went to Court, but its the principle that counts, we go to Court, okay say we don't succeed because of legal technicalities, I'm darn sure that companies would think twice before they would contravene labour legislation the next time, even if we didn't succeed in Court. One or two unions have been told if they want to do anything about it, go ahead and prosecute as a matter of fact its even here in this paper. We passed the legislation, that's like telling somebody, if somebody

Mr. Dumas continued:

hits your car or runs over you well if you want to prosecute him go ahead. Now they broke the law. We passed the legislation, we're the ones that have to support it, we're the ones that have to find out if its going to hold up in Court, and if its not going to hold up in Court and get thrown out on a minor technicality then let's have it put back in here in this Council Chamber so that we can change it and make it hold up.

Mr. McKinnon: I wonder if I could ask a few questions of the Legal Adviser on this just to clarify it in my own mind. Now, the union in question as I understand it, in their agreement with the company has eight specified holidays and the Yukon Territorial Labour Standards' Ordinance calls for nine, is this correct?

Mr. Legal Adviser: Correct.

Mr. McKinnon: Now, then its between the employer and the employee. If they want to agree that one of these holidays be switched, technically speaking, if it were nine and nine, if there were nine holidays called for in the Labour Standards' Ordinance and there was nine in the Agreement and they wanted to switch all these holidays to different dates upon agreement with the employee the employer and the Labour Standards' Officer, this could be done.

Mr. Legal Adviser: Yes, this could be done by Agreement.

Mr. McKinnon: Now, the union local in question in agreement with the employer and with the Labour Standards' Officer switched Boxing Day, it was Remembrance Day that was required by the Ordinance and they want to put that holiday switched to the Boxing Day....

Mr. Legal Adviser: Yes, this is the Agreement.

Mr. Chamberlist: It is not, I protest. I protest, Mr. Chairman, this is where I differ, Mr. Chairman, with Mr. Legal Adviser. I would like him to bring before this Committee proof that they did this. This is why I was thinking of calling this witness, because this is not true, Mr. Chairman, this has not happened, there was no Agreement between them, there is no Agreement as is required under Section 25, the only Agreement I have seen copies, the only Agreement that was forwarded to the Territorial Government as a request, was the Agreement that was signed between the employer and employee. There is nothing in that Agreement to say that there is an alternate date substituted for Remembrance Day and this is what is required. Now I challenge, Mr. Legal Adviser to tell me that I am innorrect on this point.

Mr. Legal Adviser: You are incorrect.

Mr. Chamberlist: I would suggest that in that case I challenge him to bring forward, Mr. Chairman, I must ask now for permission for the witness to be called as a signatory to the Agreement.

Mr. McKinnon: May I say something. This is directed to the Member from Whitehorse East. Now did the local that Mr. Watson represents have Boxing Day off?

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Mr. Chamberlist: They had Boxing Day off in accordance with the collective bargaining agreement which was outside of the Provincial that is the Territorial.....

Mr. McKinnon: They did not have Rememberance Day, they had eight holidays during the course of the year. Now the Labour Standards' Ordinance calls for minimal legislation passed by this House calls for nine holidays through the working year, now if I understand this local received eight holidays and they may have transferred them around a bit but actually by the Standards' of the Ordinance that we passed, have one day in that year due them if we are to follow the minimal legislation as set out in our Labour Standards' Ordinance.

Mr. Legal Adviser: This is quite correct, but the Ordinance only came into effect in I think it was May, or the 1st of July, we're only a part of the way through the year yet. So our duty as an Administration is to see that as each individual statutory holiday comes up, that either the employees get that day off or they get another day in lieu. Now we're only at March and each day comes up this will be it. Now at the time the original Agreement was come to the official legal number was eight, and in that year they got all their eight holidays according to the law enforced. This year, by the time we come to the 1st of July, it will be our duty to ensure that they have got nine.

Mr. McKinnon: Then our year is going from July 1st, 1968 to July 1st, 1969 and if any of the Agreements that the union local by that in that length of time in that year, who have not had nine days of statutory holidays as required by Ordinance, by the Labour Standards' Ordinance then they will have recourse through the Labour Standards' Officer to force the company that they work for to make them to allow them to have their nine days of holidays during that year.

Mr. Legal Adviser: Either have a holiday or they get pay in lieu and I think the official rate is one and a half times their pay. We can't move except in relation to Sub-Section F of Section 2 the holidays are listed by name one by one. As each falls due its our duty to check, if we get a complaint we check in respect of Armistice Day, in a particular works, they did not get a holiday but they got Boxing Day in lieu. The only allegation that was made was formal notification had not been given to the Labour Standards' Officer, of the intention to do this. In other words as it was alleged, and there's a lot of merit in this and I'm prepared to concede that Mr. Chamberlist's research is very sound on this, because I was frank enough to admit that I didn't know, I took a lot of thought on this, Mr. Taylor was equally in doubt and we were arguing to and fro. We eventually came down with the decision we were caught between the two days. November the 11th was not given but Boxing Day was. Our duty then was to check to make sure it was carried and that's it. Now, our duty is not to police Agreements, private agreements between an employer and a union. Our duty is to see that this little book is obeyed, and once this book is obeyed, we're satisfied whatever about some of the Honourable Members.

Mr. McKinnon: Now, Mr. Chairman, we've got a calendar year, a fiscal year, does Mr. Legal Adviser now advise us that we're going to have to go into a legislative year, and that every agreement as far as the Labour Standards' Ordinance goes is going to have to go from July 1st of any one year, to July 1st of any other year.



Mr. Legal Adviser: No

Mr. Chamberlist: Then, why did he say it.

Mr. Legal Adviser: Taking a period of time, from 1st of July to 1st of July, there must be nine days, but the way we operate our legislation here, on an annual basis. So there are a number of holidays, I couldn't say how many, that come into existence between July and December. We will start off at that point of time and start a normal calendar year. Our Ordinance goes from year to year in every way. So, we've got to see on an annual basis that its obeyed.

Mr. Chamberlist: Well, Mr. Chairman, I hope Members of this Committee will be very careful to watch and listen that Mr. Legal Adviser who really has, because of his background, obviously kissed the Blarney Stone often, doesn't find themselves in the position of having or being convinced of in round a bout circles of something that really...all Mr. Legal Adviser is attempting to do, is to cloud the issue and I would say Mr. Chairman....

Mr. Chairman: Order, please, I don't think you can impute the motives of a representative of the House. I'll have to disallow that remark.

Mr. Chamberlist: My remarks are withdrawn from the record. Notwithstanding, Mr. Chairman, I have read and answered remarks of a much more stronger nature than I have made.

Mr. Chairman: I might remind the Member that this is a debate between Members, this is not a criticizing the servants of the House or the Administration, this is not parliamentary ..... You can continue.

Mr. Chamberlist: Mr. Chairman, the fact that Mr. Legal Adviser has indicated that my research is right and that he agrees with my research but he and Mr. Taylor, the Labour Provisions Officer, were and are still not sure of themselves. I can only point out this, and the Honourable Member for Whitehorse North must be very careful not to have the issue clouded by Mr. Legal Adviser, I would point out that certain specific things have not been complied with and this is where I come back again to Section 25 of the Ordinance. I would ask if Members would please have a look at this Section and read it because the position is clear. It says and I'll read slowly, where a class of the employees of an employee is represented by a trade union, and the parties to a collective agreement entered into, with regard to the terms or conditions of employment of the employees notify the Labour Standards' Office in writing that a specified date has been designated in the collective agreement as a holiday with pay. Now I would at this time stop to ask this specific question Mr. Chairman, of Mr. Legal Adviser, has the parties to a collective agreement notified in writing to the Labour Standards' Officer or I might even ask that question of the Labour Standards' Officer because he is here, that a specific day has been designated, now could I get this answer from either one of these gentleman, I don't care which.

Mr. Legal Adviser: Its hard to give an answer to that. When we made inquiries we were sent a copy of an Agreement voluntarily entered into by the parties giving the list of holidays they'd agreed to. We weren't absolutely sure whether formal notification as applied had been given but once we got the copy of the contract and they gave the day, we were satisfied. We'd still be satisfied if they did it again.

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Mr. Chamberlist: Mr. Chairman, I am asking whether since the this Ordinance was given assent to by the Commissioner, has this Section been complied with, that is has there been a day designated in lieu of Remembrance Day. Now I don't care Mr. Chairman what the interpretation that Mr. Legal Adviser wishes to put on the Agreement that was made in 1967, I am just dealing with what has been done now, since this Ordinance came into force. This is the law that the Territorial Council put into affect and the Commissioner assented to and we have a moral responsibility to see that this is taken care of. Now, this is a simple question that could be answered. Not an answer, I can't answer this question one way or the other. Has it been done or has it not been done, its as simple as that.

Mr. Legal Adviser: I cannot say with certainty, but we were satisfied that it had.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser in answer to a question said yes, it had been done, he had been given written proof of this. I want this proof to be brought forward and I will be prepared to continue this debate tomorrow, if the Administration will bring it forward to the Members of Committee because I say Mr. Chairman if there's been any imputation against me, that I am absolutely telling an untruth and I say that I am not telling an untruth because I know that Mr. Legal Adviser or the Labour Standards' Officer has not received notification in writing of a designated day. It could be altered from Remembrance Day to Boxing Day.

Mr. Legal Adviser: The Honourable Member has a copy of the Agreement before him, if he cares to circulate it, I make no objections.

Mr. Chamberlist: Mr. Chairman, now Mr. Legal Adviser now is attempting to get away from his answer. My question was clear I asked if Section 25 had been complied with and he said yes. Now he says I can circulate the Agreement of 1967. I am asking and I repeat, has Section 25 A of the Labour Standards' Ordinance being Chapter one of the Ordinance of the Yukon Territory, of 1968 Second Session, been complied with. In other words, and I repeat has the Labour Standards' Officer been notified in writing of a designated day specified to replace Remembrance Day. This is the question that I am trying to get an answer to and with respect, Mr. Chairman, Mr. Legal Adviser knows that this has not been done and all he's got to say is No. All we have is a copy of the Agreement between the two parties but not the specified day as is required in Section 25, and then I'll sit down and shut up, because Committee, they can deal with it themselves... All I require is a straight answer to a straight forward question and with reluctance Mr. Chairman on the Legal Adviser to give that.

Mr. Legal Adviser: Yes, Mr. Chairman, it has.

Mr. Chamberlist: Thank you.

Mr. Shaw: Mr. Chairman, I have not kissed the Blarney Stone, I have not made a trip to Mecca or have wailed at the wailing wall,

Mr. Chamberlist: I've done neither, either.

Mr. Shaw: The Point, I think that we have to resolve, Mr. Chairman, is the fact that we have made a law that persons working must have nine statutory holidays in a year, in any one year. Now, there seems to be these legal definitions always going back and forth, what constitutes a year. That is 365 days, perhaps we were wrong Mr. Chairman, when they made or passed this particular Bill that for clarification purposes we said that this started on such and such a date, which we didn't. So, I can see the more or less, could I have some Order please,...

Mr. Chairman: I wonder if we could have Order....

Mr. Shaw: I've lost my train of thought. I'll have to start at the beginning again. I don't know whether to start from when I started at nine o'clock or right now but, the point is Mr. Chairman, that there seems to be the grey area, that we are trying to discuss. Now, I do think, and I agree with the Honourable Member, I did say Honourable Member from Whitehorse East....

Mr. Chamberlist: Have you any doubt?

Mr. Shaw: Yes, sometimes. Straight question, straight answer.

Mr. Chamberlist: Its unusual to get that here.

Mr. Shaw: You know these interruptions....

Mr. Chairman: Could we have Order gentlemen, and continue....

Mr. Shaw: The main thing, I think, I feel, I'm sure, Mr. Chairman, that the main thing is we must assure that the minimum regulations are adhered to and that's our duty to do that. We made them and its up to us to see that they're complied with and the Administration to do the ground work in respect to this. Now, if in reading this, there's no question about it that we get a lot of legal gobbldy goop that's all mixed up in it, we get situations where it depends on how you interpret this. I think myself, that the main thing is to see that labour gets these nine days in any one year, but I can see the difficulty on just exactly where you're going to start. Now, we had agreed that the unions if they wish to make agreements with their with management, that if they want to switch the holidays around that is their prorogative upon notification to the Labour Relations' Officer, and from there on I do not think providing the minimum amount of days are given, I cannot see as we should argue with something like that. But this particular thing is a matter of a legal interpretation. I could possibly listen to one person give his interpretation and someone else give a different one. I appreciate the delima that the Legal Adviser probably was in when he said that he had to think it over two or three times and try to analyse it. I take his word that that was in fact correct. The answer to this, I really don't know the particular answer to it, or if you can in law find it out before 365 days have gone past, from the time this became law. It would appear to me that with the discussions on hand that the Legal Adviser certainly has a very good point. But at the same time, certainly the fact that there were only eight provided for in this Agreement and there are nine provided for in this Ordinance certainly, that has to be watched very carefully and the parties

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Mr. Shaw continued:

notified that they'd better comply with the law. But I don't think we can find out whether they have or they hadn't until this 365 days has gone past.

Mrs. Gordon: I would like to put some questions to the Member from Whitehorse East. Our Labour Standards' Ordinance went into effect the 1st of July. I would ask him did the people who have raised this complaint get their holiday on Dominion Day, did they get their holiday on the 17th of August, did they get their holiday on Labour Day, did they get their holiday on Thanksgiving, the intimation is they did not get their holiday on Remembrance Day, did they get their holiday on Christmas?

Mr. Dumas: Good point.

Mr. Chamberlist: Well, I don't know what bearing it has on this. I don't know, this is the answer to that, I don't know, all I do know is that they didn't get paid for Remembrance Day which is required under the Ordinance.

Mrs. Gordon: Following through on this, it would appear that from the 1st of July to the 1st of January, there are one, two, three, four, five, six holidays, due each employee.

Mr. Chamberlist: That has no bearing.

Mrs. Gordon: It certainly has, because you've a section in your Ordinance that says if you don't have a holiday on this day, irregardless of your application to the Labour Standards' Officer, this was not complied with I agree, but since that point was raised, and it wasn't agreed with, those people have still had the total number of holidays within that time period to which they were entitled and why they should be necessarily asking for pay at time and a half on what is a standard holiday but which they had another in lieu of, even if they didn't make the application is something I can't understand, perhaps that Member from Whitehorse East could.

Mr. Chamberlist: Well, I think I will try and explain, Mr. Chairman, for the benefit of Councillor Gordon, that I am not raising any points whether they have had too many holidays, or too few holidays, whether they get too many holidays, quite frankly I might feel that nine holidays is too many in one year, I'm not arguing this particular point, Mr. Chairman. The point that I'm making is that the legislation provides for certain things. That certain procedures to be adopted to have an alternate day registered, now this is what I'm getting at. These things weren't followed. Councillor Gordon, may well be correct in the point that she raises, but its a point different from what I raised in regard to what the Ordinance itself spells out. The point that I make is and I'll be brief because our time is getting short-- is one that the section has not been complied with, inasmuch as there was no written instructions that there was an alternate day being given to the Labour Provisions' Officer and that condition in a collective bargaining Agreement which are more beneficial than the legislation itself, does not interfere with the legislation. This is clearly defined in Section 4 of the Ordinance itself. Now this is the point, I make, I don't argue with Councillor Gordon's representations on that particular point that she has made.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I believe I'm beginning to see the light. I don't know, I'll have to ask a question to ascertain. This question would be directed, Mr. Chairman, to the Honourable Member from Whitehorse East, is his complaint something of a procedural matter rather than a factual matter.

Mr. Chamberlist: Yes, it happens to be both. The Honourable Member from Dawson has hit it right on the head, its both. The procedure of Section 25 of the Ordinance has not been followed and the factual matter is that Remembrance Day, which is a holiday in accordance with the Ordinance was not complied with. It is both, this is the answer.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I'd like to move that Mr. Speaker do now resume the Chair.

Mr. Shaw: I'll second that motion.

Mr. Chairman: Moved by Councillor Dumas, seconded by Councillor Shaw that Mr. Speaker do now resume the Chair. Are you prepared for the question.

All: Question.

Mr. Chairman: Are we Agreed?

All: Agreed.

Mr. Chairman: Any contrary? I declare the Motion Carried.

MOTION CARRIED

MOTION  
CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 11:45 a.m. to discuss Sessional Papers and Motions. Committee recessed at 12:00 noon and reconvened at 2:00 p.m. Mr. Chambers and Mr. McKeachie, of Canadian Pacific Airlines attended Committee to discuss matters related to the provision of Airline Services to and from the Yukon Territory. It was moved by Councillor Dumas, seconded by Councillor Shaw that Mr. Speaker do now resume the Chair and the Motion carried.

Mr. Speaker: We have heard the Report of the Chairman of Committees, are we Agreed?

All: Agreed.

Mr. Speaker: May I have your further suggestions for tomorrow.

Mr. Taylor: Mr. Speaker, before Committee now we have remaining in Committee at this point in time four Sessional Papers and I do believe there are some more coming in tomorrow, I presume but this is all we have before us prior to proroguing.

REPORT  
OF  
COMMITTEES

Mr. Shaw: Mr. Speaker, I would move that we call it 5:00 o'clock.

Mr. Speaker: Are we Agreed?

All: Agreed.

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

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, I rise on a question of privilege. In the Votes and Proceedings at page 287, half way down, it says "Are we giving sufficient in the Alcoholism Service if there is only \$200,890.00 involved." Mr. Speaker, that should read \$2,890.00.

Mr. Speaker: I thank the Honourable Member. I have for your attention this morning the tabling of Sessional Paper No. 43. Are there any Reports of Committee? Introduction of Bills? Notice of Motion or Resolution?

Mr. Shaw: Mr. Speaker, I would move that Sessional Paper No. 43 be discussed in Committee of the Whole.

MOTION RE  
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Mr. Chamberlist: Second the Motion, Mr. Speaker.

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

Mr. McKinnon: Mr. Speaker, I wonder if I could rise on a question of procedure? Members are giving Notices of Motion this morning. Is it the intention of the House to waive Standing Rules so that these can be discussed today or is it the intention of the House to prorogue today or continue on until Monday?

Mr. Speaker: The Chair cannot anticipate matters that are pending and perhaps the House could deal with such questions when they arise. Are there any further Notices of Motion or Resolution?

Mr. McKinnon: Mr. Chairman, I would like to give Notice of Motion, seconded by Councillor Chamberlist, that all present and future agreements between the Federal Government and companies engaged in extractive resource industries in the Yukon be tabled for Council's information.

NOTICE OF  
MOTION

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

Mr. McKinnon: Mr. Speaker, I would like to give further Notice of Motion, and seconded by Councillor Dumas, that copies of the Votes and Proceedings be forwarded to Mr. Ian Watson, Chairman of the Standing Committee of Indian Affairs and Northern Development.

Mr. Speaker: Are there any further Notices of Motion or Resolution? Notice of Motion for the Production of Papers? Passing to Orders of the Day, under Motions. Motion No. 13. Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Carmacks-Kluane Lake, with reference to the Juvenile Training Home. Be it resolved that the site of the proposed Juvenile Training Home be located other than within the boundaries of the Whitehorse Metropolitan area and that preference be shown and serious consideration be given towards locating this institution where agriculture pursuits shall be made a part of the training program.

MOTION  
#13

MOTION  
#13

Be it further resolved that this Motion be discussed in Committee of the Whole.

MOTION  
CARRIED

MOTION CARRIED

Mr. Dumas: Mr. Speaker, this is a double-barreled Motion. If we agree to it going into Committee we're agreeing with the first part of it, Mr. Speaker, with respect.

Mr. Chamberlist: I wonder, Mr. Speaker, with respect, whether the Motion can be read again?

Mr. Speaker: Yes. (Reads Motion No. 13).

Mr. Chamberlist: Well, with respect, Mr. Speaker, we're dealing with two Motions. First, we're asking for agreement to the home being located outside the Whitehorse Metropolitan area. We're asking for agreement to this, and then we're asking that after we've agreed to it to then discuss it in Committee of the Whole. I would suggest, Mr. Speaker, that the Honourable Member just amend his or withdraw his Motion for the simple reason that there is a Sessional Paper on the proposed new Juvenile Training Home which is in Committee of the Whole for discussion this morning.

Mr. Shaw: Mr. Speaker, I have no intention of withdrawing the Motion, but I will say this, that the addendum as it has been called, the last paragraph is for the intention of discussing the matter in Committee of the Whole and that was the intent of the Motion, Mr. Speaker, and I would assure all Members of Council that in agreeing with this Motion does not mean that they accept the previous two paragraphs. All I want to do is have it discussed in Committee of the Whole and as regards the Sessional Paper, I think No. 42, is it - that Sessional Paper came in, Mr. Speaker, after I introduced my Motion, or perhaps concurrently.

Mr. Speaker: You're speaking to a point of order now?

Mr. Dumas: Mr. Speaker, I wonder if you could advise if the procedure would be for a Motion to be put forward that Motion No. 13 be discussed in Committee of the Whole.

Mr. Speaker: Well, actually, it depends on the sense of it as accepted by the House, but it seems to the Chair that although perhaps the wording could have been different that any question that is to be discussed in Committee of the Whole, surely had not been accepted in the House. If it had been accepted in the House then there is no necessity to discuss it in Committee of the Whole. However, it is up to the House to make that decision.

Mr. Chamberlist: On that same point of order....

Mr. Shaw: Mr. Speaker, in the past there have been not one, but dozens of Motions where there was a little controversy that had been accepted to be discussed in Committee and the results that came out of the Committee were the results that were accepted, not necessarily the contents of the Motion itself. In other words, there is no way for a Member to discuss this matter in Committee, Mr. Speaker, unless we provide the Motion asking that something be discussed in Committee. If it is not discussed at this Council Table, it is very obvious that it isn't agreed to because the point of it is to discuss the matter. It is very obvious. There are precedents. It's been done on a multitude of times. I think the Honourable Member from Watson Lake will agree with that.



Mr. Taylor: Mr. Speaker, I wonder in order that we can resolve this problem more expediently, I wonder if Mr. Speaker could tell me if indeed this Motion has passed as stated or is this Motion not considered to be not acted upon as yet?

MOTION  
#13

Mr. Speaker: No, if I understand the sense of the House and also the sense of the meaning of the Motion, as I have said, perhaps it could have been worded differently, but my understanding is that this Motion is proceeding to Committee of the Whole to be discussed and the main Motion regards the sense and principle of what is to be discussed in Committee.

Mr. Taylor: Mr. Speaker, I would therefore move that Motion No. 13 be discussed in Committee of the Whole.

Mr. Chamberlist: With respect, a point of order. You can't have two Motions. There has already been a Motion made and now a Motion is being made to discuss it in Committee. Mr. Speaker, I am not going to raise any objections. The Honourable Member from Dawson, I'm sure, has in good faith presented a Motion, although it is not clear. Perhaps he should have got some advice from the leader of his group who would have helped him in putting the Motion in proper words, but I am prepared to go along with the Motion.

Mr. Speaker: Order, please. Would the House agree that the Motion has not been decided and that an affirmative agreement at this point merely places this question into Committee? Would the House agree?

All: Agreed.

Mr. Speaker: Order, please. Motion No. 14. Moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Dawson, that Sessional Papers No. 41 and 42 be discussed in Committee of the Whole for discussion.

MOTION  
#14

Mr. Chamberlist: With respect, there is an improper wording there.

Mr. Speaker: Typographical error, I would say. I would correct that. Sessional Papers No. 41 and 42 be discussed in Committee of the Whole.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: Motion No. 15. Would the Honourable Member be prepared to proceed with this Motion at this time?

MOTION  
#15

Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker, I think one of the necessities of modern day living is to let people in a democratic country know what their elected representatives are thinking and saying, and as the advancement of communication takes place, the use of that communication should be made more fully recognized by the public in general. I know that there are moves afoot in other legislatures in Canada for the same type of permission to be granted so that the public, the constituents, can see their elected representatives at work. I would like, personally, to have all my constituents see me at work because I would like them to know that I am working on their behalf, and I feel that the same applies to other Members of this Council, that they, too, would like to have this done. It is unfortunate that at the moment that the TV media, those representatives from out of the greater Whitehorse area will perhaps not immediately be seen on TV, but certainly some of them are most vociferous and they can be heard via the radio media, and I would ask Members of Council to agree to this Motion and perhaps start negotiations into having

MOTION  
#15

this particular thing done. Thank you, Mr. Speaker.

Mr. Taylor: Mr. Speaker, it has by tradition been the Mother Parliament whose Rules that we adhere to as closely as possible, and throughout provincial legislatures across Canada, microphones and cameras are not permitted except under certain circumstances by individual consent of the House. Now, I see no useful purpose being served by accepting this Motion. I think that when the Federal Parliament, the Mother Parliament, adopts such procedures and so forth, then we could give consideration to it. I would, Mr. Speaker, pity the poor people of the Yukon who only have one radio station to have to sit and listen to much of the debate that goes on in this House. Indeed, not only do the gallery get bored but even some times the press gallery can't take it and have to..... Unfortunately, the Members are bound to their seats, but indeed I do recall the other day one member of the press even fell sound asleep. Now, if we had to impose this upon the people of the Yukon, Mr. Speaker, I think that we would be doing a great disservice to our citizens. I think it might be recognized that on the occasion of prorogation or on the occasion of the opening of sessions that indeed the CBC are invited to come and hear the addresses of the Members, but I don't feel that we should take the decor of the House that exists here and emblazon it in lights and cameras and microphones and make a stage production out of it, and at times it would appear that it goes in that direction but I do not feel I can concur with the Motion for these reasons.

Mr. Shaw: Mr. Speaker, in seconding this Motion, Mr. Speaker, I have no strong feelings in relation to this but I think that it is certainly worthy of discussion and I was pleased to second it by virtue of that feeling. Now, I would not care to sit in this Chamber and have a battery of television lights showing on me from day to day. I think that it would be somewhat warm and somewhat impractical. I did not become a Member of Council because I was an actor. You know, people that go on stage, that is their profession, and representing people is an entirely different matter, although at times one is expected to be an actor and at times there are some Members that are very good actors, in fact. So, that this at the same time may have merit in the opening of Council and the closing of Council, and certainly I would very much approve that. I will, as the seconder of this Motion, vote for this particular Motion, Mr. Speaker, but it will be more or less for the proviso, in my mind, at least, that a Committee will be formed to discuss how and when these type of things should be permitted. I don't think that it should be an everyday occurrence but there are times such as the opening and closing that I think might be quite interesting to many people, and therefore I would approve the Motion on the basis of such a program.

Mr. Dumas: Mr. Speaker, if this Motion is passed, I just can't imagine the mad clamour and rush of TV cameras and radio microphones here. I really think that we can count on the media to be in attendance at those things that are considered important and of interest to the people. I would suggest that the people of Watson Lake or any of the outlying areas that are serviced primarily by radio won't be subjected to any three or four or five-hour long debates through their only radio media, and therefore I am going to support the Motion, as I do think that there are times when the debate could be broadcast to benefit and to the enlightenment of all the people of the Territory. Such a discussion occurred here a few days ago when we were discussing the liquor briefs, for instance, and generally speaking, I think that the Yukon has an opportunity to lead the rest of Canada in this field and I think it is inevitable that the legislature and the House of Commons are going to one day have broadcasting from their hallowed Chambers,

and I would like to see the Yukon be the leader in this field.

MOTION  
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Mr. McKinnon: Mr. Speaker, being personally involved in the communications business and also in a private radio station which hopes to be in operation some time this summer in the Yukon, I can assure Honourable Members that they aren't - that the public isn't going to have to suffer through hours of debate because, gentlemen, no matter how fine you think your orating is and how wonderful you think your dramatic gestures are while debating, the show, Mr. Speaker, just won't sell to the public, and that is the long and the short of it. However, it is and it would be of interest to the public at certain times, and I mark the opening of the Council session, the prorogation, debate in Committee with the hearing on the liquor briefs, with the CP Air officials, I can think of at this session, which could have been televised with great interest to the public in Whitehorse. It seems strange, Mr. Chairman, that though every man, woman and child in the Yukon Territory pays something to the effect of \$22.00 a year to public broadcasting the same as any other Canadian, that it is only the private sector of the broadcasting industry that would be capable of doing portable camera work for the TV medium in the Whitehorse area, and our company, of course, would be pleased to be able to have the permission to be able to televise the opening and the prorogation of speeches and also matters which we thought would be of concern to the public interest. This would be both in the television and the radio medium, Mr. Speaker. I don't think I will vote on this Motion either for or against even though I couldn't be accused of having a pecuniary interest in it because there is no way I think I could sell the show to an advertiser at any rate, but being personally involved in both broadcasting in both the television and the radio field, I don't feel that it would be my place to vote on this Motion. I should say that the technical problem in the televising of debates in the House would be minimal. There probably would be two lights that would be needed in the House and one small camera so the battery of cables and paraphernalia that the Honourable Members may fear wouldn't be present. I think it could be done with a minimal of upsetting of the House decorum at this time. I think the Motion should be passed. I think that it should be the prerogative of the House at any time to be able to decide which debate and at what times that the press should be allowed to televise and to air the debates in Committee of the House, and I think, Mr. Speaker, this responsibility will mainly be placed upon your shoulders in making sure that the decorum of the House is kept even if this Motion is passed. Though I won't vote on the Motion, I don't think that it would upset the House too much and I think that it would be a good thing for the public if the debate was worthwhile to be able to have it televised and aired. Thank you, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, in closing off the debate I can assure the Honourable Member from Whitehorse North that those people who advertise in the Yukon Territory are business people and are also people who are interested in the community. I think that he will have no trouble whatever in selling that type of advertising, even if you have to come and offer it to me at the time I would be debating myself. However, Mr. Speaker, I feel that the quality of debates in this House, and I have visited many legislative assemblies, need not take a second place anywhere. We have a good number of excellent debaters and I feel sure that the public will recognize at large those people who do stand up to debate, prepared to stand up and be heard and be seen. If there is any doubt on the part of one Member that perhaps the people in his particular constituency will not be wishing to listen to the debates, it may be that they perhaps would not want to listen to him but would listen to the others, but the point

MOTION  
NO. 15

is that it is a sound suggestion. I think we have stopped backward thinking. We must think forward. The very fact that other legislatures are interested in this and I understand, Mr. Speaker, that within the last week or so a circular was sent around to all legislatures by the Province of Alberta intimating that they were interested in doing this very thing, and I think that in Ontario legislation passed to this effect already. I think it would be a good move and we would be showing the rest of Canada that we are with it, and I would have this Motion passed by Council.

Mr. Taylor: May I ask a question, Mr. Speaker? I just have one question before a vote is taken. I am wondering if the Honourable Member moving this Motion would require dressingroom facilities as well?

Mr. Chamberlist: Mr. Speaker, this Honourable Member always comes here dressed, but dressingroom facilities would perhaps be required for those who are not properly dressed.

Mr. Shaw: Question, Mr. Speaker. The question is directed to the Honourable Member for Whitehorse East. I wonder, before we take a vote on this Motion, at the present moment we have just one private television station in Whitehorse, but I wondered if he would be prepared to support fully that any televised recordings of the House would also be gaining in support to have them sent in all the Frontier Package television stations in the Yukon?

Mr. Chamberlist: Oh, absolutely. I agree absolutely that if there are facilities available to do it this way, it should be done.

Mr. Shaw: The question isn't quite..... I'm referring if it is - if the cameras - I'll be specific. If the cameras take the pictures of the proceedings, that his support will be gained in ensuring that - supporting the same programs that are recored here on the Frontier Package television.

Mr. Chamberlist: Mr. Speaker, I support the media of communication in all manner and if any suggestion that the Honourable Member from Dawson would bring forward with reference to communications relative to this particular subject, he can be assured that he will have 100 per cent support from me on it.

Mr. Speaker: Is the House prepared for the question on the Motion? Are we agreed?

Mr. Taylor: Contrary. Mr. Speaker, I would appreciate having my vote in this matter recorded as being contrary.

Mr. McKinnon: Mr. Speaker, I abstained from voting and I wonder if my abstention could be recorded in the journals.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Would the Honourable Member for Watson Lake please take the Chair?

Mr. Taylor takes the Chair.

Mr. Livesey: Mr. Speaker, I wonder if I could be excused for a few seconds?

MOTION  
NO. 16  
MOTION  
CARRIED

Mr. Speaker: Proceed. Well, the next Motion is Motion No. 16.

MOTION CARRIED

Mr. Speaker: The next Motion is Motion No. 17. I wonder if the Honourable Member would be prepared to discuss this Motion at this time?

MOTION  
NO. 17

Mr. Dumas: Mr. Speaker, may I ask a question at this time? Could he explain what "as a policy lead to all governments concerned" means?

Mr. Speaker: Yes, I wonder first, Councillor Livesey, if you are prepared to discuss your Motion this morning?

Mr. Livesey: Oh, absolutely, Mr. Chairman.

Mr. Speaker: Will you proceed.

Mr. Livesey: Mr. Speaker, some of the fire and smoke may be missing this morning due to a sore throat and an impending cold. However, the subject matter of the Motion, and I am referring to Motion No. 17, with reference to the development of the Beaver Creek Airport, I think is a very important one, and it is a subject that I have attempted to follow with diligence in this House over many years because I feel that the western Yukon requires a port of entry and that, as I have said many times, we need to draw tourists not only from the United States, but we need to draw them from Alaska, and one of the best ways to draw tourists from Alaska, in my opinion, is to make it easier for them to get into the country and eliminate the, what I consider, the preposterous and ridiculous difficulties that tend to exist and I refer at this point especially to the number of aircraft in Anchorage, Alaska. I think there are, very conservatively speaking, around 5,000 or perhaps more. This seems to me quite a large number of small aircraft belonging to private individuals in the State of Alaska. Now, these aircraft are potential vehicles carrying tourists just the same as automobiles and I would like to see the Yukon Territory take a greater interest in making it easier for these people to travel to the Yukon, especially in the summer. Every tourist, as we all know, drops money in the area and this is why we spend so much money in trying to attract the people from the south. Now, why aren't we trying to attract them from the north. Here, in my estimation, is a first-class way of making at least an attempt to do this. Now, this airport situated at about Mile 1204 on the Alaska Highway, in my opinion, has more than one possibility. This airport as well as being an attraction for tourists, making it possible for say week-end fishermen to come from Alaska and fish in Kluane Lake, go down to Kathleen Lake, or visit any area without having to come to Whitehorse, I think, would be a blessing to them. However, it would also serve as an airport for the relief of accident situations on the Alaska Highway. I think it would also increase the inter-commerce between Alaska and the Yukon Territory, and also I believe that we could look upon it as an initial start on raising the economic conditions of the area because I feel that if this airport were developed and recognized as a port of entry by the Department of Transport and the Federal Government, then quite obviously aircraft which now pass over and obtain supplies in Alaska - we could bring those aircraft down and they would be able to purchase their supplies in the Yukon. I think this would be a good thing. The airport is situated on the, what we used to call the Amber Route between Whitehorse and Big Delta whereas the airfield at Burwash Landing, of course, is on what we used to call the Blue Route and is not the main route at all. The present strip is situated right on the proper air route recognized by the Department of Transport. Now, at one time - I think it was around 1963, I had great hopes that this airport was going to be developed, and I believe the then Honourable Member for Mayo and myself were in Ottawa and we

MOTION  
NO. 17

discussed this question with the Federal Government and came back with the feeling that something was going to be done. However, this apparently, for some reason or another, fell flat and nothing has been done in this area at all. What we have today out there - we have a strip of around 3,000 feet in length and we have, I believe, 500 feet to the north and approximately the same distance to the south of cutdown stumpage. This has been done by private capital because the government apparently couldn't afford it. The government apparently hasn't got the money but private capital has. Now, this is of course ridiculous. The situation really is the other way about. The government, in my estimation, is not doing what it should be doing in this area, and I would propose to you gentlemen here that - and I hope you do give me every support in trying to impress upon the government, Mr. Speaker, the necessity to recognize this airstrip at Mile 1204 as a port of entry and to impress upon the government the necessity to provide navigation equipment, at least a proper wind sock, and we have a weather station there now provided also by the Department of National Revenue, the employees of the Department of National Revenue are conducting a series of weather observations on a daily basis. So that we have the weather, we have the customs office, we have the airstrip, we have private development, but we have no recognition. This is the problem, Mr. Speaker. I do hope that every Member of this House will give me his or her support in order that we may impress upon the Federal Government and the Territorial Government the need to proceed with proper development. Thank you, Mr. Speaker.

Mr. Speaker: Is there any discussion?

Mr. McKinnon: Mr. Speaker, personally, I would wish that the Motion was clear and the government agencies that were concerned were particularized in the Motion. To me it is quite cloudy, the whole issue. As I understand it, there is two departments involved and I think that the Department of Transport should be specifically put out as having to recognize the Beaver Creek airport. I think it would be a wrong policy for this Council to start moving into jurisdictions which I, and as far as I know every Member of Council, believe is the Department of Transport's jurisdiction and the Department of Transport policy that they should be following in the Yukon Territory, and if the Yukon Territorial Government is to get involved in areas of jurisdiction which are rightly the Department of Transport's responsibility, it is going to cost us millions of dollars a year to be able to support the air communications facilities that we know that we need here. Secondly, it should be specified, I feel, that the Departments of Custom and Excise should recognize the Beaver Creek airstrip as a port of entry. I think that these are the two main points that we think should be offered to have the Beaver Creek airstrip recognized, maintained, and also easy access be given to people who want to enter the Beaver Creek area and use the Beaver Creek airport as a port of entry. To me the Motion as it is would seem to lay some blame on the Territorial Administration and the Territorial Government that these things are not being done which could be done by the Territorial Government. Both these functions have to come from Federal Government agencies and I think that they should be specified, that a specific request should be sent to both these two Federal Government agencies involved and an attempt once again to get some action from them.

Mr. Chamberlist: Well, Mr. Speaker, I have more or less dissected this Motion. I don't find too much wrong with it, myself. I think the Honourable Member from Whitehorse North has taken the over-all picture with reference to airport facilities being the responsibility of the Department of Transport and this in itself is a correct attitude, but it would appear to me what the Honourable Member from Carmacks-Kluane is asking is that this Council support him in making the representations to the Federal Government departments concerned. Certainly, if the Department of National Revenue would officially recognize the Beaver Creek airport as the nearest air point of entry - port of entry into Canada, then certainly the Department of Transport would be duty-bound to make the facilities available at that particular place. It appears to me that the Motion itself is a reasonable Motion and I think one that should be supported. It isn't too clouded. Words may have been put in in a manner which might have mixed the Honourable Member from Whitehorse North in his thinking, but as I say his general idea that the Department of Transport should have a responsibility in this matter is a correct one. What the Motion is asking for is that the need for development and the recognition in the Beaver Creek airport be once again confirmed and established and certainly I support the fact that it should be confirmed and I support that it should be established, and the idea is that this establishment and this confirmation by this Council may well lead to the governments concerned - I think he meant the departments concerned in the Federal Government, and I will support the Motion because of the need for a port of entry in that location.

MOTION  
NO. 17  
ON

Mr. Speaker: Is there any further discussion? Councillor Shaw.

Mr. Shaw: Mr. Speaker, I would like to stand on my feet and support this Motion. Mind you, it is like many other Motions that have been produced in relation to airports in matters such as this. This is one department of government, the Department of Transport; I could almost say you don't get answer from when you request these various and sundry things that are necessary for the Territory. Most departments will answer you and many of them of course in the negative but the Department of Transport, they have a better system. They don't answer at all, and it is very hard to get any movements from this particular department. I would hope this would get to them. It does involve two departments, namely the Department of National Revenue and the Department of Transport, and I would certainly support the Motion, Mr. Speaker, and hope that if my feelings are wrong that there are matters which the Department of Transport will pay attention to, and we will get some movement. So far the only means, I think, that you could get any movement from them in the past is by a dose of jollyup or something like that.

Mr. Livesey: I would like to reply to some of the remarks of the Honourable Member for Whitehorse North in my closing address. The original understanding with the Department of Transport was that they were prepared, I believe it was 1963, to proceed, Mr. Speaker, in a shared form of program. They wouldn't take it on on their own. I can fully understand the meaning of the Honourable Member's remarks when he points to the ethics and the substance of an attempt to perhaps persuade the Department of Transport to take over all the responsibilities, and I go along with this. I think this is wonderful, but it seems to me on many an occasion when we attempt to force a department to take on what we consider to be their entire responsibility, instead of us gaining a foothold with them, they

MOTION  
NO. 17

just back away completely and we are left with nothing, and in this Motion I must admit, Mr. Chairman, that I am making an attempt to gain the substance of any kind of support, no matter where it comes from. I couldn't really care less where the support does come from as long as it is support, as long as it is some form of help, Mr. Speaker, to provide what we need. Now, I notice in the budget this session, Mr. Speaker, that there were certain amounts of money set aside for certain airstrips in the Yukon, so it is not entirely true that the Department of Transport does take on all these responsibilities and there we have the facts right in the budget. However, be that as it may, I feel sure that this is a good move. I think it is proper thinking. I think it is sensible and I think, if established, and if the Department of National Revenue which I am sure will do their best to support it - I'm sure they will, and as a matter of fact I think if the Department of Transport showed that they were going to recognize the airport that there wouldn't be too much trouble, in my view, with them coming along and saying well, we will provide the necessary officers to provide the other services. I don't see any difficulty here, not of this type. So, Mr. Speaker, I will conclude with asking for support of the House on this Motion.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Councillor Livesey, will you now resume the Chair?

Mr. Livesey: Thank you, Mr. Speaker.

Mr. Livesey resumes the Chair.

MOTION  
NO. 18  
MOTION  
CARRIED

Mr. Speaker: Motion No. 18.

MOTION CARRIED

Mr. Speaker: Mr. Clerk, may we have the Commissioner for the question period, and I will call a five-minute recess.

RECESS

RECESS



Mr. Speaker: I will now call the House to order. You may proceed.

Mr. McKinnon: Mr. Speaker, I have a written question. What was the net profit of C.P. Air and their British Columbia, Yukon and Alberta air services for the year 1968?

Mr. Taylor: I have a question I wish to direct to Mr. Commissioner this morning, Mr. Speaker. It is becoming a daily question. I am wondering if Mr. Commissioner could inform me as to whether or not the Yukon has as yet taken over the responsibilities for fresh water fisheries?

FRESH  
WATER  
FISHERIES

Mr. Commissioner: Mr. Speaker, I am sorry I am still unable to give a reply to this question.

Mr. Chamberlist: Mr. Speaker, I would like to address this to Mr. Commissioner. Could Mr. Commissioner say what is the situation with reference to the contracts or the sale of the R.C.M.P. lots that were placed for sale in the Whitehorse area?

R.C.M.P.  
LOTS SALE

Mr. Commissioner: It is still in the hands of my officers and I have not had their recommendations on this.

Mr. Chamberlist: Mr. Speaker, supplementary question. Is it the intention of the Administration to withhold this information until such time as the Council prorogues?

Mr. Commissioner: Mr. Speaker, Council being in Session or not being in Session has no bearing on this particular matter at all. It is being proceeded with as promptly as possible.

Mr. Chamberlist: I wonder Mr. Speaker if Mr. Commissioner can indicate what is the holdup with reference to this particular item?

Mr. Commissioner: Sorry, Mr. Speaker, I'm in no position to answer that particular question.

Mr. Chamberlist: Mr. Speaker, could Mr. Commissioner indicate he knows anything at all about what is happening about these lots?

Mr. Speaker: I will have to rule that question out of order as Members may not proceed with series of questions. Are there any further questions.

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner whether he could arrange a meeting between the Minister of Justice, Mr. John Turner, when he visits the Yukon at the beginning of next month and the Select Committee on Justice appointed by the Territorial Council, namely Mr. Chamberlist, Mr. Livesey and Mr. McKinnon.

MEETING  
WITH  
JOHN  
TURNER

Mr. Commissioner: Mr. Speaker, I would be very pleased to make this request to the Federal Minister of Justice and I will see that it is passed on promptly.

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner. Mr. Commissioner, has the Public Service Association of the Yukon submitted any Brief to the Administration with reference to re-classification of its employees and the revision of wage structure; if so can the Commissioner give a report to this House at this time as to what has transpired regarding these matters?

PUBLIC  
SERVICE  
ASSOC.

Mr. Commissioner: Mr. Speaker, the request was made and the Brief referred to has been received and in my Opening Address to Council the answer is contained therein. The results of the annual review I am sure will be made available just as promptly as possible.

Mr. Speaker: Are there further questions?

LIQUOR  
BRIEFS DI-  
STRIBUTION

Mr. Chamberlist: Yes, Mr. Speaker, I wonder if Mr. Commissioner can indicate whether he is in favour of the Briefs that were submitted on liquor being distributed to the public.

Mr. Speaker: That question is ruled out of order. Are there further questions

SURVEY OF  
TRANSPORT  
SERVICES  
IN YUKON  
BY MR.  
PICKERS-  
GILL'S  
DEPT.

Mr. Commissioner: Mr. Speaker, I have been asked on several occasions during this Session about a question that was put a Session or two ago in which I was asked to seek the concurrence of Mr. Pickersgill, the President of the Canadian Transport Commission to him coming to the Yukon and conducting, or having a similar hearing conducted as what were done in the Northwest Territories concerning transportation. Through my own Deputy Minister I have received a reply from Mr. Pickersgill and I would advise Council that while the President of the Canadian Transportation Commission feels that the conditions that prompted the hearings in the Northwest Territories and those situations which exist in the Yukon are entirely different, he has a Mr. Ray Cope, in charge of the Research Division, who will be here during the Resources Conference and will take advantage of the time to survey the transport services on the spot. The final paragraph in this letter indicates that you may advise the Commissioner that Mr. Cope is planning to make this visit and advise him as well that I will make every effort to visit the Yukon some time during 1969. This is signed by Mr. J. W. Pickersgill, President, Canadian Transportation Commission.

Mr. Speaker: Thank you Mr. Commissioner.

MR.  
NAISMITH  
& COUNCIL

Mr. Chamberlist: Mr. Speaker, I have a further question I would like to put to the Commissioner. Mr. Commissioner, I understand that yesterday Mr. Naismith, the Chief of the Water, Forests and Land Division, was in the House. Was it indicated by Mr. Naismith that the importance of staying another day to discuss matters with Members of Council was too much for him?

Mr. Commissioner: Mr. Speaker, with respect on this matter. Mr. Naismith was perfectly prepared and willing to attend to the meeting of Council's Committee yesterday morning but he had a prior commitment in Vancouver for this morning which could only be dealt with by him leaving at noon yesterday, and I can assure you that there was no reluctance on his part to come to the Committee in Council but also there was no reasonable manner in which he could avoid attending to the appointment that he had in Vancouver this morning.

Mr. Chamberlist: Well, supplementary, Mr. Speaker. I wonder if Mr. Commissioner would indicate whether on future occasions when people may have something to offer to the Territorial Council by way of information do come here, whether Mr. Commissioner will indicate to Mr. Speaker that the person of this nature is available to speak to Members of Council. I am sure that Mr. Speaker was not aware that he was available; otherwise he certainly would have interrupted the proceedings to make available time for him.

Mr. Commissioner: Mr. Speaker, with respect on this matter, it was made abundantly clear to the Members of the Council's Advisory Committee on Finance that this gentleman was here.

Mr. McKinnon: Mr. Speaker, if it will be any help at all, Mr. Naismith has said that if he were invited by Council at any time, that he would be willing, at a moment's notice to come to the Yukon and to appear before Council in Committee to discuss matters of forest in the Yukon with Council and I advised him that probably we would ask him to attend the Fall Session of Council and he said that he would be more than willing to attend at this time.

QUESTION RE  
MR.  
NAISMITH

Mr. Chamberlist: Why not make it Monday morning.

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

Mr. Shaw: Mr. Speaker, as there are no Public Bills and Orders at this time, I would move that Mr. Speaker do now leave the Chair and that Council resolve itself in the Committee of the Whole to discuss Sessional Papers and Motions.

MOTION THAT  
MR. SPEAKER  
LEAVE CHAIR.

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

Mr. Speaker: Moved by the Honourable Member from Dawson, seconded by the Honourable Member from Whitehorse East that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Sessional Papers and Motions. Is the House prepared for the question on the Motion? Are we agreed? I'll declare the Motion carried and the Honourable Member for Watson Lake will please take the Chair in Committee.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: We were discussing in Committee (inaudible) No. 26. Have you anything further on this Paper. Chamberlist.

SESSIONAL  
PAPER #26

Mr. Chamberlist: Mr. Chairman, yesterday when we left off discussion of this Sessional Paper with reference to the non-payment by certain Companies of the Statutory Holiday - of pay for Statutory Holidays, Remembrance Day, it was indicated by Mr. Legal Adviser that he had in fact received from both parties to the collective bargaining agreement documentary agreement that there was a substitution of Boxing Day for that of Remembrance Day. I have challenged him to produce the documents referred to. There are no documents that I can see that have been introduced to answer, in answer to my challenge. Since yesterday I have obtained some correspondence relating to the matter between the staff representative of the Union concerned and the Territorial Government. Also I have a copy of a letter that was forwarded by the Labour Provisions Officer, Labour Standards Officer, to one of the mining companies, and a copy that was forwarded to a number of - a copy of this letter that was forwarded to a number of other companies. Mr. Chairman, the stand that I have taken is that the provisions of the Ordinance have not been complied with. Mr. Legal Adviser has been answering the questions on behalf of the Administration and he has been in fact saying that the Labour Standards Officer, who performs a Statutory function, has promptly advised the Unions concerned of the attitude that is being adopted by the Administration. You will recall Mr. Chairman, I said that that advice, with the advice of Mr. Legal Adviser and certainly was not the advice of the Labour Standards Officer himself. And Mr. Chairman, at this time before I go further I would like to put a question to the Labour Standards Officer, who may have to change his hat for the moment as he sits in the House as the Clerk of the House, and the question that I would put to Mr. Herb Taylor is this: Mr. Taylor, in your opinion, has Section 25 of the Labour Provisions Ordinance been complied with?

SESSIONAL  
PAPER #26

Mr. H. Taylor: I take it Mr. Chairman, that the Member means subsection (a) of Section 25.

Mr. Chamberlist: Yes Mr. Chairman, that is the subsection.

Mr. H. Taylor: The particular wording of the subsection is that the parties to a collective agreement entered into notify the Labour Standards Officer in writing and

Mr. Chamberlist: "that a specified day"

Mr. H. Taylor: Yes, that a specified day has been designated in the collective agreement as a holiday with pay in lieu of another one. I had doubts as to whether or not this Section had been complied with so the only thing I can do is go to our Legal Adviser, put the question to him and ask him if I have any grounds to prosecute. His view was that we could not make any prosecution against the company stick in Court under that section. His view was that the provisions of that section had been complied with by the Mining Companies when they forwarded copies of their collective agreements to us. This is the view that I had to take. I'm not competent to form a legal opinion myself.

Mr. Chamberlist: Well, Mr. Chairman, I wonder if I could put a further question to Mr. Taylor. You as Labour Provisions Officer - what is your opinion and certainly Mr. Chairman, the Labour Provisions Officer who is a man who must make decisions and I have known in the past he has been able to make his own decisions, what is your view with reference to those words, have both parties indicated to you in writing of a specified day designated as a substitute for those days. Now has this been done in your view?

Mr. H. Taylor: As I stated previously, my original opinion was that it had not been done so therefore I had to seek the Legal Adviser to find out whether we had any grounds to take action and I can only go by the legal opinion I received from our Legal Adviser. My opinion was at first that it had not been done but I must naturally then find out from our Legal Adviser what the position is. Now, my opinion is of course that the Section has been..... or I would have proceeded with prosecution.

Mr. Chamberlist: Well, Mr. Chairman, thank you Mr. Taylor. Mr. Chairman it becomes almost apparent that there is a reluctance on the part of Administration, and I said this earlier, when I .....speaking on this particular Sessional Paper, and I reiterate it at this time, that there is a reluctance on the part of the Administration to prosecute and it would appear to me that there must be some reason that Administration would deliberately, and I say deliberately, oppose the decision that already has been made as I would suggest, had been passed on to the Mining companies in writing by the Labour Provisions Officer because he wrote a letter to the United Keno Hill Mines Limited and put a note on the bottom of it "similar letter sent to seven other companies". He wrote to say it has been brought to my attention that the employees of your Company who are required to work on the November 11th holiday have not been paid the proper over-time rate as set out in Section 27 of the Labour Standards Ordinance of the Yukon Territory. He goes on to say that this Section states as follows "an employee who is required to work on a day in respect of which he is entitled a holiday with pay shall be paid in addition to his regular pay..... Now to me there can be no doubt that the Administration has now shown an anti-labour attitude. It has been a deliberate attitude. I think that Mr. Legal Adviser has some reason which isn't disclosed here. I have attempted to get the documents from Central Registry, I've not gone directly to them but I asked if I can see these documents and there has been reluctance to show these documents, to show proof that there has been

Mr. Chamberlist continues...  
written compliance with this Section and all that we have here in this Committee is that the copies of the agreement, which is this, has been forwarded to them, that copies of the agreement entered into in 1967. Now, Mr. Legal Adviser may be able, Mr. Chairman, to convince some Members of this Committee, and I'm not quite sure he has convinced anybody, because he did a pretty good job of going around the Mulberry bush and I think that Members of Committee have seen this on this particular occasion very, very clearly that he hasn't in any way substantiated why Section 25 has not been complied with nor has he once made reference to Section 4 although I have referred to it where it is clear that notwithstanding whatever arrangements and whatever benefit over and above the legislation is obtained through collective bargaining and after all, collective bargaining is what this country needs all the time so that our economy, through labour and employers alike must be strong and that the interference in a collective bargaining agreement by even looking at the collective bargaining agreement outside the legislation itself shows quite clearly that there is a lack of responsibility in recognizing that labour is being abused in this particular instance. Now, Mr. Chairman, there is an obvious necessity for this Committee to support the legislation that we as Territorial Councillors have put into effect. We know too well what our intent was. Our intent was clear because this is the **first** piece of legislation that everybody in this room participated in. We participated in this. We went through the sections and because we went through these sections as carefully as we did we know and understand every provision in it; I take it we do. There can be no doubt in my mind that the suggestion that is being made by Mr. Legal Adviser that the submission of the agreement entered into between the Union and the employer that this in fact complies with Section 25 (a) of this Ordinance is ludicrous and Mr. Legal Adviser, I'm sure, Mr. Chairman, doesn't believe it himself but he has made the decision and he has to now support that decision and the decision that he says, Mr. Chairman, that he has found it difficult to make. He had to go over it three or four times. Certainly, he wasn't sure of his decision then and certainly can't be more certain now. I don't want Mr. Chairman to feel that I am attacking the Legal Adviser in any derogatory manner but Mr. Legal Adviser is no better and infallible than any of us; none of us are infallible. He has made a mistake and I think he would be twice as big if he stood up and admitted to it. I think he is sitting back now trying to work out how he can get out of the dilemma he found himself in because the language of the Ordinance itself is so clear. I also find, from the answers to questions that Mr. Clerk gave as Labour Provisions Officer, straightforward questions but, as a Member of this Committee, must recognize the embarrassing position that the Labour Provisions Officer finds himself in. He's made the decision; in his opinion he read that Section, he's tried to enforce that Section. For some unknown reason which is not explained, no explanation has been brought forward, the Legal Adviser over rules it. Now, I don't know whether we should go, on the basis that Mr. Legal Adviser didn't or whether we should go beyond then, even .....the Commissioner, perhaps the Commissioner told Mr. Legal Adviser to put this interpretation ..... What is the mystery in this? We can't seem to find it out, but certainly Mr. Herb Taylor has indicated what his opinion of this was and once that opinion was made it should have stayed with it. Mr. Legal Adviser, ~~usurped~~ the function of the Labour Relations Officer, of the Labour Provisions Officer when he makes a decision after a decision has been given. We might just as well say, what do we need a Commissioner for, what do we need a Labour Standards Officer for, what do we need anybody else for, Mr. Legal Adviser he now wears all the hats and he'll run the administration of the Territory. So, Mr. Chairman, I am going to close at this time but I want from

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Mr. Chamberlist continues....

Mr. Legal Adviser a clear, defined ruling on this particular answer, a particular answer to these questions, and certainly must be a yes or no. I want Mr. Legal Adviser, Mr. Chairman, to answer this: "did the parties to the collective agreement entered into specify a day in writing to the Labour Standards Officer, specify a day in writing?" Thank you Mr. Chairman.

Mr. Legal Adviser: The answer to that question Mr. Chairman is in the affirmative. I am sorry Mr. Chairman but I haven't the histrionic ability of the Honourable Member who castigated me so vociferously for the last ten minutes but I don't need it Mr. Chairman as I won't be standing for any election in future.

Mr. Chamberlist: Mr. Chairman, it is the prerogative of Members of this Committee, and indeed Members of Council, to bring forward at any time all matters relative to areas of interest, that may be of interests of his constituents. I think Mr. Chairman, you will agree that this is so and although perhaps Mr. Legal Adviser thinks that I am castigating him for himself, this is not so. I am castigating him for his policy. I wish Mr. Chairman would make it clear here that officers of this House have no right to talk in such manner about the elected representatives of the people.

Mr. Chairman: Just from the Chair, I find, as point of order, I did not hear from the Chair any remarks that would indicate that any Member, or cast aspersions on any Member. Mr. Legal Adviser made a general comment which did not necessarily apply to any Member of this House.

Mr. Chamberlist: I must rise again on a point of order, Mr. Chairman. Mr. Chairman, I find it difficult to understand why Mr. Chairman would say that he didn't know, or he didn't, Mr. Legal Adviser didn't cast any aspersions on Members of the House. Who was Mr. Legal Adviser replying to - the man on the street! I was the last speaker and therefore Mr. Chairman, once again I say that you are in error, Mr. Chairman.

Mr. Chairman: The Chair must take the position that there have been no offending words spoken and no aspersions cast on anyone in particular.

Mr. Chamberlist: This always happens with me Mr...

Mr. Chairman: Order, please. I would ask Mr. Legal Adviser to continue.

Mr. Legal Adviser: I would like to deny again that there is any bias whatsoever on the part of Administration in favour of an employer or against an employee or a group of employers or a group of employees. The original decision of the Labour Standards Officer was not a decision as was tentatively pointed out. What he did was, he listened to representations made on the part of a group of employees and then wrote to the mining companies which he had on his list about whom the allegation was made in effect suggesting that they had breached the Ordinance and asking for their views as to that particular section. He received by return after requesting, copies of the various agreements which had been made by the individual union or union local, with the employers, and each particular agreement was examined as it came in and then further views were sought from the unions and from the employers as the interpretation is put on this particular section. Now, at that time we were not aware of the history of the particular sections which are in question of the union agreement and we were informed that in British Columbia the first of those typed sections was drafted, and was drafted at the request of the employees of a parti-

Mr. Legal Adviser continues...

cular union and if memory serves me right it is a particular union which is under discussion here. In the list of holidays in British Columbia there appeared similar holidays to the Ordinance which we have. One of those holidays was November 11th and the employees had requested the employer to substitute Boxing Day which they wished as a holiday instead of November 11th which was a Statutory Holiday. This they were able to do under the B.C. legislation. Now the particular union agreement which is under discussion here was made in 1967 and it was still in force at the time that the Labour Standards Ordinance came into force here. Now this particular Ordinance was passed very recently by the Council and it was passed at the instance of the Administration and is, if I might be permitted the liberty of saying so, possibly the most forward moving piece of legislation in Canada on behalf of the employees. There is no other province or Territory which has as forward moving and as closely knit protection for employees as we have at this moment in the Yukon Territory. Now the Labour Standards Officer must of necessity seek Legal advice on the interpretation of any section once it is no longer simple and once it is no longer clear. Now, this section which we are discussing, Section 25, permits a switch from a statutory holiday to another day in certain circumstances and the circumstances are that when the parties to an agreement made between a union and an employer notify Mr. Taylor that they have made a switch by agreement, then this switch may take place. In this particular case this notification can come at any time before the other day is substituted for the statutory day; so we made sure that were given copies of the agreement signed by the employer and the employee, and the switch took place on Boxing Day. Now there are two parts to this particular problem, one is whether or not a holiday in fact was given in lieu and the second is whether the formal notification was given or not. We waited for a final decision and I think I was perfectly frank with the House yesterday in saying that I found difficulty in making up my mind; Mr. Taylor found equal difficulty. But finally we came down to a firm decision; that we had been given copies of a written agreement, voluntarily arrived at, putting Boxing Day which was a non-statutory holiday as a holiday on the list, and the list omitted only one of the then statutory holidays. A new one was substituted and the old one was taken out and we deemed this to be substantial compliance with the notification section. We were then concerned on the second part whether or not in fact a day had been substituted for the day which was not given. We could not take a decision on this matter until after the day had been given, which was the 26th day of December of last year. Once that day had been given we were then satisfied that whatever about the doubt about the notification part of it, that no worker in any of the mining companies about which we received a complaint had in fact been wronged by as much as a ten cent piece. Now, we still had, and I still had a doubt as to whether handing in an agreement into Herb Taylor's office, signed by both parties, giving one list for another, is in exact compliance with the Ordinance. I frankly have not finally made up my mind yet except that it is substantial compliance as far as we are concerned. Now, in Mr. Taylor's office there are complaints coming in day after day about technical non-compliance with this particular Ordinance which very many people including Honourable Members not a thousand miles away from me here, do not understand. Now, one of the Sections concerns whether or not an employee must be paid forthwith after termination. Forthwith or immediately after termination means as soon as is possible to do this. Occasionally it happens that a man is dismissed or leaves employment; it happened down here in some of the taverns that when somebody is upbraided on something and we have had a couple of complaints about this. He gets into an argument with a customer and right in the middle of a busy night like Saturday night, he just walks off the job at ten o'clock and demands then his pay. The

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Mr. Legal Adviser continues...

employer may be in his private house and the employee, full of ire and vigor, comes knocking on his door and demands instantly, and according to the Ordinance, his pay. Now technically, if the owner of that tavern does not get out of his bed and pay him his exact wages to the precise cent, he has committed an offence. But it is not the policy of the Administration, nor my policy to advise them that mere technical non-compliance with the precise terms of the Ordinance would be the subject of a criminal prosecution in our Courts. So what happens in practice is, that the employee, still full of some ire, comes into Mr. Taylor's office round about nine o'clock in the morning and says I want so and so prosecuted because I went to him on Saturday night and demanded my pay and he didn't do it. Mr. Taylor takes up the telephone and rings the employer and says we've got a complaint about you; you may have committed a technical offence. When can you pay this man. So he says, send him down to me at two o'clock when we have gone through our books and we will give him his pay.

Mr. Chamberlist: I rise on a point of order, Mr. Chairman. What have these extraneous remarks got to do with the position that is before us now?

Mr. Chairman: Well, in relation, I can't really say, I'd rather hear the rest of the remarks by Mr. Legal Adviser before I make .....a point of order.

Mr. Legal Adviser: This Ordinance runs to a large number of sections and technical little breaches occur constantly but we don't prosecute in every case. We do want to ensure, however, that every employee in the Territory gets every single holiday that he is due; that every time he works overtime he gets one and a half times or twice his pay as the case might be; that no person is exploited or wronged in any way and every time we deal with the matter we attempt to settle the matter if it is possible and it usually is, amicably, by a telephone call to the employer and then he complies. This is the same way as the rules as a company must register on a certain day and we usually accept it the following day. Now, this comes under the general policy of the Administration. We are satisfied that the agreement, which does not need circulation because the Honourable Member has a copy of it turned upside down on his desk ...the agreement provided for a number of holidays-our Ordinance came into force in July and we are satisfied that in respect of these companies each holiday as it occurs, as was pointed out by Councillor Gordon yesterday, has either been given or money has been given in lieu by each of the mining companies in this Territory. We are satisfied with that after investigation the position. We haven't run a full year yet so there is no question of eight holidays or nine holidays. The section says that each person must be given a holiday. There are a list of particular days at Section 2 subsection (f). Now, I'm not sure which of these holidays was the first that had to be given under the terms of our Ordinance, but each holiday was in fact given until they come to Remembrance Day and then you still haven't got through the whole nine. A day was substituted in respect of Remembrance Day so so far as either of these two potential offences are concerned, we are satisfied that if we went to Court and put the matter before the Court, any prosecution would have been dismissed. When a Legal Adviser forms an opinion that is useful to go to Court, and he forms a second opinion that no substantial wrong, or wrong at all has been done other than a potential, a possible technical non-compliance, it would in my view be grossly improper for me to advise the Administration to take a prosecution. The fact that it may look, or be argued on the side of the big battalions doesn't affect the issue. I must make my advice correct morally as well as correct legally and this was my advice to the



Mr. Legal Adviser continues...  
Labour Standards Officer and in any matter of this sort in the future, it will continue to be my advice.

Mr. Chamberlist: Mr. Chairman, may I continue....go ahead, go ahead.

Mr. McKinnon: Mr. Chairman, when this debate started I thought it was a simple and a clear-set issue. After having listened to the official Legal Adviser and the ex-official legal adviser to the Yukon Territorial Council I am so confused I don't know what either of them are talking about. This is an honest and truthful statement and I wonder, Mr. Chairman, with Council's permission if I could ask that Mr. Roy Watson of the Steel Workers come before Council as a witness and answer several questions that I think would clarify it to me and to the rest of the Council and if I could just beg that both the Legal Adviser and the Honourable Member from Whitehorse East ask me to put these questions so that I personally could hope to understand the issue as I originally saw in my own mind and I don't see any longer because it has been so confused by the circum... ways of the legal gobblidy-gook that both of them have just foisted upon Council that I don't even know what the issue is any longer.

Mr. Chamberlist: Well, Mr. Chairman, I would have given immediate consideration to the Honourable Member's request and I will do this after, this afternoon but still I have to reply to some of the remarks that have been made by Mr. Legal Adviser. Mr. Legal Adviser mentioned with reference to....Member here, not a thousand miles away. He may not know what he is talking about and there is every possibility that this also applies to the nearest member of the Legal Profession who is not a thousand miles away as well and.....but what has been said as far as I am concerned is - a formal piece of legislation, yes, but not .... in administering of that legislation. That the legislation, as it has been interpreted by Mr. Legal Adviser is a backward step, it's a backward step because it lines up with something that is non-existent and that is an agreement ..... the specified day and Mr. Chairman, Mr. Legal Adviser knows full well that there is no merit in what he says when he says that an agreement entered into in 1967 specifies a replacement day for a piece of legislation that was ..... Now, this is an impossibility. Mr. Chairman, Mr. Legal Adviser, I'll bow my head to him - I will agree that he is a master at introducing extraneous matters to cloud the issue.

Mr. Chairman: Order, please, Councillor, would you kindly come back to the facts and I wonder if we could hold down this battle between two individuals and get on with the business of Council. This is all becoming too confusing ....

Mr. McKinnon: Mr. Chairman, may I rise on a point of Order. I asked a specific request of Council, Mr. Chairman, because this is exactly what was happening. We are having a legal battle between two of the sharpest legal brains in the Yukon Territory and we're not getting anywhere. We're not solving the problem to the employers or the problem to the employees; we're having a wonderful debate between Mr. Legal Adviser and the Honourable Member from Whitehorse East and solving not one darn thing. Could I ask that the request that I made of Council be granted because as far as I'm concerned Mr. Legal Adviser and the Honourable Member can get out in the hall and do this and the House at the time would be better served by them being there.

Mr. Chamberlist: Mr. Chairman, in view of the very, very kind remarks of recognition given to me by the Honourable Member from Whitehorse North, I will bow to his request and allow Mr. Watson to attend. This is what I asked for yesterday in any event. It's nothing new.

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Mr. Chairman: Is it Committee's wish.

Mr. Dumas: Yes, agreed, by all means.

Mr. Chairman: Mr. Clerk, would you see if Mr. Watson would be available?

Mr. Roy Watson enters Council Chambers.

Mr. Chairman: We have with us Mr. Roy Watson.

Mr. McKinnon: Mr. Watson, if you've understood what is going on here you are a much sharper legal brain than I am, for sure. Now, there is only one thing that I am interested in and that is that by our legislation under the Labour Standards Ordinance passed on July 1st of last year we say that each working man in the Yukon Territory is entitled to nine statutory holidays a year. Now, a union agreement that I understand your union has signed entitles you to eight statutory holidays a year and we feel that if our Labour Ordinance gives the worker a better deal than your collective bargaining agreement, then you are entitled to go by the provisions of the Ordinance of the Yukon Territory. Now is this the way that your union understands it also?

Mr. Roy Watson: Yes, we are getting a better deal on our Statutory Holidays by your Labour Provisions Ordinance than we have in our present agreement.

Mr. McKinnon: All right now, this Labour Standards Ordinance was passed on July 1st of last year. Now as I understand it it came into effect on July 1st of last year, so starting under Section 2 subject to sub-section (f), the way that I understand it, and I would like to be corrected wherever I go wrong on it, that would be Dominion Day that this Ordinance came into effect. Now, from Dominion day on, Dominion Day, Discovery Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day would amount to one, two, three, four, five, six holidays from the time that this Ordinance came into effect to the end of the year. Now, Mr. Watson, did your union receive from your employer six holidays from the time that this Ordinance came into effect until the end of the year 1968.

Mr. Roy Watson: Yes, Mr. McKinnon. Would you mind going over those holidays one by one again.

Mr. McKinnon: Discovery Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day. Now, which holidays, Mr. Chairman, did Mr. Watson's union have not received?

Mr. Roy Watson: Remembrance Day, November 11th.

Mr. McKinnon: Now, the next question. Did your union receive a holiday from your employer in lieu of Remembrance Day?

Mr. Roy Watson: No.

Mr. McKinnon: So that in this period of time, instead of the six holidays as required by Ordinance, you only received five holidays?

Mr. Roy Watson: Correct.

Mr. McKinnon: On any day between Dominion Day and the end of 1968 did you work a day that - did the employees of the union work a day in which they were paid at a rate exceeding the normal rate in lieu of a holiday under this Ordinance?

Mr. Roy Watson: No.

Mr. Dumas: Mr. Chairman, may we clarify one point? I believe the witness was asked if they received Boxing Day off. Well did the employers of your Union receive Boxing Day as a holiday.

Mr. Roy Watson: Last December, yes.

Mr. McKinnon: Well, I asked if there was any holiday received in lieu of Remembrance Day and the answer was no. The further question was, was Boxing Day a holiday to Mr. Watson's union and the question that was answered was yes. So then in the period from July 1st to Christmas Day there were, to December 31st, I'm sorry, of 1968, the Union that you represent, Mr. Watson, did receive six holidays in that period of time.

Mr. Roy Watson: Yes, when you went over those holidays, Mr. McKinnon, you didn't mention Boxing Day, you mentioned five, and if you are going to the 31st of December, we received six counting Boxing Day as our agreement calls for.

Mr. McKinnon: Now I wonder, could you explain the union position on this; as I understand it; do they feel that they should also be reimbursed for one further day other than the six holidays that they had provided during the time from July 1st to December 31st, 1968.

Mr. Roy Watson: Yes, if we are reimbursed for one more day, at the end of our agreement we will have received nine holidays in that year, as called for in your Labour Provisions Ordinance.

Mr. McKinnon: Mr. Chairman, this Ordinance wasn't in effect for a full year; it just came into effect on July 1st, 1968, and the provisions of this Ordinance can only - it wasn't retroactive legislation, there is nothing in the Ordinance that said this Ordinance will begin - the terms of it, on January, 1968. The Ordinance came into force on July 1st, 1968 and I understand that the provision should be adhered to from that date; and if this is so, every working man in the Yukon Territory should have had at least a minimum of six holidays from that time on for the terms of the agreement to be lived up to and as I understand it next year your union has to be given nine holidays during the course of the year from January 1st to December 31st. If you are not given, if your Union agreement only says 8 holidays and you are not given the nine holidays, then I'll be the first one at this table to force the Labour Provisions Officer into granting your union either pay in lieu of a holiday or a holiday off and this is the way that I understand the Ordinance. But Mr. Chairman, this seems to be a misunderstanding between my understanding of the Ordinance and the Union's understanding of the Ordinance and I wonder if we could resolve our differences; if Mr. Watson could tell me where I'm wrong in my thinking and the Union's thinking on these terms.

Mr. Chamberlist: I would like to put a question to Mr. Watson.

Mr. Roy Watson: The question you are asking is where you differ and we differ. We are trying to follow your Labour Provisions Ordinance on the line. It appeared to me that it calls for nine statutory holidays and our contract still only reads eight. It doesn't seem to matter where you are going to draw the line; whether July to July or as our agreement runs from year to year. We had no idea at the time that we signed this agreement in 1967, first of January, this is when it became effective, that you were going to pass any provisions to this effect and all we are trying to do is adhere to them.

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Mr. McKinnon: Mr. Chairman, if this Ordinance had a clause in it that said that this legislation was retroactive to January 1st, 1968, I would have no quarrel whatsoever with Mr. Watson's analysis and in the next year, if, as his union agreement calls for only eight holidays, and only eight holidays are received by his union, then as I say, I will be the first to protest on his behalf that they should be given nine - one extra day.

Mr. Chairman: At this point and time we will call a recess until two o'clock.

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2:00 o'clock p.m.

Mr. Chairman: At this time I will call Committee back to SESSIONAL Order and we have with us Mr. Roy Watson. We were discuss- PAPER #26 ing Sessional Paper #26.

Mr. McKinnon: One final question, Mr. Watson. I would like to know whether his union and his employer made an arrangement with the Yukon Territorial Labour Standards Office to substitute Boxing Day as a holiday in lieu of Remembrance Day.

Mr. Watson: No.

Mr. Dumas: Through discussions over the lunch hour I finally found out what is going on and it seems that the union agreed by agreement the union was entitled to Boxing Day as a holiday by legislation they were entitled to Armistice Day as a holiday and there is no way that they are not entitled to both between the two, legislative and agreement and I think this is their complaint and I think they are absolutely correct.

Mr. Chamberlist: At long last the wisdom of Solomon has fallen down upon the heads of two of the Honorable Members that have just spoken. It is obvious that that indeed is the case, that the union did not fix the arrangements, but it was not complied with, the section of the Ordinance was not complied with and therefore I would suggest Mr. Chairman that it is up to this Committee to tell the Administration that the Ordinance should be complied with and complied with in the manner that is laid out in the Ordinance itself.

Mr. Mc Kinnon: Mr. Chairman, this was my original position after all the wisdom of Solomon was thrown around this table I was confused.

Mr. Chairman: Will there be any further questions for Mr. Watson?

Mrs. Gordon: The copy of the agreement that has been circulated in this Chamber went into effect on January 1, 1967. Is this correct? When does this agreement terminate?

Mr. Watson: December 31st, this year.

Mrs. Gordon: Supplementary to that, is there provision in this agreement to open negotiations at any time?

Mr. Watson: No.

Mrs. Gordon: No specific terms or on any specified areas within the agreement that negotiations can be opened?

Mr. Watson: No. Notification can be given 2 months in advance to the expiry date.

Mrs. Gordon: Well, I would suggest that this legislation went into effect on the 1st of July 1968 and the union who in my estimation are looking after the interest of their membership and the people of the Yukon Territory, have had 8 months to consider these holidays, the ones that are set out in that provision and any additional that they are able to make to their agreement and I am wondering at this time why or whether it was possible for them to meet some terms with the employers on this specific question instead of coming up with this Council Paper at this time?

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Mr. Chamberlist: To who is your question being addressed to Mr. Chairman, or is it general?

Mrs. Gordon: To Mr. Watson.

Mr. Watson: It seems to me there was quite a few questions there. If you wonder why we didn't try to handle this with the employer, we notified the employer in advance of the November 11<sup>th</sup> holiday in this case that we expected them to follow the Labour Standards Ordinance and they didn't seem to be too familiar with it and this is my own personal impression, they didn't seem to feel that they were going to pay too much attention to it.

Mr. Chamberlist: I would like to clerify for the Honorable Member for Mayo, because it seems to me that she is not up to this. Prior to November the 11<sup>th</sup> members of the executive of the union had in discussions with the employers pointed out that the new Labour Provisions Ordinance provided for certain holidays, which were outside of the agreement entered into between them, which agreement had more benefits than the Labour Provisions Ordinance in reference to certain days that were not indicated in their agreement of 1967. However, from that date on and the very first letter that I have a copy of is December 12<sup>th</sup> so that, Mr. Chairman, the Honorable Member may be aware that correspondence has been on a continuing basis with reference to that. The point that must be made again, whatever is in the form of agreement as far as relationship between you and an employer, a bargaining agreement must not be considered by this Committee. What we are concerned about is whether in fact the legislation has been complied with and I think this is the main point. If the union have a problem with the employer or the employer has a problem with the union, the royalties to the agreement that was bargained for, this is where they have arbitration methods and cross methods to go through to settle their argument and the Administration knows full well, Mr. Chairman, and I have made it clear quite often, I have stood up and I have argued in the favour of the Administration where the Administration had been improperly criticized, and I will always do that and by the same token I feel that I should criticize them and show where they are in error when they are performing their function and therefore, this is the position that must be patient and the position that we as elected representatives must face because we pass legislation. Has this legislation been complied with and it is quite plaine to anybody here today, that the legislation has not been complied with, that the opinion that was given by Mr. Legal Adviser certainly, perhaps, he may want to review again. Certainly it is in error and I think the opportunity should be given to Mr. Legal Adviser to review the situation, but to recognize the feeling of this Committee. That in the Committee's opinion that the legislation has not been complied with and I think it is a responsibility on the Administration then to recognize what the feelings of this .....is. Thank you Mr. Chairman.

Mr. Chairman: Have you any further questions for Mr. Watson?

Mr. Shaw: This is becoming very confusing because we are trying to deal with two or three matters all at the same time. I have 2 or 3 questions to ask, Mr. Chairman, so I'll ask them one at a time and sit down while the answer is given. Does Mr. Watson feel that the legislation that we have providing nine days in a year and the agreement they have which is the section or under which agreement does he feel is most beneficial to his union?

Mr. Watson: You are asking me now whether we prefer our agreement or the.....We don't have any problem with our agreement as Mr. Chamberlist says, if we have any problem with our agreement we take it to the management, sit down and come to a solution. The problem seems to be in if we call this an agreement or a law or what ever it is. This is where our problem come in. If it is more beneficial to us as article 4 states, we should get the better or bigger benefit.

Mr. Shaw: Perhaps I should put this in another manner. What the union agreement had with the employer or the union management agreements, I think you will agree as I will that that has nothing to do with the laws providing they don't contravene the laws, would you agree to that?

Mr. Watson: This is about the agreement or about.....

Mr. Shaw: The union management agreements, whatever they agree to whether it is 16 or 1,000 days holidays a year, what ever it may be, that is not the concern or should not be the concern of the Government. That is a private agreement in other words.

Mr. Watson: If it is not policed the Labour Relations Board will look into it. You take it to arbitration and so on.

Mr. Shaw: Would you say that when a statute has been made, a law has been made requiring X number of days for holidays, that if that was not followed that would be an infringement of the law.

Mr. Watson: Certainly.

Mr. Shaw: If the nine days which the statutes require, were in fact paid to the employees would you say that that was in accordance with the law?

Mr. Watson: The figure as it acutally appeared to me, this may be confusing to some of you but, it isn't nine it isn't actually ten. We have 8 holidays that we have negotiated. You have added two extra holidays that we don't have. We are talking specifically about Remembrance Day but there is another one, Victoria Day, 24<sup>th</sup> of May.

Mr. Shaw: Well, Mr. Chairman, I don't think what union and management agree to if they don't comply with each other ones regulations that is a matter for we'll say the Public Relations Board. It is not a matter for a legislative Council, I do not think but it certainly is a matter for legislative Council a matter of serious concern when the laws which are made by that Council in respect to the number of statutory holidays, are not complied with. For example, various unions and various managements could come to any kind of an agreement, but that is not, in my estimation, concern the legislative Council, in other words we must restrict ourselves to, are the amount of holidays paid in accordance with the Ordinance?

Mr. Watson: If you are putting that in the form of a question, the answer is no.

Mr. Shaw: In other words, ther must be the 9 and then if there were more than that on a separate agreement then it is our duty to see that those four imposed?

Mr. Watson: Correct.

SESSIONAL

PAPER #26 Mr. Dumas: That is exactly what we said in our legislation. Our legislation is minimum legislation providing for the union the best of both worlds, if you like. Where they can get an agreement that is more beneficial over and above our legislation, that is what supercedes, but where in past agreements it is less than the legislation that we have passed our legislation supercedes so that in this case where they have agreed to a holiday on Boxing Day they are entitled to it according to the legislation that we have passed. They are also entitled to Armistice Day because we've named Armistice Day as a statutory holiday, so we have given to our legislation assurance that in the agreement that they make, must be adhered to by both parties and also the minimum legislation which we have laid down must be adhered to by both parties.

Mr. Shaw: I would like to ask a question of Mr. Dumas, the Honorable Member from Whitehorse West, did we not also state that these holidays could be transferred by agreement?

Mr. Dumas: Yes, we did and if they are transferred by agreement of both parties then this is fine and it is in accordance with our legislation, but if it is not done by agreement between both parties then there can be no transfer take place and there is as far as I am concerned and through talking to the Legal Adviser and everybody concerned, no where is there an agreement between the two parties we are now concerned with transferring this holiday from one to the other.

Mr. Shaw: Mr. Chairman, I understand that there was an agreement. Now where do we stand? If there is not an agreement it would appear to me that there has been an infringement, but I understand that there is an agreement. Now is there or isn't there? One says there is and one says there isn't.

Mr. Watson: Mr. Chairman, I just answered that question to Mr. McKinnon at the start of this. He asked me whether there had been any agreement to substituting a holiday and my answer was No.

Mr. Chamberlist: I think perhaps I should read again Section 4 of the Ordinance for the Honorable Member for Dawson.

Mr. Shaw: I am quite well aware of this. Don't try to confuse the issue any more.

Mr. Chamberlist: Well if the Honorable Member says that he is aware of this and that he has read it, then I think that I should interpret it for him because obviously he is not aware of the meaning of it.

Mr. Shaw: A point of Order, Mr. Chairman, I am well conversant with it. What I am not well conversant with is whether there is an agreement or not an agreement. That is all I'm not conversant with. I'm very clear on this other and I don't have to have this reiterated a thousand times. I understand how it is, but I don't understand whether there has been an agreement or not, Mr. Chairman, that is my Point of Order.

Mr. Chamberlist: I am trying to put it this way that the only interpretation that an agreement was made to this effect that there should be substitution is in the interpretation that has been placed on an agreement entered into 1967 by Mr. Legal Adviser. We have heard in answer to a direct question, by the Honorable Member from Whitehorse North, to



Mr. Chamberlist cont.

to the president of the Local Union what in fact there was an agreement, the answer is No, and I think that that should suffice that the answer is no agreement. Now if Mr. Legal Adviser can continue now to say that there was an agreement when the president of the union who would normally be a signatory for this and especially a staff officer that is also in the public gallery who would also be a signatory to this, this I can't understand and I don't know how Mr. Legal Adviser can substantiate his position, I really don't.

Mr. Legal Adviser: Just to say this briefly, Mr. Chairman, this is basically a question of legal interpretation of an Ordinance and an agreement and the interest affects one on the other. We have heard from the witness that in his opinion there was no agreement. This is not the notification that we received. We received a notice that there was an agreement and a copy of this agreement a constitutions agreement. If the union or any individual member of the union wishes the courts are available one floor down. There is a magistrates courts and there is a territorial court. All it needs is an action, either a civil action on the part of one member, or a criminal prosecution on the part of one member and the courts are open to them. The union was specifically written and told that where as we as an administration were not prepared to take a criminal charge against any of the unions involved, it was still open to them to take the normal remedies. This is a body which makes laws and there are people drawing good salaries downstairs to interpret them and both parties to the dispute should be heard from in the court at the correct time.

Mr. Chamberlist: This is very peculiar that Mr. Legal Adviser should say at this time that this is only a one sided opinion. Yet Mr. Legal Adviser obtained his opinion from three representatives of the employer which proves he discussed it and them accepted what they had to say and made an arbitrary decision on that basis. Now I would ask Mr. Legal Adviser to deny this for the simple reason that he has never time for the unions to be invited into this particular subject as to whether or not there was a compliance with the ordinance. There is no doubt there has been no compliance I will rest because if the Administration are going to be in that position that they will not recognize where they have gone wrong, there is something lacking entirely in our Administration and I say I name you anti-labour and I'm not for that.

Mr. Legal Adviser: The parties to this were the Administration and the Personnel Relations Standards Officer and the people who were about to be subject to the prosecution and we had informed them that we were going to prosecute unless we were satisfied that they had complied with the Ordinance. One or two or three I forget now how many, of the mine managers came to see Mr. Taylor and I was present at a discussion which I informed the Honorable Member at lunch time had happened and we listened to what they had to say. We would be quite wrong at that point in considering a criminal prosecution to have discussions with an outside party. If we were thinking of prosecuting the unions, we would listen to what they had to say and if we were satisfied that there was no prosecution involved we wouldn't prosecute, if we weren't, we would. The final decision was not come to at that time at all because they did not convince us fully

Mr. Legal Adviser cont.

at that time. The final convincing came when the Legal Adviser to one of the unions gave us the history of how the union agreement came to be written in the first place.

Mr. Dumas: How in the world did the company convince you that there was an agreement to transfer a holiday?

Mr. Legal Adviser: They wrote in and gave us notice that an agreement had been arrived at and they give us a copy of the agreement and those are the copies that the members get. We were satisfied that that was substantial compliance with the terms of this particular section that we must receive notice of the substitution.

Mr. Dumas: Further to that then, could you read us this agreement? That should solve our problem.

Mr. Legal Adviser: And I doubt if one of the parties was the employer involved at all. I'm not sure exactly that they were. I think it was a different people that were under discussion at the time, but the same principal applies to the whole of them.

Mr. Chamberlist: In answer to the Honorable Member from Whitehorse West I would prepare to have Mr. Legal Adviser read from the agreement and tell us where an agreement was arrived at substituting one day for another. If Mr. Legal Adviser can find it obviously he doesn't want to take the position.....

Mr. Legal Adviser: I don't want to enter into the merits of this dispute. This has gone on for hours in this chamber hour after hour and I said before if anyone feels that they have been wronged the proper form is to take the matter in the courts which is what the courts are for and not waist the time of this council.

Mr. Dumas: Mr. Chairman, why do we pass legislation in this Council if it is not going to be enforced? It seems pretty basic, I'm not a lawyer but we pass the legislation, they seem to have broken the law, they say they didn't but they can't offer any proof that they didn't and then....I just don't understand.

Mr. Legal Adviser: This is still a matter for interpretation. The Honorable Member may have his interpretation. Each Member around this table and possibly each member that has been listening to this problem has individual interpretation of it. There will be no finality until the courts give a decision and this is where the decision making power is and should be taken up, not to take up the time with every time that a person feels aggrieved to come to this Council and explains at .....and the member take up their .....with individual interpretations and force me into answers and explaining how it can. Well I have been perfectly frank with the Council. I have told them that we are in doubt, that we are in considerable doubt about this, but after discussing it, after conatating on it, the interpretation that we came up with and this final decision was and it was this. There is considerable doubt about the matter. We haven't tried to hide that in the slightest, but we resolved the doubt in favour of not taking an actual prosecution, which is a serious thing, merely for the sake of a small technical objection which would merit a one dollar fine, even if we were successful, which I doubt.

Mr. Chamberlist: This simply thing, Mr. Chairman, means thousands of dollars to the working man and the legal adviser says that it is a simple thing.

Mr. Shaw: We have been on this subject for about four hours and we are not getting anyplace. If we were getting anyplace it would be fine. It is the duty of this Council to create the laws but certainly not to interpret them. When there is any problems to come up Mr. Chairman, with all respect, are we qualified to take the place of a judge and jury? Apparently there is a certain amount of ambiguity in the matter and it would appear to me that to settle this it would take, I don't know if the courts can do it, I think it will take Solomon, because I don't know just exactly what the answer is myself, certainly of all things I cannot see where we can decide the issue here unless we make,....we can direct the Administration possibly to take certain action, but whether they take the action or not is a matter of legality. Where can we go, if someone can tell me just exactly what can be done. Certainly myself if I want to....advise on legal matters I go to a lawyer, and I take his advise. I can't do anything else, he knows more about this business than I do. The Legal Adviser has stated very frankly I think the situation that this is one of these grey questions so therefore it appears to me that the only recourse is to go to court and whoever...whatever the judge decides or the jury or whoever it may be, that will be the answer because we can't give the answer right here.

Mr. Mc Kinnon: Excuse me if I have a smile on my face, I'm just watching this go around because all the years that I have set at this Council table I have never seen a more dramatic example of the impass that is reached when this ridiculous system of government that we try to operated under in a democratic country is still going on in the 20th Century. We legislate, we make the laws, everywhere else in the country it is the duty of the government in power to execute administer those laws and tell their administrator staff how they want them executed. The Administration completely apart from the legislative body have made a decision that this is the way that they are going to execute and administer the law even if it is completely against the grain of the majority of the elected representatives of the Council. That's the impass, that is the end of it. We could go on from here for another 6 months but nothing is going to be solved. The Administration is still the government of the Yukon Territory have made their decision over and above the people, the elected members of the Yukon Legislative Council, that's the long and the short of it and the end of it and the only recourse for the union and for the people they represent is to take the matter to the court even if the majority of the Council is behind them, because the government of the Yukon Territory is run by the Commissioner and his administrative staff. It has been that way for 70 years and it is still that way to this present day and even though we are getting more and more involved into this administrative area of government this couldn't be a more clear cut example of just the way the Yukon Territory is run and everything else is extraneous. We could go on at this table for a week and we are not going to solve anything in this matter. Nothing at all. The decision has been made and it is final and there is nothing that the elected representatives at this time could do one wit about it and that is exactly the situation that everyone of us finds ourselves in.

Mr. Livesey: Apart from what has been said and the justice that can be added to it and I certainly agree with the Honorable Member from Whitehorse North in a good many instances, however, as far as any legislative body being in

Mr. Livesey cont.

power to interpret its own legislation, supposing this occurred on practically every case that came up in court, I'm not talking about this particular case before Committee this afternoon, I'm talking about the question of interpretation. Supposing they did and supposing there was a conflict between the interpretation of the legislative body and the conflict of the court, how would justice then get along with the legislative body. Surely the courts must have some jurisdiction and I would suggest rather than keep on going around in circles, Mr. Chairman, on this particular point that this question of interpretation surely should be brought to our attention in plain readable English so that we will all understand how far we can make an attempt to interpret legislation that we create because surely the courts must have an area whereby they have jurisdiction and the legislative body has an area where they have jurisdiction. Where does this jurisdiction lie? This seems to be part of the discussion this afternoon and this is something, Mr. Chairman, that I would like to know myself.

Mr. Chairman: I just wondered at this time if there are any further questions for Mr. Watson? Mr. Watson may be excused and thank you very much Mr. Watson.

Mr. Chamberlist: Mr. Chairman, Councillor McKinnon has spoken in a wise constitutional manner and there is no doubt at all that everyone of us here must agree with what he has said but surely we must look now in the position that we are in to the cooperation of the Administration and this is apparently lacking and this is the thing that is so annoying to us and so frustrating that at least we know our position, we know that we can't do the things that we should be able to do, but at least if we are able to get the Administration to bend and recognize that the elected members of this particular Council put this piece of legislation through not the last Council or the Council before so we know what we are talking about and we know what we have done and we know what was intended and the Administration is not even prepared to give us the benefit of ..... the doubt that we know what we are talking about and this is the frustrating thing about it because as the Honorable Member from Whitehorse North has said, we will be going round and round in circles time and time again but it is necessary for us to air our feelings on this thing and nobody could be more frustrated in things like this than myself and I still.....knowing that the Honorable Member from Whitehorse North is sincere in his feelings about this and I feel exactly the same way, there is no way that I can express myself at the stubbornness of the Administration at not recognizing that this legislation has been.....has not been complied with and I don't care what Mr. Legal Adviser said in this matter, I cannot agree with him in any possible way because he will not bend on this and he knows full well that there is now merit in what he said in his argument.

Mr. Legal Adviser: I would just like to correct one misconception from the speech of the Honorable Member from Whitehorse North. No where in Canada is it possible for either the Member of the legislature or the Members of the Executive Council which is the Cabinet of any province, no where is it possible for them to direct that a prosecution be had. In every case it is .....it acquires a judicial decision on the facts before it as to whether a prosecution should be taken or should not. This is made very clear in all the constitutional cases on this matter, both in the provinces.....the Attorney General of a province has the

Mr. Legal Adviser cont.

quasi judicial function of deciding whether or not a prosecution should be had. He may be a member of the cabinet but in matters of prosecution he is not subject to the direction of the cabinet or the Prime Minister or anyone else. It is a decision he makes himself. In the Yukon the position is different in that the Commissioner would decide in this instance or the Labour Standards Officer and they are not subject to political ..... and this is as it should be and in any constitutional advance here I would hope that the members would attempt to keep the position in that manner and keep prosecution and the law out of politics.

Mr. Dumas: Mr. Chairman, with all due respect to the Legal Adviser, even the few years that I have been in politics I know that in a politically sensitive area, the Prime Minister of Canada felt that prosecution should be brought about he would direct his justice department to prosecute and the same thing would happen in any province although it may not be written or other wise that's just politics but apart from that and the last thing that I have to say on it is all we can do is turn to the people who have come to us for help, the unions in this case, and say we are sorry we can't help you. We are your elected representatives but we can't do anything because of the system of government. It is as frustrating to us as it is to them. We can't help them not because we are not capable Councillors but because of the system that we are forced to live and work under.

Mr. Shaw: This particular Labour Provisions Ordinance, Mr. Chairman, was one which the Honorable Member from Watson Lake and myself worked for four years at least to get out of all the members in this Council. We asked for it and we asked for it and we finally got it just a year ago or 6 months ago or whenever it was. We certainly felt that something like this was vitally necessary for the Territory and finally we had it. I think it a very good Ordinance, I think it is fair to all concerned and it lays out things very clearly. However, there are areas from time to time it is impossible to create legislation that at some time or other does not require interpretation from the courts, not with standing the fact that it is made up and passed by this council. I don't give a hoot what kind of legislation you got, there are times that that has to end up with the high priced help down below to figure out what the real answer should be, depending on various and sundry circumstances. I have listened to this debate for many hours and it appears to me it is one of those grey areas where the only means it can be satisfied is by a judge. We have that in all kinds of legislation, it is going on continually so I would suggest that Council ..... that is the way to interpret it. It can't be interpreted here. We have a Legal Adviser, he states that there it is. He can't see that he could bring a case up. Where do you go from here? The Attorney General and say can you make a case of it? Maybe that's the answer, send a letter up there and see if we can get him to decide on it. We certainly can't decide here, but none the less as I say this has taken many years to bring this up now we have it, something is wrong there, maybe we should have been more specific. Maybe we should not have allowed any other kind of agreement to have any bearing on it whatsoever, maybe that's why, but it is in there and we all agreed to it, including myself, maybe I'm to blame, but we can't resolve anything right now, We've

Mr. Shaw cont.

talked it over and aired it from every facet possible, to go on any further, I don't know where we are going to get.

Mr. Mc Kinnon: Mr. Chairman, when I stated what I thought should be the right order of governmental proceedings, I certainly did not want to indicate that I felt that political pressure should be put on an Attorney General Office that matters of political import the court should be used for them. The only thing that I am saying, Mr. Legal Adviser, and I think that you would agree with this, that in the right order of government where a premier of a province or prime minister of Canada went to the Attorney General of this office whet to him and said now here is an area where I have talked it over with the Labour Standards Office, I have talked it over myself, we've got doubts, we've got nagging questions, we don't know which way to proceed in it and it was advise from on high, well certainly the place to get the interpretation was the court. I think that this advise would be acted on and that the courts would interpret the laws and make a decision to the benefit of all parties involved and if this is what if meant by political .....which the Honorable Legal Adviser through out , I don't believe that this is working at a level of political courtian and using the courts for political purposes. I believe where there is an area of grave doubt which Mr. Legal Adviser has admitted before this Council that there was, that he and the Labour Provisions Officer were having real problems with this law that the sensible thing to do would be to get an interpretation of this court but where should this come from? Should it be inspired by the people who made the law to get the interpretation or should it be from the guy who is working for so many bucks an hour to make this decision? I would rather think that it would be a decision from the people who made the law and have to administor and execute it to get this decision from the court so that this area will not come into controversy at every occassion and rather than this decision being made at an executive level from people chosen by the people rather made at this time by a body appointed by a Federal Government 4,000 miles away and I think that this is why that this decision at this time was not interpreted in the court that rather was made as an administrative decision and not taken the consideration of the people into the decision that was made.

Mr. Legal Adviser: Mr. Chairman, it might just as well be and we will have learned something from it, that the discussion has gone into this thearitical stage. I mentioned that the decision to prosecute or not to prosecute in respect of a provincial offense rests on the Attorney General of the province concern and on him alone, without reference to the cabinet. The standar instruction or advise given to the Attorney General is that where a matter is of very serious import, or has political implication he should consult with the members of the administration, but on him and him alone rests the eventual decision whether to take a prosecution or not. This is the same in the Federal Government and I'm sure all the members are familiar with various rouse in Parliament as to whether to prosecute or not, but in each case the Prime Minister always refers the decision to the Attorney General and then once he starts to consider it becomes a quasi judicial decision. You don't take prosecution merely to clear up areas of doubt. A civil action, you might, but the position in this case was that as the Members have said, this matter is anything but clear from doubt, in fact the whole

Mr. Legal Adviser cont.

interpretation of this and the joint interpretation with the two documents, the agreement and the Labour Standards Ordinance is a matter on which I still have a lot of doubt and Mr. Taylor has a lot of doubt. We had to resolve this in some way and the decision we came up with and which we are defending now in this house now is that where we think it has been substantial compliance with the law and that no injustice has been done to the parties then we would not bring the case as a prosecution before the courts on our behalf merely to resolve this doubt. We went further in this case and we were of the opinion that there had been no breach of the law on the part of the mine owner. We were full of doubts and if you will examine the file you will see I have written somewhere on it that this is very, very, doubtful, I've written this 3 or 4 times and that eventually this is going to be subjected to much pressure to put it mildly and my prediction was fulfilled. So that the decision was made knowing of the possibility of this coming up as a serious discussion in this house, but never the less we've got to defend the position that each individual is entitled to his rights and we should not just casually take a prosecution whether it is against a big firm or a small person, if we feel that he has not committed a crime other than a mere, what we would consider a technicality. In taking this decision we knew that the courts were still there, there is nothing to stop any individual person taking his case to the court for decision. They can do it either civilly or criminally, it just means that we for our part have taken this line that we will not prosecute. We are in some doubt about it and we have resolved it in the favour of not taking prosecution and I think on future occasions if the Administration is attacked for future decisions, the Members would be grateful to the Administration on this occasion they set a standard of what I think is uprightness and courage in this case by taking this stand knowing that we would be quite wrongfully accused of taking the side of the big battalions because this is absolutely not true and I'm shocked that a Member would make this allegation on the floor of the house.

Mr. Chamberlist: Mr. Chairman, not only have I made it, but I will make it again. Mr. Legal Adviser has said that there has been no injustice, well if there are a thousand men approximately who have not received the pay that is due to them, certainly that is an injustice. This is my opinion as the Honorable Member from Whitehorse North has indicated, there is not much use in going around the mulberry bush, but certainly I want it made clear and I'll echo Councillor Dumas' words to the members of the union, we have tried our best, but we're not finished because if Mr. Legal Adviser will not go further, I will see that these people at least get a hearing that they should have got a hearing through the Administration. You should have put up the bill to get the interpretation not place it on somebody else and this is where the Administration is lacking because they haven't done what they should have done in the interest of the people and paid for the interpretation themselves if there was any doubt and therefore they have admitted the doubt, the very strong doubt and they should have done that. Mr. Chairman, I started the debate and I would like to say that this is where I finish the debate and we should go on with other business.

Mr. Chairman: Is Committee agreed to proceed to the next

Mr. Chairman cont.

SESSIONAL Sessional Paper? I would like to know whether or not you  
PAPER #13 are clear on Sessional Paper #13?

Mr. Mc Kinnon: No. I have questions which haven't been replied to yet, Mr. Chairman.

Mr. Commissioner: Can I bring forward the answer, I can get them right after coffee break.

SESSIONAL Mr. Chairman: We will proceed to Sessional Paper #24.  
PAPER #24

Mr. Chamberlist: I wonder if the Commissioner will be ..... I beg your pardon, Mr. Chairman, I think there is a motion on the House dealing with agreements which would answer the question that I was going to ask you on this Sessional Paper. My motion on this paper can be withdrawn and then we can deal with the answers of the questions.

SESSIONAL Mr. Chairman: Agreed? Next is Sessional Paper #28,  
PAPER #28 Unsatisfied Judgement Fund Ordinance.

Mr. Chamberlist: I wonder Mr. Chairman, if Mr. Legal Adviser can give a general legaling behind this Sessional Paper. I noticed it is signed by Mr. Smith, but I take it that Mr. Legal Adviser is advising the Commissioner on this matter.

Mr. Legal Adviser: Mr. Chairman, I wouldn't be disclosing a state secret when I would say that some of the matter in this paper was in fact written by me. The Commissioner has for a long time been pressing me and pressing the officers of his Administration to remedy the great defect which exists here whereby there is no unsatisfied judgement fund. This was highlighted recently when an accident occurred and the limitation of the insurance of \$20,000 would be far exceeded, so we took temporary action in that regard by raising the insurance limit to \$50,000 which happily had the concurrence of the Honorable Members. This was reinforced when in the course of our investigation we found that not only are we the only area in Canada which has no unsatisfied judgement from other than I think the Northwest Territories, but that except for the Province of Manitoba there is legislation in all the other provinces setting up an unsatisfied fund but specifically exempting from the benefits of that fund any Yukon driver who happens to have an accident involving an uninsured driver because each of the funds except for that of Manitoba, is reciprocal and since we cannot reciprocate our drivers outside lose the benefit of this fund and they would not become residents in the normal province carrying such funds until they have resided there for 3 months. There is at present legislation being discussed by the Commissioners for uniformity of legislation in Canada which would bring a uniform section in being if it was exceeded by all the provinces whereby the reciprocation clause would be repealed in each province because they have discovered that apart from the Yukon not receiving the benefits of this fund, Canadians who go to reside abroad either on business or temporarily or service men returning from abroad do not acquire the benefits of a fund for 3 months after returning even to their own province and this can cause a lot of problems. When we were considering this matter we became aware that in B. C. there was a judicial royal commission set up to consider the whole question of insurance law and the unsatisfied judgement fund was one part of that, but we held our hands from doing any active thing in this regard until the report of the B. C. Roayl Commission should come to hand. The report has



Mr. Legal Adviser cont.

come to hand and in the last week a report has also come out which I have not yet seen, of a special committee set up for the purpose where the legislature of British Columbia which is recommending specific legislation to impliment, not the whole of the recommendations of the B. C. Royal Commission but only a part of them. There have been Roayl Commissions set up in Newfoundland in Ontario and in Saskatchewan dealing with this our related questions and they have all produced a ..... The Keaton-O'Connel Plan has been widely canvassed in most of the United States of America and various plans have been put forward to deal with the question of uninsured drivers not merely in relation to giving a compensation to a person who runs into you and has no insurance to cover the damage, but the whole question of whether fault or negligence should be involved in matters of this sort or not, so the Commissioner has suggested that rather than set up a high powered Royal Commission ourselves it might be possible to set up a less formal Committee with some of our own staff on it and if we can come up with a scheme whereby some of the Honorable Members could be Members of that Committee, so much the better. How this would square up with the elections ordinance would be a different thing but that could all be considered, and possibly bring in an outside expert on this succumbment possibly hire someone from Saskatchewan who is dealing with the government business down there, possibly make use of some of the researchers who researched the law for the B. C. Royal Commission or in some other way set up a Committee which would bring forward a recommendation and then hopefully out of that recommendation we would have legislation dealing with this matter. The really urgent thing at the moment here is of course that there is not unsatisfied judgement fund. The Committee would have to recommend how that was to be financed, whether by a levy of a cent or two on the price of gas or by the addition of a dollar to the drivers license or further the levy a dollar or two on the cost of the motor vechicle license doesn't matter, but the question is under consideration in the Administration and the Administration would like the views of Members on this question and what would we like to do, because we would like as soon as possible to come up with this legislation to cure the admitted defect in our laws.

Mr. Dumas: Mr. Chairman, I have read the conclusions of the Royal Commission on auto insurance in B. C. and generally they are excellent, and I go along with some of the suggestions put forward by the Legal Adviser and policy items or the two possibilities on policy presented in this paper number 1 and 2 I would be in favour of number 2. Just today I had occassion to.....I had one of my constituents approach on this very thing because they had been involved in accidents where there was no money available to take care of the damages when there should have been and the unsatisfied judgement fund I think is an absolute necessity within the Territory, but I think the whole picture on insurance, automobile insurance should be looked at because I think that in the area of automobile insurance as well as ...just like in many other areas in the Territory, we are getting it in ear once again. I think our automobile rates in the Territory are too high and I think that we have little control over it, I think that we have little influence over it because we are way up here and most of the head offices of the insurance company are way back in Toronto and they say well those fellows up in the Yukon, they can afford it,

MR. Dumas cont.

so we are going to sock it to them, we are going to increase their rates again, which they did again this year, so this whole area has got to be looked into, The Committee has suggested here and I would suggest that at least one Member of Council also sit on the Committee, could look into this whole problem and that we might be able to come up with a better deal all around for the drivers of the Yukon Territory.

Mr. Chamberlist: Mr. Chairman, in general I agree with the need for Unsatisfied Judgement Fund. I noticed that in the recommendation for the construction of Committee, the recommendation that Mr. Legal Adviser, the registrar of Motor Vehicles, the Territorial Treasurer, possibly Mr. Justice Maddison, I think that would be a bad move because the time might come along when Mr. Justice Maddison might find himself in the tight position of having to adjudicate over a matter of an Unsatisfied Judgement would we have to bring in another Territorial Judge to do this. I think of course if we have to leave that out there might be a conflict there, certainly there should be a member of the legislature who should be also included in this Committee. Generally, I'm in favour that we get along with this particular thing as quickly as possible.

Mr. Chairman: I wonder if I might be permitted a question from the chair to the Administration apart from the need and of course the need for this legislation, when we talk about a fund what are we talking about in the terms of a dollar. Is there any thought given to .....

Mr. Commissioner: Mr. Chairman, this is something that no one as an individual in my Administration is qualified to pass judgement on. This has got to be created on the basis of actuarial input and advise from people and companies who deal in actuarial statistics. There is no way that anyone in my organization can advise Council on the dollar bills that we are talking about here, but Mr. Chairman, while I am on my feet, one of the most glaring deficiencies that we have got as far as the protection of the general public is concerned here in the Yukon Territory, is the absence of a Unsatisfied Judgement Fund or the equivalent, I don't care what name it is called and I can assure you that unless something is done about this in the very near future that we are going to be faced in this Chamber with being called upon to make a Vote funds to the general revenue of the Territory to compensate some of the people who are becoming involved in accidents where there is no insurance at all and I don't think that any member of this House wants to be a party to either one of these conditions. Either the lack of the legislation or be a party to have to vote public funds to take care of that lack and we are certainly not very far from the second extremety unless we do something about the first one.

Mr. Livesey: Mr. Chairman, this has always puzzled me, as far back as I can remember, since I first made an attempt to interpret why the Yukon residents, the resident drivers in the Yukon were forced to take out insurance not only against themselves and the other residents but they were forced to take out compulsory insurance to protect the other fellow coming in to the Territory who was not forced to have any insurance whatsoever. I could never see this, never been able to understand it, and if this Sessional Paper or the results of it are going to provide something that I can understand on this question, that will certainly be a great help to me personally. The ...in the summer time we have

Mr. Livesey cont.

many times the number of compulsory insured vehicles that are uninsured vehicles, in the Territory. Surely this greater number of vehicles has a greater potential of impact and accident value than the smaller number of resident vehicles that are compulsory insured. I agree with the Commissioner, I definitely cannot see any reason why we shouldn't go ahead with this Unsatisfied Judgement Fund. We must do something about it because those persons who are forced to take out insurance, run a far greater risk than anyone else, because they are protecting the other fellow, but themselves are unprotected against this mass of vehicles that come into the Yukon and we must have these vehicles, we attract them here, we do everything we can to get them here, surely we can do something to make it possible so the Yukon resident who is trying to attempt to protect all others with whom he may come in contact accidentally, surely he needs protection himself and I heartily concur with the Sessional Paper, Mr. Chairman.

Mr. Shaw: Mr. Chairman, I do not understand all the ramifications of this particular matter, but I do try to boil it down to its essential meaning. That is to protect persons that would otherwise not be protected. All Yukon residents automobiles are covered or are supposed to be covered by insurance so in other words, we could say that we have no problems in that respect. If they hit a visitor coming into the Yukon, then the insurance company if they are at fault will pay for that. The area that is wide open is for some party mainly I would suppose a Yukon resident, and unYukon resident plows into and does damage to a resident of this Territory. It would appear to me that would be not too difficult if we approached insurance companies, pointed out that we wanted to protect the residents of the Yukon from people who are not covered, in other words, visitors, I think that is our concern. Now what a visitor does to another visitor is not the responsibility of this government. It is unfortunate, but it is not the responsibility of this government, but it is the responsibility for us to see that our own people are protected from what might happen otherwise. Could not the insurance companies who have all the actuarial figures, they know the amount of traffic approximately travelling back and forth could say for a certain amount of money we will cover any Yukon residents for this amount, or a car that has Yukon licence plates that has backed into and people have got hurt.

Mr. Commissioner: Mr. Chairman, to a degree, this is what has happened in some of the western provinces up until now. In other words, unsatisfied judgement fund legislation has been passed but has not been put into force because the insurance companies have said, leave us alone, we will see that funds are available or words to this effect to cover such cases as they come to pass. However, this is the very thing that is up for considerable question now in the province of British Columbia and possibly other provinces in Canada which the Registrar of Motor Vehicles and Mr. Legal Adviser are well aware of here due to the conversations we have already had on this. However, something I want to say and that is that while maybe we don't have any responsibility for drivers from out of the Territory who happen to come in here and decide on a blind corner to mash up one of their fellow visitors. I want to tell you that the end result, is reflected in what it costs to govern this Territory in the

Mr. Commissioner cont.

way of unpaid hospital bills, unpaid doctor bills, and many other kinds of unpaid bills which are the trail which in many instances are left behind from these accidents. This fund along with many other things that it conceivably would do would take care of this type of unpaid bills that are the **result** of these things within certain reasonable limitations which are of course,,,.would be part and package of the whole situation, so we are not.....maybe we are not without responsibilities, Mr. Chairman, but we are not without having to bear the results of the lack of proper coverage on the part of this type of an accident.

Mr. Shaw: Well, that is precisely my point, Mr. Chairman, I'm thinking of course my thoughts were going much further into damages and things such as that to a person who loses an arm or bread winner gets killed or something like that. It would not appear to be too big a problem if that went just a little further and said that also covered the Yukon Territory by any hospital bills or out of the pocket expense they may have but not go into the realm of paying damages for this and that which are quite frequently occurred in automobile accidents. I think that the matter of actual damage is not a great matter, it is not the big matter in automobile accidents it is the damages that incur as a result of what might happen after, in other words loss of a life, arms, legs or eyes and so on, but I also do agree that there must be some very careful thought gone into this matter and find out just what we can do, I am certainly for it. I just would like to ask one question though of Mr. Legal Adviser, I note where the proposal is given that possibly the new judge might be a member of the committee that works on this, he no doubt has tremendous experience on legal matter, would that be any.....I would ask Mr. Legal Adviser if he could assist in creating any guide lines in this whether it would be any conflict in respect to anything that might happen later. I doesn't appear ....

Mr. Legal Adviser: I don't think so, it is common form to depending of course on the particular committee or commission for a judge to head it and I don't think there will be any conflict because he would not be drafting the laws that would follow, the laws would be drafted in our office and he would interpret them and that would be it. This doesn't appear to have happened in other provinces, these are just possible names from the paid officials to reduce the cost of this. We could put in high powered people from outside and spend \$100,000 on it but this is....these name are suggested with the addition of the Councillors name, they just in a sense came off the top of my head or the top of the Commissioners head as names. It would be up to the judge and chairman if he was invited to appear, he would then determine whether there was a possible conflict of interest or not, I would think.

Mr. Chamberlist: Mr. Chairman, in a province, I would agree, it wouldn't matter. You might have 8,10 or 12 judges but I'm just wondering around the situation if a judge happened to be on a committee and there was some question of whether the legislation has been properly dealt with then the judge has to deal with one of the decisions that he has made and this is where I say there is a possible conflict. It would be far better if he was left off. If he was somebody from a judicial officer from a lower court then it wouldn't necessarily interfere with the judge because he is in the higher

Mr. Chamberlist cont.

court at any event to adjudicate on a matter of that nature. This is the only thing that I.....

Mr. Dumas: Mr. Chairman, there has been a little mention of out-of province or out-of territory car. The B. C. Roayl Commission dealt with this to some extent and it would be the...one of the requirements of the Committee if it were formed to deal with this problem of out-of territory cars and how we are going to make them responsible for any damages that they incur while they are in the territory.

Mr. Chairman: In view of this it would appear that the general agreement in the request as to whether or not the Committee agree to persue this .....as recommended in Sessional Paper #28 and I'm wondering if from the Administration if there is anything specific at this time that they would like to add.

Mr. Dumas: There are a couple of questions that these papers specifically ask. It has been my recommendation to our Committee that the policy decision we make here go along the lines of item number 2 on page 2 which gives the Committee a wider field of exploration in its setup when it is set up, you can go into all areas of car and auto insurance as well of the setting up of an Unsatisfied Judgement Fund and the other I would think is the membership of the Committee and apart from the comment of as far as Justice Maddison is concerned and as far as , determining himself whether there is a conflict of interest, I think I would recommend to our Committee that we ask that one Member of Council be on the Committee.

Mr. McKinnon: Just one comment, if recommendation #2 is followed, it would slow down the immediacy of setting up and unsatisfied judgement fund in the Yukon and with the Commissioners remarks this is an urgent and pressing matter. It is wise not to try to set up an unsatisfied judgement fund as quickly as possible with the Committee then turning its attention to the broader field of general insurance in the automobile field?

Mr. Commissioner: Mr. Chairman, this is the way that we conceive of this matter proceed. What we are looking for is Council's concurrence to a court of action which is basically outlined in front of you there and which has been further allusidated in a manner as I see it from Councillor McKinnon.

Mr. Chairman: Would it not be fair to state that following these recommendations from Committee something in the gears would start rolling which would be represented to Council....

Mr. Commissioner: We are not about to start to charge around the counrty side here on our great white steed creating insurance conditions which have not been subject  
.....

Mr. Chairman: Is Committee generally in agreement with proposal Number 1?

Mr. Dumas: Mr. Chairman, it is really proposal Number 2 that we are in agreement with, but included in that is the Unsatisfied Judgement Fund being set up as quickly as

Mr. Dumas cont.

possible. I think the Administration has the idea of our thinking.

Mr. Chairman: How about the Constitution of the board? With the addition of a Council Member?

Mr. Chamberlist: With the addition of a Council, but I would say excluding .....

Mr. Dumas: Mr. Chairman, I think, with respect to the Honorable Member that we let Justice Maddison make his own decision if he wants to.

Mr. Chairman: Does this seem to clear up the matter from the Administration at this point?

Mr. Commissioner: We would expect that you would give us the name of the Council nominee as to who was to sit on this Committee, Mr. Chairman.

Mr. McKinnon: Mr. Chairman, could we give it to the Administration before we leave for our Council?

Mr. Chairman: We can discuss it over coffee. At this time I will declare a recess.

RECESS

RECESS

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3:30 p.m.

Mr. Chairman: Well, at this time I'll call Committee back to Order, and I believe Mr. Commissioner has some answers for Councillor McKinnon on Sessional Paper No. 13.

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Mr. Commissioner: May I give them at this time? There was a series of four questions asked in Committee while we were speaking on one of the Sessional Papers, the number of which I just don't have off hand, Mr. Chairman. The first question was what amount of Tax Revenue was expected to be produced during 68-69 from the higher rates of taxation that were passed by the Council on January, 1968. The answer \$616,482.00. The second question was what amount of tax revenue was estimated for 68-69 from those higher rates of taxation, bearing in mind that we are in the last month of the year 68-69. Perhaps I should say we are in the last month of the fiscal year 68-69. The answer is \$879,584.00 apart from Motor Vehicle License revenue for which the information is not available at this time. Number three, what amount of tax revenue were we required to produce and the answer is \$667,829.00. Number four, what would be the affect of reducing the proposed price for beer and ale of \$4.10 per dozen by the sum of ten cents, the answer is since we expect to sell 250,000 dozen bottles of beer and ale in 1969-70, a reduction of ten cents on the price per dozen would mean a reduction in profit of \$25,000.00.

Mr. McKinnon: Mr. Chairman, I fully appreciate the Commissioner's position that he has signed an Agreement with the Federal Government that he will not lessen the tax revenue in any way for this year, however, when we see that over \$200,000.00 above and beyond the position that we were asked to be put in by the Federal Government has been exceeded by the tax increases that we have made and that the cost of beer at \$4.00 a case would result only in a \$20,000.00 loss of revenue to the Yukon Territorial coffers. I think that it would be not unfair for the Financial Advisory Committee to press in any future fiscal negotiations so that we could see a flat price of \$4.00 per dozen for beer right across the Yukon Territory in future Financial Agreements, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, well on this particular subject, Mr. Commissioner could answer this question. Mr. Commissioner you indicated some time ago, that if the revenue that was expected would be exceeded you would then give instructions to introduce legislation to withdraw the Amusement Tax. Has this been done or if not why not?

Mr. Commissioner: Mr. Chairman, for the very simple reason that while it is the desire of the Administration to remove the Amusement tax for reasons other than Council wishes to remove this tax, it is impossible at this point in time to do so, because it makes up part of the anticipated revenue picture which we have just passed a budget to more than use up and I can assure you that I will be a very happy person the day that we can remove the Amusement Tax because quite frankly, Mr. Chairman, it is a completely and totally untenable piece of taxation legislation, because it cannot be equitably enforced.

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Mr. Chamberlist: Mr. Chairman, this information was given to us long before that budget was prepared. Mr. Commissioner told us last year the Fall of a year ago, that if the tax would be it would be more than what was asked for it would be withdrawn and here's another almost eighteen months and now we're getting the same answer that he gave me eighteen months ago. I don't understand this. This is not right, you made a promise, you haven't kept it.

Mr. McKinnon: Mr. Chairman, we saw what recourse the Territorial Council had to our Administration earlier this afternoon, now we can see what recourse our Administration has to the Federal Government on this level, because the Federal Government, it is their decision to make, whether they will allow this amusement tax to be dropped or not, have so far so no to the proposition.

Mr. Shaw: Mr. Chairman, the Honourable Member from Whitehorse North committed the Financial Advisory Committee on what they were going to do, I don't think that I would agree to pressing for that particular matter.....

Mr. McKinnon: I did not, Point of Order, Mr. Chairman, no way. I said that we could enter negotiations in the future.....

Mr. Shaw: I resign.....that's the information I had Mr. Chairman.

Mr. Chairman: I wonder gentlemen, if we could now conclude or would it be agreeable to the Administration.....Order please that a matter of an appointment to the new Committee be left for Monday.

Mr. Commissioner: Yes, this is a perfectly agreeable situation.

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Mr. Chairman: May we then proceed to Sessional Paper 41. Will you proceed.

Mr. Chamberlist: Mr. Chairman, Mr. Commissioner indicated that a much larger problem that met the eye in that he would be bringing forward a paper or intimation in regard to this particular problem. I wonder at this time, Mr. Chairman, whether Mr. Commissioner can give us what information he would like to give us.

Mr. Commissioner: Well, yes Mr. Chairman, I would certainly hope that my motives are not going to be intimated that I am civilly prepared to divulge what information I would like to divulge. As far as Skookum Jim, the operations of the Skookum Jim Hall are concerned, I think that all Members know that they are a matter of great interest to the Community. There are not the direct responsibility of my Administration or the Territorial Government but they do come under the purview of the Commissioner of the day at any time due to the statement in the Will which set up the funds that made this Hall possible in which the two trustees of this Will is the Anglican Bishop of the Yukon and the Commissioner of the Yukon. The situation at the moment is that the Skookum Jim Hall has been deprived of certain revenues at their operating level, which have resulted in a very serious financial situation concerning the operations of this very highly desirable function in our Community. This came about as a consequence of certain interpretations or policies if one might wish to put it this way, concerning the use of Physical Fitness and Amateur Sport funds. In my opinion these funds should not



Mr. Commissioner continued:

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have at any time been made available for the Director's salary or the hiring of a Director at Skookum Jim Hall. They came under the purview of an Auditor-General, as a consequence there was a policy paper presented to Council which brought these things into their proper light under the conditions which we have this money made available to us. At the present time there has been considerable concern expressed by the Operating Committee to the Anglican Bishop and myself, concerning the ability or the inability for the present programs that are conducted at Skookum Jim Hall to continue or their possible discontinuing. We have been watching the situation very carefully, there have been many things analyzed to see what can be done to maximize the investment income from the trust funds, most of these things don't have any immediate haliotive effect on this matter. I think that I would be right when . would show the concern that I have with regard to this and so has the Bishop, in this matter, inasmuch as we have arranged a meeting for the 31st of March at which time, I understand, that we will be appraised right up to date of the financial situation of the Hall, and also the Director, Mr. John Hoyt, has been away from here recently, I'm sure that he is going to be putting forth thoughts and ideas concerning the types of programs and the particular position in the Community that the programs of this Hall will, in his opinion possibly do the most good. I say this to you Mr. Chairman, that I do not personally treat the possibility of Skookum Jim Hall and its programs becoming defunctive very likely. I think they fill a very great need in the Community. The other day here when I was asked about their Kindergarten Program, I want to tell you that one of the most gratifying programs in the whole Kindergarten system that we have in the Yukon Territory takes place at Skookum Jim Hall and at the Community Hall in the Indian Village here in Whitehorse. I certainly can tell you that it will not be a happy day, as far as I'm concerned if either of these two programs, let alone the total Skookum Jim program have to either be retracted or possibly completely curtailed. It would not be a desirable situation on the part of the Community. I think the question as put to me, do I anticipate making a request to Council for special funds in order to keep any of these programs going, I am not prepared to make a statement for or against, or yes or no in this matter at the present time. I think that the advise of the OPerating Committee along with that of the Director, and such recommendations as may be the result of further meetings with the Anglican Bishop and myself will have to take place first before I will be prepared to answer that qu@stion one way or the other. I want it to be thoroughly and clearly understood, that not only as the Trustee of the Skookum Jim Trust but also as the Commissioner of the Yukon, I look upon the desirability of carrying on these programs to be really important to the Community of Whitehorse here at the present time.

Mr. Chamberlist: Well, Mr. Chairman, I wonder if Mr. Commissioner could indicate whether any of the Accounting Departments of the Yukon Territorial Government have done the reconcilliation of the accounts of Skookum Jim Memorial Hall.

Mr. Commissioner: Mr. Chairman, I asked the Treasury Department to do this here several weeks ago and I cannot confirm that it has been done or has not been done, I'm sorry, but I certainly made this request. I believe that I asked it be available for me as up to date as possible, their reconcilliation by 31st of March, and I may also say that the Operating Committee also has their own Financial Adviser, one of the gentleman who is connected with a local Accounting firm, I don't think there is any question at

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Mr. Commissioner continued:

all of the availability of up to date Financial information.

Mr. Shaw: Mr. Chairman, I would like to ask a question. In view of the question the Honourable Member from Whitehorse East has just asked, insofar as has the Territorial Treasurer made a reconciliation of the accounts of this organization. Now it doesn't appear that the Territorial Treasurer would have any business putting his nose into something that was a private affair. Is there some matter of mismanagement or something in the organization, I've just asked that question for information....

Mr. Commissioner: Mr. Chairman, the question asked by the Honourable Member from Whitehorse East is perfectly in order. It has been the practise, until recently, that one of the Departmental Accountants here in the building, was the Financial Officer of the Operating Committee. It is only in recent months that I felt it a desirable situation that this be taken away, as these are funds that are, should I say privately dispersed funds that it be taken away from government operation, but the question asked is a perfectly right one, because I requested that for my own guidance and information, and also for that of the Anglican Bishop in this matter, that we have the advise of our own Treasurer in his position simply as a Financial Adviser. The picture is no question at all, Mr. Chairman, concerning any misuse or mishandling of any of the funds.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Commissioner would agree or not that the Community Development Funds that have been allocated to various Territorial Councillors, can be used for Community recreation activities of a capital nature in the Skookum Jim Memorial Hall.

Mr. Commissioner: Yes, Mr. Chairman, I would feel that this would be a fairly reasonable situation and the way that I would look upon a request of this particular nature, is as to whether or not in light of conditions that existed, well they exist right at this moment, as to whether or not the Hall is going to be able to continue on these programs as to whether or not it is advisable that any Community Development funds be spent on capital projects of a nature in this Hall, until we see whether the programs will be able to continue or whether they won't. This is the only qualification that I would suggest as a matter of prudence, Mr. Chairman, it is not a matter of judgement as to whether this is a proper or an improper application of the funds. I would say it is a proper application.

Mr. Chairman: Anything further on this matter. Are we clear on Sessional Paper No. 41?

Mr. McKinnon: Mr. Chairman, I wonder if I just could answer as a Member of the Operating Committee of the Skookum Jim Hall. Books have been handled up to a month ago, by one of the Accountants in the income tax department, Northern Affairs Departmental Account and now are handled by a chartered Accountant, one of the firm Members of Collins and Collins in town. So as far as the Operating Committee of the Skookum Jim Hall are concerned, we've had nothing but the highest priced and best Accountants imaginable, available to us for nothing, over all the years that we have been in operation at the Skookum Jim Memorial Hall. So any question

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at all about the funds and the budgets not being in order are just completely out of the question. I have the budgets here for all the years that I've been a Member of the Operating Committee and they're in detail right down to the last penny through every month of every year that I have been a Member of this Operating Committee of the Skookum Jim Hall. I think perhaps that Members should be aware of the work that Skookum Jim Hall does as a Community Centre. It was one of the first friendship centres opened in Canada and as such paved the way for these centres being opened right across the Dominion. Any of you who read the newspaper every week, see a newsletter there from the Indian Community that is sponsored by the Skookum Jim Hall and our newsletter is also going around to the Indian Community it is proposed throughout the whole of the Yukon sponsored by the Skookum Jim Hall. Prior to the advent of the Skookum Jim Hall being opened, during Sourdough Rendezvous weekend, when Indians came in from every corner of the Yukon Territory to the Sourdough Rendezvous and there was not one program outlined for the indignant people of this Territory, for them to take part in. All this is changed completely through the sponsorship of all types of programs during the Sourdough Rendezvous through the Skookum Jim Hall, and anybody who is here at the Rendezvous and visited the Hall would have found it an absolute beehive of activity. Of course the most important work, as far as I am concerned, done by the Hall is through the Junior and Senior Kindergartens that they run in two locations in the Community, with over 40 students at the downtown location, 30 of Indian and Metis and the rest are from poor white parents who wouldn't be sending their children to Kindergartens anywhere else in the Community if it were not for the availability of the Skookum Jim Hall, also a Kindergarten in the Indian Village in my area which has about the same number of students also, both in Junior and Senior Kindergarten. All Members here at one time or another said that the most advantageous aspect of the Kindergarten Program would be in educating the native children in being able to enter Grade One on the same level as their white counterparts. This is an area which Skookum Jim is filling admirably. In the field of athletics, there would have been no Little League Baseball for any Member of any part of the Community in Whitehorse last year, if it had not been for the Skookum Jim Hall taking the Little League Ball by the bootstraps, organizing it, getting the teams and running the League. Of course, we're all aware of the girls that are entered by Miss Skookum Jim in the Yukon Sourdough Rendezvous contest. Skookum Jim Hall also sponsors a contestant in the Miss Indian Princess Pageant Contest which is a National princess contest right across the country and this year representatives from the Yukon will be sent to the Canadian Indian Princess Pageant Contest. At Christmas, Mr. Chairman, the Skookum Jim Hall always has a dinner for all the Native people in the Community. Decorates the Hall, provides entertainment, provides a dinner, provides a program and also gives all the children in the Community gifts. As far as the field of Native arts and handicrafts programs are also in effect in this area. This being besides the dances both teenagers and adults which are held regularly. All these programs which are part of the Skookum Jim Hall, and I think are an extremely important part of the Community, this year will arrive at an operating deficit of some \$6,248.00 for capital expenses of materials which are needed, which money is not available for them and an actual operating deficit of some \$2,815.00 or I'm sorry Mr. Chairman, the budgeted deficit, all the expenses altogether with everything included come to a grand total, this is also programs which are not programmed at the Hall right now, which the operating Committee would like to see put into operation would come to a

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total budgetary expense of \$28,150.00. The revenue for the fiscal year April 1st 1969 to March 31st, 1970 is estimated at \$8,520.00 leaving a budgeted deficit at this time of \$20,330.00. Mr. Chairman the programs which are expected could be curtailed somewhat but it would still leave some deficit of about \$10,000.00 to be able to operate the Hall with any kind of programs going on that were of benefit to the Community, the Indian Community primarily, and to the whole Community as a whole. I don't think that the program and the effectiveness, the proven effectiveness, of the Kindergarten Program that the Skookum Jim Hall originated in the Whitehorse area, can allow this Community and indeed the Yukon because the Hall does serve a very distinct purpose for the Indian Community of the Yukon at times such as Sourdough Rendezvous, can be allowed to shut its doors. We have worked and we have met and we are exploring quite a few avenues of gaining additional revenue so that we will be able to operate for the fiscal year April 1st -69 to March 31st-70. If all the lines of communication that we have opened completely fail in coming up with monies that are given to friendship centres across the country, but seem unavailable to us, then somehow the Community and in fact the Yukon is going, I feel to have to come up with some money to be able to keep the Hall open. It serves this an important a function to the Whitehorse Community, primarily and to the whole of the Yukon Community that I do not think that anyone of us here can afford for the doors of that Hall to close. Thank you, Mr. Chairman.

Mr. Shaw: Mr. Chairman, I was very interested to hear the discussion of the Honourable Member for Whitehorse North. There is no doubt that this organization is doing a great job. I was wondering how it came to the table because this is more or less a local affair, I think, although it does possibly stretch out as been pointed out. Could I have any information, Mr. Chairman, whether the City of Whitehorse assists this by any grants or anything like that.

Mr. McKinnon: Yes, Mr. Chairman, all taxes on the property and the building are waived along with I believe the normal charges for sewer, water and scavenging.

Mr. Shaw: Do they give a grant at all.

Mr. McKinnon: Yes, this is a grant in lieu.

Mr. Shaw: It appears to be a somewhat small donation for about six thousand people and the wealth of a city of this size. It would appear to me that they can make a much larger contribution than that. If its only a matter of, that is done customarily with churches, religious groups and so on, this is an entirely different situation and it would appear just in view of the good work they are doing, that the city has not overextended itself if that's all it provides in the way of assistance. I would say that it should be more substantial than that.

Mr. McKinnon: Mr. Chairman, the City of Whitehorse grant amounts to \$560.00 a year. The grant from the Department of Indian Affairs is \$1200.00 a year, which means the City contributes half of that which the Department of Indian Affairs and Northern Development sees fit to contribute to the Hall at this time.

Mr. Shaw: Well, Mr. Chairman, I would say that both those grants are picayune in relation to what's involved.

Mr. McKinnon: I agree.

Mr. Shaw: Mr. Chairman, there's no question about that. They're doing a tremendous job there and if that's all either the City or the Northern Affairs can donate towards such an enterprise as this well.....

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Mr. McKinnon: Well, Mr. Chairman, these are the areas in which we are looking for added grants. We've done a survey and a study of every friendship centre that has opened across the country and the majority of grants that are available to keep these Halls open, in fact the vast majority comes to about 80% of all the monies that are available, come from Federal, Provincial and Municipal grants to these friendship centres. The Skookum Jim Hall for all the years its been operating has been at an absolute minimum as far as seeking Government grants and supports to keep its doors open. However, as the programs are expanded, we feel that we should at least get similar treatment with these friendship centres right across the country. However, dealing in with different inter-departments as the Honourable Member from Dawson well knows, you go round and round before someone finally makes a decision as sends the cheque in the mail.

Mr. Chamberlist: Mr. Chairman, I would have been very pleased indeed to have seen an item in the budget for a grant for this purpose. I agree with what has been said by Councillor McKinnon also Councillor Shaw might take notice that the Skookum Jim Memorial Hall in Whitehorse attends to a lot of the indigent natives that come down from the Dawson area and I'm going to propose that I am prepared to put some money forward out of the Community Development funds for capital expenditure to get them on their feet, I hope that with the views that Councillor Shaw has that he will readily make a grant with some of his funds because he has stood up and spoken about a picayune amount that has been given by the local city here. I'm sure he would not fall back now on the remarks that he has made. I would ask Mr. Chairman, whether Mr. Commissioner would be prepared if I recommended that some funds some money be paid out of the funds from the Whitehorse East Member's Community Development fund, be paid towards the capital expenditure for some of the purchases should these programs that he refers to go into effect, would he object to passing the funds and also at the same time, I wonder if the Honourable Members from Whitehorse West and Whitehorse North who have also, money at their disposal would be prepared to give some of the funds to the very worthy cause that Councillor McKinnon has spoken so well and accurately on.

Mr. McKinnon: I certainly hope that some of my funds will be directed towards the Skookum Jim Hall for capital purposes. I may outline Mr. Chairman, that the biggest difficulty is in the operating expenses and I mean right down where we can't afford to hire a janitor to keep the Hall clean and this is done by the Director pushing a broom around the Hall and also what ever help he can maintain from people involved in programs pushing a broom around the Hall too. I don't know there is no building that I know of run on a minimal operational budget as we are doing. We're wasting our Director's time on doing things like transporting children to and from Kindergarten to pushing a broom rather than organizing and preparing programs for these people who want to use the Hall, to become involved in. We've just got to be able to separate these functions, Mr. Chairman.

Mr. Chamberlist: Can I get an answer from Mr. Commissioner to my question, please, Mr. Chairman?

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Mr. Commissioner: Mr. Chairman, I think I have already answered in the affirmative. I certainly would not find any inhibition towards the provision of capital funds from Community Development resources for capital items. However, I qualified it with just one thing and I think that the Honourable Member understands what my qualification is, providing that the program that the capital funds would be applied to is in fact going to be able to proceed. I'm sure that he would only wish the money to be spent under those kind of conditions.

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

Mr. Shaw: Just one thing, Mr. Chairman, the Honourable Member from Whitehorse North said something about transporting these children to Kindergarten. Is that something they have to provide money for themselves?

Mr. McKinnon: Yes, Mr. Chairman, this is not recoverable from either Indian Affairs, Department of Welfare or the Department of Education. It is an expense of the Hall itself.

Mr. Shaw: Mr. Chairman, I remember when this discussion first came on Kindergarten and it was endeavoured to bring it into the school system. However, another system has evolved, which I think is working out in 99% of the cases quite satisfactorily. I do recollect at the time that there was some representative, I can't tell you off hand who it was from, it was from the Indian Affairs Department and they were oh they were going to really do things for the Yukon Indian people when this came into being. They would pay anything to get this thing going for what it cost to obtain the objective. Now, these children are being transported and that has to be paid for from a Community fund such as this. It appears to me that its about time that the Indian Department possibly went back on some of these records on what they said back about three years ago and fulfill some of these grand ideals they had and pay for this transportation at least for their responsibility.

Mr. McKinnon: Mr. Chairman, I should say that the budgetary year April 1st 69 to March 31st 1970, expects an expense in transportation of \$3,050.00. The Indian Affairs Department pays towards this \$1,860.00.

Mr. Chairman: Anything further on this item?

Mr. Chamberlist: I wonder, Mr. Chairman, whether Mr. Commissioner could indicate when a decision is going to be made, is it going to be made after your meeting on March 31st or a long time after or very soon after....

Mr. Commissioner: Mr. Chairman, with respect, I cannot speak on behalf of the Operating Committee nor can I speak on behalf of the Trustees and I'm sure that the Honourable Member understands that and I think that the situation has arrived at a point where whatever kind of action is going to be taken, if the programs are going to continue, the programs we have now never mind any other programs, that all concerned are going to have to agree upon a course of action.

Mr. Chairman: Anything further?

Some Councillors: Clear.

Mr. Chairman: Our next item is Sessional Paper No. 29 - filing of Companies. Anything on this?

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Mr. Chamberlist: I would like a question as we're fortunate enough today to have the Registrar with us. Mr. Chairman, I wonder if Mr. Herb Taylor can answer whether companies are required to file the names of the officers of the company at any specific time after the company is first incorporated?

Mr. Herb Taylor: To the best of my knowledge, Mr. Chairman, the only requirement of an incorporation is that two subscribers be named and they're generally the lawyer and his secretary. We are not advised of the officers or the shareholders or the directors of the company until the end of the first year when they are required to submit their annual returns.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser could indicate whether or not it would be a worthwhile amendment to make to the Company's Ordinance to include that the names of the directors of a company be filed after a given time, say 90 days, after the incorporation of the company, whether this would be worthwhile.

Mr. Legal Adviser: Mr. Chairman, there would be no harm in it but we want to be careful because it may take some time in some cases for the director to be chosen. I'd prefer any form of a limitation which would be that after the first director had been elected, then within so many months this fact should be disclosed on the files. This should cause no hardships to the average company.

Mr. Chamberlist: Thank you, Mr. Legal Adviser. This is what I said, if there could be something to that effect brought forward as an amendment to the Company's Ordinance, I think it's necessary during this Session I have been asked by Mr. Commissioner outside the House and I have been asked by other officers, do I know who the directors are of a certain company. The answer must be no because you go to the files and you can't find it. You try and make inquiries, you can't find it -- the information, so consequently it would be I think a good idea that after a certain time, after the first meeting of a company, which there is a limited time for that company to hold its meeting in the Ordinance if I remember correctly and I think there should be legislation to that effect. I wonder, Mr. Chairman, if Mr. Legal Adviser feels that something of this nature could be brought forward in the Fall Session.

Mr. Legal Adviser: I couldn't say, this is up to the Administration. With the present Company's Ordinance I would be very reluctant to open it up at this time. If we deal with the Company's Ordinance I think we'll have to deal with it as a major operation because there would be a question of securing legislation and what goes into the Company's Ordinance and what comes out of it. Until -- Ontario has a major operation on at the moment, redoing their complete Company Ordinance. There is two basic forms of company in Canada, one where you petition for the formation of a company and the other where you merely go up and register. The problems are now all lining up on the type of legislation that we have that you register your audio association and your memorandum association and then away you go without any specific permission or discretion by the executive. Now, the major .....of their company law, actually in operation now I think, I think they've drafted their Ordinance and it's held in suspense in a similar type of program to what we had dealing with the liquor Ordinance, it's been circulated throughout the country to interested parties, lawyers and what have you asking them for any comments they may

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Mr. Legal Adviser continued:

have in regard to it. It might be no harm for us to wait for this particular operation to be concluded and then we might adopt it there from a Company Ordinance, which would save us a lot of money. I personally, am always reluctant to open up for minor amendments like this, Ordinance, because then they get torn to pieces by some Honourable Members, and we've opened up a real can of worms.

Mr. Chamberlist: Mr. Chairman: I agree, that the Company's Ordinance itself, in the particular state its in now, should be thoroughly looked into. I'm also worried about the status of some companies who operate up here just simply on the basis of filing memorandum of Articles of Association. You don't know who's behind the company, all you know is that a company has been formed and just the names of two individuals who have one qualifying share each and as Mr. Legal Adviser has already said, there is just simply in most cases, the lawyer and the secretary to the lawyer and this is the company, yet they have no legal responsibility. The company has a legal responsibility but there are no directors of the company because you don't know who the directors are because you're not informed as to whether a company meeting has been held as to whether directors have been appointed. Because it isn't done elsewhere and again his reluctance to interfere with the existing ordinance by having ..... legislation in, I think either we must immediately deal with a new Company's Ordinance or we must have to put protective measures in the existing Company's Ordinance, protective measures that I would like to see should be outlined on the basis of what Mr. Legal Adviser intimated a little while ago. It wouldn't be difficult, he wouldn't be amended anything really, all it would be is adding a clause into it. Very very simple procedure. Sometimes many people and I know many people with legal backgrounds have problems of dealing with things that are simple and manage to deal very very cleverly with things that are difficult. Of course, this may well be the case here, but I would hope that some consideration would be given to this point between now and the Fall Session and if it is not too difficult and it won't take too much of the Legal Adviser's valuable time, would he please try and set aside the needs of this poor ignorant devil just to bring forward a little piece of legislation like this because I think its going to be well worth while. I have heard many many complaints of people doing searches through the records and they can't find who the directors of a company are.

Mr. Legal Adviser: We'll bring this forward, and we'll consider opening this particular can of worms.

Mr. Shaw: Just one question, Mr. Chairman, of the Legal Adviser, and is it necessary to show in company, reports, those that hold more than 5% shares of a particular company, notwithstanding whether they are directors or otherwise?

Mr. Legal Adviser: Would I be in Order, Mr. Chairman, in suggesting that the Honourable Member might agree that if we brought this particular amendment forward, we would be permitted to deal with this particular amendment and not have to open up in debate or otherwise the whole ordinance, because its a complicated ordinance, is this what the Honourable Member would concede?

Mr. Chamberlist: Mr. Chairman, I will agree that I will not open up any other areas at that time, I'm not suggesting that I might not at a later time, but not for this particular purpose.



Mr. Shaw: May I have my question answered, Mr. Chairman.

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Mr. Legal Adviser: I'm sorry, what was the question?

Mr. Shaw: My question, Mr. Chairman, was is it required by law that all persons holding more than 5% interest in a company, be registered notwithstanding whether they are directors or otherwise.

Mr. Legal Adviser: I don't think so. When the company is registered for the first time all we get is the name of two people, because a company needs two people to be qualified to be a company, there must be two shareholders. Now, at the first annual return, the form comes in containing all the details of who the shareholders are and who the directors are and their holdings and then each year annually the changes in these shareholders and so on are returned to us. There's nothing about this 5%, this has nothing to do with it. Every shareholder who has one share must be listed.

Mr. Chairman: Are we clear on this item? Next Sessional Paper is Sessional Paper No. 10 -- Agriculture.

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Mr. Livesey: Well, Mr. Chairman, I feel that the Administration picked the right type of paper to introduce this Sessional Paper and ...Mr. Chairman, has the Honourable gentleman been excused? The colour of the paper is green and I hope that doesn't reflect upon any other activity in connection with the paper....

Mr. Chamberlist: Mr. Chairman, would the Honourable Member permit a question?

Mr. Livesey: I wonder if the Honourable Member would kindly take his seat until I have finished what I am going to say, as I feel Mr. Chairman, that he has been going up and down today like a yoyo and a cork in a bottle and several other forms of activity related to escalators and elevators. I feel sure that he can withhold his patience until I have completed my remarks. The question of Agriculture as far as the Yukon is concerned has taken a great deal of time of the individual Members of this Council over the last decade. There has been dozens and dozens of arguments to try to get the point across to all governments concerned, and especially the various government that resided in Ottawa during the last decade or so, that it is just as necessary in the Yukon to produce food for the people of the Territory as it is to dig minerals out of the ground or attract tourists from the United States of American and other countries. Agriculture as far as I know, in history, it didn't lag behind the constitutional development of government, it was ahead of it. I believe that this is true right across Canada, except in the North. I think its an essential of our development, not only that I think that Agriculture in the Yukon Territory can decidedly add to the economic structure despite all the pessimists that we've heard coming from all corners and especially from certain government corners to the East, where none of them can see Agriculture in the Yukon for the simple reason all they're looking at is the question of growing wheat on the Prairies that nobody seems to want, and to which they have to add a subsidy before they can sell it to other nations throughout the world in competition from our friends from the South who try to outbid them and outdo them on every occassion. The United States of America is good at this and where they can't beat Canada on a sale they give the wheat away. So this is what we're up against with wheat, but that doesn't apply to the Yukon Territory. What

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Mr. Livesey continued:

we have been talking about, or those of us that are interested in the promotion of Agriculture in the Yukon, what we've been talking about is the development of the growing of food for this area, not the export to other areas of what we grow here. Let's take one step at a time. So far, Mr. Chairman, I don't feel that any program has been set in motion that would satisfy me that the powers that be have done their utmost to get this economic development going at all, in any way shape or form. They have, it is true, provided an experimental farm, situated at Mile 1019 on the Alaska Highway, and I might add, Mr. Chairman, its not the most ideal place to set up an experimental farm where those of us interested, know perfectly well, that that particular spot does not have one frost free period throughout the entire year. How the Federal Department in Ottawa, can conclusively claim that they are doing correct and proper research at Mile 1019 when such a condition exists, I don't know, because there are dozens of other areas in the Yukon that can boast and claim frost free periods whereas this particular area cannot. What, I feel, Mr. Chairman, has been going on there is that the Department has been gradually hacking away at that experimental farm, Mile 1019, and they have transferred the authority to Beaverlodge, Alberta so now they're getting the same kind of remote control operation to run that experimental farm, as we are the remote control operation to run the Yukon Territory. Precisely the same thing, the experts are miles away. All they're communications are therefore made that much more difficult by the distance they are from the operation. Once again, a system of absentee landlords, and I would suggest Mr. Chairman, that is no way to conduct a research program. Now, also, Mr. Chairman, I don't feel that the policies, not created by the people who run the farm, not them, I found them to be most sensible people, most co-operative, very willing at all times to discuss all questions in relations to Agriculture, very willing to try and assist anybody interested in Agriculture to promote it in the Yukon Territory. To try and make something out of what they are attempting to do. These are not the people that are to blame at all, in any way shape or form. But let us take a look at a recent operation that went on out there where there was beef cattle advertised for sale. Now the argument has been for years and years why not sell some of this stock and let us use the product in the Yukon. Well finally we got a sale going of cattle but you couldn't get any feed, they sold the cattle in one month and then of course when cattle without feed naturally died, so this apparently was the program. They weren't selling the cattle with feed to keep alive, cattle were sold without any statements being made, the results were that the cattle were obviously sold for food not to continue with producers and then of course the hay came when the cattle were of course no longer in existence. Now this kind of thing is upsetting to those people who are interested. No one can say that it is impossible to raise beef cattle in the Yukon. No one can surely say its impossible to raise horses and numerous other animals throughout the entire area. It just hasn't been tried. There's been too much pessimism and not enough optomism. As far as the normal food stuff that can be grown in the Yukon, there are varied numbers of these products, that anyone can grown. I've heard a good many people talk about different relationships of individuals in the Yukon and say this group is going hungry and that group needs welfare and some other group needs something else, but they do absolutely nothing to try to show these people how they can grow enough food that they can feed themselves right off the land and off the ground upon which they sit every day of the year. This is another point I'd like to stress, Mr. Chairman,

Mr. Livesey continued:

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and I'm sorry that I have a cold today because I'd probably keep you sitting here almost as long as the Honourable gentleman from Whitehorse East. However, I won't go to that extent, I won't try your patience to that extent, but I would like to say that Agriculture is a necessity and I am really happy to see that the Administration and I think the local Administration here in the Yukon Territory has done a great deal towards the formulation of the policy which we finally have before us, not where in my view, it should have come from, with the Federal interest that should be backed up in this area, by the government. I think there's a tremendous interest being shown here locally and I'm very happy to see this paper before us this afternoon, Mr. Chairman, and I do hope that we will agree that we should adopt a program and promote a program in the Yukon whereby those who want to come from the United States of America, and I have met quite a number of them in the last ten years or so, who want to invest their money in the Territory. They want the ground made available and land made available so that they can promote the production of cattle and everyone of them that I know of in the last two years or three years has gone away disappointed -- gone home totally confused and I don't think has ever come back. This is what we've been facing and I do hope Mr. Chairman, as a start on an Agricultural program for the Yukon, we will see fit to adopt Sessional Paper No. 10 and let us build up from this basis, Thank you, Mr. Chairman.

Mr. Chairman: Anything further on Sessional Paper No. 10? The next Sessional Paper is Sessional Paper No. 42 which is coupled with Motion No. 13...

Mr. McKinnon: Mr. Chairman, there is a specific recommendation in Sessional Paper No. 10 and it is recommended for adoption by the Council, as the official policy of the Territorial Government on this subject. Mr. Chairman, as this paper has been prepared by the Department of Agriculture and I particularly would like to ask the Administration if it would be possible at some Session to have a representative of the Department of Agriculture who was involved in the preparation of this paper, could appear before Council in Committee to answer questions, many questions, which I'm sure all Members of Council would have to present to him as to what the actual potential and what the policy should be of the Territorial Government towards Agriculture in the Yukon?

Mr. Commissioner: Well, Mr. Chairman, I can assure you that Dr. Guittard, who is in charge of the experimental station at Beaver Lodge and under whose jurisdiction the local experimental station comes, I'm quite confident he would be most happy to come to Council at any time that Council would like to have him. Certainly the recommendations that are in this paper are as a consequence of the work that Dr. Guittard has done, so certainly this is his recommendations. I would want this to be very clearly understood, but I can assure you that an indication from Council to me at the time they would like to have Dr. Guittard here, and I'm sure with a reasonable amount of notice he would be only too happy to come.

Mr. McKinnon: Mr. Chairman, on the last page, No. 4 there, five areas of Territorial responsibility, and this is pretty heavy stuff, establishing, enabling legislation and undertaking legal surveys, illegible for Agricultural settlement, undertaking economic surveys to establish the size of production units required for economic feasibility based on the production of vegetables, fluid milk and meat. This is what you're talking of

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Mr. McKinnon continued:

getting an agronomist up here to explain to Council what all these agricultural terms are and what they imply under the area of Territorial responsibilities. I am certainly not prepared to accept this as the Territorial Government's policy when after reading it, I'm almost as much in the dark about agricultural potential and Territorial responsibilities in the field of agriculture as I was prior to the presentation of the paper.

Mr. Chamberlist: Mr. Chairman, you know one must laugh at the very first sentence. "The following paper has been prepared by the Department of Agriculture and has their approval." Well why shouldn't it have their approval, they prepared it?

Mr. Chairman: May I have your pleasure gentlemen, in order that we may proceed in some direction.

Mr. McKinnon: If Mr. Commissioner would give me the name of the person who was involved in the presentation of this paper I would be prepared to Move a Motion that he be invited to Council at the Fall Session to discuss Sessional Paper No. 10.

Mr. Commissioner. Dr. Guittard.

Mr. Shaw: With this farming though, Mr. Chairman, I come from and represent.....not only is the Dawson area the cradle of the economy of the Yukon where the gold from, it is also the cradle of the farming industry.

Mr. Chamberlist: And the kids there act like it.

Mr. Shaw: Notwithstanding the blight remarks emanating from the left of me, I don't happen to be as green as I'm cabbage looking. This is fine. We have to get farmers to farm land, the problem right now, one of the big problems in this in the Dawson area there is lots of ground available for farming. They have farmed for years and they have grown thousands and thousands of tons of produce but the big problem in so far as this is concerned, Mr. Chairman, is by the time you market these products you pay the transportation costs. Could I have some order please, there's a conversation on my left between the Honourable Member for Whitehorse North and the Honourable Member from Whitehorse East. The problem is a matter of transportation. It is cheaper to ship a hundred pounds of potatoes from Vancouver than it is to ship it from where you can grow the potatoes in the Yukon Territory, that I've ever seen them grown any potatoes in any event. I think that is one of the big problems is the matter of marketing. If there was high consumption, I would think that in the Territory you could possibly get away with it because of the fact that you would be able to set up a large enough organization that you could make it a profitable institution. For about twenty years, potatoes for example, I've eaten local potatoes and they grow very rapidly.

Mr. Chamberlist: .....Potatoes, fish and chips.

Mr. Shaw: Could you put a muffler on this character on my left, Mr. Chairman.

Mr. Chairman: I wonder, if we could proceed in order....

Mr. Shaw: I'm trying to proceed but I keep getting interrupted. Mr. Chairman, I've allowed him to carry on for 75% in this Session of the discussions and I haven't said anything, and I get up for a mere 1.2% and I get interrupted all the time.

Mr. Shaw: continued:

But nonetheless, take potatoes as an example, if you get a wet year it seems that these potatoes are just not marketable because they grow so big -- they grow the biggest potatoes I've ever seen, I've seen them as big as that, honestly the biggest potatoes in the country that you've ever seen. But when its wet, and they crack so they're not marketable. You have problems such as this to contend with all the time. If everyone could live on cabbages well there's no question that that area could produce more cabbages, I think to the square foot than you could any place in Canada, but that market is limited. You have all these kind of marketing problems too that hasn't been considered too much.

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Mr. McKinnon: I would like to Move, seconded by Councillor Chamberlist that Dr. Guittard of the Department of Agriculture be invited to the Fall Session of Council to discuss the contents of Sessional Paper No. 10, 1969, Second Session.

Mr. Chairman: It has been moved by Councillor McKinnon, seconded by Councillor Chamberlist, that Dr. Guittard of the Department of Agriculture be invited to the Fall Session of Council to discuss the contents of Sessional Paper No. 10, 1969, Second Session.

NOTICE OF  
MOTION #10

All: Question.

Mr. Chairman: Do you agree?

All: Agreed.

Mr. Chairman: Contrary? I will declare the Motion Carried.

MOTION  
CARRIED

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

Mr. Shaw: Mr. Chairman, we have twenty minutes yet, I'd like to conclude this on Monday if possible... Twenty minutes is twenty minutes.....

Mr. Chairman: Well, what is your pleasure gentlemen?

Councillor McKinnon: Agreed.

Mr. Livesey: Mr. Chairman, I would move that we bring the gallery back for some more oratory.

Mr. Chairman: I wonder if you would direct the Chair as to whether you wish to proceed here.

Mr. Chamberlist: Mr. Chairman, I will make my Motion again. I move that Mr. Speaker do now resume the Chair.

Mr. Dumas: I'll second the Motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Dumas that Mr. Speaker do now resume the Chair. Are you prepared for the Question?

All: Question.

Mr. Chairman: Are you agreed?

All: Agreed.

Mr. Chairman: Any contrary? I'll 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?

REPORT  
OF  
COMMITTEES

Mr. Taylor: Mr. Speaker, Committee convened at 11:25 a.m. to discuss Sessional Papers and Motions. Mr. Roy Watson attended Committee to discuss matters related to Sessional Paper No. 26. Committee recessed at 12:00 noon and reconvened at 2:00 p.m. It was moved by Councillor McKinnon, seconded by Councillor Chamberlist that Dr. Guittard of the Department of Agriculture be invited to the Fall Session of Council to discuss the contents of Sessional Paper No. 10, 1969, Second Session. This motion carried. It was then moved by Councillor Chamberlist, seconded by Councillor Dumas that Mr. Speaker do now resume the Chair and this Motion carried,

Mr. Speaker: You have heard the Report of the Chairman of Committees. Are we Agreed?

All: Agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Taylor: In respect of the agenda, Mr. Speaker, we have left One Sessional Paper and two Motions in Committee.

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

Mr. Speaker: Are we Agreed?

All: Agreed.

Mr. Speaker: Order please, the House now stands adjourned until 10:00 a.m., Monday morning.