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YUKON TERRITORIAL COUNCIL

THIRD SESSION 1969

Votes and Proceedings

Volume 2

Page 375.

Thursday, November 27, 1969.

10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors were present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. I have for tabling this morning Sessional Papers No. 37 to 45 and the Auditor General's Report. Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. Dumas: Mr. Speaker, I would like to give Notice of a couple of Motions this morning, the first Motion reading "That amendments to the Labour Standards Ordinance be placed before the House enabling an order for closure to be made in respect of any business consistently failing to comply with the provisions of the Labour Standards Ordinance, particularly when employees wages are unjustly withheld", and Notice of this Motion, "That legislation be introduced to control all aspects of trading in real estate in the Yukon Territory". MOTIONS #15 & #16

Mr. Speaker: Are there further Notices of Motion? Are there any further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? Proceeding to Orders of the Day, we have before us this morning, gentlemen, Motion No. 13, with reference to pollution control legislation. The Motion was moved by the Honourable Member for Whitehorse North, seconded by the Honourable Member for Whitehorse East, "That a Pollution Control Ordinance respecting all public lands in the Yukon Territory, containing stringent regulations and severe penalties for contravention be introduced in this House at the earliest opportunity". Would the Honourable Member for Whitehorse North be prepared to proceed with Motion No. 13. MOTION #13

Mr. McKinnon: Mr. Speaker, I would ask the indulgence of the House to leave this Motion on the Order Paper until after we have had an opportunity to discuss with those federal representatives now in town what the regulations and new policies will be under the federal department concerning pollution control.

Mr. Speaker: Does the House agree?

Some Members: Agreed.

Mr. Speaker: May we then proceed to Motion No. 14, moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Whitehorse North, "That the question of the proposed chip mill for Carcross be discussed in Committee of the Whole". MOTION #14

Some Members: Question.

Mr. Speaker: Are we agreed? I will declare the motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: I wonder, Mr. Clerk, if we could have the Commissioner here for the Question Period this morning? I will call a five minute recess.

RECESS

RECESS

Mr. Speaker: I will now call Council to order, and we have Mr. Commissioner with us for the Question Period. You may proceed.

QUESTION RE
NAYSMITH'S
ABSENCE

Mr. McKinnon: Mr. Speaker, I wonder if I could ask Mr. Commissioner a question? I have a communication from the Speaker's Office saying that Mr. Naysmith was to meet us at ten-thirty this morning, however, he seems to have disappeared also. I wondered if Mr. Commissioner is giving any thought to bringing in Charlie Chan to try to solve the case of the missing manderin.

Mr. Commissioner: Mr. Speaker, this is not a matter of Mr. Naysmith disappearing under similar circumstances as to our last drop-out. This was quite a serious matter, Mr. Speaker, and Mr. Naysmith telephoned me yesterday. He was in Vancouver and was ready to get on the plane to come here to meet with the other members of the group with Council today, but he had an urgent telephone call from his home that his wife was ill and the matter was of a serious enough nature that he felt that he had no alternative but to return immediately to Ottawa. He sincerely regrets his inability to be here at this time and I am sure that Council would be quite prepared to accept the explanation that was given. There was no shadow on this one as there was on the past situation that we had, and I want to assure Council of the situation, Mr. Speaker. However, while I'm on my feet, I may say that Mr. Trever and Mr. Armstrong, along with Mr. McIntyre, the Regional Director of Resources, are here and are prepared to discuss the matters with Members of Council as they would have if Mr. Naysmith had been able to be here, Mr. Speaker.

Mr. Speaker: I will declare a recess at this time.

RECESS

RECESS

Mr. Speaker: Order, please. Order, please. Would the Honourable Member for Whitehorse East please take his seat? Order, please. You may proceed.

Mr. Commissioner: Mr. Speaker, I understand that my comments after I had indicated that Mr. Armstrong and Mr. Trever and Mr. McIntyre are available to consult with Members of Council on the matters that were already on the agenda for today on this subject ... there does not have to be any hold-up on this, and I would sincerely ask, Mr. Speaker, on behalf of Mr. Naysmith, that Council would accept the reason for his not being here which I am putting forth at this time.

Mr. Chamberlist: Mr. Speaker, not being clarified, I wonder if Mr. Commissioner could indicate who is Mr. Trever and who is Mr. Arrstrong?

Mr. Commissioner: Mr. Speaker, I cannot indicate precisely the positions of these gentlemen have in the Department of Indian Affairs and Northern Development, but they are concerned with resource development. I believe Mr. Trever is on the mining side and Mr. Armstrong is on the water side.

QUESTION RE
PUBLIC
SERVICE
SUBMISSIONS

Mr. Taylor: Mr. Speaker, I believe this is the second time of asking this question at this Session, but I am wondering if the Commissioner could tell us now when we will be getting the long awaited recommendations and submissions from the Public Service Association tabled in Council?

Mr. Commissioner: Mr. Speaker, we are actively working along with the executive of the Public Service Association on this matter. There have been several tracks explored as to how this can be brought about. I believe that when we started out there were about four or five different approaches that could be made, but I think it's been whittled down now, and I think that Mr. Legal Adviser could confirm this because I know that he sat in on the last meeting with the executive of the Public Service Association, that we are down now

to the possibility of two ways of doing this. One is being explored at the present time by the Public Service Association and if this one proves to be successful, the matter is resolved. If it does not, the one track that is left is the one that will have to be proceeded with. There is no hesitancy or lack of action on this matter, Mr. Speaker, and I would assure Council of this.

Mr. Chamberlist: Mr. Speaker, a question addressed to Mr. Commissioner. Mr. Commissioner, last week, early last week, I asked for information relative to the Riverdale Senior Citizens' Home. When, Mr. Commissioner, will the Administration bring forward the information that has been requested?

QUESTION RE
ANSWER TO
QUESTION RE
SENIOR
CITIZENS'
HOME

Mr. Commissioner: Mr. Speaker, could I ask Mr. Clerk if he has the answer to this?

Mr. Clerk: Mr. Speaker, this information is forthcoming from the Director of Welfare, and I shall follow it up again this morning.

Mr. McKinnon: Mr. Speaker, I have a question for either the Commissioner or the Legal Adviser, whoever can answer it. Now that the decision of the Supreme Court in the Drybones case has been handed down, is the Federal Department of Justice going to transfer to the Yukon Consolidated Revenue Fund the fines that they collected that should have gone to the Consolidated Revenue Fund?

QUESTION RE
FINES TRANS-
FERRED TO
CONSOLIDATED
REVENUE FUND

Mr. Legal Adviser: Can I answer that, Mr. Speaker, without actually answering it? A clear process is laid down as to which fines are transferred to the Territorial Government, which fines are now, and again, which fines are transferred to the municipality. We have no reason to think that the rules are not being carried out in the normal way in every case.

Mr. Chamberlist: Supplementary, Mr. Speaker, a question to Mr. Legal Adviser. Normally would it not be that the fines would be distributed but in view of the Supreme Court's judgement, would Mr. Legal Adviser make a request to the Federal Government that these funds be transferred to the Yukon Consolidated Revenue Fund?

Mr. Legal Adviser: This would be a difficult thing, Mr. Speaker, because each ... the fines are transferred, assuming the person is found guilty and pays his fine, in relation to the act under which the person is charged.

Mr. Speaker: The Honourable Member for Watson Lake.

Mr. Taylor: I'll bow to the Honourable Member for Whitehorse East, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, again to Mr. Legal Adviser, is it not so that now that the ruling has been made by the Supreme Court the conviction is wiped out and all convictions prior to that particular hearing is wiped out, where the fines have been taken in taken into federal funds should they not be returned to Territorial funds?

Mr. Speaker: Do the honourable gentlemen intend to answer the question?

Mr. Legal Adviser: Mr. Speaker, Mr. Drybones appealed his case and won and his fine will be returned. Other people have not appealed and therefore, of course, there's no way of returning the fine, but any further person who might possibly be charged would will his case and of course, would not be paying a fine.

Mr. Chamberlist: Mr. Speaker, supplementary, is Mr. Legal Adviser suggesting that notwithstanding the judgement by the Supreme Court that somebody may possibly be charged again under the same act.

Mr. Legal Adviser: We have no control over the act.

Mr. McKinnon: Mr. Speaker, a supplementary question. Is Mr. Legal Adviser saying that all those charged under the Indian Act that should have been charged under the Yukon Territorial Liquor Ordinance can now apply for a refund?

Mr. Legal Adviser: I'm saying the opposite, Mr. Speaker. They can apply, but there's no method I know of whereby the fines can be returned unless they appeal but after an extension of time to get an appeal and succeed in the appeal, then it would be a different thing. But, as the matter stands now, they've all been perfectly lawfully convicted as the law then was.

Mr. McKinnon: Even though the law was wrong, Mr. Speaker.

Mr. Speaker: I will have to rule any further questions on this point out of order.

QUESTION RE
ROAD-HOUSES
ADVERTISING
CLOSURES

Mr. Taylor: Mr. Speaker, I have a question of great importance to direct to Mr. Commissioner this morning having reference to visitors to the Territory principally along the Alaska Highway. The question is this, inasmuch as many of these lodges shut down in the winter time and inasmuch as they fail to advertise in the Mile Post and other little books, they fail to mention this fact, and inasmuch as this is creating hardships for tourists who are becoming stranded without gas and food facilities, is it anticipated by the Administration that legislation will be forthcoming in order to alleviate this desperate situation?

Mr. Commissioner: Mr. Speaker, the Honourable Member is suggesting that the Territorial Government go into the road-house business?

Mr. McKinnon: They're in everything else.

Mr. Commissioner: Mr. Speaker, there's a couple of areas that we're not involved in ... no T.V. stations, no hotels ...

Mr. McKinnon: The Federal Government's got one.

Mr. Chamberlist: No hotels ...

Mr. Speaker: Order, please.

Mr. Taylor: In reply to Mr. Commissioner, I'm not suggesting anything of the sort. I'm asking, along the reasons I suggested, if the Administration is contemplating legislation which would force these people to properly advertise their closures or openings in order that people don't become stranded, Mr. Speaker, in the middle of forty below weather with no gas, no food, and a blanked-out road-house.

Mr. Commissioner: Mr. Speaker, we can sit here and fill the books with legislation with great ease. There's no lack of paper. And, we already have an item in one of the Ordinances, I'm not just sure which one it is, possibly the Motor Vehicles Ordinance, applying to signs where operators are required under this Ordinance to properly mark their advertising signs along the highway if they are closed. I believe it reads something to the effect that when the lodge is closed, that their advertising signs along the highway must be so marked. I personally was on the southern portion of the highway

here a couple or three weeks ago and some of the operators who are closed have complied with this and some have not. I think it is a matter of the enforcement of what we already have unless the Member has something further that he feels that we should have in the legislation, but I think it is mostly the enforcement of what we already have, Mr. Speaker.

Mr. Taylor: Mr. Speaker, he still hasn't answered my question. I'm quite aware of the position as stated by Mr. Commissioner, but I'm wondering, I'm speaking about advertising in such a thing as the Mile Post and this type of thing that the people follow as they come through the Territory. Is it intended that legislation will be brought down to control advertising in this respect?

Mr. Commissioner: Mr. Speaker, we would certainly be subject to the advice of Council in this matter and if Council feels that legislation of this is in the public interest and would like to see it enacted, then we would react immediately to their suggestions along these lines. Something I would like to point out here, Mr. Speaker, and that is that people who are operating private businesses can only stand so much government regulation, and in matters such as this, it is the option of the operator whether he or she or the company that may be operating, as to whether they stay open all year around or whether they stay open twenty-four hours a day or what their own personal intentions are. Not only that, but I am sure that from time to time an operator may have operated for many years on a continual basis and for reasons over which he possibly has no control, it comes along to, say the winter of 1969/70, he finds that he had to close. Now, this may have been a decision that may well have been arrived at along time after advertising has been entered into, Mr. Speaker. I'm not trying to put difficulties here, but I do think that while the point that is raised by the Honourable Member is a very valid one, and certainly if I was a traveller on the Alaska Highway and I had a piece of advertising in front of me that indicated that Joe Blow's lodge at Mile Post such and such was open twenty-four hours a day, seven days a week, three hundred and sixty-five days a year, and I got there, it was forty-five below, I was out of gas, I had a couple of flat tires and three starving kids as well as a screaming wife and a couple of dogs and cats in the car, well, I'd be pretty upset too. But, on the other hand, I think there is only so far that one can go when it comes to regulating the activities of a private business.

Mr. Speaker: Are there any further questions?

Mr. Shaw: Mr. Speaker, I would like to direct a question to the Commissioner. In view of the fact that there has been no resident doctor in the Dawson and the Clinton area, we have four patients in the Whitehorse hospital of which three could have been up there filling up the empty hospital that we have in Dawson, I wonder if he could inform Council, Mr. Speaker, if we can expect to have a doctor within a very, very short time? It's getting somewhat serious.

QUESTION RE
DOCTOR FOR
DAWSON AREA

Mr. Commissioner: Mr. Speaker, the matter of providing adequate professional medical service in smaller communities throughout Canada is not a new one and it is not peculiar to the Dawson area. At the present time, arrangements have been made with the Medical Clinic here in Whitehorse for a certain amount of visiting practitioners to the Clinton Creek - Dawson area in the course of the next few weeks. I also understand that the Cassiar Asbestos Corporation through their management have certain contacts that may result in a doctor being in the area at least until spring, and I believe that they have further contacts that may ensure the residents of a medical practitioner in the area on a permanent basis after that time. But,

I do think, Mr. Speaker, that I would like to pass a comment on this while I am on my feet, and that is that the possibilities or should I say the accidental retention of medical practitioners in these remote parts of the Territory is something that we are going to have to deal with in the near future. The provision of physical plants as far as the medical people are concerned in the way of hospital facilities, we realize that we are far from as adequately looked after as we would like to be but we are within reason doing something about this. And, I think that we are arriving very close to a point in time where the public purse is going to have to be called upon to act as part of the recruitment and the retention program of medical people in areas where normally speaking they do not find it financially attractive to stay. Now, I don't think that we can simply operate on this accidental basis very much longer. I realize at the present time, there's not possibly too much that can be done about this but I simply raised the point at this time because we are certainly going to have to take a very hard look at this problem. It cannot just be left to chance on an indefinite basis. Also, I don't think that we can place ourselves in the position of where we'll say in a place like Dawson, where we have a private company operating forty or fifty miles away, and they may possibly be able to recruit and retain a person there due to their financial capabilities and that the community, the long established community forty or fifty miles away will only get the use of that man or his services should I say when he is not required by the person who is paying the bill. I can't offer anything further at this time in answer to Councillor Shaw's question, except that the best efforts are being put forth by our Medical Adviser, Dr. Black, at the Northern Health Services, and by the Clinton operators, the Cassiar Asbestos Corporation.

Mr. Speaker: Are there any further questions?

QUESTION RE
ANSWER TO
QUESTION RE
OLD CROW
AIRPORT

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner. Mr. Commissioner, early in this Session I asked for information re the proposed construction at the Old Crow airport. It was intimated that this information would be brought forward. When will it be brought forward?

Mr. Commissioner: Mr. Speaker, I believe that I intimated that the item will be in the Supplementary Estimates No. 2, and these should be available for Council within the course of the next few days. I think that I was asked for assurances that there would be no progress or no work done on this particular project until the matter had been aired in Council, and I believe that my assurances were given at that time, Mr. Speaker.

Mr. Speaker: Are there any further questions?

QUESTION RE
COMMISSIONER
ATTENDING
CONSTITUTION
CONFERENCE
AND MEETING
WITH THE PM

Mr. Taylor: Yes, I wonder if Mr. Commissioner could advise me this morning as to whether he has received an invitation to attend the forthcoming Constitutional Conference in Ottawa, and whether he will be attending the meetings with the P.M. with the Council in Ottawa next Tuesday?

Mr. Commissioner: Mr. Speaker, I would confirm that my Minister has requested me to be available for the meetings with the Prime Minister and Members of Council at Ottawa next Tuesday. I do not know about attending the Constitutional Conference. I believe that there will be an invitation forthcoming as there has been for a Member of Council to attend, but the practical possibilities of this I have yet to assess. A lot will depend on the time factor that is involved and when Council will be coming back into Session after the recess that they are having for their forthcoming trip to Ottawa.

Mr. Chamberlist: Mr. Speaker, a question addressed to Mr. Commissioner. Mr. Commissioner, when you attend Ottawa, is your intention to be with the Council and the Prime Minister or away from the Council and the Prime Minister? In other words, is it your intention to be at the meeting with the Prime Minister, or are you going to ask that you do not sit with the Council at the time that we have our discussions with the Prime Minister?

QUESTION RE
COMMISSIONER
ATTENDING THE
MEETING

Mr. Commissioner: Mr. Speaker, I have been instructed by my Minister to be available in Ottawa and as to what the routine will be I have no idea at all.

Mr. Speaker: Before proceeding with any further questions, may I remind the House of our commitment for this morning at ten-thirty?

Mr. McKinnon: Mr. Speaker, I have one final question. I'm wondering if Mr. Commissioner is willing to meet with Council before journeying to Ottawa so that the Chief Executive Officer of the Yukon Territory and the Legislative Branch of the Government of the Yukon Territory will be united in presenting the case for the Yukon before the Prime Minister of Canada?

QUESTION RE
COMMISSIONER
MEETING WITH
COUNCIL

Mr. Commissioner: Mr. Speaker, I am always available to meet with Council as a group or individually at any time.

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

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

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

Mrs. Gordon: I would second that motion.

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

MOTION CARRIED

MOTION
CARRIED

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

Mr. Taylor takes the Chair.

Mr. Chairman: At this time, gentlemen, we have been invited to attend informally discussions with the Department of Indian Affairs and Northern Development, and for this purpose, I will declare or stand Committee in recess until further notice.

RECESS

RECESS

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Thursday, November 27, 1969.
2:00 o'clock p.m.

Mr. Chairman: At this time I will call Committee back to order and what is your pleasure at this time.

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

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

Mr. Chairman: It has been moved by Councillor Dumas, seconded by Councillor Shaw, that Mr. Speaker do now resume the Chair. Are you prepared for the questions? Are you agreed? 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 Committee.

Mr. Taylor: Mr. Speaker, Committee convened at 10:40 a.m. to discuss Bills, Sessional Papers and Motions. Committee recessed at 10:45 a.m. to attend informal discussions on proposed Lands Regulations with officials of Indian Affairs and Northern Development and reconvened at 2:10 p.m. It was moved by Councillor Dumas, 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 Committee. Are we agreed? Are we agreed on the agenda for tomorrow?

Mr. Taylor: Mr. Speaker in respect of the agenda, we have a Mr. Tait joining us tomorrow to discuss motions in respect of the agriculture in the Yukon and we also have Sessional Papers, Motions and Bills.

Mr. Speaker: Is there any further business.

Mr. Shaw: Mr. Speaker, I would move that we call it 5:00 o'clock 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. All Councillors were present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. I have for your attention this morning the tabling of Sessional Papers No. 46, 47, 48 and 49. I would also like to state that the Chair recognizes in the gallery this morning Grade Seven of the Whitehorse Elementary School and wishes to commend the children on the interest that they have taken in Territorial Government affairs. Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. Dumas: Mr. Speaker, I would like to give Notice of Motion regarding Sessional Paper No. 47. MOTION #17

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 Sessional Papers No. 38 and 39. MOTION #18

Mr. Speaker: Notices of Motion for the Production of Papers? May we then pass to Orders of the Day? Our first motion is Motion #13, moved by the Honourable Member for Whitehorse North. I do not appear to have a copy and I wonder if the Member would read the motion that he is prepared to move at this time? MOTION #13

Mr. McKinnon: Mr. Speaker, in light of the discussions that we had with federal representatives yesterday, I'd like to obtain some legal opinions on this motion before proceeding if the House would concur.

Mr. Speaker: Are we agreed?

Some Members: Agreed.

Mr. Speaker: May we then move to Motion No. 15, and it is moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Whitehorse North, "That amendments to the Labour Standards Ordinance be placed before the House enabling an order for closure to be made in respect of any business consistently failing to comply with the provisions of the Labour Standards Ordinance, particularly when employees' wages are unjustly withheld". Would the Honourable Member for Whitehorse West be prepared to move Motion No. 15 at this time? MOTION #15

Mr. Dumas: Mr. Speaker, if I may have the indulgence of the House to discuss this at a later date in view of the short meeting that we're having this morning?

Mr. Speaker: Are we agreed?

Some Members: Agreed.

Mr. Shaw: Mr. Speaker, I wondered if this Motion No. 15 would fit into the discussion on the Ordinance during the discussions in Committee of the Whole? If the Honourable Member would agree to that, I'd be ...

Mr. Dumas: It's absolutely agreeable, Mr. Speaker.

Mr. Shaw: Mr. Speaker, I would like to move that Motion No. 15, pertaining to the Labour Standards Ordinance, be referred to Committee of the Whole for discussion.

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

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse West, that Motion No. 15 be moved into Committee of the Whole for further discussion. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

MOTION #16

Mr. Speaker: Motion No. 16, moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Whitehorse North, "That legislation be introduced to control all aspects of trading in real estate in the Yukon Territory". Would the Honourable Member for Whitehorse West be prepared to discuss Motion No. 16 at this time?

Mr. Dumas: Yes, Mr. Speaker, I would. I don't think it will take too long. The problem of course arises insofar as we have no Real Estate Act in the Yukon Territory. Over the past number of years, real estate activity and economic development of the Territory has been greatly, greatly increased. My concern is with the people, particularly the individual home owner who is selling his home or in some cases buying his home. There is no protection for these people at this time whatsoever, Mr. Speaker. Any person can come into the licencing office in the Lynn Building, pick up a licence to sell real estate, and go out and do his best in any way that he sees fit. This provides no protection whatsoever for the citizens of the Territory, and in several cases over the past few years, there have been breaches not only of ethics, there's been down right illegalities and dishonesties practiced by some individuals dealing in real estate. I'm happy to say that in most of these cases, the people have been found out and usually they have been people who have come in, as a matter of fact in every case that I know of they have been people who have come in from outside the Territory and tried their best to influence local individuals to part with some of their hard earned dollars under the guise of real estate deals. I will give one example where four years ago, two hot-shot salesmen came in from Calgary, picked up a real estate licence for twenty-five dollars, and went around to major business in town, promised to sell their establishments for them at highly inflated prices to customers that they supposedly had waiting in the great outside. On the second visit to the businesses around town, many of whom were interested in selling at the inflated prices, these salesmen asked for two hundred and fifty dollars deposit from each one of those local businessmen that were involved. The local businessmen in many cases fell for the routine and paid two hundred and fifty dollars to these salesmen. Fortunately, one of the local real estate men caught on to what was happening, investigated the two salesmen, found out they were phonies, notified the R.C.M.P. who promptly nabbed the two culprits and threw them into the local booby-hatch. That what it turned out to be.

Mr. Speaker: Order, please.

Mr. Dumas: Mr. Speaker, this type of thing I suggest has gone on before. There have been minor complaints in real estate dealings by individuals non-licenced to sell real estate. In every province of Canada, there is a Real Estate Act in force. This requires in most provinces that courses be taken before a person is allowed to go into the real estate business. It requires that close scrutiny

be kept on real estate dealings, on all aspects of real estate dealings so that everybody involved in real estate transactions is protected. The best act in Canada, Mr. Speaker, is the British Columbia Real Estate Act. Unfortunately, we couldn't adopt it for the Yukon because it allows for self-policing by a Real Estate Board. We do not have enough people dealing in real estate up here to set up this type of Board to police ourselves. However, Alberta has an act whereby a government body polices real estate transactions. It is also effective. I would suggest that if our Legal Adviser looked into the Real Estate Act of B.C., the Real Estate Act of Alberta, he could probably come up with a very good act to be brought in for the next Session possibly of Territorial Council, providing the same protection, the same guarantees in this field that all of the rest of Canada enjoys in the provinces.

Mr. Speaker: Is there any further discussion?

Mr. Shaw: Mr. Speaker, I wonder if I may ask a question of the Honourable Member. In respect to the legislation that is desirable to introduce, I note that in various parts of ... the provinces, I should say, they have beside the normal regulations that will go with such an act, there is a practice, perhaps I could put it that way, a practice prevailing where ceiling rates are put on these transactions, monetary ceiling rates. Now, I'm not sure if that is by legislation or is by groups of real estate agents themselves. It is so small in the Yukon, I think something like that is necessary, and I wonder if the Honourable Member would consider that if legislation were created that it would be the duty of the government in this case to establish ceiling rates?

Mr. Dumas: Mr. Speaker, I suggest that this would be so. In the provinces, the Real Estate Boards establish the rates. The present practice in the Yukon is to sell at B.C. rates.

Mr. Chamberlist: Mr. Speaker, a question addressed to the Honourable Member from Whitehorse West. Is it his thought that this proposed legislation should be that people would be restricted from entering the real estate business?

Mr. Dumas: No, Mr. Speaker, not at all. I would suggest the same qualifications eventually be required as are required in the provinces for anybody entering, and hopefully for those already in it also.

Mr. Speaker: Is there any further discussion?

Some Members: Question.

Mr. Speaker: Question has been called. Are we agreed? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: I wonder, Mr. Clerk, if we could have the Commissioner here for the Question Period? I will call a five-minute recess.

RECESS

RECESS

Mr. Speaker: Order, please. I will now call Council to order. You may proceed with the Question Period.

Mr. Chamberlist: Mr. Speaker, I have a question addressed to Mr. Commissioner. Mr. Commissioner, in view of the National C.B.C. News announcement this morning, would Mr. Commissioner indicate that he is going to meet with the Prime Minister and is taking with him his Councillors, or is it the intention of Council to be visiting the Prime Minister.

QUESTION RE
C.B.C. NEWS
ANNOUNCEMENT

Mr. Commissioner: Mr. Speaker, I can't pay any attention to these kinds of reports. The Council is aware of what the facts of the situation are. I would suggest you check with the press as to where they got the information from.

QUESTION RE ENFORCEMENT OF ELECTRICAL ORDINANCE BEFORE ASSENT GIVEN Mr. Chamberlist: Mr. Speaker, a question addressed to Mr. Commissioner. Mr. Commissioner, it has been brought to my attention that the Municipal Affairs Department has put the Electrical Ordinance and Regulations into force without the legislation having been assented to by you. Mr. Commissioner, is the Municipal Affairs Department now divorced from the Administration?

Mr. Commissioner: Mr. Speaker, unless it has happened in the last few minutes, I am not aware of this. As far as I know, we're still living together, Mr. Speaker.

QUESTION #25 Mr. Chamberlist: Mr. Speaker, supplementary to that I would ask whether Mr. Commissioner would bring forward to this Council after an investigation, a matter which is of great concern that a department of his Administration can bring into force legislation which he has not assented to and is acting upon that legislation, using forms that have not been approved, and using Regulations that have not been signed by him as well?

Mr. Commissioner: Mr. Speaker, this would appear to be a pretty all-encompassing question, and I think that in all fairness we should have the opportunity of having a written question so that we can bring a written answer. I wonder if that would be an acceptable situation under the circumstances?

Mr. Speaker: Yes, under the circumstances, gentlemen, I think that it would be much more fair to move this question to the Order Paper. Are there any further questions?

Mr. Commissioner: Mr. Speaker, I have one item I would like to ask about and I have another item here that is part of an outstanding question. I wonder if I could have the opportunity ...

Mr. Speaker: Please proceed.

Mr. Commissioner: The item that I have that is part of an outstanding question that was asked by Councillor Chamberlist, and it has to do with lighting of the highway between Hillcrest and the Traffic Circle, I would like to advise that subsequent to the meeting attended by the Whitehorse Councillors at which this subject was originally brought up, the Department of Public Works in a letter to us has indicated that they accept the concept of illuminating the area at the intersection as being the responsibility of the Federal Department. They are not convinced that the Department of Public Works has a responsibility for lighting the highway for pedestrian use along the highway between the Circle area and Hillcrest, and I would like to advise, Mr. Speaker, that we are continuing negotiations with the Department of Public Works in this matter. I would certainly be prepared to report either directly to Council or to the individual Members whose constituencies are involved when we have anything further to report on this.

Mr. Speaker: Are there any further questions?

Mr. Commissioner: Excuse me, Mr. Speaker, I have been asked, subsequent to a question that I put to you, to supply the name of the Councillor who would be Council's nominee to attend the Federal-Provincial Conferences. Would I be able to have that today so that I could forward it to Ottawa, Mr. Speaker?

Mr. Speaker: I will bring this to the attention of the Members. Are there any further questions?

Mr. McKinnon: Mr. Speaker, I would like to ask the Commissioner a question. Is it the intention of the Administration to provide monies to allow for firebreaks around settled areas in the communities for next year? QUESTION RE
MONIES FOR
FIREBREAKS

Mr. Commissioner: Mr. Speaker, I would have to answer this question with a qualification that we are endeavouring to bring forward a total program in this connection, and it will really be a matter, Mr. Speaker, that Council will have to give the Administration direction on. Now, I think the desirability of the program goes without question. The manner in which it could be carried out, there are several different avenues open to us. But, I think the basis of the whole problem is not whether or not the firebreaks are created in the first instance, but whether or not provision is made to keep them maintained on a continuing basis. Now, I cannot promise that this will be put together in the course of this Council Session, but it will be coming forward to seek Council's advice as to a) whether the program should be proceeded with, and b) if it is, how we are going to deal with it. Certainly there is an element of federal responsibility here, but at the same time, there is an element of territorial responsibility because many of the communities that are involved are either incorporated or they are basically territorial in responsibility. So, I hesitate to give any further answer until Council has passed their judgement on the whole problem.

Mr. McKinnon: A further question to the Commissioner, Mr. Speaker. Is there a report available on the fire season in the Yukon last year, the problems encountered, the number of acres burned, the dollars cost, and this type of information? Could it be tabled in Council? QUESTION RE
FIRE SEASON
REPORT

Mr. Commissioner: Mr. Speaker, I don't know just exactly what form this kind of report takes, but we will get the information compiled and see that it is tabled for Council's information, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, I would like to put this question to Mr. Commissioner. Mr. Commissioner, would you use your offices to contact the municipality to advise them that the legislators of this Council have vehicles and we need a place that we can park without interference by their officials. QUESTION RE
PARKING
SPACES FOR
COUNCILLORS

Mr. Taylor: A point of order, Mr. Speaker, is this a direction of Council?

Mr. Chamberlist: No, it is a question that I asked, if he would use his offices to do this.

Mr. Taylor: Mr. Speaker, is this not a matter that should be directed by Council rather than an individual Member, a direction to the Administration?

Mr. Speaker: No, I think the Honourable Member has the right to ask the question.

Mr. Commissioner: Mr. Speaker, any effort that my office can do at any time to make life happier and pleasanter for Members of this Legislature, we are most pleased to do. In this matter, I would certainly be very pleased to speak personally to the city authorities, but there seems to be a very great question which doesn't seem to be getting resolved very quickly as to who has the control of the streets, Mr. Speaker, and I hesitate to run in where angels fear to tread. While I am quite prepared to speak to the civic authorities, I hesitate very, very strongly to give them any

particular direction lest it bounce back and hit not only myself, but the Members of this august body right between the eyes. But, I think that the Honourable Member has a good question and it stems from a worthy desire to be able to get himself to the meetings of this Council and I will do the best I can.

Mr. Speaker: Are there any further questions? Before proceeding to Public Bills and Orders, I wonder if I may ask if the Commissioner is prepared to give assent to Bills that have passed this House as enumerated by the Clerk?

ASSENT GIVEN TO BILLS #1, #3, #5 & #6 Mr. Clerk: Bill No. 1, An Ordinance to Amend the Social Assistance Ordinance; Bill No. 3, An Ordinance to Amend the Fuel Oil Tax Ordinance; Bill No. 5, An Ordinance to Amend an Ordinance Respecting the Protection of Forests; Bill No. 6, An Ordinance to Amend the Insurance Ordinance.

Mr. Commissioner: Mr. Speaker, I am pleased to give my assent to these Bills as enumerated by the Clerk.

Mr. Speaker: Thank you, Mr. Commissioner. Would the House now give the Chair direction as to their intentions, reference Public Bills and Orders?

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

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

Mr. Dumas: Yes, I'll second the motion, Mr. Speaker.

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse West, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Motions and Sessional Papers. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

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

Mr. Taylor takes the Chair.

Mr. Chairman: The first item for discussion this morning is the text of Motion No. 9 in respect to agriculture, and at this time I'll declare a short recess.

RECESS

MOTION #9

Mr. Chairman: At this time, I will call Committee back to order. We are this morning discussing the result of Motion No. 9 which stated, "That the proposed closing down of the Experimental Farm at Haines Junction be discussed in Committee of the Whole". We have with us today Mr. Rod Tait, who will assist us in this discussion. Councillor Livesey.

Mr. Livesey: Mr. Chairman, before we commence, I'd like to introduce Committee to Mr. Rod Tait, the General Manager of the Experimental Farm at 1019 on the Alaska Highway. On Mr. Tait's left is the Honourable Member for Dawson, Mr. George Shaw, and Norman Chamberlist for Whitehorse East, and Ken McKinnon, Whitehorse North, and to my left is John Dumas, Whitehorse West, Jean Gordon, Mayo,

and Don Taylor, Chairman of Committee, is the Member for Watson Lake. Now, in moving this motion, with reference to the closing down of the Experimental Farm at Haines Junction, this seems to me something more or less of an anti-climax to a battle that has been going on in the Yukon Territory for many, many years. I can remember discussing the question, or the promotion of agriculture in the Yukon even before the late Mr. Hough was the manager of the Farm, and following him, Joe Tsukamoto, and following him, and finally, with Mr. Tait. Now, the question of agriculture has been bandied back and forth both by the Federal Government and by all other interested, and I think it's fair to say, some disinterested parties, to the extent that there seems to be the general feeling that agriculture in the north is not a question of any necessity whatsoever. I would like to point to one simple fact in relation to this, what I think is an improper proposition, and the fact is that anywhere in history, where a country is being opened up and where the economy has moved forward and where the population has been increased or looks as though it is going to increase, it is a natural fact that food has to be provided. I don't see where food is provided that doesn't come from the farmers. The farmers provide practically every food product that each and every one of us eats. Now, this is an absolute fact. There's no way of getting around it. Some of it is imported, some not, but there is no reason in my mind that food cannot be produced in the north, nor can I say that I can see where agriculture, despite all the theorists and the experts that have been working on this and providing all kinds of classified documents on it, all negative, I personally think they're wrong, and I think agriculture can be made to work and made to pay in the north, but it needs a little help. Look anywhere you want. Where would agriculture have got on the prairies if they hadn't obtained a little help. Where would mixed farming in British Columbia have got without help, despite the difference in the climatic conditions. With these few words, Mr. Chairman, I would like to conclude my introductory remarks at this time by asking, Mr. Chairman, if Mr. Tait would proceed and provide us with actual facts in connection with the Farm at 1019, because that is the place it seems to me that has been hammered at consistently, week after week, month after month, by people who are not interested in northern agriculture, and practically all domination is coming from outside and from other provinces. As we are considering moving into a higher status and a more responsible form and type of government, I think that agriculture should become part of our interest in the economy of this area. Thank you, Mr. Chairman.

Mr. Tait: Mr. Chairman, and Members of the Yukon Territorial Council, I can sincerely sympathize with your problems regarding autonomy. I think, by way of introduction, I should say that one of the happiest years of my life was spent at 1019 in the year 1965 when we were a fully autonomous Experimental Farm. I was witness to the severe cutback that eliminated the professional staff from Mile 1019, and made the station a substation of Beaver Lodge. Now, today I have prepared an unofficial inventory of the capital assets at the Experimental Farm, and I would summarize the figures that I have presented here by saying that you will notice that a great deal of the buildings are quite new, very expensive, and actually have been used very little for the purpose for which they were built. I have also presented a copy of the totals on the equipment inventory that we are presently carrying. These are individually numbered objects, things that we are personally accountable for to the Department of Agriculture. I have also presented my miscellaneous estimates of some of the capital assets at Mile 1019, and I have come up with the figure which I would say is well in excess of one-half million dollars. I think that you will agree with me that if we were to start somewhere in the wilderness and duplicate the facilities at Mile 1019 today, we very likely could not do it for three-quarters of a million dollars, but this is only conjecture. I have also provided you with a copy of the sole

MOTION #9 publication that we have received since the takeover by Beaver Lodge and this is the brochure on Agricultural Research in Northwestern Canada. I have also given you a copy of the Reconnaissance Soil Survey of the Takhini and Dezadeash Valleys of the Yukon Territory, done by Dr. Day in 1962, and the facts that Dr. Day presented are that there are 250,000 potentially arable acres in the Takhini - Dezadeash Valleys alone. We are getting very short of publications with which to reply to questions about Yukon agriculture. We have this Growth of Spring Cereals in Northwestern Canada and Alaska printed in 1965; we have the publication Gardening in the Yukon; and, everything else that was printed by the Experimental Farm at Mile 1019 is now unavailable. I have also given you the Research Report for 1967, as presented by the Research Station at Beaver Lodge, Alberta, and it covers activities at 1019. With these general remarks, Mr. Chairman, I would await your pleasure.

Mr. Dumas: Mr. Chairman, just before I leave, and I'm sorry, I have to go, I would like to leave Committee with my opinion on this whole topic. Taking a practical approach when we look at the sheet regarding costs and prices, we see that to replace the equipment and buildings up there would probably cost something like three-quarters of a million dollars today. I say to disband this organization, to close down the Experimental Farm and sell these for probably, the building and equipment for probably ten cents on the dollars is a real shame, since I believe at least one Experimental Farm of this type should be maintained in the Yukon Territory. In the publication put out by the Department of Indian Affairs and Northern Development called North of 60, we see that the total agricultural lands in the Yukon Territory is approximately 280,000 acres that could be cultivated. That isn't a great amount of acreage when one considers the prairies and other prime farming areas of Canada, however, it is 280,000 acres of farm land that could be developed in the Territory and I think that this Council, that citizens of the Territory as a whole would like to see this land cultivated to its greatest extent for the benefit of the people of the Territory. I think that the Experimental Farm, if it were kept open, could help toward this project being developed and toward these lands being developed. It is my belief that if we cannot influence the Federal Government to carry on the Experimental Farm under their present program, possibly, and I throw this out for Committee discussion, the Territory could look at taking over that Farm and see if we could handle it financially to keep it going, operating even on a minimal basis. Unfortunately, we don't have the figures regarding operating costs. Possibly Mr. Tait could give us some idea as to what it would cost to operate the Experimental Farm on a minimal operation basis.

Mr. Tait: As I have indicated, Mr. Dumas, I do not have access to the actual costs of operating the Farm. This is done through budgetary control at our administrative headquarters in Beaver Lodge. I regret that I do not have the actual figures. Any figure that I give would be very rough estimates. I would say that purchases that I make on behalf of the Department of Agriculture at Mile 1019 for things like fuel oil, repairs, building materials and supplies, the miscellaneous things run roughly \$30,000 a year. I am only estimating again when I would say that the salary of the permanent staff, three people, would be somewhere slightly under \$20,000 less the Northern Allowance. Also, we have about four or five summer staff who would between them earn approximately \$20,000 in six months. So, very, very roughly I am guessing that it would take anywhere from \$60,000 to \$80,000 to run Mile 1019 on the present basis, and this is just a guess.

Mr. Dumas: Mr. Chairman, just as a follow up, I think it's fantastic that for an operation such as that to be shut down when the expenditure is somewhere in the neighbourhood of let's say \$100,000 even. It's a

shame, I think it's a disgrace that Ottawa would unilaterally make this decision. I think that if there's going to be any future at all to any degree in the Yukon in agricultural fields, then the Farm, the annual expenditures that are made on it would be well worth while maintaining. MOTION #9

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, for the many years that I have been a Member of Council, this question of agriculture has always been what you might say a tough nut to crack. I have before me a document; it took us some three years to get the Administration to cut loose with it. It's called the Report of the Committee on the Possibilities and Development of Agriculture in the Yukon Territory. This was a report commissioned by the Federal Government and undertaken by some very learned people in the field of agriculture in Canada. I won't list their names, but, in it they set down what they feel is the best approach to agriculture in the Yukon. They found that it was possible in two areas: gardening and livestock production. It proved, and they felt beyond any shadow of doubt, that these were two good possibilities for the Yukon. They state in the report, "This committee has examined some private farms in operation in the Yukon. It has also drawn heavily on the experience and results of the research work at the Experimental Farm at Mile 1019, Alaska Highway". Now, this Farm has been in existence for twenty-three years. I have certainly had the opportunity on many occasions, both before becoming a Member of the House and also while a Member of the House, to visit the Farm and it would really amaze you, for those who have not been to the Farm, to see just exactly what goes on at that little Experimental Farm up at 1019. The continuing research programs are just ... it's fabulous. I can't find the words to describe it. The information that has been gained, the experience that has been gained, and the results of the continuing research programs have just been nothing more than of huge benefit to the people of the Territory who are interested in agriculture, and I think there are many who are. Now we're faced with the proposition once again of the closure of this facility. I agree with the Honourable Member from Whitehorse West when he states that if this thing is shut down, we'll be lucky to see ten cents on the dollar for the investment of the Canadian taxpayer. But, it also occurs to me that I feel that there's a very good way how the Farm can keep going in the Territory. We have a need for a juvenile detention facility in the Yukon. Apparently on an experimental basis, this facility is located at Wolf Creek at the present moment. The purpose of that program is to try to rehabilitate or to readjust some young people who have for one reason or other more or less gone astray against society. What better place to create this facility than at the Experimental Farm for two reasons: one is, it would permit the continuing research of the Department of Agriculture at the Farm on behalf of the Yukon; and number two is, it would provide the vehicle to a wholesome atmosphere for the younger citizens who, as I say, have gone astray. It's just the answer, and I would suggest that in our discussion and in our deliberations on this matter, that this be given some thought. This might be a way whereby we can keep the Farm going and at the same time help at least in some way to alleviate our problem with juveniles. I certainly just want to say before I resume the Chair that I am in wholehearted support of any program or any idea that can be brought forth as to how we can keep this Farm. I don't think we should let the Farm go without a fight and I don't think we should let it go at all because it's too important to the Yukon. We're just starting to move here in the Yukon and we need that Farm and we need the research that comes out of it. Thank you, Mr. Chamberlist. I'll resume the Chair.

MOTION #9: Mr. Taylor resumes the Chair.

Mr. Livesey: Mr. Chairman, I wonder if I could ask Mr. Tait if he could explain to us the possible difference between, I believe there are three farms that are going to be shut down, one in the Northwest Territories, one in the Yukon and one in the Province of Quebec. I wonder if he could explain the difference between the type of farm that they're shutting down in the other two areas and the type of farm they're turning down here in the Yukon?

Mr. Tait: In response, Mr. Livesey, I would say that I am not familiar with the situation in the Province of Quebec, but I have accumulated a few bare facts regarding the Experimental Farm at Fort Simpson in comparison with the Experimental Farm at 1019. The overall acreage at Mile 1019 approximates 1,000 acres. The total acreage at Fort Simpson approximates 85 acres. At Mile 1019, there are approximately 250 acres under cultivation. At Fort Simpson, there are 65. There is a minimum amount of capital development at Fort Simpson; as nearly as I can find, approximately \$100,000 involving houses and a log service building. At 1019, we have \$500,000 worth of capital development. Fort Simpson lies on an island adjacent to the Town of Fort Simpson, and it is expected that the land will be readily assimilated by town development. Mile 1019 is three miles from Haines Junction, over one hundred miles from Whitehorse, and on a very busy international highway. I feel that to group Mile 1019 in the same category as Fort Simpson, other than the fact that they are substations of Beaver Lodge, is just as to try to group Blackbirds and Eagles, sir.

Mr. Chairman: I think at this time we'll just declare a brief recess.

RECESS

RECESS

Friday, 28 November, 1969,
11:00 A.M.

Mr. Chairman: At this time I will call Committee back to order and we are discussing agriculture. I wonder if the Members have any questions. Councillor Chamberlist.

MOTION
NO. 9

Mr. Chamberlist: I would firstly indicate that in this matter, although I would like to rule with my heart, I have to think with my head. There is a matter of dollars and cents involved and we must first find out whether the money that is being spent, and money that will be spent, if it continues, has an over-all benefit to the Yukon. This was the number one thing. Now, I notice that there are a number of figures that have been put down here. I think that perhaps the story isn't properly told. There is no amount shown for depreciation of \$344,266.00 on capital invested in the buildings nor for the equipment inventory, and after a number of years going back to 1946 and even in some instances some of the newer buildings, going back to 1961 and 1962 when the last house was built, I would appreciate its value. I have approximately brought it down. This \$344,266.00 is depreciated down to \$134,720.00 and on the equipment inventory there is no indication at all of how old this equipment is; if some of the equipment goes back to 1946, which is over twenty years, the equipment has been written off so that it is of no book value but of some personal value. I wonder at this time, Mr. Chairman, if the witness could indicate whether he has any figures at all of the depreciated value of the equipment inventory, of the capital and of the miscellaneous items which would also have to be put in as a capital expenditure for purposes of Federal government evaluation.

Mr. Tait: Mr. Chairman, I would say that I have not really attempted to make a concise operating statement for Mile 1019 in any way. It is certainly true that many of the old buildings in particular, would be entirely depreciated in terms of book value and this is beyond my capability to put a fair depreciated value on these items but I would like to make the point that things like the pumphouse, if you were to replace them today, and they are doing a satisfactory job, the costs would be tremendously more than what I have listed and I think this would go a long way towards balancing the depreciation factor. With regard to equipment, it is very true that a lot of the machinery is quite old and indeed a lot of the machinery that we use from day to day has completely been written off. It does not appear on our inventory. And again, we have the same situation that I simply am not able to put a fair depreciated value on the things, but I would say that we would have to replace them at greater costs, we would have to pay the freight on these items into the Territory and so I have simply presented an inventory value for which you can make your own assessment.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Also, Mr. Chairman, the witness indicated that he had no idea of the actual costs. It is pretty difficult, Mr. Chairman, to say whether a proposition has value if we do not know what the costs of operation are. I would find it difficult to say that it is worthwhile, if necessary, to say that the Territorial Administration had to take over this operation, that it would be worthwhile for us to assume the cost of maintenance and assume the capital perhaps the Government might turn over for the sum of \$1.00.

MOTION
NO. 9

Mr. Chamberlist continues...

Now, for me to say that we should do this, I would first have to consider the dollars and cents aspect of it. We have a responsibility not only to those people who are interested in agriculture but we have a responsibility, I feel Mr. Chairman, to those people who are going to foot the bill for agriculture. This is where I feel that consideration must be given to it. However, I will say this much; that because so many of these items have been written off, it would indeed be foolhardy to let it go by the by without doing some real research into the whole experimental farm situation to see whether or not it would not indeed pay to follow the suggestion that has been made by the Honourable Member from Watson Lake that we use existing facilities that we have to... that we so badly need, that is a Correctional area for young offenders. I feel that this is a sound argument as to reasons why we should continue with the experimental farm, but simply on the basis that we have an experimental farm and that we should not destroy it and dispense with it because of the fact that it was costing so much more to replace. The only time it would cost us more to replace was that if we wanted to build one; if we did not want to build one it would not cost us more to replace. I would follow the arguments that have since been put forward that we should consider using that area for purposes added to the existing experimental work that is going on in farming and agriculture but use it jointly in another area where the Territory will benefit, and I would support a consideration being given to a study being made for the actual costs of operating for the true value of the equipment and capital inventory, not only the operation of the experimental farm, but because of the age of some of the equipment and buildings, the maintenance factor of costs, put it together and then say to the Administration, and I hope by the time we are ready to say that we will be saying it to a joint executive and administration body that will be able to have some stronger say in the matter. We might be able to give them better help in the whole situation then, and come forth with it that way and then deal with it on that particular line. Thank you Mr. Chairman.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, I think the question of costs are related to research and they are related to research to the extent that it is my own personal opinion, and after looking at the Farm and looking at practically everything the Farm has been doing over the last ten or fifteen years, the wrong people are directing the research. I don't think the research, the need for research is coming from the Yukon. I think the need for research is coming from anywhere but the Yukon and in this instance it would seem to me that it is not a question of what we need here, it's a question of what somebody else thinks we need somewhere else, the same as it is in every other form of government activity that I can see where some other superior force is directing what we've got. So, what happens, from my own personal point of view, the way I see it, what happens is that a whole string of research is going on up at that Farm but someone down in Alberta thinks we need. We know it is not possible to get anything out of what they suggest and then they take the facts and figures as to the productivity of the Farm based on what they think should be growing there and this of course puts the Farm into an inferior position and in my estimation contributes to a higher cost of operating that Farm than is necessary, at all, in any

Mr. Livesey continues... way, shape or form. What should be done, as far as the experimentation at that farm is concerned, in my opinion, is that the research should be done in areas where we think in the Yukon this research should be done. I personally don't see any better area to put this responsibility at the moment than in the management of the farm. These people are living here; they are working here. This is their interest, this is their interest from January right through December of every year and I think that this type of local interest in the promotion of agriculture should be assisted by bringing back the power over that farm that we seem to have lost in the last ten or fifteen years. Now, oh yes, we certainly had far more say at one time in what was going on at that farm than we have today. Now, if you go over there and take a look at the fields you will see where it is quite obvious that certain crops will grow and you can experiment with these crops and we can provide sensible statistics so that the statistics mean something and you will see that they are experimenting with all kinds of things which we know will grow here. So then they take these things and they compile a whole lot of statistics on this poor crop, that poor crop and some other poor crop, but they could take other things which they know we need and we know perfectly well they will grow because not only the Farm is experimenting in these areas but we have private farmers who can produce in the Yukon. But the statisticians and the Commissioners, in their various reports and so on, of course, are always quoting these questions and always sort of putting us in the balance with what is outside and what is inside, and how we can't do this and we can't do that. They forget, of course, that we may have a shorter summer, but in terms of hours of sunshine, we certainly have no shorter summer and we have a tremendous number of areas in the Yukon that are frostfree. And I know at the Farm that this is not the area that is frost free, so if we can experiment at that farm and produce something, put those certain products into frostfree areas, and you are going to get a far different show from a statistical point than what we are obtaining at the present moment and I say, Mr. Chairman, in this particular field that we have the wrong people conducting the research at the farm. This is my thinking. I think that this is contributing to the present cost, estimated cost of operating this institution so, therefore, if we have a little more influence in what should be done at the farm, and we provide more power to those who are deeply and intensely interested in this type of work I think you will see that the costs will be reduced the same as any other departments of the Government. Thank you Mr. Chairman.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I would like to ask Mr. Tait a question. If the Farm were run as an autonomous unit and if you had a substantial budget, what programs would you be undertaking and what value would these programs be to the Yukon Territory?

Mr. Chairman: Mr. Tait.

Mr. Tait: Mr. Chairman, I feel that I should clarify my position. I feel that I am within my rights to present facts as I know them, and to the best of my ability, but it is beyond my capability and it would not be proper for me to comment on projected policy. Now, this is just asking a bit too much of a Civil Servant. I would say that we have been operating at a considerable cost for the results that we have been achiev-

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Mr. Tait continues...
ing. I think that the research people involved are well aware that things have not worked out in the Northern Research Group the way that they had hoped and if a long-term plan were to be evolved it would have to be hopefully, people like yourselves or certainly a very high ranking officer in the Department of Agriculture.

Mr. McKinnon: I would imagine, Mr. Tait, that the decision from Ottawa, as most decisions that arrive before this Council from Ottawa, is irreversible at this moment?

Mr. Tait: I have no information whatever, Mr. McKinnon. I have seen on paper exactly what you have in the newspapers. I have consulted our research officers at Beaverlodge. They have no official instructions or word at all on the proposed shutdown. I have no official information.

Mr. McKinnon: There is no decision at all reached at this moment as to how the disposition of the Farm assets are to be handled?

Mr. Tait: To the best of my knowledge, I do not know.

Mr. McKinnon: Is there anywhere that if a program such as the Federal Department of Agriculture Experimental Farm were transferred to a Territorial or a Provincial jurisdiction, would the Federal Department of Agriculture then be willing to lend professional personnel to be able to set up a program at a Territorial or a provincial institution?

Mr. Tait: Again, Mr. McKinnon, I am very much at a disadvantage. I have no authority to speak for the Department of Agriculture but I would say that it has been my experience in the last few years that the Research Officers at Beaverlodge have been very anxious to co-operate with anyone who has any project in mind and that they have done the best they could under the circumstances but costs of travel and distance problems have made it a very difficult operation for all concerned. But certainly, I cannot speak for the Department of Agriculture.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Thank you Mr. Chairman. I have followed with quite some interest the matter of this particular Experimental Farm. Now, there have been experimental farms in the Yukon for I would imagine fifty years. Certainly they have been experimental farming on behalf of the government in the Dawson areas in the early, early days; not on as grandiose a scale as what we have had at Mile 1019. The area around Dawson, I would feel, is probably the best growing area that we have in the Yukon Territory. It doesn't require fertilizer like it does in most areas of the Yukon. It is natural sub-soil that you can grow tremendous crops on. In fact I believe the frost-free period is longer there than it is in Whitehorse itself, so that that is an area where farming could be conducted; in fact there has been considerable farming in that particular area. Therefore, it can be done. The government had conducted experimentation over many, many years and then they decided they would desist and go some place else in the Territory. Now, I think a lot of the facts of farming in the Yukon are regulated by the economic conditions; for example, as I stated, in the Dawson area you can grow fantastic truck garden crops,

Mr. Shaw continues...

potatoes, carrots, cabbage and so on. The economic facts are though, that to get these to the largest market, which would be in Whitehorse, would cost approximately Sixty Dollars a ton to transport them. I believe that you can bring them from Vancouver for an equal cost where they can produce them in abundant quantities, with the latest in equipment, the latest in scientific methods and so on, so that when you analyze the situation, we find that it is not possible to compete with the farms to the south. They have many advantages. So, from the economic viewpoint, the farming in the Dawson area has gone down to nothing although at one time it used to produce a very large quantity of the vegetables that were required for the area. Now, having heard of the closing down of this experimental farm, I would say that this has been contemplated for two or three years, and it is just going to close down, it is stopped, then it carries on, then has to be closed down again and so on, but Mr. Chairman, I have never heard why they are closing it down? It has never been very clearly stated why and I wonder what the reason is and I wonder if Mr. Tait would have the answer to that question. Are they closing it down because the Department of Agriculture feels that further experiments are not justified or necessary, or are they cutting it down merely as a part of an austerity program? I wonder if Mr. Tait would have the answers to those two questions?

Mr. Chairman: Mr. Tait.

Mr. Tait: Mr. Shaw, the reason advanced for the cutback in 1965, by Dr. Anderson when he was in Whitehorse; he was the Director General of Research at that time, was that there was an effort to consolidate the capabilities of the Department of Agriculture in conducting research at such points where agriculture was a considerable part of the economy. This did not apply in the Yukon and therefore, until there were more people actually farming and ranching in the Yukon, the Research Branch in 1965 was not prepared to expend the effort that they had done. As to the reasons today, I have no advice on the actual reasons for the shut-down.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, as I stated, they did have research for a considerable number of years in the Dawson area. When I first went there they had chicken farms, they had what you might call cattle farms or cattle ranches, they had dairy farms, and you could buy milk and cream, and they had quite a number of truck gardens. Now, since they started that program in that area to get this knowledge, which must have been over a period of forty years anyway, possibly fifty, I at no time ever saw any data available to the public. It may be available in the Archives in Ottawa or some place but certainly I have not seen it scattered around the Yukon, as to the results of this research, or some practical information as to what could be done with farming that was available to the public. In fact we have this data that you so kindly gave to Council, but it does not give very much detail to a person who wants to come up here and say, I want to start farming in the Yukon, where is the land and what kind of land and what can I grow there, and it just states, well you can't do this on account of the frost, it is very sketchy; there seems to be nothing that anyone who was interested in agriculture or in ranching if they came up to the Yukon and went to some Department and said, can you give me full information on how I could go about such a proposition. Now, I wonder Mr. Chairman if Mr.

MOTION

NO. 9

Mr. Shaw continues...

Tait has ever seen any information as to what must have been obtained some place from all the experiments that went on in the Dawson area over probably a forty or fifty year period that is available to the public?

Mr. Tait: Mr. Chairman, I would state that I have never been able to find any information on the experiments conducted on an island, I believe, near Dawson City. We have exactly the same problem today at Mile 1019. Throughout the summer we get actually hundreds of visitors, many of them college professors, research people, some well to do farmers, a very broad cross-section of people right across North America and we get asked a host of questions. We try to answer these questions as best we can but if we get a written question, our instructions are very concise, we are to refer the matter to Beaverlodge for final answer. There are no two ways about this. I have at various times within the last five years attempted to have some official publication prepared that would summarize the agricultural research that has been conducted in the Yukon Territory, and I have been 100% unsuccessful. There is simply nothing to answer questions about livestock production, costs, living problems in the Yukon Territory, land acquisition problems in the Yukon Territory, and it is my feeling that this is a rising tide, if you will, of questions because we get two or three questions per mail and we refer them, in fact we don't even get copies of answers to these people. This, frankly, has been a sore spot in the relationship between Mile 1019 and Beaverlodge because I feel that people are interested in the Yukon and have one very difficult time to get any information that will be of any real value to them.

Mr. Chairman: Mr. Shaw.

Mr. Shaw: Just in conclusion, my last remarks, Mr. Chairman. That is the part that has always been a point in which I have - a contentious point with me, Mr. Chairman. The Government of Canada has been conducting experiments in the Yukon for close to seventy years. Now, in my estimation an experimental farm is a body created for the conducting of experiments in a certain area, locality or region, and the purpose of this expenditure of public funds is to give the public information on just what exactly is going on; in other words to let the public know what can or cannot be done under certain conditions in a certain region or a certain area and the amount of information that has emanated from the Department of Agriculture in the Yukon in anything that is of practical application, that a person coming up can get real definite information on what they are faced with, the costs, the possibilities, all these various and sundry matters in relation to agriculture that a person who wanted to start something would want to know. And yet there has been spent hundreds of thousands of dollars, or maybe I suppose it might amount to a few million dollars, to find out what can be done in the Yukon Territory as far as growing food is concerned. The information which you get for those many millions of dollars is practically nothing. That is the part I have never been able to understand and I still cannot understand.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: I think the discussion is really well worthwhile. It is bringing out some important points with reference to the Experimental Farm but I am wondering if it is not somewhat premature when the witness has indicated

Mr. Chamberlist continues....

that he cannot offer advice for the reasons why it is being closed down and he has said earlier that he has not been told officially that it is being closed down. The Motion that was, Motion No. 9 refers to the proposed closing down of the Experimental Farm. Now, I don't know whether we are really doing the right thing by dealing with this matter as if it is actually, officially being closed down. Mr. Tait has indicated that he hasn't had any official news on the matter. All he knows about it is what he has read in the press and on this basis everybody is saying it is being closed down and we have already heard comments that the press, even the very best of the press sometimes make errors as well, so I think that there is a necessity first to find out whether it is actually going to be closed down or is it just going to be put in mothballs, or allowed to just hibernate for a little while until something happens. I think, nevertheless that Council can recommend, Mr. Chairman, that we view it as not in the interests of the people of the Yukon that it be wiped off the face of the earth completely. I would like Mr. Tait to indicate whether or not he has received any correspondence relative to instructions as to what actions he has to take in closing down or of winding up the operations of the Experimental Farm.

Mr. Tait: I wish to indicate that I have received no communication to the effect that the Farm is closing.

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

Mr. Taylor: Mr. Chairman, whether or not, certainly the information that was received by the press in this matter had to come from somewhere and have some foundation, regardless of where it came from. There is an indication that there is a possibility of the Farm closure, maybe so and maybe not but I think it behooves us that as representatives of the people of the Yukon, to enter discussions such as we are involved in today to try and find ways by which this facility could be kept functional and as I suggested earlier, it seems that there is a possibility that we might kill two birds with one stone, as they might say, by using this Farm facility for a Boys Ranch type of thing, or Juvenile Detention facility, thereby allowing the continuance of any program in the agricultural field and also provide for the rehabilitation of our juvenile offenders. This is only an idea but in discussions such as these that these ideas come forth and if there be any doubt as to the future of the farm, now is the time to take the matter up, discuss it, find out more about it and provide Ottawa, provide the Federal Department of Agriculture with a few ideas of how it may be able to proceed and continue. But it seems to me that we should never, never let this facility die unless of course it outlives its usefulness. Now, another question I wanted to direct to Mr. Tait, I think it a very important one; it is in respect of beef cattle. I note in the report of the Department, pardon me, the Committee on Agriculture in the Yukon, it stated that raising beef cattle to supply meat for the local market will probably remain the foremost occupation of the Yukon farmer and it occurs to me, when I was last at the Farm, that there was a lot of research work being done in grains and grasses and such, trying to produce more nutritious foods for the grazing of beef cattle and I am wondering if Mr. Tait could advise us today as to what his opinion would be as to the development of beef

MOTION Mr. Taylor continues...
NO. 9 cattle in the Yukon?

Mr. Tait: Mr. Taylor, I feel that I should say that I do not really feel qualified to comment intelligently on the very complicated problems of beef production in the Yukon, but as a practical farmer, I feel that it would be in order for me to tell you that we have conducted research through the past few years on beef cattle at the Experimental Farm and we have found no real problems in production, and in fact the cattle wintered under completely primitive Yukon conditions; we have consistently shown higher average weaning weight for our calves than the provincial averages and so it followed that we have achieved our purpose, we have found that there was no difficulty in producing beef in the Yukon Territory, and as you know, the beef cattle were sold last summer. As to the long-term possibility of beef production in the Yukon, it is just the old story, can it be produced here more economically, a comparable product than the material brought in from outside, and this is a matter for the crystal ball, really.

Mr. Taylor: I will resume the Chair at this point.

Mr. Chairman: Have you anything further, gentlemen, on this matter? Councillor Livesey.

Mr. Livesey: One thing I can't pass up, especially in relation to the Honourable Member's mention of the Juvenile Detention Home. When the battle was raging loud and long here about where this was going to go and I had suggested that it should go to Haines Junction and I was told that there were no personnel out there. I now find that they have imported some from Haines Junction to run it at Wolf Creek. I just can't pass that one up. Several times I heard this summer of people coming from Matanuska Valley farms in Alaska searching in Canada for hay. One gentleman told me, when I asked him a question this summer; I asked "what is your purpose in Canada?" He said "I am looking for 300 tons of hay for the cattle ranches in the Matanuska Valley in Alaska". Of course he is not going to find it in the Yukon because we are not getting any promotion of agriculture and I would like to state quite clearly that I and one Member of this House have not found one single applicant looking for large tracts of land to commence cattle raising in the Yukon that has ever been satisfied with his approach to the Government for land or anything else in connection with agriculture. It seems to me that every interested person, and there are quite a number from the United States that have come into the Yukon looking for land, and I haven't come across one who hasn't complained to me that he didn't receive any satisfaction. So, talk about the trend towards closing the Experimental Farm, just look at the other trend where people are interested, they have money, they want to bring their capital into the Yukon and commence cattle ranching and other agricultural activities but they are not receiving any satisfaction. So, it is quite obvious that someone somewhere along the line doesn't want agriculture to grow in the north, and that's about the size of it and I think that we've got to look into this because I think it is a very serious question and if we allow it to continue we are destroying another element of a possible addition to the economy.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, my final remarks will be that I have been at the Farm on many occasions and worked in the Haines Junction area several summers, and am quite aware of the programs that have been going on in the Haines Junction Experimental Farm. I have always been impressed with the program and with the personnel. I would like to think that the Honourable Member from the Carmacks-Kluane area would be presenting a motion to the House asking the Federal Government to reconsider their stand in closing the Farm and I would certainly be prepared, as a Member of this Council, to support such a Motion as the Honourable Member made.

Mr. Chamberlist: With respect, the Honourable Member from Whitehorse North is suggesting that a motion be proposed with reference to closure of the Farm. Certainly, we should wait until there is some official sayso as to whether or not the Farm is to be closed. Then you make your motion. There is no suggestion at all and it has already been stated by the witness that he has nothing on record, nor has he received any instructions with reference to the closing of the Farm. Let us go about it some other way. Let's go about it by, when we are in Ottawa we will go and have a chat with the Minister of Agriculture, and I will do that and find out exactly from him what is happening. In other words, in agricultural matters; let's get it from the horse's mouth.

Mr. McKinnon: Mr. Chairman, I accepted the Honourable Minister of Agriculture, Mr. Bud Olsen's statement from both the national press and the national television and radio as being from the horse's mouth.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, for the information of the Honourable Member from Carmacks-Kluane Lake, when he was talking about this fellow wanting hay, had he come up in the Dawson area he could have got all kinds of hay, there were tons of it up there and it is terrific hay. They sent two bales of it to Vancouver and the horse won a race.

Mr. Chairman: Gentlemen, have you anything further?

Mr. Livesey: Well, nothing except to add that there are a lot of fast things going on in Dawson, Mr. Chairman.

Mr. Chairman: On behalf of the Committee, Mr. Tait, we very much like to thank you for being with us today and attending with us and I think and hope that all Members of Committee feel that this has been a very useful exercise.

Mr. Tait: Thank you Mr. Taylor.

Mr. Chairman: May I have your further pleasure, gentlemen?

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

Mr. Shaw: I second that Motion.

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

MOTION CARRIED

MOTION
CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:30 a.m. this morning to discuss Bills, Sessional Papers and Motions. Mr. Rod Tait attended Committee to discuss matters related to Motion No. 9. It was moved by Councillor Chamberlist, seconded by Councillor Shaw that Mr. Speaker do now resume the Chair and this Motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committees? Are we agreed? Is there any further business at this time?

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

Mr. Speaker: Are we agreed? The House now stands adjourned until further notice.

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Monday, December 8, 1969.

10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors were present except Councillor McKinnon.

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

Mr. Clerk: There is, Mr. Speaker.

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

Mr. Chamberlist: Mr. Speaker, I wish to rise on a question of privilege this morning. Mr. Speaker, in a publication of our local newspaper just on Thursday, it was published that Councillor McKinnon was the representative and the spokesman for the Territorial Council at its meetings with the Prime Minister of Canada. Mr. Speaker, I feel that I should place on record that there were more than one spokesman, that all Members of Council conducted themselves in a most exemplary manner, that what has been gained has been gained by the efforts of all Members of Council and not by one. It was further reported that Mr. Prime Minister had indicated to the Minister of Northern Affairs to continue dialogue with Councillor McKinnon, and this was, with respect, erroneous because it was suggested that the dialogue would continue with the Members of Territorial Council. I rise on this point of privilege because I think it should be made necessarily understandable to the public that every Member of this Territorial Council did play an effective part in the negotiations with the Prime Minister of Canada, and that I can say very proudly that I was indeed proud to be associated with all my colleagues at that time.

Mr. Dumas: Mr. Speaker, if I may rise on behalf of the Honourable Member from Whitehorse North, who is not here, I'm sure he would be the first one to stand and support everything that the Honourable Member from Whitehorse East has just said.

Mr. Speaker: Is there any further discussion on the question of privilege? May I draw to the attention of the House the tabling of Sessional Papers No. 50 to 53. Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. Dumas: Mr. Speaker, I would like to give Notice of Motion regarding Sessional Paper No. 53 and Sessional Paper No. 52. MOTION #19

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

Mr. Speaker: Are there any further Notices of Motion? Notices of Motion for the Production of Papers? May we pass under Orders of the Day to Motions? Would it be your pleasure, in view that the Honourable Member for Whitehorse North is not with us, that we pass beyond Motion No. 13 at this time?

Some Members: Agreed.

Mr. Speaker: Motion No. 17, moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Mayo, that Sessional Paper No. 47 be discussed in Committee of the Whole. Are we agreed? I will declare the motion carried. MOTION #17

MOTION CARRIED

MOTION
CARRIED

MOTION #18 Mr. Speaker: Motion No. 18, moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Carmacks-Kluane Lake, that Council discuss Sessional Papers No. 38 and 39 in Committee of the Whole. Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I wonder, Mr. Clerk, if the Commissioner could be present for the Question Period?

Mr. Clerk: Mr. Speaker, the Commissioner is in Ottawa attending the Federal-Provincial Constitutional Conference this morning.

Mr. Speaker: Would the House like any member of the Executive Committee to appear for the Commissioner?

Mr. Chamberlist: Mr. Speaker, I would move that we waive the Question Period this morning.

Mr. Taylor: Mr. Speaker, I have a written question this morning.

Mr. Speaker: Is it agreed that written questions may be submitted?

Some Members: Agreed.

QUESTION
#28

Mr. Taylor: Mr. Speaker, I have a written question. "The Administration is respectfully requested to provide Council with information as to: 1.) why trucks of American registry are permitted to haul out of the Yukon from Clinton Creek to the State of Alaska without having first obtained Canadian registry; 2.) why Sourdough Transport of Alaska and Dejong Transport of Alaska are permitted to haul to and from the Yukon Territory without first obtaining a P.S.V. Licence or permits in the normal manner; 3.) if it is the intention of the Administration to collect the normal permit fee of \$100.00 per trip for all trips hauled to-date; and 4.) if it is the intention of the Administration to take steps to investigate what would appear to be a violation of the Motor Vehicles Ordinance in this respect?"

Mr. Speaker: Are there any further questions? If not, may we pass to Public Bills and Orders? What is your pleasure at this time?

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

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

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse East, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers and Motions. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

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

Mr. Taylor takes the Chair.

Mr. Chairman: Would Committee agree to proceed with Sessional Papers at this time?

Some Members: Agreed.

Mr. Chairman: The first Sessional Paper is Sessional Paper No. 1, Acorn Lumber Company Agreement. Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I would ask that this Sessional Paper be left aside as I would have to necessarily ask questions of Mr. Commissioner in this matter.

Mr. Chairman: Does Committee agree?

Some Members: Agreed.

Mr. Chairman: The next Sessional Paper is Sessional Paper No. 3. Councillor Chamberlist.

Mr. Chamberlist: Once again, Mr. Chairman, this situation applies. I need Mr. Commissioner to ask questions on the Sessional Paper.

Mr. Dumas: It seems to me, Mr. Chairman, that this is going to be the case with probably all the Sessional Papers. We are going to have to have the Administration or somebody around to discuss these with and probably the only person really knowledgeable in these areas is the Commissioner. It may be that we're going to have to leave these until the Commissioner arrives.

Mr. Chairman: From the Chair, it would certainly appear that the questions to be answered in most of these Sessional Papers would require the Commissioner or a member of his Administration who is knowledgeable in this. I'm wondering if the Executive Assistant might be of any assistance.

Mr. Dumas: Or, maybe some of the Department Heads.

Mr. Chairman: Is it your wish then that we leave Sessional Papers and proceed with Bills?

Some Members: Agreed.

Mr. Chairman: I believe that it was determined that we would leave the Liquor Ordinance, which is Bill No. 11, until the return of the Honourable Member from Whitehorse North, so the next Bill would then be Bill No. 12, the Expropriation Bill. I wonder if we could have Mr. Legal Adviser here at this time. I just declare a short recess. BILL #12

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order, and this is Bill No. 12, namely, An Ordinance Respecting the Expropriation of Lands and the Determination of Compensation for the Expropriation or Injurious Affection of Lands. (Reads sections 1 and 2 of Bill No. 12) Clear? Councillor Chamberlist.

Mr. Chamberlist: I wonder if Mr. Legal Adviser would think that it would be more appropriate to say "having general circulation... being published and having general circulation in the locality"?

Mr. Legal Adviser: Mr. Chairman, in some communities, yes, but if we're trying to circulate in Old Crow, there's no newspaper published in Old Crow, but there is a newspaper in circulation. The main thing is to get it published in a newspaper for the people to read. In some places they publish a newspaper in point A, but they circulate it a thousand miles away. The actual thing is to get it in a newspaper which people read rather than the fact of printing it in a particular place.

BILL #12

Mr. Chamberlist: Would a paper that is published in let's say Vancouver, the Vancouver Province or Vancouver Sun, which could be termed to be in general circulation in the Yukon, could it be printed in that?

Mr. Legal Adviser: We wouldn't regard it so. We would regard the newspapers published here as being those in general circulation, but it might very well be that maybe, depending on transport, there may be a situation where an Alaska paper may be in circulation in say Clinton Creek, and then we would be obliged to use that paper I think.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: (Reads subsection (1) of section 3 of Bill No. 12)

Mr. Livesey: At this point, Mr. Chairman, may I ask the Administration if this is the same, identical Ordinance that was presented to us before and which we turned down?

Mr. Legal Adviser: Yes, Mr. Chairman, it is.

Mr. Livesey: I wonder then, Mr. Chairman, for what purpose is the Administration resubmitting an Ordinance which they have already received an indication from the Council that they don't want this Ordinance?

Mr. Legal Adviser: Mr. Chairman, since this failed in the House the last time, it's been rediscussed by the Administration and the view of the Administration is that any Administration needs the power of expropriation. It is a power which is part of government. The only method whereby we could expropriate land here would be to ask the Federal Government upon our behalf, and if it happened to fit in with the federal purpose then presumably this could be done and arrangements would be made for the Federal Government to be reimbursed for the cost of the expropriation. We think it appropriate that where land is required for public purposes in this Territory, for a purpose connected with Territorial Administration, as such, it should be expropriated by the Commissioner. Now, this particular section, section 3, is the power which would enable the government as such to expropriate land for a Territorial purpose. There's a secondary purpose in the Bill and that is it sets out the procedure whereby any person who is expropriating land must follow the procedure laid down in this Bill. So, there's two purposes to this Bill; one is to give the Commissioner or the government power to expropriate, and the second is where that power has been given or will in the future be given to other authorities, this is the procedure whereby they must proceed. As I explained the last time the Bill was before the House, this is a fairly advanced piece of legislation and goes far beyond the normal method of expropriating in that it attempts to treat the person whose land is being expropriated reasonably generously rather than reasonably miserably. He just doesn't get the scaled down absolute bottom compulsory purchase price of land, he gets a fair price, and in the case of a home, he gets the cost of putting in a home of reasonable equivalent which is a fairly generous privilege.

Mr. Livesey: A question, Mr. Chairman. Could I direct a question to the Legal Adviser? I would like to ask the Legal Adviser if this legislation contains the more humanitarian aspects of protective legislation presently being discussed in Ottawa and through the good offices of the Honourable Minister of Justice whereby the person who in most ordinances of expropriatory type are not protected

in any way, shape or form. I understand that the federal legislation contains certain aspects of protection for the individual. I would like to ask the present Legal Adviser if, in his opinion, this legislation contains those protective devices presently being discussed in Ottawa? BILL #12

Mr. Legal Adviser: I think the short answer to that, Mr. Chairman, would be no. The basic protection which is given in the federal legislation is a new departure, and that is that when a road is going through a certain portion of the country and somebody owns or has a lease of land beside the road and the road-making authorities decide to straighten up the road, under the federal legislation, the person whose land it is proposed to expropriate can appeal not only against the price which they're paying for the land, but he can appeal against the fact of straightening the road at all. So, then he in effect makes a federal case out of it. Now, when this happened under the federal legislation, they are setting up a core of people who will move into the area of policy rather than the area of price and they will decide whether or not the land should be expropriated, and there's a whole section of the federal law which does this. This does not provide for that particular appeal.

Mr. Livesey: Mr. Chairman, before the Territorial Administration proceeds with ordinances that don't incorporate the protective advices advised for the people of Canada by the Federal Government, I would suggest that they don't proceed with this Ordinance any further.

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I must confess, I'm of the same mind as the Honourable Member from Carmacks-Kluane in this regard. We dealt at some length with this Bill at the prior Session and indeed it was found that although there are areas of appeal such as suggested by Mr. Legal Adviser this morning, that these are almost, in most cases, beyond the ability of the average man on the street, the average citizen, to cope with inasmuch as the financial burden upon the individual involved to appeal through the Federal Courts is of such magnitude that there's no way you can afford it. As has been stated, we're here to legislate to the general benefit of the people, and to ensure that any legislation that we do produce to the best of our ability is good legislation, and until these safeguards have been implanted and embodied in the Ordinance, I don't think that I could in all honesty consider the approval of the Ordinance at this time. If this matter is under discussion in Ottawa, until this matter has been concluded in Ottawa, I think I would favour a position if this Council so chose whereby this could be resubmitted at another Session.

Mr. Legal Adviser: Mr. Chairman, I couldn't guarantee that this could be done, but I would remind the Honourable Members that the position of appeal in this Bill is that we are utilizing ordinary courts, and if it's proposed, say, to widen a street corner and it's necessary to acquire a house, the person can appeal against the price that is offered and if he doesn't like the price he will still get handed over to him in his hands what the government, through their valuer, think it's worth. But, supposing for the sake of argument that possibly I've forgotten the section, now, it might be 90% of that supposing for instance the Bank of Montreal corner was going to be widened and the banks say, this piece of property here is worth \$100,000. The government takes the view that it's worth \$50,000. They're going to go to law to decide in the Territorial Court what is the true value of that land. The government is committed to giving him 90% of what they think it's worth, then, if the court finds there is a difference and in fact the Bank of

BILL #12 Montreal was right in saying it's \$100,000, they will have to pay the difference and they will have to bear the cost of the case in addition. Now, even if it doesn't go to a court, the government is still bound to pay the reasonable cost of this man in assessing his cost of operation in order to get legal advice to see what view he should take, whether he should give it or not. The fact of expropriation, that is, whether or not the government is doing a sensible thing in acquiring that, is in the view of the Administration at this point a political decision. They have decided to take away that corner. Now, what they're really committed to do is to pay the Bank of Montreal the fair costs of that. The fair costs in this Bill are worked out by a formula which I would think would invariably result in the Bank of Montreal getting more for the land than would be obtained on a normal market value because they get money for the cost of moving to another location, they get compensation for the loss of business, in addition to getting the value of the land. So, it's a generous Bill in that way. The protection which I referred to as in the federal legislation is of a completely different kind. It would mean that we would have to set up an independent court, not the Territorial Court, but an independent court by having a core of experts who would sit and hold a public inquiry. At this inquiry, the bank would produce evidence and say, "You shouldn't widen our corner which is on Second Avenue, you should go up and widen Fourth Avenue and put your main road running straight through." And, this whole area of policy would then be thrashed out about the advisability of acquiring the bank premises at all. This is an area which we feel gives some protection to the person, it gives some protection to the public, but we feel this type of protection should be given in the House. But, if the Commissioner, or the Administration, or the Ministers hopefully when they take these decisions, if they take wrong decisions then in this House they should pay the penalty by losing the confidence of the House by taking decisions that are against the public interest. Whether or not they should be followed in independent inquiries is a different thing, so, this does not appear here. If the House wishes, and wants to put this in, then we can with no difficulty in the drafting of it. It will make, inevitably, the cost of every expropriation very much more expensive; it will mean that we will have to have either on a fee basis or on a retainer basis, people who will be available to take these decisions; it means in every case, no matter how small a piece of land you're taking, you must be prepared for a full-scale public inquiry; and this inevitably scales up the costs. It also means that one of the attributes of government itself has been lost because it's definitely one of the attributes of Territorial Government Administration to be able for its own purposes to acquire land and devote it to public use. We are missing one of the attributes of government as long as the Administration, the government, does not have this particular power.

Mr. Taylor: Mr. Chairman, when we speak of the attributes of government, we may be missing them, but we're missing them in other areas than the one suggested by Mr. Legal Adviser, I would respectfully submit. Anywhere else in North America, and certainly across the ten provinces of Canada, where expropriation authority exists this is more or less conducted by elected representatives of the people or the appointees of the elected representatives of the people. This is a pretty sweeping power, this is one that can work to the benefit of the citizen and one that can work to the detriment of the citizen, and it would appear to me that in the ten provinces of Canada, where the elected representatives not only create the legislation but effect the administration, that there is some control by the people by those terms. Here in the Yukon Territory, that is not possible because we are merely asked to create the legislation and have no say in the administration of this, and this is a pretty sweeping power. I think that, let's take the case of the power corporations, here we have neither N.C.P.C. or Yukon Electric under any legislation in the Yukon under the control of the Council, and any franchise position that the

Council can effect any real control over, and they come sweeping through the country deciding they are going to build a power line from A to B, and they start expropriating land by virtue of this Ordinance. Certainly the people that they are going to expropriate the land from, the majority are not going to be able to afford this cost. Now, the Commissioner appoints the appropriation ... the Commissioner runs the whole show, shall we say. What happens some-day when we don't have a Commissioner who is possibly, shall we say, as easy to get along with as the Commissioner we have today, or get along with people. Say we go back ... as a matter of fact, I'll take you back a few years to when we had a Bill in this House about franchises that the whole Council agreed to, seven men. The Commissioner of that day turned around and refused to give assent to the Bill. This was involving the elected representatives of the people in their own franchises. He refused assent to the Bill, quit the job and went to work for Yukon Electric. Now, whose ball team was he on. If these people now today come sweeping through and had the good offices of the Commissioner on their ball team, where does that leave the citizens; John P. Public? I'm not saying this would happen, I'm saying that it has happened, so in other words there is just no possible way that I could accept this Bill at this time, until the citizen who will be affected by this Bill will have some consideration through the right of an elected Member.

Mr. Shaw: Mr. Chairman, in this particular Bill, I feel that it is necessary that a Provincial Government or a Territorial Government should have powers of expropriation. In fact, the ten provinces do have it and the Federal Government has this legislation. In looking at a Bill such as this, Mr. Chairman, I would like to look perhaps a little further ahead than right at this particular moment, and that is to say we expect and hope, and I think that it is reasonable to have that expectation and hope, that we will have the elected representatives of the people in the future having more say in the operation of government in the Yukon Territory. Now, generally speaking, we hope that the persons having that say, the actual operation, the executive operation, will be persons chosen by this Council and having the confidence of this Council in order to put into effect the Ordinances that we have. In other words, we get away from the bugbear I would hope at that time of having complete say in the matter of a single person, namely, the Commissioner. As has been stated, the present Commissioner is a person that discusses any important policy that I'm aware of pretty well with Council, and to my knowledge has not exceeded the normal function of an Executive Officer in relation to this any further than he has to. When this change comes about, which I hope and expect it will, and we all do, then this body also gets into the actual machinery and workings of these Bills. At the present moment, it's not possible to define any of these Ordinances other than the Commissioner has this power, the Commissioner has that power, and indeed, that may still continue in the future, but certainly the system that we hope to have in effect, well, the power may still be in that particular name but it will be diluted by the fact that many of these things will emanate from the people themselves. In this particular instance, I do see the necessity for having expropriation powers. That's something that doesn't sound very nice, but it's a matter of having this power on behalf of all the people and the progress that might be necessary in the Territory. In view of what I have outlined, the fact that we expect and hope to have further say in matters such as this, it would appear to me that there may be no harm in including in this particular Bill ... I don't know how the Legal Adviser could put it in, but it doesn't seem to be too, too difficult if there's a little latitude allowed on both sides, putting in that no expropriation proceedings may take place without the prior approval of the Commissioner in Council. I say that, Mr. Chairman, because when we take expropriation proceedings, we don't take by saying, well, we're going to do this in a week. These things are thought out many, many months

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ahead. If the Executive Committee representing the Council agrees that it is necessary to expropriate this certain area, and have the confidence of the Council, then I would see no difficulty in proceeding with this particular expropriation. It will be necessary to have these kinds of things on the statute books. You can't just whack one out just at any further time. It may indicate that it's just directed to one particular company or a particular person or a particular piece of property. As far as I know, there is nothing at this present moment that is under any litigation or possible to be under any litigation, so therefore that is the time, the most appropriate time to introduce the Bill. I would agree, I would feel that it's necessary that the government has this type of power. If the Administration, in view of my remarks, Mr. Chairman, could say where it would serve a useful purpose to include it, include the Commissioner in Council in this particular Bill as I have outlined, in my estimation, it would not detract from any part of the Bill, it would be a sensible procedure and though the Administration may say, "Well, we're not including political opinions", I think that any expropriation in which the government of say British Columbia or Alberta or wherever you may happen to be, when they decide on expropriation action, there is no doubt that that must emanate from the political side of the spectrum so therefore there is no harm in the very sensitive subject like this to have the same thing apply to the Government of the Yukon Territory. I would like to ask the Legal Adviser, Mr. Chairman, taking into consideration that expropriation proceedings don't just start today and finish tomorrow as they're usually long, drawn out affairs, could he see any reason why this could not be included in this Bill, any reason which would prohibit this by law from being included in the Bill, and the matters that I felt should be in the Bill that these proceedings do not start until the Commissioner in Council has agreed that they should be started. I'd like my question answered.

Mr. Legal Adviser: Mr. Chairman, I can see no basic objection to including some form of words which would show that the Commissioner is not going to act without the consent of Council. Something like that no expropriation shall be proceeded with by the Commissioner except there has been an appropriation on that behalf by the Commissioner in Council ... something like that. We got to be cautious in this field. When an expropriation is decided upon, if it's going to the subject beforehand of a detailed debate in the House, it will have an affect on the value of land, up or down, the value of land which is being discussed and also the value of the land which is contiguous to that land. Now, so far as I know, the Territorial Government is the only government in the world that has not got the power of expropriation. I know of no other and I haven't been able to find it. I've never been able to find where except for a major scheme of expropriation, the details of the expropriation were discussed in advance in a political core, as whether we will require Mr. John A's land or we will not. Apart from that, so far as my research will go, the power of expropriation in the Yukon is presently invested in organizations like N.C.P.C., Yukon Electric, possibly Municipal Councils, I'm not sure ... they may have the power to expropriate, the Department of Transport, the Federal Department of Public Works, and so on, all these various federal departments have got this power in the Yukon. And, they exercise it now through a parliamentary form in the normal case, what they do is they serve a notice which is processed in a civil service manner and they expropriate under the appropriate federal law. We have not got this power as a Territorial Administration. I would imagine that White Pass has got this power through the Right of Way Act. Various commercial companies of this nature have got this power which we have not got. It would seem to me that we're missing one of the attributes of normal operations of government. Now, as I said, the Bill is of two kinds; one section gives the Commissioner power to

expropriate provides he keeps within the formula, and the other part of the Bill says how land is to be expropriated when it's expropriated for Territorial purposes by a commercial company under other law. BILL #12

Mr. Livesey: Well, I'd like to submit, Mr. Chairman, that quite obviously this piece of legislation, the fact that the Council has thrown it out when it was brought to our attention obviously means that the Council has a policy and the policy of the Council was that we don't want this piece of legislation and have already declared themselves to that effect. This is what we've already said by turning it down. Here we have it presented to us once again, the same legislation, exactly, in toto. So, there is a conflict of policy between the Council and the Administration quite obviously on this piece of legislation. I personally don't understand why the Administration would resubmit something that has already been turned down in such a short period of time as the time between this Session and the last Session. This surely is ... I think the Administration is stretching a point if they could consider that the Council had made an immediate turn-around on their decision, so there must be something more to it than this, and I am wondering, Mr. Chairman, without making any allegations, whether the Administration is being as open with us on this proposition as they could be. That is the point that bothers me, because quite obviously if they're going to submit a piece of legislation twice in such a short period of time, there must be some necessity in the background of their experience which has not been explained to us. Now, where we have a conflict of policy of this nature, it's more than obvious that this points to what we've been talking about more than anything else at this Session and that's the lack of the authority of the people of the Yukon. Here we have the people's representatives saying "no" and the Administration keeps insisting the word is "yes" not "no", and if it's "no" once, maybe it will be "yes" next time. This sort of approach without any other form of dialogue with the elected Members of this House, Mr. Chairman, is a very poor way to resubmit legislation of this nature. I personally think that the aim of the Bill was what the Council, the elected Members of the Council, are opposed to, and the way in which it is written. Now, this is so, and I would think that the proper way to go about it would be that the Administration would get together with the elected body and find out what they wanted first before they resubmit a piece of legislation of this type. If they're going to operate on that basis, I can go along with it, but just simply coming along and resubmitting a piece of legislation that we've already turned down seems to me, Mr. Chairman, that there is something wrong in connecting link between the Administrative Force and the Elected Body. There's a link missing here somewhere, and on top of this it's more than obvious as I stated earlier this morning that the Territorial Administration has not taken into consideration the aspects of federal thinking in their legislation of a similar nature. In other words, what the Federal Government Department of Justice in Ottawa are thinking about, for the first time I think in the history of the legislative ability of the people of Canada, the Department of Justice is talking about protection for the individual. Now, I don't see any particular protection in this legislation, protection of the individual as compared to what is being suggested by the Department of Justice, and as I said before, Mr. Chairman, this morning, that I don't think that this Council should go further with this Bill until the Administration has discussed with Members of Council what they want in the Ordinance and have thought about and incorporated the protective devices that the Department of Justice is considering for the people of Canada as a whole. Thank you, Mr. Chairman.

Mr. Dumas: Mr. Chairman, I see nothing wrong with the Administration resubmitting this Bill for our perusal. Because it was turned down

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the last time doesn't mean that all lines of communication regarding this problem should be closed. I consider this to be a very important piece of legislation, Mr. Chairman, and one that eventually will pass this Council. I do agree with the Honourable Member from Watson Lake and the Honourable Member from Beaver Creek ... from Carmacks-Kluane, that there are certain amendments that must be brought about to protect the rights of the individual. The only way we can bring these amendments forward, I submit, and the only way we can bring the feelings of Council to the forefront is by having this type of legislation put in front of us so we can discuss the type of amendments and safeguards that we would like to see incorporated into the Bill, which I repeat is an important Bill and must eventually, with the changes that Council wishes in it, I hope be given assent to.

Mr. Shaw: Councillor Dumas has outlined very much what I think. The fact that it has been turned down on prior occasions doesn't mean to say that it can't be further reviewed and discussed and hopefully, amendments made so that it would be, say, more palatable. When we talk about authority, I would appear to me that the people's authority, what little they can get, does emanate from this body, from this Council, and when the Council agrees that a certain project, that expropriation proceedings should be taken against this particular whatever it may be, well, how much further can one go. It's a piece of legislation that the parties, if you can say the offended party, can take it through due process of law, it's a piece of legislation that it is imperative that all government must have in the final analysis. The only difference is that in this particular type of government we have that the people don't get brought into the act now. I'm asking that the people be brought into the act through the Commissioner in Council. That is then no different to what it would be if it were a part of a provincial legislation in respect to the political aspects regarding the people themselves, Mr. Chairman. That's why I feel that if that is written in, that would be necessary to provide this protection we are talking about. We don't know who the next Commissioner may be. If and when there is a new Commissioner, I suppose someone doesn't last forever, so that you can see that we must include the representatives of the people in such a Bill and that makes all the difference in the world. There's nothing wrong, there's nothing terrible I don't think myself in expropriation. I think it's necessary that the government has powers of expropriation, otherwise they can be absolutely blocked for the public good in many things, and when it emanates from the people themselves how else are you going to work it.

Mr. Taylor: Mr. Chairman, my position is not changed in this matter. I think that I must concur also with the Honourable Member for Whitehorse West when he said that it's good to get these things out for discussion, but it seems to be that the discussion of the Bill last Session bore no fruit as far as the Administration is concerned because the Bill comes back in its self-same form as its last presentation. In other words, it would appear that this is an indication at least that the Administration is not prepared to change their thinking on it. However, Councillor Shaw has raised one point that possibly we might write the Commissioner in Council into this Ordinance which Mr. Legal Adviser has replied that this may be possible. But, when Mr. Commissioner is around it seems that this never, never is permitted or allowed. So, I find this a very strange departure from the normal. However, I really think that before we proceed with this Bill, that we must ensure that the people are in it either one way or another, and I would certainly move at this time, Mr. Chairman, that this Bill No. 12 be left to die in Committee.

Mr. Livesey: I'll second the motion.

Mr. Chairman: Mr. Taylor, I had hoped to come back to this Bill.

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Mr. Taylor: I'll resume the Chair at this time if you wish to.

Mr. Taylor resumes the Chair.

Mr. Chamberlist: Mr. Chairman, before we vote on the motion that's before us, there are one or two points I think that must be given consideration. One, I don't think that there is any Member of this Council who doesn't see the necessity for a piece of legislation of this description. I think the suspicion that the Honourable Member for Carmacks-Kluane has with reference to the Bill is well founded. The first thing that comes to my mind because there isn't one word changed in it is whose land does the Administration wish to expropriate. That's the very first thing that comes to my mind because it's a hurry-up proposition. Now, it's because it's a hurry-up proposition that I feel now very suspicious. I think that perhaps in a moment Mr. Legal Adviser might be able to let out of the bag whose property the Administration wishes to expropriate. The suggestion that Mr. Legal Adviser made that the municipality has the power or might have the power to expropriation, I'm sure you know is erroneous for the simple reason that the only way that the municipal institution can get its power is through this Territorial Council, and if we haven't got the power to expropriate, how can they get the power to expropriate. They cannot get it. We've already discussed this Bill. The feeling of Members of Council after full discussion the last time was not to accept it. I think the suggestion that has already been made by Councillor Shaw and in fact has been agreed upon by Mr. Legal Adviser, and I make a special point of remarking on Councillor Taylor's suggestions that when the Commissioner's here, we can't get it done. I would suggest that Mr. Legal Adviser get his secretary on the typewriter and start making an amendment so that we can get it through and all he would have to do is assent to it. I would also at this time suggest that Councillor ... I beg your pardon, the Administration review section 4, subsection (2), where it reads "Where there is a conflict between a provision of this Ordinance and a provision of any other Ordinance, this Ordinance prevails". I think perhaps we should word that particular section which would answer the objections that are being made by various Members of Council to the effect that where there is a conflict between the provisions of this Ordinance and a provision of the appropriate federal statutes, that the federal statute applies. This would give the people the protection they want, and add in it the earlier suggestion by Councillor Shaw, I think we would have something to work on. I would not like to see this die in Committee. I would like to see it held and if we don't get any amendments before the end of this Session, then let it die in Committee, to give the Administration an opportunity to reconsider a piece of legislation that I think the Territory must have and have it in a manner so that it is acceptable for the people of the Yukon Territory and palatable to the Territorial Councillors who can then accept it as acceptable for the people of the Yukon Territory. At the present stage, it is not ... I could not support it without those amendments that I have referred to, and other Members have referred to. Thank you, Mr. Chairman.

Mr. Chairman: In view of the time, I'll just declare a short recess.

RECESS

RECESS

Monday, December 8, 1969.
11:00 o'clock a.m.

Mr. Chairman: At this time I will call Committee back to order and we are discussing Bill No. 12. Councillor Shaw I believe was next. BILL #12

Mr. Shaw: No I don't think so.

Mr. Chamberlist: I would suggest that the question on the motion be called so that we can vote on it.

Mr. Dumas: As I recall, the Honorable Member from Whitehorse East interrupted the motion before it was placed.

Mr. Shaw: Mr. Chairman, I heard someone move something, but I didn't hear a seconder.

Mr. Livesey: Mr. Chairman, the motion was made by the Honorable Member from Watson Lake, seconded by the Honorable Member from Carmacks-Kluane Lake and the intention of the motion was to move the Bill or let the Bill die in Committee for this Session with the intention of receiving amendments at the Spring Session so that the Council will have what they want incorporated in the Bill when the next time the administration brings the Bill to the attention of the House.

Mr. Legal Adviser: This really makes a difficulty because the last time this Bill came up it got as far as the third section. The first section gives the text of the Bill, the second section gives the definition and the third section gave the power to the Commissioner to expropriate land. It is very difficult when a Bill is not discussed and is rejected for ... and the reason the last time was it was rejected because the power was vested in the Commissioner. It is very difficult to bring forward amendments and bring them so far forward as the spring session, when we have no real guidance as to what the wishes of Council are. I have offered on behalf of the Commissioner to introduce a section, which would say in terms that no expropriation may be proceeded with under this Ordinance except an act appropriation has been made on that behalf by the Council. This seems to me to give complete control of expropriations to the Council because the Council are the financial authority which will have to pay the Bill and of all the things which a government does, expropriation is clearly one which costs money so that if the appropriation is made by the Council, then through their normal channels in the Financial Advisory Committee or the Budget Programing Committee, the questions can be discussed in an area without leaks being broadcast right and left as to what the future intentions of the government are or their planning is because, sometimes, not always but sometimes you have detailed plans known in advance of exactly how a road is going to run, vastly changes the value of land. You may need to serve all your notices on the appropriate owners in advance and then you right them a letter saying it is intened to put a line of a railway or canal or a road through a certain area, we would be obliged if you would consult with you advisers and let us know what value you place on your property and when this has been done, let us know and we will send our man round to discuss it with you. These things are 99.9% friendly bargaining processes whereby the government on the one hand and the private owner on the other, accepts the value that comes up, like any other piece of property there are certain ones different and eventually you come on an agreed value and that is the amount that is paid. It's only the isolated one that goes

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to Court. So far as the rest of the Bill is concerned, they are a set of procedures and it is visualized that as this Territory develops, in addition to the Commissioner, other people will acquire by statute the power of expropriation and when that is done we would wish that the procedures which will be followed by a Gas Board, a Water Board, an Anti-Pollution Control Board or any of these things which we visualize for the future, when you have a short section in a statute saying that they shall have the right to acquire land for the purposes of this Ordinance in a Water Pollution Control Bill, then this Ordinance will apply and the reason that we say that this Ordinance will apply in a conflict with any other Ordinance is so that if anywhere there happens to be a conflict which gives less value to the owner of the property than this one gives, he will get this Bill. If there is any less protection which might be envisaged by some change method of taking his property, then the protection in this Bill prevails to his benefit, so this is the only reason why the section is in, so as I said, shortly speaking, section 3 give the power to the Commissioner. The administration is quite willing to put in an amendment which will give the financial control of this expropriation to the appropriate body selected by the Council. So far as the other provisions are concerned I would make an attempt to draft something which would say, that where an expropriation notice is served and what have you, that the person may ask for a public hearing or something in the appropriate case, if this is the wish, this is going to cost money, but if you want this protection, you can have it. Basically, provided the Council do their homework when the expropriation is being done and they will know about it as soon as it happens, then they will decide whether or not a road should go in a certain fashion or go in a different fashion.

Mr. Chairman: Would you take the Chair Councillor Chamberlist? As I stated before, I still feel that with the amendments as suggested by Mr. Legal Adviser, that John Q. Citizen still is not protected. We have before us an Ordinance which gives wide and sweeping powers to the administration, to the bureaucratic side of government to which the Council are not involved. The Council are involved, as Mr. Legal Adviser stated, at the point of approving by through Budget or suppliments to Budget of the amount of money to effect compensation for lands expropriated under this Ordinance, but by this time, John Q. Citizen has also had to go through the routine of getting lawyers and fighting his battle to retain his property and this type of thing. No where in this Ordinance is John Q. Citizen involved by virtue of his elected representative. As we are aware, there are constitutional changes being contemplated and very likely will be affected whereby the elected representatives of the Yukon will be involved in the administration of this and other Ordinances of the future. This I presume will have been settled and resolved by the time we next sit again at the spring session. This is why I have moved a motion that this Bill be deferred and be left to die in Committee in order that this constitutional question may be resolved. When resolved and with three elected members on an executive committee, once this has been achieved then indeed the elected representatives of the people are then in a postion to accord some protection and some policing of the manner in which this Ordinance is administrated. We have sat in this House continually for the past five, indeed six or seven years that I have been in it and continually handed away authority to the bureaucratic side of government from the elected side of government and the people of the Yukon. We have done so begrudgingly. We have been black-mailed in some instances into doing it, but we've done it and it is not in the best interests of the people, I suggest Mr. Chairman,

Mr. Taylor cont.:

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that with such a wide sweeping Ordinance, as an Expropriation Ordinance that we hand this also over to the administration at this time. I do not agree with it, I've seen instances as recent as last summer, where were this Ordinance in effect an inservice and injustice could have been done to a citizen of the Territory in respect of a road right-of-way. I see areas, as I have explained earlier in the case of the power of authority where this could have been abused and work to the detriment of the people of the Yukon and there wasn't one once or iota of protection could have been offered from the elected representatives of the people because we only seem to have any power, whatever powers we do have, when Mr. Speaker is in that Chair and this is only twice a year. It also occurs to me that if the administration were to accept an amendment which I fail to believe they would but they may, whereby the Commissioner in Council administrated this Ordinance, it would still be necessary to come back to the Spring Session in order to get the authority to expropriate from Council, so no matter which way you look at it, there seems to be no apparent necessity for the implementation of this Ordinance at this time. As Mr. Legal Adviser stated, we have only got to section three when last we discussed it and we haven't quite got through section 3 at this time, but unless we can agree on the principle of the Bill then certainly it is absolutely a waste of time in my opinion to consider any other areas of the Ordinance until this question has been resolved and Mr. Chairman, I feel on these grounds that the motion should be supported and the matter deferred until the Spring Session until we see, (a) where we constitutionally lie and then deal with it at that time.

Mr. Dumas: Mr. Chairman, I think the Honorable Member has some good points, but I believe we would be irresponsible to accept this motion at this time without at least going through the Bill and indicating which amendments we would like to see in there. The Legal Adviser has suggested that he would amend the Bill to read that an appropriation must be made by this Council before an expropriation can be carried out. This in effect would give Council control of expropriations, to me it sounds like a satisfactory change and amendment. I would like to carry on reading the Bill, Mr. Chairman, because I believe that is what we are here for and I think that to do anything else would be irresponsible and I'm voting against the motion for that reason.

Mr. Shaw: I feel that this is necessary legislation. I feel that the protection put in this particular Bill is outlined now, of course discussing it and in the manner in which we have, or the way I expect the Legal Adviser will put that into the Bill, I would feel that we should read the Bill, certainly go through the Bill. There may be sections that we wish to change or suggest changes. It is part of our duties I think to study all these Bills. If we don't agree with them, then of course we have the option of deferring them or rejecting them so that most of this is the means whereby the people will have protection. We have only got to just the first page and with the matter of where the Council itself can be written into it, I think that that is certainly a step in the right direction. Another thing Mr. Chairman, why I would be against letting this Bill die in Committee at this time, is the fact that we have one member, through his services to the Council is not able to be here at this time to discuss the Bill, I think that certainly he should be allowed to give his view points on all facets of this Bill and in view of that rather than just kicking it out at this time, whether one agrees with it or disagrees with it, I would say certainly that the only reasonable attitude

BILL #12 Mr. Shaw cont.:

we should have is to at least at the moment to defer it until the Honorable Member from Whitehorse North is in his Chair, so that at this point I must say that I would ask the Honorable Members that did introduce this motion, that they would withdraw the motion at this time in view of what I have stated. Other than that I can just vote against the motion Mr. Chairman.

Mr. Livesey: I would like to draw to the attention of the Committee the fact that adding the words "Commissioner in Council" doesn't alter the substance of the Bill on iota. It provides no protection in the Ordinance to the public and I am not just talking about one particular case that someone may have in mind or may not have in mind either now or a year from now or anything else. That which is not written is not implied. That which is written is implied and the implications in this Ordinance which we as a group as an elected body turn down at the last session, surely we made our decision then. We said we don't want it in its present form, they bring it back to us exactly as ... in the same position as we threw it out. Surely to me this is somewhat of an insult to the intelligence of this body, if we look at it from no other angle and I say therefore that the next time it is going to be brought back in here it must be brought back in amended form, in such form that this body can accept it. I personally don't feel that this is going to hinder the Member from Whitehorse North although I regret the fact that he is not here at the moment, I don't think this will bother him in the slightest because he will have exactly the same opportunity at the Spring Session to discuss the amendment that we all will have at that time and I personally don't feel that this is going to be any detriment whatsoever unless there is some immediate need between now and the Spring Session for the Ordinance. If there is I haven't heard it and I don't think the administration have expressed themselves to this effect. The point is as I brought up before, let us move this Bill, let it die in Committee so the administration can amend the legislation and provide the protection for the public which most Members of this House, talk about time and time and time again, protecting the public. Let the administration bring these protective into this legislation for our discussion at the Spring Session. I don't particularly see, Mr. Chairman, how this can hurt anybody, I don't think it can rock anything, as I say unless there is some reason for it. If there is none, then there is no point in arguing that there is any special need at this Session for this legislation, so if we can conclude our discussion on this legislation, incorporating the amendments and the protective devices that are needed in this Ordinance at next Spring Session, I fail to see Mr. Chairman, where anyone has been put in a position whereby they feel that they have not had their voice or their vote or anything else in connection with this Bill. I think the Bill will be just as legal after we are through with it at the Spring Session as it is at this Session. As I say, there is no need for it, what are we talking about. We are not talking about anything except something that we can't do at this Session in any event. I don't think that we can conclude this Bill in a position whereby it will be satisfactory to all of us at this Session. We have a lot of legislation to go through yet, we haven't got through this Bill by any means and by bringing this up at the Spring Session and concluding it to a satisfactory manner, I say Mr. Chairman, that the elected body will be doing a service to the public rather than accepting it as in a position whereby you have heard many a time from our Honorable Legal Adviser probably chewed up with midnight amendment, so let's get away from these midnight amendments and let's get the thing in a whole piece at the Spring Session. Thank you Mr. Chairman.

Mr. Dumas: Mr. Chairman, I cannot agree with the type of thinking BILL #12 which is based on rigidity because at the last Session of Council we did this, we must do so again. Things change continuously, particularly in this day and age, because of the particular constitutional problems we were having at the last Session of Council we threw this Bill out, rightly so I believe. Now we see some doors opening in regards constitutional reforms and I think we should take another look at this whole Bill. We rejected it last time because of the Commissioner as opposed the Commissioner in Council doing the expropriating. This idea of the Commissioner doing the expropriating, if we have the constitutional reforms brought about which we have been trying to bring about, may change the whole picture of not only this legislation but other legislation coming before us. Last time we didn't get much farther than section 3 of this Bill. I believe this time we should go through it. We have an assurance that we will have to appropriate money before expropriations are made. This is different. These things have changed since the last time the Bill was put before us. I believe that in the principle of this Bill, that we need an expropriation ordinance. It may be that some Councillors think that we don't, but I believe we do. It is very necessary. It's been put before this Session of Council, the suggestion has been made because there are amendments, we should drop this, let it die and go on to the next Bill. Are we going to do this with every Bill we come to that we want to amend, let it die until the next Session of Council, that could go on for years. We have a responsibility to put forward the amendments that we see fit and this Bill hopefully to have it completed by the end of this Session. Maybe we won't have them until the next Session of Council, but let's give it a try and let's give it a try in this Session.

Mr. Taylor: Mr. Chairman, I only stand to reiterate what I stated before. To proceed with this Ordinance at this time is an absolute waste of time. It is because that unless we can resolve section 3, this is what we threw it out on last time, this is why it should be thrown out again this time and until that principle can be resolved it is nothing more than a time wasting exercise in absolute futility. Section 3 states, (reads), that he deems necessary. He can walk in and take away any lands anywhere in the Yukon Territory, arbitrarily or otherwise. There is not one cotton-picking thing a man can do about it, if he happens to be the owner of the land without first seeking the consultation of a lawyer and remembering that everybody does not live here in Whitehorse that there are indeed half the population spread around the rest of this Territory who do not have access to lawyers and in order to gain access to lawyers costs them three or four hundred dollars more than it costs the citizen who lives here in Whitehorse. It is this John Q. Citizen that we are thinking about as well when we consider this Ordinance. When we last discussed this Ordinance, we asked the Commissioner outright as we did in other Ordinances, would you be willing to consider an amendment which would say subject to this Ordinance the Commissioner by and with the advice and consent of Council may without the consent of the owner and so forth. We were told "No!" and that is clearly it. The Commissioner has said no, so we said no. We are not about and we said at that time, to force upon the people of the Territory a piece of legislation which to them could act as a detriment. This is the whole thing. Until we can agree on this particular section, there is no way that we gain anything by considering any other portion of the Ordinance. We did this last year in another Ordinance. We did it with the Liquor Ordinance. We said "No, this is not in the best interest of the people of the Yukon. We were in effect by accepting the Bill that was here of the last Liquor Ordinance, accepting the principle that we give to the

BILL #12 Mr. Taylor cont.:

administration and the bureaucracy the right to write liquor laws in the Territory by virtue of an appointed board. We made our point. The administration came back with a completely different Bill of legislation which indeed offered the people and the citizens of the Yukon Territory the right to continue writing their own liquor legislation, just by strictly refusing the last Bill, and here again I feel we must defer this Bill, in the interests of the people of the Yukon Territory. I could certainly have no part of any, as you say, midnight amendments. I just couldn't go along with it. It is just inconceivable that anyone could accept any further than section 3, this Ordinance without having first determined the position of section 3 and the position of John Q. Citizen in this matter.

Mr. Shaw: Council for many years has felt that without fiscal control you can do nothing. Now we have the power or we could have the power in this Ordinance whereby we will have fiscal control in so far as the monies required for expropriation. I would ask the Honorable Member a question if I may, the Honorable Member from Watson Lake, how could any person possibly expropriate a piece of ground bearing in mind that we have the tribunals and judge to determine what the value should be, how would it be possible for the Commissioner to just jump in and expropriate a piece of ground where he had no power to pay for the amount of money that would be required or set up by this particular tribunal or judge or whoever it may be. How could the Commissioner possibly get anything without having appropriations first agreed to by this Council and pay for this. It would be somewhat of a farce I would imagine but I would like to question this.

Mr. Taylor: I would be glad to answer the Honorable Member's question Mr. Chairman, that there is no way, no possible way that the administration can come up with the funds to compensate a person who has had his property expropriated without first having that amount of money approved in a proper Budget in this legislature. I've explained that here a few minutes ago or prior to recess. What I am concerned about is the power to expropriate, proceedings will have gone on. The compensation is another factor, I'm talking about the right of the Commissioner to expropriate and the disadvantage that it puts on John Q. Citizen to having no recourse to anywhere but the Courts. That's what I'm talking about Mr. Chairman.

Mr. Shaw: My question isn't answered. My question was, how could anybody possibly enter, whether it is the Commissioner or anybody else how could they possibly enter into an agreement or start a proceeding without having money to pay for this proceeding, authorize money, how could he do it. It doesn't matter how he goes about it, the ultimate decision will be made by this Council as to whether he's got five thousand dollars to reimburse this person or not and if he can't get it, it's a futile exercise and the person is still protected.

Mr. Taylor: I wonder if the Honorable Member has ever heard the term transfer by allotment within a vote.

Mr. Chairman: I wonder if I can point out to the Honorable Member from Dawson, speaking from the Chair, that subsection (3) does say that subject to this Ordinance the Commissioner may without the consent of the owner enter upon and expropriate any land that he deems necessary for the public purposes for the Territory.

Mr. Shaw: We haven't decided on what amendments we wish to make BILL # 12 to these things because it appears that certain Members of Council do not even wish to discuss the Bill. If that thing can be changed to mutual concord then we should still proceed. The matter is that the administration in the person of the Legal Adviser has agreed that we can have some, what you might call, protective clause in the Bill. That is the important part. Now, unless or until we go through this Ordinance to see what further changes could be made, the question that the Honorable Chairman has asked is somewhat redundant because we haven't got to that point yet. We haven't got to deciding whether we change that or otherwise so that we have to go through the Bill to find out the fine points. If we reject it, if we let it die in Committee, give it the six month, then we are not getting any place. All I'm asking is that we study it. I'm not saying that we have got to agree with everything in it, I say we study it and I say the final control will still be with this Council if it's a matter of the appropriation.

Mr. Dumas: Just one short point. The Honorable Member from Watson Lake and the Chairman have both reiterated this section that says without the consent of the owner, that's what expropriation is all about. That is the essence of the Bill that the government be able to expropriate land without the consent of the owner. If you are going to have the consent, then there is not need to expropriate you are simply entering into an agreement to purchase land from somebody who is willing to sell, but for the public good if it is deemed necessary by the government that land be made available, expropriation must take place and with or without the consent of the owner and that is the purpose of this Bill and I think it is necessary legislation. It is unsavory in some aspects but it is absolutely necessary legislation. To put in the Commissioner in Council may expropriate, doesn't make the expropriation as far as the John Q. Citizen is concerned any the less unsavory because the Commissioner in Council has done it, so I suggest the power to do this should be left with the executive of which we hope Council will have, if not control, very great influence within the next few months or at least after the next election. As a Councilman sitting here in a body I think we would be making a mistake having to decide on every bit of expropriation that is going to go on throughout the Territory. Politically it would be a bad move if not any other way. This should certainly be left up to the executive in any government and in this case the executive, the term Commissioner is commensurate with the term executive which I remind you once again, we hope to have great influence over.

Mr. Taylor: I'm sorry I can't buy that argument either because if under the new system as proposed at least if an expropriation order is contemplated there would be three elected members aware of what is going on or what is proposed by the administration in the form of expropriation and then through that method the elected representatives of the people would then be notified and be a part and maybe for one reason or another agree or maybe disagree with the proposal, but at least the John Q. Citizen again has the protection under that system and as I say for those ... for that reason, for the reason that we cannot resolve section 3 involving the Council and for the other reason suggested by the Legal Adviser which isn't really a bad one that by airing all these things in Council we tip off the hand of the administration to the general public, thereby affecting real estate value etcetera as to where new roads are going and this type of thing. I think that this whole matter should be left until the Spring Session, I really do. No matter which way you look at it there is nothing that can occur until the Spring Session anyway.

BILL #12 Mr. Chairman: Are you prepared for the question? It has been moved by Councillor Taylor, seconded by Councillor Livesey that Bill No. 12 namely an Ordinance respecting the Expropriation of Lands and the Determination of Compensation for the Expropriation or Injurious Affection of Lands, be left to die in Committee. Are we agreed? Any opposed? The motion is defeated.

MOTION
DEFEATED.

MOTION DEFEATED.

Mr. Taylor: At this time I will resume the Chair. (reads section 3 (2).)

Mr. Legal Adviser: I wouldn't like that section to be left clear when I have undertaken to bring in subsection (3).

Mr. Chamberlist: I was going to suggest that while reading the various sections of this Ordinance that the reference to the word clear doesn't necessarily mean that Members of the Council are accepting the reference as it is written but as a courtesy to the administration by reading the appropriate sections of the Ordinance before amendments are asked in the various sections.

Mr. Chairman: Would you take the Chair Councillor Chamberlist? I would like to move an amendment to this Bill. I would like to move that section 3, subsection (1) of Bill No. 12 be amended in the first line to read, "the Commissioner by and with the consent of Council may...". I will resume the Chair. Anything further on section 3? (reads section 4)

Mr. Chamberlist: I would ask that the remarks that I made with reference to the Federal Expropriation Act in this particular section be noted by Mr. Legal Adviser so that should an amendment be brought about that it would read subject where there is a conflict between the provisions of this Ordinance and a provision of any other Ordinance, the appropriate Federal Act will apply.

Mr. Legal Adviser: I'm a little taken aback that the Honorable Member would kindly hand over the constitutional statutory capabilities of this Council, hand them over to the Federal Government in such a broad-handed, open-handed way. I'm taken aback.

Mr. Chamberlist: With respect, Mr. Chairman, Mr. Legal Adviser knows full well that the only way that we are going to get some protection that the people, ... at the moment and I'm speaking for ... as our position is today although all of us hope that we may have those additional powers that there is always the possibility that the powers of those bureaucrats in Ottawa might over rule even the suggestions that Mr. Prime Minister might make to them and I'm suggesting that if an amendment is brought forward in this particular section that the protections that are afforded the people of the rest of Canada are afforded the people of the Yukon. As it is written now, it only deals with those areas where there is a conflict between one Ordinance and another Ordinance, this Ordinance prevails, but I would prefer to see it that where there is a conflict between this Ordinance and another Ordinance that the basic philosophy and theory of the Expropriation Act of Canada will apply. This is pretty much encompassing and we're not giving any powers to the Federal Government, we're making darn sure that the administration doesn't use its powers over our people because through a Federal Act then we can say to the Commissioner and his administration, "Just a minute, there is something a little bit higher than you and that is the Statute of Canada". This is where we should get the protection.

Mr. Livesey: I would like to direct a question to the Legal Adviser. Is it not clearly understood in law and especially in relation to the British North America Act that where the powers and jurisdiction are vested in the Federal Government, that any conflict in legislation between the provinces and the territories the Federal Act shall apply?

Mr. Legal Adviser: Very far from it, Mr. Chairman.

Mr. Chairman: I wonder if from the Chair, I might ask Mr. Legal Adviser if he could give a short explanation on the possibilities of conflict within our Ordinances as they apply to this subsection (2).

Mr. Legal Adviser: A typical conflict would arise where under our Companies Ordinance, the Yukon Electric Company has the power of expropriation. It is made clear that instead of the method of expropriation which is being used there this method of payment to the citizen would apply. In other words, we think and feel that the amounts payable to a citizen whose lands is compulsively required under this statute, the amounts paid to him are higher than any other form of legislation that we know of and so therefore we want this method applied to the citizen, in addition the notices and the frame work of appeals is quite definitively set out in this Ordinance and we want to have him to have these rights and we want to bind any chance legislation which may exist unknown to us which would take away from the rights he has been given here, we want them in effect impliedly repealed. This is the purpose of it. It is not because of other types of conflict.

Mr. Chamberlist: In other words, what Mr. Legal Adviser is saying I suggest is that the powers of this particular Ordinance would wipe out any power that the Yukon Electric may have because if there is an area in this Ordinance it would automatically supercede the powers which may have been given in the Companies Ordinance. I am of the opinion in any event that the Yukon Electrical powers that they have in the Companies Ordinance is very questionable and I think they would be very fool hardy to attempt to act under those powers.

Mr. Legal Adviser: It may be Mr. Chairman, you see the design of this Ordinance is, one section of it gives power to the Commissioner to expropriate lands, the rest of it is a procedural set up as to how it is to be paid for and what notices are to be served. I would imagine that we would be giving statutory powers of acquisition of land to other bodies as we develop. It may be necessary for instance to set up a metropolitan water board, it might be necessary to set up a metropolitan pollution control board or a Yukon pollution control board, in which case various powers will be given by Federal authority and by our own authority for the acquisition of land or in affection of land. We might have to serve a notice on somebody to divert a stream, we might have to acquire certain sewage disposal facilities compulsory or close them down. This would be injurious section of land and must be paid for and we want the procedure for all this set out now in advance when there is no controversy and the government has no present intention of acquiring land, this is the time to set the procedure because when the controversy breaks out as to what is being required and what is not being required or as to how it will be acquired or injuriously affected, then the procedure will be set and the person will get the benefit of it.

Mr. Chairman: At this time I will stand Committee in recess until 2:00 this afternoon.

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Mr. Chairman: At this time we will proceed with Section 4.

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Mr. Dumas: Mr. Chairman, precisely what does that mean?

Mr. Legal Adviser: Well it's there rather to account perfection Mr. Chairman. I think the Ordinance would bind the Commissioner in any event but there is no crown in the Territory, well that is there is no crown invested in the Territorial Government. It would be necessary if there was a crown to say that this Ordinance binds the crown but we may move to a state of things where there is a crown if we get more executive authority we may have to have a crown, it would then be necessary to bind the Commissioner.

Mr. Dumas: It would at any rate specifically bind the Commissioner to paying as it is shown later on the assessed price plus ten per cent for property that is expropriated.

Mr. Chairman: Reads Section 6 of Bill No. 12.

Mr. Chamberlist: I wonder Mr. Chairman if Mr. Legal Adviser can come up with some sort of excuse as to this particular section?

Mr. Legal Adviser: It's common form that when a document's honest face has been lodged anywhere in purport to have a signature of an official such as the Commissioner or a judge or a Dominion land surveyor or what have you that until it is questioned it is presumed to be valid. This does not stop the signature to be questioned, it merely means that until somebody queries it and raises the matter in a court which it would normally come to then of course it's presumed to be valid.

Mr. Chamberlist: It is usual that surely Mr. Chairman Mr. Legal Adviser will agree that the official status of the signatory would be there that if the expropriating authority is the Commissioner, where has he the right to delegate that authority to somebody else. Now I wonder if Mr. Legal Adviser can tell me where in this Ordinance he can delegate that authority?

Mr. Legal Adviser: I didn't suggest that he can delegate it. All I can suggest is that when there's a printed document and at the foot of it is a printed word, Commissioner of the Yukon Territory or J. Smith, Commissioner of the Yukon Territory, the Commissioner has in fact signed it, but the girl in the Land Titles office does not say oh, you better get an affidavit that in fact Commissioner (a) is J. Smith and (b) that in fact the Commissioner did sign it. It just means that when a document is lodged with Land Titles it's presumed to be a normal document.

Mr. Chamberlist: I'm aware of this but supposing the signature happens to be somebody who is in one of the Commissioner's administrative offices, where would he get that authority to do that or does Mr. Legal Adviser say that no authority would be given except the Commissioner?

Mr. Legal Adviser: I'm not saying that no authority would be given except the Commissioner. In fact the reverse is going to be true. Under various statutes that will be coming forward in the years to come the Territorial Department of Public Works would presumably expropriate land, and that point of time the Minister from Public Works who may be sitting amongst us, who knows, may wish to sign the document himself and then the girl in the Land Titles office will assume that he is in fact the minister of Public Works and he signs the document. This Ordinance binds just because it says it binds the Commissioner does

Mr. Legal Adviser continues:

BILL#12 not mean it doesn't bind anyone else. It will bind anyone or corporation or anybody who is given authority by this House to expropriate land.

Mr. Livesey: Well my question is that I always understood that a document unsigned was unofficial and had no legal status.

Mr. Legal Adviser: No, I regret to say very much is not the case at all. Most really important documents are not in fact signed, they are sealed. All the emanations coming from Buckingham Palace are sealed and some official puts his signature on it to witness that the seal was in fact lawfully impressed on the document. The validity of the document does not depend on the signature unless there's some statute revision that says so.

Mr. Livesey: Well Mr. Chairman, it seems to me that all this section is doing is making it possible for no one to be responsible well if it comes to brass tacks well if they say who signed it, who signed this document to expropriate my land and the person that wants to know who is responsible and who's signature is on there, will be confronted by subsection (4). That's about the size of it. This would be a good way of getting around this mumbo jumbo that goes on to say, well we don't know who did it but it doesn't have to be done anyway because of subsection (4) in the Ordinance which the Council passed. I don't agree with it.

Mr. Chamberlist: Well Mr. Chairman, I hope I can clarify it for the Honorable Member from Carmacks-Kluane that where a matter comes before a tribunal for compensation under expropriation can then on request of a person who is a party to the land grab say well I don't know whose signature this is and the tribunal can say well, who authorized this and it's necessary for the Commissioner or whoever it is to come along and say that's my signature, then you can look into it and say well where's he got the power to do it? So, I think there is some protection on that particular point.

Mr. Livesey: Mr. Chairman, I think the whole Ordinance is in favor of the power and might of government and nothing in favor of the individual.

Mr. Chamberlist: Well with respect Mr. Chairman, the Honorable Member from Carmacks-Kluane and I might point this out at this time has the opportunity to second the motion whereby the words "Commissioner in Council" would have been incorporated. There was no seconder to the Honorable Member from Watson Lake's motion and therefore, that motion did not proceed with, it could have been taken care of.

Mr. Livesey: Well Mr. Chairman I can explain that. I don't think placing "Commissioner in Council" in this Ordinance would have had any useful purpose whatsoever for the simple reason, all you would have been saying is that the "Commissioner in Council" shall become responsible for every expropriation that takes place, but what didn't happen was, that the safeguards that I wanted and spoke about this morning that are necessary in this Ordinance whether you put "Commissioner in Council" in there or not, the safeguards are still not in the Ordinance. That's the reason why I did not second it.

Mr. Dumas: Mr. Chairman, the Honorable Member has said that we are not safeguarding the rights of the individuals. I keep hearing this. How about the rights of the majority of the individuals of the Territory who are going to be better served by some land expropriation for whatever purpose as the government and the Territorial Council of the Territory deems fit. Now this is what we're

Mr. Dumas continues:

looking at, the rights of the majority of the people. I don't say BILL #12 that we should run rough-shod over the individual but there are times when it is necessary to force an issue for the good of the majority of the people of the Territory. That's why I think this legislation with amendments as we see fit is good legislation.

Mr. Livesey: Mr. Chairman, parliamentary law provides that our system be such that the minority is always guarded against the abuses of the majority, that's quite obvious.

Mr. Shaw: Well Mr. Chairman, how come, I'll give a question to the Legal Adviser if that's the case, how is it that the Federal Government in their wisdom and power have enough expropriation authority?

Mr. Legal Adviser: Mr. Chairman, we've got to have some balance in this. Every government that I ever heard of took the authority in certain cases to acquire land compulsory. . . In recent years in Canada, there have been murmurings not primarily about the power of an individual Provincial government or the Federal government to acquire land, but the particular method by which they did it and the particular method by which they paid for it, and no one outside this House to my knowledge has ever attacked the right of the government or power of a government to do an expropriation or to make an injurious affectation of a person's property by running a powerline over it, by running a sewer through it, by running a gas line through it and so on. Over the years the opposition to the methods adopted by some governments crystallized so that the Ontario government set up a special commission to inquire into the civil rights of individuals and one of the major points of discussion in that commission, one of the major points of their report was, that instead of having a various number of individual acts of the legislature enabling agricultural societies, library associations, school boards and so on to have different procedures and different prices they've paid to bring it into one overall act. They did this in 1966 and then amended the procedure to improve it in 1968, 1969 Sessional of the Ontario House. We followed along the lines except for one particular, the lines of the McLure report when we were drafting this legislation, We drafted this legislation before the Federal Government improved their own particular procedure, and they had copies of our legislation in their hands when they were drafting their own and it had its own influence on the drafting of the Federal legislation. The main advantage of the new legislation and the Ontario legislation is that it crystallizes the procedure of a large number of bodies who have expropriation powers, and it increased the rights of the citizens. This is what we are trying to do at this point, we're trying to see that when land is expropriated, the citizen gets a fair crack of the whip and a fair price for his land. It's an all together different thing as to whether or not a company (commercial), a utility company or the Commissioner or a municipality should in fact have expropriation powers. These are the procedures which have been designed, there's no question but that all legislation can be improved and we're certainly subject to wishes of this House, if this procedure or fairness which is designed in this legislation can be improved by accepting the wishes of the Members, we certainly undertake to do this.

Mr. Chairman: (Reads Section or subsection (5) of Section 6).

BILL #12 Mr. Chamberlist: Well Mr. Chairman, I would like to ask Mr. Legal Adviser whether this would pertain to land that is subdivided as well as land that is not subdivided. The purpose I ask such a question, it would appear to me that if a utility company decides to run over somebody's property, somebody's home lot of 60' x 100', they could put a pole in the middle of the back yard. Now there must be some division where the electrical authority can in an area which is sub-divided only use lanes or streets, they will have to be reasonable by the way this is set up. Now there is no consideration given to the property or home owner, but just an opportunity for the distributor to place their poles wherever they think they can save some money by going in a direct line as the crow flies from point (a) to point (b). I think this is where we need some protection to see the abuse of ...to the right of way. I'm questioning at the same time as to whether it would be an appropriate thing for a utility company to expropriate land or to just simply give them an easement over land that is occupied. Now there's a difference there, because if you say to somebody they can appropriate an area 20' wide for the purpose of putting in a line in, anywhere in that 20' a pole can go in and you'd have no power whatsoever to say you can't put a pole in my back yard. I think Mr. Legal Adviser should see whether there's any way that there can be a restriction placed upon a utility misusing the powers that expropriation for the purpose of installing a distribution line would give them.

Mr. Legal Adviser: There is definitely a point here Mr. Chairman, but this is not basically the place to do it. There is no power given to this Ordinance to an electrical company to put a transmission line anywhere. This power is given to the utility company in the companies Ordinance. This is to control the procedure whereby they operate the power which is given to them in the companies Ordinance and it says nothing about acquiring land. It says where a limited estate right or interest in land is being taken, in other words, the Commissioner is the only person in this Ordinance who has been given the right to acquire land. The procedures are then set out to apply to the Commissioner, but by the definition of expropriating authority which is contained in section (2). "Expropriating authority" means any person empowered to acquire land by expropriation. The procedures in this Bill will apply to anybody who by another statute happens to be given the right to acquire land or to injuriously affect land so that the bones of this Ordinance are contained in section (3), the procedures is all that this House is discussing from now on of how somebody in the future who may be given power to acquire land will exercise that right.

Mr. Chamberlist takes the Chair.

Mr. Taylor: I have a question I would like to direct to Mr. Legal Adviser. Would he explain to me what prevents under the interpretation of expropriating authority and I restate, means "any person empowered to acquire land by expropriation", what is there to prevent the Commissioner of the Yukon Territory I assume from as far as we have gone in the Ordinance that the Commissioner is the only one who can empower anybody to do this, what prevents him under this Ordinance to go along with the companies Ordinance in empowering the utility company, what's to prevent him from making him the expropriating authority?

Mr. Legal Adviser: This would then come under a different thing. The Commissioner has no authority to grant authority to anyone to expropriate land. This needs an operation of law, but again if the Commissioner wanted to be devious there would be nothing to prevent him acquiring land and then transferring land so acquired to somebody else. It is necessary to give him the power when he acquires land or to let it remain with him to divest himself of that land because it does happen from time to time that in this Ordinance there is power when a person's land is being injuriously

Mr. Legal Adviser continues:

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affected as to a portion that the person can demand that the hold of his farm be taken and then the Commissioner must acquire the hold of the farm, but the Commissioner may not want hold of the farm, he may only want a narrow fringe along the front. Then he may want to sell the rest of it. So he's got to divest himself of land in the ordinary course of government business, but I again emphasize this does not let anybody do anything, this is in the companies Ordinance. All this is to safeguard the public in the future.

Mr. Taylor: . With respect Mr. Chairman, we find in the companies Ordinance that a utility company be it electrical, be it running pipe lines or be whatever it will, has the right under the existing Ordinance to run power lines and pipe lines across property. They don't have the right to expropriate land. Under this Ordinance they could, if you intended that the Commissioner was the only one who had the right to expropriate, why do we not say then that in subsection (b) of Section 2 that "expropriating authority" means the Commissioner? Why do we then instead say "any person empowered to acquire land by expropriation"? What we've done is given the chief executive of the Territory whoever it might be of the day the right to appoint anybody, he can appoint the office boy, the elevator operator or the president of the utility. Unless there is safeguards here now maybe I haven't been right through this thing but maybe there are safeguards, if not, those safeguards must be written in.

Mr. Legal Adviser: Mr. Chairman with respect, "expropriation" is defined as taking of land without consent. "Expropriating authority" means any person empowered to acquire land by expropriation, by this Council, because it takes statutory power to do it. If we take out section 3 of this Ordinance altogether, then the whole Ordinance would stand quite validly on its face but we would be merely enacting a procedural enactment saying that if in the future we give anyone power to acquire land, this is how they would go about it. There's not much difference between this Ordinance and say amendments to the judicature Ordinance as to how you file a written court and how you don't. The fact that you filed it in a certain way doesn't mean you get a right of action or any money out of it. It just so happens that the Commissioner is being given the power and nobody else in this Ordinance.

Mr. Chairman: : As a point of interest, I wonder if Mr. Legal Adviser can say where in anywhere in our legislation is a utility defined?

Mr. Legal Adviser: I think it is defined in the companies Ordinance, but I couldn't say without having a look at it.

Mr. Taylor:: Well Mr. Chairman, I still can't buy Mr. Legal Adviser's argument. I fail, maybe he can see it in here. I see in section 6 where we are now that in each section we speak of expropriating authority. I see in sub-section (b) of section 2, where the expropriating authority means "any person empowered to acquire land by expropriation", alright and I see in section 3, where subject to this Ordinance the Commissioner may where they spell him out ... it's left open. I see nothing in here which prohibits the Commissioner from appointing anybody other than himself, he's not bound by anything. This thing is wide open. There is no way that I as a so-called rational individual can accept a thing like this. Where are the safeguards?

BILL #12 Mr. Legal Adviser: Mr. Chairman, I'm at a loss. This is a procedural Ordinance. It has section 3 in it which says the Commissioner may acquire land, nowhere does it say anyone else can acquire land. It does not say the Commissioner may delegate his powers. If it were necessary he would have to delegate his powers. It doesn't say anything about appointing and unless that appeared in this Ordinance, then nobody except the Commissioner has the power to expropriate land and he can't give that power away. True, he can acquire the land and transfer it to them but he cannot give them the power to do it himself, that takes an Ordinance of this House.

Mr. Taylor: If this be the case, why not change sub-section (b) of section 2 to read "expropriating authority" means the Commissioner?

Mr. Legal Adviser: Mr. Chairman, the whole purpose of the Ordinance is to set down procedures which will bind every person who in the future acquires the right to expropriate land, and there will be many of these people. Some of them have injurious affection problems already as utility companies but there will be others. We may have to deal with fisheries, we may have to have our own Department of Public Works, lots of these people will be given the power by this House in the future to acquire land. We want the procedure set down.

Mr. Taylor resumes the Chair.

Mr. Chamberlist: Mr. Chairman, I see the point that the Honorable Member from Watson Lake has made and I'm surprised that Mr. Legal Adviser hasn't seen it. In Section 3, it says subject to this Ordinance the Commissioner may do certain things while in the interpretation section it spells out who the expropriation authority is. Now how many people are doing it now to expropriate now as the Ordinance is written? To me it would appear to be an expropriating authority and the Commissioner, but as it happens it's one of the same. Now, the only thing that I could see is that it is the intention by the usual subterfuge of regulation to make people that the Commissioner wants to expropriating authority so that we are going to finish up with having legislation within legislation as to usually being the case. Now we do not know who the Commissioner may choose to be the expropriating authority and has been indicated before that the Commissioner may you see, he may in regulations say that the following people shall be expropriating authorities: the President of Yukon electrical company, the President of Canadian National Telegraphs, somebody who runs an oil-line, somebody who wants to run a gas line. He is going to finish up by having the complete municipality undermined with all different systems for the simple reason that he is given the power to other people to do it. For instance, not very long ago there was a proposition made by a firm called gyronetics of Canada, who proposed to bring in a compressed gas system into the Yukon, bring it in by bottled tankers and talked about putting in a complete gas system under the City. So, the Commissioner can if this legislation remains as it is can say that the President of this particular company becomes an expropriating authority for the purpose of installing gas mains. They can say this for the simple reason that the expropriating authority means that any person empowered to acquire land by expropriation but who does the empowering? The empowering is done under section 3 by the Commissioner because the Commissioner may without the consent of the owner enter upon expropriated land. He says well expropriating authority by regulation he puts it in for the purpose of this Ordinance is Joe Blow, so Joe Blow does the expropriation. So then you have Joe Blow, he's one authority, the Commissioner is another authority and anybody else who goes with it. So therefore, the suggestion that has been made by the Honourable Member from Watson Lake is a clear suggestion that the language spell out in the interpretation section who is to be the expropriating authority. Now, it should

Mr. Chamberlist continues...

read then that Section 2(b) that the expropriating authority means the Commissioner who is empowered to acquire land by expropriation. Then you've got it clear. Now, why shouldn't we have this. I wonder if Mr. Legal Adviser can say why we can't have it.

Mr. Legal Adviser: There is no reason why we can't have it. But it is appallingly bad drafting and I would be a disgrace to the Nation if I did this. I think the Honourable Member is afraid to go to bed in the dark sometimes. He imagines a ghost behind every bed. The intention of this Ordinance is to deal with the procedure whereby Yukon Electric or Whitepass or anyone else expropriates land in accordance with the terms of a companies act or anyone else for that matter. So if you just take out section 3 for a second and put it in your pocket you'll understand that expropriating authority is defined for the future to cover anyone who is given statutory authority to expropriate land.

Mr. Chamberlist: By who?

Mr. Legal Adviser: By the Council. The Commissioner has no authority to delegate a power which is given to him, it doesn't say the Commissioner or his authorized officers or it doesn't give any power to the Commissioner to do anything by regulations. It just says he may and I am quite open to suggestion to limit it in this Ordinance to the Commissioner. If you want to make it clear that no other person is given the power in this Ordinance except the Commissioner, I have no objection whatsoever to making it clear except I thought it was being made very clear.

Mr. Dumas: Mr. Chairman, this is my point. I was under the impression that this Ordinance gave the power to the Commissioner and the Commissioner only. Now if it's got to be clarified to a further degree maybe the Honorable Legal Adviser can do that. There's no mention of anybody else but the Commissioner as the expropriating authority in here.

Mr. Chamberlist: With respect Mr. Chairman, there is no partner, perhaps the Honourable Member from Whitehorse West can point it out to me where the expropriating authority is the Commissioner in the Ordinance. Now if he says he can point this out, I will agree with the point made but it doesn't say that. It gives the power for the Commissioner to do certain things that he may do certain things he may without the consent of the owner, he may do all these things, but it doesn't say that he is the expropriating authority. I would ask the Legal Adviser to take a look at section 3. Where does it say that the Commissioner is the expropriating authority? Yet Mr. Chairman, it says that although he's got the expropriating authority he can still go on there without the consent of the owner. Now why are we giving him this? He's not the expropriating authority but without the consent of the owner he can go on, he can enter upon and expropriate land, and it does not say that he is the expropriating authority. It's just like saying to any Member here, you're not the expropriating authority but we'll allow you to go on and expropriate the land, because the expropriating authority is defined in the interpretation section which means nothing.

Mr. Dumas: Mr. Chairman, the interpretation says "expropriating authority means any person empowered to acquire land by expropriation". Section 3 empowers the Commissioner to acquire land by expropriation, now nothing could be more clear.

BILL#12 Mr. Legal Adviser: Mr. Chairman, the Commissioner is an "expropriating authority"; there will be others. So you define "expropriating authority" which means any person empowered.

Mr. Chamberlist: By whom?

Mr. Legal Adviser: By statute and it says so. "Expropriation" means the taking of land by exercise of statutory powers. Expropriating authority means any person empowered to acquire land by expropriation which is that if (a) is equal to (b) and (b) is equal to (c), then (a) is equal to (c). So then expropriation includes the Commissioner but there will be others.

Mr. Livesey: Mr. Chairman, this is a beautiful snow job, there's no question about that. If this was the Liquor Ordinance you would see the Commissioner's name mentioned fifty-three times but seeing that it isn't, this is kind of grind your axe against the public type of Ordinance, where you won't see it at all, so it would have to be varied to the extent that nobody knows just to who is what, and instead of the top authority here being named at by the pea-shooters in the country that they're going to get run over by this Ordinance, why the focal point of aim is so diffused that they would be able to get away with it, get around it. There's the whole problem in relation to this section and I agree with the Honorable Member for Whitehorse East, I think it should be more clearly defined as to who is precisely the expropriating authority.

Mr. Chamberlist takes the Chair.

Mr. Taylor: The very point that I raised Mr. Chairman, is that there is nothing within the terms of this Ordinance which prohibits the appointment by the Commissioner of the President of the utility company to be the expropriating authority. I'll give you a very good example of where that would or could happen, that would be where for instance the Whitepass and Yukon railroad decided they wanted to put a spur line to service some yard in the City of Whitehorse and where they felt that the cost involved would be too great, the cost of expropriating costs, who would then say to the President of the Whitepass or Yukon, here I make you the expropriating authority, you guys go and get your land, just like you say to them right now in the companies Ordinance in respect to running utility lines, etc. Now that is possible within this Ordinance and as I say it's got to be changed. Something else to consider and everytime we deal with the name Commissioner, just refer back to your interpretation Ordinance and understand this, that where we give the power for the Commissioner to do anything we convey that power to any public office. In sub-section (b) of section 17 in the interpretation Ordinance, it states where power is given to the Commissioner or a public officer to do or enforce the doing of any act or thing, all such powers shall be deemed to be also given as are necessary to enable him to do or enforce the doing of the act or thing. In other words, when we consider the Commissioner in this regard, we consider that any person he appoints has all the powers the Commissioner has completely. I would certainly, I'm not in concurrence with the Ordinance until the people are written into section 3, but most certainly under any circumstances would I even think about passing any part of this Ordinance until the expropriating authority is defined as "the Commissioner" at least, not any person.

Mr. Dumas: Mr. Chairman, in this Ordinance does it say anywhere that the Commissioner may pass on his power of expropriation? In other words, can the Commissioner pass on to a private company or person the right to expropriate?

Mr. Legal Adviser: In my opinion, no!

Mr. Legal Adviser continues:

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I could change the definition of "expropriating authority" to mean any person empowered to acquire land by expropriation and in this Ordinance includes the Commissioner.

Mr. Taylor: Well Mr. Chairman with respect, if we say just the expropriating authority is the Commissioner, at least the Commissioner has the right to delegate it to a public officer to do the chore for him by virtue of the interpretation Ordinance, subsection (b) of Section 17. That's clear, but certainly we cannot allow the Ordinance to operate to the extent that the Commissioner does have power and as I read it, he does. It means any person empowered to acquire land by expropriation. It seems to me that the Commissioner under this Ordinance has the right by virtue of Section 17 to appoint other people to expropriate.

Mr. Legal Adviser: I'm quite agreeable if you want to tie down the Commissioner more so that he can't delegate it. I've no objection at all, we're not trying to pull a fast one on anybody, but as I say some of the Honorable Members here see a ghost behind every bed. We are perfectly prepared to put in a section here which will say the Commissioner may not delegate his power except in accordance with an order to be passed by the Councillor.

Mr. Shaw: Yes Mr. Chairman, I have some questions for the Legal Adviser. The way I have interpreted this is in fact is that we are giving the Commissioner the power to expropriate land in the name of the public, is this correct?

Mr. Legal Adviser: Yes, this is so Mr. Chairman.

Mr. Shaw: The second question is that this Ordinance gives no more power to any other person than presently exists under our Ordinances, is that correct?

Mr. Legal Adviser: That is correct Mr. Chairman.

Mr. Shaw: The third question is that apart from giving the Commissioner power the only other means that this does is to regulate and control present persons or companies that have expropriation powers within the Territory?

Mr. Legal Adviser: Yes, this is correct Mr. Chairman.

Mr. Shaw: No. 4 is whoever the Commissioner may get in a form of a public officer to look after all the details that the Commissioner's signature will be on that and will be absolutely responsible.

Mr. Legal Adviser: Yes, this is correct Mr. Chairman.

Mr. Dumas: Mr. Chairman, I would like to refer to if I may to the Royal Commission enquiries to civil rights passed on to me by the Legal Adviser. In Ontario there are thirty-five Ontario statutes which confer power to expropriation bodies, or classes of persons. There is a statute to every body or person allowed to expropriate. Now this is what we are passing, we are passing an Ordinance empowering the Commissioner to expropriate, not anybody else, just the Commissioner. If we want to pass on the power to expropriate to somebody else, we must like they did in Ontario and I presume like in any other Province in Canada pass legislation to that effect.

Mr. Livesey: I understood the Legal Adviser's answer to a question to the Honorable Member from Dawson to say that to agree

BILL #12 Mr. Livesey continues:
that his last meaning was that the signature of the Commissioner would appear on the document. Am I right?

Mr. Legal Adviser: Where we're dealing with land, I would expect the signature of the Commissioner to appear. I would also expect it to be done with a seal, it wouldn't have to be but the normal procedure is that when the Commissioner is dealing with land, two signatures appear testing to the seal of Commissioner's and the Territorial Secretary. It's witnessed then and affidavits are done where necessary to witness the witness's signature.

Mr. Livesey: Well if that's the case Mr. Chairman, why make out in the Ordinance that the signature does not have to appear?

Mr. Legal Adviser: This is not so Mr. Chairman. What we're trying to do is that there is a series of notices maybe ten notices in a row have to come; a preliminary notice, a confirming notice, then a letter saying what the price is to be offered, there's one asking may our arbitrator appear, would you please come to a meeting, all these things have to be signed but they're not necessary hopefully, they're not necessarily all going to have to be signed by the Commissioner but by the Officer in Charge.

Mr. Taylor: Yes, Mr. Chairman, just the same we're having problems with this section the Ordinance binds the Commissioner, I find only one other place in the Ordinance where the Commissioner is mentioned. That is, when he sets up the Board of negotiation a little further on in Section 14 where he appoints two or more members appointed by the Commissioner to establish the, you know the Commissioner runs the whole show in two areas of the Ordinance, so why do we need to even consider an expropriating authority? Why not spell it out Commissioner all the way through this Ordinance as you do in other Ordinances? It seems to me when you've got one like this, you've got the Commissioner scurring under the rug for cover and you've left the whole thing wide open for the appointment by the Commissioner of anybody else. We went through this at the last session when the Commissioner wanted to get under the rug and appoint big Boards and talk about such matters as gain, so where are we going? We're going nowhere Mr. Chairman and respectfully I submit that this is strictly nothing more than an absolute exercise in futility.

Mr. Taylor resumes the Chair.

Mr. Chairman: (Reads Section 7 of Bill No. 12)

Mr. Livesey: Now in Section 7, subsection (1) Mr. Chairman, it makes provision that in sixty days failure to serve the notice does not invalidate the expropriation. So you've got your expropriation, you don't have your signature on it and you have this placed in the operation of the Administration and you don't have to serve the notice, however this fellow that hasn't got a notice if you go into to section 7 sub-section (2) it says "where a plan has been registered under section 6 and notice of expropriation has not been served in accordance with subsection (1), the registered owner may elect, by notice in writing served upon the expropriating authority", mind you he doesn't know what is going on but the law provides that he can do all kinds of things if the notice hasn't been served.

Mr. Chamberlist: Mr. Chairman, it is a standard procedure never- BILL #12
theless and I recognize that a standard procedure is required.
I think we're being picky about these small areas that don't
matter to much but the principle of getting in certain amendments
that would take care of these small things.

Mr. Legal Adviser: Mr. Chairman, with regard to sub-section (2)
of Section 7, the normal thing one would expect is that when the
authority makes up his mind it's expropriated, it serves a notice.
If it doesn't serve a notice, very often the reason is because
they're in the middle of negotiations and the engineers are talking
to them and they're trying to get a price and routine things are
omitted. If negotiations start breaking down they then serve a
notice to cover up the earlier effect. Then the penalty on the
expropriating authority for not going ahead with the normal form
is that the owner can elect which of two dates the compensation
will be assessed from. Now if the value of land is rising, then
he will take the later date, if the value of land is falling he
will take the earlier date. Something may have happened in be-
tween. Supposing for example, they fail to serve the notice and
in the intervening six months or eight, his house burned down, that
owner can elect to have the compensation assessed as it was in the
earlier part of time notwithstanding that there is no house here
at all. So the section although it's a cure all for technical
defects does give certain benefits to the owner.

Mr. Livesey: Mr. Chairman, I still don't understand how anyone that
doesn't know anything about the fact that his land is being ex-
propriated, could be put in a position where he's got power to
act. How can he have power over something of which he has no
knowledge?

Mr. Legal Adviser: The people of the Yukon are not ostriches, Mr.
Chairman. They know what's going on about their land. It's
extraordinary how queries come into the Administration but some-
thing which one thought was a secret known only to two people and
as your walking down to the cafe for a cup of coffee, six people
will ask you about it, now people know what's happening to their
own land. Absentee people sometime do not. There's no secrecy
attached to this, we're attempting as the Honorable Member from
Whitehorse West will confirm, we're making an attempt to carry out
the recommendations of the McLure report which was the report which
set off the whole of land reform in the field of expropriation in
Canada.

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I can't buy this one either for this
reason. What do you do about the person who the prospector, the
trapper who goes into the bush for six months. You say here that
if he doesn't know about this that you can still take his land
away? What about the vacationing Yukoner who is on an extended
winter vacation and cannot be reached because he is on a tour of
Europe? What about the person from industry who out on course?
Where are the safeguards? You're asking us to give away the powers
that there is no way we can ... anything like this, not without
first having somebody around to safeguard this man's rights.

Mr. Legal Adviser: Mr. Chairman, I can't agree that it is ridi-
culous. LIFE continues on although some people elect to vacation
in Hawaii. Unless someone chooses to leave his property and spend
his winter or summer beachcombing in Hawaii, notice will still have
to be served, but if through some technical defect it's not served,
then as he gets notice and he gets notice before it's taken and he's

BILL #12 Mr. Legal Adviser continues:

missing as many as a Yukoner, once they see a registered letter coming into the Post Office, they go missing for six months at a time and we have the greatest difficulty in finding people.

Mr. Livesey: Absolutely wrong Mr. Chairman. I would like to read from the Vancouver Province of November 8th under for the individual "New expropriation Bill brings law up to date". In this particular aspect Mr. Chairman, it says "under the proposals the Federal Government in expropriation must publish it's intent in public newspapers and direct to the property owner setting out it's reasons and informing owners of the rights to appeal." Now I don't see this. In this legislation there is no such protection, where is the protection, we don't even have to serve the notice and when we don't serve him and he's sitting there in complete ignorance we'll give him a little power to do something about even though he doesn't know anything about it. This is absolutely preposterous! Surely, we can take some lead from people who have been studying this for some considerable time at least try and protect the public the same way as they're trying to do in the Federal Act.

Mr. Shaw: Mr. Chairman, I see in section (f) it says "serve" means to serve personally or by registered mail letter to be addressed to the person at his last known address or if that person is unknown or if his address is unknown by publication once a week for four weeks in a newspaper having general circulation in the locality in which the land concerned is situated. That seems as if the person Mr. Chairman will be getting adequate notification.

Mr. Taylor: Yes, well Mr. Chairman, contrary to what the Honorable Member from Dawson has pointed out, what if this person is out in the bush and he can't get a newspaper, he obviously can't be served because he can't be reached by letter which is preposterous.

Mr. Shaw: Well Mr. Chairman, in answer to that from the Honorable Member of Watson Lake, I would say that when land is expropriated this is something that is done within two days and the whole thing is a state of complaint. However, I would assume Mr. Chairman that anyone that would have their land expropriated and he was away in the bush for six months, and when they came back and this was expropriated and they hadnot been even able to put any protest, I'm sure that any court would just throw that thing right out of the window. It would be ridiculous to get away with something like that. I would assume that people would make every effort to notify this person and if they couldn't they wouldn't do it. I know but in the powers that are given Mr. Chairman, are .. have to be laid out and every reasonable way to contact this person but somebody would know that this person is out in the bush and I don't think they would say well he's out there so let's go ahead and do the job, let's get the land, let's grab it! Surely something like that could not happen, I can't see, not in the Yukon Territory.

Mr. Livesey: Mr. Chairman, the whole subsection (1) of Section 7 is absolutely redundant as far as I can see. It says where a plan has been registered under section 6 and no agreement as to compensation has been made with the owner, the expropriating authority may serve the owner, that's permitted, the next word "and shall serve the registered owner," that's imperative "within sixty days, but failure to serve the notice does not invalidate the expropriation". Surely we are getting so mixed up here that this whole thing needs organization.

Mr. Legal Adviser: If the Honorable Member would cast his eyes BILL #12 on the definition section, he would see the explanation to this whole conundrum. Owner means, the owner includes a mortgagee, a lessee, tenant, occupant, a person entitle to a limited estate, the whole shaft of people are included as owners under the definition of owner. Registered owner means the person whose name is registered in here and as you know in our system of Land Titles, the only type of ownership other than an limited ownership like a mortgagee that we recognize is a person who is a registered owner. Now the only reason for the last sentence "but failure to serve the notice does not invalidate the expropriation" is to see that notwithstanding the fact that through some accident, it was shown that although the person knew all about it who haven't in fact been served, we don't want a bush lawyer waiting for us in the bushes to chop down an expropriation months after it has happened and the compensation has been paid. So, this section is a beautifully drafted section, I think, and it meets the point that you've got to do something and if you don't do it, then the whole doesn't fall down. It's just a technical defect and it can be cured.

Mr. Taylor resumes the Chair.

Mr. Chairman: (Reads Section 8 of Bill No. 12)

Mr. Chamberlist: Question. My first question Mr. Chairman is to Mr. Legal Adviser. What other powers outside the statutory powers will the expropriating authority have? It seems to be a point being made in this that it be subject to it's statutory powers. Are there any other powers?

Mr. Legal Adviser: I don't really know what sub-section or part of the sub-section the Honorable Member is referring to.

Mr. Chamberlist: This has been referred to twice in Section 8 subsection (1) and (2). It says specifically statutory powers. Now are there any other powers other than statutory powers?

Mr. Legal Adviser: There may very well be. We're only talking here that when a company or a minister or a department is doing something which comes under the framework of this Ordinance expropriating land or injuriously affecting land. If something happens by reason of a tort, for instance, if N.C.P.C's dam burst through some negligent operation of the manager or foreman, and a section of land was flooded by the resultant tidal wave this would not be injurious affectation of land in the exercise of the statutory powers. It would be an action for negligence under the rule of the Rylands v Fletcher and the court would assess the compensation in a normal way as if it were a person who slipped in front of the Post Office.

Mrs. Gordon: Mr. Chairman, I have a question. Under subsection (2) of Section 8 we have the "tribunal determining compensation shall declare that". Later on the Ordinance also mentions a Board of negotiations. Now I can't find anywhere in this where we arrive who these people are or where we got them from.

Mr. Legal Adviser: The Board of negotiations is not intended to have power in the accepted tense of the word. Apparently, it has been found convenient that when the two parties reach a conciliation officer or some other person, it might be a person skilled in business of an estate management, somebody brings the parties together and ask each of them to say that is an engineer from the Board of Works or Department of Works and he says exactly where he's going to go and this man is looking for fifty thousand damages. So the negotiator says now just show us exactly how you work out taking a square yard of your property works out to fifty

BILL #12 Mr. Legal Adviser continues:

thousand dollars, and when you're sort of in raw nature as you might say, as to what is going to happen, the property owner tends to scale his values down slightly. There's nothing to settle these arguments Mr. Chairman, than to meet an assembly of civil servants meet on a cold arctic day on the Alaska Highway to settle business in about ten or fifteen minutes which might have taken six months before.

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

RECESS

Mr. Chairman: At this time I will call Committee back to order, and we were discussing Bill No. 12. Have you anything further on Section 8? (Reads Section 9(1)).

BILL
NO. 12

Mr. Livesey: Question..I will read out what we are supposed to have "The new legislation will bring about the evaluation of land based on the assessment.....about open market. The Assessment, this is what the Federal legislation creates and it is these beneficial sections of legislation we should incorporate in this one.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: I am very glad to have an opportunity of asking that question because the Federal Government has taken our section and incorporated it in their legislation.

Mr. Shaw: Mr. Chairman, I have hardly ever seen the assessment of land at a higher price than the value of the land. It might happen in a very depressed area only.

Mr. Chairman: (Reads 9(2),(3),(4),(5),(6),(7)). Councillor Livesey.

Mr. Livesey: Mr. Chairman, may I direct a question to Mr. Legal Adviser. I would like to ask him; under this Ordinance, how soon must payment be made for any expropriation to a person who has lost his land through expropriation?

Mr. Legal Adviser: I find it difficult to put it into an exact time but certainly he would be paid before the land is formally taken away from him. It is one thing to say the ownership may transfer in a legal sense on the serving of the notice but before he has to leave he would be paid.

Mr. Livesey: Mr. Chairman, what would follow any new position taken by the Exchequer Court in the event of an appeal.

Mr. Legal Adviser: The Exchequer Court has no jurisdiction in this Ordinance at all, Mr. Chairman.

Mr. Livesey. Well, you see, here is where we don't have a copy of the, we certainly don't have a copy and I wonder if this fits in with this Ordinance and perhaps I could direct this to the Legal Adviser, Mr. Chairman. Property owners are guaranteed payment based on the appraised value of their property, within ninety days of expropriation and they still appeal the amount to the Exchequer Court. If the Court grants a higher payment the Government must pay a penalty of 10% of the property value. I wonder, Mr. Chairman, if the Legal Adviser could advise me if this Ordinance provides such value?

Mr. Chamberlist: I rise on a point of order, Mr. Chairman. I don't think it is proper for Mr. Legal Adviser to have to answer a question on Federal legislation with relation to a report in a newspaper.

Mr. Chairman: I am sorry, Councillor, I cannot agree. I believe the question was - is there a similar type safeguard or the like in this and I would let the question stand.

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Mr. Legal Adviser: Mr. Chairman, I am very happy to be in a position to answer the question. The Federal Government gives this penalty clause against the government if the assessment is disturbed by the Exchequer Court on appeal. We give this allowance in every case without an appeal.

Mr. Chairman: Anything further on this Section? (Reads Section 10 (1),(2),(3). Councillor Chamberlist, would you take the Chair please?

Mr. Taylor: Mr. Chairman, we have a Member of the Council who is in Real Estate and who possibly can answer this question but I'll direct it to Mr. Legal Adviser. Am I to understand that if a person has a residence somewhere, he has virtually bought this house because he liked the area he was living in and (b) very likely he felt that during the next number of years his property values may increase because of where he positioned his home and the expropriating authority comes along and says; this is hypothetical of course, and says, well alright we will give you fair value for your house. Is it anticipated that the location of the property and what the man may have been entitled to and increased property values be given any consideration in settlement in respect to Section 10?

Mr. Legal Adviser: It is hard to say exactly what principles a Tribunal would go on in assessing this. This Section is the distillation of the wisdom of Newfoundland in this particular field. They passed a special Act called the Acquisition of Homes Act, I think it was, in which they put these principles, but in Eastern Canada they are very long-winded and this particular Act took about four pages to say what we have attempted to say in one Section. The particular evil that we were aiming at was the evil which was brought very much to the surface during the acquisition of land for the new Welland Canal and hundreds of homes were acquired in an area where the residential value had fallen, or at least not risen, so when the Tribunals came to assess land they took evidence of what the houses had cost to put up, added possibly a percentage and the average amount given to home owners in the area was, so far as my memory serves now, in this case, was running at between \$8,000-12,000 per house. To people who had lived there for many years, fifteen or twenty years and had raised families and had 3-4-5 bedroom houses because they were building in cheaper times; when the authority acquired these houses and gave these people \$10,000 for a house, they had to turn around and on the open market buy homes, with reasonable accommodation for the family they had and with the \$10,000, all it did for them was, instead of giving them a completed house, it gave them a down-payment and a fresh mortgage and they found themselves with a debt of \$15,000 and annual payments. So they lost very heavily on the transaction. This is what brought to a head the particular tax on the method of valuing homes in particular, and houses in general, and property in general under the Expropriation Act in Ontario. Now, we have attempted to devise this set of rules whereby if a person is in a house and it is a home under the rules here, then they would try to fit him in with a reasonable equivalent for the purpose. Now, if we say in Riverdale, and I happened to pick Riverdale because this is where the expensive homes in Whitehorse may be, and he is living there in a four bedroom house. He says I only paid \$15,000 for this house as I bought it in say 1963, it will now cost me \$30,000 to buy the same house. Then it is \$30,000 he gets.

Mr. Legal Adviser continues...

It is a question for the Tribunal to decide. Now, this is far in excess of what any other at the time of drafting this, except for Newfoundland, there was no other province that we were aware which had this particular provision. I think it a wise and sensible provision; I don't think it found its way in this form at all into the Federal Legislation although an allowance can be given.

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Mr. Chairman: Councillor Taylor.

Mr. Taylor: Mr. Chairman, I must remind Mr. Legal Adviser, when he speaks of the application of this in Newfoundland and Ontario that he is talking about places where democratic institution exists. I must also remind Mr. Legal Adviser that we have not progressed this far as yet in relation to the development and acquisition of democratic processes and institutions here in the Yukon. So, there is in effect a difference as we discuss this Ordinance. I have another question and that is related to this Tribunal. Now the Honourable Member from Mayo raised this question a little earlier in debate and it seems to me that the Tribunal as referred to here is certainly not covered in the interpretation section of the Ordinance and nowhere in the Ordinance, just peaking ahead, have I been able to find out who the Tribunal is and indeed what a Tribunal consists of. Now, if it is anticipated that a Tribunal be involved in this Ordinance, it would occur to me that a Tribunal would be an independent Board appointed independent of the Commissioner and independent of the Council in order to assess compensation. However, I don't see that here. I see a little further ahead where the Commissioner comes out of his bomb shelter long enough to appoint two or more members, one of whom may be designated as a Chairman, as a Board of Negotiation. I am wondering if I could have this clarified at this time; what is a Board of Negotiation and what is a Tribunal?

Mr. Legal Adviser: Well, the Board of Negotiation will be really mediators to intervene in a settlement to try and bring the parties together, but the provision in this Ordinance is that the Tribunal will be appointed by the Federal Government.

Mr. Taylor: Now, this is fine. Thank you very much. Now, where in this Ordinance is this expressed and where is the routine set down for the establishment, the constitution of the Tribunal and who it shall consist of?

Mr. Legal Adviser: The routine for appointing the Tribunal is in the British North America Act.

Mr. Taylor: Possibly Mr. Legal Adviser could direct me to the section.

Mr. Legal Adviser: I don't know the exact section, I'd have to have it with me. In this Ordinance it is in Section 14(5).

Mr. Chairman: Speaking from the Chair, I have looked at Section 14, reference is to a Commissioner. The Board of Negotiation shall be established consisting of two or more Members appointed by the Commissioner, one of whom may be designated...this is the Commissioner, where, Mr. Legal Adviser has indicated by the Federal Government, I would ask Mr. Legal Adviser to clearly define what he means by the Federal Govern-

Mr. Chairman continues...
BILL NO. 12 ment when specifically in sub-section 5 of Section 14 the reference is made to provisions of the Arbitration Ordinance which is not a Federal Act.

Mr. Legal Adviser: Well, sub-section 5 in terms says, it is coming to the end of the point where negotiations are breaking down.

Mr. Chairman: Well, where does the Federal Act come into being. I was wondering whether Mr. Legal Adviser, order please, one moment. I was wondering whether Mr. Legal Adviser could clarify his position because it appears to me that the Members of Council may be inadvertently hoodwinked to believe that the Federal Government is going to participate in the setting up of Tribunals under this Ordinance.

Mr. Legal Adviser: No, a member will be appointed. What we have provided here is that if the parties cannot agree then they go to arbitration as if the negotiations had not taken place, in which case the claim is to be determined by a judge and the provisions of the Arbitration Ordinance has to proceed

Mr. Taylor: Mr. Chairman, my question is still not answered. Here we are dealing with a piece of legislation on behalf of the people and we are discussing tribunals now. Now nowhere do I find where we have reference to tribunals. I am told that this matter may be found in the B.N.A. Act. I still would like Mr. Legal Adviser to show me the section so that I may have a chance to view it in the B.N.A. Act.

Mr. Legal Adviser: Well, as I say, the judge here is a Judge of the Territorial Court. If we just say it will be determined by a judge then we have to have the procedure set up by the Judicature Ordinance which is slightly more complicated than otherwise need be but by determining that it will be under our own Arbitration Ordinance and that procedure applies, we then have a single Arbitrator who will be the Judge. The Judge is appointed by the Federal Government. He is a person over whom we have no control whatsoever except to give him jurisdiction to hear a particular case, as they arise so he will be the single arbitrator. So the Ordinance determines in advance that the differences will be determined by arbitration, that the procedure will be arbitration procedure in the normal way and the person who will be the single arbitrator will be the judge.

Mr. Chairman: From the Chair, I wonder if Mr. Legal Adviser would answer the question that has been put by the Honourable Member from Watson Lake? Where in the British North America Act, as suggested by Mr. Legal Adviser, is this matter dealt with?

Mr. Legal Adviser: I couldn't say the exact section but the power of appointment of judges in the Superior Court is given to the Federal Government under the British North America Act. Then under the Judge's Act a particular number of judges are appointed and one of the Judges appointed under the Judge's Act is the Judge of the Territorial Court and it is a reserve Federal Power. We have chosen this as a Tribunal. The reason the word "Tribunal" appeared from time to time in the Ordinance is because under the Arbitration Ordinance they talk about an Arbitration Tribunal. It can be a one man tribunal or a group of people so in order not to say Court Court, we use the word Tribunal, tribunal tribunal but the

Mr. Legal Adviser continues...
Tribunal will consist of a single Judge.

Mr. Chairman: Confusion, confusion, confusion. Yes,
Councillor Taylor, please proceed.

Mr. Taylor: Well, just before I resume the Chair I can only say that again there is no way I could accept this part of the Ordinance unless it is clearly laid out and indeed, at some point in the Ordinance, when we get up to Section 15, that this Negotiation Board will be independent of the Commissioner. This has got to be an independent group, not appointed by the Commissioner. However, I will wait until we get to that Section, Section 14. I will resume the Chair at this time.

Mr. Chairman: (Reads Section 11(1),(2);12(1),(2),(3)).

Mr. Legal Adviser: Mr. Chairman, could you change the word "the" to "a" "a judge" instead of "the judge", in subsection (2). It should be "a", not "the".

Mr. Chairman: So note, Mr. Clerk. (Reads Section 13, 14(1). Take the Chair Councillor Livesey, Councillor Chamberlist, pardon me.

Mr. Taylor: Now Mr. Chairman, here again we find the other place where the Commissioner, as I say, comes out of his Bomb Shelter long enough to make this appointment. I think we will all recall when we started way back at the first chapter of this book, that it was the interest of Council when we first discussed this at a former Session that subject to this Ordinance the Commissioner by and with the advice and consent of Council may, Section (3) proceed to enter and expropriate. Now we get to Section 14. I believe the only other place in the Ordinance where the Commissioner is mentioned and I feel that here the Board of Negotiation shall be established, consisting of two or more members appointed by the Commissioner, by and with the advice of Council. This should be included here as well; ~~one~~ of whom may be designated as a Chairman because what we are talking about in Section 14 is where someone might have an appeal to this Board, feel he has been unjustly paid, has not received true value of his property and what we've got is the Commissioner, fighting on one side. He's the man who instituted the expropriation, assumingly. Now, you have him appointing two members to a Board, of his choice, to seal his own case, so to speak and this indeed would be grossly unfair. I think certainly we have to take this Section and do something with it; in other words here again I think we must involve the elected representatives of the people, through their legislature to ensure that with the Commissioner, in the appointment of the Board, or this negotiation board, to ensure that the Members of that Board are indeed independent and not members of the Administration or the Administration's cause.

Mr. Legal Adviser: I have no objection to this but the Honourable Member should not run away with the idea that this is going to be a beehive for a Board; these are going to be two people. Somebody is going to get on the telephone and say go down and see so and so and see Ken Baker and get the two of them to come together. They are very low key people who meet over a cup of coffee and decide nothing, it is

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Mr. Legal Adviser continues..
only to try and get the person on the one hand who says I want \$25,000 for my house and say the Departmental Engineer who says it is only worth \$15,000 - to get them over a cup of coffee to talk. It is not a Board in the accepted sense of the word. We only use the word "Board" because it may consist of more than one or two people. I have no objection to the whole section coming out, it is just a method of trying to get the parties together, that is all. We don't care how it is appointed but with regret I would have to say that I do not think it would be appropriate to have the Commissioner in Council meet just because they require a square foot of land in front of the Chicken Village in order to put a bicycle shed there or something. It is just too low key an effort for the Council to have to be summoned from the ends of the earth to meet to appoint somebody. I would imagine it could be one of the real estate men.

Mr. Taylor: Mr. Chairman, I can only say that the square foot of land in front of the Chicken Village is every bit as important as the hundred acres of somebody's ranch or farm out here in the hinterland and it is not so much the value - this Board - I felt that this Board were the people who would establish the compensation to the people to see if they are fairly dealt with. If this is not the case then it certainly should be. Here again, at least with the Board, the agrieved party may not have to go to all the expense of having to pay a few thousand dollars for a lawyer in this fine City of Whitehorse, to go out and defend his cause; one which he doesn't understand, and maybe he can go to the Board and possibly find relief for his plight from the Board but it was my assumption that this Board would be the body who would decide the compensation and following this if the agrieved party felt that he was unjustly compensated, he would then go to the Court and appeal the case. Now this is my understanding.

Mr. Legal Adviser: If they go to arbitration, nothing which would be said before the Board by either party would be evidence. As I would see the Board meeting, it would consist of, supposing say a particular real estate firm had appraised it for the Government and this person wrote in and was saying I want my \$50,000 for this but whoever was in charge of that particular office dealing with it would get on the telephone and ring up the other estate office and would say, are you prepared to do anegotiation for us. The fellow would say "yes" and then they ring up Ken Baker's office and say "could you spring loose one of your staff and set up a negotiation board". There is no secretary, nothing; they would just ring up the government officer in charge and the person who had the land which was supposed to be taken and they would arrange to meet in some common place, always having had a look at the particular place they were discussing if that was at all possible. Then having looked at it and walked it with their feet, would then sit down and say, well, discuss it. If they could not bring the parties to shake hands on a particular price, well then the whole thing is forgotten. He is an adjuster, that is all he is. An adjuster the same as an adjuster who acts for an insurance company to try to get the fellow to agree to a price and if he doesn't agree, well let them sue.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, if we just go along with that

Mr. Shaw continues....

section to Subsection (5) we find that if neither party can come to an agreement or negotiate on a very casual basis, it states that they can, either party can make a claim to a judge and it shall, it doesn't say it may, it shall be determined by the judge. This is just a means whereby we are trying to get people together. I think it is very sensible, whether it bears any fruit is another matter but it still has to go to a judge if either party feels aggrieved.

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Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, if Members of the Board are appointed by the Commissioner, on behalf of the case of the Territorial Government, surely this is a one-sided Board to start with. So the next move is to a judge. Well, where does the person who is affected have anything to say on the Board? Is there anybody going to be appointed to the Board who will at least represent his case or are all these people appointed by the Administration, they are going to be lined up by the Administration and nothing, as far as he is concerned; he has no say as to who is going to be appointed to this Board and therefore the man has no chance whatsoever. He certainly has no representation on the Board so therefore if they don't agree, why of course it goes to a judge. Obviously it is going to go to a judge more often than they do anything else for the simple reason the individuals appointed by the Administration, for goodness sake, they are certainly not representing him. And I would suggest, Mr. Chairman, that the person affected should have representation on that Board.

Mr. Shaw: Mr. Chairman, I see nothing in here that doesn't say that if I were the one negotiating that I could not get Joe Blow, a pal of mine who is very good at negotiating and understands it, that I couldn't have him with me to discuss it with these people. This is a very informal ad hoc arrangement. There is nothing that states any formality in that except getting the people together to have a talk and there is nothing to preclude someone having a friend of his, or goodness knows who to come along with him to discuss with this Board that is set up. There is nothing that prohibits that. As the Honourable Member from Carmacks-Kluane states on so many occasions what is not written is not implied. So, what is unwritten is not implied.

Mr. Livesey: It is not implied that any member of the Board shall be at the option of the person against whom the expropriation is taking place either. I'm not talking about legal advice or some friend of the person who is going to lose his home, his property and everything else. I'm not talking about him. I'm talking about the members of the Board. And the members of the Board are going to be appointed by the Administration, not by the individual concerned. So therefore it is a one-sided board to start with.

Mr. Taylor: Right, Mr. Chairman, this is exactly the point. The Commissioner institutes the expropriation, then when they get down to the nitty-gritty of how much, let us hypothetically say the man feels whatever it might be, is worth \$4,000. So, the Commissioner says we don't think so; we are going to pay you \$2,000. They have decided this so the fellow says that is no good to me so it was assumed that the Board would sit and negotiate; the Tribunal would negotiate this thing instead, this guy has got to go and hire a lawyer for \$2,000.

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Mr. Taylor continues...

to go fight the case in the Court to appeal a decision of the Board which is on the Commissioner's side assumably, in the first instance, and when he is finished he has nothing because if he gets \$2,000 he merely hands it over to the lawyer and he walks away and they have taken everything away from him, no way do I buy it Mr. Chairman, no way.

Mr. Legal Adviser: Mr. Chairman, I am quite agreeable with this. If you want to put in an amendment and say "A Board of negotiations shall be established consisting of two or more members appointed by the owner"..... This is only just hopefully that the Commissioner would appoint two people and he would pay them \$25.00 a day for turning up to bring the parties together. If the Honourable Member wishes I will certainly introduce an amendment to say "have the two members appointed by the owner". We are not looking for any ...

Mr. Taylor: Mr. Chairman, I don't know if that fits either because the owner still has to go to a lawyer to figure out what this thing is all about. And what is the matter with the Commissioner in Council. At least there would be no proceedings without the Council's notification. Maybe we can assist these people, presuming that anybody is foolish enough to accept this Ordinance.

Mr. Legal Adviser: I thought the Honourable Member was thinking the Commissioner wouldI can't see how we can go farther than say, let the other person appoint them. It seems to me a reasonable suggestion.

Mr. Taylor: Councillor Chamberlist, I will resume the Chair.

Mr. Chamberlist: Mr. Chairman, the very first thought that strikes me. I am somewhat surprised that the Honourable Member from Dawson doesn't seem to be recognizing that the Members that have already spoken have simply spoken with what appears to me to be a sincere effort to protect the individual against bureaucratic administration. That is all that it appears to me to be an attempt to be done. Now, it has, the point has already been raised, and I won't press it too far but the suggestion in the piece of legislation that the Commissioner who Mr. Legal Adviser, Mr. Chairman, has already suggested is the only expropriating authority, will be able to appoint a board to deal with the action that he has taken by compensating party A seems in itself to be incorrect. He obviously, Mr. Chairman, has seen this point and now offered that he doesn't mind to put it in that the owner may present the Board which he might say is alright but when it comes to Mr. Commissioner validifying that request, I doubt whether the Commissioner will accept the advice. Now, when we have a look and we see that there is to be a Board to consider the compensation, but no board to consider the expropriation, you make a fact of the expropriation, making one many one man, and give him the power to say to somebody "I am expropriating your farm. Now I am going to be real nice to you. I am going to let you choose two and I am going to offer you X dollars but I am going to be real nice to you and let you choose two people who can negotiate as to what you should have by way of compensation." And who are they going to negotiate with? Just going to the Commissioner and suggesting that the Commissioner will say that two people can decide what compensation will be given? No, they are not going to do that.

Mr. Chamberlist continues...

The whole theme of this section, Section 14, is wrong. It is wrong for the simple reason that if you have a board which is in effect just another piece of blind to try and move this Ordinance through. It is not effective because either one goes to the judge in any event. Why not cut that board out entirely and say that an appeal could be made under the conditions and terms of the Arbitration Ordinance. But I also say, and I say this sincerely that the suggestion that was made earlier by Mr. Legal Adviser, that he brings in, Mr. Chairman the B.N.A. Act, a Federal Judge, a Federal Act to do all these things. This is just a good, big, fat red, red herring, thejargon is attempting to blindfold the eyes of the Members of this Council. Mr. Legal Adviser knows full well I would submit that we are dealing with an area of local matters in that if this was a matter that was being dealt with Federally, Mr. Legal Adviser would not have suggested earlier on, Mr. Chairman, that he is very surprised that I would suggest that the Federal Government take over the power of the Ordinance, especially when I made reference that earlier on, right at the beginning when we referred to where there was a conflict; that was in Section 4(2), the Federal Act should apply. Mr. Chairman, there are so many areas of amendments required in this Ordinance before it could really be effective. I would suggest, Mr. Chairman, that Mr. Legal Adviser say that he is going to bring forward certain amendments and not let us go through this exercise which is becoming nonsensical, laughable, we are wasting the time of this Council. With respect Mr. Chairman, Mr. Legal Adviser is helping us waste our time because he knows what we want and he is not prepared to bring it forward. So, if this is the case why are we going any further, and I would ask members of Council to oppose the motion, of letting this Bill die in Committee. At least let the thing stand, do nothing further with it until such time as we get some sensible amendments forward because we are doing nothing at all that is any good. We are wasting our time, we are wasting the people's time by just being here. It is becoming to be sickening. Everyone of us is going over the same argument with every section that comes along. What we are asking for is a sensible piece of amendment to come in which will protect the individual, put protection in for the people, we are not being listened to. Mr. Legal Adviser is representing the Administration....representing Council, he is not representing us. We have told him what we want. We have told him loud and clear. He is not doing it. He is a member of the Administration, Mr. Chairman, and let us just bolt this thing up, lock it away until we get something worthwhile coming through from him.]

Mr. Legal Adviser: Mr. Chairman, if it is the wish of the House we can abolish the negotiating board. The purpose is to arrive at quick settlement because experience has shown that if you can bring the parties together in the same room, they tend to resolve all their differences. This is, the difference of money, but if the House doesn't like it we can knock out Section 4(2) and substitute instead of it a short single section saying that where the parties cannot agree on the amount to be paid, the matter shall be determined by a judge and the provisions of the Arbitration Ordinance to proceed shall apply. We have no objection at all to knocking out the Board, it is just that we are trying to be helpful to both parties. Any form of Board you wish you can have. If you don't want a Board then we can knock it out and just go to the judge.

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Mr. Chairman: You can take the Chair, Councillor Chamberlist.

Mr. Shaw: This Section, where you have a Board, in my estimation, you can have it or you can not have it. All it is is another means of talking over a situation before it goes to a judge. That is my opinion. It is not a case, that does not protect or it does not help or it does not deter at all as far as the person's rights are concerned, in my estimation. It is merely a form, if we can talk it over that is one way of doing it rather than taking it immediately to a judge. In many cases that could be a way of determining by giving and taking and arriving at a satisfactory conclusion. Now, I hear a lot say the Commissioner does this and the Commissioner does that and the Commissioner does something else. Well, that may be so, but on the other hand when we had cases in Court we had Joe Blow, whoever it is, vs the Queen. Now, I am sure that the Queen possibly doesn't know what is going in in these kind of things but nonetheless her name is there. It is not the government, it's the Queen, or Regina, or Rex if it happens to be a man there. Somebody has to be there, and it does not necessarily mean that person, it means the government and if you don't give it to the Commissioner, the power to operate the government, who are you going to give it to? It has to be given to someone. You cannot have a meeting, a Council meeting for every decision that is made. You have to delegate the authority to someone and they are responsible for what they do and they are responsible to the Council and the people for their actions and in turn that responsibility goes right to the Federal government. Now, we are trying to change these things but in the meantime the facts are facts and someone has to take the responsibility for doing that the same as the Queen, in right of Canada does for any action of the Government of Canada. I think that if the Queen's representative doesn't like something that Parliament does, they say so and it has happened. It has happened in the past. So, that is neither here nor there. The point is that somebody has to carry out the business of government and it has to be a certain name and delegated to a certain person and surely they have the responsibility to all and sundry in respect of that.

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

Mr. Chamberlist: Yes Councillor Taylor.

Mr. Taylor: Well, Mr. Chairman, I have been mulling over the order, please, Mr. Chairman? I have been mulling over the submission made by Mr. Legal Adviser a short time ago that maybe he would be pleased to write into Section 14(1) that a Board of Negotiations should be established by Members appointed by the owner so I thought that out a little and it just occurred to me that this could work to the detriment of the Territory as well because every time we have talked about expropriating land since I have been in this Council the past eight and half years, we have always talked about the White Pass and Yukon Railroad. If we want to build a school, if we want to build anything we have to buy land from the White Pass. It seems that nowhere else can we buy land but from White Pass. So, it would occur to me that I think about Carcross again. That comes to mind. They asked us to go down to Carcross and build a school there once. We went down and looked and found out that the White Pass and Yukon Route had several, well the whole town of Carcross almost in blocks

Mr. Taylor continues...
with I think about ten or twelve lots to a block. So we said to them, how much value, what will you charge us for one of these blocks? So they came up with a great astronomical figure of what they felt that land was worth. So I think we wound up swaping land as an end result but then we thought, if the White Pass and Yukon feels so strongly about the price of this land maybe they could be assessed by the Tax Assessor for the value which they themselves placed upon the land. Immediately the White Pass and Yukon roared out and got themselves a surveyor, resurveyed the whole townsite of Carcross with which they were involved and they lumped these twelve lots back into one block and put a value of \$100.00 on them. Now a block in the community of Carcross is \$100.00. So, in any event whenever we get dealing with White Pass it seems that White Pass and the Administration have something in common but just where that ground lies I don't know. They seem to have a pretty good line of communication with eachother. It would not be useful and in the best interests of the people to have the people from White Pass picking the members of the Board either but I think it must be clearly understood that the Board must be independent of either the owner or the Commissioner.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I think this Section has got to be the most harmless section I have ever read in any Ordinance any where. I don't know if it serves any real good purpose. It is not binding. The Negotiation Board is not binding on either party so of whom it is made up doesn't matter. Nobody is bound by it. It is simply a matter of discussion and of course the proper make-up of the Board would be such that the Commissioner appoints one and the owner appoints one and between the two of them they choose a third one as a Chairman. This is the proper form of any Board of this type, Mr. Chairman, I suggest. But, nonetheless the whole Section can be taken out and very little is going to be lost.

Mr. Taylor: Well, Mr. Chairman, remember that further on down it says that in any case the Board of Negotiations shall, and it goes on to say, proceed in a summary and informal manner to negotiate a settlement of the compensation. Now, that is a mandatory consideration that they shall do this. And then it says before or during the negotiation proceedings, the board of negotiation may inspect the land that has been expropriated and so forth. So what? It has some power, that's what it has got.

Mr. Chairman: Any further discussion on this Section?

Mr. Taylor: Well it seems, Mr. Chairman, that any discussion gets nowhere. We might as well be talking to that wall map for all we are getting out of it.

Mr. Legal Adviser: Mr. Chairman, I know it is all very well for the-Honourable Member for Watson Lake to say we are getting nowhere. I have offered, first of all, to let the other party appoint the Board since there was an objection to the Commissioner doing it. I have offered to take the whole section out holis bolis, eliminate it entirely and still people say we are getting nowhere. All I am asking the Council is to choose what they want to do with it. I could

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either tear it up or I could change it or I can bring it outside the corridor and do that with it also.

Mr. Taylor: Mr. Chairman, the answer is quite simple; make the Board - give the Board the power appointed independent of either the owner or the Commissioner and give it the power to negotiate the settlement and indeed to determine whether or not in public, by public hearing the right as to whether or not land should be expropriated in the first place. If the Administration buy that, Mr. Chairman, maybe we can start getting somewhere with this Ordinance. Is there anything wrong with that, Mr. Chairman?

Mr. Legal Adviser: Certainly, Mr. Chairman, we are willing, if anybody can give us a suggestion as to who should appoint these people, somebody we could get handy. I'm not declining the importance of any man's square foot of land but I doubt that we really want to bring back the Council to appoint some negotiator who has no power or authority, good or bad except to inspect the land and sit down and have a cup of coffee or something more strong maybe but if you can figure some way of doing this this is fine. If we can come up with some easy way of doing it, we can say the Territorial Secretary if you like, I am quite reasonable. He happens to have an office and a telephone. We can ask the Legal Adviser to do it. We can appoint anybody; the convenient thing happens to be, a chap nominated by the Commissioner so he can take up the telephone and say to somebody "go and get someone from Mr. Dumas' office to negotiate this", or some other office as the case might be.

Mr. Taylor: Well Mr. Chairman, until we can bring democratic institution to the Yukon then I think the Commissioner and Council should appoint an independent body, and as I say if you are looking for suggestions I just gave you another one. Make this Board, give this Board some power, keep it independent and let it hold its hearings in public, both in determining whether or not the land should be expropriated and if so the compensation to be determined, and then if there is - and then there is still the right of appeal to the Court.

Mr. Legal Adviser: This wouldn't be done in this kind of section. We are quite willing to hold a public inquiry when anybody wants it. We will bring in a section that shall say there will be a public inquiry into any expropriation. We don't particularly mind at all. It just happens to shove up the cost of the land when a public inquiry has to be held every time somebody shoots down an objection but as I say, in principle we have no objection to it whatsoever. It is just a question of cost. But this section is merely to try and keep things at a reasonable, normal level that people can meet and agree on a price because the expropriation is already a factor, and the question is how much and that is the key thing in these things. How much is it going to cost.

Mr. Taylor: Price tag on civil rights, Mr. Chairman.

Mr. Livesey: Mr. Chairman, I would like to direct a question to the Legal Adviser. I would like to ask him if it is within the meaning and intent of the Ordinance as written that the Commissioner shall provide regulations concerning the functions of the Board under subsection (2) of Section 14?

Mr. Legal Adviser: I don't think so Mr. Chairman, I don't think there is any necessity because it is a very informal

Mr. Legal Adviser continues... business, this Board of Negotiations. This is what they do in some of the provinces; all the provinces don't do it but what has happened in practice is they all have brought in this system to try and cheapen the cost of the formal proceedings to try and bring the parties together but as far as making regulations is concerned they don't need to be, you get them on the end of the telephone.

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

Mr. Chamberlist: I just want to finish up my last thing on this thing because I'm really tired right now. You know, there is not much use, whatever we say about this particular Ordinance that we are dealing with. You know what is going to happen on two days' time - even if we passed it? Mr. Legal Adviser did everything that we asked of him. Three days later, as I have already got in front of me, amended by regulation in exactly the same way as we had a discussion on Motor Vehicle Licences and Chauffeur's Licences. I just glanced over them and I saw the very thing that I was objecting to about Chauffeur's licences being examined in a certain way. They now blindly pushed through, without saying a word to anybody; they have made their own legislation. Now what are we fooling ourselves for!.....Then I looked at another one dealing with Juvenile Delinquents Act. They have turned the Yukon Mobile Institution into a Reformatory Institution. Have they come and asked us about it. They don't care. They just go and do whatever they want to do so let us make up our mind that we are wasting our time. This is the very thing that we are talking about continuously. The administration of this Territory, they do not care about the elected people of the Territory, not in any way. This shows it. We can give all the sound suggestions possible but once they have made up their minds to do something they are going to do it, notwithstanding anything that we say, just make up our minds that this is a fact, this is what they have been doing and this is what they are going to continue to do.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I was wondering when the Honourable Member was going to get to those papers that were put on our desks this morning. I think that it might be a wise move, Mr. Chairman, to have Mr. Speaker resume the Chair, and I so move.

Mr. Chamberlist: I'll second that Motion.

Mr. Chairman: Is it your wish that I report progress on this Bill?

Mr. Livesey: I would move that Mr. Chairman report progress on the Bill.

Mr. Chairman: A Motion will not be required. Is Committee agreed?

All: Agreed.

Mr. Chairman: It has been moved by Councillor Dumas, seconded by Councillor Chamberlist, that Mr. Speaker now resume the Chair. Are you agreed? I will declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:15 A.M. to discuss Bills, Sessional Papers and Motions. It was moved by Councillor Taylor, seconded by Councillor Chamberlist that Bill No. 12 be left to die in Committee. This Motion defeated. Committee recessed at 12:00 noon and reconvened at 2:00 P.M. I can report progress on Bill No. 12. It was moved by Councillor Dumas, seconded by Councillor Chamberlist that Mr. Speaker do now resume the Chair and this Motion carried.

Mr. Speaker: Are we agreed? May I have your further pleasure with regard to the agenda for tomorrow?

Mr. Taylor: Mr. Speaker, in respect of the Agenda, it seems that we will be continuing with Bills, Motions and Sessional Papers tomorrow.

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

Mr. Speaker: It has been moved that we call it five o'clock. Are we agreed?

All: Agreed.

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

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Tuesday, December 9, 1969.
10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors were present except Councillor McKinnon.

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 Paper No. 54. Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution? Are there any Notices of Motion or Resolution? I wonder if the Honourable Member for Watson Lake will please take the Chair.

Mr. Taylor takes the Chair.

Mr. Livesey: Mr. Speaker, I'd like to give Notice of Motion that Sessional Papers No. 24, 25, 27, 33, 41, 43 and 54 be discussed in Committee of the Whole. Thank you.

MOTION #20

Mr. Livesey resumes the Chair.

Mr. Speaker: Are there any further Notices of Motion? Notices of Motion for the Production of Papers? May we pass to Orders of the Day? Is it still your intention to omit Motion No. 13 due to the absence of the Honourable Member for Whitehorse North?

Some Members: Agreed.

Mr. Speaker: May we then proceed to Motion No. 19, moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Dawson, that Sessional Papers No. 52 and 53 be discussed in Committee of the Whole. Are we agreed? I will declare the motion carried.

MOTION #19

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Are there any questions?

Mr. Taylor: Mr. Speaker, I have three questions this morning. My first is, "The Administration is respectfully requested to advise Council as to: 1. whether the Administration has received a petition from the residents of Ross River pointing out the immediate need for telephone service to points outside of Ross River; 2. why such necessary service has not been provided to that settlement of Ross River to this date; and 3. what steps will the Administration be taking to ensure that these urgently required telephone services can be provided to Ross River at the earliest possible moment?". My second question this morning, Mr. Speaker, is as follows: "The Administration is respectfully requested to advise Council as to 1. why substantial rent increases have recently been levied on Territorial employees residing in Federal Government housing; and 2. what reasons can be forwarded in justifying such increases?". My third question is, "The Administration is respectfully requested to advise Council as to what progress has been made in providing a liquor store and Government Agent to the community of Teslin and area?".

QUESTIONS
#29, #30
& #31

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

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

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

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

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse West, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers and Motions? Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

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

Mr. Taylor takes the Chair.

Mr. Chairman: At this time we will proceed to Bill No. 12. I think we will require the services of the Legal Adviser at this point. I will just declare a brief recess.

RECESS

RECESS

SESSIONAL
PAPER #52

Mr. Chairman: I will now call Committee back to order. Apparently it is your wish at this time to discuss Sessional Paper No. 52. Councillor Shaw.

Mr. Shaw: Mr. Chairman, when I was up at the village of Old Crow sometime late last fall, I had a meeting with the people of the area naturally, and I did ask them what name they wished their new school to be called. They informed me that they would have their Council meet and forward along their recommendations. The recommendations are, as you notice here, that this be called the "Chief Zzeh Gittlit Secondary School". It is a little difficult to remember the name, something like, I found difficulty in Dezadeash Lake and Takhini and so on, they are quite, unless you know how they are pronounced customarily. You don't know, this is probably quite easy when we get it. I would ask Council's concurrence with their wish in this particular area, Mr. Speaker.

Mr. Dumas: Mr. Chairman, I would suggest that the proposal and suggestion made to call the school "Chief Zzeh Gittlit School" be given the approval of this Committee.

Mr. Chairman: Does Committee agree?

Mr. Livesey: I have a question, Mr. Chairman. One point bothers me. I've always understood that there were no written languages of Indian origin in the Yukon, or for that matter anywhere in the north where there was an English version in connection with anything to do with the Indian people, and I see that they have the pronunciation different to the written language. I was wondering if this question could be answered?

Mr. Shaw: Mr. Chairman, I'm sorry that I cannot answer the question asked. I am not too well versed on the Indian languages. All I could do is ask them what they want to call it. This is what they decided. They also have another name for this Chief, one of their first Chiefs, which was De-Trad-Ka-Vi-Duk which means "Crow May I Walk", but they apparently thought that this was just a little too long a name to call this and they used the shorter title which means "In The Corner" because he sat where the smoke was, or wasn't, and they came up with this name. I couldn't tell you the origin of the name or the historical significance behind all this, or their languages, whether it's ... they definitely have a spoken language, the Loucheux language, and no doubt

the way they pronounce it is written down in English to indicate that pronunciation. That's about all I could assume at this point, Mr. Chairman.

Mr. Livesey: Mr. Chairman, my question was related to the way they spelled it to start with and the pronunciation is totally different, and if they don't have an English language, I was wondering where this written language had come from. It doesn't seem to me that it's come from the Indian people themselves. This is the point that I raise.

Mr. Chamberlist: Mr. Chairman, it originates across the Straits of Siberia, however, let's let the people of Old Crow have the name that they wish for their school. I second the motion. Let's get on with the washing.

Mr. Chairman: I don't believe there's a motion before the floor, but I'm wondering if you wish that I note that Committee concurs with the recommendations in Sessional Paper No. 52? Are you agreed?

Some Members: Agreed.

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

Mr. Dumas: Mr. Chairman, do we have any other Sessional Papers that can be discussed without the Commissioner here, that might be discussed with a Department Head or Executive Assistants to the Commissioner?

Mr. Chairman: We tried this exercise yesterday morning, and as fast as we brought up a Sessional Paper, someone required the presence of the Commissioner. I'm wondering if it is your desire to return to Bill No. 12 at this time?

Some Members: Agreed.

Mr. Chairman: We're dealing with section 14 of Bill No. 12, and I BILL #12 believe that we're at subsection (3). Is this right, Mr. Clerk? Are we clear on subsection (3)? (Reads subsection (4) and (5) of section 14 of Bill No. 12) Are we clear? (Reads section 15 of Bill No. 12) Councillor Shaw.

Mr. Shaw: Mr. Chairman, I wonder in this appeal business, does that mean that six weeks from the time you make notification to the court or six weeks from the time the court decides to hear it? I ask that question because it sometimes takes months to get anything before the court.

Mr. Legal Adviser: Mr. Chairman, this would be six weeks from the time the judgement is delivered and sent by registered mail to the parties concerned.

Mr. Dumas: Mr. Chairman, I think the other problem in this section is the "received on the second day following its mailing". Registered mail going from here to Old Crow or to Dawson is quite unlikely to reach the recipient in two days so could we change that to seven days?

Mr. Legal Adviser: Seventh day, Mr. Chairman, yes.

Mr. Chairman: Clear? Will you so note, Mr. Clerk? (Reads section 16 of Bill No. 12)

Mr. Chairman: Question. Is it suggested ... perhaps Mr. Legal Adviser could answer this, Mr. Chairman. Is it suggested that the compensation, amount of compensation is advised after the expropriation and registering of the plan, or is the negotiation for compensation before the registration of the plan? It would appear somewhat innocuous for an expropriating

BILL #12

authority to grab land, register it in the expropriating authority's name, and then say, "This is the compensation you're going to get for it". Is that the intention of ...

Mr. Legal Adviser: The machinery would be, when the decision to expropriate a particular piece of land was taken, a plan would be prepared and registered in the Land Titles Office. That fixes the day for the formal transfer of ownership. That would also fix the day on which the compensation would be arrived at. Now, it doesn't fix the day at which it will be paid, but it fixes the day ... it will be measured. For instance, if a plan for expropriation was being kept secret for some particular reason, a road, say, going through the centre of Whitehorse, this would have the effect, if it became known to the public, of changing drastically the land value of the people on either side of the street or people in relation who are living in the next block. If a main thoroughway is going through in Second Avenue, it will have an effect also on the property values of Third Avenue. If it's known that a bridge is being built in a certain point, land values in that area immediately rise because they'll be in the through stream of traffic. Town plans are treated in the same way. They're deemed to be effective from the point of time when they're notified to the public, so this is a form of notifying the public and everybody else. You have got to pick some day at which you take the value. Now, conversely, when it's known that the government is going to plan a certain through route, certain types of land value fall. Corner lots have a certain speculative value because people make an assumption that with the march of time, values in certain areas will continue to rise. I saw figures in the paper the other day where the values of houses in Toronto are increasing at the rate of 1% per month. Now, if it's known that a busy street is going to go in a certain area, the value of residential houses will drop in that area; certainly for residential houses, people won't be able to get their money back. But, either way, you've got to find some point at which you fix the point of value. The convenient time is when the authority has made up his mind, that's the date. The reason why there is a serving under subsection (2) of section 7, where for some reason the plan has not been served on the party, then the person gets the choice, not the government, of picking either a forward or a backward date for working out the value, whichever is to his advantage he can pick. This is the reason for doing this. This is a direction to the court as to a particular day from which compensation is arrived, otherwise you are in a morass.

Mr. Chamberlist: Mr. Chairman, you know, I completely lose track of my question, the answer I want, when Mr. Legal Adviser answers because with respect, he goes on and on and on speaking about things that are not a direct answer to the question, and I would ask, Mr. Chairman, that Mr. Legal Adviser confine himself to answering the question and not expressing himself in so long-winded a manner if I might say. What I am concerned about is whether the expropriation takes place and the registration takes place prior to the person knowing that his land is going to be expropriated. Anybody can be innocently enjoying their home, and the government, the expropriating authority, while in the midst of the people having their meal in their home, they don't know that somebody is filing a registration plan to expropriate their land. They don't know about it. It's done first. It's subject to subsection (2), where land has been expropriated the compensation therefor shall be determined at the date of registration, so that the compensation is determined while the poor people are having their supper, and then they come along on a fine day and say, "Your land's been expropriated, the plan has been registered, your compensation is \$1,524, here is your cheque, goodbye, thanks very much, it's nice to have known you", and that's the end of it. It's all done. Then the machinery goes into effect where you start appealing; after it's all done. Now, somehow, that appears to be wrong and where the concern is not for the owner, the concern is for the expropriating authority.

This is what really worries me because, it might not ever happen but we might have people who are vindictive and there have been many from time to time in the Administration of the Territorial Government if it can be referred to as a government. I think that what little ways and means that this Territorial Council has that we should wherever possible narrow the Administration right down to the ground to make sure that there is no member who will abuse the power that we give them by legislation. BILL #12

Mr. Legal Adviser: I don't want to be highly technical, but without being exceptionally long-winded it would be very difficult to ask what really isn't a question. The Honourable Member only told me what he is worried about. What we're trying to do here as a government is to just pick some day for compensation and pick the fairest day for the person who owns the property ... Mr. Chairman, could I be excused for a minute for a long distance call coming through that has some importance? Somebody has been trying to get in touch with me for a few days.

Mr. Chairman: I'll declare a recess.

RECESS

Mr. Chairman: At this time I will call Committee back to order. Have you anything further on section 16?

Mr. Dumas: Yes, Mr. Chairman, our concern is, and I think it's a justified one, there's nothing in the legislation which says that before there are any registrations or anything else, the people are approached and spoken to, given the courtesy of at least discussing it and seeing if they want to sell voluntarily. So, what we feel could happen under this legislation is that expropriation registration could take place, the person doesn't have to be notified for sixty days, but meanwhile in all innocence, they negotiate or start negotiating a sale for their land at some given price but in fact can't do so because they find a caveat, or whatever it is, registered against the property by the expropriating authority. I wonder if it would be possible or what the legal ramifications might be if we were to put a clause in here saying that the expropriating authority should make contact with the individual before registration.

Mr. Legal Adviser: I'm not sure. I would imagine in most cases contact would be made, but this is the situation, all this expropriation legislation has problems whereby you could hit a tract of land, maybe twenty, thirty, forty people, as of a given date by registration of a notice. This, then, is a notice. It forces both parties to be realistic on a given date. I have sympathy with the view that you should negotiate first and if negotiations break down then you serve a notice, but the mere fact of negotiations may have the effect of turning it either way.

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

RECESS

RECESS

Tuesday, December 9, 1969.
11:00 o'clock a.m.

Mr. Chairman: I would now like to call Committee back to order. BILL #12
Have you anything further on section 16?

Mr. Chamberlist: Mr. Chairman, the situation applies. It hasn't changed since before recess. I would like to know what Mr. Legal Adviser is prepared to do to amend this area so that registration does not take place before a person whose land is expected to be expropriated, is advised.

Mr. Legal Adviser: There are difficulties here. You have got to decide on what notice they get, how they get it, so you've a second set of notices to import into the Ordinance. If you refer to section 7 (1), it says that where a plan has been registered under section 6. and no agreement as to compensation is made to the owner the expropriating authority then will serve the registered owner forthwith and the other person within sixty days. In other words, the section starts off by saying, where no compensation has been agreed with with the owner, you register. So it's leaving it open to write to them or negotiate with them. So there is no question that you must notify them, but the "must notify them" comes in at the point when you register, when negotiations, in normal cases negotiations would have broken down. The purpose of section 16, which we are discussing is merely to set a particular point. That point is when the compensation will be measured not when it will be paid and the point of measure in the compensation has been taken at the point when the legal ownership changes from one person to another. This has nothing to do with the notices people are given, it's saying to the Court, measure compensation as of the date of the change of ownership. This is the normal commercial practice and I would dislike very much being forced to depart from what is normal commercial practice. When anybody buys a house on the open market, the point at which they become legally liable to pay the money is the point of time in which the ownership changes and until a good title is given to you, you don't pay.

Mr. Chamberlist: I see this particular area that Mr. Legal Adviser is referring to but he still yet hasn't made it clear to me how there is any right or justification in a caveat that is a registration plan be placed against a piece of property and having that registered plan there for sixty days prior to the compelling notification to a person that his property is going to be expropriated. This is to me ... this to me seems something that has to be cleared up. I would hate to feel, myself as a property owner, that unknown to me that for sixty days past, there has been a caveat registered against my property and that during the time of that sixty days and before the time of the registration, I may have been negotiating for the sale of the property, when the negotiations are complete, the party that I have been dealing with then goes to make sure that his title is clear so that he can instruct his lawyers to proceed with the closing of the sale, then finds that there is a registered plan where the Government of the Yukon Territory has expropriated the property. They have wasted everybody's time. Weeks and months of negotiations has taken place. People have been concerned. Expenses have been carried on with and yet there is no way that this person can be recompensed for the time factor. To me it is a sneaky way of doing it. It's a part of the secrecy that shouldn't occur in government, between government and the people. I think the government should be open with the people. They should say, "Your property is needed by the government for such and such a reason, on such and such a date we will register a plan in accordance with the provisions of the Ordinance". This way people are more or less advised of what is

BILL #12

Mr. Chamberlist cont:

about to take place. Certainly in a certain area, there might be as Mr. Legal Adviser has indicated, Mr. Chairman, there might be speculation in land adjacent to land that is to be expropriated and this certainly applied to where there is roads, rights-of-way and things like, but there may be that the expropriating authority wishes to take a piece of land for some other reason than that. You see, this piece of legislation Mr. Chairman doesn't say, doesn't give clearly for what reason the plan can be expropriated for. It doesn't say that land may only be expropriated for the making of a road, for the making of a street, for the making of a lane. It doesn't say this at all, it just gives an almost cog blanch authority to the Territorial Government to take whatever land they want. They might come along and say, "What piece of land will make a real nice garage for the Territorial Government", what is to stop them if there is nothing in the Ordinance to say that they cannot take it for that particular reason. What is to stop them from doing that. A man might have an acreage out on the highway somewhere and the Territorial Government feels it is convenient for their heavy equipment to go in and out of that particular highway place, so they say, "Well, we'll expropriate 200 feet frontage by 300 feet back so we can build a garage". What's to stop them doing that? What's to stop and give protection to the individual? You have to go and say to the people, "We have protected you". We have to do that and we have to protect the people from the attitudes of administration, the attitudes of government, the attitudes of those bureaucratic people that only see for themselves what they think is right for themselves. We have to see what is right for the people of the Yukon Territory and I think we would be failing in our duty if from time to time we didn't bring these things clearly forward. I think, Mr. Chairman, that there should be no objection to placing in protective areas to say that this expropriation legislation is only for these certain reasons. You see then we wouldn't be worried so much about that. I wonder if Mr. Legal Adviser can indicate whether or not he is prepared to put in something to the effect that expropriation will only be for certain reasons.

Mr. Legal Adviser: I'm not sure exactly what the question means. We have put in in the Bill what the reasons for expropriation are, in section 3, subsection (1). It must be for the public purposes of the Territory or any municipality. I can't see how it can be stated clearer than that.

Mr. Chamberlist: This Mr. Chairman is the very thing. You have, "it must be for public purposes or for any municipality". For public purposes or for any municipality might be as I said, because they want to put a garage up for themselves. It is for public purposes. Anything that is taken for the government is for public purposes. They might want to put a maintenance garage up. Why should we expropriate in certain areas a service station, a garage which is a commercial venture and take that so that the Territorial Government or a municipality can have a garage there. You might say this is ludicrous, this might never happen, but there is a possibility that that can happen and if for instance in (1) would say instead of widening it out to such an area, would say that it is for the purposes of roads, lanes, streets, sewer systems, right-of-way, things like that, I would go along with that. I wouldn't feel hurt about that at all, but as it is now it appears to me that it would take somebodys home simply to build a different structure on that piece of land. If it said that home had to be expropriated because it interferes with a direct roadway, then certainly that

Mr. Chamberlist cont:

BILL #12

matters, but supposing they don't do that. This is the thing that disturbs me.

Mr. Legal Adviser: With regard to the section itself, and we have strayed a little bit from the main point of the section. Section 16 is merely fixing a point of time at which the person will be paid. It's linked in disyllably to section 7 which is the registration of a plan. When a plan is registered, then ownership changes and that is the point that you measure compensation. Section 7 is linked to section 6 which says "where an expropriating authority has exercised its statutory powers to expropriate land, it shall register without undue delay in the Land Titles Office a plan", now if we are to give notice to people in advance to this, it means that we have to give notice to the person whose land is about to be expropriated before the expropriating authority has in fact exercised his statutory power, because as soon as the power is exercised, bingo, somebody must go down to the Land Titles Office and register the plan. They can't hold it in abeyance. When various Bills dealing with expropriation were passed into the British House of Commons and have passed through Provincial Parliaments, one of the main points which has always been made was that authorities will start investigating whether or not they are going to put a road through a certain way. They won't make up their minds and the whole land values change and they hang depending on whether or not they will actually exercise the statutory authority. These sections are binding sections on the administration because taking the property, whatever it happens to be, but as soon as they exercise the power they must then register their plan and the machinery goes into action. There is nothing to stop them negotiating freely as to whether or not they will expropriate. This is, they are making off with somebody for \$50,000.00 for a certain piece of property. He accepts it or he doesn't accept it. If he doesn't accept it, well then the expropriation authority moves into action with accessory to powers, but if you were to give him earlier official notice, then you actually increase the evil which I think you are trying to avoid. You will make it much tougher because all that can happen is to spread the word around town that we are going to go in a certain direction and that is the end of land values in that area for some people, but it is a bonanza for others, and then what is the Court to do? How is it going to fix the values, we've got to find a day on which the Court will fix the values and my submission to the House is that it can only be the day on which the legal ownership changes, however that's arrived at.

Mr. Shaw: This is what we have here. I feel it is necessary legislation. At the same time it is somewhat drastic. When we embark on something like this, I think that we also have to take into consideration the person that is having his property expropriated. It just has to cut both ways. I can see where you get to a point in time where you in order to make it effective that you have to have some legal means of putting some type of a caveat against the property so that you can proceed from that point, but at the same time I would also feel that there should be compulsory negotiations by the government with the party affected. Even if it was forty-eight hours, at least before the plaster was put on his property or their property. I do not feel that two days is going to make any great difference in the value of the property concerned or the adjacent property, but it will be where the government will sit down with the fella and say, "well, let us make a deal, we would like to purchase this property from you and what would your price be?" The reaction by a citizen to someone that all of a sudden

BILL #12 Mr. Shaw cont:

wakes up in the morning and finds out that the government has a lien on his property when he didn't even know anything about it seems to me to be extremely high-handed and really unnecessary. In embarking on something like this for a start, where the government is obliged or the expropriating authority perhaps, are obliged to take over something for a very necessary public purpose, surely the person whom they are expropriating from should be given an opportunity to sit down and say "Well this is how much I want", maybe they won't agree, in which case of course to have expropriation it is necessary that some legal means be taken to tie up the property to tie up until everything is decided finally perhaps by an appeal court, but surely, surely Mr. Chairman, negotiations should be made with the parties concerned before legal action is taken. That's what I would like to know, why this isn't possible. Perhaps Mr. Legal Adviser can explain why that is not possible and in say ninety, ninety-five percent of the cases, even if it is forty-eight hours.

Mr. Legal Adviser: In ninety-five percent of the cases it is quite possible. There is no difficulty about it whatsoever and in ninety-five percent there is negotiations. What we are trying to do in the section before us is to say at what point of time do you measure compensation, because the value of properties is a thing which is constantly changing upwards and downwards, but there is no objection whatsoever in the normal course of events to notify a person that you intend to acquire his property, but certain cases inevitably will arise when you may not be in a position to do this and you have got to act. If you put in a section which says that the statute authority must notify the people in advance, there is no point whatsoever in having all the sections which deal with the notices on registration because they become so much Ordinary letters would do. They don't have to be in the form of notices, so you are damaging the machine of expropriation. There is no question that in ninety-five percent of the cases, this is a troublesome procedure, but you are going to authorize your engineer to go out and talk to people and ask them what they want for it, but there will inevitably be some scene and there will be some people that you are dealing with who will take advantage of this to leak the information to their neighbours and the value of property will change and in some cases it will change if the parties are careless, to their detriment because the value as soon as word gets out of a contemplated expropriation by the Crown or by any municipality, the value of that property commences to change and it changes at a faster rate than it would normally change in the open market. This is inevitable and somebody is going to suffer.

Mr. Shaw: For example, if ... what I want to ascertain is the fact that I'm not considering section 16 at the particular moment, but if the government, say there was a ticklish affair, were obliged to open negotiations with this person, forty-eight hours before expropriating proceedings took place, then the plan could be done forty-eight hours later if it was necessary or whatever the time limit ... I use that as an arbitrary figure, at least the government will go to Joe Blow and say, "Will you sell this property", at least before you start taking legal proceedings against him whether you know he is going to or not. The forty-eight hours after that they could put these plasters on the property and that would be the time that the value would be set. Surely in forty-eight hours the property isn't going to double its value or decrease by fifty percent.

Mr. Legal Adviser: The law is obliging you see. If you make this BILL #12 a compulsory thing, the law is obliging to give a certain person notice as the owner of the property. He can sucker somebody else very easily by concealing the fact that he has notice of this and unless it is public knowledge when he gets it, once it becomes a compulsory thing in the Ordinance, the knowledge would be available to anyone contemplating buying the property or dealing with it. He could without any difficulty whatsoever, he could take a heavy downpayment for a lease or something. There are lots of things he could do in forty-eight hours and forty-eight hours isn't going to be an awful lot of use to him to do much. It's I suppose a courtesy, but there are more people to be considered than just the owner. Everybody from miles around can be affected by the one actual decision so in a normal case where secrecy doesn't matter or it's not going to affect it, there is no objection to discussing it in advance, but I think you are all familiar with the situation that has existed for many years in American cities in particular where certain people get advance knowledge of the intentions of a corporation, a Crown Corporation or the American equivalent or the municipal government where ... there are films I've seen on the television and the cinema based on stories about knowledge of docking facilities, knowledge of demolition of slum dwellings, knowledge of the intention to build a school, knowledge of various intentions which is leaked in advance to privileged people who have accepted this information who then buy up the land in advance because other people don't know about it. You had a scandal concerned with the American military grants to highways in the state of Massachusetts which rocked the State and some individuals made as much profit out of knowledge alone as \$125,000,000.00. I'm not suggesting this situation would exist here, but one of the evils we are trying to prevent that as soon as the decision to expropriate is made, it's a public decision. We wouldn't mind advertising it in the newspaper, but it becomes a public decision not only to the benefit of the person whose land is being expropriated, but to the public at large and they have a right to protection and they have the right as the people of the Commonwealth of Massachusetts had but they were deprived of the knowledge of the underground car parks which were necessary for the construction of the building, the building which would be acquired and compensation paid and the route of the throughway. Now this may be far reaching but it is public money that we are dealing with and the public have rights and therefore when he gets official notice, the public are entitled to the same one. It should be on the Title where any enquirer who is buying should look at it and see what the position is. In Great Britain, where as you know, in most parts of it they have not got the system of land titles that we have. They have a system that when you are purchasing property, your lawyer sends in series of what is called, requisitions on title and there is a big long series of questions that may run to about three pages saying, "have you any knowledge of any town planning intentions concerning your property? Has any notice under the towns planning act been served on you? Has any notice of intent to acquire this property been served on you by the municipality, has it been served by the government?", and all these have a Yes, No, and if there is a yes then you must send back to the intending purchaser a copy of the particular document because all these things affect him, but in Great Britain there is no method of putting this on the Title because except for the registered land they only have a registry of deeds and it is not a deed so it isn't registered. You can go to the office itself which means maybe in these complicated cases there may be twenty different people, but we're designing a procedure which will apply to a series of different government departments as this Territory develops and

BILL #12 Mr. Legal Adviser cont:

the knowledge we are giving by registering that plan, it becomes public knowledge once it is registered. Any person can walk into the Land Registry and see this. It is public knowledge.

Mr. Shaw: Could I just have one more small remark? Couldn't there be something in here ... what I am thinking about Mr. Chairman is the possibility that somebody might get all excited about putting expropriation proceedings when perhaps negotiations could do it, could serve the same purpose. Could we have a clause in here to the effect that when it is not considered against the public interest that negotiations will be entered into prior to this action being taken. I can see where there might be a point where it is necessary, but a clause to the effect when it is not considered against the public interest will stop a lot of people from getting all excited about something like this, I wondered if something like that could be put in this thing.

Mr. Legal Adviser: There will be no objection whatsoever, at all to putting in a clause which would say something like this, wherever, unless the authority is satisfied that it is against the public interest to do so it shall acquire property by negotiations and free sale, something like that so to have a special element imported when they can't give knowledge of it, then they ... the authority who is enquiring is subject to questions in the House, the Minister of Lands or whoever he may be when he comes back from Ottawa will be able to be asked questions, "Why did you compulsorily require that particular piece of property instead of writing to the man first and asking to sell it?" He would have to say why. There would have to be a reason, which would be asked and it leaves leeway on both sides and it brings it into the political arena which as you know this administration has no objections whatsoever to giving its reasons for any particular action.

Mr. Dumas:

Mr. Chairman: I will now call it 12:00 at this time.

RECESS

RECESS

Mr. Chairman: At this time we will proceed with Section 17. BILL#12

Mr. Chamberlist: What does that mean Mr. Chairman? Who gets the award of costs?

Mr. Legal Adviser: The reasoning behind this is that a thousand dollars isn't much and if a person goes through elaborate preparation in getting evaluation of this Nevertheless being practical about this, you want to keep the costs down.....

Mr. Chamberlist: I must point out Mr. Chairman, the remarks by Mr. Legal Adviser that he agrees that it is unfair but that's only a detail

Mr. Legal Adviser: Mr. Chairman, it is intended to be slightlybut to deter people who have been offered a hundred dollars for a couple feet of square land.....taking the whole thing right out the window. You can go right to the Court of Appeal in Vancouver with this and determine from this if he wants it would be a case of principle... this is actually fighting over a dollar.

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

Mr. Taylor: Mr. Chairman, I'm still having difficulty in two areas; (1) is that we are still referring to tribunal even after the discussion we have had, the tribunal is inferred as being the Court which is interpreted and the interpretation Ordinance as being the Territorial Court. Why can we not clarify this matter assuming that I guess it's to no extent because I don't think this Ordinance is going to go anywhere, but if should, should you not clarify that in section (2) what tribunal means? Secondly, and possibly more important is that what happens in the event that the Administration go out and start expropriation proceedings say under this piece of legislation and the Council then at some date, six months hence decide that we're not prepared to come up with the money in the budget with which to settle claims this tribunal has set, just where do we sit? Are we forced by the Court to pay this no matter what and how does this apply to Section 26 of the Financial Administration Ordinance? I think this should be clarified. How much does this tribunal bind us to the expenditure of funds?

Mr. Legal Adviser: This doesn't bind to the extent of expenditure of funds merely because of expropriating land. The Council does not accept the recommendation and do not vote the appropriation and the whole thing falls through, but in the course of being fair to the people to whom the attempt is being made to expropriate, if they have suffered damages, because not withstanding everything else, their land has been affected

Mr. Taylor: But Mr. Chairman, this brings us back to the old point of John Q. citizen being, his rights being absolutely tramped on assuming you have started an expropriation proceedings against someone and then it's worked itself through Court, the Territorial Court has ordered that the Government shall pay this person so much money. Do we then because we have not approved any funds for this, do we then assume we laugh at the Court and say regardless of what the Court says, we're not going to pay? No. (2) is if during the course of this thing that you've destroyed this man's business or his business opportunity, his development opportunity or anything else, how do we make just compensation to that man?

BILL#12 Mr. Legal Adviser: There must be no mistake about this. This whole Ordinance is trampling on the rights of the citizens and this is what the Ordinance sets out to do right from the beginning. What it's doing is transferring the rights of individuals to their property to the public and the procedure section says section (4) of is making an attempt in so far as money can do to make good to the citizen whose rights have been taken away, a compensation measured in money values for those rights. A Yukoner's home is his castle and if the Engineering Department decides to put the Alaska Highway through the center of his parlor, his rights have been clearly infringed upon. The only thing you can do to make up to him is to give him money. Under the normal rule of compensation what you're doing is measuring the value of the property as it was immediately before the take over and you transfer the property to the Government, and you give him the value of the property as it was at that time. Now, in this Bill we are attempting maybe I'm wrong, to be generous and if it happens we went through a man's parlor, instead of just giving him the cost of that house if it were in Alberta, B.C. Saskatchewan, Manitoba or any of the other Provinces other than the Yukon, we're trying to give him the replacement cost of a home We're also allowing of course to give an extra measure in the case of business over and above what the market value would be. Now the only way to test in reality what a property is worth is to put it up for auction or tender and let the highest bidder take. So this Bill measures artificial what the true value is. Section says the measure of value shall be what a willing buyer would pay to a willing seller. This recommendation is taken from the 1929 equivalent expropriation Act in England. This in turn was taken as a result of two Royal Commission's on the subject to give a measure of value and they came up with this simple form. The simple form ... in Ontario, we adopted it and slightly improved on it by giving more... The Federal Government has followed suit. Now up to that time in Canada, that is up until 1968 the measure was fought out as to what the cost was and what was proved to be honest, but because of the depreciating value of money the increasing value of property, people were not getting fair compensation for their house. Near Welland Canal where hundreds of houses were expropriated, the average value of a house was deemed to be about ten thousand dollars but people of long ago in many cases take off their mortgage and they got ten thousand dollars, had to go out and get a house and pay twenty thousand dollars and the ten thousand dollars really formed the first....mortgage. Now clearly to put through it was necessary to trample over these people's rights but the public of Canada was served by having the Canal where it is. All we can do is we can't pat them on the back, we can only give them their money and the measure of this Bill is how good is it to compensate people for the on their property. Are they getting a fair crack at this and are they getting a fair chance to appeal artificial values made out by the government. Now the feeling of the Administration, we should have this measure set in the event of a dispute by an independent person. That person will be a high court judge. If there's an appeal by a person that he's not getting enough, he can go to court, have his day at court and.... If he doesn't like what that judge said, he can go to the court of appeal or he can go to the Supreme Court of Canada. We're not trying to prohibit him in any way from human right he possesses, we can compensate him in money.

Mr. Taylor: Yes well Mr. Chairman, firstly may I say I am very pleased to hear Mr. Legal Adviser finally after many hours of debate agree that this is an unfair piece of legislation and does trample upon the rights of the citizens. In any event, what we've

Mr. Taylor continues.....

BILL#12

done is drawn this from an Act which is in a place where democratic institutions exist. What I asked was what power has the Court to demand of the Territorial Government payment? Now we have had quite a bit of discussion here on the fact that what we're going to do is give him money, him being the person who has had his land expropriated. Where is the money going to come from, this is what I'm talking about? Now it states in Section 26 of the Financial Administration Ordinance quote "it is a term of every contract providing for payment of any money by the Territory, the payment there under is subject to there being an appropriation for the particular service for the fiscal year in which any commitment there under would come in course of payment". Now I would assume that this would cover the area of this expropriation Ordinance where heaven forbid to be ever instituted in it's existing form. Now if this legislature have not appropriated money for expropriation purposes, and if the Territorial Government embark on an expropriation program anywhere in the Territory for any purpose whatsoever, and if the Territorial Government wind up in the court, that is the court which is established in the Yukon Act and is known as the Territorial Court, the Territorial judge brings the ruling down that we owe Joe Dokes ten thousand dollars and this Council refuses to give the Administration the ten thousand dollars because they feel in their wisdom that there has been an injustice done, where does the money come to pay Joe Dokes?

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: In the last resort it comes from the Territorial Secretary. I think this Administration has always been a court order, and the money would have to be found somewhere and if not, I suppose we could seize the furniture or something.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Well Mr. Chairman, if this Council won't appropriate the money, you mean to tell me the Commissioner is going to get it somewhere else.

Mr. Legal Adviser: Well he has to get it. If there is an Order of Council in court that this government pay money, then the money must be paid. Now it's a sparking situation to envisage that there will be a whole machine of expropriation put under foot without an atrophy because I think I said that in the early stage of discussion that we have no objection whatsoever to putting in a sub-section in section (3) saying that no expropriation shall be made under this section unless an appropriation in that behalf has been made by the Council. So if the Commissioner attempted to expropriate land in defiance of the law, he would be breaching the law and I don't think we should concentrate that particular eventuality because the Commissioner is a very law abiding citizen. Now there are often times when there's no appropriation made by the Council if there's an accident for which the Territorial Government does not insure. The Government is sued in the courts and a decree is made and then they've got to come to Council with their hat in their hands and say, would you please appropriate money because it's a Court Order that we pay. If you say no, then the lawyer will then seize one of the Territorial cars because there is no.....privilege in the Yukon for the Commissioner.

Mr. Taylor: This is exactly the point. Now here out of this discussion comes the fact that for the first time with the Council's appropriation, you're asking us to approve a piece of legislation which would let you go out and buy anything you want and then commit us, us being the people of the Territory paying the bill, really and truly, This defies the principles of the B.N.A. Act, the Yukon Act, every other Act you might wish to bring up including the Financial Administration Ordinance and it's just unthinkable that any competent legislature would agree in any shape or form to such a proposal. I say this is a piece of garbage, let's throw

BILL#12 Mr. Taylor continues....
it out and get on with something more in keeping with democracy of
the Yukon Territory.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I would like to move that we record
progress on this Bill.

Mr. Taylor: I will second that Mr. Chairman.

Mr. Shaw: Speaking on the motion I would say Mr. Chairman that
the group that were against him have effectively closed a dis-
cussion on the ill.

MOTION CARRIED Mr. Chairman: All in favor? Any opposed? The motion is carried.

Mr. Taylor: I will resume the Chair. We'll proceed with Bill No.
13.

BILL#13 Mr. Chairman: Any objections to the proceeding of this Bill. This
is "An Ordinance Respecting Co-operative Associations".
May I ask from the Chair under sub-section (f) Mr. Legal Adviser
if there is somewhere in this Ordinance a provision whereby the
Commissioner makes regulation?

Mr. Legal Adviser: Section 35 Mr. Chairman prescribes the fees,
standard by-laws, forms and generally for carrying the purposes
and provision of this Ordinance.

Mr. Chamberlist: Mr. Chairman, I understand that from Mr. Legal
Adviser that it will be the Commissioner who will be prescribing
the by-laws of associations of this nature.

Mr. Legal Adviser: Precisely, Mr. Chairman. Any association can
raise any by-laws it likes, but groups of people are unlearned,
unlettered who formassociations. So they get together ...
If they fail to come up with detailed by-laws themselves, it will
go on a typewriter and the steno types them out, if they want to
change them, they can but this is to provide for the lack which
is commonly felt in clubs, etc of people not getting the proper
set of rules...

Mr. Chamberlist: That is ridiculous. A group of people get to-
gether to form an organization, the Commissioner says you're going
to form an organization, I'll tell you what your by-laws are going
to be.

Mr. Chairman: May I proceed? (Reads Section 3 of Bill No. 13)

Mr. Chamberlist: I wonder how Mr. Legal Adviser will explain this
situation we have here? Firstly, the Registrar receives two copies
of the standard by-laws signed by each subscriber to the memor-
andum of association. The Commissioner, he makes the by-laws, he
tells the subscriber sign them and if the subscriber says I don't
agree with these by-laws, I think they should be altered so the
Registrar will accept them. It goes on to say that subject to
section 8, the Registrar may approve or reject any memorandum of
association on by-laws or any part thereon, so the Commissioner
makes the standard by-laws which a subscriber signs and you know
the Registrar may reject what the Commissioner has already made.
Now, what type of legislation is that?

Mr. Legal Adviser: Mr. Chairman, by-laws are provided in section BILL#13 13. It is provided there that the Members can at any time amend, rescind, alter or anything they like with their by-laws, but they must ... a set of by-laws into Mr. Taylor's office and sign them, and they're the by-laws and they go into existence. This is common form with every organization that I know.

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

RECESS

At this time, I will call Committee back to order.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser stood up and remarked and I think in a dispraging manner that the situation was getting somewhat tedious. I would like to have an apology from Mr. Legal Adviser at this time Mr. Chairman because if we discuss any matter here, it shouldn't be considered by the Member of the Administration as tedious.

Mr. Chairman: Well I would have to rule that I don't feel an apology is in order, I believe that any servant of the House has the right to make any such observations as they so choose so long as he is not slighting Members individually. I would remind the Honorable Members that the Members of the Administration should be given every courtesy as much as possible in the conduct of their duties in the House. (Reads Sections 5, 6, 7 & 8)

Mr. Shaw: Mr. Chairman, I wondered why or how would that apply to New Imperial Mines for example?

Mr. Legal Adviser: This is a modern type of section Mr. Chairman, and if it be found necessary to stop theof names associated with the Crown or Provinces and in Companies Ordinances. There's also a discretionary section in the Companies Ordinance and it might include or words of a pornographic nature or suggested that way.

Mr. Shaw: For example, if you wanted to start up the Yukon Co-operative Association that would not be allowable.

Mr. Legal Adviser: Not as such, because it might not be representative of the Yukon. It might be another one which is more representative.

Mr. Chairman: (Reads Section 9, 10 and 11 of Bill No. 13)

Mr. Shaw: Does that mean Mr. Chairman that a co-operative association will need to if your talking about money for shares, I suppose a deposit of money is, or does that mean a loan that must always be kept fluid?

Mr. Legal Adviser: Yes, they would be holding it in trust. This would have nothing to do with buying of shares. This would be where the Member is dealing in business with the association and deposits money for certain purposes that would be kept in trust, the same way that the bank does, or a lawyer or estate agent does the same thing.

Mr. Chairman: (Reads Section 11)

Mr. Chamberlist: Question. Why should that take place. If a group of people who are together in an organization Mr. Chairman, decide to support a political party and they wish to use their own to support the political party, why should we legislate against this? I don't understand it, is there any basic reason for this?

BILL #13. Mr. Legal Adviser: No, because primarily these are self-help organizations for the purpose of letting people help themselves in a business way making materials, farming, fishing or what have you and it is an attempt to keepfrom permeating the organization.

Mr. Chamberlist: Well, Mr. Chairman the former C.C.F., Commonwealth Co-operative Party speaks for itself. It was a political organization, it used it's political funds and I think that we all would be in error to have this legislation in there. We're legislating against a specific group of people, it's not needed in there let's leave this out. If people want to do it, it's up to them to do it. We're interfering with our normal democratic process of people getting together to form a political party within themselves. I don't think we should support that, as politicians we shouldn't support that unless some members aren't politicians.

Mr. Dumas: The only objection that I can see or the only reason I can see about this being in there is that the executive of the co-operative association may unilaterally decide to support a political party without all the members of the co-operative, so again it becomes a matter of protecting the members at large in a co-operative association.

Mr. Chamberlist: Surely Mr. Chairman, it is the responsibility of members of the co-operation to change their executive if they do things like that. We don't have to legislate against them, we're getting into their room-we shouldn't be doing this at all and I would suggest this be removed from here. To me it's an affront to people who may wish to do it. I don't care what political party they ought to support, but if they have the right to do it, they will do it and if they have the right to do it they won't do it if they don't want to do it but we shouldn't compel them not to do it. I think that is an interference.

Mr. Shaw: Mr. Chairman, from what I can see here, there's nothing to prohibit them from taking part in political activities, but certainly there are prohibitions against them contributing money from the association to political parties, and I think that is quite sensible. You get an association of a co-operative store going and there may be fifty, sixty members. It's quite obvious Mr. Chairman that many of those will have different political philosophies and the ..this is a form of protection so that the directors who may be of one political stripe, decide to make contributions to a political party in cash. Now, I think there is a great difference Mr. Chairman in having political leanings or political philosophies in an organization as opposed to putting in money that belongs to all the people into a political party and I would agree with this particular section.

Mr. Chamberlist: Well Mr. Chairman, I thought so strongly about this particular area that I must speak further on it. It appears to me that if we are providing legislation for co-operative associations, it is upon the association's responsibility themselves to decide what is to be their individual policy. We are saying by having this type of legislation in there we are saying to every association that is formed that every co-operative association that is formed that you musn't support a political party. Now surely the Members will agree that it is entirely up to the individuals. Perhaps we should see that their by-laws are written in such a way, then this is where the protection comes in, that only by a two-thirds majority or even higher than that can money be paid to a political fund, but for us to say that no organization, it may be that a political organization decides for it's own people for it's own party politics to form a co-operative association to help their membership. It would become ludicrous if for instance, if the Honorable Member from Whitehorse West's political party decides to

Mr. Chamberlist continues.....

BILL#13.

have an association so that they can spend their funds towards advancing the political spheres of that particular party, so that they can form it so that they can all supply some funds to a political campaign. It would be ridiculous for us to say that they cannot do it, it's their own funds. I would ask that Mr. Chairman that we take it out because it is a prohibition against the rights of people to do things that they can enjoy. They can decide for themselves by their own local by-laws under what circumstances they can or cannot supply funds to any political party. I think this particular prohibition section should be left out.

Mr. Dumas: Well Mr. Chairman, firstly, I would like to advise the Honorable Member from Whitehorse East that the Honorable Member from Whitehorse West has no political party, or political affiliation at this time. Secondly, I wonder if the Legal Adviser could tell us if he has any strong objections to this section being removed.

Mr. Legal Adviser: No. I have no objection.

Mr. Chamberlist: I would move that Section 11 be deleted Mr. Chairman.

Mr. Chairman: I'm wondering if it is agreed by all Members that Section 11 do be removed?

All Members agree.

Mr. Dumas: I will second the motion.

Mr. Chairman: It has been moved by Councillor Chamberlist and seconded by Councillor Dumas that Section 11 of Bill No. 13 be deleted. Are you prepared for the question? Do you agree? Any contrary? I declare the motion carried. (Reads Section 12 & 13). MOTION CARRIED

Mr. Livesey: If we go back Mr. Chairman to sub-section (e) Section 2 and to sub-section (f) and then we go further and find out that the Registrar under Section 4 of subsection (5). Now the conflict that appears in my mind Mr. Chairman seems to me that the Commissioner is empowered to make the by-laws, the Commissioner will apparently appoint the Registrar and the Registrar will over rule the Commissioner by rejecting his by-laws. Now am I right in this or I wonder if Mr. Legal Adviser could clarify this.

Mr. Legal Adviser: He may reject by-laws but only if by the Companies Ordinance because if the by-laws appear before the Registrar to comply with this Ordinance, he shall register, so the Registrar would have to exercise that. His power is extremely narrow.

Mr. Chairman: (Reads subsection (2) of Section 13, also subsection (3)).

Mr. Chamberlist: Question. I think there is an error in the drafting, Mr. Chairman. The Commissioner makes the by-laws you see. It makes it an absolute point that the Commissioner makes the by-laws. What point is that because sub-section (3) says the "association may, by supplemental by-laws, amend, alter or rescind any existing by-laws" any of them. Now if they can amend them by any existing...what's the point?

Mr. Legal Adviser: I will go back to what I said in the earlier point of time, this is the case of people who are either incompetent, lazy, unwilling or any other to sit down at a typewriter and type it out instead of sending a by-law. It's amazing the number

BILL #13 Mr. Legal Adviser continues....
of people that come into my office and ask me to use by typewriter
to draft up a set of by-laws for a club or association. A number
of the public don't know and this is to save this particular chore
by giving them standards to start them off in life, but they can
be changed.

Mr. Chairman: (Reads sub-section (4) of Section 13). Clear? I
think at this time we will take a break.

RECESS

Tuesday, 9th December, 1969.
3.30 P.M.

Mr. Chairman: At this time I will call Committee back to order. Have you anything further on Section 13? (Reads Section 14(1),(2),(3),(4),(5),(6);15(1),(2),(3),(4),(5).
Councillor Shaw.

BILL
NO. 13

Mr. Shaw: How would one ascertain to or among the persons entitled thereto, if a person dies intestate?

Mr. Legal Adviser: It is provided by the Intestate Estates Ordinance.

Mr. Chairman: (Reads 16(1),(2),(3),(4),(5),(6). Councillor Shaw.

Mr. Shaw: Mr. Chairman, I note that this particular section says "subject to the by-laws etc, and institute all instruments". Now, in execution of instruments in the Yukon Territory one must be over 21 years of age. I wonder if this would not conflict with the existing Law.

Mr. Legal Adviser: There is a definite conflict, but later in time of any Ordinance prevails. The later in time prevails so this would imply the effect or appeal of any Ordinance or law or common law or otherwise, to the effect that a person could not do something under twenty-one.

Mr. Shaw: Mr. Chairman, does that mean that from fifteen on one can execute documents?

Mr. Legal Adviser: No, Mr. Chairman, only documents in relation to this particular Ordinance, that is all, not documents generally.

Mr. Chairman: Speaking from the Chair in respect of subsection (6) of Section 16 where it makes provision for a person at the age of 16 years to be a member, etc.; what happens if a person who is a member, an adult, dies and leaves a portion of his estate, his interest or his share in a co-operative. How does this work, someone under sixteen?

Mr. Legal Adviser: It would devolve under the Intestate Estates Act if you contest it or by his will because that is how the share would go because you can do it either two ways, either to a person whom you nominate to succeed you, in which case you would have to be a member acceptable to the Directors and qualified under the by-laws. So, if he nominated a Member who wasn't qualified then it would be a void nomination. So the share would be soldtransferred to the Estate, in the normal way.

Mr. Chairman: (Reads(7),(8). I have a question here. Could a co-operative be formed for the purpose of trading in securities?

Mr. Legal Adviser: I imagine so, can't see why they couldn't. I am sure there are plenty of co-operatives which do this in various forms, syndicates, yes.

Mr. Chairman: (Reads 17(1),(2); 18 (1),(2).

Mr. Legal Adviser: There is a mis-spelling in the third line of that sub-section. The word "therein" is misspelled.

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NO. 13 Mr. Chairman: Right. So note Mr. Clerk. Page 5, Section 18 line 3 of sub-section (2). Spelling error. (Reads 18(3), 19; 20(1),(2); 21(1),(2),(3),(4),(5). Councillor Chamberlist.

Mr. Chamberlist: Question. How is it possible, Mr. Chairman, for a Member to become, for a person to become a Director if they are a shareholder?

Mr. Legal Adviser: What the law provides, it can make possible. Normally speaking, one would expect you would have to be, it is accepted in company that you must be, have at least one share to become a Director. This provides differently. This says you can elect a Director at the first meeting who is not a member.

Mr. Chairman: (Reads 21(6). Councillor Gordon.

Mrs. Gordon: This is an area which I have run into in other organizations and is one that creates quite a lot of problems. In the event that the association, one with only three directors, before a general meeting could be called, the appointment would be self-elected or self-appointed and not come from a general meeting and there should be some outline set in as to definitive limits as to the number of appointees made by the Directorship without a general meeting.

Mr. Legal Adviser: As I follow the Member, ...assume three Directors and one leaves the Territory, leaving two. They can fill the vacancy by the nomination of two and one of the original two also goes, the two remaining can do the same thing so you can have in a year a substitution and your suggestion that we should make a section which would say that not more than one-third of the number of Directors shall be appointed by co-option by the Directors.

Mr. Chairman: Is this what the Committee desire?

Mrs. Gordon: Mr. Chairman, I might enlarge on this. It would end up in a closed corporation of Directorship running an organization essentially vital without the consent of the general membership and this has happened in organizations in the Territory where the appointment has been made by personal friends and they have been combined closed group and in essence actually has taken over the organization with the general membership with very little knowledge of what is going on until somebody twigged to it, closed it off quick.

Mr. Legal Adviser: Only for the balance of the year. It couldn't happen past that point.

Mrs. Gordon: True, but a lot can happen in two or three or four months.

Mr. Chamberlist: And also, I have become belatedly aware whereby shareholders have the right to call a special meeting under special circumstances, a number of shareholders can call a special meeting for that purpose, appointing directors.

Mr. Chairman: (Reads 21 (7),(8),(9); 22 (1),(2),(3); 23(1), (a),(b),(c). "parol" is this correct?

Mr. Legal Adviser: Yes, it's an English word meaning "by speech".

Mr. Chairman: (Reads 23(1)(c),(2),(3); 24(1),(2); 25(1).
Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser suggests then that unless there is a by-law permitting the co-operative to give credit facilities to somebody, the credit facilities can be given if the co-operative happens to be one that carries out construction work or that sells construction materials. Is it suggested that if there isn't a by-law, that the management of the operation can't give credit to anybody?

Mr. Legal Adviser: This is what it means. They have to make - this is a very good by-law, Mr. Chairman. This means that the Association must take definite steps to organize what credit it is going to give its members and lay down the credit rules and it brings it business-like before them instead of just casually drifting intosituation and my information is that this is the particular thing which bankrupts most co-operatives, giving credit to all members.

Mr. Chamberlist: What about outside its own Members; if a co-operative is doing business with somebody outside its membership, would there have to be a by-law so that if the co-operative association let's say has a grocery business. Now the management of the grocery store, which is owned by the co-operative decides to give credit to a certain operation, a food establishment or an hotel establishment, do they have to go back to a Director's meeting, a general meeting of the membership to get a in effect so they can give credit to the store around the corner? It seems a little ludicrous so surely it can be left to management of the store itself to decide?

Mr. Legal Adviser: What it is doing here is taking away the normal discussion of management to give casual credit as management wishes; they have to get the consent of the members in a by-law before they start giving credit and in the course of the by-law they would presumably limit this credit to say \$50.00-\$100.00-\$300.00 if they were a co-operative selling houses they might limit it to \$25,000.00 in each case, but they must make rules for it. It is not saying they can't do it but it is saying you can do it but you must make rules first.

Mr. Chairman: Mr. Shaw.

Mr. Shaw: Mr. Chairman, I was a member of a co-operative association; it was quite active in the Yukon, about twenty years ago or so and that was one of the problems at the time. A rule was that one could not run up a higher credit rating than the shares he owned. There was no law to prohibit that, it was just a matter of the membership itself and the manager in fact went way beyond that and it ultimately folded up the organization of credit and they never did collect from many people who had run up their credit. So I think that something that would establish a maximum, something like that I think is a very sensible type of restriction because otherwise it can get very much out of hand as it did in this particular case. It wasn't the means of folding up the organization but it assisted in that particular fact.

Mr. Chamberlist: Mr. Chairman, I haven't made any reference to a granting of credit to members within the association. I am just being objective and looking it over from the business standpoint. If a co-operative association, having, or owning some retail stores or wholesale stores, they are going to look to business elsewhere than their own membership. Are we

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Mr. Chamberlist continues...
restricting management of those stores, or should it not be an internal thing for the association to decide, the credit facilities that they will extend to the co-operative customers. I think what we are doing is we are saying that this can only be done by by-law, and this can only be done at a general meeting and if they have one general meeting a year it would restrict the people from doing business for one year. If a by-law is not on the books of the association and there is a necessity to wait for a year; should this not be left in the hands or discretion of the Directors at their meetings to extend, to areas outside of the membership?

Mr. Dumas: Mr. Chairman, I would expect that this would be very good legislation if that is the case, but I would also expect that the association, during incorporation, would know what it is incorporating for and if they want to extend credit to people outside of the co-operative association, at their first annual meeting they would introduce a by-law saying our managers are allowed to extend credit to anybody up to the tune of \$300.00 or whatever it may be, and therefore this problem would be solved in that manner. I would think that during the course of the year's operation, if a change in credit policy was required they would have to wait, and should have to wait until an annual meeting.

Mr. Livesey: Mr. Chairman, isn't it the general policy of co-operatives to deal with themselves? That's the point in becoming a member of the association because you obtain benefits from the co-operatives association by being a member that you would normally not by not being a member and my understanding of a co-operative association is that each member has a number usually. They have a number and all your transactions are done on the basis of this number and the amount of money that you have in the co-operative you obtain rebate on your purchases. You get so much money in return for the amount of purchases that you do during the year so that all the transactions which take place in the co-operative association are of benefit to the members only. This is the experience that I have with co-operatives.

Mr. Chairman: Clear? (Reads 25(2); 26; 27(1),(2),(3),(4).
Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I don't know if this is the appropriate time to ask this question but we are dealing with the assets of co-operative associations. I wonder if Mr. Legal Adviser can say, Mr. Chairman, whether or not anywhere in our legislation co-operatives have any tax grant exemptions?

Mr. Legal Adviser: I wouldn't think so. I don't see any reason why they should have a tax grant exemption.

Mr. Shaw: This sub-section (3) of 27, Mr. Chairman, An Association without share capital shall set aside its net surplus, if any, at the end of each fiscal year as a reserve for contingencies and shall not distribute this reserve to its members. I wonder Mr. Chairman, if this would not be the net profit and how would they ever get it to the members, how would they ever benefit? I would like that explained.

Mr. Legal Adviser: I don't think they intend to make a profit. I think it is merely for the benefit of the members to build

Mr. Legal Adviser continues...
up the assets into a local industry but if in fact they want to transfer the assets to the members the way to do it would be to go into voluntary liquidation,convert themselves into a co-operative because without share capital people would not subscribe.

Mr. Shaw: Mr. Chairman, is it possible to form a legal co-operative without having shares of some sort, some distribution of the assets of the association? That is the part that I don't quite understand. You have no shareholders in a co-operative; how can that be?

Mr. Legal Adviser: Mr. Chairman, you do have shares but the shares are treated as means of distributing the assets amongst the people in certain percentages. They are not primarily intended to be a money-making deal for the shareholders but they do, of course, in the normal course of events, get dividends. Now some types of co-operatives, in some countries, they limit the dividends that shall be paid to shareholders to 5% in any one year, regardless of the amount of money going into the co-operative so the co-operatives, by these kind of devices do tend to become, if successful, tend to become quite sizeable operations.

Mr. Chairman: (Reads Section 28(1),(2). Councillor Chamberlist:

Mr. Chamberlist: Mr. Chairman, this is just an accounting but surely, I could understand this if a member withdraws from membership and then he has to wait until money is available to pay him off; but if he is expelled why should he have to wait, why shouldn't the money be given to him which he is entitled to have? There are two separate areas there.

Mr. Legal Adviser: One of the tough parts of the thing. A co-operative is a self-help organization primarily but they are trying to protect the equity of the other members as well as the member who has withdrawn, who may have damaged the equity. They are providing that he can withdraw his equity including his shares and any money due to him but under certain circumstances provided here where the withdrawal would result in the amount of working capital being reduced by 10% or more, then it would be a sizeable thing; the co-operative might go smash in doing this.

Mr. Chamberlist: My question, Mr. Chairman, is, if he is expelled I agree with what the Legal Adviser has said with reference to a person who withdraws, Mr. Chairman, but if he is expelled, now this must be an entirely different matter because if he is expelled he should be paid off his interest.

Mr. Legal Adviser: Doesn't it say so in subsection (2)?

Mr. Chamberlist: No, sir. When a member withdraws from membership or is expelled, the board shall make available to the member where the association has share capital, the paid-up value, where the association has share capital. But if he is expelled they should find it for him, otherwise they shouldn't expel him.

Mr. Legal Adviser: I'm sorry, with respect, I think that the Honourable Member is mis-reading the clause. There are two forms of co-operative, one has share capital, one has not

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Mr. Legal Adviser continues..
got share capital; so where the association has share capital he gets his shares, just his shares; the paid up value. He also gets any amount held to his credit and he gets his equity.

Mr. Shaw: If a member is expelled it would appear to me they should pay him up within a certain period of time or they should not expel him. It is tough but that is the way it goes. Whether he has 50%, if they are going to expel him they should take that into consideration. When he withdraws, I can understand Mr. Chairman where he could break the organization but when they expel him, they should pay him up.

Mr. Legal Adviser: As I understand subsection (2) this is so. When they expel him they have got to pay him up. There is an (a) a (b) and a (c).

Mr. Chairman: Clear?

Mr. Chamberlist: No, it is not clear Mr. Chairman, not clear.

Mr. Legal Adviser: Mr. Chairman, if they would turn to Section 14, they will see....Shares in Association having Share Capital so there is one type of association having share capital and one type of association not having share capital. Now, if he is expelled from an association having share capital he gets his shares; if he is expelled from an association not having share capital there are no shares to give him. Even a member withdrawing from an association not having share capital cannot get a share, because nobody can get shares.

Mr. Chamberlist: Mr. Chairman, an association shouldn't expel or have the powers to expel any person if they are not prepared to give him back what he has put into the association in the way of dollars and cents. What is to stop the association from saying we have 40 fellows here; you 20 are expelled, you see. There is nothing to stop them saying that. They run through a whole list of names and these people are expelled. They go under the amount, you see of 50% and expel them. Forty people turn up at the meeting; the directors are going to vote in favour of them. They make a motion that these nineteen fellows will be expelled you see. So it passed. The nineteen fellows are out. They've got no money, they have been kicked out of the association. The other twenty-one have control over their assets and if you expel somebody you have to be prepared to pay him off.

Mr. Legal Adviser: Mr. Chairman, I hesitate to use a dirty word like "tedious" but it has become a dirty word. But nobody, whether he is in the association or out of the association, if it has not got share capital, gets anything out of it, not a penny piece. Whether it makes a million dollars, no matter what he put into it, he gets nothing out. It is only an association having share capital, where he is paid shares that anybody ever gets anything out of it.

Mr. Chamberlist: Mr. Chairman, I have had a little experience with share capitals and businesses and one thing or another please Mr. Chairman, Mr. Legal Adviser will grant that I know what I am talking about when I am talking about share construction of companies. Any shareholder who gets expelled; if he is

Mr. Chamberlist continues...

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expelled and there is no money, actual money to give out, it means not only is he losing his rights of the way that company or association operates, he is having a right taken away from him that he has put his money into. Now, I say this, that there should be no provision to expel this man if he cannot get his share value; if his share value cannot be purchased from him. This is what I am getting at. You are actually saying that we have reason to expel Joe Blow so we will expel him; so you expel him and he has nothing to come back at all. He is out of the organization completely; he has no say whatever in what is going to happen to the money which he has put into it already; none whatever. He has nothing to say about it at all. Therefore, he should not be expelled and there shouldn't be provision for expelling him. The association meets and over-rules him. They can expel him from the meeting if he is making a nuisance of himself, certainly. They can get a policeman and put him out of the meeting but to expel him from the association just because a few of the principals don't agree with what his particular voice is in the matter; that seems to me quite wrong. That is what I am talking about.

Mr. Legal Adviser: Mr. Chairman, we are not dealing here with why members are being expelled or anything else. We are just saying what happens when a member is expelled. This is a different question but this section says what happens when he is expelled. Now if it is an association having share capital, one of the two kinds, he gets the paid-up value of all the shares held by the member in paragraph (a). He gets any amount of money that is held to his credit in paragraph (b) and in paragraph (c) he gets all the balance of any equity. In other words they have got to pay him the value of his proportionate interest in the property of the association even though it is not held in money. That's in the case of an association with share capital; he gets these three things, which is all he has put into it he gets back, and in fact he gets more because he is getting his share of the built up equity, non-payable to members. In the case of the other type of association, which is an association not having a share capital, it is prohibited to pay anybody out, anything at any time. The money is just built up into a continuous pyramid so when the members throw him out there is nothing he owns to give him back because no member owns anything except his say in

Mr. Dumas: Does he put money in it?

Mr. Chamberlist: Does he put money in? Well how do they get the capital if they don't put money in?

Mr. Dumas: They raise the capital, Mr. Chairman, the same as any organization raises funds. They might throw a dance, they might have a raffle; they might get people to make things which they buy and sell. That's how you make money.

Mr. Chamberlist: That is a different type of co-operative.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, occasionally I agree with the Honourable Member from Whitehorse East and I seem to be possibly as dense as he is in trying to fathom this particular section. To expel a person who holds shares, because a certain

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group does not like the way he operates does not seem to be something which should be allowed; to expel him. For example, just about two weeks ago or so there was one person, a member of the B.C. Auto Association, and he got quite a stir going with the organization when the C.A.A. wished to go into the insurance business, which they finally did but he finally got a great deal of support. But now, there was a good illustration where they would like to have expelled that person from that, which in a sense is also a type of co-operative. It may not be called that but it is where a group of people pool their intelligence and their money into a venture to protect themselves. Now, the point is where a person has shares and apparently where the association has share capital, the paid-up value of all shares of the members. So in other words we are indicating a person who holds shares. It is just beyond me to see why there should be any means of expelling that person however he may disagree with the management. It doesn't seem right; he has an equity in it and according to his shares he has a say and there should be nothing that he could be expelled for that I can imagine. If he did something criminal why of course you have the courts to take care of that but from the association's viewpoint I would say that they should not be able to have the authority to expel him. All kinds of skullduggery could emanate from something like that. It would appear to me, Mr. Chairman,

Mr. Dumas: Mr. Chairman, let me give the Honourable Member a few examples of people you might want to expel; you might want to expel somebody with Mafia connections if it were proven that he had Mafia connections.

Mr. Shaw: Why?

Mr. Dumas: Because of the name that he might just give your co-operative association. You might also want - courts have nothing to do with the co-operative association. A man could be sitting in jail for twenty years and still be a member if there is no allowance to expel him from your association; also he could take the knowledge, he could use the knowledge gained in being a member of your co-operative and go into competition with the co-operative association. He should then be expelled. You would not allow this in your business; why should the co-operative allow it in their business. And there are many, many reasons you would want to expel a member, legitimate good reasons and these are only a couple of them.

Mr. Shaw: Well, Mr. Chairman, I think that lots of people have shares in this and that company, doing the same type of business and in fact are Directors in competing companies. Now, I don't think that is a valid reason for expelling him. As the Honourable Member from Whitehors West said, a Mafia member. Well, what difference does it make whether a person is a butcher, a baker or a candlestick maker or a robber. He has paid into that; that is a separate issue. He should be in jail if he is a member of something bad. But to be a member of the co-operative, I cannot say as that is a valid reason, I really can't.

Mr. Dumas: Mr. Chairman, two Honourable Members are sensible members, surely, if any organization, if in my companies one of my directors goes into opposition to me, I as majority shareholder will send him down the road very fast and any major company anywhere would do this. Surely a co-operative

Mr. Dumas continues...
should have the right to do this, goodness gracious!
That is common business sense.

Mr. Chamberlist: Mr. Chairman, well, I don't know, I have interests in three different hotel businesses, three different companies. What is the matter with that, does that make me detrimental to my own companies. There are many people that have mining interests; they have mining interests in four or five different companies. You can have directors of three or four different companies. There is no suggestion that a member, that somebody is referred to as a Mafia member. This is a Mafia member. We are getting connected now with Americanisms that are being created. It is up to the courts to prove whether a man is dishonest or not. Why can't a man be in jail; he could be in jail for twenty years for manslaughter. Why should this prevent him from.... co-operative association-because he got drunk or he is in for impaired driving, so he can't belong to a co-operative?

Mr. Dumas: Mr. Chairman, I am really amazed at the Honourable Members, both of them. I have never heard of such stupidity in my life. If a majority of the co-operative members don't want a person who is in jail, in their co-operative, surely just as if a majority of one of the companies owns one of the motels or hotels that you own, that you are involved in, don't want you as a member, if they have the majority say they are going to kick you out. I am saying, give these people that same right. If the majority of the members in that co-operative association don't want that fellow in their association because he is a known criminal, has been known to bribe and be dishonest, it is not going to help their association, to be associated with that type of person. Naturally they are going to want him out for their own protection, to protect their own image. Surely we have got to give them the right to kick him out.

Mr. Shaw: Mr. Chairman, I don't think that we should be legislating on morals, absolutely not.

Mr. Dumas: We are just giving permissive legislation to kick people out.

Mr. Shaw: Mr. Chairman, when a man is a shareholder, we are not talking about church organizations, we are talking about membership in an organization. This could be 500 or 1,000 or co-operatives that possibly have a million people who belong to it. So, if you go through the morals of all these people or what organization they belong to and group B doesn't agree with group C, you are going to fire half of them and give them their money back and of course if there is a group going concern, the remaining ones are going to have a very profitable organization.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: In order to curtail any further discussion, Mr. Chairman, isn't this the reason that we the association to provide their own by-laws so that they can or may or may not. So it is the by-laws; if they don't want to they don't have to, and if they do want to, they will, and that is the end of that discussion. Thank you Mr. Chairman.

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NO. 13 Mr. Legal Adviser: I understood that the Honourable Member from Whitehorse East was kind enough to approve Section 16,(8) not very long ago. If the Honourable Member would wake up now and read it, subsection (8) says "a member may be expelled if he fails to comply with the provisions of this Ordinance or the by-laws of the association after a hearing by a 2/3s vote of the members present at a special general meeting caused to consider the expulsion". This would over-ride any particular other method, I think, of expelling a member and give him fair protection if he does disobey the law of the association, because I think the co-operative is a little more like a club than a company. In a company people are there primarily for their own personal gain; in a co-operative they are there for the community gain.

Mr. Chairman: (Reads 29(1),(2),(3),(4),(5); 30; 31(1),(2),(3),(4),(4); 32; 33(1),(2),(3),(4),(5),(6),(7); 34(1),(3),(3),(4),(5); 35; SCHEDULE A, Incidental and Ancillary Powers of the Association).

Mr. Livesey: Question, I would like to make one pointed observation between the old Ordinance and the new one, Mr. Chairman. It says -Section 54 of the old Ordinance. It says "The Commissioner in Council may from time to time make rules and regulations for carrying out the purposes of this Ordinance".

Mr. Chairman: Clear? (Reads Schedule A from (a) to and including (g)).

Mr. Shaw: Mr. Chairman, to give you a little break, I would like to direct a question to the Legal Adviser. I am not sure if this has come about. When I was at Old Crow there were quite some discussions there among the people that the Department of Northern Affairs were going to purchase the store in that particular area and start up a co-operative. I believe this would be under the auspices of the Department of Northern Affairs. Would they come under the control of this particular legislation or are they exempt?

Mr. Legal Adviser: Yes, I imagine that the form of co-operative they have would not be one of share capital, it would start with a grant to purchase the initial equipment and would be transferred then on the formation of a co-operative to the co-operative itself and the co-operative would go into business. This is what I imagine the position would be

Mr. Shaw: Thank you Mr. Chairman.

Mr. Chairman: (Reads Schedule A (h) to(w)). Councillor Shaw.

Mr. Shaw: I was wondering, Mr. Chairman, why we have two pages of this. It would appear to me that you could say that the co-operative could do anything they wanted to in relation to doing business and you practically have the same thing. It just surprises me that we haven't x, y and z and we would have the whole works, the whole alphabet but it appears that they can do just about anything in bartering and selling and one sentence could just about carry on the whole works.

Mr. Chamberlist: Mr. Chairman, all Members overlooked an important item that the Honourable Member from Carmacks-Kluane just brought to our attention. I had over-looked it. The Honourable Member referred to the existing Co-operative

Mr. Chamberlist continues...
Associations Ordinance and specifically section 54 which he pointed out "The Commissioner in Council may from time to time make rules and regulations for carrying out the purpose of this Ordinance including matters in respect whereof no express or only partial or imperfect provision has been made". And then 55 "The Commissioner in Council may alter or add to the forms in the Schedules". Now we are going to be given a little snow job in this. The very thing that we have been asking for, to see that the Commissioner in Council is read in all the time has been surreptitiously removed from this piece of legislation that has been given to us. Now, Section 35 of this piece of legislation before us says "The Commissioner may make Regulations". Something that we had **is being** taken away from us. Are we going to agree that this happens. If we do agree, we have set a precedent and it will continue. The Honourable Member from Whitehorse West is shaking his head and saying "no" already. He is forgetting his own words over the last couple of years. It is obvious to me that the reasoning is to take away once more from Council Members the right to have something to do with the legislation which is within the legislation and this is usually made by regulation; regulations that we have no say whatever in putting forward. I wonder at this time, Mr. Chairman, whether Mr. Legal Adviser would be prepared to alter that from "The Commissioner may make regulations" to use the same word that the Commissioner in Council may make regulations.

Mr. Dumas: Mr. Chairman,

Mr. Chairman: Order please, Mr. Legal Adviser.

Mr. Legal Adviser: I honestly don't know. I didn't know that this was so in 54. I'm taken aback at the perspicacity of the Honourable Members in pointing this out. I honestly don't know. I cannot say we can put it back because I think to put it back at this point might in fact set a precedent but to take it out does not set a precedent because I imagine this is probably in by mistake if the truth were really known. I think that probably what happened is we tracked back the original Ordinance which was the parent of the Co-operative Associations Ordinance. It is probably that whoever wrote up this Ordinance continued the printing of it, it would have been the Lieutenant-Governor in Council and they probably took the draft and did not do a proper change and just put Council where Lieutenant-Governor was and that is it. I don't think there was any deep-seated policy but I am sure the Clerk and myself could have a go at finding out where the Co-Operative Associations Ordinance originally came from and find out what actually happened. I don't think at this stage any serious attempt should be made to take away from the Commissioner the powers to make regulations because these powers will be handed over, hopefully within a very short length of time to the Minister who will be appointed from the Members of Council and I have explained often and often and often enough that the real struggle involved here is the transfer of power from Ottawa to this House and the organs which operate in conjunction with this House, and then at that point then it is a question of sharing out the existing power which has been obtained locally to run its own affairs. So I don't think it should be made an issue at this particular time as to whether the Commissioner ...because it is not really a legislative function and as of yet this House is a Legislative House and is not yet an Executive House though some Members

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NO. 13 Mr. Legal Adviser continues..
will become the Executive.

Mr. Dumas: Mr. Chairman, the reason I shook my head about this is because the new legislation is before us empowers the Commissioner to make regulations of a housekeeping nature. Surely he doesn't have to come to Council to prescribe a form to carry out this legislation and surely we wouldn't want him to. Prescribing ...my question is subsection (b) prescribing standard by-laws, but it says not inconsistent with this Ordinance which we are speaking on, for carrying out the purposes and provisions of this Ordinance into effect. It is common practise in all legislation, the executive must be able to do this. This is reasonable and the other argument put forward by the Legal Adviser, Mr. Chairman, that this is a problem that is consistent with the problems in legislation throughout regarding the government of the Yukon Territory, and we hope to see the power transferred to Ministers, hopefully. It's all part and parcel of the same old thing. If we are going to carry on this way of thinking then we might as well throw out everything and say "look fellows, we are not going to do a thing because the Commissioner has the power." We know the Commissioner has the power. We are doing housekeeping legislation. This is housekeeping stuff, the Commissioner may make regulations to carry out these incidental little rules and plans.

Mr. Chairman: Well, gentlemen, is it your pleasure that I report - Councillor Gordon.

Mr. Dumas: Mr. Chairman, while I am on my feet, if I may? I see an Ordinance to Amend the Co-operative Associations Ordinance, 1967, First Session. Section 44 The Co-operative Associations Ordinance is hereby amended by deleting the words "in Council" where they occur. So we are really not doing a thing more than is already here.

Mr. Chairman: Mrs. Gordon.

Mrs. Gordon: Way back in the beginning of the Ordinance it states that the word "co-operative" is part of the name of an association. This is understandable but I wonder if Mr. Legal Adviser would tell us just what limited and ltd., what significance it has within the scope of this Ordinance and the name of an association?

Mr. Legal Adviser: There is no different scope than it would have attached to the name of a company. It is a notice to people who buy or sell things from the group that they are doing it from a corporation and that the members who form part of a corporation do not have any responsibility whatsoever for the debts of the corporation. You may have ten wealthy people with shares in three or four hotel groups and this group may form a co-operative or hotel. Now, when they would contract with outsiders the individual members of this cartel would not be responsible for the debts of the corporation.

Mr. Livesey: Mr. Chairman, before we conclude I would like to make just one observation with regard to the point I brought up and that is, I would like it to go down on record this afternoon that I do think with regard to the question of the Commissioner being empowered to make regulations, every regulation the Commissioner is empowered to do by this elected body takes away from ourselves that power and gives it to

Mr. Livesey continues...
another power in the position that we are in today, thereby depriving ourselves of the actual power that we have obtained through the Federal's decision of the Yukon Act. There is no question about this and during the last ten years, if anybody will take a look at the question of the records in relation to the regulations, it seems to me that we have more legislation in the regulations than we have in the legislation. So the legislation has become a skeleton and the meat is in the regulations and this is a total reversal of the position that we are trying to obtain. Thank you Mr. Chairmam.

Mr. Chairman: Gentlemen, is it your pleasure that I report progress on this Bill?

All: Agreed.

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

Mr. Chamberlist: I second it, Mr. Chairman.

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

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:10 A.M. to discuss Bills, Sessional Papers and Motions. Committee concurred with recommendations contained in Sessional Paper No. 52. Committee recessed at 11:30 A.M. and reconvened at 2:10 P.M. I can report progress on Bill No. 12. It was moved by Councillor Chamberlist, Seconded by Councillor Dumas that Section 11 of Bill No. 13 be deleted. This Motion carried. I can report progress on Bill No. 13. Moved by Councillor Shaw, Seconded by Councillor Chamberlist that Mr. Speaker do now resume the Chair and this Motion carried.

Mr. Speaker: You have heard the report from the Chairman of Committees, are you agreed? May I have your indications of the agenda for tomorrow.

Mr. Taylor: Mr. Speaker, for tomorrow we have Bills, Sessional Papers and Motions.

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

Mr. Speaker: It has been moved that we call it five o'clock. Are we agreed? The House now stands adjourned until 10:00 A.M. tomorrow morning.

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Wednesday, December 10, 1969.

10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillor were present except Councillor McKinnon.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. I have for your attention this morning the tabling of Sessional Papers No. 55 and 56.

Mr. Taylor: Mr. Speaker, I have a question of privilege this morning. May I proceed?

Mr. Speaker: Proceed.

Mr. Taylor: It has been brought to my attention, Mr. Speaker, that exclusive news coverage is forthcoming from the Constitutional Conference by a correspondent named Mr. Ken McKinnon, and inasmuch as the Honourable Member from Whitehorse North is supposed to be representing the Legislative Council of the Yukon Territory at this conference, I'm wondering, Mr. Speaker, if you could advise me as to whether we have had the courtesy of a report from the Member?

Mr. Speaker: No. The Chair has received no report whatsoever from that direction. Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution? Notices of Motion for the Production of Papers? Under Orders of the Day, is it still the desire of the House to pass Motion No. 13 due to the absence of the Honourable Member for Whitehorse North?

Some Members: Agreed.

Mr. Speaker: May we then move to Motion No. 20, moved by the Honourable Member for Carmacks-Kluane Lake, seconded by the Honourable Member for Watson Lake, "That Sessional Papers No. 24, 25, 27, 33 and 41 be discussed in Committee of the Whole". Are we agreed? I will declare the motion carried.

MOTION #20

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Is it the desire of the House to require any member of the Administration for the Question Period this morning? Are there any questions?

Mr. Taylor: Yes, Mr. Speaker, yesterday I rose to ask a question in relation to rentals of Territorial accommodation, and I find that this is covered in Sessional Paper No. 47 so I would withdraw the question if it would be agreed by Council this morning.

Mr. Speaker: Are we agreed?

Some Members: Agreed.

Mr. Speaker: Are there any further questions? If there are no questions, may we pass to Public Bills and Orders? The Chair awaits your pleasure with reference to Public Bills and Orders.

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

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

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

MOTION
CARRIED

MOTION CARRIED

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

Mr. Taylor takes the Chair.

Mr. Chairman: I wonder this morning if you have anything further on Bill No. 13 at this time? I believe there are amendments forthcoming. Is it your wish to proceed to Bill No. 14?

Some Members: Agreed.

Mr. Chairman: I'll declare a brief recess until the Legal Adviser gets here.

RECESS

RECESS

BILL #14

Mr. Chairman: I will now call Committee back to order, and we are on Bill No. 14. (Reads section 1 of Bill No. 14) Councillor Dumas.

Mr. Dumas: Mr. Chairman, as Council, as Committee knows, I have brought this question up several times at several other Sessions of Council. It was my complaint that a year and two years ago that \$1.25 as a minimum wage in the Yukon Territory was not enough. Now, we have the \$1.50 that I proposed at that time being brought forward. I suggest, Mr. Chairman, and I'm also going to suggest that this Bill be left and not passed out of Committee until the Honourable Member for Whitehorse North has a chance to comment on it at least. I believe, Mr. Chairman, that \$1.50 is the minimum wage being proposed now by federal statute. I suggest that that is not enough in the Yukon Territory. I suggest that \$1.65 might be more realistic at this time, Mr. Chairman. I believe that the cost of living in the Yukon as we must all agree is probably 20% to 30% higher than anywhere else in Canada. We're told that the per capita income in the Yukon Territory is higher than anywhere else in Canada. This being the case, I suggest that \$1.50 as a minimum might be alright in the Maritimes, might be alright even in parts of Ontario, or some parts of B.C. or some of the other provinces, but I suggest that it's just not a realistic figure here in the Yukon Territory, and, Mr. Chairman, I would like to hear some further discussion on this before I put forth a motion.

Mr. Chamberlist: Mr. Chairman, the Honourable Member from Whitehorse West has a very short memory. I recall that when this item was before Council that he asked for a minimum of \$2.00 per hour and that's why it was turned down.

Mr. Dumas: A point of order, Mr. Chairman.

Mr. Chairman: Order, please.

Mr. Dumas: Mr. Chairman, he is saying that I said something that just is not true, and the records will show.

Mr. Chairman: Continue, Councillor Chamberlist.

Mr. Chamberlist: Yes, well, perhaps we could go back on the records BILL #14 and look on the discussion that was debated at that time. Also, I see no reason why, because the Honourable Member for Whitehorse North is not here that this Council cannot conduct its business because of the absence. I see no reason why a piece of legislation of this nature can't be conducted by the Members here. We have more than a quorum. However, it is quite true to say that a \$1.50 now would be very little for a grown adult person, and no grown adult person would work for \$1.50 an hour, and no employer would be able to get anybody to work for him for \$1.50 an hour, but if you increase it you mean that the school boy of seventeen or a school girl of seventeen is going to get the minimum or whatever the increased minimum is. This is the reason why it should be kept I think at that figure. I think it's very reasonable that there should be an increase, but I don't think it should be increased beyond that because the labour market itself will speak for itself. As I say, no person, no adult person would be employed for \$1.50 and no employer could obtain somebody for \$1.50. Keep in mind that if you change that, your employers are going to be placed in the situation in the summer time when they will shy away from employing students and this is what we must try and do, we must try to employ young students of seventeen and eighteen and keep them occupied. I'm in favour of the legislation as it is.

Mr. Dumas: Mr. Chairman, I can't understand this. If a person is seventeen years old, he can do a day's work or an hour's work as well as somebody who is, generally speaking, thirty-five or so, and the fact of the matter is that there are people working at a minimum wage who have to work, who need work, and all they can do because of their lack of qualifications, is accept whatever is given to them. Even in this Territory and in this town right now there are people working at \$1.25 an hour because their employers decide that's all they have to pay them, they know these people have got to have an income, and they are paying them \$1.25. I'm speaking of women with children who have got to work to support their families. This is happening today here in the Yukon Territory. So, I suggest that the \$1.50 ... we seem to be about a year or so behind Ottawa in these things. Surely if we are progressing as we say faster than any part of Canada, surely in these things we should be leading the way, surely we should be providing more protection and more coverage for the labourers in the Yukon or the workers in the Yukon than is done outside even. And, this is why I suggest that the \$1.50 that we say is acceptable as a minimum, and it is only a minimum; we're not talking about a great number of people, but still we are talking about people and we are talking about some people. It's not going to upset the whole economy of the Yukon if we go to \$1.65 now, but it is enough to make a difference between living at a subsistence level and living at something approaching a decent standard of living, Mr. Chairman, and I suggest that this be raised to \$1.65.

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, many years ago, when I first came into Council, it was my pleasure to tackle this problem of low wages on behalf of my constituents, and in conjunction with the Council of the day we started bringing forward-looking legislation into our old out-dated and out-moded Labour Provisions Ordinance, and we managed to start writing in things such as this, limitations on the hours and this type of thing. When we established the basic minimum wage of \$1.25, indeed, there were people in the Territory working for \$.85 an hour. I don't think you'll see this too often. Possibly Mr. Clerk is very well familiar with the operations of this department. The Federal Government ... this really brings us into line with the Federal Government's stated basic minimum wage of \$1.50. What we need in the Yukon, oh, I might also add that this \$1.50 basis minimum

BILL #14 helps really two basic categories of employees, and that's the chamber maid and the waitress throughout the Yukon Territory. The girls are having it a little rough as far as wages are concerned, and I don't think that anyone would disagree that we've got to raise it. But, I don't think also, until more careful study has gone into what effect \$1.65 for instance would have on the market, I think this has got to be looked into, I don't think you just arbitrarily say that it will be \$1.65 and that's it. I think that there has to be a study made. What the Yukon really needs and what we've asked for a long time in basic minimum wages is a categorical system similar to those employed in the provinces, and indeed by the Federal Government. That is where you have a basic minimum for cat-skinners, a basic minimum for shovel operators, a basic minimum for truck drivers, for clerks and for all plumbers, electricians, and all the categories of work. I think that, Mr. Chairman, that if you view any of the Federal contracts and, indeed, some of our Territorial contracts where Federal money is involved, you will find that this type of system is employed. As an overall basic minimum wage, I agree with the \$1.50. I think that this is forward-looking and if, after some study, it would appear proper to increase this basic minimum to \$1.65 or indeed \$1.75, I'd certainly be for it, but I don't think I'd want to increase it any further at this point in time until we've had some discussion with business, with management, with industry, with labour, with all these people just to see what effect it would have. It could have a detrimental effect, I don't know. But, I certainly support the Bill as it stands.

Mr. Dumas: Mr. Chairman, I certainly appreciate the fact that the Honourable Member, some years ago in this Committee, supported the \$1.25 wage. I suggest that this was something like eight years ago that it was \$1.25. It's been \$1.25 ... okay, six, five, four, take what you like. At any rate ...

Mr. Chamberlist: Two years ... we increased it.

Mr. Dumas: No, pardon me, Mr. Chairman, it was increased before this Council sat. It was increased in the previous Committee. At any rate, in the last three years in the Yukon, the cost of living has gone up something like 40%. Wages have gone up accordingly, and we haven't made any change to the \$1.25. Now, the argument that the Honourable Member from Watson Lake just put, that a study be made, was put by him and others in this Committee the last time I proposed we go to \$1.50. There has been no study undertaken and yet Committee seems to be agreeable to raising it by two-bits. Why raise it at all if you want a study before you're going to raise it, and I suggest, Mr. Chairman, that we're talking about maybe one hundred people, maybe a couple hundred at the outside, that \$.15 more than this isn't going to upset the economy of the Yukon, and a study, the suggestion that a study be held is just throwing a red herring into the argument, Mr. Chairman.

Mr. Taylor: Mr. Chairman, the Member's memory is obviously quite short because I tried to get \$1.50 in here when we last made the major revisions to the Labour Ordinance. It was turned down and I can't recall by whom, the Administration or a majority of Committee, but it was not accepted. I'd just like to say, in answer to the Honourable Member, this brings it into line with Federal legislation which we should have done three years ago.

Mr. Livesey: I'd like to bring up a different side to the argument, Mr. Chairman, the same argument as I presented before, and that was, there are limitations to the effect that any government may have upon the business structure and the wage earning capacity of the people of the Territory due to the fact that the main area of negotiations for wages is not in government. The main area is between

labour and management. This should be maintained and left as a free BILL #14 area whereby both sides can come to an agreement as to what they're going to pay their employees for services rendered. There's another aspect to the question of raising the minimum wage too, and the government as I say should not be considering talking about wage levels when they're thinking about a minimum, when you're talking about the lowest paid capacity of any worker in the entire country, and that covers the lowest category if you want to look at it that way. So, you're setting an absolute minimum for anything done, any type of work done, and when you do this there are two drawbacks, two possible drawbacks. One is, one-sixth of our population is Native people, and these Native people have been living at a disadvantage since the beginning of time, and especially in this area these people who are not qualified in a good many areas do not have the advantages of others are going to be, if we don't watch ourselves with a thing like this, these people are going to be kept permanently off the work roll. I think this is a bad thing. I think that on one side of it we should be doing all we can to train the Native people so that they can work and at the same time watch out we don't defy those who want to work and want to join the work force rather than following the handout system where we put them, not they put themselves. This is another thing we've got to watch out for. I think that we have to be exceedingly careful in this line. There's another point too, and that is if you squeeze the employer and I'm not particularly thinking about the permanent employers, sometimes the non-permanent employers in certain industries that we have in the Territory, what do you think they're going to do if you raise the hand of force through legislation to any great extent. They're going to be doing what they've been doing for the last two or three years. They're going outside for their help. A good many of these places, service industries on the various highways throughout the Yukon are bringing in their summer help from Saskatchewan, Alberta and British Columbia, and mostly from the universities, not from the Yukon Territory, and this is a point we have to think about when we're talking about this type of legislation.

Mr. Dumas: Mr. Chairman, that last point escaped me somehow. The reason most roadhouses do this is because they simply can't find employees here in the Yukon to hire. This suggestion that raising the minimum wage would cause unemployment or at least cause fewer Natives to be hired, I just can't buy. This is a prejudicial suggestion that you don't hire a Native if you have to pay him \$1.65, but it's alright to hire him if you only have to pay him \$1.50 an hour. This is surely wrong thinking, Mr. Chairman, that ... if a man is good enough to hire, he's good enough to pay a living wage to, and this is the whole point of my argument, that if we're going to hire people, if people are going to be employed, they should be paid a living wage. I suggest that in the Yukon today, probably most places in Canada today but particularly in the Yukon, \$1.50 is not a living wage, particularly if there's more than one mouth to feed.

Mr. Livesey: Mr. Chairman, I don't think the Honourable Member ...

Mr. Chairman: Order, please. Councillor Shaw.

Mr. Shaw: I'll bow to the Honourable Member for Carmacks-Kluane.

Mr. Livesey: Thank you, Mr. Chairman. I don't think the Honourable Member for Whitehorse West is going to deny that the Native people of the Yukon Territory or anywhere else in the north have been living at a disadvantage in comparison to anyone else. This is a fact. This isn't something that ... some kind of fancy that somebody dreamed up last week. This is an absolute known fact, it's a known condition. They do not have the advantages that others have had and we know why and we know whose fault it is. Now, the point is that you must not

BILL #14 play into the hands of prejudice. You've got to play into the hands of trying to bring those people into our social atmosphere and our social sphere so we can help them from every conceivable angle, and one of the best ways to help the Native people anywhere in my estimation is to provide employment, provide activity, provide some area where they can gain their self-respect and join the rest of society in the Yukon Territory. Surely we must think of this aspect of the relationship of the Native people to their own maintenance and the maintenance of their self-respect. This to me, Mr. Chairman, goes beyond the point of humanitarianism. It's just common sense, and that's the point I wish to bring to the attention of the Committee, Mr. Chairman.

Mr. Shaw: Mr. Chairman, if we lived in a totalitarian society, it would be necessary that wage structures were very carefully laid out by the powers that be so that they would be uniform in the whole of the nation. Now, when we make Ordinances here in what we call a free society, there are several things that I think that we should do when we make laws concerning labour. The most important part of this is to protect the workman from being exploited. That is our function, Mr. Chairman, in my opinion. It's not up to us to establish how much a cat driver receives, or how much a carpenter receives. That is usually established by demand, it's established by unions and by negotiation, but there is an area of the population that has no unions to back them up at all. They have no power behind them, so therefore it is necessary for us to make certain restrictions or certain rules that these people will not be exploited. Now, we have an increase of \$.25 per hour on the hourly wage, an increase over two years ago. I am not quite sure whether that is sufficient or otherwise. \$1.50 is not a great deal of money and if a person had to keep a family on that he would have quite a time. On the other hand, when we establish by law what should be paid in certain respects, that may have sound thinking, Mr. Chairman, if for example we knew exactly what we were doing in respect of that. We're looking at it from the viewpoint of stopping exploitation or preventing it as much as possible. But, as has been outlined in this debate, there are many jobs that are done by students and part-time jobs and the jobs that do not require much skill or in fact much work, so that by putting the wages at, say, \$2.00 an hour, that could prohibit the employment of a certain segment of the population. There are very few people that I can recollect that you can get to work for you for \$1.50. I have never tried to do it these last couple of years because I would figure the job would be worth more. But, at the same time, Mr. Chairman, I would expect to get the value of what I was paying. But, to create by legislation wages other than to stop abuses I think is a mistake because you have to know all the facts of what is contained in this, of what kind of classification is the job, and certainly if you wanted a carpenter to work for you, you couldn't get one for \$1.50. If you wanted to get someone to shovel snow for you, maybe you could get one for \$1.50. I do not think at this time until we get to a point where we can go into a thorough analysis of the situation, and that follows in line with what Councillor Taylor suggested, that to arbitrarily set \$1.75 or \$2.00 might be a mistake at this time. There is one gratifying feature, that we have recognized that things have gone up and so we have raised it a matter of \$.25 an hour to make it \$1.50 to prevent abuses. I think our function is to stop abuses, not to establish a wage scale; and, myself, I would be ... like to try out this particular thing and in another year to review it. Perhaps it isn't sufficient and it will be necessary to raise it again. It's only two years since we first, I think, Mr. Chairman, established a minimum wage in the Yukon. Prior to that it was covered by federal law but not Yukon law that I am aware of.

Mrs. Gordon: I agree that this is an area in which we must protect those who do not have the wherewithall or knowledge and are liable to exploitation or abuses by unscrupulous employers. It is a known fact that until the minimum standard wage was raised to \$1.25 as it is now, the employees in the City of Whitehorse were working for \$.85 an hour. There was an unholy scream when it was raised. I do not agree with the Member for Whitehorse West that at this time it should be raised to \$1.65 as he proposed two years ago when the increase came about for the simple reason that it does bear an investigation and one of the things that we need to be cognizant of in the Territory, and I think they are becoming more cognizant of in the rest of Canada, is the productivity in relation to wages paid. This is something we must consider in the future increase in the minimum standard wage. BILL #14

Mr. Taylor: Mr. Chairman, it just occurred to me that possibly Mr. Clerk, just out of curiosity's sake, could advise us as to how many reported cases he investigates in his duties as Labour Provisions Officer, how many cases a year he would investigate where people are paying less than the existing \$1.25 basic minimum wage?

Mr. Clerk: Mr. Chairman, off hand, I couldn't say how many cases there are, however, the fact is that primarily these cases evolve around the roadhouses on the highway. This is where the primary trouble is. These are the people who are concerned with the minimum wage.

Mr. Dumas: Mr. Chairman, we heard first from the Honourable Member from Watson Lake and the Honourable Member from Dawson and the Honourable Member from Mayo and they suggest that we have an investigation. I fail to understand how it takes a Royal Commission to decide whether we have \$.15 more an hour as a minimum wage in the Yukon Territory. The implication is that half of the labour force is at the minimum standard in the Yukon Territory, so therefore the whole economy is going to be thrown out if we go ahead without a study. I would like to ask the Clerk if he could tell us when the \$1.25 minimum wage was first introduced in this House. You will find it happened before this particular Council was formed and it came up again, and this is another point, Mr. Chairman, just to clarify a point made by the Honourable Member from Watson Lake, I made the motion in the Second Session - 1968 when Herb Taylor, Mr. Taylor, the Head .. the Labour Relations Officer for the Territory was sitting here, a motion that \$1.50 minimum be established and I could not find a seconder for the motion. So, I know where I'm going, but notwithstanding that I'll go anyway, I'd like to move that the words "\$1.50" be changed to read "\$1.65".

Mr. Chairman: Is there a seconder for the motion? There being no seconder ...

Mr. Taylor: I'll resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chamberlist: Mr. Chairman, I believe that the labour minimums really should rest in the hands of collective bargaining, that we should only be making legislation which provides for a minimum payment not only to protect the employee from being exploited, but to protect the employer from being exploited. Now, one might think, how can an employer be exploited by having to pay a certain wage? This is quite easy. You may very easily get irresponsible employees as well as irresponsible employers. It's a two-way street and this is why we have labour-management arrangements. I know that union organizations would much prefer to deal via collective bargaining with minimum labour rates for a particular trade or a particular

BILL #14 group of people that have been organized. This is where the negotiations should be to protect labour. Support the labour organizations and they will do the work. I think we have a function to support them in their work. I feel that it is a reasonable piece of legislation that the Administration has put forward, and this is a pleasure, it's a change that this happens so that we can do with it promptly and recognize that it's something for the good, and I would support, Mr. Chairman, the legislation as it is put before us.

Mr. Dumas: Mr. Chairman, before we leave this, I'd like to make two short points. One, it's kind of interesting to note that Committee will accept the proposal put forward by the Administration when just a short year ago they wouldn't accept the proposal put forward by one of its own Members, the exact same thing. The other point, Mr. Chairman, is the suggestion that bargaining groups in fact should lay down regulations to determine minimums and so on, and of course I agree with this, but unfortunately as the Honourable Member from Dawson City pointed out, there are many, many people who do not belong to any bargaining associations and in no way can because they work for a remote roadhouse or because they're in the type of business that doesn't lend itself to collective bargaining for whatever reason, and these are the ones that the Honourable Member from Dawson City again pointed out that we should be trying to protect. This is the little man, Mr. Chairman, John Q. Citizen, who we hear so much about from Members of Committee in our debates.

Mr. Chairman: I will call a short recess at this time.

RECESS

RECESS

Mr. Chairman: At this time I will call Committee back to order. Order, please. Section 2, "This Ordinance shall come into force on a day to be fixed by the Commissioner". I wonder why this is necessary, Mr. Legal Adviser.

Mr. Legal Adviser: It doesn't appear on my particular copy, Mr. Chairman. There is a section 2, which reads in my copy, "Section 41 of the said Ordinance is amended by adding immediately after subsection (1) thereof the following:".

Mr. Chairman: My copy says, section 2 reads, "This Ordinance shall come into force on a day to be fixed by the Commissioner".

Mr. Shaw: Mr. Chairman, I think there was the old Ordinance, Mr. Chairman, and is the Ordinance that we had when we came to Council originally, and then we had a new submitted which has ...

Mr. Chairman: I've got it. (Reads section 2 of Bill No. 14)

Mr. Chamberlist: Question. I wonder if, Mr. Chairman, Mr. Legal Adviser can expand somewhat as to why this particular section has been placed in there.

Mr. Legal Adviser: Mr. Chairman, the section is really placed in there because during some recent court cases, some firms in the Yukon wore out the Legal Adviser's patience. We had charges under the Labour Standards Ordinance amounting to a total of, and the first charge was \$17,000, non-payment of wages, another charge was added in relation to the same firm or a companion firm amounting to another \$12,000, and I think in all, charges amounting up to \$50,000 were laid against a particular corporation or pair of corporations. The major shareholder holding 98% of the stock or 99% of the stock was the active officer of the corporation, was working on the job, and never honoured the court by his presence from the time the case first came to court until the case was completed and the decision

was made by the magistrate. The firm went bankrupt. He never answered a single letter, he never appeared in any office, he merely instructed a lawyer to appear for him and then didn't give the lawyer any instructions so the lawyer was appearing from week to week and fortnight after fortnight saying "I have received no instructions, I require an adjournment", and adjournments were being granted time after time after time. It ended up the firm going bankrupt and the prosecution never saw this person, and I still haven't seen this person. Now, one other incidence occurred which was not quite so serious where the owner of the stock of a smaller firm in the Yukon was in the exact same position. He was working in Whitehorse but he never came to court. He also instructed a lawyer who came to court week after week after week with a series of excuses saying "I can't get instructions from my client, please give me another week to get in touch with my client, my client won't answer his telephone", and so on, and because of the framework of the Ordinance that a corporation is deemed to be a person, and when the corporation employs that person, the corporation is guilty, not the actual owner of the corporation, the court found itself virtually powerless because it's impossible to put a corporation in jail. All you can do with a corporation is to fine it, and if the corporation has got no money, there's not very much you can do, even though in fact one might suspect that the person was misusing the operation of corporate law for his own purposes or to evade the law. So, on the examination of the statutes of the provinces, we came to a section in the B.C. Labour Standards Ordinance which provided, not exactly parallel to the section which the Honourable Members have in front of them, but a section that said that where an offence under the Labour Standards Ordinance is committed with the connivance, consent, and so on of a director, then that director is equally guilty. But, it's not enough merely to make them guilty, you've got to actually get them in court, and being brought before the court has a chastening effect on people, especially people who undertake what is a long course of deliberate conduct to evade their obligations to society in general and their own workers in particular. These people were actually issuing cheques, and we had cheques in our records up to \$30,000 worth which were issued, they were unsigned by an officer of the corporation, so that ignorant workmen were coming down to the bank with cheques which they thought were good cheques and were handing them in for payment, and the cheque had never even been signed. Deals were being made all over the place. We've had a firm where in the course of collection of \$1,000 for a workman, the workman has been in the course of negotiations and to try to get this \$1,000 has gone back to the firm and worked another \$600 worth, and we had a second and third case the same way because they're broke and they need employment. We need to tighten up the Ordinance and this is one way hopefully of getting it done.

BILL #14

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

RECESS

RECESS

Wednesday, December 10, 1969.
11:00 o'clock a.m.

Mr. Chairman: I will now call Committee back to order at this time. Councillor Chamberlist, I believe you had something on section 2.

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Mr. Chamberlist: I wonder Mr. Chairman, if Mr. Legal Adviser can indicate the proof that is required before a Director or Officer can be found guilty of consenting or conniving with reference to an offence under this Ordinance. Where you have for instance a Corporation whose base might be in Alberta or B. C. are carrying out some work in the area here, it would be very difficult indeed I would submit to in any way attempt to prosecute a Director or an Officer of the company for connivance or consent for the simple reason the Directors, the Officers may be such a large organization that they don't know anything about it. Also, where is the jurisdiction to issue a summons against a company, officers and directors where all the officers and directors are not even in the Yukon. There is no jurisdiction to bring one of these people into the Yukon Territory for the simple reason that this is just local legislation and the company would not be bound. The company itself would be bound by the legislation because it would be presumed that they would be registered as an extra-territorial company, but the officers of the company, who may never have seen the Yukon, don't know the conditions here. There is no possible way I submit that a director or an officer could be compelled to come into the Yukon Territory even if a summons were served on him in Alberta or B. C. or Timbucktoo. I would seem most ridiculous that we should have a piece of legislation where it can apply to some corporations and not to other corporations, but the added point of course, that I wish to make is, what is meant by or what proof is there required when it says, "Where an offence under this Ordinance committed by a corporation is committed with the consent or connivance". Now how can this be true then and before this can be proven surely there must be various acts committed by these officers. I wonder if Mr. Legal Adviser can expand on this.

Mr. Legal Adviser: It is not an easy question to answer because each case would have to be decided on its own merits and the evidence which was available. The inspectors from the Labour Standards Office have the power to inspect books and documents and to see what the files of the company had concerning the engagement of the particular person who is making the complaint to the Labour Standards Officer. In any of the cases which I referred to earlier in explanation of the section, one of them was ... consisted of a couple of linked companies and it would have been quite easy to prove in that case who in fact had engaged the particular worker because the director, managing director, or president of the company was the person who actually did the engaging. In the second case, a similar situation occurred. In the third case, dealing with a mining corporation, it wouldn't have been quite as easy to prove but the fact of the engagement of the person could have been proved and then the worker in this case he was a fairly high ranking worker, he was a metalurgist, he could have said what the rank of the person dealing with him was, then if the evidence was that the manager had spoken to the employee or spoken to a group of employees and engaged them and was signing the cheques, then the presumption would be that he was party to the action of the company. It is a question of using the available proof. Now so far as charging a person who is not within the Territory is concerned, the position would be that he would be guilty of any act which he committed within the jurisdiction of the Territory but not if it was committed outside, because the writ

BILL #14 Mr. Legal Adviser, cont:

of the Territory runneth not outside the confines of the Yukon itself so we would be as we still are, unable to charge any director or officer of the company who is resident in say Toronto or Vancouver, but this section is wider than this and this covers officials and other people besides merely directors and officers of the company.

Mr. Chamberlist: How would a person be presumed guilty before he appears before Court. This is a presumption taking place that he would be guilty. This is what Mr. Legal Adviser said, but he is not guilty until he comes before the Court, but if you can't get him before the Court there is still innocence there. The reference has also been made about the ... an inspector being able to inspect the files and the books of a company. It is quite often, there are lots of companies who carry out all their business outside, their cheques their payroll, everything is sent inside. They have exclusion of workmen's compensation. Dispensation is given to them so that their workmen's compensation can be paid outside in their payroll. All we have is a crew in here. No records are kept here, nothing at all. This hasn't been blocked and this is important that this be blocked. In the specific cases that have been referred to by Mr. Legal Adviser, I asked the question as to why the prosecution didn't take place immediately instead of allowing seventeen thousand and thirty thousand and forty thousand dollars of payroll go. Surely there must have been neglect on somebodys part that these things did not occur, that the prosecution didn't take place in these areas. Now it can only be assumed that there was some laxity because these companies were carrying out work for the Federal Government and the Territorial Government. It's a wonder why the Territorial Government knowing the conditions under which the people were working for these companies who have now been declared bankrupt, there names are public and they can be referred to in this House, Canada Bridge and its associated company. Why was the Territorial Government continuing to give them contract even after their cheques were bouncing all over the place, they weren't meeting their commitments, they were continually giving them contracts, the Federal Government were continually giving them contracts. There were complaints made. The various departments of the Territorial Government were saying wait and see you are protected and all that. Now I don't know what the Territorial Administration has done to protect those people now whose monies have been withheld by these people. I don't know whether the Territorial Government is going to make sure that the hold-back-money that they have on the various contracts are going to be held back for the benefit of these employees who have had their wages held back from them. I don't know about this. This hasn't been indicated and it hasn't been indicated in the Labour Standards Ordinance what the Territorial Government would do in cases of that nature. Here is an area where protection should be given for labour that has worked and hasn't got its pay. You know it is much better to work at a minimum of \$1.50 an hour and get your dollar fifty an hour than work for \$4.50 an hour and not get it at all. I wish the Honorable Member for Whithorse West was here so he could hear this remark. He is more concerned about this \$1.50, but there are other areas where I think in Labour Provisions that protection must be given to working people. Here we have areas where we say we'll prosecute the officers and directors. It says, "any director, manager, secretary or any other officer of the corporation", well it should be made clear that when they refer to the secretary, they refer to the secretary of the corporation, not to the girl who is the stenographer and doing some secretarial work for somebody. That should say the company's secretary. It should be clear, the corporation secretary or any

Mr. Chamberlist cont:

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officer. What other officer? Who is an officer? An officer may be interpreted to mean a superintendent, an assistant manager, a foreman. Who are these officers? I don't think that this goes far enough to obtain the results that the administration want to do. I think you should tighten it up in such a way that any corporation that fails to meet its commitments and commits offences under the Labour Provisions Ordinance, that within thirty days are prosecuted, not allowed to go on as Canada Bridge was for months and months and a lawyer comes forward and comes into Court and makes suggestions that he can't get instructions. It's a matter of where the legal side of the law works to the detriment of labour and we should start protecting labour much more and here is an area which I agree in principle with what the administration is trying to do but I think we have to do more and tighten it up much more. Thank you Mr. Chairman.

Mr. Legal Adviser: May I just say a couple of points in regard to what the Honorable Member has just said. It would be helpful if the Honorable Member could have discussed the facts of this case with me or with the Clerk before he went into the details of saying what the Territorial Government had done or should have done or has not done. I would like to make it quite clear for the information of the Honorable Member that none of the wages which were unpaid whatsoever were in respect of any contract for the Territorial Government at all. These were contracts which were not with the Territorial Government. Now as I understand the position, these two firms which were mentioned by the Honorable Member had a series of contracts many of which were being worked on simultaneously and the wages due in respect of any of the Territorial contracts, were in fact paid. It was after the completion of the work which the firm had undertaken to do for the Territorial Government, that the complaints started to come in. The main complaint came in so far as my recollection is concerned in either August or September in relation to a particular fortnight when information came to the hands of the Labour Standards Officer who immediately sent an inspector to check the books, found that in respect of that particular fortnight there was \$17,000 not paid and immediate proceedings were instituted in the Courts. In the following fortnight, there was a sum of \$12,000 odd not paid and immediate proceedings were instituted in respect of that and so on and the prosecution built up as our information came in and we could ascertain that the people who complained were not in fact paid, we instituted proceedings. Now so far as the Labour Standards Ordinance goes there is precious little more that the Labour Standards Officer can do. One of the things that we are attempting to cure in the Bill is to try and get the principles of the firm in such a case, in before the Court, but not withstanding the advice of the Labour Standards Officers, Inspectors, these work people continue to work for this firm and its brother or sister firm although they knew they had not been paid for a fortnight in August, they continue the second fortnight in August, they continue the first fortnight in September, they were still a large number of them continuing in the second fortnight in September, the first fortnight in October, the second fortnight in October and so on and we found that we had a tremendous task on hand if we were to take individual prosecution because from the technical point of view it's an offence not to pay any particular workman and we had three and four pages of names of workmen in a column with amounts of \$250, \$350, \$400 and so on in a column on the right hand side so if we had brought individual prosecutions against them in respect of each non-payment we would have had to have a continuous Court sitting day after day doing nothing but reading the charges and taking evidence, but we found we couldn't get these people before the

BILL #12 Mr. Legal Adviser cont:

Courts and this is our complaint. Now the Territorial Government did in fact have a hold back amounting to some \$60,000-\$65,000 in respect of the contract which had been let to these firms plus the particular evil which happened to that hold back was that some of the subcontractors on the jobs which had been done, were not in fact paid, so that there were various documents coming forward to the Territorial Treasurer, assignments, court order, garnishee orders and so on, in respect of that money and there were conflicting claims from local contracting firms that had not been paid for supplies and there were firms who had done minor jobs and so on and these were not paid for the Territory so the Territorial Treasurer was in the position that if he answered any individual court order in respect of one particular creditor's claim, he would find himself committing a contempt of court in respect of another so the only refuge that the Territorial Treasurer had with this package of money was to hold it until such time as he could release it into the court to await the orders of the Territorial Judge. He had no other option. He couldn't decide which of a number of creditors should be paid because I think unless I'm wrong it was \$65,000 in claims and he had \$35,000 in money. This was the position, so he could do nothing. His hands were tied. In relation to the wages, the wages were due in respect of other jobs, not Territorial jobs, we have no money in our hands to see that the people were paid. The money was privileged. We had no access to it. We had no Court Order to get at this money and we were informed that the amounts due to the firms were building up gradually to something like a quarter of a million dollars in one case, but the money was being held because the contracts were not completed, that is they were not executed on both sides and therefor money could not be paid to this firm. This added to their difficulties. In addition to this, in relation to the cheques which were issued by the company to individual employees, although the cheques were not signed and therefor were uncashable, the income tax people deemed them to have already been paid and surcharged them for an amount. I think it was \$30,000 in income tax which should have been deducted from the employees wages although those employees had not in fact been paid, so here we are standing on the edge of a whirlpool unable to do anything very helpful with the Labour Standards Ordinance, unable to do anything very helpful with the money we had held for these people, watching this whirlpool increase and going to Court on an average of once or twice a week to try to get them into Court and failing, so it is for this purpose that we have this section in, that if this situation happens again, at least we can send out an R.C.M.P. Officer to pick the people up and bring them into Court so the magistrate can have an explanation from them as to what actually is happening.

Mr. Chamberlist: When Mr. Legal Adviser suggests that you can have a director or an officer of a company picked up and brought into Court, not suggesting that there is a power of arrest

Mr. Legal Adviser: What I am suggesting is that in this section, there is power to issue a summons to an officer to come. If he disobeys that summons then he has committed an offence and can be brought forward to Court and of course this is perfectly proper, but first of all we will write to him and ask him. If that fails we will summons him and if he fails to come, at that point then we will use the iron fist instead of the velvet glove.

Mr. Chamberlist: My impression was that when Mr. Legal Adviser had spoken earlier, his last words were that he would be brought into Court and he admitted to make reference to the fact that it was necessary to go through the procedure of summons etcetera.

Mr. Chamberlist cont:

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What hasn't been made clear by Mr. Legal Adviser now is that when the sum of \$65,000 odd was being held by the Territorial Treasurer or \$35,000 whatever the sum was, was being held by the Territorial Treasurer, why was not those people who had money coming to them paid that money out, because it is the standard procedure that in all contracts that I have had to deal with that labour is a first commitment to be paid where there is hold backs by Government departments. I know that during my experience with contracts with both Territorial and Federal Governments that there were clauses within the contracts that protected the employees in as much as that any hold back or progress payments were subject to garnishee and it is the only amount ... the only amounts of money were subject to garnishee where there was in fact a non-payment of labour for work performed on a specific contract. Notwithstanding that there have been judgments against particular companies the labour is paid first because this is usually part of legislation. Now I am just trying to locate now and perhaps Mr. Legal Adviser can inform me whether or not there is existing in our legislation provision for payments out of money held by the Territorial Government for work performed for the Territorial Government, provisions for that money to be paid to labour where payment has not been made by the firm carrying out the contract work.

Mr. Legal Adviser: Not so far as I am aware. There is no specific provision but I would like the Honorable Member to correct his misapprehension of this. The Territorial Government's contracts were completed. We were satisfied that all labour was paid, and it was all paid, but we held a hold back in accordance with the normal rules of a percentage to see that the contract was perfectly in order so we held \$35,000 of this money. At the same time there was a contract going on in March Lake, a contract going in Koidern, there was four other contracts so we had competing claims once we became aware of the situation. We had competing claims for labour from five different places in relation to D.P.W. contracts and N.C.P.C. contracts and possibly Department of Transport contracts but I'm not sure about that. So here was the Labour Standards Officer with \$35,000 and five groups of labourers looking for money. Who is he to pay because it wasn't our contract. As far as the Labour Standards Officer is concerned, when he is dealing with the Federal Government, he is dealing with a different entity altogether, it is not his own office. He has no control over what they pay. When we are dealing with the D.P.W. we write a very polite letter because our proper chain of command should possibly be through the Department of Public Works in Ottawa and back up and down two or three times and then back here, so we out of courtesy of the local, we are often made aware of what the position is, but we had no money in our hands. We had our own money for our own contracts, we did see that all our own labour was paid but then we were torn having a series of orders made by firms in relation to our own contracts and a series of orders made in relation to D.P.W. contracts plus five sets of unpaid labour, what could the Territorial Treasurer do except use the Courts in the normal way.

Mr. Chamberlist: It appears to me that there was a responsibility both moral and legal on the part of the Territorial Treasurer to first pay those garnishees if they indeed were garnishees for labour amounts. Now I don't know, Mr. Legal Adviser hasn't said Mr. Chairman whether there were any garnishees for those labour amounts. We know there were judgments from various firms. If there were no garnishees, then I'm afraid that the people that were involved, the labour that were involved did not go to the Territorial Treasurer

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Mr. Chamberlist cont:

or go through them in the proper manner and I think they should have been advised by the Labour Provisions Officer to proceed via the Courts, get a judgement on labour then go to the Territorial Treasurer and say, "Here is my judgement" and labour would come first. Now if there was an amount of \$35,000 held back by the Territorial Treasurer and has been already indicated that the labour amounts were in the region of \$35,000, most of these people could have been paid off and I wonder why that wasn't

Mr. Legal Adviser: It's possible, but you see the Territorial Treasurer doesn't know. He doesn't know the position. All he knows is that there are debts slowly building up in relation to a job over which he has no control and he has nothing in front of him on his desk except a pile of Court Orders from different Courts. Now there were no garnishees in that sense against the wages. There were Court Orders. The Labour Standards Officer on the other hand is trying his best to get this money paid. There was in fact so far as I know except for N.C.P.C. no signed contract so nobody could sue for anything. They may be given a quarter of a million by D.P.W., but there is no contract and there is still no contract signed for any of these jobs which they did for D.P.W, so this is all a morass and as you can understand you must have some thought for the people who are thinking of this. We are trying to work on two different sums to try to get money for labour so the best we can hope to do is to hold this block of \$30,000 knowing that it will go some way towards paying off labour.

Mr. Livesey: A lot of the problems that are being discussed in Committee right now are roads in my electoral district and I made numerous contacts with the Territorial Administration and didn't receive too much satisfaction for the work I put into it due to the fact that nothing appeared to me to have been done. I don't say that they were at fault because I think they were doing the best they could but the problem arose in relation to the Labour Standards Ordinance and this is the ground upon which I was working as a representative of the people in that particular district, because the Labour Standards Ordinance fingers were being snapped at the essence of the Ordinance and nothing was being done about it. Not a thing, and the employees were being told and I had I think at my residence about fifteen of them at one time, were being told that there was lack of progress payments being made not only by the Federal Government but certainly by the Territorial Government and there was a hold back by the Territorial Government and they were blaming this on the fact as being one reason why they had not received their wages. However, how an employee under the basic tenants of the Ordinance can go like some of those gentlemen did up there from July to October and not being paid when quite obviously the Labour Standards Ordinance defines the situation as such that they will be paid at least within ten days after a thirty day period, surely there is something wrong there with the enactment of the Ordinance. There is certainly something wrong with the carrying out and the prosecution of the meaning of the Ordinance and this is the point that I raise at this time Mr. Chairman and I wonder if the Administration can advise me as to why something definitely wasn't done before three or four months had elapsed

Mr. Legal Adviser: When a complaint comes into the Labour Standards Officer that somebody has not been paid and in this case a large number of people, first of all he has got to check it out. The way he checks it out is to send an inspector to check the books to see if the man is employed there at all. A certain proportion, I'm not saying many of inaccurate complaints. As far as I know we

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have had no false complaints, but we have had many complaints where there is a legitimate explanation by the employer as to why they are not paid at that particular time. Usually the sum is admitted and a cheque is issued as soon as the call is made. In this particular case, as soon as the complaints started coming in, checks are made so it is found that in this particular month there are people who are unpaid. The man is told to pay them at once. He doesn't reply to the letter. We've written again to him and then a call was made, then a telephone call is made, then when nothing is done you institute a prosecution. At that point of time in relation to the money which is due there is nothing that the Labour Standards Officer can do. It would be unrealistic to expect one of the inspectors or Mr. Taylor himself to go out and catch one of the Directors by the ear and lead him into a bank to write a cheque for the amount. He must operate to the normal rule of law like every other citizen and if he exceeded his duty under this rule of law the Honorable Members would be the first to complain about the injustice of the citizen and have that the person had been bulldozed or badgered unjustly. The first thing to do is the Court must make a decision as to whether in fact this complaint is true or not. The fact that the Labour Standards Officer believes it to be true does not influence the matter at all. He's just got to accept it that the man has made a legitimate complaint, it must go to Court and must be decided by a Court. The particular awkward point of this was that we could not get a final decision of the Court because we could not get these people properly and squarely before the Court and it went on and during that intervening fortnight more people are unpaid. You must be realistic. We are aware of the complaints. We are aware of the position regarding what the Honorable Member mention of his own constituency but my recollection is that the people who made the complaint in the first instance to the Honorable Member were creditors and subcontractors who had not been paid and we had no power at that time to give them money. From that point on, the people who made complaints to the Honorable Member were men on the job, on the Federal job or jobs who had not been paid and in respect of each person who made a complaint who were covered by the Labour Standards Officer or the Labour Standards Ordinance who made a complaint to the Honorable Member, a prosecution was made and the matter was taken before the Court for what remedy we can. In the case of a company that has no money, in the last resort, what can the Courts do? You cannot get blood out of a stone.

Mr. Livesey: That may be true. In the first instance it was against general payment and not against employee's wages. Nevertheless, the fact remains that these employees had not been paid from July to October and this is the point that I raise, when I raised this question and I raised it in correspondence and not once but several times and nothing appeared to me ... nothing was being done and while I am on my feet, Mr. Chairman, I would like to ask the Legal Adviser if he could inform the Committee how the Federal Government ... department ... taxation division, despite the act which gives the Federal Department quite expansive powers, how one can take taxation away from payments that have not been made. This doesn't appear to make much sense. A man may be due \$100 but if he hasn't received it, how can you take money away from him before he has received it and still remain in a position that would make sense to the average individual.

Mr. Legal Adviser: The particular text of the with regard to the Income Tax Act is, that when the books of the paying company show that the money has been paid and in this case the cheque stubs showed that we will say that \$500 had been paid to Joe Blow, the income tax inspector sees the \$500 payment on the cheque stub, he then deems the payment to have been made and he said "you should

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have deducted \$120 tax from that. Give me \$120". He won't listen to the explanation that the cheque hasn't been cashed or the cheque hasn't been signed. He sees the cheque stub, that's a book as far as he is concerned so he creates a debt. Once the debt is created it becomes payable in priority to everything else and then the income tax officials move on closing off loop holes for payments of money and they are moving on priority to others and they stop orders on payments made by Federal Government Departments to that firm until that debt is paid. This is the taking position, I mean don't ask me to defend the Income Tax Act, I think they are indefensible, but I'm only giving an explanation as to what happened.

Mr. Shaw: I've listened to this conversation with quite some interest. I have found it quite informative because I have been wondering about some of these matters and it was just about the way I had it sized up in so far as the contracts are concerned. The big problem appears to me to be that you cannot get a person in Court to respond to the allegation. In subsection (2) an effort has been made, it is on surface, it might appear excellent. That is the kind of thing that I think is necessary, but there is one aspect of it Mr. Chairman, that I think as a layman that there is a considerable loop hole that is, a secretary or other officer of the corporation. Now in the Yukon I have seen on many occasions where a company has a contract from outside and they have a crew working and of course they have a foreman in charge. It would appear to me that it would be very difficult to say that the foreman in charge is an officer of the corporation. The officers of the corporation are all situated in maybe Edmonton or Calgary or Vancouver or elsewhere, so apparently we do not have the power for extradition, or we have an agreement with B. C. and Alberta and so forth for extradition cases like this so it appears fairly obvious that we would be in exactly the same situation as we are in the present moment so there is a definite loop hole. All these people have to do to get around it is stay in another province and the work can go merrily on, they can go right to the border and discuss with the foreman what is going on, but they can't touch them. That is a farsighted look at it but it is quite possible. They could talk at each other right across the Yukon - B. C. border and do all their business and you could have ten labour relations officers and they couldn't do anything with it. Therefore, it appears to me that we have got to have something that will fill this gap, namely that you can close the job down or you can bring the person who is in charge into Court. I mean we have got to have something that there is no absolute way to get around it. They are avoiding the provisions of the Labour Standards Ordinance and I don't think a foreman is an officer although a foreman could be carrying on a \$200,000 - \$300,000 job I would like to ask the Legal Adviser how he would or what would be the position of the Government in the event that there was just a foreman up there and possibly a big job but no officers of the corporation, they were right in another province.

Mr. Legal Adviser: Actually the suggestion of the Honorable Member has merit. I think that subsection (3) is deficient. I think it should be wide enough to cover the position of a foreman or a person who appears to be in charge of an operation or something like that I think that this is the answer, but so far as trying to get ... officer really means in this sense a person who would be an officer under the Companies Act, a president, director, secretary treasurer and so on, so I think that it is far too narrow as it appears here. I think we should say, any person who is an officer manager, or manager or appears to be a manager or apparently in

Mr. Legal Adviser cont:

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charge of an operation. Some form of word which will make it broad enough so that Magistrate Varcoe's arm will be long enough to stretch out and catch him by the hair and dump him down in front of him and say "What's going on here?".

Mr. Shaw: Could this be rearranged then to fit in with that concept if this Committee agrees with that?

Mr. Chairman: Does Committee agree with the proposed amendment? The next section is section (3). (reads section 3)

Mr. Shaw: When we had the other Ordinance here it was the same thing and the reason given and it appears quite sound is that if for example assent was given to this like today, then the public would not be fully aware of the fact and no doubt it could reach its long arm out and could grab all kinds of people and I think this is a very desirable section that there would be time that the public would become fully aware of it before proceedings were instituted for noncompliance of this section.

Mr. Chairman: I would just like to ask a question from the Chair if I might. What period of time would be forseen for the implementation.

Mr. Legal Adviser: The basic reason for this is that we were aware that the Federal Government were doing something in this field and we would want to make an order having this come into operation on the same day as the Federal Government would so that we could take advantage of the publicity and uniformity. We expect it to be ... I'm not sure of this, surely if it looks like a long way of I'm sure the Commissioner would bring it into force earlier, something like the first of February or the first of March or April.

Mr. Chairman: Is it your wish that I report progress on this Bill? Bill No. 15. The next Bill is Bill No. 15, an Ordinance to Amend the Judicature Ordinance. Pardon me, we have before us one Motion in respect of Bill No. 14 which I believe should be decided prior to leaving Bill No. 14 and it is a Motion, Motion No. 15.

Mr. Chamberlist: With respect, Mr. Chairman, we have only reported progress on the Bill No. 14 so why not let us wait until we get the amendment and then deal with the Motion when the Members are here.

Mr. Chairman: Order please. Gentlemen may I continue with what I set out to bring to your attention. I have a Motion No. 15 moved by Councillor Dumas, seconded by Councillor McKinnon that amendments to the Labour Standards Ordinance be placed before the House enabling an order for closure to be made in respect of any business consistently failing to comply with the provisions of the Labour Standards Ordinance particularly when employees' wages are unjustly withheld. It would appear that the Honorable Member from Whitehorse North is on duty in Ottawa and for some strange reason the Honorable Member from Whitehorse West is not with us. I'm wondering if you would like to discuss this this afternoon so if amendments are required for this Bill they can be done at the same time. This being the case I will declare Committee in recess until 2:00.

RECESS

RECESS

Mr. Chairman: At this time I will call Committee back to order and we have before us Motion No. 15 which we must deal with, and it reads as follows, moved by Councillor Dumas and seconded by Councillor McKinnon, "That amendments to the Labour Standards Ordinance be placed before the House enabling an order for closure to be made in respect of any business consistently failing to comply with the provisions of the Labour Standards Ordinance, particularly when employees wages are unjustly withheld." MOTION #15

Councillor Dumas.

Mr. Dumas: Mr. Chairman, the problem has arisen this year particularly where corporations operating within the Territory have proceeded with their job, and have neglected not only to pay their employees but to pay any other bills they might run up around the Territory. The net result was that some thirty-six men for some strange reason worked all summer received something like twenty-five dollars per week plus room and board while they were working and for the rest of us lived on promises. In addition something amounting to well over a hundred thousand dollars in bills was run-up by the company. There were no double checks, no safeguards for the small business men giving credit to these corporations. The peculiar situation was such that assurance had been given by a senior government that these bills would be met. That was early in the construction season. Because of that occurrence credit was given. Now the outcome of it is the Company operating within the Territory had not posted a bond, had not in fact had a signed contract and have now declared bankruptcy leaving many Yukoners, business men and workers holding the bag. They'll be very lucky if they wind up with twenty-five cents on the dollar. I suggest that we should have legislation whereby when something like this is found out and in the early stages of it, when complaints were lodged as they were in this case as far back as June of this year, the Labor Relations Officer should be able to move in immediately, call a halt if not satisfied that things are proceeding or will proceed as they should, call a halt to the job, close it down until things are straightened out to the satisfaction of the Labor Relations Board or Officer. If this is not done, there is nothing in our legislation to stop Companies coming in again and operating under the same false premises, under the same false practices that these two companies have operated in the past year here in the Territory. In B.C. a bond is normally posted in jobs of this type with the Labor Relations Board. The bond is based on the Companies proposed payroll and normally is the equivalent of one month total payroll, so that if the Company neglects pay wages, a complaint can be lodged, the job can be halted and the money is there to at least pay the employees and then if the creditors of the Company want to go into court to see how much they can get back in their dollars, they can do so. I'm primarily concerned in this case with the employees who are conned into working somehow or other for months without receiving any actual wages. They're receiving room and board plus twenty dollars a week spending money. The Legal Adviser might have some thoughts on this, he might have some idea as to what type of legislation can be introduced and brought into the Labor Standards Ordinance, so that this type of thing cannot happen in future in the Yukon.

Mr. Legal Adviser: Mr. Chairman, I don't think the Administration has any difficulty in accepting the suggestion that there be a bond. It would be a question for the House to examine it reasonably carefully because we have this provision that businesses must have a bond for a month wages. It's going to affect quite a lot of this. The first few cases that I know of that occurred this year, it occurred in the circumstances which I explained while one of the Honorable Members was speaking to a wider public present in the Chambers. It's quite a complicated case. Now the reason of the suggestion of the motion was that an Order for closure be issued. This is a very drastic thing and in veering over to the bankruptcy area which wouldn't be in the companies of

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Mr. Legal Adviser continues....
this House as such but we could remove business licences, we could do various things I imagine. The choice of the House as to what particular weapon was put into the hands of the Labor Standards Officer to do something. Closure as such is an awkward thing to handle because rights being created, what happens to property, who's going to sell it, they strike them off the company register, you know it's a spongy sort of thing to tackle without actually going into bankruptcy but the bond is one way out of it, and we have bowed ourselves to be comparatively powerless in the case involving Canada Bridge because there didn't seem to be anything we could do. The employees wished to continue to work and they kept on working notwithstanding the advice of the Labor Standards Officer that they should leave the employment if they weren't getting paid. It just made the case worse and worse. So it's a question for the House to discuss what we should do.

Mr. Dumas: Mr. Chairman, I don't suggest that I know the answer but there seems to be some safeguards in use in the Provinces that while they're not perfect, they're probably alot better than what we have or don't have here in the Yukon. Possibly the Legal Department can look into these and come up with some suggestions for this Committee to come around it next session of Council.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, do I understand correctly from the remarks of the Legal Adviser that what he is saying in effect is that our Labor Standards Ordinance is redundant and cannot be enforced.

Mr. Legal Adviser: It's not redundant. It can be enforced in the majority of cases but it's primarily an Ordinance which is set up to deal with an active business where through some negligence or tempory abberation in the business, the workers are not being paid or being wronged or of course, where they are not getting paid enough. They're not getting their vacation pay, overtime and so on or a corporation or a company or a big operator by virtue of a sheer size is able to take away from the workers rights that thisshould have. It's not really geared up to taking over as a sort of insurance agency and seeing that the workers who are employed by an insolvent corporation actually get their wages. It's not set up for that, so in the last resort when I landed into court in that particular case and the magistrate said "well, what order do you want me to make" because at this stage they appealed guilty and I was standing there like a fool in front of the Magistrate having been there wearing out a small little patch in front from standing there so constantly there since August. I said I don't know what you do because it's in liquidation now so if you insist in a fine, he could have fined him a thousand dollars for each seventy or eighty offences if he wished. That's what the Ordinance says. So he said to me, "what good is a fine, if I insist on a fine at this point, it only means that there's less money available to pay the wages and less money to pay the creditors and I confess that I agree with them.

Mr. Livesey: The Legal Adviser Mr. Chairman said that the employees continue to work for the company in question after being advised by the Labor Standards Officer to quit. I'd like him to explain that because they explained that to me. The reason why they continued was that they felt that if they left the employee of the company they would lose everything, where if they stayed with the company they had a chance to hang on to what was owing to them from their employer. This is the reason why they continued.

Mr. Shaw: Mr. Chairman, had the Honorable Member from Whitehorse West been here this morning, I think he would have noticed that we have made quite some advance in the protection of workmen in cases like that. This closure of a firm might be a little drastic in view of the fact, I think we have sufficient power under this Order to force these people to pay through the courts. Now when we talk about bonds, I can only talk Mr. Chairman that the situation that I am aware of is that in the Dawson area they have small sub-contractors. Now they contract on these big jobs as the painting, the wiring or the plumbing or so forth in a small manner and also small jobs for the government in which you would consider small jobs that may be three or four thousand dollars. These people might hire one person, I've known of no instance and I say not one instance of where these people didn't pay when they were supposed to pay but they had to put up the 10% performance bond on the particular project on which they were bidding or tendering on and I can assure you Mr. Chairman that some of these people had quite a time raising sufficient money to put up this, ... this 10% of the total contract price. Now if we say well this is a two-month job and you're going to have to put up a month's wages. I'm sure that it would restrict them so much that they would be almost unable to carry on in a practical manner with particularity in view of the fact that these loans in most cases they have to make loans, I know, as they would probably have 9 or 10% interest charge which would just jack up the cost of things. I wouldn't feel that it would work very well, but I do think that the big problem that was involved in this particular instance was the fact that the Government of the Yukon Territory, the Ordinances that have been passed by this Council did not have certain years or teeth in them to make it operative. The principle was very well outlined in the Ordinance that this money should be paid but there were ways in which these people could circumvent the Ordinance but purely on technical matters. This I think has been closed or about to be closed in respect to something like that. Now with these things here what we have recently instituted, I think that the Labour Provisions Officer will be able to fairly well conduct the enforcement of the Ordinance and if not I would be very pleased to have any suggestions that would emanate this. I think the whole Council will very much agree that every measure must be taken to protect these people. It's how we're going to do it.

Mr. Chamberlist: Mr. Chairman, I'm in agreement in principle with the idea of the motion. I think it a necessity for having ample protection in legislation for people who are employed and against those people who abuse their employees. I think the motion itself perhaps the words of not to well put when we talk about an order for closure. It would appear to me that the Legal Adviser was talking about fore-closure instead of an order for closure, nobody noticed that but he talked about seizing first people's business's, properties and selling it up, so I think he must have let those two words run in to each other inadvertently I'm sure. I think what is needed is a provision to suspend the operation of a business until such time as it can be said that the business is once more in a position to meet it's commitments to it's employees. An amendment to the business licence would be the method by which the licence can be removed, then automatically the business would not be allowed to function. Also another method would be to revoke it's charter of a corporation and have something in the companies Ordinance to do that. It can be tied in many ways to make it really foolproof that there was no way that the company can get out of it. Now, I would also point out Mr. Chairman that it musn't be considered a criminal offence to run out of money. This often happens. I've been in the construction business myself and I know how government departments general contractors as well, can tie you up if you are a sub-contractor and how government can tie you up if you're a contractor. You might be dealing with some

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Mr. Chamberlist continues....
individual in an engineering department who hasn't gone through to look at the job to approve your progress payment that you have asked for and that therefore your progress request has not been approved at the beginning of the month and government won't recognize it until the month following so that you have to go and raise some more money. So you go to your banker and he tells you we've already allocated to you a credit facility of "x" thousands of dollars. You've gone through it, we want your money from your progress draws before we will allow you anymore money. Now there are instances where people get into trouble in business without any intention and therefore it would be very difficult under section (2) of this Ordinance, and I used the words this morning where section 2 says "where an offence under this Ordinance committed by a corporation is committed with the consent or connivance of any Director, only then would you be prosecuting the Director. Now, you would have to prove that there was connivance and you would have to prove that there was consent of connivance, and all a Director or an Officer would have to prove is "well, look my ..the engineering department, I have a twenty thousand progress draw that I have put in last week" and an employee of the Territorial Government hasn't fulfilled their obligation to check my work or they have said, we're waiting for somebody else to inspect the particular part of the job. I don't think we are looking at those people. I think we are looking at people that are continuously deliberately using the money, that some companies do. Quite often they will take a Territorial Government job and use the progress draw for the coming in to meet the commitments of that job and they'll use that money as a 10% deposit for take on a job for the Federal Government. Now they are the people we have to watch for and going after. Coming back to the motion itself, also in the motion, it reads in part to be made in respect any business consistently failing to comply with the provisions. Now when is a business consistently failing, once, twice, three times, four times or when you have to start interpreting if you use the word consistently and you cannot use it for the word failing only, but I think we can have the right to suspend operation we don't need the word consistently in at all. What we need is in respect of any business failing to comply with the provisions and then until such time as they have cleared the failure, then the licence would go back into operation, but I'm sure Mr. Legal Adviser, if he requires a little help, I'll be prepared Mr. Chairman ... can make provision in the Ordinance to protect this particular area that this motion is trying to get at. So, as I say in principle I agree with the motion itself.

Mr. Legal Adviser: I think that the sense of the motion is well understood. I understand it and I'm sure the Clerk understands it and he can convey it to the Labour Standards Officer what was said. Myself, I think it is a little bit harsh to give the power to a Territorial Officer to close the business. I think this is a sort of thing we should leave to the court. I think the invasion of private rights to allow the Labour Standards Officer just off his own hook because he happened to have a bad Monday morning to just say close down the business.. What I would suggest for the consideration of the House would be to have something in the Labour Standards Ordinance which would say that "where a person is convicted of such and such in addition to any other penalty or fine, the Magistrate may order such a person to post a bond" in such and such you see. You know that just for the sake of one failure even though how big it might be, it would be wrong to go to far into invading private rights, but the courts can in a proper case, I think, exercise this discretion and the truth to tell, the courts have been very good in endeavoring to enforce the Labour Standards Ordinance and have gone a long way

Mr. Legal Adviser continues.....
in the enforcement and assisting in this matter. So, if we can put our noggins together and come up with some section like this, it would be of assistance for us to have a section there, and it still wouldn't be an invasion of human rights because you first of all have to get a conviction. Now it's going to be a much easier to get a conviction when you can summon a Director, Officer or Manager to come to court. This is going to ease the pain for us quite alot.

MOTION
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Mr. Dumas: Mr. Chairman, I think that Committee has agreed that we need some sort of legislation that technicalities can be worked out. I think taking a stand after a conviction is sort of like closing the barn door after the horses have escaped. You see, when somebody comes to me and says look it, "I've been working for six weeks, I haven't been able to get any wages so I quit. I went to the Labour Relations Officer and complained and they can't do anything, but does this guy have to go into court to get his money. Surely we've got to be able to do something for these people without making them go through all the riga-ma-rol of expenses, so forth, areas that he knows anything about. This is what Labour Standards Ordinances or regulations are for, surely.

Mr. Legal Adviser: The official only moves into the field when something is reported to him or he ascertains it from the books. Then, he must be reasonable because in well over ninety per cent of the cases, a touch of the whip is all the person needs or even to be shown the whip. To have a telephone call come from the Labour Standards Officer to the particular firm pointing out that they are in breach of the law and they have been unjust and that the Ordinance says so is quite enough in 95% of the cases. Now, of the remaining 5% of the cases what actually happens is, they issue a summons and in four out of five of those cases the issuance of summons is a touch of the spur so that a cheque comes straight away. You're left with a small balance of 1% or less of cases that quivel and of the cases that actually come before the court, by the time you finish them, one in a thousand actually fights to the end and, I don't think anyone has ever successfully defended against a prosecution yet, but this day may come. But having got your order, it might be necessary to give power to the Magistrate to do something. I would be a little bit reluctant to give the arbitrary power to any official to interfere in an arbitrary manner with a person's business, cause it's not just one person.

Mr. Chairman: Gentlemen, what is your wish in light of the discussions that have gone on, what is your direction in respect to Motion 15. We must view this Motion one way or another.

Mr. Dumas: Mr. Chairman, I would like to suggest that we pass the Motion. There are some technical problems in the wording of it but I think the Legal Adviser has the essence of the Motion and the spirit of it. He knows how this Committee feels on the problem and maybe for next session he can present us with some sort of legislation that will allow us to amend the Ordinance or that some degree of protection is provided for the little man.

Mr. Chairman: I would like to remind the Members of Committee and the mover of the Motion that the Motion does call for legislation or for Labour Standards amendments which would affect closure and what is expressed is expressed, so I ask you to consider that.

Councillor Shaw.

MOTION #15 Mr. Shaw: Mr. Chairman, rather than accept this Motion or not accept it, I mean if we just let it lay in Committee or you might say die in Committee more or less, and the discussions that we've had on the subject matter are enough indications of what is desired by Council and I think the Legal Adviser can take it from that point on rather than

Mr. Dumas: Mr. Chairman, I can go along with the suggestion, it's the results that I'm interested in and any way that we can achieve this is satisfactory as far as I am concerned.

Mr. Chairman: Well, would Committee agree then that we let this go into Committee garbage heap and I report that Motion No. 15 was left to die in Committee? Would that be agreeable?

Committee agrees.

BILL
NO. 15

Mr. Chairman: We'll proceed now to Bill No. 15 "An Ordinance To Amend The Judicature Ordinance".

Mr. Legal Adviser, would you care to give us an outline on this.

Mr. Legal Adviser: Well, the present position is Mr. Chairman, that the fees are set out by statute and except by making use of the Financial Administration Ordinance and forgiving a fee, this is the scale of fees. It's a fairly heavy scale of fees. The method of charging fees in this manner dates back to the older thought or philosophy, that any person who makes use of a government service had to pay the cost of it and pay a bit extra to keep the government officer in wine and cigars as the case might be in those days. Now, I understand the position, the Public Administrator in the Yukon was appointed as a lawyer who might have been resident of the Yukon, but commonly was resident in Edmonton or elsewhere and was a political perquisite of the government of the day to appoint somebody to garner in this fund. So we still see wolves passing through our offices which it specifically says under no circumstances whatsoever is the Public Administrator to be given anything out of this estate or to lay his hands on anything in this estate whatsoever, because the custom appeared to have been where all the assets would be seized, 10% would be creamed off by the Public Administrator who is in a sense operating his own office, and then he would calmly hand over the balance of the estate without doing any work to a private lawyer to act for the heir at law, under the estate. Now from time to time, nowadays, the present person holding the Public Administrator's position who, as you know is Mrs. Veinott, finds herself in the awkward position of having to collect some sizeable chunks of money out of what are really small estates. Continually, there are applications being processed through the Territorial Treasurer's office to the Commissioner to forgive fees, so the Commissioner is exercising a discretion in a number of cases in forgiving fees. Now the Commissioner's basic policy has been laid down from time to time in the last short while back or long while back, but he does not wish to continue to exercise discretions himself on an every day basis. He wants to be guided by legislation either by regulations which are public knowledge or by statute in exercising these discretions. What we would like to do is to be able to construct a set of regulations which would narrow down the field of this discretion to enable in a proper case, an automatic forgiveness to be given where say, the only asset of a widow happened to be the house of her husband and she should be charge 5% or 10% fees, but sh's got to go down to the bank and raise a loan to pay off fees which shouldn't be charged in the first place. So, we're in a process of compiling more detailed schedules of the fees that should be charged and the cases where the Commissioner's discretions should be exercised to make it clear to the Commissioner exactly how he should exercise the discretion and we ask that

Mr. Legal Adviser continues.... BILL #15
we be given this power to do it by regulations and the amendments will make it possible to prescribe the fees instead of having them wordily listed up in this fairly old fashioned way of doing things.

Mr. Shaw: Does this mean that the present scale Mr. Chairman, if a widow was left just with a house nothing else, worth twenty-five thousand dollars that it would be necessary that she would somehow have to get twenty-five hundred dollars and pay to the Public Administrator. Is that correct?

Mr. Legal Adviser: It's so wordily constructed that it talks about an estate. Now the estate is the whole of the estate coming into her hands so the widow has a bank account, then it should be 5 or 10% in that case. She would take that out and plunked into the Public Administrator's office. If it happens to be a house, properly speaking that house should be sold to pay those fees. Now the scale we would aim at as a basic scale would be more of a scale which would be paid if she was handling as a lawyer in private practice. Now, if any lawyer in private practice in handling estates charges fees like that, he'd be struck off the Roll, but because it's the government that's taking fees of this size, of course they are not struck off after all. In any case it's the government that strike it off. So it's an unjust scale, it needs improvement and regulation is the effective way to do it.

Mr. Chamberlist: Mr. Chairman, I beg to differ in the last remark made by Mr. Legal Adviser because it's only recently that the Public Administrator's office has been in the hands of Mrs. Veinott. Prior to that, it was in the hands of law offices in town and I never heard of either of the two law offices that were holding the Public Administrator's office being struck off the Rolls.

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

Mr. Livesey: Well, Mr. Chairman would there be any possibility that the Committee may be advised as to what these fees are in detail?

Mr. Legal Adviser: Frankly, at this stage I don't know but as soon as the regulations have been prepared in accordance with our admirable practice, they will be tabled to the House.

Mr. Chairman: How do you wish to proceed with this Bill? It has been moved by Councillor Chamberlist, seconded by Councillor Shaw that Bill No. 15 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Any contrary? I will declare the Motion carried.

MOTION
CARRIED

(Reads Bill No. 19 regarding "Trailer Licensing")

Mr. Chamberlist: Question. If a trailer means a vehicle, what is the conflict with the Motor Vehicles Ordinance that may arrive? BILL#19

Mr. Legal Adviser: Mind you, I don't think that a conflict will arise Mr. Chairman. It is a vehicle a type of vehicle and it's not necessarily for a vehicle even in the Motor Vehicles Ordinance to have wheels or to be movable for that matter. This is an all-purpose definition which is intended to catch everything which either is, could be, was or will be a trailer.

Mr. Chairman: (Reads sub-section (2) of Section 2)

BILL#19: Mr. Chamberlist: With respect Mr. Chairman, I heard the remarks of Mr. Legal Adviser and I took the trouble to look at the Motor Vehicles Ordinance. We've got an interpretation of a "trailer" in our Ordinance as well and in the Motor Vehicle Ordinance, trailer means, a vehicle that is drawn on the highway by a motor vehicle: whether it's weight rest upon it is carried by that vehicle. Now are we going to have any difficulty at all at any time at the different interpretations that are set out in two different Ordinances relative to what a trailer is. One Ordinance gives you one interpretation, the other one gives you trailer means, "a vehicle equipped with wheels or not and whether self-propelled or not, that is used or designed as a dwelling or sleeping place. There are motor vehicles that tractor trailers so they are driving on the highway. They use them for sleeping purposes, they have sleeping cabs in them, there's a lot of conflict in here. This is what I would like to know.

Mr. Legal Adviser: There's no conflict between the Motor Vehicles Ordinance and this Ordinance. I would remind the House that they have considered this definition before in days before the Minister's statement, when a previous Ordinance exactly like this passed through without a murmur.

Mr. Chairman: (Reads Section 3 of Bill No. 19). Could we have an explanation to this Mr. Legal Adviser?

Mr. Legal Adviser: This is in sense as far as the Bill, this is intended because we're dealing with trailers and licensing trailers, it is intended to give the Commissioner power to block off unsightly trailer parks growing in scenic places and forcing the trailers in a proper case to move into a properly equipped trailer park.

Mr. Chairman: Yes but just again from the Chair, what's your really talking about here is prohibiting the use of a trailer for living, sleeping or eating of persons. This is what I want to know, what's intended here?

Mr. Legal Adviser: Well, a trailer, a holiday trailer is what we're dealing with in this case. The equivalent part in the municipality is that which was asked by the municipality was to prevent people parking trailers at the end of their gardens and using them as a slum dwelling for an in-law or relation and the thing grows and grows. These people don't pay taxes. Now this is giving the Commissioner power equivalent power basically in his municipal capacity as opposed to his Territorial capacity to deal with these problems that trailers create if they park in a village or hamlet or somewhere which is not incorporated, he can make regulations for it. Just the same as Whitehorse can now make by-laws dealing with the control of trailers within their area. This gives the Commissioner power to make similar types of regulations dealing with the use of trailers.

Mr. Chamberlist: Well Mr. Chairman, the word trailer is now obsolete. Are we not really meaning mobile homes? Why don't we say mobile homes? A trailer is what is pulled behind a mechanical horse, that's a trailer, that's a vehicle. We're talking about mobile homes and I think that we should make the clear distinction of what we are talking about, and this is why I am referring to the Motor Vehicles Ordinance because we even interpret a motor vehicle, means a vehicle not run upon rails and is designed to be self-propelled but does not include a traction in general vehicles used exclusively for mining construction etc., and then we have a trailer that means a vehicle. Now whether equipped, mechanical or not mechanical, now let us say what we intend this particular Ordinance to be. Now, we intended this Ordinance to deal with mobile homes and occasions of mobile homes. Let us say that so

Mr. Chamberlist continues.....
that there is no confusion. For far to long we've carried the piece of legislation where you just leave yourself wide open to legal angling in the court is what is meant by a trailer. What is a trailer? We're talking about mobile homes. I've seen mobile homes set up and as a matter of fact we were at Carcross the other week; the Commissioner with a few of the government officers and we saw trailers set up beautifully set up and people would say, are these trailers and say no it's a mobile home. But we've got to say what they are. I think Mr. Chairman, the time has come around now when we start thinking in terms of what actually a thing is. If this is to do with trailers which carry goods; we should say that, if they're trailers which are homes, let's call them mobile homes.

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

Mr. Taylor: Well Mr. Chairman, I certainly can't agree and I think that this is quite incorrect. There are trailers, we have house trailers, we have holiday trailers, where people are actually living in. We have well-site trailers, we have bunk trailers, cook-house trailers, these are all trailers in which people live. Though they may not be as beautiful looking as the house down the street, nevertheless people live in these dwellings and all over the Territory and these are all trailers, so I don't think that there can be any fault found with mobile homes. I've heard two definitions of a mobile home. A mobile home is where you get two sections and put them together and put them on a foundation and when you want to move them, you pick them up, put dollies under them and move them again. That's a mobile home just as much as you might classify a 12' x 60' trailer mobile home. So I don't see anything wrong with the definition here at all.

Mr. Chamberlist: Mr. Chairman, this is the thing that I am referring to, that all these areas that have been referred to by Councillor Taylor are true. These are mobile homes, but I'm looking for the separation between the mobile home that people live in and the trailer that is pulled along to carry goods, it's still a trailer and there's no division or separation here. This is where I want to get this clarified.

Mr. Taylor: If the Honorable Member would kindly cast his eyes upon subsection (1) of Section 2, he will find that it is designated.

Mr. Dumas: Mr. Chairman, a problem does arise as of the result of what the Honorable Member says. That is the problem of the person who has a holiday trailer, say I have a trailer 16' long and I live in Porter Creek and I pull my trailer out and put it on my lot in Porter Creek and leave it longer than thirty days or sixty days or leave it all winter naturally, I've got to pay \$30. or whatever the fee is or possibly have to pay. So there must be some distinction. I think for the purposes of insurance, there is a distinction between a mobile home and a trailer, but trailer is an encompassing thing. For instance, what about the tents that fold down and are pulled behind a car, they're called trailer tents and you can open them up and live in them. Would that come under this Ordinance? I don't know. Maybe the Legal Adviser has some simple explanation for all these problems.

Mr. Legal Adviser: I'm afraid there is no simple explanation for these problems. My re-collection is that this has been a problem which lawyers have been trying to solve for fifteen hundred years or as far as I can recollect from my books. This Ordinance is basically an attempt to license trailers whether or not they are in trailer parks in order to make occupants of trailers or trailer

BILL#19. Mr. Legal Adviser continues.....
parks and trailers I suppose who use Territory service such as schools pay money for the purpose. So this is an attempt to tax them, this is basically what it is.

Mr. Chamberlist: Mr. Chairman this is fine, I've got this right cleared. To me, when we look at sub-section (1) of section 2, when you get a clearly defined interpretation of what a trailer is, that it means "a vehicle whether equipped with wheels or not and whether self-propelled or not, that is used or designed as a dwelling or sleeping place" you see. Now a mobile home that's for sale, it's not a sleeping place and not a dwelling because it's for sale in a place where people have them for sale. They're not a place of sleeping or dwelling until such time they're put in a place that people are using it for that purpose. What is a trailer that carries goods, that is a trailer but where is that trailer defined. That trailer isn't defined here yet the Ordinance speaks about trailer licencing. Now is it the trailer or the goods that are being pulled along by Cassiar-Asbestos. They're pulling along a trailer. Does that come under this Ordinance? There must be a separation between a trailer unit that is a mobile home that is specifically put on the ground somewhere sewer and water connected to them where people are actually living in them, then it is a mobile home some people refer to it as a trailer. It would be quite simple I think if we added in that this does not apply to trailer carrying goods, but as it is, it applies to all trailers.

Mr. Taylor: Mr. Chairman, as I say if you look at sub-section (1) of section 2 it says a trailer means, a vehicle whether equipped and so on. Now for those of us who have a wonderful opportunity of living in the hinterland where we do see trailers of the nature that the Honorable Member from Whitehorse East is talking about, they will observe that the gentlemen referred to in his last statement "do not sleep in the trailer; they sleep in the tractor" and consequently all these trailer units that you were discussing that are going up and down the highway have no sleeping accomodation within them. They put goods and freight in them. So, it seems to me the definition in that respect is clear but where you get into this area of mobile home, you're in trouble. Now I have a copy before me of a Commissioner's order where it refers to the Watson Lake regulations in the placing of trailers in an area. Here they say for purpose of moving a trailer or mobile home into this area but in doing that, they're restricting the placement of mobile homes that is Atco homes. We buy schools, mobile schools like this. But trailers certainly fits as it applies here, I mean you couldn't say or a mobile home but you must be very careful then that some guy doesn't go and buy a house 24' x 40' and set it up on a foundation and then ask to put a licence on it. That is getting a little ridiculous. I am not happy with Section 3. Now "any area not within a municipality" obviously implies every other area in the Yukon Territory this applies. I don't think again that we are back in that civil rights category. I don't think the government without showing just cause, maybe on a fire hazard basis, water tanks might explode or for some other reason where the personal safety of the occupant is involved, I don't feel the government should have the right by regulation or by statute to refuse them except in that area where personal safety is involved to refuse them use of living, eating and sleeping accommodation. Mr. Chairman, I'd like to hear some discussion on this.

Mr. Legal Adviser: On that point alone Mr. Chairman, this is merely the same power as municipalities have at present. It's an exact copy of what the City of Whitehorse can do at the moment. It's not intended by use of the section to be dictatorial. All that is intended is that it's "for more than such number of days,

Mr. Legal Adviser continues.....

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as the regulation provides in any period of ten consecutive months". It's to prevent a degree of permanence attaching to a trailer which happens to be a park for what would look at first glance to be a holiday beside a lake and then stays there for three to six months and in some circumstances this may be necessary if there is an operation going on there but not in the City of Whitehorse, where people are able to purchase trailers and site them out along the lakes and everywhere around Whitehorse and spoil the whole place and create pollution problems. It's in it's capacity this section is to give the Commissioner equal power with the municipality to make these regulations of this type of nature.

Mr. Taylor: Mr. Chairman, you're talking about a regional policy and you're trying to take a regional policy now and apply it throughout the whole Territory, as the Commissioner often states, that "one man's dish of fish is another man's poison" and what may be good in Dawson may not be good in Watson Lake or Beaver Creek. I think the problem that you're aiming at is one of zoning within a municipality. In other words, you can't in a democratic area walk up to a person and say, alright don't you still live, sleep or accommodate yourself in this unit any more and so I'm shutting you down. It's not the fact that he's living there that's bothering you other than that this person's safety is affected. It is the fact that this trailer is located on a site which is what you're trying to get at, so you zone it. I would certainly recommend the Committee to take another look at this and find another way of achieving the result that is needed to be achieved but certainly not in this matter.

Mr. Legal Adviser: It's not intended to get a set of regulations just like that. The regulations would apply in different ways and different places and there would be consultation before any set of regulations are prepared. There's no question of making one set of regulations means they're going to go through the whole Territory. This is a question that if the people in Watson Lake say, oh, look what is happening down here, what are you going to do about it. We don't have any power, we can't make a regulation you see. We can do it with public help, we can do it with zoning but we don't necessarily want to prevent people being there, but we might want to prevent people to be there permanently.

Mr. Dumas: Mr. Chairman, I think the legislature that is presented is essential when the problem arises in so far as Porter Creek, for instance, you might have a row of fifteen to thirty thousand dollar homes and then someone moves in with a trailer and sets it down on a lot, unless you have legislation like this, there's nothing you can do about it. So we need it. I think I get the jest of what the Honorable Member from Watson Lake is trying to say but the section reads the Commissioner may by regulation prohibit the use, so we would here again have to trust the discretionary powers of the Commissioner that it's not going to be done haphazardly, it's not going to be done to create any difficulties for anybody in the Territory. It's only going to be done only where it's called for. So, I think we should support the legislation as presented and that section of it.

Mr. Livesey: I personally think Mr. Chairman, this is another one of these blindman bluffs types of Ordinances where we blindly give the Commissioner the power to do anything he wants and he isn't going to tell us he's going to do it until he's done it. Section 3 is a typical thing where it says, " the Commissioner may by regulation prohibit the use, and prohibit the owner or lessee from permitting the use of any trailer for the living,

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Mr. Livesey continues.....
sleeping or eating accommodation of person in any area not within a municipality! that's the whole Yukon Territory, "for more than such number of days," that's a typical itemized statement, "as the regulation provides in any period of ten consecutive months". Well, the whole thing is blind, we're just walking right into it, and just because this short vision situation right here which can't see beyond the road to Mayo has a problem, we've got to have all over the whole Territory, we have got to take Old Crow in for instance, and trailers up in Old Crow. We've got to have some regulations going on here because that's certainly outside of municipality to the best of my knowledge or along the Alaska Highway, all the way around Dawson or Mayo or anywhere else this thing is going to apply. Now, along the Alaska Highway we have camps made up of trailers. They're lived in every day of the year, they've got to have a licence? If a man is going to build a home or a business place, and he takes his trailer there and it's going to take him a year to build it, does he have to have a license? Normally you don't licence a house, why should you license a trailer? This is just an open sesame proposition as far as I can see. You know you just hope and wish and look out what you're going to get because it doesn't say a thing here of what we're going to get in the regulations. We will find out what we're going to get in the regulations when we get home. That's when we find out. I think Mr. Chairman, it's about high time we said no to this foolishness.

Mr. Chairman: Gentlemen, we will have a recess at this time.

RECESS

Wednesday, 10 December, 1969.
3.30 P.M.

Mr. Chairman: I will now call Committee back to order.
Councillor Taylor.

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Mr. Taylor: Mr. Chairman, as I stated, there is no way that I can accept Section 3 and I think we are generally agreed, from the discussion that has gone on, that we want to find a means of controlling trailers both through taxation and zoning but I don't think that this is the way to do it, by giving the Commissioner the power of regulation to prohibit them living, sleeping or eating in their own place of accommodation. Now Administration, to start off, in a letter to the Watson Lake Local Improvement District, dealing with this matter, took up this matter at some length and he pointed out that the problems arising from the use of trailers as permanent homes are bothering nearly every community

Mr. Chairman: You said he?

Mr. Taylor: Commissioner.

Mr. Chairman: Thank you.

Mr. Taylor: That the problems arising from the use of trailers as permanent homes are bothering nearly every community in Canada. He went on to deal with municipal government's problems and the difficulties that they have experienced in dealing with the question, the problem of tax collection due to the mobility of trailers. Then he acceded to the request of the people of Watson Lake to meet this problem. We asked for land upon which a person owning a trailer could buy this land, put the trailer on it in a designated area zoned within a community. Now this could be done in the municipality of Whitehorse or the metropolitan area or in any area of the Yukon. Every time we have approached this and this has been going on for many years in our area; now the Administration have flatly stated "no, you cannot put trailers on lots. We will not sell you lots for this purpose." They went so far in Watson Lake as to say, as they do all through the Yukon, as to say you can't put a trailer on a building lot, an ordinary lot which you would buy at Porter Creek, Watson Lake or Beaver Creek or Carcross or wherever, except for the purposes of dwelling in it while you are constructing a home. Alright, where do the trailers go? We found ourselves with a problem, there is no trailer court. They couldn't get water. A couple made an attempt to establish a trailer court, lost money and that didn't work. They can't put them on lots, there are no trailer courts to put them; where do you put them? So we decided, well alright, if you have a lot in a subdivision and haven't got your house built, go put it on there anyway and defend it with a 30-30 rifle until we can straighten the thing out. This is exactly what has happened. Now there are trailers all over Watson Lake, even in the subdivision. So we went to the government and said, alright we wish to have an area set aside again for the use of trailers. We finally got the government to accede to our request except, or in this they said that they changed Section 6 of the Watson Lake regulations and they stated "notwithstanding anything contained in this Section, the Commissioner may issue a building permit for the purpose of moving a trailer or mobile home onto Lot 19 to 29 inclusive in Lot 25, Watson Lake Subdivision, providing

Mr. Taylor continues..

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all of the following conditions are met (a) such trailers shall be used for human habitation only (b) such trailers shall have a floor area of not less than 400 square feet, (c) sewage disposal facilities as required by these regulations shall be provided. This brings us into an area where you have to have a well and a septic tank so far apart, so on these little lots people have to share them and use a common septic tank and a common well in order to meet up with the public health regulations."(d) such trailers shall be placed on a permanent foundation and (e) all other requirements of these regulations shall apply. In other words we found it possible then to move trailers into an area within a subdivision. In this respect I refer back to the Commissioner's letter. He said this is the first and only area in the Territory where it is now lawful to move a trailer on a standard residential lot and occupy it as a permanent home. We think it is a good thing. Now, this is the Commissioner. We think it is a good thing and if it proves successful in Watson Lake the other areas will undoubtedly request similar regulations". Now, as far as I am concerned that is a pretty good statement of policy as far as the Administration is concerned. Now, when we moved them on they weren't buying these lots. This permitted them to lease this land so we have had a big battle rolling down there so that you could buy this land so you could get title to it and resell it and so forth and do what you want with it. This was one way of approaching the problem of where trailers can go. Now, in this Section here, Section 3, half of your problem could be covered here. How you tax these people I don't know. Now you are going to tax them on your land - now they are going to become taxpayers because they are going to own land, many of these people. Now I see a nod of dissent from the Administration at this point and this is incorrect. I have letters on file whereby these lots are going to finally be made available for sale rather than lease, Mr. Chairman, and consequently these people become taxpayers. Now, as the units go on solid foundation they can be taxed. The people in trailer courts, I don't know. This is another problem, a problem of taxation, but you don't do it by giving the Commissioner the right to kick anybody out of their own housetrailer or dwelling unit for the purposes of moving them or relocating them or whatever, and on this basis I'm against Section 3. And I think that when we deal with the land regulations, which are coming up here; I had several letters in this respect, one of which, I might add, blames me for half of the problems here. It is from the Administration stating that the new Territorial Land Disposal Regulations have made it necessary to obtain Councillor Taylor's approval before these new regulations can be used in the Watson Lake area. Now this turned up in a piece of correspondence from Mr. Ben de Kleine of the Municipal Affairs to the Improvement District, which I did not notice until today. Now, what I have to do about this I'm not too sure but this is what he tells the people in Watson Lake. Maybe this is why they get a little disgruntled with me once in a while. In any event I say to you this, Mr. Chairman, to summate the thing, is that we have got to take Section 3 completely out of this Ordinance and we have to rewrite it in such a manner as the Commissioner - neither the Commissioner nor the Council will have the right to boot anybody out of their place of accommodation, if it is a trailer, except for any other reason than their own personal safety.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, I would like to rise at this time to make a correction. Due to a question I raised on

Mr. Livesey continues...

November 19th which is directly in this self-same area, and the question to Administration was "What action has been taken since the meeting in Carmacks of the Administration, the Councillor for Carmacks-Kluane Lake and members of the Community Club on September 22nd to open the subdivision for the use of trailers and provide a reasonable price for lots?" And the answer was "Lots for the use of trailers at Carmacks are available either by a lease arrangement or by direct sale under the present Regulations. The lots in the new Carmacks subdivision are priced at cost, which includes all the normal development costs plus the purchase price". Now the question is, if we are going to proceed with the Ordinance that is presently before us, we are going to start talking about licensing trailers outside of any municipality; Carmacks as yet is not a municipality; I would certainly like to know what is going to happen to these trailers which I have been told and the House has been informed, are in a perfectly legal position and they obviously will be paying taxes. Can I have that question answered?

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Mr. Chairman: What was the question, Sir?

Mr. Livesey: The question is; the relationship between the Ordinance which is before us. It talks about licensing trailers where Administration have obviously agreed that trailers can go on lots in the subdivision at Carmacks and obviously if they go on lots in subdivisions at Carmacks, they are going to be paying taxes on that lot and the improvements to the lot. So, where does the licensing come in?

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

Mr. Legal Adviser: I'm not sure exactly what the question is. The intention of the use of this Ordinance.

Mr. Chairman: Mr. Legal Adviser, I believe the question was, these trailers are now taxed, is it the intention also to licence the trailers?

Mr. Legal Adviser: I'm not sure if it is correct to say that they are taxed. The intention of this Ordinance is to impose a licence fee which will bear a relationship to the tax that the person would have paid if he was taxable in respect of his property. It is not the intention that the owner of a trailer, living in it, will pay real property tax on his property for using a trailer on it, and licence fees. He will only pay one or the other; this is the intention. Now, the question as to whether or not a trailer becomes real property and therefore taxable as an improvement to the land is a technical one under the Taxation Ordinance itself. Very many mobile homes are not taxable under the Taxation Ordinance at all. It isn't until they become an improvement and deemed as such by the assessor under the provisions of the Taxation Ordinance that they become taxable and this is the main reason why this Bill is brought forward. It's the intention of the Administration to make an effort to recover from the owners of mobile homes and trailers some element of tax which they would have paid if they had actually lived in a house. That is the main object of this Ordinance.

Mr. Chairman: Does that answer your question Councillor Livesey?

Mr. Livesey: Well, it does and it doesn't. It is all may and

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Mr. Livesey.....

if and ands and but and it does not give me any particular definition as to what is to be taxed and what is not and of course the Ordinance is vague, extremely vague where it says that the Commissioner may make regulations in an area other than a municipality for more than such a number of days as the regulations provide and so on. It says nothing, absolutely nothing. All it does is open the door to a volume of regulations about which we know nothing and then after they have been put in force then we will be told what is in the regulation at such time as we won't be able to alter them.

Mr. Chairman: Councillor Livesey, would you care to rephrase your question?

Mr. Livesey: Yes, I certainly would. I would like to direct this to the Clerk of the House, if he could assist me in this regard, and that is that with regard to this Ordinance, precisely what is the Administration attempting to do with regard to trailers on lots in subdivisions?

Mr. Legal Adviser: I think I'd be better able to answer it. In the drafting of this Ordinance, in Section 4 and subsequent section, my instructions were to prepare a draft which would enable regulations to be made to impose a licence fee on trailers and mobile homes, by regulation and the intention is to impose that licence fee on these trailers only in cases where they are not permanent; in other words there comes a stage in the life of a trailer when you take it away and you connect it up to permanent lines, and the assessor looks at it to value it for taxation purposes, he must make a decision. Does he assess it in accordance with the rules for permanent property as a house or does he not? If he assesses it as a house then it is no longer a vehicle as far as we are concerned; it's a permanent building. But we want to be able to catch these people and make them pay a tax. Now, that is not the object of Section 3. Section 3 is a section which enables the Commissioner to prohibit people from living more than a certain number of days or weeks at scenic spots or convenient spots or places where they may cause pollution. Section 4 is the guts of this Ordinance, basically; that is, that he may impose a licence fee on trailers. Now, in Section 6, the Commissioner is taking the power, so far as trailer parks are concerned, to be able to transfer the collection of tax if he wishes, from the individual trailer inhabited, to the owner of the trailer park so that an inspector may be able more conveniently to go along to a trailer park, check the books and say "how many trailers have you got? And he says "I've got forty", and he says "OK". If the licence fee happens to be \$20.00 that will be \$20.00 by 40 which is \$800.00. So he will just give a receipt for \$800.00 and it will be up to the trailer park owner, in the normal commercial fashion, to pass on that tax to his customer. This will make it that much more easy to collect the tax. This is why we have a trailer park regulations in this form. This is the object of this Ordinance.

Mr. Chairman: Does that answer your question Councillor Livesey?

Mr. Livesey: Not altogether. As I mentioned a little while ago where you have trailers that can be parked on a lot for a whole year where a person is using the trailer as a home to build a place of business or to build a home, or for any other specific purpose and trailers form part of a business establishment and are as such permanent on the lot. Surely the trailers are included in the taxation of the lot and as far as trailer parks are concerned, surely whatever is on that trailer park for which the owner is claiming rent

Mr. Livesey continues..
is part of the operation of that business and that business
is paying taxes to that extent; is this not correct?

Mr. Legal Adviser: No, Mr. Chairman, the present position of the assessor in collecting taxes is that when he is assessing a trailer park he assumes that it is vacant of trailers. Any improvement such as a concrete, if there happened to be permanent toilets, a pumphouse, possibly a permanent building in which the owner resides. These would all be taxable. They are taxable in relation to a millrate arrived at by finding out the actual value of it at the time of the inspection. This is then assessed in accordance with the rule book which we use, which are the Alberta rules. So, if a trailer park connected up all its trailers and made them permanent buildings, the value would escalate beyond the capacity of the trailer park owner to pay it. Now the same thing happens in lots. The lots in Watson Lake, as long as the trailer is on the lots in Watson Lake, even though the person owns the lot on which the trailer rests, as long as it is within the taxation rules, as long as the assessor deems it not to be an improvement within the rules, then that person pays no tax at all.

Mr. Dumas: Mr. Chairman, there are several points; one, when the Honourable Member from Watson Lake suggested that neither the Commissioner or Council or anybody else be able to prohibit the establishment of a trailer court anywhere in the Territory, I couldn't disagree with him more. He would like to see the whole section thrown out, and that is exactly what he said, as a matter of fact but at any rate, Mr. Chairman, I couldn't disagree with him more because what's to stop people from going, putting their trailer anywhere, anywhere, and putting in a septic tank and all that, following the health regulations. They could just locate anywhere on Crown Land or Territorial Land or what have you. It is nonsense; we've got to have a restrictive clause in there like this. And the other thing is that where the Commissioner has, by regulation, allowed trailers to move in on lots and where these people are paying taxes on the land, any improvement which in this case may be the trailer, and if they are, then naturally they are not going to have to pay a licence. This is permissive legislation; the Commissioner may make regulations, the Commissioner may by regulation. He is not going to tax them twice for a trailer or for land or for anything else, Mr. Chairman. I believe that the type of legislation that is here is absolutely essential; I think that again we are flogging a near dead horse by saying we cannot have regulations. Again this Council will be on the Executive, will be making these regulations and will of course at that point be wanting these powers and I think we must always keep this in mind. I believe also that the area in Carmacks-Kluane, the Commissioner has shown his good faith as far as trailers are concerned in the Territory by allowing trailers to go on lots that are sold to the public, allowing them to be established. Well, that's wonderful, that's the whole point I'm trying to make. He is not going to turn around now and tax them for the trailer and then licence them for the trailer and tax them for the land, Mr. Chairman. At some point we must show some trust and I suggest that we had better get started now or else we are going to have wasted the last ten days or so that we have been working at our problems.

Mr. Chamberlist: Mr. Chairman, the Honourable Member from Whitehorse West thinks that the last ten days have been wasted. They might have been wasted for him but not for myself or for any other members of Council, should express himself

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Mr. Chamberlist continues...
much more clearly ..

Mr. Dumas: Mr. Chairman, if the Honourable Member is going to quote me I suggest he do it correctly. I said "we may have wasted the last ten days".

Mr. Chamberlist: Yes, I got that message, and I also said that it is quite possible that they may also be wasted for him but not for other Members of Council. I used the word "may" as well. I'm concerned that there seems to be some misunderstanding as to what is taxable and what isn't taxable and what is being asked for in this Ordinance. This Ordinance is not asking for taxation of trailers and it should. It is asking for licensing of trailers. I think that there is a necessity to recognize that people who live in trailers should pay towards the services, the Territory gives to the protection by fire, to education and it is well known that a large amount of children live in trailers. I don't think there can be any dispute about that. All land is taxed whether the land is leased or whether it is purchased land. And certainly anything that is upon land and normally a building that is attached to the ground is taxed as improvement. At the present trailers, and the word "trailers" comes into it again, are not taxable as an improvement but it could be amended to read "mobile homes" and they would be taxable then as a mobile home. Now, there is a question in this Section (c) that has been almost completely overlooked, that the Commissioner would have the power in any area not within the municipality, to do certain things. Reference has been made to Watson Lake. If the Commissioner and the Administration forces upon the people of Watson Lake a village status, that becomes a municipality within the meaning of the Municipal Ordinance and therefore that would come within the area of a municipality and the taxation for that land and for the improvement on that land should go to that particular area; that is, to the village of Watson Lake. It doesn't appear to me that consideration has been given to this point nor has anything been said that the monies for taxation would go directly to the village, to the municipality. The word "tax" which has been bandied around in this discussion in the last twenty minutes or so is being improperly used in this area of this particular piece of Ordinance because nowhere has there been any suggestion of taxation but that the Commissioner may make regulations for licensing trailers in any area other than a municipality. This I think is where we have to draw the line. I don't think that we can go ahead and licence trailers. What we must do is be careful that if a licence is given on a trailer; if we were to accept this and a trailer was licenced, in speaking of the Watson Lake area, in Watson Lake, it became a licence which is payable to the Territorial Government. If it became village status then it would have to have another licence because it would be a municipal licence so it would have to have two licences. If the trailer moved from an area which was outside the municipality and moved into a municipality, it would have to have another licence which would be a municipal licence. Now these are areas that have to be well thought out here. Now, I agree to a large extent with the suggestion that has already been made by the Honourable Member from Watson Lake, that the Section 3 gives to the Commissioner such wide powers that it takes away from him those individual rights that he is entitled to have. Mr. Chairman, Mr. Legal Adviser made a point earlier on in another matter, of stressing the need for not interfering with the individual rights and I agree with him on that particular score. I have a suggestion and it

Mr. Chamberlist continues..

is to get revenue from mobile home users; I think that every mobile home in the Territory should, on a basis of the percentage of the value of the mobile home, pay that much to the Territorial Government for its lifetime in the Territory. At least you know that there has been some funds coming into the Territorial Government for the services that are being rendered to it. But the basis of licensing of trailers as they are called here, I am opposed to. I would again say that they should be referred to as mobile homes; they should be treated as homes and let me tell you that some of these mobile homes are far better kept and far better to live in than so-called permanent homes that are being taxed for improvement purposes. I think consideration should be given to some of the mobile homes that are being set up in various places and are really nice homes. If you go on the basis of the description in Section 2, you will find that in Faro you have a hotel which is being built out of trailer units, strictly to the rule. None of this is taxable because they are mobile homes, they are trailer units. None of it is taxable, it seems ludicrous that a business operation, because it operates out of trailers should not pay taxation. I don't care whether it is a temporary camp where people are living or a construction company comes in and sets up a camp that might be in operation for two years; I think that there is a moral responsibility upon the Territorial Administration and upon us as legislators to see that there is a tax got out of that area because it is a business that should be taxable and if they had permanent offices set up we would be receiving a tax. The argument therefore, is this; is this body here prepared to recognize the facts that a tax burden must be shared by everybody within the Territory. If we don't do that we are failing in our responsibility. So finally I will say I am opposed to the idea of licensing these type of trailers but I am in favour of Administration coming forward with some legislation that gives the opportunity to this Council to pass legislation to tax so that a portion of the taxation for the services of the Territorial Government gives to the people will be forthcoming from trailer users whether they are trailers that are being used for home residences or for commercial residences. Thank you Mr. Chairman.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Mr. Chairman, I think that we are dealing with two issues here and one is the taxing of trailers and the other is - I believe it is the intention of Administration from what I got from Mr. Legal Adviser that they wish to use Section 3 as a means of moving trailers to and from places where they should or shouldn't be and nowhere in Section 3 is the movement of trailers specified. All it says is that the Commissioner can refuse people the right to live, sleep or eat in a trailer. It doesn't say anything about moving a trailer anywhere. I submit that on this ground the Section should be thrown out. Now, number two is that Mr. Legal Adviser did say, during the course of his discussion, that the real purpose behind Section 3 is to try and find some means of moving trailers which have been too long near scenic spots or something of this nature. Well, we might as well shut down our tourist industry if we do this, because this is what people will come up to do; this is why they bring campers and trailers. However, and I suppose anything is scenic in the Yukon, even if you stand at the Whitehorse Garbage Dump and don't look too low to the ground, it is quite scenic around that place, apart from the garbage that a person might be standing on. Now, in trailers themselves, you know that

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Mr. Taylor continues...

within 150 feet of the centre of Whitehorse is a trailer? There is a big house trailer sitting over there being used. Now if we can do that within 150 feet of the centre of the metropolis of Whitehorse, why can't we do it in Beaver Creek or Watson Lake or anywhere else. If you want to know where it is it is sitting right behind the Medical Clinic; the doctors can do it why can't we. There is just one instance. Now, I don't know how many sessions ago when we last dealt with this taxation of trailers, I will deal with that for a minute. This Council recommended that we say, alright, the minute a trailer of any type, mobile home, call it what you will, attaches itself to a utility service, that is a septic tank, a well or a powerline, it should be taxable. But for some reason unexplainable to me and unexplainable to anybody, the Administration don't buy that idea. There may be reasons why this will not work but I have as yet to find them. This was a suggestion from the legislature and we are not permitted on that legislative programming committee and I say that within two or three months after we have an opportunity to put two or three members with the Administration on that Committee we will resolve this problem which apparently the Administration has been unable to do. That is the answer of how you tax trailers; when they attach themselves to a public utility such as power or connect themselves to the ground to a septic tank or a well, then they should be deemed to be taxable, whether they are on a foundation or whether they are sitting on wheels. I would like to hear some arguments as to why that won't work, but there must be a reason that I don't know of. So, in respect of Section - I might also say that when talking about trailers you must remember that all over the Territory, both within - I believe there are motels around here that are all trailer sections - there are motels all over the Territory that are trailers. In other words, more thought must be given this. If you try and impose upon the people of the Yukon Section 3 of this Ordinance all you are really doing is saying, we can't cope with the problem; we have spent years trying to cope with it but we don't know how to handle it so what we will do is go to the Legislative Council and say to them. You give us the right to make regulations and we will forget all about legislation and we will make midnight amendments as we please, which is really what the regulations are all about. They are all, every last one of them is a midnight amendment even though we are told in Council every time we want a piece of legislation, oh, we can't make midnight amendments. So, I would say that it is imperative that Section 3 come out of this Ordinance and remain out of the Ordinance and Administration - I think we all agree that we want to get down to some means whereby - this is done through the Area Development regulations. I should say, it can be done in other areas, but certainly you cannot go and say that the Commissioner can go and prohibit anybody from living, sleeping or eating accommodation in his own trailer. I hope Mr. Legal Adviser sees this, Mr. Chairman, and unless he can show me where it says that you can move trailers around, which is apparently what he wants to do in this Section, I feel that it just has to be thrown out.

Mr. Chairman: Just a moment, you made a statement that you would like to hear some arguments? To whom were you referring that to?

Mr. Taylor: Mr. Legal Adviser.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, Section 3 prohibits the use of a trailer from certain things in an attempt to try and put some small bit of teeth into what otherwise would be a zoning regulation. This is what it is. Section 3 is a different thing altogether from Section 4. It is an attempt to give the Commissioner the power which the municipalities have at the moment. Now, so far as Section 4, the basic taxation or licensing is concerned, the Honourable Member for Whitehorse East is correct in saying that these licensing provisions are intended in this Ordinance only to be used for trailers or mobile homes which are outside a municipality. If the City of Whitehorse is to extend to the Whitehorse Metropolitan area, it will then embrace all the trailer parks which are on the fringes of the City of Whitehorse proper and if Watson Lake is to become a municipality, it will take over the licensing of trailers. It isn't, but if it becomes this, this is the suggestion of the Honourable Member that they will take over whatever revenue is there, that's it. They will have to then provide the services. Now, so far as the taxation is concerned, it may well be that a little knowledge is a dangerous thing. I don't know the fine technical points between taxation and property in connection with property and so on but our advice is, for what it's worth, from experts who do the assessing and measuring; that it is virtually impossible under any taxation ordinance of the type that we have, to impose a tax on a trailer. Whether or not it is connected with sewer service or whether or not it is connected to a pipe line, and our information from people who are associated with B.C. is, that there is a circular movement around the various towns in B.C. which ebbs and flows with the passage by of the assessor officer to try and assess the trailers. And another ebb and flow with the licensing officer to check the licences. This is our information and nobody in B.C. is satisfied with their particular method of operation but they can't come up with a better one than the one they have. Our method is slightly different and we are certainly not guaranteeing success; I'm not. I detest this Ordinance. I think it is a horrible Ordinance to draft and I've said it for the last two months. Anybody that has anything to do with it thinks it a horrible Ordinance but unfortunately it's the best we can come up with for the moment. And it is an attempt to cure a bald spot, to collect tax where no tax is presently being collected; that is the main purpose of the Ordinance. If it doesn't work we may have to come in with new sections and I can visualize this, having new sections stuck in it every session from now tilland it will never be a perfect Ordinance but it's the best we can do and.....agrees with the principle of taxing the people for the services they get, well then certainly this is a reasonable Ordinance to start that principle.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I think the Councillors have indicated that they do agree with the principle of spreading the basis of taxation so that those using Territorial facilities, whether they live in trailers or not, share in paying the costs of operating those facilities. But, I wonder how long we can go on on this thing because I think that really, with the Honourable Member from Whitehorse North not being here, he has in his electoral district the three largest trailer courts in the Territory and I am sure he will want to have a say on this particular Ordinance. I wonder if we should report progress at this time, Mr. Chairman, on this Bill and discuss it possibly at a future date.

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Mr. Chamberlist: Mr. Chairman, just in answer to the Honourable Member from Whitehorse West for the privilege of, I was given to the Honourable Member from Whitehorse North to represent the Territorial Council at the Federal Provincial Conference, I am sure he accepted this with the understanding that his colleagues will be able to conduct the affairs of Council in Committee in general, generally to the best consideration given to him. However, Mr. Chairman, at this time I would like to move that Section 3 of Bill 19 be deleted.

Mr. Taylor: I would second that Motion Mr. Chairman.

Mr. Chairman: It has been moved by Councillor Chamberlist and seconded by Councillor Taylor that Section 3 of Bill No. 19 be deleted. Are you ready for the question? Are you agreed? Are there any contrary? The Motion is carried.

MOTION
CARRIED

Motion Carried

Mr. Taylor: At this point I will resume the Chair, thank you Councillor Shaw.

Mr. Chairman: The next Section is Section 4 (Reads Section 4 (1),(2),(3). Councillor Livesey.

Mr. Livesey: I wonder Mr. Chairman if Members of the Committee have looked over into the explanatory note section because if they did they will see costs of administration - it is probable that a new inspector will have to be appointed for the enforcement of this Ordinance and collection of the fees. He will be attached to the Territorial Secretary's office. This is an addition to the Territorial costs of administration. Now, when we are talking about costs, will he need a new automobile, a secretary, new furniture, new office, ad infinitum. I would certainly like to know what this administration cost is going to be because if he - not talking about municipalities - if he is talking about places outside the municipality; so he is going to have to police the whole of the Yukon Territory to catch up to the contents of the Ordinance. It appears to me that the cost of administration are going to be high and if there is anyone here from the Administration, Mr. Chairman, that can give me some idea of the probable costs as envisioned by the gentlemen who brought this Ordinance before us, I will be happy to hear it.

Mr. Legal Adviser: Mr. Chairman, I think we are looking at something in the order of about \$20,000.00.

Mr. Chairman: Just asking a question from the Chair. Was it not anticipated when we talked about these new inspectors that these inspectors would cover all areas instead of having one for each job that we would have inspectors doing multiple inspections?

Mr. Legal Adviser: The position is that we may not have to add a new inspector specifically for this Ordinance because the Territorial Secretary has organized his Department in such a way that the inspectors group that he will have, although they may have special responsibilities for an Ordinance, will be able to help one another out but still the extra burden of, certainly in the early stages of enforcing this taxation and licence provision would add to the general load to be shared by the group, thereby probably necessitating one new position, with ancillary provisions for transport and maintenance and so on.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: What is the anticipated revenue if this Ordinance were to go into force?

Mr. Legal Adviser: I don't know, possibly Mr. MacKenzie might be able to give you a figure. I'm not sure how we may be able to calculate it.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: In order then to enforce this Ordinance, Mr. Chairman, with this expensive inspector, will this gentleman need to be empowered with the power of search, and several other powers in order to go upon a person's property to search a trailer to find out anything about it as to whether it is going to be lived in, whether it was lived in yesterday or whether the fellow who was living in it the night before has moved out and put his hand on the bed to feel if it is warm. Is this the sort of thing we are going to have? I don't quite understand how Administration is going to proceed on these lines. After all, if they are going to proceed with licensing because the basis is that these trailers are being used. Now how is he going to find out whether a trailer is being used or not unless he can create entrance?

Mr. Legal Adviser: I'm sure he would create a hotbed of activity. I don't think so. We are not asking for the powers of search in this Ordinance. I think it is just that he would charge them with a licence fee and if they cared to prove different that is something else. I don't think there is any question of pressing the citizenry.

Mr. Chamberlist: Well Mr. Chairman, I have already indicated I am opposed to licensing of trailers. You know already which way I am going to vote when it comes to this particular position. However, when I read about another new inspector, it appears that there must have been a lesson sent down in Administration from the Deputy Minister's Department for he is a specialist in doing the very thing that is happening now and that is to create more people, more desks, very soon there will be an extension to the Lynn building required because they have so many people. Another Ordinance will come up. You will need another inspector. We will be warned by explanation that the cost of administration is going to be more. If there was a tax on it it would be dealt with by the assessors in the ordinary way and taxation would come along in the ordinary way; you wouldn't be wanting any extra staff to administer type of thing and I would suggest Mr. Chairman, that \$20,000.00 is a very minimal amount; I would say that would be required for the start of this operation because not only would you want an inspector who would be getting around ten Gs a year and his vehicle and what not, he would then find he would have to have somebody to send out his notices, so he would have to have a secretary. Then he would have to have a filing clerk so that he can file the stuff away and before you know there would be one separate department for trailers only, and that's what's going to be happening. I think that the Administration have made a faux pas in even bring this before us. They didn't think of taking into consideration what the Members of Council might think of this, a little courtesy to talk to people who have trailer courts in their areas, notwithstanding that the Honourable Member from Whitehorse West specifically points out that the Member from Whitehorse North has trailers in his area. I have trailers in my area too and I am trying

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Mr. Chamberlist continues...
to be considerate not only of the people there but of the needs of the people of the whole of the Territory as well. I think it is necessary for us not to think in a close regional area but to think of the good of the whole Territory and I am sure that the Honourable Member from Whitehorse West at times does think in that direction. There is a necessity for the administration to come forward with a piece of legislation that is sound and in relationship to the things that we want to do and that is tax the trailers so that they part of the bill, but not simply to licence them.

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

Mr. Taylor: Mr. Chairman, I have been mulling this over and I tend to agree with Councillor Chamberlist that maybe this licensing business isn't all as good as it could be. For one thing, we have not provided in the Ordinance a section whereby we will have exemptions from trailer licensing such as these motels where you licence each one of the motel units. Under this Ordinance you would, the way it appears at the moment. How about people who then place a trailer on a foundation or any other form on lease or own land. If you have a trailer subdivision as Watson Lake, as I described earlier and some people moved their trailers on it and set them on a foundation and get title to it. You can't very well walk up and slap a licence on it or require a licence. And then you go on towards the end of the Ordinance and you say, in trailer parks that where the bulk of these trailers are going to be, you say that the Commissioner may require the proprietor of the trailer park to collect the licence fee. So why do you need an inspector for this. Maybe the \$20,000.00 or \$30,000.00, probably closer to it, can be expended on an additional employee or workload on another employee, it doesn't justify the revenue when you have trailer court operator collecting the licences, provided you have licences. I don't know, maybe this whole legislation scheme is not going to work, it is not going to serve the job it is supposed to do. I really think that maybe we should take another look at that and find another way of getting at what we are trying to do.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Thank you Mr. Chairman. I haven't made any comments on this particular Ordinance till now. I have noted that the discussions have been going on for over an hour and the area of difference appears to be whether or not they should be taxed or licenced. I think all Members of Council are very much in agreement that these people who own trailers avail themselves of the services of the Community and the Yukon Territory, should pay an amount to the Territory to compensate for some of the services which they are receiving. That area is established but there does not appear to be any agreement whatsoever on whether it should be taxed, whether this money should come in the form of taxes or in the form of licenses. We have been discussing very much the same problem for just about an hour. I wonder Mr. Chairman if this Committee would consider perhaps that a sub-committee be established to meet with the Legal Adviser and try and iron out some of the points with all the facts that they have to see if some area of agreement can be established because I do not think if we go on for two more hours that we will really solve it and perhaps that may be a way in which this could be accomplished, Mr. Chairman. I would ask if Council

Mr. Shaw continues...
would be agreeable to something like this.

BILL
NO. 19

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, anything will be a help but I was going to suggest, by quick calculation, the three major trailer courts in the Whitehorse area would probably produce anywhere from \$50-100,000.00 in revenue, using the licence basis or using the 2% basis that was suggested by the Honourable Member from Whitehorse East. So, we are looking at a substantial amount of revenue. I think the \$20,000.00 administration fee is a little high also but there is a far more substantial amount of income. I would like to point out again - oh, the other point I wanted to make on taxation, to tax these trailers is going to be a problem unless your suggestion that the trailers perse rather than the land that they are on be taxed. And you are just saying that any trailer coming into the Territory should be taxed 2% or whatever.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Mr. Chairman, I don't know if a sub-committee is required. I would ask, and I think that Members must agree, that the Administration look back on the proposal that we continually made in Council that if a trailer hooks to a utility, that is power, telephone, sewer or water, any or one of the group, he then should be deemed assessible, he should be able to be taxed. The formula as to how to deal with the rest of it has to be worked out certainly by Administration apropos but I can't see anything more simple than that. If a trailer is hooked to a utility then whether it is occupied or not it should be taxable and if it is not hooked to a utility then obviously you don't tax it. It is that simple. If people have children going to school or occupying it they have to have power, sewer and water, or telephone or one of the four; that seems the criteria and why not attempt to get revenue by taxation in this manner and forget about licences. They are licenced for road travel, why not leave it at that.

Mr. Legal Adviser: These easy solutions are very attractive but when we call in the people for advice to a meeting and discuss these things they tell us that problems continually arise. Even though a trailer happened to be hooked up and appears to be permanently hooked up, on the taxation year is all geared to a certain scheme of assessment and liability in September and then you get 15 days for assessment paid and then you go to the Court and then something else. So if you don't happen to be taxable at the particular point in time when the taxation change starts then you are free from taxation until the following year and all the trailers who pull for six months and out again are all the trailer owners who are sufficiently volatile to move when they know the assessor's men are moving around. They are going to escape taxes. Also, all the people willeescape taxes are those who work on their own bathroom arrangements without bothering to connect into a telephone and what have you. We are assured by our experts that it would take not one inspector but it would take a squadron of inspectors to be watching night and day to see who flushed what toilet at what time and disconnect it just before the inspector came. This is what these people tell us. The problems of linking in a temporary building arrangement or a temporary trailer arrangement, even though it looks to be a permanent connection into the existing taxation Ordinance are virtually insuperable. Now we have an extremely

BILL

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Mr. Legal Adviser continues.... good drafting department in the Territorial Government and it has researched this problem in all the provinces of Canada and no province of Canada that our drafting department is aware of, nor any state of the American Union, or country in the British Commonwealth that we know of has succeeded in taxing trailers using the taxation act of the particular place in a permanent way. Now, you have got the trailers who are passing through; if we got a flat 2% for every trailer in the country, then we have to have exceptions to these people. So we must give them at least 30 days free clearance so even with the drafting of the licence fee we give this 30 days. They must pay in advance but not the first thirty days. So the trailer who is coming in for holidays can pass through. There are so many problems of drafting in connection with the Taxation Ordinance that it just really isn't worth.... We would destroy our whole Taxation Ordinance for the sake of dealing with a particular exceptional case. So, Mr. MacKenzie and the Taxation Officer and all his advisers back down, and his connections advised us not to attempt to interfere with the Taxation Ordinance but to try and do it by a licencing scheme to try and raise the same amount of money. This is what we have done. I agree that it's attractive to tinker around with the Taxation Ordinance but if the Council agree with the principle of raising money from these people, I think the Council should go the next step forward and let the assessors and Treasury officials who suggested this is the method to do it, leave that part of it alone and give it a try for twelve months. If it doesn't work we would be back again and we would be back again because there is bound to be problems.

Mr. Taylor: Mr. Chairman, if they are going to play around and experiment with this thing, let us be the ones who will be the initial judges of what the experiment shall be - why midnight amendments by regulation. Lay it on the table, we ...law first, we will see if we like it, that is what we are sent up here to do by the people. Let us first view it and pass an opinion on it. Number two is if Mr. MacKenzie and the Treasury Department are not, for some reason don't wish to amend the Taxation Ordinance, that doesn't stop us from proposing amendments to it. Maybe we and the good services of the Legal Adviser could produce something which might work. I can't see how you can't consider the suggestion I made, taxing when coupled to utilities. Though it sounds simple there may be a problem but I can't see how we can't get around it even though nowhere else in Canada or nowhere else in Great Britain or Ireland or Wales or wherever have they been able to do this that doesn't mean we can't do it. Maybe we could set a model in this respect. And in respect of policing this situation as far as who is taxable and who is not, I think that if you turned over responsibility where we wished to turn it over in the first instance; in the case of a local improvement district turn it over to the trustees to keep track of. They keep a tax roll or ratepayers in the community; turn it over to them as an additional responsibility and give them the right to regulate trailer accommodation in the communities as you would in a village or a municipality, and there you've got half, or three-quarters of your policing done already. I agree, I think we should get off of the trailer licencing business. I don't favour it and the deeper we get into it the less I favour it. I think we should go and hit this problem of taxation square on the noggin. That is what we are here to do. Let us face it squarely. Let's draft some amendments to the Taxation Ordinance and make it possible to tax trailers and be done with it.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Well, Mr. Chairman, I think that Trailer Ordinance is a drag and I would like to remind Administration that if they would spend just a little more time in trying to bring land so that people can get a place to build a home in the Yukon Territory and really realize that the fact that we have got trailers and we have a trailer problem is because it is the escape route because they don't have any other place to build a home. The problem is that there is no place they can put a home. So why keep harping on the trailers when you know the trailers are the only answer. If they can't find a home where else are they going to live. They've got to live somewhere and they are taking the trailer as the only way out because we forced them into this position, Mr. Chairman. I want to emphasize this and I hope the Administration takes full cognizance and notice of this that they should be pressing for more land, for more homes, and creating an area whereby we can get some permanent settlers in the Yukon Territory who are going to sit here during the period which we think is going to be an economic boom in the Yukon. And the sooner they start on this the better. I would say that even if they think they are now doing this, that they should press it harder than ever. Thank you Mr. Chairman.

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

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: There is one area that I have not touched yet Mr. Chairman, and it was brought to my attention by the Honourable Member from Watson Lake, that is Section 7. I take it, Mr. Chairman, that Mr. Legal Adviser drafted this piece of legislation. I would suggest that Mr. Legal Adviser Mr. Chairman, look up previous cases of Poll Tax which was, which had to be removed from the Yukon Territorial legislation because it was declared ultra vires where the legislation was that the person, the employer should collect the poll tax and it was ruled as ultra vires. If he looks at that he will find that not the Commissioner nor the Territorial Council can in fact compel people to collect a tax or a licence from somebody else. Only the Federal Government via income tax can have that done. There is some specific legal history on that; that would be wiped out immediately.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: If that is the case, Mr. Chairman, how do we collect the amusement tax?

Mr. Chairman: Councillor Dumas.

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

Mr. Chairman: Is there a seconder.

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

Mr. Chairman: Is it your wish, before I put the question, that I report progress on Bill No. 19?

All: Agreed.

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

MOTION
CARRIED

MOTION CARRIED

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

REPORT Mr. Taylor: Mr. Speaker, Committee convened at 10:10 A.M. FROM to discuss Bills, Sessional Papers and Motions. I can CHAIRMAN report progress on Bill No. 14. Committee recessed at OF twelve noon and reconvened at 2:15 P.M. Motion 15 was COMMITT-left to die in Committee Mr. Speaker. It was moved by EES. Councillor Chamberlist, Seconded by Councillor Shaw that Bill No. 15 be reported out of Committee without amendment and this Motion carried. It was moved by Councillor Chamberlist, Seconded by Councillor Taylor that Section 3 of Bill 19 be deleted. This Motion carried. I can report progress on Bill No. 19. It was moved by Councillor Dumas, seconded by Councillor Shaw 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 indications of the Agenda for tomorrow?

Mr. Taylor: Mr. Speaker, it would appear that we have before us Bills, Sessional Papers and Motions for tomorrow.

Mr. Speaker: Is there any further business?

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

Mr. Speaker: It has been moved that we call it five o'clock. Are we agreed? The House now stands adjourned until 10:00 a.m. tomorrow morning.

....

Mr. Speaker read the daily prayer. All Councillors were present except Councillor McKinnon.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution? Are there any Notices of Motion or Resolution? Would the Honourable Member for Watson Lake please take the Chair?

Mr. Taylor takes the Chair.

Mr. Livesey: Mr. Speaker, I would like to give Notice of Motion this morning, reference ambulance service, "That Sessional Paper No. 15 be moved into Committee for discussion". MOTION #21

Mr. Livesey resumes the Chair.

Mr. Speaker: Are there any further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? Under Orders of the Day, we have Motion No. 13. Is it still your pleasure to bypass this Motion No. 13 due to the absence of the Honourable Member for Whitehorse North?

Some Members: Agreed.

Mr. Speaker: Are there any questions?

Mr. Dumas: Mr. Speaker, I have a couple of written questions. The first one is, "As the new changes to the Yukon Hospital Insurance Scheme are to come into effect January 1st, 1970, would the Administration please advise as to when the proposed changes will be placed before Council for discussion?". I have another question in two parts. "1. Which of the Territorial civil servants has been sent to Edmonton to discuss a Yukon Medicare Program? 2. When does the Administration intend to submit a proposal to Council re Medicare?". QUESTIONS #32 & #33

Mr. Chamberlist: I must rise on a point of order, Mr. Speaker. The changes to the Y.H.I.S. were placed before Council in September, 1968, in a Sessional Paper.

Mr. Taylor: Mr. Speaker, I have two questions this morning, written questions. "Would the Administration advise Council as to whether the much needed Ross River Nursing Station has been included in the 1970-71 Estimates and, if so, what is the anticipated start of construction date?". My second question is, "Would the Administration advise Council as to what construction programs are contemplated to continue reconstruction of the upper Canol Road between McMillan Pass, Yukon, and Norman Wells, N.W.T.?" QUESTIONS #34 & #35

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

Moved by Councillor Taylor, seconded by Councillor Chamberlist, that Bill No. 15, An Ordinance to Amend the Judicature Ordinance, be given Third Reading at this time. BILL #15
THIRD
READING

MOTION CARRIED

MOTION
CARRIED

BILL #15
TITLE
ADOPTED

Moved by Councillor Taylor, seconded by Councillor Chamberlist, that the title to Bill No. 15, An Ordinance to Amend the Judicature Ordinance, be adopted as written.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 15 has passed this House. May I have your further pleasure?

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

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

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 Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers and Motions. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

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

Mr. Taylor takes the Chair.

BILL #19

Mr. Chairman: Gentlemen, when we last rose last evening, we were discussing Bill No. 19. What is your pleasure in relation to this? Do you wish to continue?

Mr. Livesey: Well, Mr. Chairman, I would like to pass my opinion on that situation. I think further conversation in relation to this Bill is a total waste of time and I would suggest that the Bill die in Committee.

Mr. Chairman: Is there any further discussion?

Mr. Dumas: Mr. Chairman, I'd like to leave the Bill and report progress on it. I'd like at least to let the Honourable Member for Whitehorse North have an opportunity to comment on something that affects his area more than it affects any other area in the Territory.

Mr. Chairman: Is it your wish then that I report progress on this matter?

Some Members: Agreed.

BILL #8

Mr. Chairman: We will then proceed to Bill No. 8, An Ordinance to Amend the Municipal Ordinance.

Mr. Chamberlist: With respect, Mr. Chairman, I wonder if we could obtain a consolidated copy of the Municipal Ordinance for all Members before we deal with it? There are some consolidated copies and I think it would be very worth while in dealing with this.

Mr. Chairman: Does Committee agree?

Some Members: Agreed.

Mr. Chairman: Alright, I declare a brief recess then.

RECESS

RECESS

Mr. Chairman: At this time, I will call Committee back to order. BILL #8

Mr. Legal Adviser: Mr. Chairman, just so that it will go on the record, I should explain to the Members that this consolidation to which reference may be made in the course of the debate is a consolidation prepared in anticipation of a consolidation of the Ordinance which would be put through in statutory form, and therefore the numbers run consecutively in this consolidation and are not precisely the same numbers as are presently the law under the various amendments still in force of the Municipal Ordinance.

Mr. Chairman: Thank you. (Reads section 1 of Bill No. 8) Are you clear?

Some Members: Clear.

Mr. Chairman: (Reads section 2 of Bill No. 8)

Mr. Legal Adviser: Mr. Chairman, the purpose of this is to enable informal meetings to be called on the spot when something happens like a flood, fire, or something where the mayor has to ring up his members and call them up and they come to the point instead of the former notice which must be agreed on.

Some Members: Clear.

Mr. Chairman: (Reads section 3 of Bill No. 8)

Mr. Livesey: Question. Mr. Chairman, I think this is a direct interference on the part of this Legislative Body into the internal affairs of another Legislative Body, which, as we all know, is contrary to parliamentary law. If we don't accept or don't want the Federal Government to interfere in the way in which we operate and continue with our business, we have no business interfering in the municipal affairs of Whitehorse or Dawson or any other municipality. It is up to the members of that elected body to decide whether they are going to vote for or against something, or whether they are not going to vote for or against something, or whether they are going to abstain. This is not up to us to tell them what they should be doing within their own four walls. The parliament of Canada jealously guards the right of an elected body to make its own decisions as to how it conducts its own affairs in its own legislature. This legislature does the same thing. We jealously guard that right through our rules. Surely, the Legislative Body of any municipality in the Yukon are entitled to make decisions of that nature on their own without any interference from any senior government.

Mr. Shaw: Mr. Chairman, as you realize, through the kind offices of this Council, this particular Ordinance was delayed to enable the City of Dawson to make representations on how they felt about certain matters. This they have done, so from time to time I will be rising to give the view point of the City Council or the Municipality of Dawson in their answer to these questions. On this particular section, I think you are aware that the Council, the membership of the Council of the City of Dawson is made up of three aldermen and one mayor. That means there are four people voting on the various and sundry issues that come up, and quite frequently there is a division and of course there is no one to settle it. The Ordinance as it presently reads I believe that the question shall be decided in the negative in the event of a tie. This was I think put in quite a number of years ago when only the aldermen were voting. Now the mayor can vote so that quite frequently it can make a tie. The Municipality of the City of Dawson feels that this particular section, section 3, should be changed to where, when the votes cast are equal for or against a question, the question shall be deemed to have been undecided. It doesn't seem as if there's much difference

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there, negative or undecided, but in a sense it does mean that it is undecided, it's not thrown out, that it can be discussed at a following meeting, and it would appear to me that undecided is a very sensible way of putting it. It sounds a lot better than negative although I suppose the results are actually the same. It is a case of where, when they know it is going to be undecided rather than voted in the negative, there may be a change in thinking on the part of members to perhaps resolve the issue. So, I would certainly wonder if the Legal Adviser, Mr. Chairman, could find it possible to put that in there as a sensible alternative, undecided instead of negative?

Mr. Legal Adviser: Mr. Chairman, I think that the question must be decided oneway or the other. There must be a decision on the question. That is not to say that in every case there must be a positive and a negative. There could be a postponement or there could be an amendment. But, prima facia to me it looks as if when you decide ... when you don't decide something, it's the negative. It is just that the proposition is not accepted. This is a question of semantics really.

Mr. Shaw: Mr. Chairman, if I posed a question to the Legal Adviser as to, has he stopped beating his wife, I wonder what kind of an answer he'd give me. He couldn't say yes and he couldn't say no. It would be undecided. So, there are many things that come up that you can't really ... a decision cannot be made. I think undecided is quite sensible to have.

Mr. Chamberlist: I wonder if there's any truth to it.

Mr. Legal Adviser: Is this actually a question that requires an answer of the Legal Adviser, because we occasionally beat one another, but not physically.

Mr. Shaw: Well, that's a well known question. In a matter of frivolity, I don't expect that the Legal Adviser is doing such a thing, but when someone is asked that question, it's very hard to give a negative or a positive answer, and these things do occur. Therefore, undecided, and really it is undecided when you have a decision and you have no one to make the decision, it must be undecided. It's obvious. It's not no, it's not yes, it's nothing, so, when we talk about semantics, it could be semantics, yes. On the other hand, it's equally true that it's undecided.

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I must concur with the remarks of the Honourable Member from Carmacks-Kluane in this regard. It seems very illogical that we could produce a piece of legislation which in effect tells the Municipal Council, another elected body, that they have to vote, and this seems to me, of course, to preclude the abstention. What you're doing is telling him he'll have to either vote yes or no and there is just no possible way that this is democratic. We would be remiss in our duty if we didn't chuck this out. I can't see any reason why the existing section 24 can't carry on, although I would like to hear from Mr. Legal Adviser the reasoning behind this particular amendment. What happened?

Mr. Legal Adviser: The basic reasoning behind this amendment, Mr. Chairman, is because in a small body dealing with everyday affairs there occasionally comes to be a member who will not accept the responsibility for the day to day acts of a Council, and in effect waits in the bushes, abstaining on a series of motions which are coming forward which he wishes to have passed because he is in fact

a responsible person. But, at a later point of time, maybe two, three or five months, when the work has been carried out or the thing has been done, he finds himself then in the position to say to sections of the voters, "I did not vote for this". Now, reflecting back to the earlier point of time, the members on council resent this type of action, and a series of excuses can be given by the member as to why he did not wish to vote. He feels he has an interest in this or he feels he knows too much about it or something like this. Now, the only valid reason for not voting is if you have a pecuniary interest in some fashion. The privileges which come to a House such as this which makes law do not go to a council of a municipal body, and there are volumes and volumes of laws dealing with the rights and duties of municipal councillors and members of these bodies to vote or not to vote or when they should vote and when they should not vote, mainly coming from English legislation but a certain amount of Canadian legislation as well, where it's a criminal offence in England for a member of the local body to vote on a matter in which he has a pecuniary interest. It often happens with people in the building trade that purchases will be discussed or prices will be discussed and in big councils it happens in sub-committees which are delegated to do certain work that, unknown to the other councillors, one of the members will have a special interest in the particular business in hand. Now, in a parliamentary body where you have a privilege such as this, the accepted parliamentary doctrine on voting is not as I see some of the Honourable Members of this House conceive it to be. It is not wrong in a House such as this for a Member to vote on something in which he has a pecuniary interest by being members of a trade, a profession, or other thing, because if this doctrine was to hold, then parliament would in very many cases be precluded from having the services on a vote of a large section of the people. For instance, if a Bill is being discussed in the House of Commons concerning the discipline of lawyers, this more than any other profession is represented in the House of Commons, and no lawyer will be entitled to vote. Similarly with the prices of drugs being discussed or drug control, every doctor or every member of the pharmaceutical profession has an interest, and so on. There is nothing that is discussed in parliament so far as I can conceive in which some of the members have not got either a direct or an oblique interest. Now, this does not apply to members of local councils, and the rules are that where you've got a pecuniary interest, you're prohibited from voting. But, in the interests of small councils, to enable them to do their duty to the public, it is necessary sometimes I regret to say for this House or any other legislative body to control the method of voting. They do not have the same privileges as here. This House is entitled to and has a duty to tell them how to behave in the conduct of their business. So, this section is put in because of, in some municipal councils, this principle of waiting in the bushes, knowing that a piece of legislation is going to be passed, and the person wanting it to be passed, but then waiting for the other members at a later point of time and knocking the particular piece of legislation, knocking it in the sense of saying, "I didn't vote for it". So, as I understand it, I cannot say this definitively, this has been requested but exactly by whom I could not say.

Mr. Taylor: Mr. Chairman, that still hasn't answered my question. My question was, what happened? Obviously something has happened to create this amendment. Now, as I see it, regardless of whether it's in municipal council or whether it's in a legislative chamber, I feel that the elected representative, no matter where, even in the local bridge club, should have the right of abstention, for what reason I couldn't say. It could be a pecuniary interest either stated, known or unstated, but for one reason or another, I feel that this is a privilege that everyone should enjoy, and though we would be very correct in saying that this House has the right to

BILL #8 force legislation down these people's throats, I reject this because for instance if the Administration wishes to force something down the throats of the municipalities, and some of the elected reeves or aldermen or whatever you have in this municipality or village decide that they're not prepared to vote at that particular moment on a certain question, they should have the right of abstention. They should never be denied this in my books and so consequently I would have to reject section 3 as proposed, and I would follow with the existing section 24 as it now stands in the Ordinance. And, I would like an answer to that question. What happened, what brought this up?

Mr. Legal Adviser: Mr. Chairman, I honestly do not know of any particular instance which caused this. All I know is, I gather from, I think it's from the Director of Municipal Affairs that this is required or has been requested by somebody. It just wasn't invented in that sense, you know. It wasn't our idea. But, don't forget that when we're dealing with the question here, it's a question which has been proposed and seconded the normal way at a meeting by two members. It is not something that we write a letter to the municipal council about and they've got to vote on. This is not the case. This is a question that couldn't be, that couldn't get before them unless it is proposed and seconded according to the normal rules. This is where somebody proposes and seconds something that it can go through say in Dawson on the vote of two people with another person cheering it on, and knowing it will win by a majority. So, rather than throw it to one side, I think you might ask the Director of Municipal Affairs exactly how this came about. I don't think he would be shy in saying it. Mr. Chairman, I've just been summoned to go to court for a brief minute. Could I be excused for two or three minutes? I'll only be about two or three minutes.

Mr. Taylor: I'll resume the Chair at this point.

Mr. Taylor resumes the Chair.

Mr. Chairman: I'll declare Committee in recess.

RECESS

RECESS

Thursday, December 11, 1969.
11:00 o'clock a.m.

Mr. Chairman: At this time I will call Committee back to order and we are discussing Bill No. 8 and we have with us Mr. Darychuk to assist us in these discussions. Would you continue. BILL #8

Mr. Dumas: Could Mr. Darychuk give us the reason for the change in subsection (2) of section 24.

Mr. Darychuk: Subsections (1), (2) and (3) are almost identical to the wordings of the Municipal Acts of at least two of the provinces of which I am familiar. Certainly subsection (2) follows naturally after subsection (1), which says all decisions shall be made by a majority of the Councillors present thereat. Now if the majority abstain from voting or some abstain from voting for reasons other than pecuniary interest, then it is conceivable that a decision, a very important decision could be made by Council with only a few Councillors voting.

Mr. Chamberlist: I wonder if Mr. Darychuk could indicate what penalty would be imposed upon a City Councillor who refused to vote in the affirmative or the negative?

Mr. Darychuk: I don't know if I can answer that Mr. Chairman. I don't know of any instance where a penalty has been imposed, nor do I know of any instance where a Councillor has refused to vote except for some very good reason. The Act would have to or the Ordinance would have to impose a penalty and there is none imposed here as far as I can see.

Mr. Chamberlist: I wonder if Mr. Darychuk would indicate why would the Act have to impose a penalty if a member of an elected body decides that in his wisdom, he cannot vote in favour or against. There are reasons, there may be political reasons as well, and after all a man that is elected to a body is a politician whether it is a low accord or not and there might be reasons that he doesn't want to give a decision on it. Why should he be compelled to it and why should we have to tell the lower body that they must do this or must do that. We are tired Mr. Chairman of being told what to do ourselves, why should we make legislation to tell somebody else what to do?

Mr. Darychuk: All I can say to that is that some provincial jurisdictions, legislatures have seen fit to impose such a law applicable to municipalities probably because they feel that elected officials have a responsibility to make decisions on important matters and they should accept that responsibility. However, what applies in other provinces may not be satisfactory here and I would hate to say that anyone is telling this Council what to do. This is something that this Council can decide for themselves.

Mr. Livesey: You can take a horse to water but you can't make him drink. That's about the size of it. On top of that, how could we in all fairness and all reason propound the principle, the same as the House of Commons propounds the principle and the Provincial Legislature propounds the principle that anything that they do within their own walls in relation to their conduct of their own affairs shall be decided by that body and by no other body including the Courts of the country. The way that each legislative body be it large or small, whether it is at the top level, the middle section or on the bottom. It doesn't matter. The principle is the same. If the Council of the municipalities in the Yukon want to become ... the individuals want to become elected to this body,

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Mr. Livesey cont:

when they meet, these people are intitled and privileged to decide what rules they will lay down for themselves. This is the principle that we follow here and it would be absolutely alien to our thinking in this Council that we should try to impose upon the municipality something that we don't believe ourselves. This is the whole problem with a lot of the legislation that we get put before us at every session. It's not being compounded on the basis of our thinking, compounded on the basis of our principles and the principles that we follow in this democratic legislature. These principles are somebody else's alien thinking and they are not ours and the public gets mixed up in this whole conglomeration by thinking that these things come from us. They don't and here is a typical example of the type of legislature that we would never think of if we had the power to legislate properly and completely. We don't believe in this principle so if the Council of the Municipality of the City of Whitehorse or the Council of the Municipality for the City of Dawson, want to sit at a legislative body, let them then decide what rules they are going to follow. They will say. Let them decide how they will conduct themselves, how they will say whether a vote has passed or it hasn't passed. This is up to them whether a person shall vote or they shall not vote and here is another principle Mr. Chairman, while I'm on my feet. How can we, in respect to a municipal body, say that we believe that someone must vote. We don't say this in a Federal election, we don't say it in a Territorial election, we don't say it in a provincial election, why in the name of common sense do we have to say it in a municipal election? Someone when he enters the Council Chambers, must vote. This is totally ridiculous. If a person wants to vote it is up to him and as I say, if the Council creates these rules for themselves, that is an entirely different matter, but they should be allowed to do so and that the Council of the Yukon Territory and the Territorial Government should not interfere in the internal concerns of these legislative bodies. Thank you, Mr. Chairman.

Mr. Dumas: Back to my original question of the witness, and I will be more specific this time. Did any of the Municipal Councillors in the Yukon Territory ask for this to be inserted in this Bill?

Mr. Darychuk: I'm sorry I can't answer that question because I don't have the files to be able to look it up.

Mr. Dumas: I suggest that it is quite unlikely that it was asked for by anybody in the Territory and I have heard no convincing arguments as to why it should be in there and I would suggest that Subsection (2) be removed.

Mr. Shaw: This particular ... this has been ... as it was Mr. Chairman is not satisfactory. It is not satisfactory in regards to Council of four members where they are instructed to vote in the negative. This is fine if you have an uneven amount. Then of course, that might be applicable but for example when you have a four member Council and you have two for and two against an issue and that must be decided in the negative so there you have two positions. You have one that wants to pass it. You have two, that it is already been on account of no choice. It is either ... there are two positions created, for and against. At a later date when somebody has actually in fact by law has voted in the negative it's going to be somewhat hard for him to reflect on what he has done and say "well, I've got to change around again", so if this particular matter was ... has been undecided. In other words, no action can be taken, we are getting the same thing but we are putting a different matter, a different principle of a person was undecided

Mr. Shaw cont:

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last week, but maybe this week he can make up his mind, but if last week he voted in the negative, he has taken the position, so therefore he is going to be more reluctant to consider it at a later date, so I think that I must agree with the Council of the City of Dawson in this respect that that does not apply to that municipality. Now if it applies in Whitehorse, that is fine. Maybe that is just what they want, this is something I don't know but we have two separate corporations and we are trying to set up something that will fit both and sometimes it won't, but what would be very good in that particular set ... subsection (3) if we had it worded to the effect that the City Council shall make by by-law their rules for deciding issues. Then they can have it in the negative, they can have it as undecided or whichever way but they must have some rules for deciding the issue. I think that that is ... then it leaves it up to either municipality to do whatever they so wish. I mean if you actually cut the whole section out, took it right out and took the old one out too, it wouldn't do any harm, but if the Administration are adamant about keeping something in like that, I would suggest Mr. Chairman that they just require the municipalities to set up the rules or something like this the way they see fit.

Mr. Chamberlist: Mr. Chairman; at this time I would move that section 3 of this Ordinance be deleted.

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

Mr. Shaw: Talking on the Motion, we have the same thing existing in the present Ordinance, to just cut out this section here or this particular thing, I think that this section 3, section 24, subsection (3) and so on and so forth, I think is quite good here. There is nothing I see wrong with it. All it needs is to decide this last few lines on when the votes are cast are equal. That particular section unless disqualified from voting.... I see what you mean, yes you should not demand vote. If a person doesn't want to vote that is there right. I will agree to that. I will agree that that shouldn't be there but I think that on the present existing Ordinance we still have the matter of having to decide it in the negative. If it is undecided, if we put undecided there then it does make a difference, I maintain and I agree with the submission that I have.

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

Mr. Taylor: Mr. Chairman, just before this vote is called, and I think that here in section 3 we are dealing with a democratic principle and I think for the edification mostly of the Administration I should quote at this time, two sections in the International Covenant on Civil and Political Rights to which Canada is a signatory. One is that "all peoples have the right of self determination by virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development." Article 19 (1), "everyone shall have the rights to hold opinions without interference" and to accept section 3 in my opinion, Mr. Chairman, denies these rights. I think that the Administration in as much as they have thrown before us every second piece of legislation, areas in which these rights are being taken away from the people, I hope that the Administration will look next time, that they bring such sections before us as the Bills that I have just cited on human rights, civil liberty.

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Mr. Livesey: I just have one point, Mr. Chairman in relation for the Honorable Member for Dawson in his discussion covering rules. Where the legislation does not deny the right to the municipality to make their rules, then quite obviously they have the right. About the only thing we could do is deny them in that which is not written is not implied so the municipality are free as long as we do not deny them the right, the municipality is quite capable and has this right and this is the right that they should have.

Mr. Taylor: I will resume the Chair at this time and is there any further discussion on the motion? It was moved by Councillor Chamberlist, seconded by Councillor Dumas that section 3 of Bill No. 8 be deleted. Are you agreed? Any contrary? I will declare the motion carried.

MOTION
CARRIED.

MOTION CARRIED.

Mr. Shaw: We still have the matter that I brought up, Shall have been deemed to have been decided in the negative. Why could not the question, shall have deemed to have been undecided. Why does it have to be in the negative. I think the rules and procedures of parliament and large bodies are that when the speaker, the precedence I should say that when the speaker decides, has to make a decision that is customary that they vote in the negative in order that this same subject can be brought up at a later date because there is such a division, but I think that when we are talking about four people, not a legislative council, I think a different situation prevails and if it is just left undecided without an umpire you might say to settle this issue it may be in a sense boils down to the same thing, but none the less, this is a request from fifty percent of the municipalities of the Yukon Territory, Mr. Chairman.

Mr. Livesey: The municipalities could revert to Roberts rather than Beauchesne or as we do and if they did, if they followed Robert's School of Order I think they still will be in their proper position.

Mr. Chamberlist: I think that we must take note of the municipalities already have powers to regulate their own needs by by-laws. It's given to them in the Ordinance. The municipality of the City of Whitehorse already has a by-law of that description. I would suggest that the Honorable Member from Dawson advise the Mayor and Aldermen in Dawson that they may proceed in that manner. I think that this would cover it all completely.

Mr. Shaw: Normally speaking, I would agree with the Honorable Member from Whitehorse East, but when an ordinance states that you must do this, I'm afraid they can't make any by-laws that are different to that. I'm sure that the Honorable Member would agree. In the Ordinance is that it must be decided in the negative.

Mr. Chairman: Anything further on this item?

Mr. Chamberlist: While Mr. Darychuk is here I wonder if I might ask a question relating to municipalities. Today is an election in Whitehorse. The number of aldermanic seats have been increased. There are more seats. I wonder if Mr. Darychuk knows whether a proclamation by the Commissioner increasing the size of the Council was made and whether on what basis was it made and what census of people in the area was considered at the time the proclamation if at all was made?

Mr. Chairman: One moment. Have we considered that we have resolved the problem of section 3? This Section on the matter raised by the Honorable Member from Dawson.

Mr. Livesey: Mr. Chairman, this can be brought up at a later date before we conclude discussion on the Bill. BILL #8

Mr. Darychuk: I'm afraid I can't answer Mr. Chamberlist's question at the moment.

Mr. Legal Adviser: Perhaps I can help. As I understand the position request was made by the Council on more than one occasion for an increase in the number of aldermen to be sitting on the City Council of Whitehorse. This request was exceeded by the Commissioner and the necessary order, I don't know whether they were proclamation orders, but the necessary legal instruments were duly executed by the Commissioner to enable this to be done and by-laws were then passed by the City Council to enable in the election the differing terms of office to be regulated according to the number of votes cast by the electorate at that, but I could not say what census the basis was. I think it was in exercise of the very democratic right given to the aldermen to make a request and to have it

Mr. Chamberlist: Now that Mr. Legal Adviser has answered in a way he still hasn't answered the question of whether a proclamation by the Commissioner in accordance with the Municipal Ordinance was made. I refer to part II, Government and Procedure, section 2, the Councillor ... the Council of the Municipality of the City of Whitehorse shall consist of a Mayor and four Aldermen, 1. on application of the Council of the City, the Commissioner may by proclamation increase the number of aldermen of that Council by one for every 1,000 residents in excess of 3,000 residents that no City shall have in excess of eight aldermen. Now I want to know what census was used to base it on the number of people as required in the Ordinance and whether or not the Ordinance was complied with by a proclamation, because if there was no proclamation, your election today is illegal.

Mr. Legal Adviser: I don't think Mr. Chairman that the election is illegal. Without being picayune about it, I think that whatever the legal formalities required in the Ordinance to be done, was in fact done. What census it was I don't know, but I do not think it was a census resulting in the notice board up on the Alaska Highway which shows the population of Whitehorse is 11,600 people.

Mr. Chamberlist: I wonder whether Mr. Legal Adviser, we are discussing the Municipal Ordinance, whether Mr. Legal Adviser can come forward with the answers to those questions I have asked, was there a proclamation by the Commissioner in accordance with the Municipal Ordinance? If there was, what was the census of which the population was based on. Now these are simple questions and surely without going into long details to cover over and hide the answers I want to know whether we can get answers to those specific questions. They are important. We are talking about Municipal Government, let's find out if the Municipal Government has been conducting itself in the proper manner.

Mr. Legal Adviser: We will consult the appropriate file and bring you the information forward after lunch.

Mr. Chairman: May I proceed? (reads section 4.)

Mr. Dumas: It occurs to me that since this Council is going to be allowed to set its own indemnities and we might give consideration to allowing the City Council to setting their own indemnities.

Mr. Chamberlist: Again I would like to know how the population is going to be assessed. Has there been a population figure taken to find out whether or not we have the 5,000 population. I would

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Mr. Chamberlist cont:

like to know.

Mr. Legal Adviser: I'm not sure when it was done but I'm sure it has been done. My whispered information is 1966.

Mr. Chamberlist: And could we have Mr. Chairman the information as to how many was the score at that particular time. Is it available?

Mr. Legal Adviser: This will be part of the information which will be coming forward after lunch arising out of the proclamation. That is in relation to the City of Whitehorse.

Mr. Chairman: I have a question from the Chair. In as much as the legislature ... this legislature has not the right to establish its own indemnity, do we have the right to establish indemnities for the municipality?

Mr. Legal Adviser: The principle of delegatus, non postus delegatus is not a principle of law, in general it is merely a minor doctrine of the law of agencing as my assistant will no doubt inform the House.

Mr. Chamberlist; It might be very well questionable whether indeed the Territorial Commissioner in Council has the power to even make municipalities. It might be a question arising before very long.

Mr. Legal Adviser: This question doesn't arise Mr. Chairman. This has been attempted to be risen but it has fallen flat on its face.

Mr. Shaw: I have a submission from the Councillor of the City of Dawson in respect of this particular section, the following which I would like to discuss. They agree apparently with section (a) and they have for (b) a different proposal which reads as follows, "(b) if the population of the municipality is less than 5,000 and the total and the total assess value of property is more than \$1,000,000 the sume of \$2,500 for a mayor or reeve and \$1,000 for an alderman." The comments on that particular section are that in this area the two levels of government, the Federal and Territorial own so much property that there is no room for expansion for population, therefore we feel that we must rely on the assessment of property for a fair judgement of stipend. When you consider the changes that we have had, now this is the second time they have changed it, it was fomrulated in 1958 and then in 1966, it was changed to what is now. Therefore in the case of Dawson City, it is \$2,500 for the mayor and \$1,000 for the aldermen. Now the new rules or the new Ordinance would say that you would give them a cut in pay and you would put the aldermen down to \$500 and the mayor down to \$1,000 although they have gone into the office know what the stipend is at the present point of law. In other words, if you in the middle of a session the Federal Government decided that they were going to cut the indemnity of the Councillors in half in the middle of it they would wonder what the score was and this is exactly what is happening at the present moment if we pass this particular section. When we talk about setting the remuneration for aldermen, it varies for the two municipalities. I think that is a wrong approach. I think that it is quite reasonable for the mayor of the two municipalities to have a difference in their indemnity because the mayor of the City this

Mr. Shaw cont:

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size has a great deal more work than a mayor of a much smaller municipality. However, Mr. Chairman, when we come to aldermen I don't think we have the same situation. What we do have in the larger municipality are more aldermen, but not necessarily more work. Why there should be a difference in indemnities in aldermen is something that I never could quite understand. An alderman, where you have three aldermen that have to look after a small area, they have quite an amount of work. Where you have a larger area, they just put on more aldermen, like a freight train they put on more carriages if they have got to cart more freight, but each carriage isn't packing any more or each box car doesn't pack any more of a load. There are just more loads, but the fella at the front who you could say is the mayor, he has got a bigger job towing all that, all those extra cars, so that when we come to municipalities, I think that in all fairness, aldermens stipends should be the same. If the municipality increases, then you put on more aldermen, like I quoted with the box cars on the freight train so they can distribute the work more amongst the greater number. The mayor I will admit, the mayor of a larger municipality does have more responsibility and no doubt more functions and therefore we should ... I agree that that should be different, but I cannot see why we are fooling around with different salaries, indemnities for aldermen. I think that the way they are right now, I would keep them at that particular level. It's not quite in line; with what the proposals are here, but at this stage to change it I think is, as I mentioned, it's like the same as if the Federal Government came along and said, "Well, boys the indemnity of the Councillors is cut in half" or cut in third or whatever they are going to do with it. We have the same situation, exactly, there is no difference. Mr. Chairman, I would like to hear the views of the Members of Council on this. I have tried to present it as I see it and I would certainly like to hear from the other Members.

Mr. Dumas: I agree with the Honorable Member when he says the stipend shouldn't be put back in the middle of a term. He has a good point there. I don't agree that the alderman in the City of Whitehorse has the same amount of work as an alderman in the City of Dawson. I would say they have an awful lot more because there are a lot more projects, even though there are more aldermen, I think they have to lean together more often to solve the overall problems of the City and they sit on committees so that they are meeting all the time. As far as the point of cutting back the indemnity of the municipality of the City of Dawson, I agree with him. There must be some saving grace in this section that would allow ... that would stop this from happening

Mr. Legal Adviser: There would be no difficulty in putting in a third section saying that the members of a council who are getting remuneration less than subsection (1) will be entitled to receive their present remuneration for the duration of the term of office. There would be no difficulty in doing that. It would be a counter provision if this would be the proposal of the House, but this would have the effect of continuing the existing Members in Dawson on their present rate of remuneration, but would the next Council or when an alderman lost his seat the next Council or alderman would come in at the reduced rate. How does it affect the City of Dawson I don't know. They have a certain amount of say in this matter.

Mr. Shaw: You do run into difficulties with something like this. For example, today there will be an election there to elect certain

BILL #8 Mr. Shaw cont:

officers. They will run for two years so when we come to next year, if we did that, the members that came up for that year would be getting less money than the incumbents or the persons that were sitting. That would be a somewhat... well it would be a difficult situation, let's put it that way. I still maintain Mr. Chairman, that in an alderman at the City of Dawson and I know because I've done it, I've had the position, has equally as much work and even perhaps more work although I won't stress on the latter, than an alderman in the City of Whitehorse. They can get committees that will look after public works or they will look after recreation or they can look after some other phase of Administration, whereas in a smaller area, the aldermen all have to belong to the same committee, so when someone mentions that they have less to do, that is absolutely incorrect and I think as I stated in the first instance, that aldermen throughout the Yukon should have the same indemnity. The mayor I agree should be ... is justified to have a difference, but not the alderman. They all have the same type of responsibility and each have exactly the same function and it is just a case of putting more aldermen on if you have more work to do or a larger population.

Mr. Legal Adviser: I'll just point out. Basically subsection (1) paragraph (b) is the existing position for Dawson, is it not so? Where the population is more than a 1,000 and less than 5,000 the sum of \$2,500 for mayor. That is the present position with regard to the Councillor of a City because Dawson in fact is a City, but so far as my recollection goes in the discussions that led towards this Ordinance there was no consultation with the City of Dawson and I'm not sure whether the intention was to actually reduce the remuneration payable to the City of Dawson so much as to add in the extra classification for village in a sense where the population is less than 1,000 the sum of \$1,000 for mayor and \$500 for aldermen so that the basic question I think came from Whitehorse and at that time then, the machinery started to grind in that excellent body that processes legislation which the Members will soon join and they came up with a comprehensive section to cover all cases, but I don't recollect that any discussion was had about definite decrease in Dawson. Possibly it might be possible to, subject to what Mr. Darychuk was saying, to redesign the section in such a way as to allow Dawson to continue as is. Allow at the same time as the increase which has been requested for the municipality of the City of Whitehorse and provide for any municipality of a small population which comes forward, which has not got the ancient prestige and glory of Dawson but maybe say may come forward, such as say the new projected municipality of the town of Faro. Possibly Mr. Darychuk and I could over the luncheon period discuss this, have a quick discussion as to how the members of the Administration would be affected by this and come forward with some compromise. Could I take it Mr. Chairman that the House is satisfied with the section as is provided that the glories of the City of Dawson are not tarnished by the subsections.

Mr. Chamberlist: There is one area, I think there is a word should be changed. If you look at subsection (2), it reads "the Council of a municipality may by by-law provide that a portion of the allowance to be paid to the mayor, reeve or alderman shall be paid as remuneration", I think it should be the mayor, reeve and alderman. Otherwise, it is not both of them, it could be one or the other. I wonder if Mr. Legal Adviser agrees, the word "or" should be changed to read "and".

Mr. Legal Adviser: With the greatest of regret Mr. Chairman, BILL #8
it is my personal opinion and I know that in many of these matters concerning the construction of these, I bow to my very learned assistant. I think that the insertion of the word "or" as I said in relation to this kind of discussion earlier, is a disjunctive conjunctive and the sentence must be read in the following way. A portion of the allowance to be paid to the mayor for expenses incidental to his office. Then there is an "or" which is omitted between "mayor" and "reeve" for euphonious reasons, it used to be in old fashion, the comma has done instead of the "or" and then you would re-read the sentence in relation to a reeve and re-read the sentence in relation to an alderman. This is the way that I think it would be read, but we could consult say Fowler's English dictionary of English Usage or something or something like this.

Mr. Chamberlist: Let's just change the word to read "and" instead of "or".

Mr. Legal Adviser: I'm nervous about making these midnight amendments.

Mr. Chamberlist: Mr. Legal Adviser, I think he tried to get this straightened out but he hesitated when he read it, pay to the mayor and then you go on, reeve or alderman. You see "reeve or alderman" they are different offices, you see. This is what I'm pointing out. If it was Councilmen or aldermen, if there happened to be councilmen on a municipality, you see, or mayor or reeve, which is the head of a municipality, but the way it reads now, I would submit it is "mayor, reeve or alderman" so they both can't get it, only one or the other. Let's make it real simple so that everybody can understand and we don't have another election or something like that and make it "and". It's simple. Don't try to small an amendment like that Mr. Legal Adviser.

Mr. Legal Adviser: I'm not really fighting small amendments. I know that the amendment on the left hand side, the section on the left hand side has to the test of time. I personally didn't draft it. It was drafted by one of my famous predecessors, Mr. Collins and presumably he had a history from other municipal ordinances, it's just that I hesitate to move in. I just express as my opinion that it is correctly drawn. I don't stand hard and fast with this at all, but I would like to have time to think over it and even discuss it with the Honorable Member over a cup of coffee or something, but I am nervous because the "and" definitely has a definite meaning, the difference between "and" and "or", but sometimes the meaning is incidental, so if it is incidental, I'll let it go.

Mr. Chairman: Is there anything further on section 4 at this time? (reads section 5.)

Mr. Chamberlist: There is a possibility on some occasions for the City or the rest of the Council not to accept the resignation and I think there should be... it should be that the date of the resignation should be the date that it is accepted by the Council not the date that it is submitted, because it doesn't necessarily mean that because the resignation is given in a peak of temper that it is going to be accepted. If Mr. Legal Adviser resigns from the Administration, he would surely want the ... he would want to wait until he has been told that his resignation has been accepted and I think that we must give consideration to that. I can't see any harm being done and it would appear to me at least to be much more, much better for a good Council Member a good Council operation because let's say take a situation like this now. Supposing there are four members of a Council and a mayor, three of them

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Mr. Chamberlist cont:

say "now, we'll resign." They give their resignation to the clerk. Bingo, the municipality is without a Council, whereas if you have that clause in that "until accepted" at least there is a Council still operative until another Council or another election is being prepared. Consideration must be given to that Mr. Chairman.

Mr. Legal Adviser: I agree that this suggestion has merit and it is a well known habit of Legal Advisers as well as politicians to hastily walk out of Council Chambers and a cooling off period for a resignation does have merit. There is no question of this, but at the same time, there must be some certainty to it so if the Honorable Member has any suggestions as to how this could be drafted in to give certainty to the resignation because it is at the moment, it's very cloudy. The section saying that he resigned by giving his resignation in writing to the clerk. Now the effect of that would appear to be and this arose I think in an actual case, not very long ago when a resignation was submitted to the clerk with a different date than the date of submission. The resignation was submitted we'll say on day 1 to take effect on day 3 and nobody was quite sure whether the resignation took effect at the time of submission to the clerk or the date in which the resignation was stated to take effect so this is the reason for the submission. There has been no consideration given to a cooling off period, but if it could be reasonably put in there and not to conflict with the certainty of it, I would agree to accept the amendment. It might be for instance, this is just now thinking of it, that a member might be entitled to withdraw the Council on refusing to accept the recommendation made with the consent of the person who has given the resignation, reinstating with effect from the time of the seat of the resignation of the clerk, because if he has resigned, he has resigned. You don't want him to be in a grey area, but there could be the possibility of reinstatement to saving an election. The machinery of this might be slightly off. I'd like the opportunity to discuss it with Mr. Darychuk to see what they do outside or how we could machine something to try to give a cooling off period.

Mr. Chamberlist: I was wondering Mr. Chairman if we could not have a resignation takes effect 72 hours ... rather a resignation takes effect and the seat becomes vacant 72 hours after the receipt of the resignation as received by the clerk and also that a resignation can be withdrawn because you can't reinstate, only their electorate can reinstate. Once a person has resigned, he has resigned and the electorate can then reinstate, but I think there should be a period of time, 48 hours, 72 hours and with the right of an alderman or mayor to withdraw his resignation. Supposing an officer gives in his resignation, he says, "I'm resigning unless I get an apology from the City Clerk for abusing me in front of my wife" or something like that and then he gets this apology. It's a conditional resignation. I think we should cover that.

Mrs. Gordon: You also run into the other problem there too, that maybe the Council is very happy to be accepting his resignation, but he wants to withdraw it and then what happens. He wants to withdraw and he has the right to withdraw to get back into the little gang, but they don't want him.

Mr. Legal Adviser: I think I have it Mr. Chairman, if we add in this third subsection, this would be able to meet the wishes of both Members, hopefully. A third subsection to say, but a notice

Mr. Legal Adviser cont:

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of resignation may be cancelled by the Member at any time prior to the date on which the resignation takes effect. So if says he's resigning, if he is foolish enough to say, to hand in his resignation with immediate effect, bingo, he's gone, but if he says,... if he hands in a resignation to the clerk and says on the first of December and says, "here is my resignation it's taking effect on the first of January", well then at any time prior to the first of January he can withdraw it. Do you think that would sort of meet the bill.

Mr. Chairman: Are we clear on that section then that there is a new amendment coming in. (reads section 6.)

Mr. Chamberlist: Mr. Chairman, might I suggest that we call it 12:00 at this time, because I could go on for an hour on this.

Mr. Chairman: Are we agreed? Committee stands in recess until 2:00 this afternoon.

RECESS

RECESS.

Thursday, December 11, 1969.

2:00 o'clock p.m.

Mr. Chairman: At this time we will call Committee back to order. We are discussing Bill No. 8 and we have with us Mr. Darychuk to answer any questions Committee might have in relation to this Bill. We are dealing at the present time with Section 6 of the Ordinance. Have you anything further on Section 6? BILL # 8

Mr. Chamberlist: If the municipality wish to raise revenue and properly so for the use from those people who are living in trailers and receiving the services, they should tax the trailers, not use it as a means to obtain licenses. Now the very first area that we come across in this section is that Council may pass by-laws for licensing trailers located in the municipality thirty days or longer in any year and for prohibiting such trailers being located in the municipality without a licence therefor. Now it doesn't say for thirty-days at one particular spot, somebody could move the trailer around say two weeks in one spot, two weeks in another spot. You see the prohibition is the thirty days or longer just having the licence, having the trailer in the municipality would make it subject to licensing. Now I would ask Mr. Legal Adviser if a trailer was hooked to a vehicle for more than thirty days in any one year, would it be necessary for the owner to have a licence?

Mr. Legal Adviser: Yes, but it would have to be a trailer which is covered by the definition of trailer in the early part of the Municipal Ordinance.

Mr. Chamberlist: Mr. Chairman, perhaps Mr. Legal Adviser can tell this Committee what is the definition of a trailer for purposes of the Municipal Ordinance?

Mr. Legal Adviser: It's the exact same definition as in the earlier Bill giving the Commissioner power suggesting the Commissioner should be given power to licence trailers.

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

RECESS

Mr. Chairman: At this time I will call Committee back to order. Would you continue Councillor Chamberlist.

Mr. Chamberlist: Well, my objection is not to making those who occupy trailers pay towards the cost of services but I feel the only equitable way that it can be done is by a tax on the trailer, placed either on a percentage of the value of a trailer or as we have discussed in the previous bill on trailers on the value on site of the trailers. If we term in terms of licensing, we're placing a licence on people having to live in accommodation because they are unable to get a home to live here. Now the Honorable Member from Carmacks-Kluane made this particular specific point, it's not the fault of these people that are living in trailers, it's because they haven't been unable to buy homes of a reasonable price to afford to live in. Now to licence somebody to live in a home seems to me all wrong. This is the objection that I had, not with the principle of the thing but the fact that it had been suggested that it be done by licensing.

Mr. Legal Adviser: I regret to say and don't take it I'm conveying any threat to the House when I'm saying this. Either they take the new 117B as the amendment proposed or they take the old one because we're in a box if 117B isn't accepted then the law continues in force as is. The only difference in the new section to the old section it was passed in December 1968 if my recollection is right, by this House is that we are taking out the word except in a trailer park. The reason for taking this out is to change the application of the section to enable the municipality

BILL #8 Mr. Legal Adviser continues:
to make regulations controlling trailers in trailer parks as well as outside trailer parks. Now the original section in when it was put forward in December 1968 basically to enable the municipalities to control trailers in respect of two particular areas of concern. One was the people who had brought trailers onto their property and who are using them for the purpose of subletting or free accommodation for other families living in the same lot and living what came to happen from time to time relative slum conditions. The other leg of the control was to give them control over areas such as up near the dam where N.C.P.C. operate, such like places where people had come and parked their trailer which appeared to be a temporary effort but lingered on from month to month and eventually turned out to be pure squatting on municipal or crown land. Now when the purpose was moved more towards extracting from people resident in trailer, a tax towards the school services and other services in a municipality which they were using but not paying for. It became clear that it would be necessary for the municipality to have the power to extract revenue from people living in trailer parks equally with those not living in trailer parks. This is why the section is put forward. The section has been adapted from other sections relative to control of caravans, trailers, trailer parks and such like things in other municipalities throughout Canada. It's not perfect anymore than the Bill giving the Commissioner similar municipal authority was perfect, but it's an attempt to do the best we can. As I conceive it, for the person who pays money there is no difference between calling the money a licence and calling the money a tax. One would expect that the municipality making such by-laws would follow the line proposed by the Commissioner which would be to charge a licence which might vary with the size of the trailer or the accommodation or the cost of the particular trailer. It would be a provision that where any person paid a licence fee of this height because it can go up to twenty dollars per month, that that person would not pay a licence fee if the trailer seized to be a trailer and became permanent property, so there is no question of double taxation arising. Now, there's no question it's conceded that very many families coming to Whitehorse in this boom time when houses are scarce do find themselves unable to find permanent housing and utilize trailers and mobile homes, some of them of great cost to accommodate themselves in Whitehorse but nevertheless the fact is that these people are using municipal services and Territorial services and not being charged the same relative proportion of money by the way of either tax or the licensee fee that other people pay. So this is put forward as a scheme for getting a contribution from these people. Now if we use the Municipal Ordinance sections dealing with taxation and there's definite merit in attempting to do this. We're into the bind that in respect to a trailer which arises in site in September, it does not count to be effectively assessed for taxation purposes, say it arises in September 1969. It doesn't come to be assessed for taxation purposes until the following September. At that period a change starts off and the assessment is appealed and so on. The municipality in the early spring around about January 6, the rate to be paid, that comes to be paid with effect from March 1971. If they do not pay, they don't have to for another twelve months although at the end of the twelve month period, they would have to pay the amount of tax plus interest at 5% as a penalty. So, if the person moved at the end of that period of time, they would escape all taxation provisions for the previous eighteen months. So effectively, by using the taxation provision we are leaving it possible for massive evasion of their responsibility to take place in these people. By using the licence method and especially if we adopted the licence method suggested whereby it would be paid in advance in blocks of three months collection, then we have effectively done our best with the minimum of supervision and inspection to make it easy to

Mr. Legal Adviser continues.....
collect the money. Now as I see it, I may be very wrong in this but I don't make any particular distinction in nomenclature between tax and licence. In the discussions, quite frankly there were difference of opinion in those who discussed it with the Territorial Treasurer in particular. The word we should use instead of licence is tax and that we should have said that Council may pass by-laws protecting trailers located in municipality and use the expression tax throughout because it is a tax. I took the view and it so happens my argument was more appealing to use the word licence because it fits it with existing forms of revenue from this source. We don't place any distinction in tax licence but we would not object to changing the word tax for licence except that it might lead to confusion with the taxation Ordinance or the taxation provisions of the Municipal Ordinance, and then using court decisions, precedents and so forth, we might find ourselves in a box to having to review in very fine detail all the provisions which relate to a tax shall be payable, a penalty should be provided and penal provisions. This is our difficulty. We possibly might have taken the easier road but we think it's equally affected. Now the municipality has got this power already. We're asking it to be slightly extended, and it is suggested that there doesn't seem to be any serious objection otherwise in the method chosen for refusing the municipality the power which they have requested.

Mr. Shaw: First Mr. Chairman, I agree that the municipality must have the power to collect money which I think is agreed by all Members of Council. There does seem to be quite some opposition you might say to how this is termed, a licence fee or a tax fee. It all really boils down to a dollar bill to any way you look at it. The Honorable Member of Whitehorse East has a very valid point that he did bring up and that is that some trailers are worth two thousand dollars and some ten thousand dollars. It would appear that we have a situation whereby it could possibly be a blank licence fee and that the person that had a very small trailer would pay an equal amount to a person who had one of these elaborate and elegant homes as been outlined by the Legal Adviser. I was thinking that I can see the problem when you call it a tax under the existing Ordinance. Of course that could be circumnavigated by saying that this tax on trailers does not apply or come under the same effect as the normal taxation Ordinance but I think that that would be quite difficult to get around. So, personally Mr. Chairman, I have no feelings on whether you call it a licence or a tax, but I do feel that in respect of this I think that if this would change section (b) with the addition that license fee shall be based on assessed value of trailers but to exceed twenty dollars on any one month would I hope, satisfy the Honorable Member on my left because you would get fair taxation in relation to the value of the property. So, with this provision I think that we would have something equitable.

Mr. Dumas: Mr. Chairman, once again the Honorable Member from Dawson City has shown the wisdom of Solomon. I think his suggestion is a very sound one. The other point that I wanted to make is that here again as we've discussed in other parts of this legislation, this is permissible legislation as far as the municipal Council's of any area are concerned. They may pass by-laws for licensing or taxing or what have you, well licensing in this case. It's not imperative, we're not imposing our will on these Councils. We're saying if they wish to they can. This is in keeping with the feeling that this Committee has shown in other parts of this Ordinance and therefore I would be in favor of passing this section with the change the Honorable Member from Dawson has suggested.

BILL#8. Mr. Livesey: Well, it seems to me Mr. Chairman that part of my answer is being already given. I was going to rise and ask if the municipality had raised this question with the Administration and wanted this type of legislation and I understood just a few minutes ago from Mr. Legal Adviser that it was the case.

Mrs. Gordon: Mr. Chairman, we seem to be having difficulty here where licenses and tax and possibly running into difficulty in legal interpretations and such. I have in my hand a dictionary of synonyms and antonyms and if it will do anything to alleviate our trouble between licence and tax; the synonym for tax are custom, duty, impose, excise, toll, levy, assessment, rate, tribute, contribution, tariff, dues, exactment. If any of these words will fit to rub out the unobjectionable tax or licence, I submit them for your consideration.

Mr. Chamberlist: Mr. Chairman, the suggestion that was made by the Honorable Member from Dawson would satisfy my objections in that there is such a vast difference in the evaluation of different trailers. A licence would have to be one licence a fixed licence because it would licence a home (mobile) or trailer, whereas this particular way it would be based on the assessment of value of the trailer itself. I find no objection to that at all. At this time Mr. Chairman, I would like to put this question to Mr. Legal Adviser for an answer. Supposing a mobile home was placed in the Territory outside of the municipality and the occupier paid his three months tax or licence on this and after about three weeks moved into the municipality, would he have to pay another three months tax or licence?

Mr. Legal Adviser; I'm very glad the Honorable Member asked this question, because it does show the way his mind is moving and that it's the objections to the Bill proposed by the Commissioner to control the area immediately outside the municipality. This has been one of the problems that we are under discussion. Now the proposal was, the intention of the Administration was that we would get out a series of what we would call regulations in the Territorial Administration and by-laws in the Municipal Administration, and we would make an agreement with the municipality of Whitehorse whereby there would be a check-off or a payment across so that if a trailer moved from Takhini to Whitehorse or vice-versa, a credit across would be allowed, balanced at the end of each year because there would be a certain amount of movement to and fro. The intent being that the municipality would receive it's fair share of revenue from trailers moving in from unexpired portions. We would receive a fair proportion of revenue for people who are moving out into a trailer camp in Takhini. This is the intention. Now if I may be allowed to deal with the question of amending paragraph (b) of 117B to deal with the question of charging a licence fee by assessment. I would request that the members not press this point to far because I am aware that part of the difficulty in collecting licenses from trailers is the number involved and the difficulty of individual officers of making this type of assessment when a person comes up to paying his assessment. Now, I know that the Territorial Secretary would be administering this in all probability for the Commissioner. We might find ourselves administering this on recruitment for the municipality that is, a person coming in to pay his licence fee would be given a central office which could handle the two things and debit the licence revenue for anybody who happened to be downtown, to an account to be transferred to a municipality and to a different account on behalf of the Territorial Government. Now what we had under consideration was a variable licence fee depending on the size of the trailer. This is the method that I understand is adopted in B.C. and similar places that if it's a twenty foot

Mr. Legal Adviser continues....

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trailer, so much, a thirty-foot trailer, so much, or a forty-foot trailer, so much. Now this would have certain merits in that bigger trailers tend to be used by people with more money and also to an extent by people sending more children to schools. Actual assessment is a difficult thing because it's not really the type of assessment that our assessor is used to. It's more a garage mechanic or a garage service or salesman's type of deal then for he has a catalogue and can check off the cost of the trailer and trust the amount for depreciation. In addition to that, if you're doing it on evaluations, the value of a trailer changes much more markedly than a house and it tends to change downwards than not upwards, so I would ask that they go cautious on this that if they insist on having a variable and don't trust the municipality to put in this variable themselves, we could easily draft in a section a permissive section which would probably operate saying "licence fee may be varied in respect of a trailer according to the size or the cost or something.

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

Mr. Taylor: I still can't understand why you don't call a rose a rose. In other words, why don't we say a trailer tax. I can see difficulty arising here for this reason. We're discussing and we have been discussing for some years now how we can tax trailers generally throughout the Territory. Now a suggestion I put forward yesterday as to how this might be achieved. Now if we do achieve this, we are going to have two taxes going on trailers. We're going to have them taxed in a normal routine of same thing as school tax and this type of thing and assessing them, and I think this is a real good idea that has been suggested as a means of assessment, but we're going to have two taxes roughly for the same purpose, at the municipal level at least and what happens again, you're talking about taxing people in advance. You're talking about taxing them for a period which they might even be here. Is this right or the proper thing to do, to tax somebody three months and what happens after they've been here for a month and decide to leave the Territory. Can they get their tax rebate? This is so loose-hinged, there's nothing concise about it. This is what I don't like. Mr. Legal Adviser, how does this work?

Mr. Legal Adviser: The idea of doing it in advance is to make it a shade easier to collect. If it's a question of arrears, it becomes a bit more difficult. What the various thoughts floating around was that a person would be given a tag to hang on his trailer and possibly some way of authenticating it every three months or you could take a year's tax or vice-versa and of course there is no objection as the Honorable Member knows to doing this in advance because the theory of the thing in all municipal taxation except apparently in this Territory is that you always pay your municipal tax in advance, because the budget is propounded in advance expecting a certain revenue you try to get the revenue in advance in relation to the taxation year in 1971. People are penalized if they don't pay at the start of the year. When you go down to tax your car, you pay your ten dollars for the taxation year 1970-71 and I never heard of anyone squaking very much about it, but there will have to be any person who taxes ahead for a year, will have to have some method of coming along to collect the balance of his unspent tax for the balance of the year during which he did not live here. This goes without saying, this is part of your arrangement and I understand this is being done.

BILL #8. Mr. Taylor: Well, Mr. Chairman, I come back to this situation whereby a person has a trailer and he moves it onto his own land, his lot, puts it on a foundation. How do we get around that? There's nothing specifying here that he can't be or be seized to be taxed and my second point was my initial point. If this is a tax, the only people who can lawfully permit taxation in the Yukon Territory or territorial level is this Council. So if we're going to impose a tax or impose a right upon a municipality to levy a tax, why don't we call it a tax. Why are we calling it licences or anything else for, why not call it for what it is?

Mr. Legal Adviser: As I say, it's pure semantics and the difficulty of making sure in the Ordinance that you do not confuse with the ordinary tax. This is the reason for it, but to answer the other question to the Honorable Member, when what we conceal to be a trailer by definition becomes a fix to the soil so that the assessment officer, the assessor is satisfied it's real property and ceases to be movable property, at that point of time it is no longer a trailer. It becomes subject to taxation under the Taxation Ordinance in the case of property outside of Whitehorse, and in Whitehorse it becomes subject to the municipal taxation law in the normal way. This is what happens when they put on a concrete print, put down a skirting or rise it up and connect it to the mains. There comes a time at which it becomes real property, an improvement. When it's defined as an improvement, it's no longer then.

Mr. Shaw: Mr. Chairman, I would quite agree with the Legal Adviser's interpretation of how there can be differences in relation to the value. There's just one little matter though that has come to my mind and I wonder if thought has been given to this that when these trailers are being licenced and the municipality obtaining the licence, how will the Territorial Government get school tax from a licence so that these people that have children, the Territory provides education, how would the Territory reasonably get a fair share of this revenue from a licence existing in the Ordinance.

Mr. Legal Adviser: They won't get it in a straight-based method. The effect of it will be that the known revenue accruing to the account will be known and an adjustment can be made, in grants to the Council. It can be taken out into account in formulating the amount of money for which the Council will be given in any particular year. Now a real difficulty will arise if the municipal government of Whitehorse imposes taxation or licences of any size within the municipality, there will be a mass migration like the Jews leaving Egypt out of the city across the Red Sea into Takhini, now, unless the House sees fit to amend it's thoughts in regard to letting the Commissioner stop this wholesome and very sound legislation.

Mr. Shaw: I cannot see how the Territory can adjust to deprive this revenue on a mill rate of taxation without, it would appear to me that concurrent with this Mr. Chairman, it would be necessary once this is passed, it will be necessary to have a taxation Ordinance concurrent with this. Then we'll say that when licence fees are collected in a municipality "x" number percent or something is to form part and parcel of a school tax. I think that would be necessary legislation to go with this.

Mr. Taylor: I have just one more question before I resume the Chair. Am I to understand then that all the we've been talking, we're not talking about collecting tax, school tax and real property tax for direct return to the Territorial Government?

Mr. Legal Adviser: Not in the terms of this. We've first of all BILL#8 to get this passed. The essential nature of this was that we have this trailer problem with a large number of families equivalent to a municipality. The increase in families under Territorial jurisdiction is would bear resemblance in cost, the expense of a village in the increased number of children going to school. It might run to a very sizeable sum. The Director of Education could probably give you figures without any difficulty whatsoever of the increased number of children that he would know of coming from trailer parks to be educated necessitating increased services, but under this particular section there would be no direct transfer of money. The first thing to do is allow the City to make parallel legislation with the Commissioner. Now, what we would hope of a subsidiary legislation. Perhaps this might be a tactless way, but the Municipal Council has already this power. Using the power it has in 117B as it is, it could not impose an across the Board licence fee to raise money for revenue purposes because basically 117B as is a controlling section and since they can't make or put the licence fees in a trailer park, of course there's no point in raising any kind of substantial revenue from it. It would be unjust, unfair. So it needs this new amendment plus the parallel legislation for the Commissioner to do the same thing, but of course if you turn to the back of the Bill, the Honorable Members will find that although the Commissioner is seeking power to control trailers and take licence fees, if the legislation is passed then virtually 90% of the problem is solved by this particular section, because the municipality will be then of a noble size.

Mr. Taylor: Mr. Chairman. One final comment here is that I just want to say that I agree with the right of the municipality to raise revenues by licensing trailers, but I would like to say I disagree, if this just be a licence, this is fine you know for where some civic service is given to the trailer within the municipality. If this is going to be a tax, than those tax revenues should be put towards education and taxation on real property and this type of thing and if this is not the case, I just can't see the sense in it.

Mr. Legal Adviser: Mr. Chairman, it is a tax in that sense. I think the House is aware of the fact that there is a certain percentage of real property tax charged by the City for educational purposes. I think it is sixteen mills if my memory serves me correctly. Now we're not laying down here in this particular section that say 12 1/2% or 15% I think the figure would be that 15% of this revenue must be transferred from the municipality to the Territory to be devoted to educational purposes. One would hope that this tax can be budgetted for and spent for the general City purposes one of which would be Education.

Mr. Livesey: I have two points I would like to raise. One is, now it becomes obviously clear that in the municipality the elected people that comprise the Municipal Government may tax their trailers, but if you want to go outside the municipality, why we're going to have the laws made by the Three Wise Men. They're going to be done by regulation through the Commissioner over which we will have no say whatsoever, whereas in a municipality at least you can get at the fellow you elected because you can tell him, you put that through brother, we'll run you out of office within the next election, but how are we going to run these three wise men out of office outside of the municipality. That's what I would like to know. That is a discrimination against the people who don't live within the municipality. They are going to have their regulations where they want them or not and they're not going to be able to make any contribution towards yea or nay as to whether they are going to be bad or good or indifferent.

BILL#8

Mr. Livesey continues.....

Another point I would like to raise Mr. Chairman while I'm on my feet is the question of collection of these taxes within a municipal area from trailer parks. If I remember the story correctly, there was a little argument not so long ago where an owner of a trailer park was forced to collect electric light fees and power fees from his trailer, and I don't believe that anybody was able to enforce this situation. How are you going to collect these fees from the trailers in trailer parks. Are you going to try the same thing as what's been tried before and already turned down, or has the Honorable gentleman now sitting in the seat of the Legal Adviser any suggestions along this line.

Mr. Legal Adviser: This will be a licence fee. There should be some common place for the people to pay their money and there should be some document or something to show that they have paid their tax. A checking inspector will check these things. Hopefully it will be easy enough to check it at a trailer court or unless the poll tax case suggested by one of the Honorable Members still holds water, we would pass the collection on to the owner of the trailer park in a perfectly normal routine commercial way.

Mr. Taylor: I will resume the Chair at this point. Councillor Chamberlist.

Mr. Chamberlist: Firstly, I wonder if Mr. Legal Adviser can answer this. What happens if a person living in a trailer refuses to pay a licence, do you turn him and his children out of the trailer?

Mr. Legal Adviser: Oh no, you wouldn't do that. There is no more charitable person in the enforcement of this type of legislation than the Commissioner, certainly and I'm sure that Mayor Wybrew is as equally charitable as the Commissioner.

Mr. Chamberlist: Well, what occurs when that's another beating around the bush, let's get a straight answer Mr. Chairman. What occurs when an occupier of a mobile home refuses to pay a licence for housing his family, what would you suggest would take place from there on?

Mr. Legal Adviser: It means if a person owning a luxurious trailer, five thousand dollars or more and he refuses or neglects to pay his tax, in the first instance I presume he would be sent a letter or requested by the inspector to bring himself into line with the statute which is no doubt going to be passed by the Council. If he failed on the first warning, there might be a more severe warning on the second occasion. On the third occasion, I think it's quite possible he would have committed one of the general offences under the Ordinance, and I think he will be then required to pay just like he would be required to pay his tax for his motor car or his ski-doo or his hotel or anything else he might happen to need a licence for.

Mr. Chamberlist: Well Mr. Chairman, is Mr. Legal Adviser suggesting that he would be prosecuting for failing to provide a licence for his home?

Mr. Legal Adviser: I am not suggesting anything but the Member was just asking me to suggest various hypotheses by which this Ordinance could be enforced and of course enforcement may become necessary.

Mr. Chamberlist: Well it's necessary at this time while we're going through this legislation to know how one would be able to penalize a man who didn't want to pay a licence to house his family. He can't object to paying a tax on his property if it was a tax, and this is where I'm forced to come back to an area of discussion that it is improper to declare it a licence to live in your own home. If they wish to tax, I see no reason and no way out because if tax is not paid there could be seizure, but can there be seizure if the licence isn't paid. Can Mr. Legal Adviser answer that? BILL #8

Mr. Legal Adviser: I think it might necessitate a court case. Then it would become a debt due to the Council. It would largely a question for the Municipal Council to decide in the last instance in what manner they wish to enforce the Ordinance.

Mr. Chamberlist: Well, it's not a very satisfactory reply but I am gathering from the last piece of dialogue between Mr. Legal Adviser, Mr. Chairman and myself, that Mr. Legal Adviser has now had an area pointed out to him where there may be much difficulty, and I'm sure he'll be considering this particular thing during the next few days because I don't see this particular piece of legislation going through in the next few days. Now, the other point that comes to my mind is this: we're very concerned that we encourage tourism, that we encourage people to stay two weeks, four weeks, six weeks. We encourage them to come through the Territory, we want them to stay for a while, while they're passing through to Alaska and on their way back we want them to come and stay again. Now when they come through, they come via the south highway, they come in and they're going to be in the Territory for about 16 to 21 days, then they go out, they leave the Territory they go into Alaska and they come back again for another 21 days. That means they have been in the Territory for 42 days, but the Council may pass by-laws for licensing trailers located in the municipality for thirty days or longer in any one year. So consequently, now we're going to tax our tourists. We're going to licence them because their trailer has been in the Territory for thirty days or more cause they have been in the municipality for thirty days or more. I wonder Mr. Chairman how Mr. Legal Adviser is going to overcome that situation?

Mr. Legal Adviser: Well, the matter has been considered Mr. Chairman. We thought that thirty days was a nice round figure, but assuming the Honorable Member is going to vote for this section, there will be no question of whatsoever of putting in forty-two days if that is the figure he would wish, or sixty days. It's just the question of picking a reasonable figure.

Mr. Chamberlist: Well, why do you not exclude people that are coming in with out-of-town licence plates or people bringing in their trailers and living in them. You see, this is a piece of legislation that hasn't been given sufficient to take into those areas specific cases where as I have mentioned. Now, once again Mr. Chairman if the Administration would have come along to the elected representative and got their ideas in their programming Committee, you would have the help of seven intelligent people who are looking into these things very closely but as is usual, the Legislative Programming Committee ignores completely the elected representatives, takes no notice of the fact that they do get delved into areas that might help them in bringing forward legislation, and now find themselves with an area of legislation that has to be amended to make it right.

BILL#8 Mr. Legal Adviser: This is quite true Mr. Chairman. We did not take the views of the Members on this particular case into account in formulating this particular section, at least not the details of it, because at least we thought we were aware that the Members would be consistent. When this section was debated at length on the previous occasion it came before the House the Members un-animously agreed that in order to exclude tourists, the figure we picked of thirty days was the correct one and we didn't think that in the single year that had passed that the situation would change so drastically that we should make any change. We just produced the section now, that twelve months ago the Members thought was perfect. We picked thirty days because I think it was the suggestion of the Honorable Member himself who picked thirty days.

Mr. Shaw: Mr. Chairman, I have another suggestion. This isn't facetious either. I see no reason we seem to have quite a problem between defining a licence and a tax and so forth. Why could this not be called a trailer licence tax? This could be defined in the interpretation Ordinance as to what it indicates and what the purpose is for. Now when I say tax, a tax is merely something you put on something. You tax one's ability, knowledge, you tax one's patience and my patience is getting very much taxed in this particular instance, but when you have a situation like that, those words indicate exactly what it means. It defines it so clearly that it is no problem in knowing what it means.

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

Mr. Livesey: Mr. Chairman, I think that the Administration better take another look at both the trailer licensing Ordinances outside of the municipality and the trailer licensing inside a municipality and we just forget about the whole thing right now and let them come up with something that sounds more sensible.

Mr. Shaw: Well Mr. Chairman, we are within a municipality at the moment. I think we try and resolve this problem first before we get outside the municipality.

Mr. Chairman: Well, am I to understand Mr. Legal Adviser that there will be an amendment forthcoming from ..in this section?

Mr. Legal Adviser: Yes, I'll bring in a new sub-paragraph (b) saying that the licence fee may be varied depending on the variations or some formula to permit the variation depending on size, accommodation or what have you of the trailer.

Mr. Chamberlist: I take it Mr. Chairman that Mr. Legal Adviser will also be bringing in an amendment to make sure that tourists are not licenced when they're coming through to spend their money, the money that we're trying to encourage them.

Mr. Legal Adviser: Well there's no way of describing a tourist. There are tourists who are big and small or fat and thin. A tourist is a person who does certain things and in relation to a trailer, we're taxing trailer we're not taxing the people who live in them. We're taxing the actual fact that the trailer is being occupied, so what we got to do is to fine the trailer depending on the length of time it stays in a certain place. Our advice from the Director of Tourism was that people who are genuine tourists, bonafide tourists do not stay in Whitehorse in trailers for longer than thirty days at one time. Now we don't want the situation where people will be able to stay for twenty-nine days in Whitehorse, move up to Takhini for twenty-nine days, go down there for twenty-nine days and back for twenty-nine days, or some such rigmarole and escape any form of licensing whatsoever.

Mr. Chamberlist: Well Mr. Chairman, this is most improper for this because I gave an example of a possibility of forty-two days and now we're talking about an extra twelve days. If we read that section, it doesn't say for thirty days continuously. It says for thirty days or longer in the municipality in any year. Now that means that we can have visitors from Fairbanks, Anchorage or Juneau or in fact from B.C. that can come in three or four times a year because they like it up here, so they come up for ten days five times. So we're going to say to these people that you have to pay a licence because you're coming in and you like our Yukon. This is what I want to get away from. I don't know how it can be done because I'm not the Legal Adviser but certainly Mr. Legal Adviser should take some consideration in finding a way of where this area of legislation can exclude people who are travelling from other parts of Canada, other parts of the states, who may during the course of one year be staying in a municipality for thirty days keeping in mind that supposing in the area of Watson Lake, if this happened and the people from Lower Post travelled in and out with their house-trailer and stayed for a few days at a time, they wanted to go fishing up the highway or something like that, that there shouldn't be a penalty imposed upon because they want to come in and spend their money in the Yukon. If you're going to look at amendments Mr. Chairman, I suggest that Mr. Legal Adviser also look at the amendment of that particular angle as well and I am prepared to discuss it privately with him as well.

Mr. Chairman: (Reads Section 7 of Bill No. 8)

Mr. Chamberlist: What is the purpose Mr. Chairman? I wonder if Mr. Legal Adviser can advise why this alteration is being suggested?

Mr. Legal Adviser: This is to enable the municipality, particularly the municipality of Whitehorse without so much present who-ha to give grants of up to ten thousand dollars in the aggregate instead of as it is here five thousand dollars in the aggregate in the first place, and then without the approval of the Commissioner they make it five hundred dollars. Now these grants are grants of our city taxes basically.

Mr. Chamberlist: Well grants in lieu of taxes? An explanation is required of that because it refers to the authorizing of grants to any person society or organization, so where are we talking about grants in lieu of taxes?

Mr. Legal Adviser: Well, basically they collect the taxes to pay it back. This is basically the idea.

Mr. Chairman: Clear? (Reads Section 8 and 9)

Mr. Chamberlist: Mr. Chairman, being so interested in giving the municipality the rights to do the things they want to do themselves, appears that there has been some information made just recently that the situation in regards to split elections be changed so that all candidates be elected at the same time. Now there was a reason before why this shouldn't occur so that there would be some continuity in the City Council, but now with the renewal of the office of City Manager, the continuity of the Administration remains there and consideration should be given to amending, so that all candidates will be elected at the same time.

Mr. Legal Adviser: Yes, Mr. Chairman, this is under consideration. ~~it will have to be discussed and agreed between the~~ any of Councilors involved and the Administration.

BILL #8 Mr. Shaw: Mr. Chairman, I've been representing fifty per cent of the municipalities and I have communication from the Council of the City of Dawson in respect to paragraph (b) and all I have here is, paragraph (b) should be taken right out as it defeats the purpose of democratic elected choice. I am afraid that I am at a loss for words right at the moment to explain that Mr. Chairman. I don't know what the thoughts are based on or how one would have anything different to what is here, but I did want to bring it to your attention. In a situation like that I don't know how you would choose who should be on the longest and who should not be and it does seem reasonable that the first person that gets his nomination in is the most interested person and therefore entitled to

Mr. Chairman: Well at this time I think we will declare a short recess.

RECESS

Thursday, 11 December, 1969.
3:30 P.M.

Mr. Chairman: I will now call Committee back to order and we have in addition to Mr. Darychuk, Mayor Bert Wybrev with us to assist Members of Committee in discussions of this Bill. We are presently discussing Section 9. Have you anything further on Section 9? Clear? Councillor Shaw. BILL
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Mr. Shaw: I was wondering Mr. Chairman if the Mayor feels that Section 9 is a fair enough situation?

Mr. Legal Adviser: If I might intervene, Mr. Chairman. Sections 9 and 10 were both inserted at the request of the municipality to govern the position when there are different terms of office going up for election at the same time so that Section 9 deals with a case where the number of vacancies is equal to the number of candidates. Section 10 is when the candidates are greater in number than the number of vacancies and in each case the problem is who to give the one term to; and to whom to give the two term to.

So this was the method chosen; that is, in the case where there is going to be no election and where the number of candidates and the number of seats are equal, the first person to hand in his nomination to the nomination officer in point of time, he gets the longest term and so on backward. In the case where there is an election the candidate getting the most votes gets the longest term and so on.

Mr. Chamberlist: Now this Mr. Chairman, I take it that if it does come about that there will be a review so that all candidates will go out at the same time, these Sections will not be required and they will be withdrawn.

Mr. Legal Adviser: That is correct Mr. Chairman.

Mr. Chairman: May I proceed? (Reads Section 10, 11).
Councillor Shaw.

Mr. Shaw: Mr. Chairman, to go further with the communication from the Council of the City of Dawson. They feel that when a vacancy becomes apparent within six months, that the Council shall leave that vacancy unfilled; in other words it's not necessary, if one member should resign, leave office within six months and that seems quite reasonable, there really is no necessity to go through the expense of an election at that time and if it is just within six months, that vacancy shall be left open. That might be something for Members of Council to give their opinion on. It is a very short period of time.

Mr. Chamberlist: Mr. Chairman, I think that there has been an error made in drafting here. If a vacancy occurs within six months before the next regular municipal election, the Council may leave that vacancy unfilled until such election, surmizing that the vacancy occurs in five months it is left unfilled. Now, if a second vacancy occurs an election shall be held to fill both vacancies so that two months before regular election another vacancy occurs, according to the way this is put, you have to have a by-election for two. What is the idea of that?

Mr. Legal Adviser: I agree. The Member with his usual perspicacity has found a bald spot shall we say, Mr. Chairman and if I had the views of the House as to what time the chopping board should come down I would be quite prepared to draft an amendment to put hair on the bald spot.

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Mr. Shaw: Mr. Chairman, regarding hair, which I lack, I would suggest that within six months that you declare them unfilled until the next election because you have the balance of Council to continue for a very short period and if you have to have an election say possibly two months before, or by-election two months, or make it four months.

Mr. Wybrew: No, I have to agree with the Honourable Member from Dawson and Whitehorse East that this is a problem, the time element, we don't want an election just two months prior to the regular election.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: There is only one point I would like to raise, Mr. Chairman and that is the word "may" is used may leave that vacancy unfilled which would allow, the way it's written, would allow the municipal council still to proceed with an election if they so saw fit.

Mr. Legal Adviser: Would Council be willing to leave it with me so that I can discuss it because there are other sections to be considered that are affected but we could narrow it down and we could either leave it six or four months but six months seems reasonable. Elections are normally held in December so this would mean anybody, if there was a vacancy on the Council from the previous June I think it would be, or May. So, if they don't wish to deal with the question of two vacancies, well we wouldn't press the point. This is largely because we came up with an inconsistency which has always been in the Ordinance. One Section said "you shall hold an election" and the other said "the Council need not hold an election". So this is an attempt to cure this. I'm not sure if it cures it in a satisfactory way to the Members but it is not a Federal case; if the Council would leave it we could discuss it with Mayor Wybrew and Mr. Darychuk and come up with some suitable amendment.

Mr. Chairman: Agreed?

All: Agreed.

Mr. Chairman: (Reads Section 12)

Mr. Dumas: Mr. Chairman, could the Mayor advise us as to whether he has been consulted in all of these triangulations and so forth?

Mr. Wybrew: No, Mr. Chairman, we have had no discussions.

Mr. Dumas: Mr. Chairman, could Mr. Darychuk tell us what Mile on the Alaska Highway north this extends to. We know it is Mile 905 south but what mile north?

Mr. Darychuk: I'm sorry, I would have to look up the map Mr. Chairman. I believe it takes in Porter Creek and Crestview.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Yes, Mr. Chairman, I'd like to say this must be the fastest growing City in the Yukon. I've never seen such advance so quickly, so rapidly and so huge. This extends almost, it would appear it takes in the metropolitan area; is that correct?

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, I wonder if Mr. Darychuk could

Mr. Livesey continues..
tell us how the area covered compared with the City of
Vancouver.

Mr. Darychuk: Well Mr. Chairman, the City of Vancouver
is only one small part of a large community which,
unfortunately, is divided into several separate municipalities.
We are trying to avoid that here by incorporating the
Whitehorse community, including into the Whitehorse community
everything that is in the Whitehorse community, socially and
economically.

Mr. Shaw: I would like to ask Mayor Wybrew, Mr. Chairman,
if this is the desire of the municipality of Whitehorse to
be this particular size?

Mr. Wybrew: I can't answer that Mr. Chairman because we
want to know the costs of servicing and maintenance, we
want to know the situation with regards to the maintenance
of the Alaska Highway, the Yukon Territorial Government roads,
and the land ownership and also what happens to the Yukon
Territorial Government employees. There are many things we
want to know, basically the arithmetic. We know at the moment
nil.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, really, getting down to the nitty
gritty of it, nobody has been consulted on this thing; not
the City of Whitehorse, not the areas that are going to be
the proposal suggested that we incorporate in the City,
people haven't been sought out for their opinions to find
out if they want to come into the city or if the present
tax payers of the City want to have the boundaries extended.
There apparently has been no survey as to the economics of
the situation. Talk about midnight amendments, Mr. Chairman,
this is fantastic.

Mr. Livesey: Mr. Chairman, is this the normal procedure, when
a City having legal boundaries wishes either to enlarge
itself or take on more territory, or apparently somewhere
up in the high levels of another government someone wants to
expand these facilities over the heads of these gentlemen
who happen to look after these various areas, isn't it usual
that you apply to another subdivision outside the City
boundaries to ask them if they want to join? It seems to
me that they are going here to a higher level of government
than the municipality and asking us to make a decision about
which we never had the opportunity yet to find out whether
the people want to joint into this group or not. I wonder
if Mr. Darychuk, Mr. Chairman, could advise the Committee
why this approach has been made rather than go to the sub-
division outside the present boundaries of the municipality
of the City of Whitehorse and why the outside subdivisions
have not been contacted and their opinions expressed?

Mr. Chairman: Mr. Darychuk.

Mr. Darychuk: Mr. Chairman, there is no municipality out-
side of Whitehorse. We are talking about annexation of
territories in the southern part of Canada, the addition
of land to one municipality means taking land away from
another but there is no municipality outside of Whitehorse.
The second part of the question "Why weren't the people
consulted?" There is no Council that we can consult, there
is no recognized statutory authority with whom either
Whitehorse or the Territorial Government can deal outside

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Mr. Darychuk continues..
of the City of Whitehorse.

Mr. Chamberlist: Well there are the elected representatives
of the people.

Mr. Chairman: Order, please.

Mr. Livesey: I don't recall ever making an expression with
reference to any municipality outside of Whitehorse. I
believe the proper expression in relation to Whitehorse is
the municipality of the City of Whitehorse and this is
properly and legally defined by boundary. What I am talking
about is, were the outside subdivisions, that is the word
I used, Mr. Chairman, "subdivisions" in Porter Creek,
Crestview, Hillcrest and any others that you want to name;
were any negotiations affected with these people to ask them
their opinion if they wanted to join in this plan and become
part of the City of Whitehorse. This was the question and
the other question I would like to raise is; was the Council
of the Municipality of the City of Whitehorse approached
and asked if they wanted to extend their boundaries to
these limits?

Mr. Darychuk: Answering the second question first, Mr. Chairman,
exploratory meetings have been held with Members of the
Whitehorse Council and work is in progress now with the
administration staff of the Whitehorse City Council and the
Administration staff of the Department of Municipal Affairs
in order to arrive at some pro form of budget that could be
developed for this whole area. Any calculations that are
made depend, as Mayor Wybrew has stated, upon government
policies with regard to sharing or doing certain things in
the community outside of the present limits of the City of
Whitehorse. The first question, were the people of the
various communities on the periphery of the City consulted,
no, they were not consulted. There is no machinery by which
we can set up under your Ordinances, by which consultation
can take place on a formal basis. That is one reason. The
other is; the consultations with the City of Whitehorse and
with the other major property owners, meaning the Department
of Public Works, are still continuing and there is no definite
proposal as yet regarding financial arrangements and
responsibilities for certain services to be provided for
this area, like water and sewer and so on. And therefore,
we are not in a position to submit a definite proposal to
any of these communities. That is why consultation with the
individual members of the communities or with the community
representatives have not taken place.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Yes, is it then, has it then been thought by
the Administration that this elected body would pass this
Ordinance which would definitely define the boundaries of the
City of Whitehorse in view of the answers that Mr. Darychuk
has just given the Commissioner?

Mr. Darychuk: It was hoped that - I think that the Commissioner,
in his opening address to Council, has indicated some of the
very serious problems which are facing the Territorial
Government; which are facing the City, the people of this
community, because of the very unrealistic boundaries which
have been set. The problems are mainly financial ones, the
way that settlement has developed in and around Whitehorse is
a very costly method of building a community. There is a need

Mr. Darychuk continues..

for some single authority over all planning authority and need for decisions to be made by one authority covering the whole area with the aim in mind of benefitting the whole community. If the Council should, in its wisdom, decide to pass this legislation amending the boundaries or a change in the boundaries of the City of Whitehorse, I would not anticipate that this would be proclaimed and go into effect immediately. There is a great deal of work to be done but this is one way, I suppose, of finding out what Council thinks and whether they think that enlarging the boundaries will solve the problems that are facing us. If this is the answer, then the machinery can be set in motion; the dollars and cents can be figured out as the Mayor has proposed and details can be worked out in due course. But if there is an enlargement of boundaries I would not expect it to go into effect on the first of January of this coming year. but a year from now, yes, I think by that time we can work out the details.

Mr. Livesey: In other words, Mr. Chairman, the Administration thoroughly expected the elected legislative body of the Territorial Council to say "yes" to setting and defining the boundaries of Whitehorse without any time for consultation, arguments, decision, listening to the various groups around the time; in other words, they actually expected us to take this on and say "yes" to this whole thing without any conversations taking place with the people involved. Mr. Chairman, I think this is really a bad situation.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, the situation that .lops now is not new to the history of the municipality of the City of Whitehorse. The municipality itself became a municipality, became a corporation as a result of a previous Commissioner saying that these are the boundaries of Whitehorse, you've got it. This was after a plebiscite was taken to see whether or not those people living in the then townsite of Whitehorse would accept becoming a chartered municipality. Now, there is no doubt at all that there is legislative authority to extend the boundaries of the City of Whitehorse without having to go to either the people within the existing boundaries or to those people living outside the existing boundaries and inside the area of the new boundaries. I don't think we can dispute this at all. There are areas, at times, where the rights of people that I have often defended, have got to be taken away from them for the benefit of the larger amount of people altogether, for the good of the public. Now, as far as I am concerned, as a business man, when I see the waste of money, of duplicated services time and time again in the various communities surrounding the City of Whitehorse, I think it is time to say "let's put a stop to it". We are also being foolish inasmuch as the Federal Government are just laughing at us because we are not making use of the grants and monies that can become available to Whitehorse itself once a metropolitan area was formed. Areas where government houses are on, where Federal government land is being in use when not one cent of taxation goes to the coffers of the Territory or to the municipality. It is sitting waiting in Ottawa to be picked up. Now if we really are serious about looking after the interests of the Territory as a whole and getting into the Yukon Consolidated Revenue Fund, monies that we sorely need, we mustn't say just completely, let's forget this. Certainly this to me is a very harsh method of saying here is something that must be done. I would much prefer

BILL Mr. Livesey continues...
NO. 8 to see that the areas laid out in the Municipal Ordinance where taxpayers in certain areas in the City itself can say whether or not they wish to join with the outside areas and the outside areas can say whether they wish to join with the municipality, should take place by plebiscite. I would prefer to see that but there has been a try at that and some people have been narrow-minded to the extent that they haven't seen what is required to do for the benefit of the whole area. Now, I know and I have been told that if I would support the metropolitan plan and the metropolitan area it would be political suicide for me. Well, I am not that interested in having to play against people and up to people simply for political reasons. I must think for the good of the whole area basically, for the metropolitan area to be enlarged. But, where I will draw the line, and I say why take in so much, why not take in those areas that we can get the benefit of taxation, where our services to the municipality can be extended in such a wise way that we can gradually increase the outside boundaries if we want to. Can anybody deny that the Robert Service, that the Service Road with the industrial area in that particular part, with the taxation that we could get, would not be of benefit to all the people of the municipality, could anybody deny that in Takhini where there are homes and land and Federal public buildings where we can get grants in lieu of taxes, would not be beneficial to the people of the Community. Can anybody deny that in areas where there is in fact the whole of the airport where we could get grants in lieu of taxes, could not be beneficial to the people of the municipality. I think that there is no point whatever in taking a look at this situation and saying we don't want to go in there. And we must leave it for the people to decide. As I said right at the beginning, sometimes you have to make a distasteful decision and it may be a distasteful decision for some people, but I say we must look towards enlarging the municipality so that the tax base structure can be increased; so that we can benefit from the taxes and the grants that are lying idly in Ottawa waiting for us to pick up. Before I would though, support in bulk this area which we see on this map, I would argue strongly that that area is too large; that we don't need it. We don't need the mountains in the City of Whitehorse; that we can't get any tax structure from mountains in the City of Whitehorse; that I think that those who planned the metropolitan area originally and brought those lines in might have brought them in for recreational areas only but if we take them in we would be responsible for maintenance in those areas which may be considerable, may be costly but please, Members of this Committee, do not just wipe out this suggestion. Let us review this very carefully and what it would mean to the over-all economy of the municipality and the savings to the Territorial Government coffers by the tax funds that we will be getting in from other sources. We would also be encouraging in the areas more industry to come in and spend their money for development as well. I would ask Mr. Chairman, that we consider very carefully before we just set this aside so please look at the area that is being decided and I think this is where we should say, together, it is too large. Let's get a little bit closer in. Thank you Mr. Chairman.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Thank you Mr. Chairman. What concerns me about this particular schedule; Mr. Chairman are two things in particular; the size of it, and as the Honourable Member from Whitehorse East mentioned, you are going right up the mountain-side. Is this necessary to get up to an altitude of about

Mr. Shaw continues..

5,000 feet in one place? And another thing, if Council accepted something like this, you would say, would it then be a situation whereby the powers that be could say to the City "well, that is the City property, you look after that, it is no longer our responsibility". Now, to do something like that Mr. Chairman is absolutely unthinkable. I can't see how that could reasonably be expected and yet, at the same time if the law was established; if this were the City boundaries, without question it would be the City boundaries. The points that the Honourable Member from Whitehorse East has raised are extremely valid but at the same time I feel quite alarmed personally, at the size of this community; like I said, it was the fastest growing city that has ever happened any place. It would appear that before this Committee could pass something like this that will need a little more discussion and a little more detail and perhaps a little more planning to arrive at just what would be a reasonable boundary. I recollect quite a number of years ago, about 8 or nine years ago that I was certainly one who was a strong proponent of having a Whitehorse Metropolitan plan because that is the way in which you could lay out the city and where you could extend the boundaries and of course the land was frozen and it was frozen, Mr. Chairman, for the specific purpose of being able to develop the City in an orderly manner or give the City an opportunity to extend their boundaries; and as a result of that, the land was frozen. No one could buy the land or do this or do that. Well, of course, that was quite sensible because it would not be very long before these boundaries, the boundary of the City as it was would be enlarged a little here and a little there but it seems that there has been no enlargement in that period of time, except perhaps maybe in the Riverdale area, and I am not quite sure about that. So that the progress has really been stopped and it does require something to make this change, but to go to this extent is a big undertaking and furthermore, I would like to ask Mr. Legal Adviser, Mr. Chairman, if the Committee accepted these boundaries as outlined in this paper would that mean, or could it mean anything else but that this was the City of Whitehorse and therefore it was their responsibility?

Mr. Legal Adviser: There is no way out of it Mr. Chairman if the boundaries are accepted, they are taken from the description of the Whitehorse Metropolitan area and the regulations dealing with the Whitehorse Metropolitan area. This is where the boundaries come from. All the legal attributes, duties, powers, liabilities and so on of the City would be extended to this area.

Mr. Shaw: Well, Mr. Chairman, of course I am very anxious to hear from all Members representing the Whitehorse area because this is their baliwick and certainly their sentiments will have great influence on the way I think about this particular thing but at the same time I just cannot see the justification for saying to a group of people, which we are in this area, saying "you are responsible for this and that and that and something else", something that the Territorial Government is having quite a time to administer; in fact they have admitted that they cannot even administer it so give that to another group of people and say, you can do it better than we can. It may be so, but it is going to take a large infusion of money, in cash, in order to develop this from a central point such as that. I think I have said enough at this particular time. Of course, I will want to hear what the Honourable Members from Whitehorse West and North also have to say on the matter. I assure you, Mr. Chairman, that

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Mr. Shaw continues...

I will be very concerned with what their reactions are.

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

Mr. Chamberlist: Yes, Mr. Taylor.

Mr. Taylor: Well, Mr. Chairman, I wouldn't miss this one for the world. I cannot remember how many years ago it was when the Metropolitan Plan was first suggested but it is some years back and it was at great expense and great consideration that the Metropolitan Plan was formulated by C.M.H.C. and other parties involved. The idea of seeing orderly development, as the City of Whitehorse grew and the areas around it, to keep under some control the industrial development and this type of thing but it seems to me and it is grossly unfair as a matter of fact, to suggest that at this point in time we just suddenly extend the City boundaries of the municipality of Whitehorse to cover this entire metropolitan area which is obviously far, far too great. I see nothing wrong in continuing along with the plan, the metropolitan plan but it seems to me that the first instance we learned of this was in the Commissioner's opening address. In his opening address out of context, I take this; it would appear that either the City's boundaries must be extended to coincide with the metropolitan area boundary or liquidate the municipality of Whitehorse and create a special department of government to administer the metropolitan area. Now, this is the first we heard of it and apparently the City of Whitehorse really has not been involved in any discussion of any consequence relating to this, from what I gather in discussion today. It just seems to me that it is a direct insult to the City, the people of the City of Whitehorse and their intelligence; it's a direct insult to the intelligence of Council and it has got to be a direct insult to the other people who live around here, Takhini, Porter Creek, McRae and wherever to suggest, or even to lay this type of legislation before us. Bang, there it is; accept it or reject it. It is just entirely possible that maybe these people outside the city boundaries of Whitehorse may not wish to be a part of this power franchise agreement which exists in this community. They should be consulted if they are out beyond the five mile radius of the main corner here. What about the talk, all the talk we had when we asked for the take-over of Camp Takhini by the Territorial Government. This was part and parcel of the D.P.W.-Alaska Highway take-over, that couldn't be resolved, the sewer system, etc. etc. What about the involvement of Hillcrest. These are the things I think we should be looking at when we talk about extending the City boundary. As the Honourable Member from Whitehorse East pointed out, let's get more taxpayers in there. If we can let's work out the problem and see where we stand in relation to grants to aid the municipality to do this. This seems to me a more realistic approach. You probably have the only city that I know of in Canada that's got a producing mine in it; you take in New Imperial. What do they think about it. Has anybody ever consulted them? I doubt it. You take the position; I believe it was stated today by Mr. Darychuk that there are no people around to discuss these problems with but we certainly have a Porter Creek Citizens Association; I believe there has been much talk about making an improvement district out there but we have, we certainly have a group of citizens at Hillcrest who I believe are quite capable of speaking for themselves at that level and these people have representatives on the Territorial Council who are quite concerned as elected representa-

Mr. Taylor continues...
tives with the course of events as they occur in their district and affect the people they represent. And so as I say we haven't even sat down with the Municipality of Whitehorse and here is the Commissioner in his opening address stating it is going to be one or the other. The government will liquidate the City of Whitehorse and create a special, another department of government to run the thing. Well, this is totally unreasonable and I really think that the government should be severely chastised for bringing this whole matter before us in the form of a piece of legislation. I think it would have been much better for the administration to sit down with very concrete proposals and then maybe a year or two years from now, after hammering this thing out with all these people I just mentioned; mainly the City of Whitehorse, and starting away, asking industry, asking these small areas, the Porter Creek people and working out, and it will take a year and maybe two years to iron this out, and then come with a piece of legislation, but not in this form slapping it on the table and say, OK fellows you accept it or you reject it. If you reject it, well that's it. So, just entering the debate, those are my thoughts. If I was a resident of the City of Whitehorse I would be highly insulted that the Administration threw my City before the Council in this manner and there is no other way that I can view this thing. It's a very, very bad thing to do as far as I am concerned and it seems to be the type of thing that faces us all through this Session. The Government are demanding or taking, it just doesn't make any sense at all. I would certainly not support this thing and I certainly hope that no one at this Council table supports it but I do agree with the suggestion by the Honourable Member from Whitehorse East that we look and discuss ways of getting some of these smaller communities adjacent to the City as it now exists, but God, to go the mountain goat road from mountain top to mountain top; it has just got to be the most ridiculous thing I have ever heard of.

Mr. Dumas: Mr. Chairman, I wonder if the Mayor of Whitehorse could tell us if he would be in favour of Committee accepting this at this time and how he would look upon this?

Mr. Wybrew: I think you will find that the City Council, which includes myself, are of much the same opinion as expressed here today. You would like to know the arithmetic too. We have yet to have this opportunity. We are not for or against because we don't know what it's all about and it is that simple.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, a couple of other observations. In principle I agree with this schedule but I think that there is a lot of discussion that is going to have to take place. About 40% of the electors in Whitehorse West live outside the present city boundaries but within the greater Whitehorse area. The other 60% are inside the City boundaries. Now, notwithstanding the fact that some of these people right now are opposed to any extension of the city boundaries, it is my feeling that the boundaries should be extended to include those areas immediately adjacent to the city. I also agree with the Member from Whitehorse East who says that taking in these mountains is kind of unnecessary. The other point, and I feel very strongly about it, is the blatant unveiled threat that was delivered to Council by the Commissioner. There is no other word for it when he says "either or" such and such must be done. It was unnecessary for him to even suggest. It was wrong for him to even suggest that the City of Whitehorse would unilaterally

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Mr. Dumas continues..

be disbanded and another government department created to look after the whole area. On that basis too I would reject this Schedule as it is presented here. I think that discussions must be undertaken; I think that now we have it in the open discussion can be undertaken with the community organizations outside the City of Whitehorse, with the City of Whitehorse, with Council Members particularly that are involved and with the Administration. I suggest that this be done over the course of the next year so that possibly in twelve months' time the Council that sits then may be able to deliver an intelligent decision on this proposal.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Just before I resume the Chair, Mr. Chairman, I would like to say that it is my hope and I would like to leave the honour, I would like to propose a motion at this point to leaving this section, but I would like to leave that honour to one of the Whitehorse Members but they have my full support. Thank you. I'll resume the Chair.

Mr. Chamberlist: I would hesitate to having the section removed completely because I believe, as I have already expressed, in the principle that is there. Now, if there was a motion to remove, I would be saying that I am opposed to the extension of the boundaries of the City of Whitehorse which I am not opposed to. I am certainly opposed to the extensions that have been declared in Schedule B and while I am talking I will be thinking of the suggestion that has been made by Councillor Taylor and I might change my view as to moving a Motion in this regard. It must be clearly understood that I would like to see those areas where an immediate tax result can be beneficial to the City of Whitehorse, be brought into the area, but I agree with what his Worship the Mayor of Whitehorse says that the mathematics of the subject have not been brought forward. They have not been brought forward to him and his Council and certainly they have not been brought forward to us here in these Chambers. We, therefore, are in the dark as to what the ultimate benefit in dollars and cents will be to the municipality although I feel confident that the benefit to the municipality will be great. To me what is really required is not so much a dogmatic attitude as the Administration, through the Commissioner's statement in his opening address at the time of the opening of this Session of Council, but that it be recognized by the Administration that we as a Council cannot bend to what has already been expressed as a threat by the executive administrative officer of the Territorial Government. If for any other reason than that, I would deny completely this particular section because of the manner in which it has been presented to us but at the same time I cannot be a sentimentalist. I just recognize the fact that we need these areas that are already building up, brought into the greater Whitehorse area. I think, Mr. Chairman, it is necessary to let the Administration know that we are not opposed to the expansion of the City of Whitehorse but are opposed to the area designated to be the City of Whitehorse. Now, I think the only way we can do this and I have come to the opinion that the only way we can do it is to ask that this Section be deleted and that the Administration discuss with the Members of this Committee; we should have them discuss with us and say, now what area would you propose should be brought into the City of Whitehorse and then discuss it with the City of Whitehorse Council after they have had their election and some of the people are lucky enough to get elected and then say at the meeting of the minds, this is what must be done. Then bring in those areas, the

Mr. Chamberlist continues...

Service Road, the Industrial Area, Takhini, Valleyview, and I insist that there is a necessity to bring these Federal Government areas in because nobody is benefitting; keep that in mind! Members of this Committee must keep this in mind and this is the gospel truth that not one cent of taxation is coming into the Territorial Government at all on any of these Federal areas. I would ask that Mr. Darychuk, perhaps when I am finished, support whether I am incorrect or not in this and this is what must be kept in mind. Now, before I make this particular Motion I wonder if Mr. Darychuk would perhaps expand on the areas of benefit by way of grants that the City of Whitehorse would derive if those Federal areas were taken into one large municipality.

Mr. Darychuk: Mr. Chairman, it is true that the Federal Municipal Grants Act provides for payments to municipalities of grants in lieu of taxation on Federal property located within the municipality. The City of Whitehorse receives a grant in lieu of taxes from the Federal Government in respect of Federal property in the City limits but the Territorial Government, with respect to communities outside the city limits is not in a position to receive grants in lieu of taxes because it is not an incorporated municipality.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: In view of what I have already said, Mr. Chairman, I would move that Section 12 of Bill No. 8 be deleted.

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

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Before we leave discussion of this Bill, Mr. Chairman, and leave the impression that the Administration was making a demand. I think if my memory serves me correctly in relation to the Commissioner's opening address, that, to be quite fair about it, I think he threw in his shock troops in there and more or less tossed them in there and although it may look as he was going to ride rough shod I think if we reread the Commissioner's opening address, I think we will see there that he more or less anticipated that this thing was going to get tossed out through the window. In other words this was a case of, well here it is and this is what I am going to do but at the same time I don't expect that you are going to do it and naturally I don't see how we could. I mean, this is just too rough. We couldn't accept a thing like this; it's absolutely impossible. However I do agree with the Honourable Member from Whitehorse East. I certainly can see the possibility through negotiations, through discussions, through the exchange of views, through the offering of information, facts and figures in relation to the possibility that the City may be enlarged and naturally, talking to the City of Whitehorse. This is obviously necessary. I can certainly see where we can consider Hillcrest, Takhini and so on; those things on the actual perimeter of the present City. Certainly these things sound sensible, Mr. Chairman, but to accept this in toto the way it is is just too big a chunk to be able to chew; that we can chew. We can't chew anything like this. We couldn't accept it. I couldn't even consider it. It doesn't really make any sense whatsoever so I think the best route for us to follow is to eliminate Section 12, Schedule B and reconsider what we figure is the next best plan after considering all the facts that have been discussed this afternoon.

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NO. 8 Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I wonder, in extending these boundaries, for example if this was extended from here right through to Hillcrest, would that take in the Air Port and if so, would that be subject to a grant from the Federal Government.

Mr. Darychuk: Yes, Mr. Chairman.

Mr. Chairman: Is there any further discussion on this Motion? I have a Motion moved by Councillor Chamberlist, seconded by Councillor Dumas that Section 12 of Bill No. 8 be deleted. Question has been called. Are you agreed? Are there any contrary? I declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: Have you anything further in relation to the Municipal Ordinance with the witnesses today? Councillor Shaw.

Mr. Shaw: We have deleted this particular Section from the Ordinance; now have we anything to take its place; in other words - that is fine. I just did not want to throw it out and say we are going to do nothing else about it. I think this requires a little more investigation.

Mr. Chamberlist: Mr. Chairman, I think while we are discussing the Municipal Ordinance, I wonder what consideration may be given to having the Municipality be concerned about the courtesies that can be given to Members of this Territorial Legislature in exactly the same way that we are prepared to be courteous to them. His Worship is here and I feel that I must bring it forward to Members of this Committee with reference to the almost impossible situation where each time I go down I find my car being ticketed although there is an area set aside for Territorial Councillors and we find that the City is not enforcing their own signs having been put up and not clearing that area for the use of the Territorial Council cars. Now, I understand that Administration officers have consulted and have informed the Municipal Administration with reference to this and there have been wishes expressed by members of the Territorial Council that some provision be made for the Territorial Council vehicles and I wonder if your Worship at this time, Mr. Chairman, his Worship would indicate whether or not he is prepared to do what he can to see that provision is made.

Mr. Chairman: I am wondering if this is the decision of Council, Councillor, or if this is just a question from an individual.

Mr. Chamberlist: Just a question from an individual.

Mr. Wybrew: Well, as far as Council is concerned, the City has always extended this courtesy, especially to the Members from out of town who have so far to walk. They have always extended this courtesy; however it was never on the books. We are having a special meeting Saturday morning at 8:30 and I am sure that they will pass a motion putting it on the books that this area be set aside while Territorial Council is in session. In the meantime, instead of parking in front of meters and in front of signs, it would be advisable to park

Mr. Wybrew continues...
on Third Avenue which is another fifty feet, and you will
not receive a ticket.

Mr. Chamberlist: You can't find a place; there's no room there.

Mr. Wybrew: I'm sorry Mr. Chairman, but

Mr. Chairman: Have you anything further in relation to this
Ordinance? Councillor Chamberlist, would you take the Chair
a moment?

Mr. Taylor: Mr. Chairman, I have something further to say
dealing with this Ordinance and it would require the attendance
of Mr. Darychuk but it occurs to me that we are going to be
having some meetings on land regulations although maybe this
won't fit either. I'll tell you what my problem is and I'm
hopeful we will get started on it here anyway, and that is
the area in the Ordinance whereby, under the Municipal
Ordinance we can establish a village. Down in Watson Lake
there is a move afoot between the Administration, I believe,
and the Local Improvement District, to encourage the people
down in that area to consider becoming a village. Under the
Ordinance, Mr. Chairman, there are only two ways you can do
it and one is where it appears to the Commissioner that any
part of the Territory should be made a village and he is
satisfied that the proposed village will have not less than
50 ratepayers. He places this resolution before the
Territorial Council. Now, where he doesn't do this, mind you
there is a..... here; the Territorial Council either approves
or disapproves of it and then within two weeks of the posting
of the notices - let's see - the Commissioner receives a
petition of complaint containing the signatures of not less
than 25 ratepayers, we can refer it back to Council and
Council kill it. But where the Commissioner receives no -
pardon me - where the Commissioner receives a petition contain-
ing the signatures of not less than 100 persons residing
in an area in the Territory, requesting the establishment of
a village and is satisfied that the proposed village will
have not less than 50 ratepayers, he may cause notices and
so forth. There is no way that Council become involved if he
receives a petition from 100 ratepayers. I assume these are
ratepayers we are talking about. We say residents but should
we not be saying ratepayers; this is why I am saying possibly
we might have to take a look at this. It's 50 ratepayers in
respect of -we can have not less than 50 ratepayers but 100
residents can sign this thing so maybe we had better take a
look at that. Now, it is further my understanding that at a
meeting held in Watson Lake, and I believe Mr. Darychuk was
there and Mr. Ben de Kleine, the matter was put to a vote of
the citizens. Apparently it was a fairly lengthy meeting and
many didn't vote, I understand because they didn't understand
it too clearly or they felt the period involved in this Motion
was too long but apparently the motion dealt with this. It
asked that no village be considered for a period of one year
in order that one year in order that one year could be given
to the weighing the thing back and forth, finding out what
the advantages and disadvantages of having a village under the
Municipal Ordinance would be. The vote was taken and 36 people
were in favour of that vote and 22 were opposed to it. Now,
as far as I am concerned that should in my opinion settle the
matter but there is also this Section in the Municipal Ordinance
which permits a receipt of a petition and it has been brought
to my attention, either rightly or wrongly, and I would like to
ask this question to have it clarified, that the trustees of the
Local Improvement District, in conjunction with the Department

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Mr. Taylor continues...
of Municipal Affairs, in spite of the 36 to 22 votes to defer it, are indeed getting a petition up and trying to get 100 signatures, is this correct?

Mr. Darychuk: Mr. Chairman, I don't think in my heart that that is correct. I think that the Trustees feel they are bound by the decision of the people who voted there but there are ratepayers who are not on the Trustee Board who feel they are not bound by the decision of the meeting and they can go ahead and try and get a petition. The Department of Municipal Affairs and the Administration are not conniving with anybody. We were there to bring about incorporation. If that is what the people want we will assist them, explain to them what the implications are and whether they incorporate or not I don't think is of great personal interest to me or to the Department. We will assist them but we are not encouraging anybody to go out and take petitions.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I wonder if Mr. Darychuk could tell me as to whether there was consultation with the Elected representative from that area sometime prior to the meeting that you were at in an advisory capacity, I take it, regarding the village status coming about in the Watson Lake area?

Mr. Darychuk: Unfortunately, Mr. Chairman, although I had hoped there would be consultations, it was not possible to do so. The local people had set their own meeting date and they advised us, as representatives of the Department, to attend. I was not aware that the Trustees had not consulted with the representative of that area.

Mr. Chairman: From the Chair, Mr. Darychuk, I wonder why you didn't advise Councillor Taylor because he was in town here at the time that you went out there?

Mr. Taylor: Mr. Chairman, the thing is that I was aware that they were going to approach this thing but I didn't know how they were going to do it and neither did they when I last saw them. But I would have liked to have known what was going on from the Administrative end here. However, apparently this was not done as in most instances of like nature. What I was looking for; I'm getting reports from Watson Lake, I even have a man coming in here on the weekend who can possibly explain it further but I am getting reports by telephone that the administration are involved in the circulating of a petition and I am trying to track this down so that is why I asked the question.

Mr. Darychuk: That is not so, Mr. Chairman.

Mr. Taylor: Well, I would ask, Mr. Chairman, that the Municipal Ordinance be held in abeyance for a little while anyway until I can get this thing straightened out. Thank you, Mr. Chairman, I'll resume the Chair. I wonder if Mr. Darychuk could be excused at this time. Oh, Councillor Shaw, yes.

Mr. Shaw: Mr. Chairman, my remarks have no reference to Mr. Darychuk because he hasn't been here long enough to have had any say in the particular matter, and that is, it happened before with reference to changes to the Municipal Ordinance. All of a sudden I get to this Council and I find here there

Mr. Shaw continues...
the Municipal Ordinance. Well, Mr. Chairman, there are -
I do get this Municipal Ordinance prior to Council sitting,
sometimes a few weeks, but as you are well aware, three or
four weeks, it doesn't matter if it is six months. As you
are well aware, Mr. Chairman, this is a confidential
document. I cannot go to the municipality and say, well
here is the Ordinance that is coming up, what do you think
about it. So, the only time that I can have any contact with
them regarding this, or any other person, Mr. Chairman, other
than a Territorial Councillor, the only communications I can
have is after the Bill is tabled in the House. So, when I
get here here's this Ordinance. In representing a municipality
I'm supposed to know what they want and don't want. I may
not agree with their wishes but at least I should know what
their feelings are on the matter and every time I have to say
to Council, will you give me a little time. I'll send this
Bill down to the municipality and find out what their opinion
is. It seems somewhat foolish, particularly when we do have
the Department of Municipal Affairs and it would appear to
me Mr. Chairman that all they would need to do is to, in
the course of their duties they would have the different
changes they were intending to make so they could get the
opinion of the Council of the City of Dawson as well as the
opinions of the City of Whitehorse when these matters are
of about equal interest to both municipalities. Now, if it is
something peculiar to this city or to that city up there, well
of course it doesn't really mean a great deal, but when you
do make the changes, it is quite simple to discuss with them
certain things and say we may be changing the Ordinance; what's
your opinion on this? If that were done it would make it a
great deal easier for me and I think a great deal easier for
all concerned and I would very much appreciate, Mr. Chairman,
that in future if they would do that it would certainly help
me a great deal, and I think that this body and also them-
selves to get the viewpoints of some of the outside areas.
Thank you, Mr. Chairman.

Mr. Chairman: I would like to convey, on behalf of Committee,
thanks to Mr. Darychuk for being with us during the discussion
of this Ordinance and also to Mayor Wybrew; he has now left,
but thank you very much. Is it your wish I report progress
on Bill No. 8?

Members: Agreed.

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

Mr. Chamberlist: I will second the Motion.

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

MOTION CARRIED

MOTION
CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:15 a.m.
this morning to discuss Bills, Sessional Papers and Motions.
I can report progress on Bill No. 19. Mr. Darychuk attended
the Committee to discuss Bill No. 8. It was moved by
Councillor Chamberlist, seconded by Councillor Dumas that
Section 3 of Bill No. 8 be deleted and this Motion carried.

Mr. Taylor continues...
Committee recessed at twelve noon and reconvened at 2:00 p.m.
Mayor Bert Wybrev attended Committee also to discuss Bill No.
8 and it was moved by Councillor Chamberlist, seconded by
Councillor Dumas that Section 12 of Bill No. 8 be deleted,
and this Motion carried. I can report progress on Bill No. 8.
It was moved by Councillor Dumas, seconded by Councillor
Chamberlist that Mr. Speaker do now resume the Chair and
this Motion carried.

Mr. Speaker: You have heard the report of the Chairman of
Committees. Are we agreed? May I have further indications
of the Agenda for tomorrow?

Mr. Taylor: Mr. Speaker, for tomorrow we have Bills, Sessional
Papers and Motions.

Mr. Speaker: Is there any further business?

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

Mr. Speaker: It has been moved that we call it five o'clock.
Are we agreed?

All: Agreed.

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

Mr. Speaker read the daily prayer. All Councillors were present except Councillor McKinnon.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. I have for your attention this morning the tabling of Sessional Papers No. 57, 58 and 59. Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution? Notices of Motion for the Production of Papers? Passing to Orders of the Day, under Motions, Motion No. 13, is it still your intention to pass Motion No. 13 in view of the absence of the Honourable Member for Whitehorse North?

Some Members: Agreed.

Mr. Speaker: Motion No. 21, moved by the Honourable Member for Carmacks-Kluane Lake, seconded by the Honourable Member for Watson Lake, "That Sessional Paper No. 15 be moved into Committee for discussion". Question has been called. Are we agreed? I will declare the motion carried.

MOTION #21

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: I wonder, Mr. Clerk, if you could ascertain if the Commissioner is now present and could be made available for the Question Period this morning? I will call a five-minute recess.

RECESS

RECESS

Mr. Speaker: I will now call Council back to order. We will proceed with the Question Period, and the Commissioner is present with us. May we welcome him back to the Yukon.

Mr. Commissioner: Thank you very much, Mr. Speaker. It's a pleasure to be back. It's the only place in Canada that has the uncontaminated atmosphere that one can breathe.

Mr. Speaker: May we proceed?

Mr. Chamberlist: Now that you're back, the position might have changed.

Mr. Commissioner: I'm sorry, I didn't get that one, Mr. Speaker. Could I have that repeated, please?

Mr. Speaker: I wonder if that was a question to the Chair.

Mr. Taylor: I wonder, Mr. Speaker, if Mr. Commissioner has any comments to make in respect of the Constitutional Conference and how it went for the Yukon down there.

QUESTION RE
CONSTITUTIONAL
CONFERENCE

Mr. Commissioner: The direct consequences, should I say, of the Constitutional Conference as they affect the Yukon are possibly not too apparent at the present time, but really, when you stop to consider the context in which the discussions are going between the provinces and the Federal Government, when you sort of analyse this and get it down to the bear-faced facts which is really dollar bills, when it comes right down to it the discussions are not too much different than what we ourselves are conducting with the Federal Government. It is namely, there is one dollar and who is

going to have the authority to spend it. The direct verbal references to the Yukon were only made at one time when a map was produced which outlined the Senate and districts in Canada, and the Prime Minister took the opportunity to point out to Mr. Bennett that there was a very heavy line drawn between the northern borders of British Columbia and the southern borders of the Yukon Territory particularly for Mr. Bennett's benefit and Mr. Bennett in turn, of course, made it very clear to the Prime Minister that British Columbia at no time had attempted to annex the Yukon, they were simply putting forth a plan to take care of some of the problems that the Federal Government had with the Yukon and it was apparently rejected out of hand. The general tenure of the discussions I think were quite important as far as all Canada is concerned, and I'm well aware of the fact that when something of this nature is being televised on a continuing basis, much of the time the comment is not really entirely for the consumption of the people around the table, but is possibly directed to the people back home who are the voters. But, it was very interesting to note that there were very few of the things that came up in which any one part of Canada was in total disagreement with any other part of Canada. In other words, there was a lot of common ground that I think is a very important thing for Canada's future. We here in the west I think are a little bit inclined to discount some of the things that we hear concerning activities in the Maritimes concerning their possible evolution into one economic unit and also some of the things that we hear comment on about separatism and its possible effects. We're a little insulated from it, but they're real facts of life when you hear them discussed at such a conference as I had the pleasure of being at. I'm sure that Councillor McKinnon, when he returns, will have further comments on this, but it would certainly appear to me that while the differences are just as great possibly today as they ever were prior to the conference or after the conference are not too much different. The fact that everyone is still talking is in itself a mark that confederation is hardly ready to break up.

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

QUESTION RE MORE RESPONSIBILITIES FOR COUNCIL Mr. Chamberlist: Mr. Speaker, a question to the Commissioner. Mr. Commissioner, now that you have returned from Ottawa, I wonder if you could indicate to Council here today whether you have had any subsequent conferences with the Minister of Indian Affairs and Northern Development with regard to added responsibility for the Territorial Council and what was the nature of these conferences and what discussion took place.

Mr. Commissioner: Yes, Mr. Speaker, I can certainly confirm I have had the opportunity of speaking further with the Minister on this, and I was advised by the Minister that until he has had an opportunity to speak further with the Prime Minister as the Prime Minister asked him to do in the meeting at which we all attended, that there was little or nothing that he had to comment on at this time.

QUESTION #36 Mr. Chamberlist: Mr. Speaker: I have a written question for Mr. Commissioner. Mr. Commissioner, some concern has been indicated to me of the future plans for the Whitehorse Elementary School. The advice I have is that the Superintendent of Schools proposes to revamp completely this school's operation. I wonder if Mr. Commissioner could give me any written information on this particular subject?

Mr. Commissioner: Yes, Mr. Speaker, we would be pleased to bring forward this information. Could I ask, would the Councillor be kind enough to indicate whether this is a management rehashing or are we talking about a physical rehashing? Would he be kind enough to indicate this?

Mr. Chamberlist: Management and educational facilities within the school itself.

Mr. Speaker: Are there any further questions?

Mr. Shaw: Yes, I have a question, Mr. Speaker, for the Commissioner. QUESTION RE BRIDGE FOR DAWSON AREA
The Council has passed various and sundry resolutions unanimously in respect of commencing a pre-engineering survey of the possibilities of constructing a bridge in the Dawson area. I wonder, Mr. Speaker, if the Commissioner has had any indications while he was in Ottawa that this might come about during this winter?

Mr. Commissioner: Mr. Speaker, I don't think that there is anything that I have pursued with any greater vigour than endeavouring to get a policy statement from the Federal Government about their intentions concerning a permanent crossing of the Yukon River at Dawson City. The reluctance of the Federal Government to conduct any kind of study is answered in a technical manner, namely, that they don't want to spend the money on surveys, site surveys, ground testing, soil testing, soil sampling on possible sites until they are somewhat closer to the realization of the money that will be necessary to build the bridge. As you are well aware, there is a ten million dollar annual program for road building north of 60 in Canada and to the best of my knowledge, the full ten million dollars has never been spent in any one year for a variety of reasons. However, the question has continually come up that if road building is to be limited to this ten million dollars per year, that major bridges have got to be excluded from this program or else, either you're going to go on a bridge building program or you're going to go on a road building program because ten million dollars in any one year does not suffice to proceed with a program of both road building and major bridge construction. I'm happy to say that there does appear to be a basic agreement that major bridges, and there are two that are badly required in northern Canada at the moment, one in the Northwest Territories and the one in the Yukon Territory to cross the Yukon River at Dawson City, it would appear that this has been accepted and that funds for these bridges will be provided as soon as possible separate entirely from the ten million dollars annually that is made available for road construction purposes. Now, this in itself might not seem like a very great amount of progress, but I think that when you consider this in its total context that the fact that major bridges are to be looked upon outside of this road building program is quite an accomplishment in itself. The scheduling on the northern road program for the bridge across the Yukon River at Dawson is sometime four or five years hence. The possibility of getting that brought closer I think to a very great degree is going to depend upon the amount of mining activity that is taking place. Now, I think that you are all aware that Cassiar Asbestos Corporation has seen fit to exercise the option to move some of their products via the State of Alaska. This may have more bearing, or should I say, bring more pressure to bear on the Federal authorities to the realization that the permanent crossing of the Yukon River and the routing of this asbestos are much closer tied than what they had originally anticipated. It is very possible that this action on the part of the Cassiar Asbestos Corporation, which I'm sure was done to protect their market interests at a time when their other sources of outlet were closed off because of the longshoremen's strike, this action in itself will hopefully bring forward the date of construction of this permanent bridge across the Yukon River at Dawson City.

Mr. Chamberlist: Mr. Speaker, a question addressed to Mr. Commissioner. Mr. Commissioner, is there any possibility of a report being brought forward by the Administration re the violence and robberies that have taken place in the Whitehorse area. I wonder if Mr. Commissioner could obtain from the Inspector of the R.C.M.P. QUESTION RE REPORT ON PREVENTION OF LAW-BREAKING
the position as to what is being done to prevent the continuous happenings.

Mr. Commissioner: Mr. Speaker, I think this is a matter of utmost public importance not only here in Whitehorse, but throughout the Territory. I think that we're all aware that while we have had our troubles over the years, this type of crime has not been particularly dealt with and we all know that it has been going on and is a serious matter. Mr. Speaker, I wish to assure the Councillor I will have a report brought forward and if he has any particular points in mind, I wonder if I could request that he would put this in the form of a written question, please, Mr. Speaker.

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

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

RECESS

RECESS

Mr. Speaker: I will now call Council to order. May we proceed with the Question Period. Are there any further questions? If not, will the Honourable Member for Watson Lake please take the Chair?

Mr. Taylor takes the Chair.

QUESTION #37 Mr. Livesey: Mr. Speaker, I have a written question to the Administration with reference to the Carmacks community. "1. What plans are in progress to either improve or maintain the airstrip at Carmacks? 2. What plans are now in progress to provide new street lights for Carmacks and are any included for the area north of the Yukon River? 3. Is it the intention of the Administration to appoint a Territorial Agent to provide government services to the community of Carmacks?". Thank you, Mr. Speaker.

Mr. Livesey resumes the Chair.

Mr. Speaker: Are there any further questions?

QUESTION RE
PHYSICAL
FITNESS
FUNDS Mr. Chamberlist: Yes, Mr. Speaker, a question has come to mind to Mr. Commissioner. Mr. Commissioner, could details of the physical fitness funds be made available to Council, and especially how that fund has been distributed during the past year.

Mr. Commissioner: Mr. Speaker, would Council be satisfied with total figures under each program, because if they would, I can bring it forward very quickly as I had this prepared for my own information here not too long ago. What I mean by total figures under each program, I'm not saying it would be just three figures but it doesn't indicate for example, say that there has been money made available under a training program for, say basketball, this would be an item, would Council be satisfied with the total under that heading?

Mr. Chamberlist: Mr. Speaker, I have asked for a detailed report of where the money has gone to. I want an account of it.

Mr. Commissioner: Mr. Speaker, make no mistake about it, we're prepared to give an account. The only thing is, if I could be permitted to bring forward the information we have readily available, would Council then advise me if this is detailed enough. Would that be satisfactory?

Mr. Chamberlist: Mr. Speaker, I wish for a complete accounting.

Mr. Commissioner: Mr. Speaker, you have my assurances it will be brought forward as quickly as possible, but I certainly would have to have a few days to have this done.

Mr. Shaw: Mr. Speaker ...

Mr. Speaker: Order, the Honourable Member for Watson Lake.

Mr. Shaw: A point of order, Mr. Speaker. Would not something like this come under the heading of Production of Papers, Mr. Speaker?

Mr. Speaker: This is the Question Period, and the Chair has the authority according to your rules to transfer this to Motions if necessary.

Mr. Taylor: Mr. Speaker, I did have a question I wanted to ask Mr. Commissioner this morning in relation to Justice, and I'm wondering, Mr. Speaker, if Mr. Commissioner could inform Council as to whether or not any discussions have taken place with the Minister of Justice in respect to the proposed changes in the judiciary in the Yukon?

QUESTION RE
CHANGES IN
JUDICIARY

Mr. Commissioner: Mr. Speaker, from the Administration end, no discussions have taken place up to this point. While I'm on my feet, Mr. Speaker, is it Council's intention that we would have an opportunity to examine around the Council table the content of the Minister's announcement? Is it Council's intention to bring this up for discussion at this Session?

Mr. Taylor: Mr. Speaker, in reply to Mr. Commissioner, I was under the understanding that the Minister would be holding discussions with us in this regard, and I felt that at that time we would become involved. I was just curious as to whether the Administration had done anything up to this point, Mr. Speaker.

Mr. Commissioner: Mr. Speaker, when I was in Ottawa during this last few days, I inquired of my Minister if there was any possibility of having a discussion with the Minister of Justice but it wasn't possible because the Minister of Justice was in attendance on a continuing basis at the Constitutional Conference. There was opportunity to speak with officers of the Department, but, quite frankly, and with respect to these people, this matter is a matter of which is under the pervuew of the Minister of Justice and he alone. He is the Attorney General of the Yukon, and he is the man to whom this matter in my humble opinion has got to be referred for discussion purposes. I may say, Mr. Speaker, that until there is some pretty clear cut understanding from the Minister, and it is very possible that perhaps at the Administration level, we should be directing a letter to the Minister of Justice, asking him for full detailed clarification on the items in his paper, which at that point I could bring forward to Council. This may be the means of getting this discussion underway. I think, Mr. Speaker, that the Councillors are all aware of the fact that personally I feel the nub of the justice question has not been answered at all, and unless there is something wrapped up here that by inference that is not stated in words, we are just exactly in the same position after the Minister's announcement as we were before, namely, that the Attorney General function is neither present in the Yukon as a Federal function nor is it present in the Yukon as a Territorial function, but remains in the hands of the Minister in his office in Ottawa.

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

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

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

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse East, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers and Motions. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

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

Mr. Taylor takes the Chair.

Mr. Chairman: I will just declare a brief recess.

RECESS

RECESS

SESSIONAL
PAPER #1

Mr. Chairman: At this time I will call Committee back to order, and the first Sessional Paper is Sessional Paper No. 1. Councillor Chamberlist, I believe.

Mr. Chamberlist: Mr. Chairman, I wish to ask the Commissioner, on the basis of the Sessional Paper, the reply he has given to the question, re Acorn Lumber Company, I must say is a somewhat negative answer, and the results appear to be negative too. I would like to know whether Mr. Commissioner is making any attempt to attain for the people of the Yukon Territory information relative to any agreement that takes place between the Federal Government and others that will eventually affect the people of the Territory?

Mr. Commissioner: Mr. Chairman, I would like to answer in the affirmative on this question. Now, further to this, I believe that this matter was taken up by either Council as a group or Councillors as individuals with the Minister when he was here several weeks ago, and I have been instructed by the Minister to find the ways and means of conveying to the Council the contents of resource activities in the Territory. The first way that this will be done will appear in your newsletter for the month of November, Mr. Clerk? You will find that there will be a supplement to the newsletter indicating the total resource activity in the area as reported by the Regional Director of Resources for the same month as what the balance of your report is. This will include activity in mining leases and activity in property, leasing property, transfers, indications of agreements, agreements of sale for property, elements of this nature. With regard to Acorn Lumber, could I carry on with this, Mr. Chairman? I don't want to make this lengthy but, with regard to Acorn Lumber, perhaps we should be saying Brameda Resources here, the situation is just a little different. The Brameda Resources has applied to the Federal Government for the use of the section of land located on Tagish Lake for purposes respecting a processing plant. Now, in this plant will be processed timber products that are going to originate in the Province of British Columbia so that there is really no agreement between the Federal Government and Brameda Resources concerning anything other than the use of this piece of land, and I have reported to Council that adequate land has been made available for the immediate use of Brameda Resources under the condition that they will use this land for the stated purpose and a further reserve of land has been made around about the original tract so that if indeed in the foreseeable further they need more than the original amount of land, it is available for them, but they must use the land for the purpose stated, namely, a processing plant. I believe it is called a chip mill, and there will be a saw mill in operation as well. In this connection it is vital that we have some understanding between the Territorial and Federal Governments and the Province of British

Columbia, not so much concerning what Brameda Resources is going to do in the Yukon because of the fact that the laws of the Yukon Territory apply, but with regard to those things which they may do on the same waterway located in the Province of British Columbia which could be offensive to the Yukon Territory or to the Federal Government under their various water acts, pollution control and so on down the line. I have a verbal assurance which I am sure at the appropriate time will be turned into written assurance, that the Province of British Columbia is quite prepared to insist that Brameda Resources' activities conducted within the Province of British Columbia will not result in anything of an offensive nature being transmitted across the borders into the Yukon Territory. I hope I have explained the situation as I see it, Mr. Chairman. Resource development agreements within the Yukon Territory, we are going to be reporting the activity to you in your monthly newsletter and this particular situation, the activity is going to take place in the first instance within the confines of the Province of British Columbia and of course we have no control over that agreement between the Province of British Columbia and Brameda Resources, but it is what they will do there that conceivably will affect us or will be detrimental to us and this is where we have got to get involved in the three-way conversations here, and I have put the case to the Minister and I am quite confident that what I have a verbal assurance of at the present will result ultimately in the necessary written assurances.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I will bow to the Honourable Member from Whitehorse East.

Mr. Chamberlist: Mr. Chairman, I would ask the Commissioner whether there is not some confusion in what he has said with different companies. My information, with reference to the chip mill plant, is different to the information with reference to the Acorn Lumber Company. My information is that there are two different companies that are entering agreements with the Federal Government for different services, and this is what I would ask Mr. Commissioner to clarify.

Mr. Commissioner: Mr. Chairman, the Honourable Member is absolutely correct, and the agreements that he is referring to here, I think the answer is straight forward. We have not participated in the proposed agreement between the Federal Government and Acorn Lumber, in fact, I don't even know whether such an agreement exists, but we will certainly inquire further of the Regional Director of Resources and we can supplement the answer to this which I see is the point that the Councillor is getting at there.

Mr. Chamberlist: Supplementary to that, I wonder if Mr. Commissioner would also ascertain whether these agreements of these different companies are not interwoven companies with Brameda Resources. There's a need to watch that very closely because you might finish up by having a whole area of the Yukon tied up by one syndicate setting up separate companies for separate purposes. Would Mr. Commissioner try to get forward a full report upon this particular angle of the resources.

Mr. Commissioner: Mr. Chairman, I see the point that the Councillor is raising, but quite frankly, this is something that ... you know you're off into the private enterprise field here and this is sometimes not easy information to get. Furthermore, Mr. Chairman, so long as the terms of the individual agreements are lived up to by the participant, the fact that he chooses as an entrepreneur to join forces with some other entrepreneur, I mean, this is going on

SESSIONAL PAPER #1 in the mining industry here everyday. What is there to prevent it from going on in the timber industry. In fact, it's going on in the hotel business, it's going on in the real estate business, it's going on in every business. I am sure that the Honourable Member who has asked this question would agree that about the last thing that he would want would be some kind of an investigation conducted by the Territorial Government as to the corporate goings-on that he or any other businessman here in the Territory would be conducting. If, on the other hand, you were saying to me that as these are natural resources and are basically in the public domain, that it would be in the best interests of the public to see that the individual companies that do obtain the rights to the timber are not using this as should we say a cover-up or allow them to put a big umbrella over something, now, this is another question entirely. If this is the question, Mr. Chairman, I am wholeheartedly in agreement with attempting to find out, but if it is in the first context I mentioned, I'm sorry, I don't think that I would be very welcome making any inquiries along these lines.

Mr. Chamberlist: Mr. Chairman, just following it up, the reasons why I am asking along this particular line of questioning, it's because, Mr. Chairman, I think it is necessary for the public to know how the resources are being taken care of. This is the most important thing, and also that where company structures might be weak and employees working for those companies might suffer because of non-payment of wages similar to where we've had recently a setup of two or three companies going bankrupt because of their inability to pass over the cheques quickly enough from one company to the other. I think it is necessary for the public to be made aware of the construction of the different type of internal operations of companies where this so called umbrella that the Commissioner is speaking about is not visibly seen. This is what ... I'm quite satisfied that Mr. Commissioner will be bringing this type of information forward. Thank you, Mr. Chairman.

Mr. Chairman: We have also in Committee under Motions, as a result of Motion No. 14, the question of a proposed chip mill for Carcross, and it would be quite proper to deal with that subject at this time. Councillor Dumas:

Mr. Dumas: Mr. Chairman, in the Acorn Lumber Company agreement, I find it rather interesting that not only doesn't the Government in Ottawa consult the Territorial Legislature, it doesn't even consult the appointed civil servants of the Government in Ottawa before entering into an agreement of this type, and of course we can only assume, and I believe correctly so, that the people who enter into these agreements in Ottawa don't have nearly as much information on the area at their fingertips as is available here in the Territory. For instance, it's quite unlikely that somebody entering into an agreement with Acorn Lumber would know that the waterways that might be affected by an Acorn Lumber operation are used as a recreation area by thousands of Yukoners. So, I can only say that this type of carryings-on by the Ottawa Government are absolutely wrong, just about immoral. Now, Brameda Resources were brought into the discussion, Mr. Chairman, and if I might make a couple of observations, one, the Minister of Lands and Forests in B.C., Mr. Williston, in a statement in Vancouver some time ago said that not only in this case but in all cases that where he'll grant timber leases, they'll have enough safeguards in them to assure reforestation, which is one thing that concerns me, and to assure that the surrounding area is not ruined for recreation or anything else; and I understand that this in fact has been the case for the past several years in B.C. The other point is that Brameda Resources had in fact surveyed stands of timber in the Yukon and marked them off for future development, and if the Commissioner, Mr. Speaker, is going to get further information from the company, he might ask them about these surveys.

Mr. Commissioner: Mr. Chairman, there is something I want to say SESSIONAL about the apparent lack of consultation with regard to this resource PAPER #1 & development picture. In all fairness, Mr. Chairman, it is only in MOTION #14 very recent times that resources in the Territory, other than mineral resources, have come under should I say public scrutiny from the point of view that there is going to be finally some development in them, and I can assure you that a new day is dawning as far as the consultation process is concerned, and I have been assured by all levels of our department in Ottawa that full information will be made available concerning the inquiries to the Regional Director of Resources who I have no difficulty at all in talking with to see that the Territory's interests are protected in these things. As I pointed out to you before, the method of getting information to Councillors on these subjects, I think that we have taken one step anyway, I'm not saying it's the ultimate, but at least we're taking one step and I would like to assure you that there is a genuine effort being put forth by the responsible people in the Department in Ottawa and to be co-ordinated here at the Territorial level so that the consequences of the actions that the Federal people do have the authority, and there's no question about them having the authority to promulgate, are going to be well investigated before they go ahead and use this authority they have. It is the consequences of these actions that have not been taken into consideration in the past, and I have been assured, and I have no reason to disbelieve this assurance, so I'm quite confident that the picture that has been presented in the past of which the Honourable Member has seen fit to bring to our attention, this day is gone.

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, in relation to Acorn Lumber Company, I think the nub of the whole thing is what they're going to produce and how they're going to produce it. I think it was learned by Council by some method, I'm not sure whether it was a Sessional Paper or otherwise, that this Acorn Lumber Company had anticipated shipping lumber out for export I believe to Japan, and it was felt either formally or informally by Council at that time that we would rather see a saw mill industry, an industry, develop here to process this product, this forest product, but then that's the last I have ever heard, and I suppose, as Mr. Commissioner's outlined, it is probably the last the Administration has heard of the thing. But, this chip mill plant down in Carcross is a horse of a different colour, and during this past late summer or early winter, as you prefer, I had several constituents come up to me and apparently one Member of Council here had been on the radio telling everybody in the Yukon how this was a terrible pollution, or could be a terrible pollution problem, and these people were quite hostile. As a matter of fact, I hadn't heard this so I phoned C.B.C. News, Whitehorse, to find out what was stated. I'm wondering if the Honourable Member from Whitehorse West could advise me as to how this program is going to pollute the Yukon?

Mr. Dumas: Yes, Mr. Chairman, if the Honourable Member would get his facts straight, he probably could have gotten a correct report of what happened at that time. As a matter of ...

Mr. Livesey: Shame.

Mr. Dumas: What's the Honourable Member talking about, Mr. Chairman? The fact of the matter is, there is nothing known about the chip mill operation in Carcross and the little information that I could gather on it was so scarce that it made it questionable as to whether it

SESSIONAL PAPER #1 & MOTION #14 would in fact be a problem of polluting and cluttering up the recreational area in Carcross and in the hundreds of miles of waterways that we have there, and I questioned this in public as a means of trying to force some information from somebody. I phoned the Administration but was unable to get any information there, had talked to the few people who knew anything about this company, but was unable to get any information, so suggesting that this type of thing might be harmful to a recreation area without knowing anything more than that, it was a means of trying to get information that I felt should have been made available to Council if not to the public.

Mr. Taylor: Mr. Chairman, in that case, I could offer a little guidance to the Honourable Member, that the next time he gets involved in a situation such as this I would suggest he go to Forestry. They seem to have people up there that can tell him about timber, and in the matter of water pollution, I'm sure the Fisheries Officer could spare a little of his time to answer any questions respecting the waterways, and indeed point out to the Honourable Member that in no way is there a pollution problem with the program that is proposed with a chip mill, and secondly, this program will indeed complement, Mr. Chairman. Then he can get on the radio I would presume and tell everybody all about it with some facts.

Mr. Dumas: Mr. Chairman, I didn't know the Honourable Member was an expert in logging, I always thought he was a prospector or something like that. However, I contacted the Fisheries Department, they had no information. I contacted the Forestry Department for the Yukon, they had no information. I contacted the Prince Rupert division of B.C. Forestry and Lands Department, they had no information. I contacted the Administration, they had no information. I couldn't find out where the company was or who they were or anything else, so I think that the only means that was then left after contacting all of these people and asking the Administration to contact Ottawa and they couldn't find out much there, the only means left was to go public, shall we say, and see if we couldn't force some information, and, as a matter of fact, as a result of going public, I was able to get that information. The information that I was able to get from the source, Brameda Industries, when Mr. McCall was up here was very good, and as I explained to him and as we discussed, it looked fine, but it was a matter of knowing somebody living out in that area with a summer home wakes up one morning and there are three or four men prowling around her property, and she says, "Who are you and what are you doing?", and they said, "Oh, we're putting a chip mill here next door to you." That was the first anybody had heard about it. There are hundreds of cabins down that way. Nobody knew a thing about it, people out prowling around, marking trees, staking, and it's been going on for eighteen months, not a thing is known. Surely we have some responsibility involved in this type of thing to this Council and to the public, and it was trying to get the information available so that we could say yes, no or maybe a pollution problem, and so forth, as to whether the industry would be good, and I think it would be good. There's a total employment of four hundred people suggested if the budget goes ahead, but the thing is that we in the Yukon should know about these things and have some idea about what's happening.

Mr. Chairman: Mr. Commissioner, would you care to say yes, no or maybe?

Mr. Commissioner: Mr. Chairman, I wouldn't care to pass any comment about the pollution aspects or any other detrimental aspects that could conceivably happen. I am personally of the opinion that this type of thing is technical in nature and can well be dealt with by

simply passing the necessary laws that make the people who have use of these resources conduct themselves in a manner that is not offensive to the neighbouring resources. But, something I would like to point out to Council so that they would have some background on this, it is one of the laws in the Province of British Columbia concerning the forest industry has to do with the processing of the products of the forests within the confines of the provincial boundaries. Now, this law is being set aside in this particular instance to permit the industry involved to locate outside the boundaries of the province of British Columbia because this is the economic place for them to be located. This, without doubt, is going to start off a chain of economic ethos which will, I am quite confident, have nothing but good in store for the whole Yukon Territory. We are in the process within the Administration that one of the Members of this Committee will be the Councillor who represents the area where we are going to be sitting down and formulating long range plans for the development of the area so that we don't find ourselves in the position that we have in the other developing areas of the Territory that we are so far behind in the development of the government level that we have to run like the devil to catch up, and in fact never do. So, I think that the fact that the Province of British Columbia has seen fit to permit the processing outside of their boundaries is a real change of pace as far as they are concerned. It is going to have good effects as far as the Yukon is concerned, and as far as controlling the possible bad effects is concerned, I think it is much better that we have the processing done within the confines of the Yukon Territory where we can conceivably control it than have it done outside our borders where we could not control it. And, the further assurances that I am quite confident will be forthcoming ultimately in writing as pointed out to you before, I think is going to wrap up an economic package which will permit a resource to be developed along lines that will have the ultimate good for all. It will be good for the tourist industry, it will be good for fisheries, the sports, it will be good for the economics in the area, it will permit tree cutting to be done on an organized proper manner, and the export of a product that will bring foreign exchange to Canada and create jobs in the Yukon, and I may say that this type of work is an area in which our indigenous population is particularly adept and I'm very hopeful that they are going to find ample opportunity in this area to put to use the skills which are common and are normal and reliable to them.

Mr. Taylor: At this time I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman; I will call a recess.

RECESS

Friday, December 12, 1969.
11:00 o'clock a.m.

Mr. Chairman: At this time I will call Committee back to order and have you anything further on Sessional Paper No. 1?

Mr. Chamberlist: Yes, Mr. Chairman, I have one question I would like to ask of the Commissioner and see if I can get some sort of a commitment in this regard from him. I wonder Mr. Commissioner whether you could as early as possible contact those people who are proposing the chip mill plant and the residences and all other areas which will be part of this particular operation and attempt to attain from them, a program of development for the next two or three years so that people may be aware of how this program is going to actually be commenced. QUESTION RE: S. P. #1

Mr. Chairman: Order. I was just wondering now, this is to be understood that this is not a direction of Council. It is not our position to direct the administration except as a body, Councillor.

Mr. Chamberlist: Anything that I stand up to do, it is a question that is being asked of the Committee, by myself as an individual Member of this Council. I do not speak at any time on behalf of the Council. I would like to make that clear.

Mr. Chairman: Is it clear then that the matter is a question rather than a direction, Mr. Commissioner, could you answer the Honorable Member.

Mr. Commissioner: In the first instance the answer to the Honorable Members question is, yes. In the second instance it is that the answer to it along with all other pertinent information of development in the Carcross area such as that which will be derived as a consequence of Venus Mines coming into operation, the possibilities of the Federal Government making monies available fairly soon we trust for the building of the Carcross Skagway Road. All this information it is my intention to follow into a committee of which the Honorable Member who asked this question will be a member and at that point I will be seeking the advice of this group concerning what government activity should be in the Carcross area which in turn will form the ... a paper which will be brought forward to Council of which I will seek their advice as to what should be done. ANSWER RE: S.P. #1

Mr. Chairman: The next Sessional Paper is Sessional Paper No. 3. Question - Cost of 1966 Census and Enumerating for Election.

Mr. Chamberlist: I would like to ask a question of the Commissioner. In view of the very minimal cost of carrying out the census in the Yukon Territory, would the Commissioner at this time consider a census so that we might know what actually is the true population of the Territory at any one particular time. QUESTION RE: S.P. #3.

Mr. Commissioner: I am the strongest proponent of having such a thing done. Now I would like to say a word of the cost factor on this and that is that there is a mutual feeling as far as Council and myself are concerned that we want to retain taxation levels in the Territory next year at the same rates and levels at which they are during the current fiscal year. As a consequence there may be some question about even seven or eight thousand dollars being available for such a project, but I will put it to you this way that I will see that the matter is discussed in Budget Programming Committee as far as the desirability of it is concerned. I can tell you that from the Administration's point of view that one of the finest tools that we could have for planning purposes would be an up to date census. Now I couldn't underline

Mr. Commissioner cont:

it anymore so don't think for one minute that I am going to stand in the way of having it done, but I also think that we have to recognize that while possibly it may have a high priority as far as future planning is concerned we have to take a look at it in the context of what monies would be available for next year. It would not be possible or practical to have it done within the course of this fiscal year and I question very much and I question very much even if we could find money this fiscal year in any event, but would my assurances that I will see that it is considered in Budget Programming Committee and we will try to put it into its proper context at that point. Would that be a satisfactory situation?

Mr. Livesey: Were the figures ever made public in relation to this census?

Mr. Commissioner: The figures were made public but they are of no value to us, Mr. Chairman. I don't want to appear to be critical of the ... of another Federal function of this possibility here, but these figures are taken and they are put in the context of rules and policies which are developed on a nation wide basis to provide statistical information for nation wide usage and I am supposing and I suppose this is a reasonable assumption, that if this was not done, that there would be nothing but another huge argument amount provinces concerning what their population was for various per capita grants and things of this nature and when you have a population of several million people, which most of the provinces do, fluxuations of a few thousand people are not really too important. Here in the Yukon Territory, where we have a very small population, fluxuations of even a few hundred people is a tremendous importance and for that reason alone, our internal planning purposes, Dominion Bureau of Statistics census figures are to all intents and purposes of minimal value.

Mr. Livesey: That wasn't the reason why I raised the question. I raised the question because I asked several questions after the census had been taken and I have not received a satisfactory answer yet as to precisely what did happen at the census. That was the reason I asked the question.

Mr. Commissioner: I am quite confident that the fullest information available to us was tabled in Council.

Mr. Chairman: The next Sessional Paper is Sessional Paper No. 5 Authority for Government to Lease Equipment.

QUESTION RE: Mr. Chamberlist: I think the question has been somewhat answered because I understand that equipment is not now being leased as it was intended but is being purchased. However, there are some equipment that is being leased and I would like to have Mr. Commissioner explain when he says that no special authority is in any of the Ordinances for the Government to lease equipment nor is such authority required. The authority for leasing equipment is given annually by the Council in the appropriation passed by the Council. I do not recall where there is any specific item in any appropriations for leasing of equipment. Perhaps Mr. Commissioner can point this particular authority that is referred to here out to Members of this Committee at this time.

S.P. #5

Mr. Commissioner: I would have to refer to a copy of the Budget if such was there but I think really, if I may say without putting words into the Honorable Members mouth, I think what he is really

Mr. Commissioner: cont:

referring to here is how does the Territorial Government lease anything for anything more than the current fiscal year. I think this is really his question. There is an item in the Financial Administration Ordinance, I'm sorry I don't know just exactly what the item is here, but it is a term of every contract providing for the payment of any money by the Territory the payment thereunder is subject to their being on a appropriation for the particular service for the fiscal year in which any commitment thereunder would come in course of payment. This means very clearly that the laws of the Territory govern any lease agreement of which the Territorial Government enters into and if there is authority there this year for us to do or lease a particular thing or enter into any agreement for any such thing, that authority automatically expires on the 31st of March following and must be reinstated by the Council by voting further thus. Now this applies particularly in the case of the rental of office space. You'll see there is an item comes up there each year and I am sorry I don't ... perhaps Mr. Clerk has something that he might refer us to here that would help as far as the leasing of equipment is concerned. I think this is really the question that the Councillor is asking.

Mr. Chamberlist: Some time ago there were publications made in the local publications for tenders to lease vehicles. Now, there is provision available for Government to purchase vehicles but there is no provisions for Government to enter into lease agreements. The answer that the Commissioner has given, Mr. Chairman, only deals with those areas where lease agreements are for office space etcetera, commercial equipment within office space where there has been appropriations made prior by Council. The question I am relating to is where the Government has requested by public tenders for submissions to be made for equipment such as motor vehicles to be leased to the Government. I say that there is no authority for the Government to lease equipment prior to the matter coming before Council via Budget and being asked that X dollars be set aside during any particular year for the purpose of leasing equipment. Then and only then can equipment be tendered for by lease. This is where the cart is being put before the horse. The procedure is not being followed. The all encompassing area that the Financial Administration Ordinance, which Mr. Commissioner has brought forward, does not cover that particular area I submit, but I understand that the that equipment such as motor vehicle equipment etcetera, is not now being leased and if the Commissioner can assure that this equipment is not being leased, then the subject matter doesn't require any further debate but I bring it forward so that there should not be a repetition of that type of thing before the matter comes before this body.

Mr. Commissioner: Mr. Chairman, I agree entirely with what the Honorable Member has brought up in this question. I think that you will find that a certain amount of money was made available for the leasing of the equipment in the last years budget. This was the money that was used to lease vehicles for the interim period until arrangements were made for the purchase of equipment. I agree entirely with the manner in which the ... or the context in which the Honorable Member has put this and the manner in which he has indicated that it should be dealt with.

Mr. Chairman: Are we clear on this matter? The next Sessional Paper is Sessional Paper No. 14, Aishihik Airport.

Mr. Livesey: This is something that the Administration as you know

Mr. Livesey cont:

quite some time ago, took upon themselves solve in an entirely different manner and it seems to me that the Administration is now apparently up against a problem as to what to do with the airport facilities at Aishihik which were given up by the Department of Transport when both the Snag Airport and the Aishihik Airport were closed down from what I understand were economic reasons. There has been an interim period during which a certain institution appears to have had control of the buildings at the Aishihik Airport and now the Administration is putting it up to us to find out just precisely what we think should be done with it and first of all I would like to direct a question to the Commissioner, and ask him if he will advise the Committee as to the exact position at the Aishihik Airport at this precise moment so we will all know exactly what that position is.

Mr. Commissioner: Mr. Chairman, in the first instance, nothing has been done with regard to the Aishihik Airport which was not first brought forward here to Council the Sessional Papers, in the course of the last three years there have been several Sessional Papers brought forward with regard to the Aishihik Airport. At the present time the Aishihik Airport and the assets thereon are entirely within the control and the purview of the Yukon Territorial Government. There is no one, either any other government or any other private has any control or right to any of this. It is a clean and clear cut situation and we are seeking Council's advice in this matter because in the opinion of all concerned, Council has indicated at all times, a very great interest in this area. The Administration concurs entirely with the interest of Council that Council has shown, however there was a feeling that the area generally speaking had a certain amount of mineral potential, not the airport facility but the general area and we were very hopeful that the road would be looked upon or could be looked upon by the Federal Government as part of the Roads to Resources Program and would come under the 85-15 Maintenance Formula and the Federal Government had not seen fit to do this and the question is not only what are we going to do with Aishihik if it is going to be retained in the Territorial control, but how are we going to finance the maintenance and operation of the road. To take care of this situation, for the last two summers to see that minimum vandalism and the fullest possible protection would be given to this asset which I personally consider to be a very valuable assets until time can be obtained to see what we would do with it, we have had a watchman on duty up there and to the very best of my knowledge, no vandalism and no thievery has occurred in this area, but we are most anxious that the matter be discussed and that Council give us the benefit of their advice because we really have to make a decision very promptly concerning what is going to transpire with the assets the physical assets and also the land that has been withdrawn from this proposal in this area.

Mr. Livesey: When you are talking about disposal, I live near the last disposal of a similar nature and that was the one up at Snag Airport and I have never seen such a program of peculiar disposal operated in my life. That was a real interesting and educational about with property, no question about it. What happened out there and this was done locally, the Yukon can't escape from this, people who obtained the area to ... the area of disposal came from the area of Whitehorse and it was sort of a once more typical Government operation, all or nothing proposition and the main assets which were of mineral value were the ones that were grabbed first and practically disposed of and the rest of the

Mr. Livesey cont:

buildings I would say were practically given away because the tearing down ... the cost was far more than the goods were worth and it is because of this that I am going to question just precisely what is going to happen to this situation out there at the Aishihik Airport and this is a valuable asset and I would like to know in what way this is a valuable asset and where are the values concerned?

Mr. Chamberlist: I wonder if Mr. Commissioner could indicate now what physical assets are still there in the way of buildings, plants, equipment, furnishings and stuff like that?

Mr. Commissioner: The buildings consist of several houses, the administration building, the operations building I suppose you would call it, in connection with the original airfield, there is a power house with several deisal engines in it, the necessary ancillary facilities that went to perform those things which you would expect to find around a strictly airport operation and the ... I think the Councillor's question is are these intact or are they not intact and the buildings are completely intact. The furnishings are minimal in the buildings, the majority of the furnishings, such things as bed linen and things of this nature were made available to the Department of Indian Affairs and they have put them to use. This was prior to us getting the facility but if the question is, is the community intact and are the buildings intact, the answer is yes and I can bring forward such information as we have internally here in the Administration concerning pictures etcetera of these buildings.

Mr. Chamberlist: I wonder if to follow this up if Mr. Chairman, Mr. Commissioner can say whether there is a group of native people living in the immediate vicinity of the Aishihik Airport at this time?

Mr. Commissioner: Not to my knowledge.

Mr. Livesey: There were a good number of native people living in the area, but just as soon as the people knew that the airport was going to close down, the Government did its best to get everybody out of there. This is what happened, because it is 77 miles off the highway, so therefore they were all taken out to taken from a place where they could make a living, where they could fish and where they could hunt and where they could do everything else, where taken from there most of them to Haines Junction where into an area and atmosphere which they were totally unaware of how to operate and co-operate with the surrounding community. This was once more where I think inexperience prevailed and where we have thinking that comes from this area rather than thinking that comes from an area where people ... it was possible for them to help themselves. Now they are in a position where they can't help themselves.

Mr. Chamberlist: In the last paragraph of this Sessional Paper, comes up with the suggestion that the Administration have made and they are suggesting that Crown assets sell the buildings and the installations subject to removal from site. This would destroy completely if we think of the whole operation as a valuable asset and then suggest that the buildings be removed, it would really destroy that asset completely. I am wondering whether it would not be of beneficial use to the Territory and especially the tourist industry if the Territorial Government as owner of the site and the land would not advertise to lease on block for a number of years to any private entrepreneur who would like to use

Mr. Chamberlist cont:

that as a hunting area and as a lodge area and as a summer resort area. Now I think there are many, many people in parts of Canada and especially in the United States as well that would really like to obtain a proposition such as this which would bring ample funds into the Territory which would bring more people in for hunting and fishing purposes. Almost automatically, native population would go back to their habitant that they are so accustomed to and a labour force would be found for the operation of an area like that. I think some consideration should be given to that and it should be investigated as to whether or not this should be done. Perhaps Mr. Commissioner would be interested in looking into this

Mr. Commissioner: This is a very real possibility that the Honorable Member has suggested but the kicker in this is the maintenance of the road from the Alaska Highway into Aishihik. I can't speak with exact knowledge but we are talking about something about 80 miles of road of which I believe that we appropriated funds at the present time to take care of 15 miles excuse me, 25 miles. I'm sorry I don't have the Budget figure. If someone has the Budget, it's an item right in our operation and maintenance portion of our road program, but this is a one hundred percent Territorial finances project. If we are going to put the area up for lease, I think that perhaps this is not the right way to say this, but if it was me that was going to be bidding on that lease I would certainly feel that one of the conditions under which I would be bidding would be that the Territorial Government or some authority was going to maintain the road to what I was going to be leasing. Perhaps that this is something that Council maybe doesn't entirely agree with, maybe they feel that whoever wants to lease it in there should look after the road. I don't know but this is really the question of this is the maintenance of the road and I cannot hold out any hope that there is sufficient mineral activity in the area at the present time that would encourage Federal Government to revise their stand about the road coming under the 85-15 formula.

Mr. Shaw: Some of my questions have been answered but this was a very good suggestion from the Honorable Member from Whitehorse East in the matter of leasing this but I think that if this were leased, it could be leased in the form of indicating that it would be an isolated camp of some sort and that there would be definitely the policy that there would be no money spent on the road because the amount of lease that you would get from that might be a couple of thousand dollars and you would have to spend \$50,000 on the road. It wouldn't be a very business like proposition for the people. The people would be subsidising a particular outfit but one of the questions that I was going to ask were the assets that were concerned out here which has been answered by the Commissioner. There is just one thing I would like to know that I don't know in relation to the biggest asset of all and that is the actual airport facility. Is that a 5,000 foot blacktop runway, gravel runway, 3,000 feet, that is what I would like to know Mr. Chairman.

Mr. Commissioner: Mr. Chairman I can't tell you the exact length of the runway, but I can tell you that there is approximately ten gopher holes to the square foot and to use this for anything other than a very important emergency, would be a pretty hazardous operation. I was out there myself, not this last summer, but the summer before and we landed to get a look at the assets there and we were in the Aztec and I think the pilot at that time had a considerable question in his own mind as to whether or not he could avoid any of the

Mr. Commissioner cont:

more serious gopher holes. I wouldn't like to pass any judgment. You need a technical opinion as to whether or not the airfield as such in its present condition has any particular value from a layman's point of view, I would say that there would have to be a considerable amount of upgrading and general repairs done. It is not a paved strip. It is strickly a gravel strip.

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

Mr. Taylor: We could sit around here all day, I haven't heard this holiday resort deal before but I think that when we first looked into this question, we went to the Yukon Research and Development Institute and asked them if they would attempt to make this a northern research centre and apparently they have dropped it. They haven't taken any interest in it from what I can learn, but I think that probably what we should be doing is getting ahold of Ottawa or the National Research Council or these people that involved in northern research, and find out (a) if it meets any of their requirements, (b) it may be worthwhile contacting some of the Universities to find out if they would be interested in becoming involved in research projects that might fit into that area. You might get hold of the military because the military apparently are planning on putting a northern force in the north and as a training facility that might be the answer, I don't know, but failing any of these three proposals I would suggest that the buildings be sold and we get out of Aishihik. We can't afford to stay in there otherwise.

Mr. Dumas: Why couldn't we have the assayer suggest to the Administration that they make it known publically that these buildings and this property is available and see what proposals are forthcoming from private enterprises. There may be some ideas that we are not capable of thinking of or there may be some ideas that require lots of money that someone is willing to go ahead and make an exclusive fishing resort out of it or what have you or maybe somebody in fact that will subsidize some sort of research program up there, but if we made it known publically that these buildings are there and we would like to see something done that wouldn't cost the Territory an awful lot of money then maybe there would be some good proposals put forward and then we could have a look at them and possibly act on one or two.

Mr. Livesey: I don't know if the Committee is aware of the fact or not, but there is a gentleman from the United States who I believe has a business on that highway, he advertises in Outdoor Sportsman and he takes in younger people into his campground type facility, I think it is more or less a dude ranch proposition and he operates up there now. He does operate in that area and he advertises this facility in the Outdoor Sportsman, pardon me, he is from Alberta. He comes from Alberta I believe, that is the man I am thinking of and I have copies of the advertisement that he puts in Outdoor Sportsman for anyone to look at and perhaps he may be interested in taking over this facility. It is hard to say unless you make the proper approach. I was just wondering if Mid-Canada Association would be interested.

Mr. Commissioner: With respect, any of these research people or Universities, they would be happy to come up here and use this as a research facility, in fact some of them would be up here tomorrow afternoon, providing we paid for all the bills. Now this is a fine worthy effort, the only thing is we have about 65,000 other things that I am sure in Council's opinion and in my opinion are far more important. We have been through the hoops on this now for the best part of three years and with respect Mr. Chairman, I would appreciate it very much if we could have some definite direction from Council. I think that we are really down here to two things. It is either a matter of advertising the buildings for disposal and removal and retain the land for some future possible use or we endeavour to lease the situation as a package on the prior understanding that the maintenance of the road from the point that we leave off at, at Otter Falls, which I am informed by the Clerk we appropriated 4,000 dollars for per year at the moment. The maintenance of the road from that point on is strictly the responsibility of the person who is going to lease the facility. If any research outfit is interested in leasing it, I am sure that Council would feel that as long as what they are going to do is conduct something that is inoffensive as far as the laws of the Yukon Territory are concerned. I am sure that Council wouldn't care if it was McGill University that leased it or whether the gentleman who is advertising in Outdoor Sportsman or whatever it is I'm sure that Council will have no objection to this particular point of view, but at some point in time if this is going to be operated, this is a piece of public property. If it is going to be operated, it is my understanding that Council wants it to go to public tender. This is my firm understanding that I have from Council with regard to this. This is the first thing and at that point in time any of these research organizations who come charging around the countryside here in chartered aircraft and tell us what a wonderful country we have and how they would like to find out how to make it work better on our behalf, they have their chance to put their money where their mouth is the same as any entrepreneur who wanted to turn it into a summer resort or a fishing village or a boys camp or a girls camp or a nudist colony or whatever that you wish, but I want to have the message please, Mr. Chairman, from Council at this time loud and clear as to what Council wishes the Administration to do and the course of action that they want to see us take and the detail of how they want to see it done.

Mr. Taylor: It is getting close to lunch here. Just before I resume the Chair and before we recess I would like to say this that I still feel that the Territory should retain that airport, should retain the land that under no conditions do we remove ourselves the right to that airstrip for the common good of everybody, you know in the off hand that we could upgrade it. Number two is that the whole thing really hinges on the road, can we recover sufficient funds... I suppose we could justify the cost per mile maintenance to a degree under the recreation roads because that is a fairly good recreation area. The fishing is good out there etcetera, but we would have to receive on a lease basis, sufficient funds to cover the majority of the cost of the roads.

Mr. Commissioner: I can assure you that there is just no way to squeeze another five cent piece out of your next years budget for any more road maintenance. You arrive at a point in time, gentlemen when you have got to face up to the horrendous facts of life. There is just no more money left for certain things and that \$4,000 that you are putting up now and you know Mr. Chairman around this Council table here

Mr. Commissioner cont:

that if there is one request for recreation road funds, for every dollar we have there is requests for 10 now and this roughly speaking, Councillor Livesey intimated that we maintain 25 miles now and there is roughly 80 miles in total to this means that we have something in the neighbourhood of 55 miles of road to maintain. You are not talking five dollar bills here. If I remember correctly and I am certainly subject to correction on this but it seems to me that we were advised by the Engineering Department when we first talked about this Aishihik road that it would have an annual maintenance cost of somewhere and this is only summer time maintenance, somewhere in the neighbourhood of about \$28,000. This may be wrong but it isn't far wrong and this does nothing to upgrade the road which it badly needs in places right now.

Mr. Taylor: That is my very point. What I'm saying is that if we lease the land we would have to recover \$28,000 if that be the case, the cost of maintaining the road. That's the nubs between the whole thing. If you can't get there how are you going to operate anything if you can't communicate back and forth. I don't think anybody is prepared to pay \$28,000 in a lease for that property ... on an annual lease and we haven't talked about snow removal or winter maintenance at all, or spring flood maintenance, culvert replacement etcetera, so it seems to me that what we have to do is get out of Aishihik. It is that simple. Sell the buildings and get out of there. We can't afford to be there.

Mr. Chairman: I will call a recess at this time.

RECESS

RECESS

Friday, December 12, 1969.

2:00 o'clock p.m.

Mr. Chamberlist: At this time, I am in the Chair temporarily.

Mr. Chairman: Is there any further discussion on Sessional Paper No. 14.

Mr. Livesey: Yes, in order that we may conclude this session within a reasonable time Mr. Chairman, may I suggest that on Monday I will be bringing in a Motion to I think solve the problem of the Aishihik Airport.

Mr. Dumas: Well, I wonder if the Honorable Member would indicate what the motion might be and we might save some discussion, but since any direction on this has got to come from Council, if we had some idea of what is forthcoming, then we can probably save some time talking about it.

Mr. Livesey: Well, I hardly think we can discuss the Motion Mr. Chairman that hasn't been laid before the House.

Mr. Dumas: My suggestion before lunch was that we make a public announcement allowing somebody to buy as is where is delete and if necessary and I'm opposed to this too but it may be necessary to apply for removal. Now we agree in Committee that we can't afford to keep that road open. We agree that it is highly unlikely that whoever buys or leases that place is going to be able to pay the taxes that are necessary to keep the road open or to keep the road open themselves. At any right, I suggest that this is up to the public or this is up to any possible entrepreneur who wants to go out there, and I can really see the possibility of somebody moving in there for a six month period every year with an exclusive fishing camp that they fly their guests into to. The thing is that if we put it open to the public Mr. Chairman, then we're going to get some alternate proposals, we're going to be able to make a final decision on it, but for us to narrow things down here and say, it will not be used for this, that or other thing is foolish. We would be defeating our own purposes. Why don't we leave all these avenues open for the Administration, then when the proposals come they choose whichever they think is the best and proceed on that basis.

Mr. Commissioner: Mr. Chairman, I appreciate the forthrightness of the Council in this matter, however I don't think that it is wise. I don't think it is in the best interests of Council or the Administration that after these proposals come in that it should be the Administration's prerogative to decide which one of these proposals is to be accepted. Now I would be quite agreeable to you now being responsible for formulating the invitation and doing all the necessary Administrative details in connection with it, but I certainly would want to have something understand between myself and Council that I would be able to refer these proposals to a budget programming Committee or some other similar instrument of which Council has participation because I certainly do feel that in a matter such as this that the Administrator's prerogatives are not that the ones that should be exercised in making the decision as to which should be accepted or which should be rejected.

Mr. Taylor: Well Mr. Chairman, just in light of all the conversation and discussion that has gone I certainly feel as well that these buildings should be put up for sale and either I suppose we can talk about granting a lease where the building is situated, but hopefully that they'll move the buildings off the site and move them down to the lakes and make cottages out of them or something.

Mr. Taylor continues....

If we can come up with a proposal like that I think it's the only answer and just sell these buildings off and keep the land I mean keep the airport.

Mr. Commissioner: Do I have the message pretty loud and clear from Council that the land including the air field itself is something within the public domain that is not to be allowed to escape from the public domain, is this what I understand here?

Mr. Dumas: Well Mr. Chairman, what is the thinking behind this? Is it a peculiarly beautiful spot or is it peculiarly necessary spot, I don't really know. I'm merely asking for information.

Mr. Taylor: Just from my own point of view it's because of the airfield that I link this whole thing together and I think that the airport should be protected by the Territorial Government and all the area around it so that we have control on it. In other words, it's not going to cost us anything to own the land, I don't believe and so this is why I suggest that we lease land possibly but that we don't sell it around the air strip.

Mr. Commissioner: One of the things that has crossed my mind over the months while we have been involved in this is that an invitation that would indicate very clearly that the maintaining of this airstrip for public use and the maintaining of the road for public use, may well be the proper price to secure from an entrepreneur or for the use of the building and the general property in that area. This would give everybody the best of.... it would give the public domain the use of the public airstrip and public road and, it would be maintained and the entrepreneur would have the opportunity of developing the buildings in the surrounding area on behalf of a flying camp, a fishing camp or any kind of an opportunity that he wanted. It would appear to me Mr. Chairman that we're getting pretty close to a concensus on this situation.

Mr. Taylor: Before I resume the Chair, that then would mean two propositions, two possibilities. One is, that we ask the private entrepreneur or we hopefully will find one, but the other is the one I support is that we just sell the buildings flat and be done with it and forget about the private entrepreneur. Of course, Councillor Livesey has pointed out that he will have a Motion on it, although I do think we should try and thrash it out here and then when the Motion comes up push through.

Mr. Livesey: Well, you know I've seen courtesies before Mr. Chairman, extended to the Members of this House where propositions have come up in their own electoral districts and not to mention any name before I sit down, and perhaps the Committee can provide that same courtesy to the Member for that area.

Mr. Chairman: With respect from the Chair, if the Members of Committee don't know what the proposition is, how can we spare a courtesy to you.

Mr. Livesey: Well the courtesy will be to discuss the question when it's raised. This of course extends the courtesy to anyone and if the House doesn't agree with the proposition as proposed, they can always amend it or throw it out or into file 13 or anywhere they want to put it.

Mr. Taylor: Mr. Chairman, I certainly bow to the Member and it just means that we'll have to do this exercise all over again, however if this is what is desired, well I am quite pleased to go along with it if we can wait here till March.

Mr. Livesey: Mr. Chairman, I have both ears open like kites.

Mr. Taylor: I will resume the Chair at this point.

Mr. Chamberlist: Mr. Chairman, I have one last comment on this. I frankly think that it would be an error to just simply dispose of the building. I think that the suggestion that has come up both from Councillor Taylor and the Commissioner that we protect the airfield and land in that area of the airfield for the public use is sound, but I think we must also not fail to remember that we must try and obtain a tax base wherever possible. Now here is an opportunity to lease land with improvements on so that the Territorial Government can then obtain a tax from the improvements and the land. They still would belong to the Territorial Government because it belongs to the Territorial Government now, even if the rental proposition is on a lease and I'm opposed to selling this. Even if the rental proposition on the overall picture was reasonable the tax on the improvement and the land, I think would be a considerable amount and we shouldn't close our eyes to it. Why not make use of a tax area that we can get into. Perhaps with this in view and the proposition that may be coming forward, whatever proposition it will be from Councillor Livesey because quite frankly and with all due respects to him I want to bow to every wish of a colleague in coming forward in his particular area but it would be so much help to say that a Motion was referenced to such and such a thing, if it would be coming forward. Then it would be simple for us to say, by all means go ahead.

Mr. Chairman: Well in as much as we'll be discussing this thing further some other time, do you wish to proceed then to the next Sessional Paper?

All Committee Members agree.

Mr. Chairman: The next Sessional Paper is No. 15, "Provision of Ambulance Service - Klondike Highway!". Mr. Commissioner, what are your opening remarks in this matter.

SESSION-
AL #15

Mr. Commissioner: Well Mr. Chairman, I think that we are well aware that on the Alaska Highway ambulance service has been provided for a considerable number of years by the Federal Department that happened to be operating on the highway. At the present time, it is the Department of Public Works. I think we are also aware that on the Territorial highway system that no ambulance service really organized as such is provided anywhere. Until recent times, this has possibly been a forgivable situation because the traffic density has possibly not warranted such although there have been many bad accidents on the Territorial Highway system as has been on the Federal highway system. Likewise, ambulances are not always involved of what we would term accident as they apply to travel on the highway, there is many other types of accidents and necessities for ambulance service. The consequence of this and the density of traffic the size of the population that is becoming into being in various communities on the Territorial highway system, I asked a group of the Territorial Administration which included the Public Works Engineering Department and Dr. Black of Northern Health Services, and I believe there were one or two others to put together what you see in front of you here and seek Council's advice on the recommendations that have been made. I may say that I personally heartily endorse the recommendations that have been made here, and I think that I can also state while I'm on my feet that they will be supplemented by, if Council sees fit to go along with it. They

Mr. Commissioner continues.....

will be supplemented by a further letter, that we have had from C.N.T., assuring that telephones will be installed on a portion of the highway between Whitehorse and Carmacks under terms and conditions which are very favorable, namely that the cost of the calls that are involved will basically be above the charge that is really involved here, and if I may also say that subject to Council's recommendation that this be carried out here, that the first one will be installed in the Carmacks area, that I am quite prepared to accept a recommendation which has already been forthcoming from a budget programming Committee that money be made available for this in next year's estimates. So I don't have anything further on this particular point Mr. Chairman, but I strongly recommend to Council that in light of the circumstances which are known to exist at the present time that this program should definitely be embarked upon and expanded as the need arises and finances permit.

Mr. Chamberlist: Mr. Chairman, of the possible solutions that have been suggested in the Sessional Paper, it appears that Section 3 on page 2, government ambulance to me would be the most appropriate. Quite frankly I don't think that we should be placed in the position of having to subsidize private ambulances on the highway, although sometimes this often is a necessity. I think with the staff that is available at various points on the highway and the Administration of that staff, of course is taken care through the organization of government, so it wouldn't do any harm at all to proceed in that particular manner. However, the additional data with reference to cost on Page 4 of the Sessional Paper must be given close scrutiny. I find that in Section 3 on Page 4 where operating costs is referred to that it varies from 18 cents to \$1.88. Well I say how can we be expected to come up with a decision when we get figures of that nature when it was suggested that the information received from the Department of Public Works indicates the total operating costs of ambulances varies from 18 cents to \$1.88 per mile. Now, when they mean the total operating costs, they say that this does not include the initial capital outlay nor the depreciation. Are we to understand that the cost of the operator is sometimes it's 18 cents and sometimes it's a \$1.88. I think there is a necessity to bring forward a fixed cost so that we can say we would approve of a "x" number of dollars to operate this particular system. I know that it must vary at times to the amount of accidents whether there are few or many that comes into being, generally because there is an absolute need for this to take place to have an ambulance on the highway. I was wondering if you make provisions on the Klondike Highway, why not make provision for an ambulance between Whitehorse and Beaver Creek, and between Whitehorse and Watson Lake. In those places they are D.P.W. but what happens when D.P.W. turns over the facilities to the Territorial Government, then when that happens of course I'm sure we'll be needing an ambulance, the shock would be so great we would have to be removed to the hospital. I'm in support of the situation but I think we should get more definite figures on 18 cents to \$1.88.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, the one problem I see, I agree with the recommendation as put, however, in the recommendation on Page 3, it says, consideration should be given to the allocation of additional man years to the establishment in Carmacks, if the utilization of the ambulance service warrants such an increase. Well, it would be very, very difficult to convince me that we

Mr. Dumas continues....
are going to need to add man years to operate an ambulance when it says earlier in the Paper that the present staff will quite likely be able to handle the problems. The other thing are the ancillary requirements. I think the improved communications is a good idea whether we go ahead with an ambulance or not. I was unaware of the fact that you couldn't phone Carmacks from Whitehorse during the winter time and that's what it says here. During the coming winter there will be no telephone communications between Whitehorse and Carmacks.

Mr. Commissioner: That is exactly what it means. There's nothing in between Mr. Chairman. It doesn't mean that we can't phone from Whitehorse to Carmacks.

Mrs. Gordon: The point brought up by the Honorable Member from Whitehorse West is one that puzzled me too. The one thing that I find most disturbing is, are we going to be using the ambulance service as a sort of glorified taxi for the people of the Pelly Crossing area who need to seek medical services in Mayo. With the phasing out of our Dept. of Indian Affairs and this service being provided by our Department of Welfare, it would seem that this is going to boost the cost of that Department. A good majority of the people who make use of our hospital and doctor facilities in Mayo are people who come from Pelly and when we had bus and connecting service through this community to Mayo, these facilities were made use of and I know that the people in my area are becoming very concerned that if this ambulance service is going to become a glorified taxi service. In the additional data it says transportation of ill or injured patients and I wonder what the definition of or criteria of the word ill would mean?

Mr. Commissioner: Mr. Chairman, I would like to assure the Honorable Member from Mayo that (a) there is no intention of permitting this to become a glorified taxi service nor would it be permitted to be such. This is just the same as the problem that we have where people want to use fire engines to flood skating rinks. There's just no dice, a fire engine is there to protect life and property, and the ambulance is there to protect life and if a person requires ambulance service, that is what it will be used for, if there are injuries or such that they are perfectly mobile and can use taxi service, that is what they will be expected to do. I think you have a very good and pertinent point, but things of this nature that are in the public domain, we cannot allow the abuse of them for purposes other than what they are actually required, and I certainly would be only to pleased to give any assurances that are necessary in this regard.

Mr. Shaw: Yes, Mr. Chairman, the Honorable Member from Mayo brought up one of the matters that was brought up and it appears that we do have the assurances of the Commissioner that this is not going to be utilized for a convenient taxi service. I would feel that this is a unit that will be utilized in emergencies and things such as that where people cannot wait for the normal course of transportation or they are flat on their back and they need to be transported. I note the part in relation to the cost of pay phones. Now there are two things that these would be, I presume, in isolated areas in between road houses, and it says pay phones. Well, if an accident occurred and the fellow doesn't have the nickels and the dimes, I wonder what happens then in order to try and get through the operator if these were installed and another thing, when I travel on that highway, one thing that disturbs me tremendously is I see these signs that are put up at great expense by the Government and of course the tax payers of the Yukon, these

Mr. Shaw continues....

traffic regulating signs to show corners to go around and just about 75% of them are used for target practice, in fact when it's cold weather and one of those bullets hit these signs it knocks the phosphorous or whatever stuff it is that reflects. Now, I'm just wondering Mr. Chairman what is going to happen to these pay booths fifty miles from any place. What's going to happen to them. Are we going to have to put a kind of steel bullet proof armour around these units so they won't get broken up. I mean these are things to that have to have consideration, if what is being now is any criteria.

Mr. Commissioner: Well Mr. Chairman, I tend to agree very much with the comments of the Honorable Member from Dawson but until the public understand that road signs, directional signs, telephone booths and things of this nature are paid for out of the public purse and are there for the protection of the general public until they are educated to this point to leave them alone, I'm afraid there is no solution to the problem.

Mr. Shaw: Mr. Chairman, I wonder if it would be practical idea on these highways to every twenty-five miles or something like that a sign was put up about the penalty for shooting these, something to indicate it because just about 75%, they have holes through them. I don't know how it is on the Alaska Highway.

Mr. Livesey: Yes, and I would like to thank the Chairman for giving this opportunity to discuss my Motion, especially as it relates to my electoral district. The question of ambulance services and nursing services and evacuation for the area of Carmacks, Pelly Crossing and now of course the new road to the Farrow Mine is something which I don't feel the Administration has been giving sufficient attention over the last year or more and perhaps more than that. The facilities, for instance, the nursing station facilities in that area are either total lacking of absolutely absent. There is no proper ambulance service in the area and despite the fact that we now have an additional economic boom roaring through that particular area, there was a necessity even before this time in my opinion or a much closer attention to the necessity for medical attention especially in the Carmacks area, then has been shown, much more so. One point I'd like to bring up is the question of the airstrip. Now, in the present condition of that airstrip and the condition it's been in for quite some time doesn't allow any immediate evacuation from the Carmacks area. I have often wondered why the Territorial Government supports the airstrip at Braeburn but fails to support the one at Carmacks. It would seem to me that the population at Carmacks compared to the one at Braeburn is certainly a totally different situation altogether, and there is no comparison between the need yet the Territorial Government supports one airstrip and doesn't support the other one, merely provides with the dollar but doesn't add anything to it. Now a number of years ago and I was on this Council before, why I got the Administration to at least put the grader on that airstrip in Carmacks and putting it into fair shape, in other words a grader can knock down all that brush and keep that airstrip in pretty fair condition without any great tremendous expanse of cost of money. This isn't being done. Nothing is being done. Nothing is being done there at all. The people at Carmacks are just as much entitled to medical services, health services available as far as the hospital is concerned in Whitehorse as well as any other area in the Territory and I don't think that these people are given this advantage at all, certainly not up to this point as far as I can see. Now, I would suggest that the Territorial Administration take a closer look at the necessity for keeping that airstrip in operation for immediate evacuation by air, and I agree with proposals that we should have an ambulance service. The Territorial Government certainly can handle this ambulance service if the Department of Public Works.

Mr. Livesey continues....

on the Alaska Highway can handle an ambulance service with their facilities and garage equipment, I certainly don't see why the Territorial Government can't handle the same thing on the Klondike Highway. I see no reason at all why this cannot be put into effect immediately unless the Administration has some other idea, or they're going to come up once again and say we're going to be frugal about it and or we haven't got the money or something else, however, nothing would please me more than to see something done by this Government towards providing the people who live in that area, and especially in view of the increase in traffic and the increase in economic conditions, the possibilities of economic boom in the area, I see no reason at all why the Territorial Administration can't get working at it right now without any further delay. Thank you, Mr. Chairman.

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

Mr. Taylor: Mr. Chairman, I would like to say that one thing that is very important in this whole program is the upkeep of these runways, and it was hoped until our people disappeared on us that we could have had a discussion about air services and air facilities around the Territory, but this chap apparently didn't want to speak to us very bad and took off, but this is one of the matters I wanted to raise at that time is that the importance of these small runways. There is alot of money that's gone into the building of them and though they get some limited maintenance, I've always felt as other people involved in aviation that they should be plowed or compacted in the winter to, except wheel or ski-equipped aircraft. It seems to me that if your considering that this situation resulting from the anvil development is so critical and the traffic is so heavy that the probability of the incident of accident is going to be so high that you might also consider lighting the Carmacks airstrip, that is putting a string of lights down so that you can get indeed get night flights in there for fast emergency evacuation. The other important segment is I think is in the radio-telephones. I think the ambulance certainly should have a radio telephone in it, or radio phone connected with somebody. I don't think you could ever connect it with CN and I don't think C.N. have a facility there although they may. I tried to phone Farrow and I haven't got through yet, so if it works as good as the telephones have been working lately, I don't know. I think that the ambulance should have radio-telephone in it in any event. The strips at Minto and McQueston, Carmacks and Braeburn should be plowed and that the Anvil Mining Corporation who of course are creating traffic now which presents the problem, should also be asked to maintain one ambulance at the Farrow camp available for service much in the same manner as the ambulance in Carmacks will be used for, thereby, filling the gap between Anvil, Carmacks and Whitehorse, and I think that the Company should be asked to provide this service to fill the gap at the other end. Otherwise, I concur whole heartily with the suggestions as laid down. I think we're all on the same track. I thought I would bring these matters to the attention of the Committee.

Mrs. Gordon: I agree with the principle that is set out in the paper and I think there is one other area that we should consider too, that at the moment of an accident the thing that is most important is adequate first aid. Mr. Chairman, I would ask as a first question if the Commissioner could advise how many of our Territorial highway employees have taken and passed the First Aid courses, and as a second question, if the drivers of the various large vehicles which will be travelling this highway have or are encouraged to take a First Aid course and if not, if the request could be made?

Mr. Commissioner: Well, Mr. Chairman, I would be happy to secure answers to the question, I'm sure that Mr. Clerk has made a note of this. I can say that we do encourage the foreman in the Territorial maintenance camps to become proficient and in First Aid, I'm sorry that I don't know off-hand but we will find answers on this and while I'm on my feet, may I say something further about the telephone situation. The proposal is now before C.N. that we go ahead with this, that there will be no installation or rental charges but charges for collect long-distance calls will be the responsibility of the Territorial Government. There will be ordinary party line telephones and can only be used to make collect calls and there will be no provision for pay telephones, and as I understand it, the way the matter will work is that the only type of calls that the operator will put through will be calls to emergency numbers, either police or a doctor or hospital, and this will be the limitation that will be involved in this particular instance.

Mr. Livesey: Yes, thank you Mr. Chairman. A very wise decision. I wonder Mr. Commissioner if you could provide Committee with the reasons why the Braeburn airstrip has superior powers over the necessity for the one at Carmacks?

Mr. Commissioner: Mr. Chairman, the wisdom of Solomon is something which I wasn't gifted with and I am quite confident that somewhere back in antiquity there is some particularly good reason for this. I will certainly do my best to give this a whirl but don't be looking for an answer at least in the next three months because we will have to dream it up. Something I would like to say about this emergency airstrip situation Mr. Chairman is that I don't think that there is any question at all that the whole area of airfield construction and airfield maintenance has got to get out of the table, talked about and properly organized and some means of finding a proper program has got to come about. I just don't know how in the past the Department of Transport has been able to avoid coming to grips with it's responsibilities in this regard but unless I'm entirely wrong there is certain areas that legislative means that the Department of Transport is required to do certain things in certain parts of Canada, where that leaves off, it is up to the Provincial or Territorial Government to take it up. Beyond that point there is a northern airfield policy of the Department of Indian Affairs and Northern Development. Everybody has all kinds of policies no money apparently to give affect to them, but this matter has got to be resolved and it's got to be resolved in the near future. Anything that I can do to help the matter to a head, any assistance that I can give to Council to get down to the bottom of it I would be most pleased to do so.

Mr. Chairman: Is there any further discussion?

Mr. Livesey: Well Mr. Chairman, I'd like to say if not the wisdom of Solomon perhaps the wisdom of Deliahla would have been accomplished if the Honorable Member for Carmacks-Kluane Lake would have been on the financial advisory Committee when the discussion was on here and one would have been chopped off and another one been added to. It's as simple as that Mr. Chairman.

Mr. Commissioner: Fortunately the Administration is not responsible for the Members of Council who sit on the financial advisory Committee, so at least this is one area which we are completely absolved from responsibility. Thank you, Mr. Chairman.

Mr. Taylor: Well, at this time I will resume the Chair. Would Mr. Commissioner, I wonder if I may ask if you have sufficient direction in this regard.

Mr. Commissioner: I hear the word that Council agrees with the content of this Paper. If I am incorrect, please correct me at this point in time because otherwise we will be proceeding to give effect to it.

Mr. Chairman: Does Committee agree?

Mr. Chamberlist: Well, no Mr. Chairman just one moment. We were asked to give If we say we agree with the Paper we agree with everything. What we have been given is possible solution. Now we should say which solution we would agree with.

Mr. Commissioner: I thought that it was a recommendation on Page 3, Mr. Chairman.

Mr. Chamberlist: Right, I agree.

Mr. Shaw: Mr. Chairman, I wonder if I can be excused for about half an hour to attend a meeting.

Mr. Chairman: Proceed.

Mr. Chairman: Well, may we now proceed to the next Sessional Paper No. 17? It's the Development of a More Comprehensive Alcohol Education Program. I don't know who moved this one in.

Mr. Dumas: Councillor McKinnon asked the question. Yes, Mr. Chairman, since he seems to be an expert on these things, I suggest we leave it in obedience until he returns.

Mr. Chairman: Sessional Paper No. 17 is held in obedience. Next Sessional Paper is No. 20, "Investigation of Air Facilities in the Yukon"

Mr. Commissioner: Mr. Chairman, can I ask a question at this point? Is No. 18....it's all right.

Mr. Chamberlist: Well I would suggest Mr. Chairman, as it stands the Motion to move this particular piece of; this Sessional Paper into Committee is by Councillor McKinnon that we extend a further courtesy to the Honorable Member who is away at the moment.

Mr. Chairman: Well, the next Sessional Paper is No. 22. "C.B.C. SESSIONAL Services - Teslin and Ross River". Councillor Chamberlist, would PAPER #22 you take the Chair.

Mr. Taylor: Well, Mr. Chairman, I just don't know how one gets at C.B.C. In the nine years that I have been here we fought, battled and argued with those people and there is no possible way that we get anything short of a three month, if we do get anything it's a three year delayed project. You ask for it today and maybe three years from now, you may be considered. Now, I have asked a long time ago for an L.P.R.T. to be placed at Ross River. That little community has desired this facility for a long time and I was told that as soon as we could get C.N. facilities in there to tell us some way of getting a program to the little transmitter, that we would have it. Now, I find that indeed it's either in this one. There is another Sessional Paper here anyway which puts it to 1972 when we're going to get this facility in Ross River. It's pretty hard to take. That is the facility we need now. I have personally been to C.N. and asked what's the problem with C.N. and I have been informed by them that there's no problem at all. All it needs is a customer, the customer being the C.B.C. Now, since then we have another problem with C.N. I have a petition here and I believe Mr. Commissioner has received one as well from the people of Ross River asking for telephone service, so here again, we have another means of supporting a telephone or radio-telephone link up with Ross River.

Mr. Taylor continues....

So now in respect to the L.P.R.T., it was several years ago when we were in Ottawa that we put this on the C.B.C. list of frontier packages and indeed this Council by firm motion last spring session, approved a motion that the Northern Service of Canadian Broadcasting Corporation be asked to investigate the possibility of establishing a five watt Frontier package at the community of Teslin. That was approved and also the L.P.R.T. facility at Ross River and Faro. Now for some reason Faro is going to get everything, but for some reason Ross River is going to get nothing for awhile and they say the Fall of 1971 here for Ross River L.P.R.T., but they don't say anything about Teslin. They don't write back and they don't say well, we have turned it down and we've accepted it. You'll have it in 1990 or anything and I was hoping that maybe as a result of this query that we could get the Administration to get hold of C.B.C. and resolve this and the other problems. The problems in Mayo, the problems in that other Members have in their districts with C.B.C. with L.P.R.T.'s and Frontier packages. I wonder Mr. Chairman, of course I can't make a direction of Council but I'm wondering whether Mr. Commissioner would be amenable to contacting C.B.C. and trying at some level any way, trying to get some answers to these questions as to where we're going in this business.

Mr. Commissioner: With respect Mr. Chairman, it is impossible for us to do anymore than simply present the case to Canadian Broadcasting Corporation which I think we do with about as much vehemence as we can outside of taking a shotgun to them. Now, with this particular situation that you were mentioning here, you are mentioning areas that you would like to see L.P.R.T.'s and this is a radio facility, and also others that you would like to see the television package in. Now these are only a couple of areas that particularly are ones that possibly the Honorable Member as a Councillor has brought forth. I would like to tell you that in the total Yukon, the amount of coverage that is being given, I would suggest is while it is covering the majority of population as far as numbers of population is concerned, is certainly far, far from taking care of the total number of communities in the Territory, on the Alaska Highway north of Whitehorse to the very best of my knowledge and the Honorable Member from Carmacks-Kluane can correct me on this if I'm wrong, but to my knowledge on the Alaska Highway north you might just as well be on the Sahara Desert as far as any kind of public communication is concerned outside of telephones. I don't see him saying that I am wrong here so I assume that my statement here is quite correct. Now in this regard, this is why I asked if Paper No. 18 had got into Committee for discussion. There was a question asked of me here either of the last session or the session before about a telecommission or a communications conference which had been proposed by my counterpart in the Northwest Territories. I would like to report to Council that this would appear to be getting off the ground. I attended a meeting in Ottawa day before yesterday at which it was indicated that the Federal Government will be funding this telecommission conference or something of this nature. I'm sorry I don't have the dates in front of me now but I will be getting Council advised as soon as I have these dates because no doubt Council will want to see that they have representation at it. The idea of being at this conference is that we are not going to be talking about whether we should be using crystal sets or transceivers or single sized van radios, but the idea being to expose what the total communication meet is in the northern parts of Canada, and see what can be done to formulate programs that are going to take care of them. Now, the question was put to me on a non-payment, in other words a non-funding basis, would the Yukon Territory be prepared to be a co-sponsor of this conference and I have answered on behalf of the

Mr. Commissioner continues.....

Council and the Administration in the affirmative that it is not going to cost us any money to be a co-sponsor for this thing but we are certainly lolling what I feel that Council wants to loll mainly our credence and support to having such a get together so that these problems can be properly aired. Now Mr. Chairman with respect, this is not going to do anything tomorrow afternoon to take care of the question that is being raised by the Council, but I think there is a great feeling afoot with the people who are responsible for this type of communication particularly the Frontier package television, that this is doing some harm to the people who are being exposed to it and I may advise Council that I have personally written to the president of the C.B.C. and advising him that this is the finest thing that ever happened in the isolated communities of the Territory and, for goodness sake send us some more. We'll take our chances on the harm that will happen. It would be kind of nice to have at least some segment of the twentieth century here before the twenty-first century arrives. Now I am sorry I can't say or do anything more at this point if there are any motions from Council that they wanted to bring the matter more forcefully than what we have done to the attention fo C.B.C., rest a sure we will only be to happy to.

Mr. Taylor: Well Mr. Chairman, in that regard it just seems to me that though it may not be a waste of time, we're not getting answers of the C.B.C. Here is another Federal, guess you can call it a department, I guess you call it a crown corporation, but here is another officer or creature of the crown, which comes into the Yukon and they arbitrarily decide where they will put a radio station, where they will put a T.V. station. They won't consult with the people at all and say, what do you think. I mean when you, like Faro is in my District, Clinton Creek is in the Honorable Member from Dawson's district and here is two brand new communities and bang, what do they get? They get radio and television right now! Here we've got Faro's getting theirs in 1970, but Mayo, one of the older established communities gets theirs not until 1971.. In any event, somehow we have got to get across to the C.B.C. people that we want to discuss with them, we want to tell them what our problems are and sit down and work with them in the establishment of priorities for the distribution of these facilities. Now I am told that there are twelve, pardon me, there are two per month of these Frontier packages that cross the North. There are two installations per month somewhere in the North and I believe if this is the case we should be able to install in at least three or four communities in the Yukon Territory, if this be the concept. As I say, four communities this summer will be able to install this facility. Well, one thing they should be able to install is a L.P.R.T. radio, so I will be proposing a motion under orders of the day, which would indeed ask that the Administration contact C.B.C. and ask them to give us a list of the priorities that they have established for discussion at the spring session.

Mr. Chairman: : Councillor Gordon.

Mrs. Gordon: When the Member from Watson Lake brings forward his motion, I will be most happy to second it because I have before me Sessional Paper No. 51 issued last November 26. We have on the table before us one issued November 25, 1969. The one in 1968 said that the proposed Frontier package television for Mayo was to be early in 1970. That's one year ago, we have now been delayed another year. Where do these priorities come from and why do other areas which are more recent have no more population don't at this point in time , make anymore contribution than what has come out of the Mayo district receive a prior committment and early consideration and we get pushed in the background the same as we

Mrs. Gordon continues.....

do in so many other areas. Mayo has been an established community contributing to the economy of the Yukon for more than sixty years, and I sometimes wonder why in the world we stay there because we're pushed out on a limb and everybody is trying to saw it off.

Mr. Chairman: Is there any further discussion?

Mr. Taylor: I will resume the Chair at this point.

Mr. Chairman: The next Sessional Paper, No. 22 is clear, the next Sessional Paper is No. 24 and I think at this time I will declare a recess.

RECESS

Friday, 12 December, 1969.
3:30 P.M.

Mr. Chairman: I will now call Committee back to order. We were discussing Sessional Paper No. 24. Councillor Livesey.

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Mr. Livesey: Mr. Chairman, I'd like to proceed with Sessional Paper No. 24 but I have some questions I'd like to direct to Mr. Commissioner but I see at the moment he is busy in the public gallery.

Mr. Chairman: I believe Mr. Commissioner has a meeting at 3:30 regarding which he indicated earlier this morning he was going to attend so is it your wish to continue with Sessional Papers at this time?

Mr. Commissioner: If I can be of value, Mr. Chairman, to Council at this time to help them to expedite the papers I will stay.

Mr. Livesey: I'd like clarification on this Paper, Mr. Chairman; it shouldn't take very long. I had a meeting with the people at Destruction Bay on October 29th, I believe it was. They informed me there was a ditch in front of the Fire Hall and they would like to have it filled up. So I raised the question in the House and the answer I got back was that the ditch in front of the Fire Hall at Destruction Bay is a local matter which was handled by the Fire Chief Mr. Bryan Bjork. He has informed us that the ditch was filled about three months ago and that the cost has been recovered from the contractor who was responsible for correcting the situation. The facts are that it was Mr. Bjork who raised the question on October 29th. He wanted to know why there was a hole there and furthermore, I go over the government papers and find out that they also admit that the work was done in October and to be completed in November and now I would like to direct a question, Mr. Chairman, to the Commissioner and ask him if he has as yet solved the great mystery of the hole in front of the Fire Hall in Destruction Bay.

Mr. Commissioner: Mr. Chairman, I'm afraid not, and with due respect for the problem involved here, the only thing I can see to do is to have the matter inspected by the Member from the area at a time he finds convenient and if he would advise me what the situation is directly, which I am sure he would be only too happy to do whatever action, whether it be corrective action, see that the ditch is filled in or if indeed we should re-excavate it in order to create an unfilled ditch so that we can then fill it in to keep everybody happy, why we will be most happy to do so.

Mr. Livesey: Mr. Chairman, the Member for Carmacks-Kluane Lake is always at the ready when it comes to helping the Administration.

Mr. Chairman: The next Sessional Paper is No. 25. Councillor Livesey, Waste Disposal Area, Destruction Bay.

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Mr. Livesey: Yes, this is another question. My question was "What provision has been made for a waste disposal area under the control of the Territorial Government at Destruction Bay?" The answer was that no request for a waste disposal ground at Destruction Bay has been received and therefore no

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Mr. Livesey continues.. provisions for the establishment of one have been made in this year's or the 1970/71 estimates. Now, the point I'd like to raise here, Mr. Chairman, is that in view of all the discussions we have been having about pollution and pollution control and the control of waste and garbage and we have created an Ordinance that prevents people from scattering litter on the Highway, and bottles and tin cans, and anything you want to think of. Here we have a situation where the government is contributing to the very thing, in my opinion, that we should be trying to avoid, and not only that, I understand that sewage disposal is also being dumped in an area close to the shore of the lake. And my point in bringing this up here, Mr. Chairman, this afternoon, is to ask the Administration if they will look into the situation and provide a proper, adequate and decent place in the area of Destruction Bay so that pollution can be controlled and so that we don't as a government contribute to the very thing that we are opposed to and say that we are opposed to.

Mr. Commissioner: Well, Mr. Chairman, concerning the establishment of a nuisance ground, perhaps the Honourable Member could advise me what is being used as a nuisance ground now at Destruction Bay. Is the area provided by the Department of Public Works being used by the general public or is this just simply a matter of you dump your garbage wherever you happen to so see fit, the way it is done around Whitehorse.

Mr. Livesey: Mr. Chairman, it appears to me to be a free and open area where all the garbage and sewage disposal and everything else is thrown and from what I understand from the people who live in the area, they are opposed to this condition and I am applying to the Territorial Government to see what they can do to help out the situation.

Mr. Chamberlist: Mr. Chairman, can we dispose of this garbage and get on to the next Sessional Paper?

Mr. Commissioner: Well, Mr. Chairman, we better get some direction here. Let's find out what is wanted at Destruction Bay. Is it my understanding that we want a nuisance ground O.K.d at Destruction Bay? Is this my understanding the same as we have say at Haines Junction?

Mr. Livesey: Yes.

Mr. Commissioner: Mr. Chairman, I have no idea what kind of cost that we are talking about here for this, but I would like to assure the Honourable Member that I will personally see that the matter is looked after and what the possibilities may be as far as the next fiscal year is concerned.

Mr. Livesey: Mr. Chairman, the Honourable Member will be forever grateful.

Mr. Dumas: Mr. Chairman, in line with this type of discussion I mentioned once before at this Session of Council the problem of nuisance grounds, or lack of nuisance grounds in the immediate vicinity of lodges, particularly, I am thinking of the Haines Highway. There are two lodges there and neither have nuisance grounds. It is their understanding, and they have been told by the Engineering Department that it was an Engineering Department responsibility. Now, I know, as a matter of fact in both cases the nuisance ground could be put in within a matter of a half a day's work, if a Cat that is already in the area were hired and used for that purpose; so we are probably looking at fifty dollars per ground

Mr. Dumas continues,...

to solve the problem in these areas, but it may be something that the Commissioner might keep in mind, Mr. Chairman, when is discussing the nuisance ground at Destruction Bay.

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Mr. Chairman: Have you anything further now on this Paper? Next Sessional Paper is No. 27, Reduction of Lot Price at Beaver Creek. Councillor Livesey.

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NO. 27

Mr. Livesey: Here we go again, Mr. Chairman. Here we have a real problem, I think, with the situation on the subdivision at Beaver Creek and I know some members who are talking to my left about their problems don't have sufficient time to listen to the problems in the outer areas. This certainly is a problem. Now, the point is Mr. Chairman, that if we are going to encourage people to invest their money in land three hundred miles from Whitehorse, and we know the principles and the theories of the government have been all along that if there is going to be anything of any value at all, this is the place to put it. It's concentrated in one area and it's the focal point and the axle in the wheel for hospital services, for every other kind of service. If you are going to encourage people to stay out in those outer areas you are going to have to provide ground and subdivisions where people can invest capital if they feel in the future they will be able to recoup their money should they leave it and put it up for sale. And I think to help this along, to get them started rather than living in government accommodation or any other form of unregistered accommodation, the point is to provide lots in subdivisions at least 300 miles from Whitehorse at a price that people will be prepared to pay. You'll not only be attracting the people who of necessity want to move into this particular type of area, but you'll be attracting others who may be on the marginal fringe, not as yet having made up their minds. And when people come along and they look in the newspapers as I did about a month ago and see the Territorial Government advertising lots in Haines Junction for \$165.00, and I believe the next one is \$210.00, and they look at the cost of the Beaver Creek lots, 300 miles north of Whitehorse, \$450.00, one begins to wonder upon what basis the Territorial Administration comes up with ideas of attracting people to put their money into permanent type residences and establish an investment in the Yukon. And this is the question that I am raising this afternoon, Mr. Chairman. Why can't we have a reasonable price for those lots at Beaver Creek irrespective of the fact that the cost for putting them in in the first place was created by bringing in a contractor from Whitehorse and taking all his equipment out there to Beaver Creek and putting in less road than we could have got if it had been done locally so that the original cost is there and I understand the Government's position is that they are pointing out that the cost of the lots, of course, has got to be based on the cost of this initial road. I would suggest, Mr. Chairman, that as the total number of lots are taken up, and I understand there is a total number of 76 lots, surely we are not going to hit the first few lots that are on either side of this road with the total cost of this figure. Because if we are going to start talking that way, I believe in a pay as you go basis, but if you are going to talk this way you are going to present the subdivision from ever getting started. And let's not forget the position that subdivision was in. I made a request, I believe it was as far back as 1962, to have that subdivision put in and finally they got around to surveying it but they didn't release any lots, didn't put in any roads and didn't put in a road until 1968 I believe it was; 1967 was when I got re-elected to the Council Chamber. I think

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Mr. Livesey continues...
it was too cold to put in a road in 1967. I think it was in 1968, Mr. Chairman, exactly what I said, and so what did we do? We had a meeting in the area and I asked the people in Beaver Creek "what do you want, do you want the lots in the residential area or do you want them in the commercial zone?" They said "no, let's not worry about the commercial zone, let's get them in the residential area". So what do I find. They wanted at least six lots in the residential area; so what do I find. The Government puts in a road and then they say, three of those lots are commercial and three are residential. Well, we've taken two so that leaves one. Now that is the position, that is exactly what they did! The government took two, or thought they were taking two until I pointed out that they weren't even where they thought they were and when one department over here, Health and Welfare, thought they were in the residential zone until I pointed out "no, you are not, you are in the commercial zone". So they took off out of the commercial zone, of course, because, you see, they didn't know where they were at. And this is the kind of thing that is going on and here we have a lot of grandiose talk about how we are helping the Yukon and how we are helping people to invest money in the Territory and this is the kind of catastrophe you have to run into in a small village. It's a totally impossible situation, Mr. Chairman. Surely we can have a better situation than this to deal with! Could I have order, please? I'm talking about the selling price of the lots and perhaps the Honourable Member for Whitehorse East would read the question; he'd know what I am talking about. And Mr. Chairman, at this point in time, may I ask the Administration, in all fairness, just what are they going to do about helping the people of Beaver Creek to buy a lot at a reasonable price so that we can get moving.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Well, Mr. Chairman, this is a very simple situation. The policy of the Administration with regard to the selling price of property in subdivisions, is a policy that has been in effect, that was laid down by this Council, namely, the cost of servicing the subdivision had to be recovered in the selling price of the lots. This is what we are doing. Now, if in Council's wisdom they see fit to instruct us to come up with some alternative to this policy or have ideas where the cost of developing property exceeds a certain price, that the common good will best be served by absorbing this differential in the general revenues of the Territory, this is strictly the prerogative of Council. But, Mr. Chairman, until Council sees fit to give us something contrary to this general policy, we have no alternative but to carry on as we are doing. Now the case in point that the Honourable Member is indicating here, I would suggest, is the consequence of a difference in time between when work was done in the Haines Junction area, and when work was done in the Beaver Creek area in opening up property, and I also may say that the job was done in Beaver Creek as per the instructions of Council, namely public tenders were called. Now we have accepted public tenders and we had the lots opened up. Quite frankly, I am fully prepared to accept any recommendation of Council in this regard but I would warn Council that the minute that you deviate from this general policy of recovering the costs of opening up property from the sale of the property itself, we are dabbling in an area which is just full of pitfalls of potential dynamite.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Yes, Mr. Chairman, at first when the

Mr. Chamberlist continues...
different price structure of the lots in Haines Junction and Beaver Creek were pointed out I thought that perhaps the reason why the price of the lots in Beaver Creek were higher was because the representative Member of the Territorial Council lived in that particular area and that the valuation of the land being close to him would have been more. But it is quite true to say that the Council policy did relate to the cost of services and I am wondering, Mr. Chairman, whether Mr. Commissioner can at this time indicate why and how the cost of these lots, the services to these lots were 100% more and sometimes beyond that. It doesn't appear to me to be reasonable and I think the Honourable Member from Carmacks-Kluane has a very sound point when he brings up the fact that where lots are being sold in Haines Junction for \$160.00 and then lots just a couple of hundred miles north of there are being sold for twice as much and more than twice as much, I can't visualize myself that the cost of installation of services in Beaver Creek would be 200% of the cost of installation in Haines Junction. I think it's necessary to look at that and see where the cost has gone awry. Thank you, Mr. Chairman.

Mr. Commissioner: Mr. Chairman, I don't think that anything further need to be said in answer to this question than to indicate that the lots that are for sale at \$160.00 in the Haines Junction area were serviced approximately 1957-58 and the lots in the Beaver Creek area were serviced in 1969, and I also may say that the validity of the point brought up by the Honourable Member from Beaver Creek concerning the fact that the contractor who did the job at Beaver Creek was located in Whitehorse and transported his machinery back and forth; and if I remember correctly at Haines Junction I believe that most of the equipment that did this job was located right in the area. We cannot fault the operator for this because it was a public tender called and everyone, no matter whether they were resident of Whitehorse or where they were, had a perfect right to bid on this particular work in the Beaver Creek area. Now, could I offer something on this, or say something in this matter? I think that when we are talking about opening up lots in the subdivisions in such an area as Beaver Creek, and I say this with respect, Mr. Chairman, it is only reasonable that the costs of doing this do, in the first instance to the small amount of work involved, and secondly the general remoteness of the area in relation to where you would find larger contractors operating; that these costs are going to be very much higher. Now, I don't like to suggest that we should embark on some kind of a program of exceptions to the policy that has been laid down by Council here because I think the minute that we do, I think that we are in very, very deep water and in grave danger of upsetting something that I think is working reasonably satisfactorily throughout the Territory, but I would like to say that it may well behoove us here to have some comment, possibly conversations between the Honourable Member and myself, the Honourable Member from the area involved here, to see if there may be some visible means of extending some of the costs that were involved in this initial access road, just spread them over some of the other potential lots that will be opened up at a later date; not to deviate from the general policy, but to possibly spread ourselves into the next development as far as the costs of the current lots are concerned. Now, if the Honourable Member wishes to come forth with anything along these lines I would certainly be pleased to entertain anything that he has to say and as long as we were going to stay within the context of the policy laid down by Council, I am quite sure that Council would not have any objection to exploring possi-

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Mr. Commissioner continues... bilities along these lines. But believe you me, Mr. Chairman, I strongly recommend not deviating from a general over-all policy.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I generally agree with the Commissioner on this. I think that the policy is a very sound one; to get involved in subsidization, which is what we would be doing, of purchasing of land, I think would be a very grave error not only in the Beaver Creek area but in any other area in the Yukon Territory and of course if we went into one area with this policy and changed the policy, then there are quite likely other areas, Mr. Chairman, that would come along and say "well, me too" and be justified in so doing. But, if there is some way around the problem as presented by the Honourable Member from Carmacks-Kluane, if something can be worked out to the satisfaction of the people of the area and the Administration, I for one would be all for it, Mr. Chairman.

Mr. Livesey: Mr. Chairman, while the Territorial Government was vacillating around the whole proposition people who had nowhere to go couldn't get into the subdivision and built in the industrial area at a much cheaper price, in my opinion, from the Federal Government. That's the situation. The reason why I wanted a subdivision in the first place a few years ago was to prevent people staking lots, one acre by two acres, one acre by four acres and having such a hodge podge mess that you couldn't settle down to anything. What I was after was orderly development. Well, the orderly development got held up while the disorderly development was left wide open. That is the situation; that is where they built. There was no other place to go and they got their places to put up; they had to live somewhere and they built at much less cost than we are talking about in that subdivision. By the way I can also tell you some thing else about it. When the price structure of the subdivision at Beaver Creek came out they were selling lots at Porter Creek for \$265.00, \$295.00; they were advertising in the Newspapers and I believe I have a copy of that. Now, you can imagine people living out there 300 miles from Whitehorse, isolated, people with families and children, and knowing there is no doctor there or anything else, totally devoid of these types of services which they can get here so the attraction once again is right here, not there. So the wives say, why put your money in the ground at \$450.00 at Beaver Creek when you can get a lot in Porter Creek for \$265.00 and the hospital is only about four or five miles away or whatever it is from Porter Creek, across the river; and everything else. Let's look at something of common sense value. Now, here we talk about subsidization. Let me tell you just how we did a lot of subsidization in the Yukon Territory. In Haines Junction, when that townsite was first set up it belonged to the federal government and the federal government sold the lots and when the Territorial government took over the townsite had no money so what did the Territorial Government do. They put up a subdivision and then they took all the money from the subdivision to subsidize the very same thing the Commissioner is saying we shouldn't do. They took the subdivision money and subsidized the townsite with subdivision money. And when they wanted to get money for the first subdivision they had to go build another subdivision to subsidize the one behind it, the one behind it all the time at Haines Junction. This is a merry-go-round we have in the land situation. All I'm asking for is something

Mr. Livesey continues...
that I can take to the people who are willing to live out
that far from so-called civilization. They are willing to
live out there and you have to passify these people. There
are government employees, there are private enterprise
employees to be considered. How are you going to keep these
people satisfied if you don't provide somewhere where they
can put a home? This is all I'm asking. I'm not asking for
the moon; I'm only asking for common sense.

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

Mr. Shaw: Yes, Mr. Chairman. I would like to ask a question
of the Honourable Member from Carmacks-Kluane, in case I
didn't get it right. It appeared to me that he inferred
that there were just three lots put up here and the Territorial
Government got two; does that mean that a contract was held
for three lots. Is that correct or have I got it wrong?

Mr. Livesey: No, Mr. Chairman, what happened was that we
had a meeting out there and the people wanted at least six
residential lots; they didn't want any roads, sidestreets
or anything else done by the Territorial Government in the
commercial zone. They wanted a residential zone, they wanted
roads in the residential area first. Well, instead of getting
their six lots they got three; three in the commercial zone;
three in the residential area, and then I looked at it and saw
that two of them were taken by the Territorial Government,
supposedly. I later found out of course that they thought
they were in the residential zone and they weren't, they
were in the commercial area, but that left one. This is
what they came to me with. We want six lots and all you've
got is one and how do you explain that John? Well, of course
I couldn't explain it; somebody had done all the rigamarole
and twisted everything up. I had nothing whatsoever to do with
it. All I got was the information.

Mr. Shaw: Well, Mr. Chairman, all I can say if you do one
lot at a time it is going to cost about \$600.00 because it
is going to cost about \$200.00 a piece to transport the
equipment up there and back, or \$300.00 anyway.

Mr. Chairman: Anything further on this paper?

Mr. Livesey: Well, what's clear about it, Mr. Chairman?
Are we, do I understand that I may sit down with a very
friendly and amicable manner with Administration and discuss
the possibilities of creating a reasonable solution to this;
is this my understanding?

Mr. Commissioner: Just so long as we understand it is going
to be done within the total context of Council's basic
policy directed to the Administration. I will be very, very
pleased to sit down with the Honourable Member.

Mr. Chairman: For the edification of the Members of Committee,
we will be discussing at some point in time in Committee matters
of land disposal policy. Maybe that would be the time to
deal further with this subject. Next Sessional Paper is
Sessional Paper No. 29, re Visit of C.M.H.C. Official to
Territorial Council. Mr. Commissioner.

Mr. Commissioner: This is something that is up to Council
to advise me on, Mr. Chairman. I am well aware of the fact
that we are getting on in the month of December and it may well

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Mr. Commissioner continues...
be Council's wishes to leave this to some later date. The point is that I believe I was requested at the last Session of Council, or at least prior to this one, to see if these people would be available and literally speaking, I think I am more or less answering a question here, and to be advised by Council if indeed they wish these gentlemen to come.

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Mr. Chairman: Does Committee wish to defer this for the moment? The next Sessional Paper is No. 31. Air Strips in the Winter. Councillor Chamberlist, will you take the Chair?

Mr. Taylor: Mr. Chairman, here again we come back to Air Strips and as we discussed the matter of the Braeburn, McQuesten Air strips and so forth up the Ross River Road. I think it's very very important that government at both levels, both the Territorial and Federal Governments, take a close look at this question. I think that the Department of Transport is very involved here in the keeping open of emergency flight strips all the way throughout the Territory. There are a lot of wheeled aircraft traffic now; more so than there used to be in the older days and there is no place for these people to set down unless they are fortunate enough to land on a highway without hitting a culvert marker or something of this nature. In the interests of safety, for life saving, for anything, I think the major strips at least should be maintained in the wintertime. I think we just have to find the funds either to compact them or to grade them, but I think they've got to be cleared. I would like to hear other Member's comments on this, Mr. Chairman.

Mr. Chairman: Yes, any discussion?

Mr. Shaw: I wonder, Mr. Chairman, it seems like quite some time ago that we sent a communication to Mr. Pickersgill in respect of matters like that. I wonder if any Member or any person can state if we ever received a reply of acknowledgement or anything respecting that. I think it was airstrips that we were concerned about?

Mr. Taylor: Mr. Chairman, that was the man who arrived and left before he could even have a chance to speak to the Commissioner, that was the fellow who was going to sit down and talk with us here some weeks ago.

Mr. Shaw: Well, Mr. Chairman, I believe that he went south and announced that they were going to spend \$700,000.00 on the Fort St. John area, I believe that must be the same person.

Mr. Dumas: Mr. Chairman, I agree with the Honourable Member from Watson Lake that these strips should be maintained to some degree. We have a lot of air traffic all winter around here; a lot of small craft flying in the Yukon skies and I can't follow the line of thinking when it says "we will maintain them in the summer but we won't maintain them in the winter" because if a plane goes down in the winter, it is probably a heck of a lot more dangerous than going down in the summertime, therefore, I think that at least some of these strips should be maintained whether it's D.O.T. that has to do it or whether we have to find some other sources of funds to keep some of them open, I don't know, but it's my feeling that we should do something about keeping some of the emergency strips open and available during the winter time.

Mr. Taylor: Mr. Chairman, there is another thing too, although

Mr. Taylor continues...
it is out of our Territory by a few miles. Swift River Airport - D.O.T. decided they would shut this airport down which they did but they left no watchman, no telephone or anything of that nature in there. It is not now maintained; it used to be rolled and compacted and used to be a real haven for people and pilots who got into trouble, coming from Fort Nelson through to Watson Lake. Now, as a result of this shutdown there will be no, there is no emergency shelter, there is nothing in there and yet every map, flight map in the North shows that as being an airdrome and shows it as being a fully-occupied and functional airport. It is going to take maybe several years before people will get used to the idea that it isn't there anymore. Here again you have an airstrip which is snowed in and experience has shown that many aircraft has just sneaked in there when it was operational and was lucky to make it. Now when they go in there they will have to nose over in the snow, hopefully without hurting or killing anybody and then when they get out of the aircraft I don't know how they will get a fire going or what they do. It is really a hopeless situation and the same thing would apply with other airstrips in the north. You mention Nahanni Range road, for instance. Well, you have to look at these strips individually. I don't think that the Nahanni Range road strip is too important; it's only where you have these special flight routes. Now, we have, I believe we stated here Ross River Mayo and Dawson City are being maintained. We have the Whitehorse and the Watson Lake airports. In addition to that we have Faro and I think those are the only airstrips all over the Territory that are being maintained at all and I really think we should get after, both at the Territorial and Federal level to get compaction or snow removal. I think Teslin is open.

Mr. Chairman: Any further discussion? Would the Commissioner like to come in?

Mr. Commissioner: Yes, I would, Mr. Chairman, because somehow or other, if we are going to develop the area, I think that transportation is our first and most important item and we not only can't even get any decent kind of service out of the main line operator coming in and out of here; now for goodness sake, the small operators, the bush type flier doesn't even have a place to put down his aircraft unless it happens to have ski equipment. I think really that we are looking here at a very basic policy with regard to the opening up and the maintaining of some kind of an economic basis here in the Yukon. I don't think myself that anything less than the intervention here at this point of the Ministers who are involved in this thing is ever going to get us anywhere. Now, we have roads throughout the Territory that are maintained under the Engineering Service Agreement and I believe the Yukon Territory puts up basically 15% of the maintenance and the Federal Government puts up 85%. I don't know how we would make out in endeavouring to get the airstrips that are in close proximity to the roads that are maintained under this policy. I don't see why in the name of goodness we couldn't get them under the same policy. Maybe this is our first step in this matter. At that point, as I see it, at least Carcross, Braeburn, Carmacks, Minto, the Dempster Highway; where's the McQuesten Strip?

Mrs. Gordon: Half a mile off the road.

Mr. Commissioner: Yes, but what road?

Mrs. Gordon: Clear Creek.

SESS. Mr. Commissioner: And the Campbell Highway Strip; now I
PAPER realize that Snag and Aishihik are off in a position by
NO. 31 themselves, but certainly it would appear to me that our
attempts here should be directed towards getting the air
strips that are in close proximity to the highways that
come under the Territorial-Federal Engineering Services to
get monies made available under that agreement for their
maintenance. I think this is our first step and if Council
would agree, why I would be most happy to pursue this line
of approach. I think that as far as talking to the Depart-
ment of Transport is concerned, there may be something to
talk about, say the Swift River Airport which you mentioned,
but I think the other ones are something that we've got to
try to deal with at that level which we have access to and
I am certainly quite prepared to pursue this if Council
agrees that this is one approach that might help.

Mr. Chairman: Anything further?

Mr. Taylor: Well, other than to say I would agree with the
proposal as outlined by Mr. Commissioner that we get some
dialogue going on this and see if we can't get something
useful out of it. It just occurs to me, in looking at the
list of airstrips as enumerated in Sessional Paper 31, that
Braeburn, Carmacks, Minto and McQuesten may already be looked
after by virtue of acceptance of our other Sessional Paper
related to the emergency services. The suggestion is that
these be maintained throughout the year so really what we
are left with at the moment then is Carcross and the two
strips on the Campbell Highway.

Mr. Commissioner: We're looking for money, Mr. Chairman.
That is really what we are looking for; the fact that we are
going to try to press for Braeburn and Carmacks to be maintained
as part of the medical evacuation scheme simply gives us
more leverage to work with is no assurance that we are going
to find the money to do it. We are certainly in a better
position to try to find the money on that basis.

Mr. Taylor: Yes, well it depends who establishes the
priorities on these expenditures.

Mr. Livesey: Mr. Chairman, there are more airstrips than
what is located on this Sessional Paper. We have an airstrip
at Haines Junction, there's an airstrip at Mile 1054 and another
one at 1095, another airstrip at 1167 and one at 1204. There
are a lot more airstrips than what is on this sheet, Mr.
Chairman.

Mr. Taylor: Yes, well Mr. Chairman, I was referring to the
Territorial coffers. I've already mentioned - if the Honourable
Member had been paying attention he would have noted that I
referred to the D.P.W. airstrips as well, but that happens to
be D.P.W. money that is required to maintain them.

Mr. Livesey: Mr. Chairman, not necessarily, I don't think
that the airport at Mile 1204 has anything to do with the
Department of Public Works, nor the one at 1167, nor the
one at Burwash Landing, nor the one, I don't think at Mile
1054 is Department of Public Works, nor the one at Haines
Junction, none of them are, not to my knowledge.

Mr. Chairman: From the Chair, does the Honourable Member
know whose airstrips they are?

Mr. Livesey: Well, I don't want to go into a long dissertation
Mr. Chairman, and I'd have to explain the colossal catastrophe

Mr. Livesey continues...
at Mile 1204. I have talked about this in this House many many times and I am sure if any of the Members wish to look up the Journals they will be able to see what the problem is there. The one at Burwash Landing is connected with the Department of Transport operation. However, the one at Mile 1054 was put in there by a survey operation and the one at Haines Junction has been used many, many times and this was put in when the Alaska Highway was in operation, but whether the Department of Transport or the Department of Public Works maintain ownership, that is hard to say.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, this McQuesten Airstrip was one put in there about twenty years ago to service Clear Creek placers. I doubt if that has been used for quite a number, many, many years. I wouldn't even know if it is possible to land on it now; it's probably grown over with spruce trees. And further, Mr. Chairman, I really would not know the use of an airstrip such as that except for emergency planes to land. It is fifteen miles from the McQuesten bridge and I think in the wintertime there is nobody living there and there might be only a trapper or so living in a cabin or something like that. You could get to it in the summertime, you have only a half a mile to go through a somewhat swampy looking area but it would serve as a place to land; if it is put on the map, the way I would feel Mr. Chairman, that if it was put on a map as an emergency flight strip, then somebody somewhere along the line should at least keep it somewhat flattened out and the brush kept off it so that in case of an emergency you could land on it. At the present moment it seems that anyone that lands, when they go to Dawson and get into trouble they land on the road. That seems quite a favorite place to land than any of the airstrips, right on the main road.

Mr. Chairman: Any further discussion?

Mr. Taylor: I'll resume the Chair at this point.

Mr. Chairman: The next Sessional Paper is Sessional Paper No. 33.

Mr. Livesey: Mr. Chairman, I would like to have this held over until Monday because I would like to show - could I have order please, Mr. Chairman? I would like to show the Committee what the latest technical and engineering practice as found in Canadian municipalities, how it came about in Beaver Creek, Mr. Chairman. I wonder if the Honourable Member across on the other side of the aisle would allow others time to speak and provide the same consideration to other Honourable Members as he expects others to provide for him, Mr. Chairman?

Mr. Chairman: Is it agreed we stand this one over?

All: Agreed.

Mr. Chairman: The next is Sessional Paper No. 38, Distribution of Tax Rebate. Would you have any information on this at this time, Mr. Commissioner?

Mr. Commissioner: No, I'm sorry I'm no more up-to-date. I should inquire about this. I think we are practically ready to come forth to Council on this; I'm very hopeful that we can very quickly because we want to get Council's guidance

S.P.

NO. 38 Mr. Commissioner continues...
as to how this matter is to be handled. All I can tell you Mr. Chairman is that it will be here just as quickly as we can. I'm very sorry for the delays that we have apparently encountered in this.

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

Mr. Chamberlist: Yes Councillor.

Mr. Taylor: Yes, well, I think that this is a matter that has to be settled and settled rather quickly because the people who have spent this money, who would be subject to a rebate, may die before they have an opportunity of getting the money back, this rebate. The way it's working right now is that any rebate will be coming to the new people and the old people won't be able to - the people who spent the money won't be able to get the rebate. Secondly, I don't necessarily agree with the procedures. Now, I have in my hand the minutes of the meeting in Ottawa with the Yukon Electrical people whereby they discussed how they are going to - or telling the Northern Affairs Committee how they plan to give this money back. He says, however, (just to quote one section, incidentally this is Ed King) a proposal is that we will continue to charge our normal rate. The economics of service to a customer would therefore be based on those rates as far as we are concerned but the equalization would be affected by a rebate applied to the account so as to bring it effectively to the Whitehorse, or in the case of the Northwest Territories, the Hay River rate. And a little further on he says the difference in the two, this is where he establishes the rate, he says the difference in the two would be credited to the customer's bill and we in turn would submit a statement to the Northwest Territories Government asking to be reimbursed for the rebate which of course applies in the Yukon. I don't like that, I smell a rat in this one and I really would like to see this matter resolved and aired. It is interesting to note that they have wonderful relations with the Council, Mr. Chairman, and quote us in the utterances here. He says Mr. Choate has stated, I think by and large we have a very good relationship with the Council. As Mr. King has said, there is the odd Councillor who, for want of headlines probably does some sniping at us and oh, we get all kinds of nice mentions all the way through here. It is very interesting to know that - it states here that we have a couple of news editorials here and one of which said we were the best thing to happen to the Yukon since the introduction of OP Rum and this is all full of great, nice things. However, I am wondering if, as Mr. Commissioner has stated that he will be bringing something down, could he indicate if it will be at this Session?

Mr. Commissioner: Mr. Chairman, this money has been remitted to the Territorial Government by the Federal Government and the decision as to what is to be done with this money and, will be my direction as to what is to be done with this money, will come from this body that is here right now. There are several alternatives that are available in bringing about a rate equalization by the use of this money. We have endeavoured, within the confines of our own organization to determine as to the various proposals that were brought forth. Certainly the proposal that was brought forth by the Yukon Electrical Company in this regard appears to have a lot of validity. However, we do not have, within the Territorial Administration the technical competence, should I say, to analyze proposals

Mr. Commissioner continues...

such as this and we sought help from where we thought that we could get help and it was offered to us free of charge, and that was from the British Columbia, from the B.C. Hydro Commission. The people who are in charge of their rate of structuring; I'm sorry I don't know their titles on this, have been supplied by the Yukon Electrical Company with the fullest information that they needed to analyze these proposals. I would like to say here that the Yukon Electrical Company has been most co-operative in supplying this information so that we can get analysis made because I feel that anything less than the fullest information for Council to make up their mind on is not fair in a matter of this nature because remember that we will be establishing a policy here which will not only affect the monies which are before us at the present time but will continue on into years ahead and I don't think that Council will want to be a part to any kind of a scheme that while it may look to be perfectly valid and applicable at the moment, that we would find out a year from now that we were unable to carry on with it because it had not proven to be a workable situation. But there has been no lack of co-operation from any and all the parties concerned in this and I will be getting the whole package brought forward to Council just as quickly as possible. I was very hopeful that we could have it here so that Council could give us direction on the matter and we could possibly vote the monies in the course of this Session so that the matter could come into effect on January 1st. It looks to me as if this maybe is a little doubtful at the moment but we certainly have no intention of holding up this matter.

Mr. Taylor: I'm most pleased to hear the comments of Mr. Commissioner on this because I was working under the basis as stated here and I was working on the assumption that the Utilities Company, Canadian Utilities actually decided this issue and this is really good because in here they are telling the Northern Affairs Committee in effect how they propose to reimburse the money. What they are going to try and do with it - I don't know - I guess it is a pretty good trick if you can get away with it. What they are going to do is take this money and they are going to equalize power rates across the Yukon, or try to. The people in Whitehorse, for instance, would get no benefit out of it but the people in Old Crow and Watson Lake and Ross River would. In any event I'll just leave it at that point then and we will no doubt have something before Council, these proposals and we will sit down and discuss it further then. Thank you Councillor Chamberlist.

Mr. Chairman: The next Paper is Sessional Paper - oh, pardon me.

Mr. Chamberlist: Mr. Chairman, I think that the kind words that Mr. Commissioner gave with reference to the help that Yukon Electrical Corporation has given might stand him in good stead-at some future time, he might get a job on a bus. One thing that I would like to know, I would like to know first of all, when did the \$167,000.00, when was it paid from the Federal Government, approximately when?

Mr. Commissioner: Oh, about April...

Mr. Chamberlist: About a year ago, let's say. Now, I wonder if added to this \$167,000.00 will be the interest of the money that has been placed in the bank. Will that be added to that amount so that the people will benefit from it?

S.P.
NO. 38 Mr. Commissioner: Yes, Mr. Chairman, the demand rate that we have been getting in the course of this fiscal year has been varying a little bit from $6\frac{3}{4}$ up to about $7\frac{1}{4}$ or something in that area and certainly the accrued interest on this money will be part and parcel of the vote item that will be available.

Mr. Chamberlist: Very good, another \$10,000.00 approximately.

S.P.
NO. 39 Mr. Chairman: The next Sessional Paper is Sessional Paper No. 39. Councillor Livesey.

Mr. Livesey: I don't wish to bring this one up at this time, Mr. Chairman.

S.P.
NO. 41 Mr. Chairman: The next Sessional Paper is No. 41. Councillor Livesey.

Mr. Livesey: Now, for this paper I would like, if possible, Mr. Chairman, to have the Director of Indian Affairs?

Mr. Chairman: In view of the time, I believe we have to set another day for this.

Mr. Chamberlist: Mr. Chairman, the Honourable Member asked for the Director of Indian Affairs. He's not a servant of the House or servant of the Territorial Administration.

Mr. Chairman: This would have to be at the express wish of the Committee, gentlemen.

Mr. Livesey: Yes, well Mr. Chairman, could I not also advise Committee of my wishes without incurring any liability against each Member?

Mr. Chamberlist: Mr. Chairman, I think we should ask whether he wouldn't mind, but I mean, to demand that a Member wants a Federal employee here; I don't think we can do that.

Mr. Livesey: I don't believe I used the word "demand" either, Mr. Chairman.

Mr. Chairman: I'm wondering if we could stand this matter over and in view of the time I think it is a little late today. Would this be agreeable with the Honourable Member if we leave it on the list of papers for further discussion?

Mr. Livesey: Certainly, Mr. Chairman.

S.P.
NO. 47 Mr. Chairman: Next Sessional Paper would be Paper 47. Councillor Dumas.

Mr. Dumas: Mr. Chairman, the problem that arises here, and the one that I am more particularly concerned with, and there is an overall problem, but my particular area of concern involves, in the first instance, school teachers living in this housing accommodation that in the first instance is supplied by the Department of Public Works. These people were hired; they were told how much their rent would be; they were signed to a contract and now, half-way through their contract they are told that their rent will be increased by \$40.00 a month. Now this is not the Administration's fault. The Department of Public Works had a rental survey done by C.M.H.C. and the rental survey that was done, I think, was a very good and a very accurate one. However, because these are Territorial employees it is my suggestion that the Territory, in all good faith, should absorb that extra \$40.00

Mr. Dumas continues...
to the end of the contract year. Now, I'll listen to alternate suggestions but I would like to know how the Committee Members feel insofar as the moral responsibility goes, of the Territorial Administration and this Committee, in making an agreement on the one hand and breaking it on the other, notwithstanding the fact that it is due to increased charges by the parent government. There are at least two other members of the Administration who were hired in recent months; one in September I think that went into the Department, into the Treasury Department and was told, and this is in writing, was told that he would be paying a certain rent. Now, after moving up here and placing his family, accepting the job, his rent is increased arbitrarily. He had no say in it. So this creates a real problem and if there is any way around this that is satisfactory, if there is any way around this where the government or the Administration, or we as responsible people, can carry on a contract which we committed ourselves to, I would like to hear it because I will refuse to go into negotiation with the teachers unless we here can resolve this problem. I feel that there is, for us to do something like this is dishonest, and wrong.

Mr. Chamberlist: Mr. Chairman, I feel that where there is a contractual arrangement, which has already been made between the Territorial Government and the school teachers, and between Territorial Government and other government employees; this doesn't specifically mean only for Territorial Government school teachers. I think we have to abide by the contract. Now, it would be a very high cost to the Territorial taxpayer if the suggestion which has been made by the Honourable Member for Whitehorse West that the Territorial Government absorb that cost. How the situation can be overcome, I don't know, but certainly it does prove one thing; that the Territorial Government and the Federal Government should get out of the housing business because they don't know how to operate the housing business. This is the first thing. I feel sure that if private entrepreneurs would be aware that the Territorial and Federal Governments would get out of the housing business, they would build homes to rent and they would build apartments to rent. I know some people who would build apartment blocks if they were assured of Territorial Government going to rent. I know they would go and do that immediately. Now, what we must deal with right now is how to overcome this situation. I notice that the answer to Councillor Dumas's question only dealt with 45 houses in Takhini under lease to the Territorial government. What about the houses in Riverdale where some Territorial Government employees, one not a thousand feet away from where this Member is standing, where the situation applies? This must also be given consideration. I don't know whether the Commissioner's own home has had a rental increase laid against it but if it has well no doubt he will be coming forward in the supplementary estimates re his allowance. Now, there are ways and means of overcoming the situation for some people but really it is not proper to have to hit an employee for another \$500.00 just because D.P.W. wants to increase their rental. Now, the only thing I could suggest at this moment is that the Commissioner, Mr. Chairman, be asked to place the position squarely before the Department of Public Works under the circumstances, let them know of the contractual relationship the Territorial Government has entered into with the various people, both verbally and written, and ask them to accept the position that rentals and the

S.P.

NO. 41 Mr. Chamberlist continues...

houses were taken from the Department of Public Works with, in view of the commitments that have already been made by the Territorial Government and try and work it out on an amicable basis in that matter. Thank you Mr. Chairman.

Mr. Commissioner: Mr. Chairman, I think I have taken the matter about as far as it can be taken and we are waiting on a reply from the Treasury Board. I had the Honourable Arthur Laing, who is the Minister of Public Works, write a letter to his colleague, Mr. Drury, who I believe is the Chairman of the Treasury Board and place the case before him in what I considered to be a very clear-cut manner, and asking Mr. Drury to seek the Treasury Board's consideration for the peculiar circumstances in which this matter was affecting Territorial Government employees. Now, I was hopeful of having an answer before I came to Council on this but it looks to me as it is going to be the first of the week before we get an answer on it now. I am very hopeful that the answer will be such that we will be relieved of having to come to any type of subsidized situation to take care of the contractual obligations, whether they be moral or whether they be in writing or no matter what they may be. So, all I would like to suggest, Mr. Chairman at this time is that I feel we have taken as many steps as we can at the moment. Until we get turned down at the Treasury Board why I would suggest that we leave the matter in abeyance at the present time. Now, I would like to go for just one minute to the question of entrepreneurs and the constructing of apartments and what have you here in Whitehorse and it has been public knowledge for some time that as a consequence of discussions around this table here that the Territorial Government is most anxious to have no more to do with housing, period. And I don't know how much louder and clearer we have to make this known. Now there has been a certain amount of apartment building done around here this year, some of which is under contract, would you say lease, I suppose, to the Territorial Government on behalf of Territorial Government employees and I may also say that we are under I believe what one might term "notice" from the Department of Public Works that we are to relinquish the 45 units which we presently have from them, sometime in the course of the next couple of years. I'm sorry I don't know just exactly what the phasing is on this. This is the routine with regard to these houses, so I don't know just what we can do to make this better known publicly but if there is some means that we should be doing, why let me know and I'll certainly be only too happy to do it.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I have just one observation as to the immediate problem and that is this; the rental rate, even with the recent increase, is reasonable, but what D.P.W. has done is say, in the 3 bedroom house in Riverdale, the rental rate will be \$165.00 per month, which is reasonable, but then added to that they have a flat utility rate of \$100.00 per month for every month of the year which is unreasonable. It doesn't cost anywhere near \$100.00 in the summer to run the house. It may in some very, very severe winter months approach that but I say \$50.00 a month on a year-round basis would be much more reasonable. Now, the alternative proposal may be to D.P.W. is say, O.K. we will pay the \$165.00 a month, let us look after the utilities; that is the people living in the house. I'm sure they would be much happier doing so if this were allowed, and I think it would help to solve the problem to some extent, Mr. Chairman.

Mr. Dumas continues...

The other thing is, I agree that the Government should not be in housing. Now, one of the other reasons for the increase in rent in D.P.W. housing is the cost of the administration and I understand it runs into over \$100,000.00, or something like that per year. Of course this is spread out over all the housing units, and everybody knows the government spends \$2.00 for every \$1.00 that private enterprise might spend in this type of operation. It is my contention, and I have said this before in this Committee, in Council, that if government were to take even 60% of what they now spend in subsidizing housing and give it to the employees as a housing allowance and say, find your own housing, we would have a far more stable population, we would have people building or buying homes, people would be more inclined to stay here in the area for an indefinite period rather than encouraged to move around as they are when they are only in a temporary residence, Mr. Chairman.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I for one do not agree with giving any housing allowance to anybody. I think they should all be on the same basis. You pay the wages what the job is worth and myself, I feel that the sooner the government gets out of the housing business the better. At the same time we have problems when we have to supply housing at this particular stage and therefore in line with the policy of paying what the property is worth, this is what happens. There is one thing about it which should encourage people to put up their own property if we get out of this subsidization. Now, there was one part, Mr. Chairman, I have heard people discussing, and beefing about this and the other thing and they might be quite justified, or they may not be. I did not get down to every particular case, but it seems that I was informed that where a D.P.W. employee is living in a house of a certain size or even in a duplex, the D.P.W. employee pays X number of dollars for the house, the Territorial employee has exactly the same type of accommodation, except that one is pointing north and the other south, probably. The Territorial employee will pay \$70.00 or \$100.00 a month more for that. Now, I don't know whether or not that is true; it would appear to me that the Federal Government rents it to the Territory and the Territory pays them their rent, the Territorial employee moves in and has to pay \$100.00 more. I would like to know if that is correct; am I getting the correct information on this and if so; if they do pay more, what is their reason for it?

Mr. Dumas: Mr. Chairman, I could advise the Honourable Member that not only is that correct but the maintenance on the D.P.W. employee's side of the duplex is kept at a much higher standard than is the maintenance on the Territorial employee's side.

Mr. Shaw: Mr. Chairman, if the Government gets this house at the same rate as the D.P.W. employee would get it, to in turn put a Territorial civil servant in, why is there such a great disparity in this?

Mr. Commissioner: Mr. Chairman, there is one simple answer to this whole blooming thing and that is that the Territorial Government has to relieve itself of the necessity of using these Federal government homes as quickly as possible because not only is the information that the Honourable Member from Dawson- this is not only correct but there are anomalies that even exist between Federal Government employees. In fact I would

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Mr. Commissioner continues...

venture to say that possibly if you took 45 homes that were occupied by Federal Government employees, you may find as many as half a dozen different rental rates that actually apply due to various rulings of the Treasury Board and their turns of employment and Northern Allowances and portions of their salaries and the time they were hired, and it may even have an effect on the Department in which they work as to whether they are a term employee here or whether they are permanently posted here, there can be many things. So, there is no use of us trying to endeavour to justify what is going on here at the moment. The housing units that we have had available from the Department of Public Works the last several years have served a very useful purpose but I think that the term of their usefulness is rapidly drawing to a close and surely to goodness there is enough encouragement for private enterprise in the Whitehorse Metropolitan area here now to provide housing for people who are drawing salaries that will permit them to pay proper rents.

Mr. Chamberlist: How about the land?

Mr. Commissioner: How much land do you want to buy Councillor Chamberlist, to build these apartments on?

Mr. Chairman: Councillor Dumas.

Mr. Dumas: I have an associated question. Is the Territorial Government prepared, or is there any policy whereby the Territorial Government can help their employees to purchase a house?

Mr. Commissioner: This has been looked at on several occasions Mr. Chairman, and we have had one or two proposals put forth within our own Administration for buy-back type schemes; in other words a proposition whereby the employee would make the investment. There would be no subsidy as far as the investment was concerned, but that he would be assured of a buy-back by the Territorial Government at the time of his leaving the employ of the Government or leaving the Territory so that there would be, in other words his investment would be guaranteed so to speak. Now, whether or not anything that would be acceptable to Council will come from these various proposals I'm not prepared to say at this time, but certainly they are going to be coming forward in due course and it will be up to Council to make up their mind whether these are acceptable or whether they are not.

Mr. Chamberlist: Mr. Chairman, if the Administration would take a look at the C.N.T. proposition, that is available to C.N.T. employees with which they seem to be quite happy - it is also a type of buy-back scheme but I think they loan a certain amount of money if they employees have been in the employ of the C.N.T. for X number of years to show that they are going to be permanent employees.

Mr. Commissioner: Mr. Chairman, we are aware of this scheme and I do believe that it is one of the proposals that has been looked at. There are several others that look to be very enticing but really what it boils itself down to is that the majority of the people who are, should I say, the potential occupants of the Territorial government housing are what one might term contractual type employees and it is

Mr. Commissioner continues....
mostly confined to school teachers. Now there is no
use saying that school teachers are any different than
anyone else if they come here and perhaps you should say
they should be required to find their own housing. Well,
this may be a very fine thing in theory but in actual
practice it is a very difficult thing to work out. Also
one or two other suggestions are going to be coming forth,
policies that have already been accepted here in Council,
long before my time, and they have never been applied;
namely that Territorial Government housing would only be
available for a Territorial Government employee for a maximum
period of time after he was recruited and retained. Don't
ask me why these policies have never been applied; somewhere
they are gathering mothballs. I think that by the time we
have had a complete rehash of this and the matter before us
now is making the matter be rehashed, maybe there will be a
lot more sense come out of the housing policies of the
Yukon Territorial Government than what presently exist.

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

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

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

MOTION CARRIED

MOTION
CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:25 a.m.
to discuss Bills, Sessional Papers and Motions. Committee
recessed at 12:00 noon and reconvened at 2:10 P.M. It was
moved by Councillor Chamberlist, seconded by Councillor Shaw
that Mr. Speaker do now resume the Chair and this Motion
carried.

Mr. Speaker: You have heard the report of the Chairman of
Committees; are we agreed? May I have your indications of
the agenda for Monday?

Mr. Taylor: Mr. Speaker, we have before us Bills, Sessional
Papers and Motions for Monday, and we are presently going
through Sessional Papers.

Mr. Speaker: Are there any additions to the Agenda for Monday?
Any further business?

Mr. Shaw: Mr. Speaker, I would like to welcome back the
Honourable Member from Whitehorse North, and following this
I would move that we call it five o'clock.

Mr. Speaker: It has been moved that we call it five o'clock.
Are we agreed? The House stands adjourned until 10:00 A.M.
Monday morning.

Mr. Speaker read the daily prayer. All Councillors were present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. Are there any Reports of Committee?

Mr. Taylor: Mr. Speaker, I wonder if we have a Committee report this morning on the Constitutional Conference?

Mr. Speaker: May I ask if there is a report this morning on the Constitutional Conference in answer to the question from the Honourable Member for Watson Lake?

Mr. McKinnon: Mr. Speaker, I didn't know that I was a committee at the Constitutional Conference, however, if it's Council desire that I present a report to them as a committee of one, as a representative at the Constitutional Conference, I certainly would be prepared to do so at a later date.

Mr. Speaker: Are there any further Reports of Committee? Order, please. Order.

Mr. McKinnon: Mr. Speaker, on a question of privilege, if that doesn't meet with the wishes of the House, I'd certainly like to hear objections to it. I would rather prepare a report than try to give a verbatim one just off the cuff at this moment.

Mr. Taylor: That's very agreeable, Mr. Speaker.

Mr. Speaker: Introduction of Bills? Notices of Motion or Resolution?

Mr. Taylor: Mr. Speaker, I'd like to give Notice of Resolution this morning, moved by myself, seconded by the Honourable Member for Carmacks-Kluane, "Whereas it has been suggested that the Watson Lake Improvement District be incorporated into a village, and whereas no supporting information as to the benefits or detriments of such a proposal are available to the residents of the Watson Lake area, including boundary extension justification, and whereas the residents of Watson Lake and area have by firm resolution deferred consideration of application for village status for a period of one year from the date of said resolution, being December 8th, 1969, therefore be it resolved that it is the opinion of Council that no application for village status in the Watson Lake Improvement District and area, be accepted or considered prior to January 1st, 1971." I have a further Notice of Motion, Mr. Speaker, moved by myself, seconded by the Honourable Member for Mayo, "That the Administration communicate with the Canadian Broadcasting Corporation in an effort to determine: 1. what Yukon communities are being considered for Frontier Package Television facilities, and 2. what priorities of installation are forecast including installation dates at such communities?"

MOTIONS
#22 & #23

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

Mr. Shaw: Mr. Speaker, I have a Notice of Motion in respect to electrical power rates.

MOTION #24

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

MOTION #25 Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion re the boundaries extension to the City of Whitehorse.

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

Mr. Taylor takes the Chair.

MOTIONS
#26 & #27

Mr. Livesey: Mr. Speaker, I have two Notices of Motion this morning, both seconded by the Honourable Member for Watson Lake. "That the buildings and equipment at Aishihik Airport be sold at public tender and the grounds reserved for further consideration and use by the Government of the Yukon Territory", and number two, "That the recommendation in section three of Sessional Paper No. 15 be adopted as the best means of providing ambulance service on the Klondike Highway and that the Administration give serious consideration to the necessity of improving and maintaining the Carmacks airstrip in order to provide air evacuation and light plane traffic to and from the area". Thank you, Mr. Speaker.

Mr. Livesey resumes the Chair.

Mr. Speaker: Are there any further Notices of Motion? If not, may we proceed with Notices of Motion for the Production of Papers? Are there any Notices of Motion for the Production of Papers? Moving to Orders of the Day, Motion No. 13. I wonder if the Honourable Member for Whitehorse North would now be prepared to proceed with Motion No. 13?

Mr. McKinnon: Not at this time, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, I rise on a point of order and privilege, both. I think that after all the days that we have put this aside waiting for the Honourable Member from Whitehorse North to come back to put this motion forward and discuss this motion, I think it's only reasonable that we should have a reason why it cannot be discussed at this time.

Mr. McKinnon: Mr. Speaker, the reason is obvious. I didn't have a chance to do the background work that I wanted to do on this motion before I left for Ottawa. I only returned on Friday night and spent the weekend, was up at six this morning trying to get caught up on Council business and also my own personal business, and I just haven't had time to prepare the motion.

Mr. Chamberlist: Thank you, I'll accept the Honourable Member's explanation.

Mr. Speaker: I wonder, Mr. Clerk, if we could have the Commissioner here this morning for the Question Period? I will call a five-minute recess.

RECESS

RECESS

Mr. Speaker: As we now have the Commissioner with us, I will call Council to order. You may proceed with the Question Period.

QUESTION RE
INDIANS
HELD UNDER
SECTION 94
INDIAN ACT

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner. Mr. Commissioner, could you advise Council if there are any Indians who have been convicted under Section 94 of the Indian Act being held in the Correctional Institute, and if so, what steps are being taken to have them released from custody?

Mr. Commissioner: Mr. Speaker, the question relates to the present, and the answer is no.

Mr. Chamberlist: No what? They're not being released from custody, or no ...

Mr. Commissioner: Mr. Speaker, the question was, are there any people of Indian status being held in custody in the Territorial Correctional Institutions under charges that apply to Section 94 of the Indian Act. Now, the question relates to the present, and the answer is no. If the answer was in the past, the answer would be yes, but the necessary steps were taken and the necessary orders were issued Thursday or Friday. This matter is in hand, Mr. Speaker.

Mr. Speaker: Are there any further questions?

Mr. Chamberlist: Supplementary, the answer, Mr. Speaker, was that ... no. What I want to know is whether the orders that were issued have been carried out.

Mr. Commissioner: Mr. Speaker, there is no reason to believe that they have not been carried out.

Mr. Chamberlist: A supplementary question, Mr. Speaker, I wonder if Mr. Commissioner will bring forward tomorrow morning information that the orders have been carried out?

Mr. Commissioner: Yes, I would be pleased to do that, Mr. Speaker.

Mr. Taylor: Mr. Speaker, I have a question I'd like to direct to Mr. Commissioner this morning. Inasmuch as it was anticipated that the community of Faro will eventually be incorporated as a municipality under the Territorial Municipal Ordinance, I'm wondering if Mr. Commissioner could inform me this morning as to when this move is forecasted to take place, or if this has been considered as yet?

QUESTION RE
FARO BEING
MUNICIPALITY

Mr. Commissioner: Mr. Speaker, this relates back to a discussion which was held here in Council one or two Sessions ago, and the matter is in the hands of the Municipal Affairs people and I am quite confident that it is being proceeded with as per the agreement arrived with the Council at that time. I'm sure that ... I think the Councillor is asking, Mr. Speaker, as far as the actually timing is concerned on this, and I think it would be a reasonable assumption that the timing will be sometime in the course of the next few months. There has been a lot of work and effort in connection with getting this ready to be declared a village municipality, I believe is the terminology that is involved here, and I'm quite confident that I could say that progress, I could report progress on this situation. As far as an exact date is concerned, I will certainly see that Council is advised. I can forward with an approximate date I'm sure, Mr. Speaker.

Mr. Taylor: Supplementary, Mr. Speaker, I would have another question along this line and ask Mr. Commissioner if this would be done in the normal manner, having been petitioned or will it be done just by agreement with the company that they become a municipality? In other words, how will this be achieved? Will the people of the Faro community be consulted in this respect?

Mr. Commissioner: Mr. Speaker, this is being dealt with as a consequence of a resolution of Council. I believe that we are using as our terms of reference the Votes and Proceedings at the time it was discussed here.

Mr. Taylor: A further supplementary question, am I then to consider that the people in the final instance will not be consulted as to the incorporation of the municipality in that area?

Mr. Commissioner: Mr. Speaker, I'm sorry, we're now getting down to the technicalities of the situation here, and I would have to come forward with that answer. I'm just not too sure exactly what those technicalities are, Mr. Speaker.

Mr. Speaker: Are there any further questions?

QUESTION
RE COMMIS-
SIONER'S
ORDER 1969-
265

Mr. Chamberlist: Mr. Speaker, a question addressed to Mr. Commissioner. Mr. Commissioner, could you indicate to Council at this time why an order issued as Commissioner's Order No. 1969-265 to Juvenile Delinquents Act of Canada, was this used as an approval for the transferring of the Yukon Mobile Institution as a reformative institution without the matter being brought forward and discussed by Territorial Council first?

Mr. Commissioner: Mr. Speaker, I'm not too sure but what the matter was discussed with Council. Further, Mr. Speaker, the content of the discussions I believe were either involved here in Council or with the Budget Programming Committee, I'm not just too sure where this situation took place, and has been done as a consequence, and I believe was intimated in a Sessional Paper that is already tabled for Council's information on this matter, Mr. Speaker. I stand subject to being corrected on this, but I believe that this situation is here and the information is before Council.

Mr. Chamberlist: Supplementary, Mr. Speaker, the question is, Mr. Commissioner, why wasn't it discussed with Council prior to the order being issued?

Mr. Commissioner: Mr. Speaker, as I say, I'm not entirely sure that it wasn't discussed with Council, but if it wasn't, it no doubt had to be done at a time that Council was not in Session, and the information in connection with it, I am positive is here in the form of a Sessional Paper. I'm sorry, I don't know which number it is. I think it indicates very clearly that this is being done on a temporary basis to be reviewed in a year's time. The consequences of having to take care of these juveniles is what prompted the situation and we are open to any and all discussions and recommendations or suggestions for the past, present and future with regard to this problem, Mr. Speaker.

Mr. Chamberlist: Further supplementary, Mr. Speaker, the order and the Sessional Paper indicate that the proposals by the Health Department, rather, the Social Welfare Department, was approved by the Commissioner, but there is no indication that Council was considered. This is why I ask these questions, Mr. Speaker, as to why was not Council consulted, and especially the Member for that area which it is in?

Mr. Commissioner: Mr. Speaker, as I said, I'm not too sure that this matter was not discussed with Council. I'm sorry, I'm just not entirely up on my memory on this particular situation but we are not hiding behind any cloud of any kind at all, Mr. Speaker. If it was not discussed with Council, there was no doubt it had to be done at a time when possibly Council was not in Session. This is the situation.

Mr. Chamberlist: Mr. Speaker, I will move the Sessional Paper into Committee tomorrow morning, give Notice of Motion accordingly.

Mr. Speaker: Are there any further questions?

QUESTION #38 Mr. McKinnon: Mr. Speaker, I have a written question to Mr. Commissioner, the Administration. "Would the Administration attempt to receive an answer from Canadian Pacific Airlines as to why they do not serve liquor on their flights in and out of the Yukon Territory?".

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I wonder if Mr. Commissioner would be in a position to say whether any charges have been laid under the new sections of the Criminal Code which allows breathalyzer evidence to be used in the courts and if not, why not?

QUESTION RE
BREATHALIZER

Mr. Commissioner: Mr. Speaker, I would have to determine an answer to that question. I'm sorry, I don't have any information on it at the moment.

Mr. Speaker: Are there any further questions? If not, may we pass to Public Bills and Orders? May I have indications of your pleasure, gentlemen, reference Public Bills and Orders?

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

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

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse West, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Motions and Sessional Papers. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

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

Mr. Taylor takes the Chair.

Mr. Chairman: When last we rose, we were discussing Sessional Paper No. 47, Rental Accommodation - Territorial Government Employees.

Mr. Dumas: Mr. Chairman, I think the Administration indicated on Friday that they were trying to resolve this problem and see if some sort of an agreement couldn't be reached. Possibly the Commissioner could comment on this if this in fact is what happened.

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Mr. Commissioner: Mr. Chairman, I don't know whether I'm repeating what was already said on Friday on this subject, but we have taken the matter as far as we can. It has been put before the Chairman of the Treasury Board and hopefully we are going to have some kind of a satisfactory answer to the problem. I have just asked this morning if there was anything in on it before I came to Council and there was nothing. All I can say is that we will keep you posted on a daily basis as to what kind of satisfaction that we are getting from these people who are responsible for this situation. We are attempting at two levels to deal with this, both at the Treasury Board level as far as the total package is concerned, and at the Department of Public Works level insofar as the utility charge is concerned, Mr. Chairman.

Mr. Dumas: Mr. Chairman, I'm quite concerned about this because I think that we have to be careful that there's not a breach of trust. Would the Administration give us some assurance that where employees have it in writing that their rental accommodation is going to be so much, or where there has been a definite verbal agreement, that in fact these people are not going to be charged more. I realize that it would be expensive for the Territory to have to absorb some of this extra cost but I think that it may be a necessary thing. I'd like to hear the rest of Committee's opinion on this, but I

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believe very, very strongly that if we are going to recruit people in any capacity in Territorial Government and tell them one thing and then do another, we're going to have a tough time recruiting for any department.

Mr. Commissioner: Mr. Chairman, this is a problem that goes just a little deeper than the immediate rental increase that is before us here now. I think it points up a situation that the Territorial Government, at least as far as the metropolitan area of Whitehorse is concerned, has got to remove itself from the housing and the provision of accommodation except for term employees just as quickly and rapidly as possible. From what I can see, this is maybe the opening gun only in a whole series of this type of should I say rehashing of a federal standard or federal policies with regard to rentals. It not only applies to housing, it applies to buildings and various other things as well. From where these orders emanate from, they are established on more or less a nation-wide basis and no doubt when you are establishing things on a nation-wide basis, maybe they can make a certain amount of sense, but when they get related here to the local level they become very out of proportion. In the particular situation that we are faced with here now, a \$15 per month rental increase was applied to all the housing that the Territorial Government rents from the Federal Government, approximately the first of September in the current year, maybe I'm out a month either way but approximately that time. We have now been told that effective on the first of January, there will be a further \$40 increase in this same housing. We're not talking about some other housing now, we're talking about the same identical housing. In the meantime, the Honourable Member has raised the matter concerning us telling people what their rent is going to be, I think that people have been told what the rent is going to be alright, but they weren't told at the same time that we don't control the rent. At that point in time, I think we are now getting into this area where, do we have a moral obligation here or do we not, and if we do have a moral obligation, how is it going to be dealt with if we can't get satisfaction at the levels we are attempting to now, is it right to tap the public purse to make good on this for a particular segment of our employees? These are the questions, and quite frankly, I am very hopeful that we can get some satisfaction either today or tomorrow so that the thing can be properly aired here in the House, and if we aren't going to get this satisfaction, how are we going to deal with the problem because remember that we are not only talking about maybe the course of the next few months, we're talking about the total length of time between now and the time that we can ultimately turn all these houses back to the federal department that we have gotten them from. We're not talking just about a few dollars for a few months, we're talking about many thousands of dollars until we can get out of this housing. So, it's not a question to be dealt with on any kind of an ad hoc manner or to be dealt with lightly. It's a very important point, and believe you me, we look upon it at the Administrative level as a very, very serious matter and we are not about to embark on any kind of a percipient course of action here without a lot of consideration that is going to involve Council as to how this matter is going to be resolved.

Mr. Dumas: Just one more observation, Mr. Chairman. I agree that it's a very important matter and I agree that maybe now some guidelines should be drawn up for further discussions with potential employees of the government and also to solve the situation as it now stands. I also agree that the sooner the government gets out of housing the better but until private industry can provide the housing this isn't going to come about and so we're stuck with the problem as it exists today. One more point, Mr. Chairman, the National Housing Authority suggests that 27% of a person's income is the maximum that they should spend on housing. In some cases, with this new

increase in rent, a few employees of the government will be paying more than that 27% of their annual salary for housing. I think this alone indicates that we have got to make some adjustment somewhere, Mr. Chairman. SESSIONAL
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Mr. Chairman: Councillor Chamberlist, would you take the Chair a moment?

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I haven't had an opportunity to speak in the debate although I've listened with great interest to what has gone on both last evening, last Friday evening, and today. I think that it would be important that an official request be forthcoming from the Territorial Government to the Department of Public Works for this utility study. It is my information that there has been no official request yet made for this utility study. But, if not, I feel that this should be looked into and if this has not been received by D.P.W., then a similar request be forthcoming immediately so that this can be done. And, secondly, inasmuch as this thing is still up in the air, I feel that some recommendations should go to the Treasury Board which I believe is the crux of the whole thing, asking them to not try to collect this rent on January 1st until such a time as this whole thing has all been resolved. I think that's fairly important, and until the matter is aired out ... We'll no doubt be back in Session again after the Christmas season and at that time maybe we will have further information, but I don't think these people should be charged until the matter has been hashed out and resolved.

Mr. Commissioner: Mr. Chairman, I would like to confirm that representations have been made, or part of the representations that have been made to the Department of Public Works concerns the utility study. That is the item that we are attempting to deal with at the local level and I may say that at my request and on our behalf a letter over the Honourable Arthur Laing's signature went to the Chairman of the Treasury Board, the Honourable Mr. Drury, making this particular request. So, I would like to confirm that these things have been done. But, Mr. Chairman, may I say a further word on this while I'm on my feet, that there is no point to us in our naivety feeling that this problem will be dealt with by dealing with the matter that is before us right at the moment. We are just fooling ourselves if we think it is. This matter has got to be dealt with on a long range basis because when we rent from another agency of government, we are renting on a month to month basis. We have no long term agreement with them as far as rates are concerned, we have no long term agreement so far as assured tenancy is concerned. We are in a position as far as I am aware, Mr. Chairman, that the Federal Department of Public Works would be quite within their rights to give us thirty days notice to vacate all forty-five of these houses. Now, I'm not intimating in any way, shape or form that they would do this but I'm intimating that they have that right. We have got to come to grips with the total shelter problem as far as the Territorial Government is concerned within the confines of the metropolitan area. Now, the general policy has been laid down by this Council and followed very closely by my Administration with regard to the provision of housing here in the metropolitan area, namely, that the Territorial Government was not to build anymore houses in this area. At that point, and I appreciate the situation, it should have been carried on to say how we were going to get out, and this I'm afraid is the problem that we have to face. Mr. Chairman, all I want to intimate is that I realize that we have a rental problem at the moment, but we have a total problem and now I think is the time that we have got to lay down policies and see what's going to be done to take care of the situation.

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Mr. Shaw: Mr. Chairman, I have listened for many, many years to the housing problem for Territorial employees, particularly in the City of Whitehorse. It was agreed that where normal people, where people come in here for employment other than with the Territorial or Federal Governments, they as a general rule rent for a period of time and then they build their own house, and that is the ideal situation. The Territorial employees, it was agreed by Council that where the Territorial Government had housing or the use of housing, that Territorial employees could rent these houses but within a certain period of time they were expected to find other accommodations than what the Territorial Government provided. Well, this didn't work out very well because some of the employees would decide that they just weren't going to build a house or move so there's nothing you could do and the policies, such policies as agreed to by Council and the Administration was not followed along because maybe it could not be followed along or, I don't know why, all I know is that it wasn't followed along and this problem became worse. Then it became a problem of getting more houses for Territorial employees so the Territorial Government approached the Federal Government and got some type of a lend-lease proposition ad hoc day to day that they would rent these houses in Takhini after the army moved out. Now, this particular agreement is falling apart as any system where you don't have a firm policy, worked out well ahead of time, is bound to break apart at the seams as it goes along. It might be fine for today such as the effort that is being made at the present time to see that these rents are not increased. Now, these increases in the rent are on a nation-wide basis so far as I can see and to get Treasury to exempt one section of the country and not exempt the other, I think would be very similar to trying to get them to have a larger exemption on income tax which this Council has tried to do for many year and I might say unsuccessfully. I think that that was one of the first motions I ever introduced to this Council. It's just as useful to introduce it now as it was then, it would have as much effect, and I think when we get to a housing situation we have a similar type of problem. It would appear to me that if we're ever going to solve this problem and where we cannot get employees without having a roof over their head, it has to be, perhaps we'll have to work it from another angle. Perhaps, Mr. Chairman, we can ...

Mr. Chairman: Please proceed.

Mr. Shaw: Well, if you'll make less noise I could proceed much more easily, Mr. Chairman. Perhaps the Territorial Government could borrow money from the Federal Government for building houses which could be sold on a basis of purchase with some provision in there to buy back these houses. In other words, we start, the Territorial Government starts and builds twenty or thirty houses and when people say they haven't any houses, we say, okay, here's a house that costs twenty-five thousand dollars. I would suggest that you try to keep them within that range. You can purchase this house and you can live in it, and if you do not decide to stay, under certain conditions we will purchase this house back from you. I think that, Mr. Chairman, we will have to get down to something like this. This is done by private industry in many cases and it seems to work out as satisfactorily as anything could. When the Government itself goes into the rental business and tries to make something work such as we are trying to make work right at the present moment, it starts to fall apart. It isn't the Government's business to be into housing. It is the Government's business to operate the country to the efficiency of all the people in it. I think we have to throw out this complete system of renting houses where it's possible to build houses, where it's possible to sell houses for people to have, and I think that the prime method will be where we can build houses and sell them to the people at the cost of the construction or have some system of helping them, loaning them the money or guaranteeing the loan so they can build the house. If people are not interested in settling

down and always want to rent, well, I don't think they should have to look to the government. They can go someplace else and rent accommodation, but certainly when we hear about permanency of population and these people are steady employees and so forth, well then if that is the case, I think that they should own their own houses and participate in the affairs of the community in exactly the same manner as everyone else, and I think the only answer, Mr. Chairman, will be that we ... that some system is evolved so it would make it possible for these people to purchase these houses and at the same time ... or build houses, whichever you may have it, and at the same time in the event that for some personal reason they can't stay within the Territory, there's some means by which they can resell this house back under certain terms and conditions. By that, Mr. Chairman, I don't mean that anything will be subsidized, it will be exactly the way it is, dollar for dollar, as anyone else purchasing a house. I think that that is what we must look at. Generally speaking, the salary scale is sufficient to enable people to do that and I think that's the way it should be done and that in areas where we have permanent employees such as this, I think that it's essential that we get out of this house rental business. I've listened to it for twelve years, Mr. Chairman, and nobody seems to decide that this has to be done. It's just, we'll rent this, we'll buy this, and we'll buy another building, and we'll buy a group of apartments here, and every one we buy, it seems to turn out to be a white elephant. Well, surely we've got to learn from our mistakes sometime, and I think for the past number of years it has shown that our policy is wrong, and we have to change it.

Mr. Taylor: I will resume the Chair at this time.

Mr. Taylor resumes the Chair.

Mr. McKinnon: Mr. Chairman, I would like to ask Mr. Commissioner two questions. I know that I have been a Member of this Council when two different policies have been laid down by the Council, the first one being that Territorial employees in Territorial housing should be allowed that housing for two years and then make the decision as to whether they are going to either build or rent in the city proper or be forced to vacate the government housing. Has this policy ever been followed by the Administration?

Mr. Commissioner: Mr. Chairman, this policy was apparently agreed to be the Council here prior to my coming into office, and in some instances the policy has been applied and in other instances it has not been applied at all. Quite frankly, I would like to say, and say in very clear terms that as far as a housing policy as such which is should I say a book, a piece of paper, a factual statement, whatever you wish to call it with regard to the Territorial Government, does not exist period, and this is exactly the point that I raise, that I spoke on here, Mr. Chairman, and that is that the urgency before us now is only part of a total overall problem and it has got to be solved and it has got to be dealt with, and it has got to be dealt with around this table. There's no other place for it to be dealt with. I am very hopeful that this situation that has arisen now is going to prompt us to take action and there is far more responsibility resting on the Administration for its lack of action and its lack of coming forth with suggested policies than there is upon the Council in this particular matter, and I am the first one to stand up and admit it because it is absolutely impossible for us to carry on in the manner in which we are doing now. We have nineteen different sets of rules that are applied in nineteen different matters, depending upon who it is that happens to be applying them as far as housing is concerned and shelter for those employees who need it or require it in connection with their employment.

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Mr. McKinnon: Another question to the Commissioner, Mr. Chairman, it seems to me also, if I recall correctly, that this Council did pass a policy stating that they wanted the Territorial Administration to get out of the housing business as quickly as possible and that they were prepared to back the Administration in the concept of guaranteed rental in either apartments or housing. Has the Administration acted on this policy suggestion of Territorial Council?

Mr. Commissioner: Mr. Chairman, I would advise in the affirmative. I'm sorry I can't tell you how many units are involved in this program but if I stated somewhere in the neighbourhood of twenty-four or twenty-five units here in Whitehorse are involved in this program, I think I am very close to the actual figure.

Mr. Chamberlist: Mr. Chairman, it appears to me that the Commissioner's suggestion that the subject matter can't be dealt with lightly is quite true, but nor can the commitments of the Territorial Government be dealt with lightly. Over the weekend, I took the opportunity to read a couple of the contracts that have been entered into between the Territorial Administration, the Commissioner, and people who have been employed by the Territorial Government. In my point of view, there is no possible way the Territorial Government can get out of the commitment. It is made to a fixed rental for accommodation, these contracts that I have seen, and there's no possible way that it could be overcome until there is a new contract signed at the end of the period of the contract for those employees. Now, this is the delicate situation that we find ourselves in. If you breach faith with the people that you employ, well, you're just asking for any other troubles that might develop from that particular reason. But, sooner or later, the Territorial housing situation will have to come to a head, and it's coming to a head now because I can't quite understand how the Territorial Administration could be foolhardy enough to take accommodation on a monthly basis without any security of tenure for the people that they employ. Now, to me this is an administrative error. I would have thought that the first thing I would do I know, if I have to secure for my employees accommodation, I would make sure, and I would have the employees under contract, I would make sure at least that I could house them at least until that contractual period ended at a fixed rate. The error is further strengthened, and I say strengthened because the error definitely is strengthened when you consider that the Territorial Administration did not say at the time to the Department of Public Works that we have entered a fixed contract with our employees to supply housing for X dollars, and could we be assured from you, Department of Public Works, that this rental will remain the same? That again is an error. The housing situation has been such now for the Territorial Government where some Territorial Government employees who have been employed by the Territorial Government for many years still haven't found ways and means to get their own homes, but there might be some personal reasons involved and some of them can't decide whether they should have their own homes. We should encourage them by all means, but the idea is that tomorrow or later, we'll be able to take care of these things, well, today happens to be the tomorrow we were talking about yesterday, and it's come to a head, and we've just got to do something about it. I know it's going to be a burden to the tax payer, but the commitment has been made by the Territorial Government to these people that they have contractually employed and as far as I'm concerned, this is the way it has to go until the contract has been amended by agreement or some other thing is done. I support the principle of keeping one's commitments, and I want to see the Territorial Administration keep their commitment to the people that are in the employ of the Territorial Government. How it's to be done is a matter, as Mr. Commissioner said, Mr. Chairman, that we sit down and we talk about it and work it out and I would suggest that this be done perhaps through the Budgetary Planning Committee on how the extra monies could be found for this particular contract period, and then go on from there. Thank you, Mr. Chairman, I'm sorry for being so long-winded.

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

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Monday, December 15, 1969.

11:00 o'clock a.m.

Mr. Chairman: At this time I will call Committee back to order. Have you anything further on Sessional Paper No. 47.

S.P.#47

Mr. Commissioner: Mr. Chairman, would it be my understanding from the discussions that have taken place that we are in agreement that there are two problems that are involved here. One, the immediate problem concerning the potential level increase on these D.P.W. houses that we have, and secondly the long-range problem of formulating an acceptable housing policy as far the Yukon Territorial Government is concerned. Now if this is the consensus Mr. Chairman, I would very much like to further bring this matter to a head by suggesting that all the detail that is presently available to be talked over with the budget programming Committee, and that some kind of set of suggestions would emanate from this for Council discussion here that would present us the opportunity of getting this policy laid on with the thought in mind that it is going to come into effect no later than say the 1st of April 1970 or some reasonably early date.

Mr. Dumas: Well, Mr. Chairman if the Councillor brought this problem before Council, I think that basically the Commissioner has the problem down, but we must make it very, very clear that we would like and the indication has been for Members who have spoken on this, we want no breach of any contract or any agreement with Territorial employees. This must be understood and the long-range problem has got to be attacked and I think now is the time to start.

Mr. Shaw: Mr. Chairman, this is a very familiar discussion around this table. I think about five or six years ago and I'm not sure of the time that I introduced a Motion into Council that a housing authority be set up in the Yukon Territory and it laid out certain basic principles that generally should be considered in setting this up and in having houses available for employees. Now this was Mr. Chairman about six years ago, so we're attacking the same problem at the present moment and we're getting exactly the same results, nothing. Now, I wondered Mr. Chairman if the Commissioner can recollect that particular Motion that was fairly extended. I haven't got it with me and if he would have any idea why something like this wasn't acted upon. I know the Commissioner was not the Commissioner at the time but I wondered if he would have any knowledge as why this particular policy wasn't acted upon in one form or other or if so, would he know why it wasn't acted upon? Now I wouldn't expect him, he may not know the answers Mr. Chairman, but I'm asking that in case he can recollect any correspondence in connection with this.

Mr. Commissioner: Mr. Chairman, I think it is a simple situation of complete and utter Administrative indifference to the problem, and there's no use of us hiding behind any kind of secret veil. I think we must be honest about it, that's exactly what the situation is and it's just been one add hawk decision after another. Part of the package should be considered as the various Motions, recommendations and the prior decisions of Council which for one reason or another have simply never been carried out, and I am the first person to stand up and admit that they haven't been carried out. Now when you ask me why, this is another question altogether, but there is no use of us hiding. This is it.

Mr. Chairman: Sessional Paper No. 53, "Pollution Study - Whitehorse Area". Councillor McKinnon. S.P. #53

Mr. McKinnon: Mr. Chairman, I wish to incorporate this Paper along with my Motion I have before Council at present. Unfortunately I am not prepared to proceed with it at this time.

MOTION
#10

Mr. Chairman: Well this is our first review of Sessional Papers, we have remaining at the moment 17, 20, 29, 33, 38, 39, 41 and 53 for further discussion. Now we have Motions. The first Motion is Motion No. 10 re "Dust Program", that the present dust program be aired in Committee of the whole with a view to providing a better management system with additional, functional and economic benefits. This was moved on November 24th. Councillor Livesey.

S.P.#54

Mr. Livesey: Yes Mr. Chairman, this is also coupled with Sessional Paper No. 54 in relation to the question that I placed before the Administration on November 18th. The question was that could the Administration advise why the Dust Control Program for 1969 was improperly carried out to the extent that the second layer of oil was delayed beyond any reasonable time to be effective in the latter of the summer tourist season and in some instances not carried out at all. Their answer was difficulty was experienced in making the second application of oil of (a) oil delivery problem and (b) bituminous distribution breakdowns and (c) wet weather. There's a lot more to it than this. I beg to submit Mr. Chairman that in the first instance, the Dust Control Program to the best of my knowledge is instituted as a beneficial factor in relation to upgrading the reception of the Yukon to tourists, and as we all know without further elaboration the Dust Control problem on the Alaska Highway and on the Klondike Highway is complete and an adverse detriment to any attraction that we can place before the travelling public in the summertime in order to induce people from other countries and other areas of Canada to come to the Yukon to spend their money here. This is the purpose of the tourist industry and of the Tourist Department of the Administration of the Government of the Yukon Territory. This is their function also, to create this attraction. So, a number of years ago, the elected body suggested that this Dust Control Program be put into effect and it was later amended to mean that the Dust Control Program would include oiling of surface areas on gravel roads throughout the Yukon in front of all business areas. Now the reason for this of course is that if you're going to collect any money from the tourists, you're going to collect it through business outlets. That is where the money is going to come from, it's not going to come from a Government Agency. It's going to come from the business outlets and through their collection and distribution, they take the money and distribute it throughout the entire economy of the Yukon. So, the idea was to provide dust free tables and dust free rooms and certainly a place where people lodge at night so that when they open the window, why they are not going to get completely clobbered with clouds of dust all day and all night. I see as usual of course the program extended itself more further than this and I think upon examination, you'll find out there is backstreet and lanes way beyond the idea of control of dust on highways in connection with tourists. There is certainly being a tremendous amount of oil being placed in areas that have nothing to do with dampening the dust for the tourist trade at all, and while I agree that in communities it's quite necessary to have a dust control program, I personally am opposed to the way the Dust Control Program is being carried out. Upon examination and questioning various groups, especially in my own particular area and even in some that are not connected with the electoral district of Carmacks-Kluane Lake in order to get an overall view of the position. I understand that if we combined our efforts with those efforts say for instance on the Alaska Highway of the Department of Public Works, that instead of just merely laying oil on top of the surface and letting the automobiles run through it and take half of it away underneath their fenders and all over their machines, that it would be a far better proposition and a far better program, if the effort was combined

Mr. Livesey continues.....

with a grading type of engineering concept so that when the oil is laid, the emulsion would be graded on the highway and you would have a far better proposition than what we've got today. I want to bring this to the attention of the Committee Mr. Chairman, because practically everywhere I went in the last six or seven months discussing this question this was the point that was brought to my attention that it would be a far better proposition if we went a little further with the laying of oil and had graders follow these trucks laying the oil so that the oil would be mixed with the surface material, and properly mixed with the very thing that we're trying to keep in correct condition. Another point is this, in areas where once the oil is laid, it is never graded for six months and this last summer was a typical instance whereby nothing was done in the area where the oil was laid at all, and it got absolutely loaded with truck holes and is left completely without maintenance whatsoever. This is another sad aspect and particularly this fall when they had a late delivery, as a matter of fact it was so late they didn't even get to a good many areas at all, and delivery just didn't get there. Dust was certainly rolling and the Dust Control Program from what I can see was practically null and void. I'd like to bring this strongly to the attentinn of the Administration that an entirely different approach should be made in order that this Dust Control Program can become more effective and that the Territorial Government i.e. the tax-payer is going to get a lot more of his dollars than he's putting into this program than what he is getting right now, Mr. Chairman. I would like to hear what Mr. Commissioner has to say towards the suggestion I have made. S.P. #54

Mr. Commissioner: Well Mr. Chairman, I would be a very foolish individual if I suggested to say that what has been put forth here hasn't got a lot of merit. The only problem is how do we go about giving practical applications to this. Now I would gather from what the Honorable Member has said that what he is seeking is that we endeavor to establish a better liason with the Federal Dept. of Public Works with regard to dust control measures as they apply on the Alaska Highway. Now, if this is the case why I am certainly prepared and I'm sure my engineering people would only be to happy to get any and all co-operation that they can from all sources in this regard that we're going to get better value out of these dollar bills. It is certainly not a new problem is laying of oil in the communities that are being serviced by the Alaska Highway and the problems that are raised by the Honorable Member here at this time. However, before we make any commitments as to just what can or cannot be done I think the thing to do would be to have us contact directly the Federal Department that is involved and see just what they're attitude is towards this. Maybe their attitude is that we shouldn't be putting any oil down at all, I have no idea Mr. Chairman, but if this is a question that we are using public funds and we're not getting the best value from them well we better smarten up and find out what can be done to get better value orthe program, one or the two.

Mr. Livesey; Well another point Mr. Chairman is, with the Territorial Government on the Klondike Highway perhaps the left hand could find out what the right hand is doing there and it all belongs to the Territorial Government as far as I can see it, the entire engineering is completely Territorial and under Territorial supervision and the oil delivery system instead of being somewhat of a question as to time of arrival and so on especially in a number of areas that I can mention, people have complained to me that they don't know when they're going to show up and what time the oil is going to belaid or anything else in connection with it, and this is what I'm promoting. I'm trying to promote a situation where there is more cohesion between the individual groups that can work toward our total benefit, that's what I'm talking about and surely in the Territorial Government within it's own engineering department there shouldn't be much question of cohesion but apparently there

S.P.#54

Mr. Livesey continues.....

is. This question apparently has never been properly discussed otherwise we would know something more about it than just merely laying down surface oil, merely to get tracked away without proper use. I am suggesting that proper grading as well as the laying down of oil in these various areas, I think would be a sensible plan. This is the point that I am bringing up. Can we get on the Alaska Highway the Territorial Government talking to the Department of Public Works, so you both get together instead of one saying well I've got control of the area but your doing this in connection with Territorial Legislation or policy and in the or on the Klondike Highway and highways that come under control of the Territorial Government shall we get members of the Department together and try to figure out if we can get one policy that works for the total benefit, so that we can get a better engineering situation and come up with a better answer, a more lasting product than what we've got today.

Mr. Commissioner: Mr. Chairman, with regard to the co-operation between the Federal Department of Public Works and our own engineering department, certainly there may well be a lot of room for improvement. In so far as the general road maintenance and the dust control situation that has applied on the Klondike Highway in the course of this last summer, I am not about to suggest that there is anything at all with this that I am aware of this in our engineering department's operation. I travelled those roads this summer very extensively and I found them not only through the communities but throughout their length andto be maintained to a standard that is a credit to any governmental organization and, quite frankly Mr. Chairman, I would hope for something that is remitted concerning this particular problem that he has referred to is certainly not visible to me and this is the first time that it has come to my attention and I am very surprised to hear of this. There was one particular situation this summer Mr. Chairman, that we felt was causing great difficulty and that was a very heavy amount of traffic that was using the town roads in the City of Dawson and I think that the Honorable Member from that area will bear me out that there was practically a super human effort put forth by our engineering department and this matter was brought under control to the entire satisfaction of the whole community and I feel that there is something that we're just not on the right wave length on this Mr. Chairman, with regard to the statements in this matter. I would be very pleased to have some private conversations with the Honorable Member to see just where it is we have gone astray in this matter.

Mr. Shaw: Mr. Chairman, I would support the Commissioner in this instance that the Territorial roads. It seems it is not the Territorial roads that are the problem so much as the Federal operated roads by the Honorable Member from Carmacks Kluane. The situation in Dawson was such that these big trucks with the belly tanks on them when they just go along, they just act like a vacuum cleaner and there is a tremendous amount of dust that comes up from these much more than an ordinary truck for some reason or other because they had very little clearance.

Mr. Chamberlist: Yes Mr. Chairman, I think the cohesion that the Honorable Member from Carmacks-Kluane really is thinking about is the cohesion between the oil and the dust on the roads, and not the cohesion between the people and the Administration and the Engineering Department. One of the few departments in the Territorial Government that I feel that I couldn't find reason of criticising the actual work is the Engineering Department. I think that they have done fabulous job considering the large area that they have to cover, the Engineering Department that is. The Administrative people who sit in offices in Whitehorse do not have to cover the responsibility in the areas of the Engineering

Mr. Chamberlist continues.....

Department does. I think these are minor housekeeping things that can be dealt with through some correspondence by the Honorable Member from Carmacks-Kluane who is really a terrific scribe, and he does write so much and I think an extra letter to the Administration would clear the situation. Now perhaps we can get on to something else. S.P.#54

Mr. Livesey: Mr. Chairman, the Honorable Member displays his usual talent for wanting to shelf to one side any problem that just happens to come along in this area and I think he has just exemplified his position right now by showing us just entirely how much interest he has got beyond the walls that surround the perimeter of this area.

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

Mr. Taylor: I think that in view of the fact that I wasn't going to involve myself in this discussion but in my large electoral district I do have many, many roads and to some extent in the past have shared the problems as expressed by the Honorable Member of Carmacks-Kluane. I can say that we this summer and last summer experienced no difficulty whatsoever with dust control, and we are quite pleased and the business operators along the highway more particularly. It's just one of those few areas when we can give them a return for their tax dollars raised from these highway lodges and it's made life much more pleasant for these people on the highway. The only problems that we experience at all on any of roads and that's the Ross River, Carmacks or Ross River-Campbell Highway. The Canada Tungsten access road, the Canol Road and the Alaska Highway has been both with spring run-off which was pretty easy on us this year and the new construction. They did go down there and did tear up about twenty-five miles of road and left it that way most of the summer but apart from that the standard of road maintenance was exceedingly high and roads in our area I am very pleased to report has been kept in good shape and it is a credit to the Engineering Department.

Mr. McKinnon: Well Mr. Chairman, I didn't want to get into this debate, honest. Representing the great area of Whitehorse North, I just thought I should say this, as how the Territorial Engineering apply this emulsifying effect on the roads in the area which I represent. After the visiting the Honorable Member from Dawson's constituency during the summer, I came back just trying to get equal and the same treatment for the constituency of Whitehorse North as he had received from the Territorial Engineering Department in Dawson City, and as I might add, very unsuccessful Mr. Chairman.

Mr. Chairman: Any further discussion?

Mr. Shaw: Mr. Chairman, we have a different situation entirely. It's just a matter that the Territorial Government operate and maintain the Territorial roads and I think that is the reason why the roads are better, better than what they are in the Alaska Highway as one reason and another reason is that the Alaskan Highway gets probably ten times the amount of traffic that these Territorial roads get. So I don't think we can blame it all on whether it's a Federal or a Territorial Department. I would say that I think that the Territorial Engineering Department in the matter of roads is extremely efficient and does a pretty good job. It doesn't mean to say that the Federal Department doesn't, it's just that it appears to me the Territorial Department is more efficient in the operation.

S.P.#54 Mr. Livesey: Mr. Chairman, a point of clarification. I note that anything that is brought up is a great point for hilarious comment and a point of great screaming between certain individuals but I'd like to clarify one point and I was not criticising the Territorial Engineering Department. This wasn't the point of the question at all. Anyone that wants to read this particular question both in the Sessional Paper and in the Motion will see that it has to do with dust control and laying of oil in certain particular areas in relation to the policy of the Council laid down a number of years ago. This is not a criticism of the Territorial Engineering Department and I want to make that abundantly clear at this point.

Mr. Taylor: Well at this time I'll resume the Chair.

PROPOSED Mr. Chairman: The next subject of consideration is "Control of
MOTION Firearms" as a result of Motion No. 11 passed, pardon me, proposed
#11 November 24th.

Mr. Livesey: Mr. Chairman, I am quite familiar with this problem of firearms in my particular area. I happen to live in an area you know where all this so called control of firearm traffic takes place and it doesn't take place here. It takes place at border points. I brought up this question Mr. Chairman several times since I've been a member of this Council and no matter how many times I brought it up, I've got to say that I don't feel that I've ever walked away from this situation feeling satisfied that I have received fair treatment on it at all. Admittedly the question is not entirely a question of Territorial Affairs, it's not. It goes much beyond this and involves itself with Federal Legislation and Federal Control. This is quite true but nevertheless the question is something which affects the people of the Yukon Territory. Now at border control points, the situation has not improved but has now deteriorated in relation to the checking of pistols and guns, and quite of these individuals that are packing these firearms is that if they don't check in specially in the winter time when the customs office is closed between eleven o'clock and seven a.m. in the morning and they don't have to check out. We have people moving through this area that are in possession of firearms in total contradiction to the stipulations as laid down in the criminal code. Now you'll probably remember the discussions that I have had before where or when individuals at the border are asked to check in their firearms and most do so normally, some not, and some are entirely opposed to it and they throw down their loaded pistols on the counter of the Customs Office, some of which may be pointing at the individual requiring a proper check. I think this is a contradiction of all we believe in as far as the Criminal Code is concerned. Not only that, I'd like to point out that the twenty mile area between the border and the Customs checking station allows people from outside this country, not residents of this country, not citizens of this country to enjoy a freedom from the section of the Criminal Code that you and I cannot enjoy and that is because they can reside in Canada either for one night or two nights or three nights or whatever the case may be without having to check their firearms and they may be sleeping in a room next to where you may be sleeping. They have firearms and you have none. I hope Members of this Committee, Mr. Chairman, will remember the hold-up at Mendenhall Creek this year and I also believe there was a discussion today on this question of firearms which was discussed over the radio pointing out that it is not a question of rifles or shotguns that people are afraid of, it's a question of hidden firearms, pistols and so forth. Now when I brought this up before, I believe I pointed out to Committee Mr. Chairman, that the proposals on either side of the line are totally unequal and that we suffer indignities that are not separate in the United States when it comes to the checking of these firearms. I would like to read you a letter that I received

Mr. Livesey continues....
from the Treasurer's Department, Bureau of Customs Toke Alaska dated July 1969 and covering this entire subject, and I wrote to the Department and asked them if a Canadian could carry pistols and the like in Alaska. This is what I got in reply; "Dear Mr. Livesey, your letter of June 27th was received this date. According to the gun control Act of 1968, a Canadian resident must have a licence to import firearms or ammunitions in the U.S. This applies even if the merchandise is for the importers own use and even if he intends to export it, anyone without a licence will have his firearms detained at the border at his risk and his expense. There are no provisions for sealing weapons and it will not be done." Now there is a clarification of the type of situation that you want to do the same thing as they are doing here if you want to do it in reverse. There you have it plain and simple. It's just as plain as that. It goes on to say, "however there are certain exceptions to the above if the firearms and ammunition accompany the importer, if they are intended for his own use and if they are to be exported to within a reasonable period of time, they may be entered without a licence in the following situations or the following purposes, (1) hunting, (2) marksman competition, (3) by foreign military personnel on official assignment to the U.S., (4) by official such as Ambassadors, ministers, etc. as designated by the U.S. Dept of State and, (5) by foreign law enforcement officers on official business, and (6) by veteran police or fraternal organizations participating in parades sponsored by national, state or local civic organizations. The above applies only to non-commercial importation of firearms and ammunition. For further information write to the following," and it gives an address where you can get further information. Mr. Chairman, this is as clear as can be. If a Canadian wants to take his pistol into Alaska he's not going to get in there at all. That's the situation and yet we on this side are allowing all these pistols to come into Canada in a plastic bag which can be ripped open at anytime. As far as I can see the fact that a man has a pistol in a plastic bag doesn't mean a thing anyway because now he doesn't have to check out of the country. He can check in but he doesn't have to check out, so he can have that thing wide open. There is no check on him whatsoever, just a question of tossing up a coin and maybe someone may ask him for this, well I'll tell you what the solution is Mr. Chairman. I would suggest that we do exactly what we did before and get them to send their fire-arms to their friends and relatives in the U.S. before they enter Canada and when they do that, we have no problem because when you're camping in a camping area, you can pull your camper along side a person and you know perfectly well you can't have one and he hasn't got one either, but you can't say that today. Most of these people in camping areas throughout the summer, of people who come into the country in my opinion of the consideration of the number of pistols and so forth that are checked at the border every week, a lot of these people have firearms that are in the next trailer where you might be, you can't have one but they can. I think this is a totally ridiculous situation for Canadians to be inferior to others who are not citizens of this Country. This doesn't make a grain of sense. We're talking about equality, surely we're entitled to the same equal rights as others and I'm not pointing a finger at any alien group or talking about any specific country. What I'm talking about is the fact there is this inequality and I would think Mr. Chairman that in view of the fact in Canada today, what we're trying to do is that we're trying to control lawlessness and acts of violence. This is what we're trying to do. In order to do something about it, we'll have to do something positive and I would suggest we go back to the old system where anyone coming into Canada does not pack one of these pistols with him, either in a plastic sack or whether it's got a piece of string wrapped around the trigger with a piece of lead on it or anything else, if he doesn't have it he can't use it. Now this is

PROPOSED
MOTION
#11

PROPOSED Mr. Livesey continues....

MOTION the simple answer to it Mr. Chairman, and I would like to hear
#11 what other Members of Committee have to say on this subject.

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

Mr. Taylor: Mr. Chairman, I can agree with the Honorable Member to the extent that I feel that these firearms both rifles and revolvers, particularly revolvers should be sealed at the boundary. I believe they are sealed at the south boundary but possibly not. If not, I feel they should be sealed. This is a matter for the Customs and Excise Immigration people and if this is not being done, I think that some representation should be forthcoming from both this government and other governments to have them sealed, if they are not being sealed. When people move from the south 48 as they call it, up to Alaska why they bring all their possessions with them and I don't know they can really ship all their guns up by express to somebody. Maybe they don't anybody in the state of Alaska to ship them to in the first place, I don't know. I say to you this, be very cautious into you get into gun legislation in general as it would apply to the Territory because you're getting into quite a field. Just remember this that guns don't kill people, people kill people but not guns. So as I say, I would go along with the suggestion that the Honorable Member has made that these guns should be sealed but I can't go along with the suggestion that people must mail these things through the Territory and this type of thing.

Mr. Shaw: Mr. Chairman, I think that Councillor Livesey, the Honorable Member from Whitehorse from Carmacks-Kluane has a very valid point. In Canada we are very much restricted in toting firearms around in sealed weapons and as late as we have noticed, aliens can come into Canada and have a privilege if you can call it such Mr. Chairman, which these people of the country are restricted from. Now, just about a large percentage that the American tourist's pack various sundry small weapons with them. I fail to see in many cases why but nonetheless it's an absolute fact that they do. Now whatever they want to do in the United States as far as packing it, I think that is up to their law makers to either restrict or allow or do whatever they want to do. I think that when these people come into Canada that they are not entitled to anymore or certainly no more privileges than what a citizen of this country is entitled to and that is one of things that we are not entitled to do except under certain circumstances are to pack revolvers and pistols. I cannot see how it's possible or practicable to have a fellow mail his gun to where he is going or someplace else, I mean that just won't work. I do feel Mr. Chairman that when an alien reports into a country that certainly he should be expected to report out of the country. Now I know that seems to be the situation where the Customs are not worried about these types of things but I noticed that the last time I went to Alaska which was last Fall, and that's the first time Mr. Chairman that I have ever been asked, did I have any firearms. These people that come in these campers possibly 60% pack revolvers. Now I would feel Mr. Chairman that they should be required to have those guns sealed when they come into Canada and I'm more particularly of the Yukon which I am concerned about at the present moment and that people should be required to check-out on their way through that it should be put on their papers that they have so many weapons sealed with a certain number cause when they get to the border, they clear those through and those weapons are unsealed when they get to the border checking out. Now I don't see no, it seems so silly to me that the residents of this Territory cannot do something that aliens coming into the country can do. I agree very much with the Honorable Member of Carmacks-Kluane in bringing

Mr. Shaw continues.....
this matter up but how effective it will be, it will just be like
talking to these walls I imagine as it does in many cases when
you're talking about some government department cause each one is
a law under themselves in any event.

PROPOSED
MOTION
#11

Mr. Taylor: At this time I will resume the Chair.

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

RECESS

Monday, 15 December, 1969.
2:00 P.M.

Mr. Chairman: At this time I will call Committee back to MOTION
Order. We are discussing Motion No. 11, Control of Fire Arms. #11
Is there anything further on this subject?

Mr. Livesey: Yes, Mr. Chairman. I would just like to remind
Committee of two sections in the Criminal Code; or one
section in the Criminal Code particularly. Everyone who
carries concealed and offensive weapons other than a pistol
or revolver is guilty of an offence punishable on summary
conviction. This is Section 84 of the Criminal Code, and
Section 90 of the Criminal Code says that everyone commits
an offence who has an unregistered firearm in his dwelling
house or place of business; (subsection 2) everyone commits
an offence who has a firearm elsewhere than in his dwelling
house or place of business unless he has a valid permit in
Form 42 or Form 44 relating to that firearm. Mr. Chairman,
I beg to submit that none of these people who are carrying
sealed firearms down the Alaska Highway or along any highway
in the Yukon have any one of these Forms. They simply don't
have them but they still have their pistols, even though it
is in a plastic bag; it still doesn't make any difference
if it comes to a question of who has the pistol. It is the
individual who is packing it, that is in possession of it,
whether it is sealed or it isn't and I consider, Mr. Chairman,
that what they are doing is not only contrary to good thinking
in relation to the prevention of violence that now exists in
other countries that we don't want to have in Canada, but I
also feel that they are operating contrary to the provisions
of the Criminal Code of Canada. As I read you this morning,
a letter which definitely came from an official source in the
United States which points out that we can't do what they can
do in this Country; I would say Mr. Chairman, in view of this
where it says anyone without a licence will have his firearms
detained at the border at his risk and at his expense. There
are no provisions for sealing weapons and it will not be done.
This comes from a United States Customs Officer. I would say,
after listening to all this reciprocal legislation we have
been talking about here for a coons age, that the Administration
here should start to think about reciprocal legislation as
far as we are concerned and advise the federal government that
it is our wish that they tighten up on the entry of concealed
weapons and pistols and other firearms of a like nature; not
only that but I think if the Committee questioned our own Game
Department I think they would also find out that they were
very interested in this question of even rifles being packed
by people who are not citizens of this country, especially
when you go along the road and see a moose laying in in the
ditch; no one knows who shot it, it was just shot for the fun
of it, and there is no sense, rhyme or reason attached to any
type of destruction of this nature. So, Mr. Chairman, I hope
that the Committee will go along with me on this and impress
upon the proper authorities the reasons for us giving a second
look at the question of sealed weapons being carried in Canada,
in possession of aliens and do something about it and tighten
up on the Legislation. Thank you Mr. Chairman.

Mr. Chamberlist: The Honourable Member from Caribou-Kluane
has, I suppose, reason to be concerned but I wonder when he
makes reference to Sections of the Canadian Criminal Code where
these Sections refer to, if he is aware that they have nothing
at all to do with the particular argument he is putting forward.
Section 84 that you refer to only deals with while attending
a public meeting....and Section 90 deals with a prohibited weapon

MOTION
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Mr. Chamberlist continues.. in the Motor Vehicles Ordinance; this weapon is sealed at the border, it is not prohibited, so that section wouldn't apply. It is only when these things are not done. Now, certainly there's a - there should be a tightening up at border places but carrying weapons is just as dangerous for a Canadian as for a citizen of the United States or any other country. You can't just say that it is satisfactory for a Canadian to carry a weapon and it is not satisfactory for another national to carry a weapon. I think the principle, though, that the Honourable Member is trying to expound, is sound inasmuch as there appears to be a neglect at border crossings in ascertaining first from people driving through whether or not they have weapons in their possession. I think all we can do is to recommend, as a body, to the administration that they contact the Customs and Immigration Department in Ottawa, indicating that the Legislative Body here is very concerned about the carrying of weapons by those travelling through this part of the country and if they could do something to tighten up the law in relation to it but just to suggest that aliens should not be permitted to have pistols and Canadians can have pistols, I think that would be wrong.

Mr. Livesey: Mr. Chairman, I would like to answer that. I don't think that is a question at all. The question is that we cannot do in the United States what a United States citizen can do here. That is question number one. There is no reciprocity there whatsoever. Their law forbids us, right at the border, pistols; I read it twice. Their law forbids us to take into Alaska or take into the United States that which we allow them to bring in here. The whole thing is out of balance. They are allowed to do in Canada what we cannot do in the United States; surely this is wrong. Let them sit down at the table and argue this out. This is true, but on the other hand, what I am trying to bring out; there is another point too and that is that our Customs Officers at the border - I'm not checking on them at all; they do a magnificent job these people. It is not a question of them not checking. The question I raised was the time that they are not open for business is the time when vehicles can enter Canada, and do. They are not on duty and when they are on duty and check with these people and ask if they have any guns some of them produce the guns in a normal manner, others don't produce them in a normal manner. They get mad about it. They are very unhappy when they have to take off that belt and plop their revolver on the counter for the Customs Officer to inspect; and as I pointed out, in a number of instances these revolver chambers are loaded and they just slap them down on a counter in that type of fashion, with the front end pointing right at the officer's midsection, and I think that should be stopped. There is no question about that. The other point I am talking about is that a sealed weapon is still in possession of the individual carrying it; whether it is sealed or it isn't and in my opinion it is contrary to the Criminal Code. Now, another point that I brought up, which I think is absolutely necessary, and that is that we should be protected from this sort of thing and I see no reason whatsoever why anyone should be able to carry in Canada that which I can't carry in Canada without Form 42, or any other form. If they can do it, so should we and something should be done about that, Mr. Chairman, to straighten it out.

Mr. McKinnon: Mr. Chairman, as far as I could ascertain, this would fall directly on the Customs and Excise Branch and as far as I can understand nothing that this Council could do but recommend to them that certain laws be stringently enforced and I would be more than willing to support the

Mr. McKinnon continues...

Honourable Member from Carmacks-Kluane if he wants to send such a recommendation to the Customs and Excise Branch. I always understood that a person has to have his weapons sealed when he came into the country, at the point of entry, and when he reached the point of exit then the seal was taken off them by the Customs Officers at that point of exit. Am I wrong in this type of thinking or is this what actually transpires?

Mr. Legal Adviser: I don't know what their practice is but the Criminal Code as such does not provide for tourists, the Customs and Excise may provide special regulations to deal with firearms because of theirnot because of their danger, but of course regulations would have affect,

Mr. McKinnon: I wonder Mr. Chairman if Mr. Legal Adviser could look into this. It has always been my understanding that these have to be sealed for the time that the aliens or tourists are in the country, and if the seal was broken, if they could not give an extremely good excuse to the Customs Officers at the other end then there are regulations under which they could be charged and their weapons confiscated, or something to this effect. I would like to know what the ruling is on this?

Mr. Legal Adviser: We are dealing with two different kinds of weapons; we are dealing with a rifle and, or shotgun and with a firearm on the other. The definition of a firearm under the Criminal Code is a pistol or similar weapon. As all the members are aware, once you start to make a series of sections dealing with firearms in the Criminal Code, then although we might have power to deal with some aspects of the situation in our Game Law, there is always a risk in drafting a section if you go just a shade too far or a shade too little and your section will be held ultra vires by reason of a contravention of the Criminal Code Section. So this is something we must be very very cautious about. The sensible thing to do would be to request the relevant federal departments involved in this to support the law which is already in existence, whatever it happens to be because there is no doubt that if it were enforced the public would be prosecuted.

Mr. Livesey: Mr. Chairman, that isn't the point. The point I am getting at is the fact that a sealed weapon is still in the possession of the individual that has it; all he has to do is cut it open with a pen knife and he can use it at any time at all. This is the point I am talking about; the fact that it's sealed according to the regulations means absolutely nothing. He still has it in his possession; whether or not it is sealed. Whether it is sealed doesn't make any difference. If you are going to shoot somebody with it, are you going to worry whether it is against the law, in a mad fit or temper; certainly not. This isn't the point. You can't; oh sure, according to the law, yes, and standing up in court it sounds very good but a lot of these things are breeches or the law are not committed when a person is cognizant of the law as when he, doesn't matter to him whether he breaks it or he doesn't. The fact that he has a **pistol** and he can fire it and my opinion is that if he doesn't he can't fire it and that is the point I am getting at and as far as the question of this being a federal matter is concerned, yes, of course it is. But the point is that so are a good many other things we discuss around this table but, the C.B.C. for instance; that's a federal matter as well. And I feel that we should try to impress upon the federal government that we would like to go back to the way it was before they changed it and that was that they could not pass through with one of these

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Mr. Livesey continues... they had to ship the firearm home at the border; that is what they did a few years ago, but then they changed it. Another thing is; they don't have to check out of the country any more. Where is your inspection going to be. They can come in but they don't have to check out. All these laws have been loosened up so they don't have to check out, that's it. No matter whether it is broken into or not, they don't have to check out!

Mr. Dumas: Several points, Mr. Chairman, and one is that I think they should have to check out and the other is that I don't think the idea of shipping out guns from the country, from one country to the other is the answer. I think that Americans and Canadians are close enough in their way of life that they should not have all these restrictions. It is an unfortunate fact. I don't think - what I do think that we should do is ask the, ask for the same privilege from the State of Alaska as we give to residents of that State; in other words, if I am going down to B.C. on the Alaska Ferry System and I have a rifle in my possession, they are going to lift it from me at Haines, at the Haines Customs and I am going to have to ship it, the same as the Honourable Member suggested that we have Alaskans do. I don't think that this is right. I think they should seal and then I think that they should check it out when out of Alaska. Apart from that I think that the whole area of the control of firearms should be probably tightened somewhat...the Canadians and Americans and Tangenians for that matter. Mr. Chairman, if the Honourable Member wishes to propose a specific Motion on this so that the Administration has some direction, if the Committee wants the Administration to follow some direction on it, I would suggest that he put a motion forth.

Mr. Chamberlist: There is a procedure that is adopted in the various provinces and it is referred to in the..... 1(c) of the Criminal Code, that the local registrar of firearms, now this is a federal registry. a local register of firearms means a person appointed in writing by the Commissioner, and incidentally a Commissioner means, in this particular instance, means a Commissioner of the R.C.M.P., or by the Attorney General, as a local registrar of firearms. Now, why can't we have legislation brought forward that all firearms must be registered in a local registry, just to compel any people coming into the Territory to register firearms. Mr. Legal Adviser a few moments ago said that the interpretation of firearms in the Canadian Criminal Code isgoes beyond that. Section 82 (1)(b), "a firearm means any barrelled weapon from which any shot, bullet or other mineral can be discharged and that is capable of causing serious bodily injury or death to a person, and includes anything that can be adapted for use of the firearm". So, this goes a long way because a piece of pipe can be adapted for use as a firearm, you know. So, I think there is some merit in saying that something should be done but I would perhaps think that before any motion is put forward, that we ask the Administration to investigate whether or not there could be legislation brought forward to have a registry of firearms. This might be a good thing for the people of the Territory generally as well.

Mr. Commissioner: In just a slightly different context to which the Honourable Member's motion has been placed here, I wonder if the Councillors are aware of the difficulty that is being encountered by the Game Department in the, literally

Mr. Commissioner continues... speaking unfettered use of these firearms by the people who carried them through the Territory. Now, it was brought to my attention just a few days ago by the Director of Game that from his Department's point of view, that legislation of some kind or another will have to be enforced here in the very near future in this particular matter. Now, we are not only talking about decimating the population by potentially shooting them but we are talking about the actual decimation of the game population in a completely unregulated manner by these people who are allegedly carrying these firearms through the Territory on some kind of a pretext that they need them for their own personal protection. Well, I don't know about the problems of law and order in some parts of the United States but I don't think that we are having problems of law and order around here to the point where people have to carry fire arms as far as protection is concerned from other human beings. As far as protection from the animal population is concerned I fail to see the reason for this either. I think that now is as good a time as any when the question is before the House here to see that it is not dropped; to see that the matter is pursued and quite frankly, I think we are arriving at a point here that irrespective of the criminal code aspects of this, as pointed out by Councillor Chamberlist, that we are going to have to investigate the possibilities of Territorial legislation that will require anyone having a gun to have a proper licence in connection with it, whether he be a citizen of the Territory or whether he be a non-resident of the Territory, but particularly a non-resident. Now, this business of saying that you are a sportsman on the way through to Alaska to go on a big game hunting expedition and you have a regular arsenal along with you in the back of your car. When I'm talking about an arsenal I am talking about possibly 15 or 16 rifles of various bores, calibres and sizes and on their way through the Territory they just accidentally happen to see a couple of moose, a caribou or black bear, or a grizzly bear and they accidentally feel that they should shoot them because they are disturbing their camp site; this is - we can't tolerate too much more of it. We are not going to have any game population left. I don't want to distract at all from the context in which the Honourable Member has put his motion concerning firearms but I simply say that it is part and parcel of another problem that has got to have our attention and very promptly.

Mr. Shaw: I don't know what the federal laws are in respect of this except that you are not allowed to pack firearms but it appears to me that a department of the government such as the Immigration and Customs, they seem to be able to interpret the laws or do what they wish with them in respect of some matters and I refer particularly to this section governing firearms. I never could quite understand why people can come into the country, on the pretext of being a tourist, and then there is no manner of means or anything else to check whether they stay, go; whatever they do in the country. They can do whatever they wish to do providing they don't get caught at it. That might be fine, but when we come to firearms they can bring in quite an arsenal with them. To seal them at the Border, but when they don't have to check out and show whether these sealed guns have been touched, why seal them in the first place. There really isn't any point to it because you have no way of checking whether the seal is broken. All they have to do is go ten feet and take off these things and throw them out the window of the car and clutter up the Highway and make a little more garbage along the route. At one time they

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Mr. Shaw continues...

were very careful about these things. We restrict, Mr. Chairman, our own citizens from doing some of these things and yet it appears to some officials in the government; they can change that just whenever they feel like it and some people say, well the government does it, but we can't do anything about it. Well I think that we should raise our voices and do something about it. If we cannot get it through that way what is the matter to prevent us, Mr. Chairman, from making laws applicable to the Territory; that something like this is done. I don't know what powers we may have in it but for one, we have Section 2 of the Yukon Act which says the preservation of Game in the Territory. We can make laws for the preservation of the game in the Territory and surely Mr. Chairman, if we can make laws governing our own people, our own residents who should have prior consideration when it comes to the game in the Territory, surely we can, or we should be able to make Ordinances to govern aliens coming into the Territory. In fact we have already done that. We charge them a difference licence fee and they have to comply with certain provisions before they can hunt and yet at the same time we somehow allow them to come into the Yukon, through a border crossing point, under the guise of being tourists but a tourist, Mr. Chairman, is a person, just the same as anyone else. Some tourists are law abiding and some do whatever they want to do. I would feel that we have the power ourselves, if we cannot get any co-operation from the Department of Customs and Excise, or Immigration, and we have certain powers I think which we could invoke in the Territory; one is the preservation of game and Section x, generally all matters of a merely local or private nature in the Territory. Now, Mr. Chairman a local or private nature. I think we could put a fellow, running around with a gun in his car; I think that would be very local, particularly if you are at the other end of the thing when someone points it at you, so I agree with the Honourable Member from Carmacks-Kluane about it, that we should do something and as he stated very concisely, if these restrictions are placed upon residents of Canada, going into Alaska, surely we have the same prerogative to also restrict something that is undesirable, and I say, Mr. Chairman, that it is not necessary as the Commissioner stated, for people to go running around the Territory with guns just to protect themselves. It is ridiculous, that is all there is to it.

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

Mr. Taylor: Mr. Chairman, what we are really talking about here and when you boil it all down, all these arguments, is enforcement. We're not enforcing the laws that do exist! No, we are not, and as you expand this question into the function of the Game Department I certainly agree with Mr. Commissioner when he states that we have troubles; people are knocking off game, but how long and for how many Council sessions, year after year after year have we almost begged the Administration to develop a game department to get conservation officers in the field where they can start policing and administrating it. We have yet to achieve this. Every time we come down to discussing the placement of conservation officers through the Territory, mostly at times when we negotiate fiscal agreements, these priorities are established elsewhere. We haven't got the money is all we are told. Well, so what are we talking about, trying to create more legislation when we are not prepared to enforce it. We have law books and law books and law books of legislation here which is not being enforced. So I think, really and truly, the situation is, let us enforce the laws we have.

Mr. Taylor continues...

This we can only do in the field of game through the development of the Game Department; in other words, as we suggested, a conservation officer on the north highway, in that big park area; game sanctuary. Get a conservation officer in the Dawson-Mayo area; get one down in the Watson Lake area and another one say in the Whitehorse area and then we can do something. This is the answer because when you suggest to me, or when it is suggested to me, Mr. Chairman that we simply solve this problem by issuing a registration permit for rifles, which I am contrary to at the moment, but when you issue this registration certificate it isn't going to change the situation because you still have to police the thing and there is where we run into trouble. Now I do agree that there should be a - and I do hope that the Honourable Member from Carmacks-Kluane does come down with a Motion which will draw this problem that he has, and no doubt we all have in relation to these foreign rifles, or anything else, they should be sealed as they come into the Territory and if necessary the Province of B.C. wants to keep the seal through their province that is their business but they should be sealed when they come into our Territory, at both the boundary points, at point of coming into Canada and at the point of departing from Canada. I think we can then work to the best interests of the game and the Territory, by getting on and developing a game department because this is the one single natural resource that we have any control over at all and I think we should get with it.

Mr. McKinnon: Mr. Chairman, I think that the conversation has been going along in the committee stage for some time and I wonder if I could make a suggestion. It has been brought to our attention that the Assistant Attorney General of the Yukon, Mr. Saul Samuels, will be coming to the Yukon on January 12th. I can see a very real problem. I wasn't aware before this that tourists did not have to make their exits known from the country and I thought that it was manageable previous when they had to register at the point of entry and at the point of exit that if the seal was broken they were liable to charges; that there was some control on tourists while they went through the country with their firearms sealed. However, if that is not the case any longer than I agree with the Honourable Member from Carmacks-Kluane that the law is completely unenforceable and all we are doing is allowing tourists and aliens to run through the country with all the arms they wanted unsealed and for their use whenever they wanted to use them. I think it is an area where we could examine with the Attorney General for the Yukon and I would hopefully think either come up with some federal legislation or hear whether Territorial legislation can be introduced to try and overcome this problem because I think it is a very real problem and I for one would certainly like to see it resolved.

Mr. Commissioner: Mr. Chairman, I would like to put the Honourable Member from Watson Lake's mind at ease concerning the Game Department, that there will be very considerable budgetary expansion proposed for next year in this particular department to take care of the particular problem about which you were talking, mainly building the department with more enforcement officers in the field. I just say this to put the mind of the Honourable Member at ease with regard to this particular point.

Mr. Taylor: Mr. Chairman, if this proposal as suggested by Mr. Commissioner is forthcoming, I will be most pleased to see it and I just hope that it goes as far as it should go.

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Mr. Taylor: I'll resume the Chair at this time.

Mr. Chairman: The next Motion is Motion No. 6 related to Land Disposal Policies in districts outside of the Whitehorse Metropolitan Area being discussed in Committee of the Whole. It was carried on November 20th. I will have to pass the Chair to you, Councillor Chamberlist, for a few minutes.

Mr. Taylor: Mr. Chairman, early this year those of us in the outlying districts outside of the Metropolitan area of Whitehorse received a copy of a proposed Yukon Land Regulations which I understand have been brought into effect in the Whitehorse Metropolitan area, but await approval of the Council to put them into application outside of the Metropolitan area; that is to say in other areas of the Yukon. I don't think that there is a member on Council who would not agree with me when I say that we have the most archaic land regulations, I would think, in all of the Dominion of Canada, and probably some parts of Cambodia because they are just absolutely inadequate to serve the needs of the people of the Yukon. On receiving these there was a covering letter from Mr. Clerk, in which he asked if we could make some comments on these land regulations and I took mine and as you can see, comments, there are pages and pages and pages of them.

Mr. McKinnon: Mr. Chairman, before the Honourable Member goes too far on this I wonder if I could make a point of clarification because Mr. Dumas, Mr. Chamberlist and I were on a land policy committee that met with administration to discuss what would be the sensible disposal of land within the metropolitan area. Now there was no way, shape or form and if you examine the minutes of this meeting, that we wanted in any manner for these to apply to areas outside of Whitehorse. They were suitable to the Whitehorse Metropolitan area and that area only. We thought at these meetings and we had hoped that it would be, that the members from outside of Whitehorse would be available to sit down with the Administration when they were in Whitehorse to be able to come up with a land policy disposal agreement that would apply to areas outside of Whitehorse and this was the whole thinking of Committee. We don't want these to bind any area outside of the Whitehorse metropolitan area; we accept the fact that what is good for us doesn't necessarily apply outside of Whitehorse and we would like to see the Members from outside Whitehorse sitting down with Administration and hammering out a policy that was beneficial to the areas outside of Whitehorse the way that we hammered out a policy and extensively, I might add, and came up with something that can be workable in the Whitehorse area.

Mr. Taylor: Yes, I note that in the letter that these regulations were a result of a meeting with the three Whitehorse Councillors and the senior members of Administration. In any event this is a matter that has to be resolved and resolved soon and it was my suggestion, or I was going to suggest that we defer this matter inasmuch as we will be sitting into the New Year, and leave it on the order paper for further discussion with the Administration and possibly we could save a lot of time because I'll tell you, the people down in my area are just completely and absolutely fed up with the way land is being administered at the present time and we do feel that what might be good in Dawson or Whitehorse may not necessarily be good in Watson Lake and so forth, and we would like to take a more regional approach to the problem and I brought it into Council because I feel it should be discussed here. It has also

Mr. Taylor continues....

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been suggested that the Administration did want to discuss this matter first in camera sort of thing so if be the case I'm prepared to take any course of action that Administration deem advisable but short of that I think that we will have to discuss it right here in Committee as a Whole.

Mr. McKinnon: Mr. Chairman, we took up about four days of our time of the Councillors from Whitehorse time, debating it not so much in secret but it was a matter of interest to the Whitehorse Councillors and we thought that we could well take up our time rather than taking Council's time up with it and we felt, and I still feel this way now, that this would be the best approach for the Councillors from out of town to approach this instead of the three Whitehorse Councillors who know nothing of the land requirements in your various jurisdictions, just sitting here mute and dumb for all the days that you will be discussing land policy in front of Committee. Certainly it would serve the whole of us more beneficially if you could meet with the Administration and hammer out a policy to present to Council. I am positive and I can give you my guarantee that it will meet with my approval.

Mr. Chairman: Just from the Chair for a moment, I would like to express myself that I do not necessarily agree that the land regulations that have been proposed for Whitehorse are the end all good regulations. My remarks have been made and they are on the record. I stated at those meetings that I was not happy with them and I would like to clarify and state and reiterate that right here now as well.

Mr. Taylor: Mr. Chairman, now is the problem of time; this is going to take a lot of time and a lot of discussion and it is finding the time and we cannot be sitting in the House and discussing it so I am amenable to any suggestion that the Administration may have in this regard.

Mrs. Gordon: One of the things that I think should be brought to the attention of the three Whitehorse Members; I may be wrong but I feel one and possibly two of the Members who represent the Whitehorse area also have land outside the Metropolitan area of Whitehorse that these new regulations would apply to and I think they would have to be considered in the discussion as well.

Mr. Dumas: Mr. Chairman, we all have land outside the Metropolitan area but fortunately mine is in the Annie Lake district so I am not too concerned.

Mr. Commissioner: Mr. Chairman, this land disposal policy regulation is a direct result of discussions that took place at this Council effectively three sessions ago and the difficulty of getting together with the four out of Whitehorse Members is very obvious to all of us. They can't simply be making special trips to Whitehorse here for discussions of this nature and I would like to tell you Mr. Chairman, that at any time at all, evenings, Saturdays, between the hours of the day that Council is sitting, that the Members of my administration are ready and available to sit down with them and get down to the hard facts of these land disposal policies for those in the areas outside the Metropolitan area. Now, it is absolutely impossible, from where we sit, to see how we are going to have anything less than regional type

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Mr. Commissioner continues.... disposal policies. Now, maybe we are entirely wrong. Maybe when we sit down with the Councillors maybe one set of rules outside of the Metropolitan area will be quite applicable but I question it very, very much, but I just want to let you know that we are most anxious to get on with the chore and the only way we can do it is to talk with the people who are involved. And timing, as far as we are concerned, we understand that it has to be during a Council Session, but we are quite prepared to make our time available outside of the normal daily routine to make this possible.

Mr. Taylor: I suggest then that we certainly won't have time now between now and I believe we will be leaving on the 19th, adjourning or proroguing till Christmas and coming back after Christmas so I would suggest that maybe if the Administration could find certain periods of time when we next sit why as I say I am quite amenable to this.

Mr. Shaw: Mr. Chairman, unfortunately this came on the Agenda a little late because there has been lots of time on Saturday mornings to discuss this, or Sunday. What are we able to do in those periods, we from the hinterland who are not able to conduct our business in a normal manner so we have quite a lot of time on our hands but I wondered if it would have any effect if it was laid on the Agenda that when we next meet, that the first Saturday available, that is when we met to discuss these things is, does this have to be done at this time or would a month later make it any different to put this on the Agenda for, for example a Saturday say for discussion. I would ask the Commissioner that question Mr. Chairman?

Mr. Commissioner: Mr. Chairman, we have been waiting for seventy-two years now so I don't suppose another month is going to make a particle of difference but, to be blunt and honest with you, it is going to take many hours of discussion and the sooner we get started on it the sooner that there will be some kind of a fighting chance of something happening. So, all I say is simply advise me as to when you are going to be available and I in turn will pass it on to the officers who will be responsible for supplying the Administration back up on the thing and let's get underway.

Mr. Livesey: Mr. Chairman, as far as I'm concerned, anytime the Administration wants to work on a Saturday or at night or give up church on Sunday morning, I'm with them. I agree with the Commissioner. We've got to work at it so let's get at it, let us stop fooling around and wasting our time on this five day a week proposition when a good many of us would like to get home, especially for Christmas.

Mr. Taylor: I'm agreed, night sessions sound real good to me. We can decide that when we come back after Christmas recess. I will resume the Chair now.

Mr. Chamberlist: I have a comment I would like to make on this. First of all I don't think that we separate our responsibilities on land regulations just simply because some of us come from Whitehorse and the others don't. As far as I'm concerned I want the rest of Council to know what the Whitehorse Regulations are and I want to know what is going on in the rest of the Territory as well. I don't just represent a few people in Whitehorse. I represent the people in the Territory; that's my policy. The attitude that must be adopted is this; we have too many restrictive clauses in our land regulations;

Mr. Chamberlist continues...

restricted to the extent that in many areas it prevents people from coming in and making use of land that is available in the Territory. I regret that some Members of Council feel they have nothing to do here on their weekends so they want to work all through the weekend. If they wanted to do something they should have brought their tire patches and their jewelery with them and worked. But I've got lots to do. I need that extra break during the weekends to get personal matters attended to. I think we can deal with the matters properly in the length of time that is allotted to this Council.

Mr. Livesey: Mr. Chairman, some Members from outside this particular area could suggest where the patches should go.

Mr. Shaw: Mr. Chairman, I wonder how the suggestion would go that the Honourable Member on my left took all his equipment including all his physical assets, to a Council meeting in Watson Lake or Mayco and operate there....

Mr. Chamberlist:out of my mind!

Mr. Chairman: Order, order, please? This concludes the review of Sessional Papers and Motions. Would you be prepared at this time to go back to Bill No. 11, the Liquor Ordinance? BILL NO.11

All: Agreed.

Mr. Chairman: We had proceeded to Section 47, order please. We had proceeded, I believe to Section 50, subsection 7, I believe and I believe that during the interval Mr. Legal Adviser had been looking into the matter of hours and I wonder if he has anything on this.

Mr. Legal Adviser: Some consideration was given to the question of hours which were thrown at large in effect by the discussion of Council on that occasion and after much cogitation I have put forward this suggestion to Council; that we accept the principle of Saturday in practice goes on into the early hours of Sunday morning and have a uniform closing time across the board for all forms of retail liquor consumption up to two o'clock in the morning. In other words on Monday night to Saturday night, not including Sundays anybody in any liquor outlet could drink until two o'clock in the morning. In regard to the picayune restrictions which were pointed up in the debate concerning cocktail lounges, we abolished the designation "cocktail lounge" entirely, and give the privilege to taverns, I'm sorry, to abolish cabaret designation entirely and just stay with tavern and cocktail lounges. The restriction of entertainment, of live entertainment be taken out of tavern and cocktail lounges and licences so that they would be able to have live entertainment, such as guitar or singing in a tavern or cocktail lounge. Now, the result of giving this privilege to taverns and cocktail lounges would be that the cabarets as such will be unfairly treated if being only given the exact same closing hours, which would be 2:00 a.m. and if they would then have all the restrictions even with live entertainment. The best thing to do would be to abolish the designation and more tightly controlled possibly in the inspection and so forth, the taverns and cocktail lounges. Now, in order to get a uniform closing hour of two o'clock, this would not be compulsory, it would be the option of a tavern or cocktail lounge owner to open at his discretion and to have some form of restriction that he could open for a continuous period of 14 hours in any day, but in any event not later than two in the morning, so that if he wants to close at eleven o'clock or midnight or one o'clock or two o'clock, then this

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Mr. Legal Adviser continues....
would be endorsed on his licence, the hours chosen by him. If he wanted to close earlier and he would not be able to change that closing time during the ensuing licencing year so that the enforcement officer would know in advance for inspection purposes and records, exactly what was the intentions of the operator of this establishment for the licence year. Now, I would suggest that there is a problem when you abolish cabarets that at present it is a restriction on caberet owners that because of the lateness of the hour during which they are selling alcohol, they are forced under the present licence restrictions to have food cooked and served on the premises.....now I would suggest that some form of compromise be adopted which would bind any establishment which went past midnight. Now this would not necessarily have to be that the food was cooked and served exactly on the premises, as is presently the case with taverns but if there happened to be a next door premises, part of the same building, but in any event within a reasonable walking distance so that a person required something to eat at one o'clock in the morning, who had been drinking, would be able, without getting into an automobile, to walk and have a meal. Now I think this would be a sensible suggestion and wouldn't be obligatory on anybody who is closing at midnight or say eleven o'clock, but if he stayed open until one or two o'clock and had his customers stay until half-past two, available to finish up, that he was able to see that they had this facility and this would come under the supervision of the board so that it would be a condition that where he notified the director of Liquor Control or the Board, that he was going to open after midnight, then automatically there would be an inspection to see what were the food facilities available within a reasonable distance of his premises. Now, with regard to the suggestion made by some of the Honourable Members concerning a more liberal approach to selling cold beer, I would suggest that the only real need that is being shown in this debate is that in some remote places, by reason of the scenic beauty that people may gather there, or some other reasons, people may need the facilities to get a beer to be able to take away but we should use our existing facility and there should be a section put into the Ordinance where we have a restaurant somewhere in the area that it would say that a licence, the holder of a restaurant licence may, at the discretion of the Board, be granted a licence to sell beer for off-premises consumption where the Board is satisfied that owing to the remoteness of the area or lack of facility, the granting of such licence is in the public interests. I am only concerned about the fact that if the facility is necessary.....but to open up every grocery store for the sale of beer means that we are then in a bind in having to control groceries and we are just not set up to control grocery stores, to control their hours and the grocery stores themselves are not set up to control the people to whom they sell alcohol. Some of them may wish it some of them may not, but it certainly would be a very heavy chore to ask the Department of Liquor Control or the Board to start controlling grocery stores when they are set up to control retail..... These are just the main suggestion I have to make to meet the wishes of Council or go a distance toward meeting the wishes of Council on a controversial matter that is before us dealing with the hours. Now, we have other amendments picked up which are mentioned by various Councillors, having may instead of shall, here and there, allowing them representation by Council and so on. All these things are to be picked up but this I would put forward for your consideration that it be dealt as a package deal with the question of opening on Sundays until 2:00 A.M., uniform closing hours, to deal with the question of restaurants that was raised by one Honourable Member, a

Mr. Legal Adviser continues....
local restaurant here does a worthwhile business by reason of opening at nine o'clock and closing at two or three in the morning; I think it is two o'clock now and there is definitely a case for it but it would be helpful if we.....enforcement and so the public would know what to expect when they go to a particular place.

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Mr. Dumas: Mr. Chairman, I think some of the suggestions put forward are quite good; with two exceptions (1) the suggestion that beer be sold in restaurants in remote areas; I think isn't a sound one because here in Whitehorse on a Sunday you have no place to buy beer to take out so whether or not it is a remote area, the restaurant licence should allow a person to sell beer for off-premises consumption and the price might be controlled as the price on bottles of liquor is now controlled, bottles of liquor sold out of Cocktail lounges and so forth and you might put a price of \$6.00 on a case of beer or something like that. We might get around that problem. The other thing is the suggestion that there should be food available for service on the premises if they stay open after midnight. I think it sounds good and in theory it is good but in practice it is unrealistic because right now the vast majority of the cabarets, if they have food available, serve very little of it at the late hours and the people usually leave and go to a restaurant or dining room after the bars close or after the cabaret closes. So, I don't think it would be a practicable thing, especially insofar as you may have a hotel that has a cocktail lounge and no restaurant and these people are not allowed to stay open after twelve and it does not seem quite fair that they should be restricted where a hotel which happens to have a dining room is not restricted.

Mr. Legal Adviser: It wan't our point that food would have to be cooked and served on the premises. That is the present line with regard to obtaining a cabaret licence and it appears not to work satisfactorily; it would appear to me to be a step forward in the right direction to make sure when they go past twelve that food was available to buy if necessary - somewhere where a person can walk to it and doesn't have to drive.

Mrs. Gordon: Mr. Chairman, supplementary to that, when you run into the problem where you have a different manager and he may not choose to stay open after that time when the bar closes - the food is available there during the rest of the day but not necessarily at that time and how do you overcome this kind of situation?

Mr. Dumas: If I could just follow this up; I don't think that is a practicable suggestion and I don't think it is workable and I think that we should allow these places to stay open until two, clear them out by two-thirty and just hope that they are going to be able to tumble down to the nearest restaurant if there is one within walking distance. To try and control this I think would work too much of a strain on the tavern or cocktail lounge owners and so forth and I think it may be going a little too far in that particular matter.

Mr. Chamberlist: Mr. Chairman, the odd Legal Adviser comes out with some ideas that are not too good at times, just like the odd Members. I find that some of the suggestions are pretty sound but again I have to follow the thinking of Councillor Dumas on this particular point. Councillor Gordon has come up with a suggestion as well. Supposing there is a cafeteria right next door to the cabaret but the management of that place only wants to be open until eleven o'clock at night. Can you

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NO. 11 Mr. Chamberlist continues....
grant a cabaret licence only on the condition that you can convince the business next door to keep open; that doesn't seem to be very reasonable. I would suggest that provision for a cabaret operation should have provisions for food. Now this is the only way that I think you can have an equitable type of licencing; the suggestion that has been made that the liquor outlets will remain open at the same time I think is sound. I think the suggestion that was made that taverns and cocktail lounges not be restricted to entertainment, that is sound. I think this is really liberalizing it but really you know I am in the liquor business and I would want to make my position clear now and I feel I have the right to discuss liquor because of my position on Council. I am not thinking about my own personal operations but the need for people to get as much comfort, northern comfort out of the proper areas of liquor consumption. Now, I think that if we have to really give better consideration to the situation as far as feeding in the cabarets; I think they should have facilities right in there on the premises.

Mrs. Gordon: The Honourable Member from Whitehorse East may be odd but I think I'm even after that bit....I think that under the circumstances, having to feed those who are taking libation, there is another area that may be considered. There are ways and means of serving meals which you don't have to have a complete and utter kitchen. When you travel on aircraft you have electrically operated kitchens and they serve very wonderful meals. Is there any reason why cabarets or cocktail services couldn't provide meals in this way?

Mr. Commissioner: Mr. Chairman, I think there is a point in time with regard to this type of law. You have got to be prepared to say that in order to have something that is enforceable you don't try to have everything that is totally desirable wrapped up in the legislation. Now, from an administration point of view, the biggest single complaint that is being levied against Administration and the Liquor Ordinance at the present time is that we are not enforcing it. Now, I think I had made it abundantly clear, Mr. Chairman, on many occasions that there is no point to try to enforce the present Liquor Ordinance because it would not stand up in court long enough to even take the court's time but I think that with regard to the food service situation and the serving of liquor, which I tend to agree that it would be a desirable situation and may well at some time in the future come under the purview of the Board and we may get recommendations brought forward to the Council from the Board, I certainly think that for the writing of the legislation at the present time, any insistence upon auxiliary services in connection with the serving of liquor is to all intents and purposes maybe highly desirable but literally speaking unenforceable. I strongly recommend that we endeavour to deal with this particular matter in the simplest form as outlined by the Legal Adviser, but without regard to supplementary things such as food service being close at hand although it may be a desirable thing. I think we have to deal with it as simply as possible, Mr. Chairman, and at the present time, as you know, the law calls for cabarets, I believe, to have food service available during the same time as they are open; now I am subject to correction on this, but this is one other areas. I can assure you that we can close down every cabaret in the Yukon tonight if you want to, maybe this afternoon as a matter of fact and we might not even have to wait until night because in all cases I question very, very much if there is any food

Mr. Commissioner continues...

service of any kind available even on the premises let alone BILL
in the cabarets. So there is no use of us trying to supple- NO. 11
ment what is basically a good law with a desirable situation
which I think we have got to allow time to take care of and
see what recommendations, if we get at a future time from
the Liquor Control Board.

Mr. McKinnon: Mr. Chairman there are certain questions
that I would like to ask Mr. Legal Adviser on the matters that
he have raised but I would like to stick at this point right
now and I think that some Members perhaps aren't keeping up
on their night life in Whitehorse particularly, but there is
not a cocktail lounge now in the Whitehorse Metropolitan
area, or a cabaret that does not have food service available
in some form or other; there's not one of them and I don't
think that there is any great concern in the Whitehorse area
anyway, if it is left up to the Board that there is food
service acceptable to the Board in the cocktail lounges and
cabarets because there is a sandwich service that people make
in their homes and make available to cocktail lounges. A lot
of them have the infra red machines that put in on hamburgers
and cheeseburgers in about two minutes' time; there are the
infra red machines, there are instant pizzas if required,
and these are all at a minimal cost to the operator. And these
are all, in my estimation, acceptable food services available
to the public if they want it. These are minimal, they are
simple to operate, these are all that is required by the
cocktail lounges or cabaret to operate and I am sorry, Mr.
Commissioner, but you are mistaken at this point because
every cabaret in town at this moment operates at two in the
morning and has food service of some type available if you
request it up until closing time and there is not a cocktail
lounge in the Whitehorse Metropolitan Area that cannot supply
you with food service also in the cocktail lounge. So we are
looking at a red herring here that is not ever going to come
up; it is easy to get around, and I leave at this point and
at this time Mr. Chairman.

Mr. Commissioner: With respect Mr. Chairman, I am well
aware that what the Honourable Member has said is absolutely
the truth. Perhaps I should have qualified my statement by
saying what is acceptable food service and I think that the
Councillor has hit the nail on the head; what is acceptable
to the Board, which we will have some kind of a referee as to
who decides what food service is. Maybe this is our major
problem but I certainly agree with what he had to say. There
is something available, as to whether or not this qualifies
as being adequate, I think the word "adequate" is used, as
a matter of fact in the Ordinance; whether or not this qualifies
as adequate who is to say?

Mr. Dumas: Well, I'm probably not up on my night life as well
as is the Honourable Member from Whitehorse North. However, I
think there is at least one exception to the rule around here
now but I think too that, while I would rather not name it,
I do think that the suggestion put forward by the Honourable
Member from Whitehorse North that these machines would be
adequate..

Mr. Chairman: Order, please.

Mr. Dumas: That these machines would be adequate in terms of
supplying food or something to eat if the person wanted it at
two o'clock in the morning.

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Mr. Shaw: Mr. Chairman, when all these on the floor discussions have disappeared - I feel that all liquor outlets should have some means of providing food. I quite understand that it is not possible to have restaurants, full-sized restaurants attached to these places, but it appears to me that it should be relatively simple to have some form of mechanical dispensing or hot-dogs or stuff like this, sandwiches, these sunray lamps to make up these different short-order deals or something like that. It does not have to be elaborate, and I would feel that when we take away the difference in cabaret, making the same that they can stay open and providing they all have food available such as something simple, it doesn't require a great deal of capital expense to operate, it would appear to me that these are not only profitable, they would be a good thing to have. There is only one thing that I am a trifle worried about and that is that in agreeing to this particular section it does seem to be left out as to what is adequate. There is nothing put down as to what is adequate. Adequate may mean that you have to have a full-sized restaurant with it. That is the point that I'm somewhat hazy about; it means that sandwiches and hot dogs and stuff like that would be adequate, under the Ordinance, I would think it would be a good idea. But if we had to have a full-sized restaurant there or cooks and so on, that might be unreasonable from the viewpoint of the operator and particularly in the smaller areas of the Yukon. So, I would like to have that clarified, Mr. Chairman, by the Legal Adviser. Could the Legal Adviser answer that question? My question to the Legal Adviser was, that when they are talking about adequate food supply, would sandwiches and hot dogs and things like that be considered adequate under the terms of this Ordinance?

Mr. Legal Adviser: It is very hard to say because in my draft what I have said is "the Board may attach conditions to ensure that the customers have adequate facilities for eating" and left at large because this would be a matter for the Board. It depends whether you appoint a hot dog type of Board or a steak type of Board.

Mr. Shaw: May I ask a supplementary question, Mr. Chairman? Let us look at it from the straight facts of life. I agree to this particular section and the Board comes along and says well you have to have a full-sized cafe or they put on restrictions that are - I understand you have to have sanitary conditions but restrictions that are very difficult to fulfill. That is not a very satisfactory answer - the answer might be good but it does not clarify anything, Mr. Chairman.

Mr. Dumas: Mr. Chairman, just one point, I think that Committee has made itself fairly clear that we think that this is adequate and if the Administration would pass this on to this fictitious Board and let them know what we think, and if the Board does not go along with what we think is adequate, we get a new Board.

Mr. Commissioner: This is the secret of the whole thing.

Mr. Dumas: The other point I want to make Mr. Chairman; I think that the feeling of this Committee has been passed on to the Legal Adviser now. The other point I want to make, Mr. Chairman, is that the Bill we have before us runs some 33 pages or so. I understand there are quite a few changes in this Bill as opposed to the Bill that was presented to Council some time ago. I wonder if the Clerk could possibly advise us how many more pages there are in this Bill than the one that we had presented to us and let the public look at it and comment on?

Mr. Legal Adviser: One of the things which I had not thought of and may arise, is a question of, if the Board is ready to accept reasonable or adequate facilities, I think the word adequate in itself is different from proper and different from good; it's a low-scale word, sort of a 30% word as opposed to a 70% word.

Mr. Shaw: But it can expand to a dollar and a half word.

Mr. Legal Adviser: One thing I would like; in the existing Ordinance there must be food facilities for service on the premises. Now would the House be willing, if the section, instead of being so drafted, that it is only after midnight that you have real food facilities but they have facilities all the time.

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

RECESS.

Mr. Chairman: At this time we will call Committee back to order and have you anything further on the suggestion made by Mr. Legal Adviser?

Mr. McKinnon: I wonder if I could ask another question of the Legal Adviser. If a cocktail lounge operates for certain hours how difficult will it be for him to change those hours if he finds that it is not suitable?

Mr. Legal Adviser: There will be no difficulty providing he waits until the following commencement of the licensing year.

Mr. McKinnon: A year then.

Mr. Commissioner: Well they can be lesser than what he opts for

Mr. Legal Adviser: The intention as I was drafting it was, when he applies for his licence at the beginning of the year, he nominates and it is endorsed on the face of his licence, the hours he chooses. Now he has 14 hours. He can pick any fourteen hours he likes or he can pick ten hours or eight hours or anything he likes, in one day but treating the day as from 2:00 a.m. to 2:00 a.m., not midnight to midnight, with the sole exception of Sunday night, so he can just pick his hours. The latest time he can stay open is 2:00 but he can open then 14 hours back from that period, say noon or thereabouts if he is going to stay open till 2:00 a.m. he'd opt for noon, if he wants the longest stretch or if he wants to he could go from 9:00 to 2:00, but once he has opted, he has opted.

Mr. McKinnon: I don't think there would be any great problem in the Whitehorse area, particularly Mr. Chairman, but I think that there could possibly be some great difficulty if it's only allowed to change every year in the areas outside of Whitehorse, because certainly sometimes they would like to have certain hours during the summer tourist season and other hours for the rest of the year and if he is only allowed to set his hours once for the licensing year he would find this impossible to do and I think this could present some real difficulties.

Mr. Commissioner: I think that the interpretation that would be put upon this would follow very much in line with what the Honorable Member has asked. Namely that when he applied for his licence he would say, during the months of June to September, my hours will be so and so, for the balance of the licensing year my hours will be so and so. This is the idea of the thing. In other words, he wouldn't have to opt to hold the same hours throughout the year. The idea would be that when he got his licence it would state definitely on that licence of what the hours were to be at varying times of the year.

Mr. Livesey: Here once again we are up against two different propositions. One for well organized and populated areas and for outside areas catering to the travelling public. As far as the man's hours are concerned, he can't gauge his hours on the basis of where his customers are going to come from, because his customers don't know what his hours are. They land at a certain point at a certain time and that is it. The fact that he's got hours at one time or another is absolutely beside the point as far as he is concerned. These people have to depend on the business that is coming to their places to make a living and it isn't a question of whether they want their hours regulated or not, this is a lot of ... a lot of these people tell me and the complaints that they give

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to me that this is just more red tape coming from people who want a crank handle and turn things around so that the red lights or blue lights or green lights come on, this is all the interests they've got in this man's operation and quite a number of them have pointed out to me that on certain nights when there is nothing going on in that particular area and where the customers are fifty miles down the road, he has to keep his tavern open until 2:00 in the morning when there isn't a customer in sight and this can be for four and five hours at a stretch. Now what I'd like to know is can this man shut his place down there when there is obviously no business, no business man can run expenses when there is no income coming in, this is just common sense. Can he shut his place down for cause? Supposing he sees five or six people come in there and they are real roudy types, can he shut that place right down right now and still be within the meaning of the Ordinance and I would like that answered if I could Mr. Chairman:

Mr. Legal Adviser: Shutting down for cause is one thing that is shutting down if the place goes on fire or if some infectious disease happens to take over the kitchen or a flood or something. That is a separate kettle of fish, but shutting down because the proprietor wants to go to a dance in ... he wants to go from Beaver Creek to Kluane Lake because of a dance or a bonspiel, this is a horse of another colour. This is a case where reasonably at least the policy of the Council is these people get the privilege in their area of ... the sole privilege of selling liquor and they have some duty to provide refreshment to people who happen to pass by even if it is an occasional truck driver or something like that so I can't see how we would be too permissive in this in allowing a person to just go around and say, "I won't stay open for two people," so he throws those two people out or shuts down entirely and closes up and goes away. This would lead to the situation where if the inspection team happens to be moving through an area and a telephone call is sent ahead, then the proprietor can close down and go away and so avoid inspection. There is no difficulty whatsoever in a resort area giving us notice at the start of the licencing year that our opening hours are from say, the first of June until the third of September, will be until 2:00 a.m. after that they will be until midnight or after that they will be until 10:00 p.m. or handing in notice at the end of September saying "we are only going to keep open for another 15 days, we are closing down now until a point ahead, until say the first of April," if they want to go away to Hawaii or somewhere like that, but it is a different thing from a casual closing down all of a sudden or because the proprietor happens to take this kind of a This is quite a difference.

Mr. Livesey: I think the Honorable Legal Adviser must have been at a bonspiel when I raised the question. I didn't state that the proprietor wanted to go to a bonspiel or he wanted to go to a dance. What I said was there was no business. Nobody was in his place and there was no possibility of anybody ever being in his place for four and five hours at a stretch and don't tell me this doesn't happen. I know it does happen. I have seen it. I've been right there when this question came up and this gentleman and more than one have said to me, "Do you think there is any sense in this? I have got to stay open because somebody down there in Whitehorse, figures I should stay open, I have got to stay open and my expenses are going on but there are no returns coming into this place of business at all." and that is the question I raised and that is the question I would like to get answered and I'm

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not talking about a flood or the place burning down or anything like that, goodness knows we have enough inspectors now. Things like that certainly should be kept in the clear. What I'm talking about is when certain people enter a man's premises and they are not of the type that is going to be conducive of keeping peace and good order, can he shut that place down? That is the question that I raise and could I have order please Mr. Chairman, we seem to have four or five people answering here who are not even on their feet that is the question. Can I have this answered or not?

Mr. McKinnon: With respect, in twelve years on the highway

Mr. Livesey: Point of order, I directed this question to Mr. Legal Adviser.

Mr. McKinnon: There was no question directed Mr. Chairman at all, there wasn't and in the twelve years I've spent in the Yukon I have spent a heck of a lot more time on the Alaska Highway and the smaller communities than in Whitehorse and I have never seen one community where if the proprietor of an establishment of that community wanted to shut down because there was no business or wanted to shut down to go to a bonspiel or a dance and I will name the community if you want me to, that they didn't do it and there has never been a prosecution in the years I have been in the Territory laid under it. I think that you are just starting to raise the kettle of fish where there will be prosecutions laid if he keeps trying to get into this point and it has always been acted in common sense and with full conjunction with the local constabulary because I've even made the arrangements on it and certainly to start making legislation to bring this into effect is just going to start to open up a whole Pandora's box when there is no reason to bring it up at this time.

Mr. Livesey: Now Mr. Chairman, after that, could I have my question answered by the Legal Adviser?

Mr. Legal Adviser: When these kind of queries reach my office they stay in my waste paper basket or beside my tray for a few days and we always give a reply within a fortnight or three weeks.

Mr. Livesey: That once again, Mr. Chairman, is not an answer I think the Legal Adviser with all due respect Mr. Chairman is evading the answer.

Mr. Commissioner: Could we please be accused of evading the answer with respect in this case.

Mr. Chamberlist: The question that I would raise is why limit the hours to fourteen. Why not twelve or eighteen or sixteen? It appears to me that there is a set deal that you have to keep the place open for fourteen hours, why not keep it open up to sixteen hours? You have two shifts you see. You have to think of the employer as well, you know. Usually an eight hour shift is an eight hour day. I see no reason why for instance, there might beI'll stop while there is a discussion taking place between the Administrative offices ... now we are ready There might be a necessity under the terms of this new Liquor Ordinance for ... for instance if somebody is putting on a special entertainer and they want to charge from 9:00 on they want to charge a cabaret fee of \$2.00 a head and there is nothing in this that says it can't be done, now there might be that we might want to bring somebody in and want to close the operation for one hour, why should I have to be open 14 hours continuously. Why can't I keep open from

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11:00 in the morning until 8:00 and then say "ladies and gentlemen from 9:00 on there will be a cover charge because we have this top entertainer". You are not being liberal in these particular things. To me you are restricting. Now, we already understand and it has been made clear that if people haven't got the business, they close down for the night, but if people have the business, they might want to open a little bit earlier because to keep open until 2:00, you have to open at noon to make 14 hours continuously. There might be times when you might have some activities going on in town to serve the public you might want to service them with a drink at 10:00 and 11:00, you know kind of the sick parade that you might get in the morning, might want a beverage. Why must you definitely say 14 hours. This I can't reason to myself why this should happen.

Mr. Legal Adviser: Mr. Chairman, we don't want to get into the situation where ... that we had some years before I came here, when we had sort of a holy hour in the evening that people had to leave the premises between half six and half seven which in effect meant a closing hour of really only half an hour because there was a drink up time from six to half past six and then it went on. Now if we have a closing hour it means that there will be different closing hours fixed all over the place. If we cater for the morning sick parade, then you have the situation, it may be open some mornings and it may not be open other mornings. For enforcement purposes we picked 14 hours. In a sense it is an arbitrary figure, but we picked fourteen hours because that is a reasonable, sensible period ... continuous period of opening for the bars because there was objections and strong objections and justifiably strong objections both in the Yukon and elsewhere to the compulsory enforcement of the holy hour system of closing between half past six and half past seven. The same objection would apply to a closing hour at any time and there would be a certain amount of adjutation in the movement from place to place. The idea was at that time, the person who was drinking in the evening would have to go home for his supper at half past six because his wife would start complaining then it was abolished so we decided to allow it to be abolished and have the continuous period not exceeding fourteen hours but if he wishes to open at nine o'clock and close at two o'clock, provided he has notified the office at the start of the licensing year, this is fine.

Mr. Chamberlist: May I continue with this please Mr. Chairman. Mr. Legal Adviser has ... is not answering my question but is telling me why the shut down hour was abolished. I didn't say that there should be legislative fixed hours of closing during the evening. I think that should be left to the discretion of the operator and I think that the hours should be left to the discretion of the operator as long as he closes his operation not later than two the following morning. This has been clear, but I can't see where we should restrict operators to fourteen hours of opening. You don't restrict a service station to fourteen hours of opening you just tell him that you have got to be open for fourteen hours only, nor would anybody restrict Mr. Legal Adviser's legal office if he was in private practice that he should only be able to work during certain hours. This is what I am getting at. It seems to me that there is a restrictive area that shouldn't be there and I'm wondering whether or not it would be in the interest of the public to restrict hours like that. I don't think it would because I think if you go fourteen, you're not taking into consideration the fact that there are two shifts, a day that should be got in and I would suggest that it be sixteen with the discretion of the operator as to what hours he opens at as long as he closes by two o'clock in

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the following morning. This I agree with, but you shouldn't restrict what hours in the day he should open.

Mr. Commissioner: This is a matter that was debated in this Council several years ago and ... not the presently constituted Council ... and the hours at that time or the fourteen hours that was derived at was looked upon by Council at the time as being a proper and sensible compromise between the option of being open for 24 hours and declaring your hours in that time that you were going to be open and limiting you to I believe at that time it was ten hours of continuous operation, I stand to be corrected on that Mr. Chairman, but there was the two areas that were looked at and the Council of the day in its wisdom looked upon this as a compromise situation and the rewriting or redrafting of the Ordinance that is before you now, this is one of the areas that to the best of my knowledge there was no question on prior to this time, from the Council and this was, we simply continued on with what our understanding was an acceptable situation from Council.

Mr. Chamberlist: That was then, Mr. Chairman. Mr. Commissioner is now saying, because some years ago, a Council made a certain suggestion, does this follow that we have to, because if this follows, we may just as well stay with the Ordinance that we have got and accept that. This is a new idea that I am putting forward and I think that it is worth discussion on the basis of whether it has any merit or not, not on what was prescribed for three or four or five years ago. I think it should be dealt with on that particular score. This is just my suggestion for what it is worth.

Mr. Commissioner: With respect Mr. Chairman, I am not indicating that Council should not discuss it. I think the question was shy was it put in in this manner and I felt that my explanation was the correct one from my point of view.

Mr. Chairman: Just in speaking from the Chair, I was a Member of Councils and it has been discussed more than once in the old Councils and it was because that we didn't lose sight of the fact that we were dealing also with the travelling public and it is one of the ... it is beholdent upon us to ensure that we provide these services to the general public so we are not just legislating for the operator but the general public as well.

Mr. Shaw: Just before I get on the subject matter that I was going to talk about, it would appear to me that fourteen hours in 24 is a pretty long time to be at the booze and I don't think anybody would suffer from having fourteen hours in 24 to be able to join in this past time that the poor public is not having the opportunity of indulging in as it would appear so. The point that the Honorable Member from Carmacks-Kluane has brought up is I think an extremely valid point. We do have a great deal of difference in what laws are necessary here and what are applicable outside of this particular area and I quite realize that it is very difficult to make one group of laws for one region different from the other, however, in the remoter areas of the Territory, where they do in fact have licenses, you get a spell of cold weather and I think in most areas of the Territory, we do have more extreme cold weather in the winter time that what we have in this particular area which means and I think everybody quite understands, when you get extreme cold weather, your business drops off. Anybody who has had a business knows that in extreme cold weather that business absolutely does drop off and it drops off considerably more in isolated communities than it does in the more populated areas so that if a person is operating a

BILL #11 Mr. Shaw cont:

licensed outlet and his usual hours are we'll say to two o'clock or one o'clock and it gets a long spell of 60 below and I have seen it 60 below or between 50 and 70 below for six weeks at a time Mr. Chairman, 6 weeks that there is absolutely no business so therefor the man that is running the place says "well I might just as well close it down, there is nothing happening", now it would appear to me that there is nothing wrong with this. I can't ... I can understand that he keeps open until six o'clock in the morning, yes, but the fact that he wants to close up at half past eleven, there is no business or eleven o'clock or twelve o'clock or half past twelve instead of two o'clock because there may be many times that he can possibly operate profitably, the operation until two o'clock in the morning or whatever the time might be. I wondered Mr. Chairman, I would like to ask the Legal Adviser what is the reason, I would like to ask a supplementary question following this but, what would be the reason that a person could not get theirclose it up at say half past twelve or half past eleven?

Mr. Legal Adviser: I can't say that we will have inspectors going around at one a.m. and checking up on who's open and who is shut, but I can say that the privilege of opening is one which is ... brings obligations for service to the travelling public or its customers and the reason is, number one, so that the public can be served with the facilities which on the highway may be more necessary at periods of forty degree weather or sixty below weather than it might be at other times, certainly on the highway. The second reason is for enforcement purposes. He has picked his times he has been given a privilege and it is available for inspection at any of the times he says that it is available on the terms of his license.

Mr. Livesey: In other words, Mr. Chairman, if an operator contravenes subsection (3) of section 24, he would be liable under section 88 for a penalty. Is this correct?

Mr. Legal Adviser: It's correct but I wouldn't say it is something that would drive an operator's hair grey overnight.

Mr. Livesey: No colouring of the evidence was required Mr. Chairman, merely a question.

Mr. Chairman: I'm wondering, do you have sufficient direction in the areas of ours Mr. Legal Adviser to proceed with the amendment.

Mr. Legal Adviser: I think so Mr. Chairman. I have the amendments drafted, it's a question of getting them typed up on a stencil.

Mr. Shaw: Well, I would say Mr. Chairman that I have a licence to operate my business and if I want to close it up at 5:00 or 4:30 or 6:00 or 10:00 that is just exactly what I do and I have a licence too, but not to sell booze.

Mr. Chairman: I wonder if I can proceed with the reading of the Ordinance at this time.

Mr. McKinnon: I don't agree with what I would think is the pathological reluctance of the Administration to go along with what I feel is a unanimous recommendation of Council that some area of legislation be brought in to allow a grocery store if they so desire to serve beer and I'm not finished with this section yet and I'm certainly going to find out what the provincial authorities do about it and seek my own legal advice on it because the Administration

Mr. McKinnon cont:

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seems unwilling to give me the advice at this time.

Mr. Legal Adviser: We can ascertain from the various provinces what the position is in regard to this matter.

Mr. McKinnon: If Mr. Legal Adviser would do that I would very much appreciate it.

Mr. Commissioner: I will bring forth an article that appeared in one of the daily newspapers just a day or so ago about a presentation made to the Liquor Committee that is sitting in the Province of British Columbia right now on this

Mr. McKinnon: I'm much more interested Mr. Chairman, in finding out the provinces who have successful grocery store beer operations operated under the terms of their liquor legislation, than provinces that do not have it now and are looking towards it.

Mr. Livesey: I wonder if the Legal Adviser has brought forward any amendment to section 5 and section 6?

Mr. Legal Adviser: Yes, I have an amendment to section 5, subsection (1) which would make it re-read, the Board shall choose a member from amongst their number to be the Chairman thereof. I'll bring forward an amendment to section 6 subsection (2) to add, or from any applicant for a licence. In section 16 to take out, the words, and with or without a hearing. In section 17 (4), to add, and be bound by their recommendation, you can remember the Commissioner's faithful words at that point, and subsection (5) to take out the words, with all due speed and substitute the word, forthwith, The Honorable Member for Whitehorse East I think made that point, and then where it first occurs take out the word may, and substitute the word shall after hearing the licensee. In subsection (8) represented by agent or counsel, to make sure that the lawyers didn't get all the grabs. In section 22, subsection (3) to take out the word cabaret licence and renumber the rest of the sections. In section 28, where it has in writing to the Commissioner, to add, not later than the fifth day after the latest publication of the advertisement and so on. In section 31, there is an amendment and on the second line to add in the words, and shall decide whether to recommend to the Commissioner that the licence be granted or not granted to the applicant and if granted on the terms and conditions of the grant. Section 31 (1), will read ... Section 32 (1), will read, the Board shall meet to consider the application at the place in respect of which the applicant is made or is near thereto as is reasonably practical having regard to all the circumstances. That is when they want the Board to meet regularly in Beaver Creek I think it was. Section 37, subsection (3), to take it out these are the ones now dealing with ours.

Mr. Chairman: I was thinking we were going to pick up all these amendments as soon as we got through the reading of the Bill, but.. this is what I was wondering because you are just going to have to do this all over again.

Mr. Livesey: My question merely was on section 6 and section 5.

Mr. Chamberlist: Mr. Chairman, perhaps I have missed it but where is the area of service, room service in a hotel.

Mr. Legal Adviser: That comes a little later, section 50 I think.

Mr. Chairman: May I proceed then with the reading of this Bill? (reads section 50 (8)).

BILL #11 Mr. Chamberlist: This reads that the application for a permit may be for a 100 people. Is it suggested that the place has to be large enough for a 100 people because only fifty people might be going in there and going out. People move in and out to a permit. There are not going to be a 100 people who stay put in there all the time because I would be real annoyed if I invited 150 people and they all stay there all the time. Surely the permit shouldn't restrict the size of the area because people are moving in and out all the time.

Mr. Legal Adviser: It's the public protection. I think it is a reasonable thing to leave in there. There is very little discretion. These are all very minor discretions here but I think if you ask for a permit and mentioned that you were having say 4,000 people or 5,000 people on Thursday evening in say the Capital Ballroom or somewhere I think the permit would have to be refused. I think it has to be a reasonable number that the place can accommodate. Having regard to the general circumstances.

Mr. Chamberlist: It doesn't say that. It says the number of people meant that The place where the reception or special occasion is to be held shall be sufficient to accommodate the number of people mentioned in the application for a permit and the reason why you mention the number of people in the application for a permit is so that the spirits that your liquor store is allowed to sell you is based on the number of people in the application and for no other reason. That's what that is in there for because immediately you go and make an application for a special banquet permit you will find that the Liquor Vendor, he immediately works out how many ounces of spirits you can have for the occasion, not how many people you are going to have in the room.

Mr. Dumas: I wonder Mr. Chairman, if I went to the Liquor Vendor for a permit and he says that that room will only hold fifty and you apply for enough booze for 100 people, I will simply say to him that the people will be coming and going. There probably won't be more than 50 at a time. Well sure he can. It is sufficient. It doesn't say at any given time or at any one time.

Mr. Chamberlist: Well just in case some smart alec might go around counting noses.

Mr. Chairman: (reads section 50 (9).)

Mr. Chamberlist: Here is another point. Occasionally it has been done and this has been done right in this town right in the building over there, where the Commissioner of the Yukon Territory issued a banquet licence, of course his name was Cameron, he issued a banquet licence to be held in the Whitehorse Inn Cocktail Lounge and they closed the place down for the public for that night and this was done on two or three occasions. Mind you, he subsequently took employment with the people that were holding the banquet there, but the point is ... it is being done. Now what happens there?

Mr. Legal Adviser: I wasn't his Legal Adviser at the time so I don't know.

Mr. Chairman: (reads Section 50 (10) to (13).)

Mr. Chamberlist: In that case I'm going to be breaching the law, every year breach the law because I'm serving a buffet cocktail lounge where people are eating while they are drinking. (reads (13).) I am serving to the public, who is coming to see me, the military? It is the public that I am going to be inviting so I can't serve them because I can't serve them with a meal. There should be a clear explanation because you are going to get some rambunctious

Mr. Chamberlist cont:

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peace officer or inspector and I've seen the ones we've got already here, they'll get their nose right in ... you know they walk right in with a book in their hands and they are learning line by line. I mean I've been smothered with these inspectors over the last years. I know what they are like. They'll pick up a sentence like that and you'll have to start interpreting that in the middle of the street to them. Let's make it so they can understand it, don't forget we're not dealing with people of the highest intelligence or they wouldn't be inspectors.

Mr. Legal Adviser: This particular subsection has stood the test of time for a very many years and I think it is perfectly reasonable. Public means public and we mean public in general. When there is a reception or a banquet being held to a section of people, they are not the public, they are the people who are either invited, they are guests or they pay or there is some arrangement made. They are not the public. What we are talking about here is if in a public restaurant, you can't have a banquet, a party going on at the same time as the public are going in and out as it is most upsetting to everyone concerned.

Mr. Chamberlist: There are occasions when you have a special occasion permit and something is advertised open to the public, refreshments will be served. Now that is opened to the public and this happens time and time again here where perhaps people are putting on a promotional proposition and it is open to the public and there are special occasions If there is an opening of a new building, it is open to the public and this immediately wipes out the explanation that Mr. Legal Adviser has given.

Mr. Legal Adviser: I think that when a person comes on an invitation, he becomes a guest, even though he is a member of the public, before hand he becomes a guest when he arrives. A person who comes without an invitation and walks in not part of the party group and wants to get a meal

Mr. Chamberlist: As long as we don't have to remind you of this some later year when somebody gets prosecuted.

Mr. Chairman: (reads section 50 (14).)

Mr. Shaw: We started off on section (8), but I think on section (6) where a vendor may refuse to issue a permit to any applicant where he **considers** it in the public interest to do so, but shall report the circumstances to the inspector whenever he refuses to issue a permit, is giving quite a lot of power to the Vendor and the person that is wanting to get the permit, he is in a position where has got no one to ask to amend this arbitrary decision except right within the confines of this metropolitan area, it would appear to me that a vendor may refuse to issue a permit to any applicant upon cause. Well there was something to be done about that but I haven't heard if there were any changes made to that.

Mr. Legal Adviser: My recollection is, I may be wrong, I don't know how it arose, but it did arise and in view of the fact that if the person has an appeal, I didn't feel it was necessary to do anything. You are dealing with a situation where there may be a reason why he does it. It has got to be in the public interest if he refuses, not for any picayune reason, it has got to be in the public interest. If he refuses he must report. These things aren't a once only effort. It's an organization of some person who is applying, the second time, if he doesn't get time to appeal before his given date, he can appeal the next time he can ask a month in advance and that would give him plenty of time to appeal.

BILL #11 Mr. Legal Adviser cont:

He'll get a decision if he asks again.

Mr. Shaw: I don't usually get the opportunity to ... usually it's the Honorable Member on my left who jumps ahead on this thing, but I think at the time in discussing this, I suggested that when something happens that is out of line with this person getting this banquet permit or whatever it may be, but when he ... this person or persons or corporation or what have you, when they do something that is wrong, it would appear to me that the responsibility should be on the vendor to immediately despatch a letter to this particular person or group informing them that ... what the trouble is and that he will not in future get another permit for this thing. That will give that person time to go through all the performance that has to be gone through to justify his actions. It would be more in line because, let us put it this way, Mr. Chairman, when someone does something attain a privilege and abuse this particular privilege, the vendor in this particular instance, must know about it or else he wouldn't refuse it the next time, so I think that immediately that he finds this out, he should have the authority to be able to notify this person, "don't come around next time because this last time was such and such and such and such". I quite agree that there are cases where it must be stopped but I think as soon as this person knows of this thing, that he knows that he is going to refuse an application, that he should write and inform this person. That would seem to be quite reasonable and I think it would uphold what we are ... the principles of what we are trying to do, in other words not to give someone a permit if they haven't conducted themselves as they should in the previous one. It would be quite simple.

Mr. Legal Adviser: This is a different thing, Mr. Chairman, this is they may refuse to issue a permit. It's implicit when he refuses that he will tell the person. I can't conceive of him just refuse by doing nothing. The second section gives him the right of appeal against that refusal. There is two sections together, 6 and 7. Any person aggrieved by the refusal may appeal to the Board, but in the first instance I think the vendor will have to tell him, "I am refusing you" and the man is entitled to be told why. I think this is common form, but I have no object to writing in, may refuse to issue a permit to any applicant and shall inform that he has been refused and the reasons therefore and then shall report the circumstances to the Director.

Mr. Shaw: Someone gets a permit, we're down at Watson Lake or we are up in Dawson, or Beaver Creek or Haines and he gets his permit and this person doesn't do right so the vendor says, "Ha, I'll wait until he comes next time and I'll fix him", so he comes and he has to have this permit say 24 hours before hand. Now I'm sure that if this was to be held on a Saturday night and he made application on Friday at 5:00, that it would take an atom bomb to wake anybody up in this area of the Government on a Saturday or a Sunday so therefore it would be absolutely out and yet this vendor knew of this particular infraction, maybe two months, two weeks ahead, three months. There should be some responsibility all way around and I think that is a very easy way of resolving it. Send the fellow a letter saying "the next time you apply for a permit you are not going to get one for this reason". Then it is up to him when he wants to get one.

Mr. Legal Adviser: I'm very nervous of putting the onus on a vendor to write to anyone whom he feels has misconducted himself, a letter saying if he ever applies again, he will not get one. This is a tough onus to put on a vendor. An advance saying "if you ever try again, you are going to be refused". This is something which you could hit him with a mandate straight away in the High Court.

Mr. Shaw: If I were the vendor, I would write this person a note and say, "Dear Sir: The last permit you had, you had infractions of this, that and that and I am sorry that I will not have the authority to issue you another permit for this reason but you can appeal this to the Board if you so wish". Then it is up the fellow to do whatever he wants to do, appeal to the Board or the Prime Minister if he wants to. This vendor has still got to tell that fellow he is not going to get a permit and the only reason he is telling him that is because something happened the last time he got a permit.

Mr. Dumas: I think this is a good clause to have in there because it is certainly conceivable that a vendor would refuse a permit the first time somebody applied for it. For instance if three guys got together and said let's form the Three Musketeer's Club and we will run a dance and we will make some money on a special occasion permit and the vendor knew that this was in fact what they were doing, he could say "No, you can't have a permit", and if they were a legitimate society under the Societies Ordinance they could then appeal, there would be no problem, but if they weren't, he would have the power within his grasp right now, to say no they cannot have that permit and this sounds reasonable. It is normal practice I think Mr. Chairman.

Mr. Chairman: (reads section 50 (15) and (16).) Is this to be imposed by Regulations or why is this imposed by the Commissioner?

Mr. Legal Adviser: The intention was to remove ourselves from the present restriction which has a break in the and just leave it at large. We don't don't know exactly what is going to happen and what is going to break. At the moment, when there is a function going on, it would have to have a break for an hour here which is an unnecessary section, buying two permits when one will do and so forth.

Mr. Chairman: (reads section 50 (17).)

Mr. Livesey: Under subsection (b) of section (17), is the Administration attempting to moralize on this issue as to how many permits shall be had?

Mr. Legal Adviser: No we are not attempting to moralize. We are attempting to draw the line between the special occasion which is a club or an organization or a Red Cross or something like that and the point at which it becomes a regular business, and in the interest of the people who are actually in this business for money and providing a service, at some point you come down and that is an arbitrary figure. We've selected 15, it is a question as to what the Members wish to put there that is all.

Mr. Livesey: At lot of these special occasions occur when someone leaves the village or has just been transferred to Whitehorse or is going to Dawson or is going somewhere, so in order to celebrate his departure and perhaps hope for a better one, they have a special occasion. Now is the administration saying that only 15 people may be transferred during any one year or they can only have 15 birthdays in any one year or if someone happens to be coming to the district of special importance, so they can only have 15 of these people all during one year? I don't know how the Administration get around to saying that you can only celebrate 15 times a year, this is what they are saying and there are 52 weeks in a year. How do they set this arbitrary figure of 15, that's what I'd like to know. I would suggest that Mr. Legal Adviser follow the Prime Minister's principles when he said, "I don't wish to moralize in these situations," that's what he said, if there is going to be any enforcement of the legislation it shall come under with regard to certain types of offences, it will

BILL #11 Mr. Livesey: cont:

come under the Federal legislation and moralization that goes by the Board however, here we come back to morals again. Here we have the Territorial Government picking up the ring that someone else is throwing away and they are going to moralize to the people and say how many special occasion permits they are going to have.

Mr. Dumas: I would like to suggest that 25 would be a better figure than 15 on this basis, that I can see a community club such as Haines Junction having a dance every two weeks and it is very reasonable. Fifteen I think is too low, 25 or 30 I think would be better.

Mr. Legal Adviser: We have no object to a number, but you know it is like the lawyer I asked why didn't he go to the Bar Association Dinner and he said, "Well it was alright when the dinner only lasted the weekend but when it went on the whole week, I just haven't the time".

Mr. Chairman: (reads section 50 (19) and (19).)

Mr. Chamberlist: An area here, I agree that if there is disorderly conduct when the inspector gets there, it is occurring on the premises, he has the right to suspend the licence right there, but if he comes along the day after because he was told that there was disorderly conduct yesterday, he has no right to suspend the licence because he has no information about it otherwise than heresay. He must see the disorderly conduct before he suspends and to have an area in there that if in his opinion. Now if in his opinion, these words kill me because I know about the opinion if and the opinion of the Commissioner that was in previous legislations, where the one man to have opinions and you can't search the animals mind. I've told you this before. Conduct of a disorderly nature is occurring in the premises, certainly, but when you say, the conduct of a disorderly nature has occurred, it doesn't say how long back. It could have occurred six months ago, a year previously, but if in the inspectors opinion he can just say, Bingo, I heard, even before I came up to this country that you had some disorderly conduct in your room, the licence is gone and what is the Administration going to say. The Administration is going to say, "Well he has got the right to do it because in his opinion there has been disorderly conduct". I think you should take that particular piece out.

Mr. Legal Adviser: This is a special occasion. It doesn't last very long. It will only last for a day. You can have 15 a year but this doesn't mean that a special occasion is going to last continuously for 15 days. If somebody rings up an inspector and says come up there is a row on and there has just been a temporary lull, I think that he should have the power to close it down. It is a matter for the House. If you don't want to give him this power that's it, but you might have two bodies on the floor dead with knives sticking out of their chests and he can't prove a thing.

Mr. Chamberlist: That is different because the disorder is still there, while the bodies are there, but this is too wide now, when we talk about a conduct of a disorderly nature has occurred and it has quietened down and the inspector gets there an hour later and the person who was responsible for the disorderly conduct has been removed from the premises. Why should the other people suffer. You penalize the cause not everybody else. You might have some person who has got nothing to do at all with the special occasion permit as I have had on more than one occasion. I hold a special occasion, somebody I don't even know comes in and starts tearing the

Mr. Chamberlist cont:

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place to pieces, do we shut the whole place down or do we throw the guy out? I throw the guy out, but I don't like the idea of somebody having the right to come in and close the whole place down because there was some disorderly conduct which has been cured.

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

Mr. Taylor: I think we would be very foolish if in dealing with this legislation we didn't leave some power with the inspector of closure both on the scene or after an event has occurred in relation to special occasion permit and living in a smaller community you are faced with this type of thing. We have always understood in the acceptance of our special occasion permits for various functions and for various groups that the onus of policing the operation was upon ourselves as permit holders. We always attempt to encourage the peace officers to come and enjoy themselves at our functions and be free of this type of thing. In other words, if something happened, the people who hold the permit get right on it and get these people who are having a fight or something like that, get them out of there, off the premises and away from the thing and this type of thing, but where you have had during the course of a dance shall we say, a permittee, the Three Musketeer's Athletic Association, where it has been shown that this Three Musketeer's Athletic Association during the course of one of their parties, were feeding liquor to those under age or had permitted a great holocaust to go on in the premise or something like that I feel that the inspector should have the right including a peace officer should have a right to suspend their licence because you must remember that these people now are going to be able have a licence for 5 continuous days if they so desire by virtue of this Ordinance. Somewhere along the line you have got to be able to suspend them and there is no way that an inspector can be in Dawson and in Whitehorse and in Watson Lake and Beaver Creek all at the same time, so maybe what we should be doing is saying an inspector or a peace officer may suspend, lengthen it out, but right now I think an inspector rather than have the police officer being the one who suspends the licence, leave it in the hands of the inspector and if something has gone wrong, let him suspend the licence.

Mr. Chamberlist: The Honorable Member from Watson Lake hasn't got the point that I raised. I'm saying that if the people who are operating a special occasion permit, when they have seen trouble trouble that is not by any of the guests that have come there, but some outsider, has dealt with it themselves and have removed the outsider, under this particular subsection, the inspector can still close the place down because the conduct of a disorderly nature has occurred and this is the point that I am making. Because something has happened where the people have had no fault in the matter of responsibility in the matter at all are placed in jeopardy because they have done the right thing by removing the cause of disorder.

Mr. Taylor: As I say what is the use of having an Ordinance and an inspector if you are not prepared to enforce it and we have got to give the inspector these powers. If the inspector has cause to believe that something disorderly occurred the night before or a week before, he must have got a complaint to hear this then it is within his discretion as to whether this permit is closed. If he suspends this permit whether he is there the following day or whatever, then these persons, the permittee still has the right to appeal to the Board.

BILL #11 Mr. Dumas: I thin the Honorable Member from Whitehorse East has a good point because I can see where there is say a three day or four day permit for a curling club and somebody on the first day is involved in a fracas within the club and is thrown out, the next day he sobers up and says I'm going to get those people so he goes to find the inspector and says there was a fight there I have a black eye, there was a fight shut them down. This could happen, somebody for vindictiveness could shut them down and I think that that should be removed.

Mr. McKinnon: On this 17 (a), a special occasion permit may not be issued in respect of more than five days in succession, would that be five individual occasion permits or would it be one special occasion permit? One, so this means that if they had the permit for five days and on the first day an altercation came about and there was a complaint made to an inpsector and went down and said "I'm closing it on this day because I suspect there was an altercation here the other night", this could be done under the powers of section 19 if I read it correctly.

Mr. Legal Adviser: As I read it it could, but we are talking about suspension not cancelation. We are talking in effect of a position where an inspector is going to suspend a permit, by which I mean he is going to walk in and close down the bar. That is effectively what he is going to do. He will stop the sale of liquor because the permit enables him to sell liquor at the dance that is going on, and the inspector comes in and he looks around and he sees or he gets reports from whatever happened very often this will be at the request of the holder of the permit because they will want to be able to resist people and to stop selling liquor for some reason so they will ask permission to do it and then they will be shut down. It is not a question of cancelling the permit so there will be no more four days, the bonspiel isn't destroyed.

Mr. McKinnon: I can see the point of the Honorable Member from Whitehorse East and I would suggest that the three words has occurred or, could be removed without really harming the intent of section 19. It kind of has a Yukon flavour if you get rid of the bodies and continue the party .

Mr. Legal Adviser: Put it this way, I think if we take out the words, has occurred or is occurred, and just make it read an inspector may suspend a permit issued pursuant to this section for disorderly conduct occurring on the premises in respect of which the permit was issued, and then it is up to him to prove what the certain disorder are.

Mr. Taylor: I'll resume the Chair. May I proceed? (reads section 51 (1) and (2).) Would this include home-made beer?

Mr. Legal Adviser: Wine and beer are distinct. Beer is a Federal offence.

Mr. Shaw: We established at the last Council that you were not allowed to give any person other than the members of your family a drink of home made wine or beer in your house. The Federal Act stated that that was not possible.

Mr. Legal Adviser: This may be, but I don't know anything about the Federal Act on home-made wine. As I understood it, the Federal Act talks about brewing beer and it talks about distilling alcohol, I didn't think that it dealt with wine, so I don't think ... I don't see what difference it makes if we are taking the power to give a home-made wine permit, we are talking about alcohol in relation to the definition. Beer and spirits of course are different.

Mr. Chamberlist: There is a legal error in this section. I'll point it out to Mr. Legal Adviser and I'm sure he will pick it up. This section 51 (1), reads as follows(reads) There is no instructions on how to make this wine in this section. BILL #11

Mr. Legal Adviser: I'm prepared to put in instructions in a brief recipe.

Mr. Chamberlist: Subsection (2), just tells a person what wine they can keep. 51(2) says A person to whom a home-made wine permit is issued may make and have in his own residence home-made wine if the total amount etcetera, but 51 (1) really doesn't allow him to make home-made wine in accordance with this section because the section doesn't define how the home-made wine is to be made.

Mr. Legal Adviser: We leave this to the persons discretion. Subsection (1) is directed to give the director permission to issue a permit. Subsection (2) says a person to whom a permit is issued may make I don't care how he makes it, but he may make it and he may have it in his possession so this is an extra for free. In addition to be able to make it, he may keep it, provided in a reasonable family he doesn't have more than 250 or 300 gallons of wine,

Mr. Chairman: (reads section 52 (1).)

Mr. McKinnon: Why shouldn't this be the Boards progrogative Mr. Chairman?

Mr. Legal Adviser: Because the mechanicalty. We don't want to bring the Board into operation for what is a routine operation of law, a temporary transmission from A to B.

Mr. Chairman: (reads section 52 (2) and (3).)

Mr. Legal Adviser: It may take time. In the first instance, it's a two month thing. This is technical and then I presume when they are in the normal way there will be a change over or an assignment or a son may succeed, but in the first instance there may be a situation where the man's wife will take over temporarily and then it goes to Courts and then there is a formal handover.

Mr. Chamberlist: At this time I would move that Mr. Speaker do now resume the Chair.

Mr. Livesey: Before that goes through Mr. Chairman could I make an observation. I feel that the word two in line five is lacking in description.

Mr. Chairman: I believe that two months is the proper word, is that not correct Mr. Legal Adviser?

Mr. Legal Adviser: Yes, I'm sorry it was a misprint.

Mr. McKinnon: Could Mr. Legal Adviser before Mr. Speaker resumes the Chair, explain to me how this couldn't in effect grant the Commissioner the power to give a licence in perpetuity to a person without ever going through the Board, if he so desires?

Mr. Legal Adviser: This could happen. I don't know how we are going to get around it because you get involved in issues in an estate when a person dies and they are hocking the licence around and you want to give them a reasonable chance ... I don't know what

BILL #11 Mr. Legal Adviser cont:

limits you would put it at and then you are stuck with the position with moving up to the edge of the limit and then what are you going to do. I don't know I think it is a question of

Mr. McKinnon: But it is just applicable to subsection (1)?

Mr. Legal Adviser: It is only applicable to subsection (1).

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

MOTION
CARRIED.

MOTION CARRIED.

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:25 a.m. to discuss Bills, Sessional Papers and Motions. Committee recessed at 12:00 noon and reconvened at 2:00 p.m. I can report progress on Bill No. 11. It was moved by Councillor Chamberlist, seconded by Councillor McKinnon that Mr. Speaker do now resume the Chair and this motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committee. Are we agreed? May I have further indications of the agenda for tomorrow?

Mr. Taylor: Committee are now dealing with Bill No. 11, I will suggest Bills, Sessional Papers and Motions.

Mr. Speaker: Are we agreed? Is there any further business?

Mr. Shaw: I will move that we call it 5:00 at this time.

Mr. Speaker: It was moved that we call it 5:00. Does the House agree? The House now stands adjourned until 10:00 a.m. tomorrow morning.

ADJOURNED.

ADJOURNED.

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Tuesday, December 16, 1969.

10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors were present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. I would note this morning, although some may not have his document, we will table Sessional Paper No. 60. Are there any Reports of Committee?

Mr. McKinnon: Mr. Speaker, if it pleases the House, I hope to be able to report on my activities at the Constitutional Conference tomorrow morning.

Mr. Speaker: Order, please. Are there any further Reports of Committee? Introduction of Bills?

Moved by Councillor McKinnon, seconded by Councillor Dumas, that BILL #18
Bill No. 18, An Ordinance for Granting to the Commissioner Certain INTRODUCED
Sums of Money to Defray the Expenses of the Public Service of the
Territory, be introduced at this time.

MOTION CARRIED

MOTION
CARRIED

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

Mr. Dumas: Mr. Speaker, I'd like to give notice of the following MOTION #28
motion, "That the Surveyer General of Canada be requested to appoint
a full time government employed Dominion land surveyer in the Yukon
in order to facilitate the expediting of Crown Lands for public
purchase".

Mr. Speaker: Notices of Motion for the Production of Papers?

Mrs. Gordon: Mr. Speaker, I would like to give Notice of Motion MOTION FOR
for the Production of Papers, "That the description and boundaries THE PRODUCTION
including maps for the boundaries of the Local Improvement Districts OF PAPERS #1
in the Yukon be tabled in Council".

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers? Passing to Orders of the Day, Motion No. 13. Would the Honourable Member for Whitehorse North be prepared to discuss Motion No. 13 at this time?

Mr. McKinnon: No, Mr. Speaker.

Mr. Speaker: I would advise the House that this motion will be MOTION #22
dropped from the Order Paper under Standing Order 48. Motion 22,
would the Honourable Member for Watson Lake be prepared to discuss
Motion 22?

Mr. Taylor: Yes, Mr. Speaker. Motion No. 22, moved by myself, seconded by the Honourable Member for Carmacks-Kluane, "Whereas it has been suggested that the Watson Lake Improvement District be incorporated into a village, and whereas no supporting information as to the benefits or detriments ...". Mr. Speaker, if I'm not mistaken, this must be read from the Chair. I wonder if this could be done?

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Carmacks-Kluane Lake, this Motion No. 22, "Whereas it has been suggested that the Watson

MOTION #22

Lake Improvement District be incorporated into a village, and whereas no supporting information as to the benefits or detriments of such a proposal are available to the residents of the Watson Lake area, including boundary extension justification, and whereas the residents of Watson Lake and area have by firm resolution, deferred consideration of application for village status for a period of one year from the date of said resolution, being December 8th, 1969, therefore be it resolved that it is the opinion of this Council that no application for village status in the Watson Lake Improvement District and area be accepted or considered prior to January 1st, 1971". The Honourable Member for Watson Lake.

Mr. Taylor: Yes, Mr. Speaker, I might say that the reasoning behind bringing before Council this motion is reasonably self-explanatory in the motion. Unfortunately, with somewhat a great deal of haste, the L.I.D. trustees and the Administration, possibly more out of frustration than anything else, decided that they thought it would be a good idea if Watson Lake had a village. This was brought to the attention of the people of Watson Lake on Friday last week, and I believe that was Friday the fifth, by a notice put in their post office boxes that there would be a meeting on the following Monday, December 8th, to decide on whether or not they were going to become a village or whether they would wish to become a village. This meeting I might say was very well attended at the outset. From Whitehorse came the Director of Municipal Affairs and a member of his department, and quite a lengthy meeting ensued. Following this public meeting ... it was found during the meeting I might say, Mr. Speaker, that no information was available as to the basic arithmetic of this situation. It was proposed that the boundaries be extended somewhat as was proposed for the City of Whitehorse to make it a huge, huge area as a village, indeed to go to the Cassiar Junction down to the B.C. boundary, and ... oh, it was just a fabulously big area. No one was able to explain to the people there just what this meant. So, as a result of this the community voted by majority to defer any consideration of this imposition of a village and the extension of the boundaries for a period of one year in order to give them a breathing spell, a chance to look at the checks and balances of the situation. The people are very worried. There is no one within the confines of the L.I.D. that is in any way in favour of considering it at this time. There is within the confines of the L.I.D. a very small but vocal minority who, for some reason or other, is insistent upon forming a village status at any cost, and as I say, this comes from I suppose frustration with the fact that the Local Improvement Districts just don't seem to be working. I think Members of Council will recall that this was in Watson Lake a pilot program with Local Improvement Districts. I think the people down in the community itself are doing a reasonable enough job but they are not being given the authority that was to be given them in the first instance. The situation is very bad down there inasmuch as people are fighting and battling and arguing over this thing and it's making not too good a situation around town. So, I have been asked to present this motion as a means of stopping this battling and arguing and to give them this year of consideration of village status. Now, under the Municipal Ordinance, the Commissioner under section 5 of the existing Municipal Ordinance, if he wishes to create a village or a municipality for that matter, in the Territory, he comes to the Yukon Council, Territorial Council, with a proposal by resolution that a village be established. However, in section 5(a), the Commissioner can, upon receipt of not less than one hundred residents, not rate payers or proposed rate payers, but one hundred residents of any area, establish a village in that area. He causes a notice to be published, a notice showing that he intends to establish this village, and I would like to quote from subsection (2) of that section, it states, "Where the Commissioner receives no complaint or where he has received a complaint but is satisfied that the establishment of a village is desirable, he may by order establish

a village and fix the name and the boundaries thereof", and if the Commissioner, in his wisdom, feels that he wishes to see a village regardless of whether or not the people want it, he can do it, and this is the reason the motion appears before us today, Mr. Speaker, in order to offer the protection of a one-year period by which, hopefully, the people of Watson Lake and area can get the information required, the arithmetic, the benefits and the detriments to the establishment or the incorporation of a village in their area. As I state, they have done this themselves by firm motion, and they ask for the protection of Council in this matter and this is why the motion is before us today. MOTION #22

Mr. Dumas: Mr. Speaker, I think that generally in a democratic system, the establishment of a village type community or municipalities is a good idea because you allow the local people to govern their own affairs as far as municipal matters are concerned. However, we do not live under that type of system, Mr. Speaker, and I suggest to increase villages of this type or the number of villages of this type in the Territory would be a mistake because once given village status, the only real higher government that they can seek assistance from is the appointed Government of the Yukon Territory, and in fact the Municipal Affairs Department. They do not have the protection that they would normally have in a democratic system, the protection of the elected Member or Members of that area in which the village is established. I therefore support this motion, and not only for that reason, but because I personally don't like what I have heard about the way village status has been nearly forced on to some people in the Yukon in some areas and I think now of the meeting held at Haines Junction without the Member from Carmacks-Kluane being notified of the meeting being held; I think of some of the interaction that was carried out in Porter Creek between some of the citizens there and some members of the Administration; as a matter of fact, the meeting that was held in Watson Lake without full information being made available to the Member for that area. It seems to me that the Municipal Affairs Department is pushing for village status in all of these areas. It may or may not be a political move to be able to say to the people in any given area, "Look, you have control of your own village or area, therefore, what's all this about responsible government". I don't if that's a fact, Mr. Speaker, but I suggest that it might at the back of somebody's mind. For all of these reasons, Mr. Speaker, I strongly support the motion of the Honourable Member from Watson Lake.

Mr. Shaw: Mr. Speaker, the Honourable Member from Watson Lake has stated that there is quite a battle going on in Watson Lake relative to whether they incorporate into a village. If the people wish to have this delayed for a year, I'm quite amenable, I have no objections whatsoever, Mr. Speaker. I just wondered though, this is perhaps a little unusual, this delay in the event that they should change their mind. The point that I'm wondering about, if a directive came from this body that they could not have it for a year, I wondered whether this would solidify the battle lines to create further wars in the area on account of the choice being taken out of their hands, the people of Watson Lake. I would ask the Member a question, Mr. Speaker, if I may, as to would this be correct or not, is this the wish of the big majority of the people there, or is it not?

Mr. Taylor: Mr. Speaker, the people there feel that, the people who are opposed to this who are a very, very great majority feel that ... their motion, in any event, read at that public meeting as I've got it word for word here. It was moved to not make formal application for village status for a period of one year from this date and this is why they settled on the one year, they felt that it would take that long to sit and work things out and talk it over. I might also

MOTION #22

say in reply to the Honourable Member for Dawson, the point that I did not make, there are some of these people wishing it deferred who are not sure whether they want a village or not. They're open minded on it, they're not blatantly opposed to it, but they want this period of time to find out what goes on, they want to make up their own minds based on information given to them.

Mr. Shaw: Mr. Speaker, may I ask another question? If this is the case, that they do have the power of either accepting or rejecting, is that not sufficient power for them? Do they not have sufficient power to make a resolution and stay with that resolution? Mr. Speaker, I wonder if I could have that question answered?

Mr. Taylor: I don't believe I fully understand the question, but what they're afraid of is that the Administration will circulate a petition, getting one hundred signatures and then imposing the village which they can do under the Ordinance. This is what they are afraid of.

Mr. Shaw: Thank you, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, as the first Member of Council, I believe, to get involved in this concept of village status, I must say I sympathize with the Honourable Member's motion. He has stated that the Local Improvement District doesn't seem to be working too well, and this is my impression from looking at the different Local Improvement Districts in the Territory and also legislation and regulations concerning Local Improvement Districts. I still to this day don't see how it's ever going to be possible for them to work under the legislation that they now are governed under. It was my contention at the time that, in the area that I represent outside of Whitehorse, the Porter Creek Subdivision mainly, there were enough responsible people there in a big enough tax base that if anything, they should go for full self-government of themselves and become a village. How this got misinterpreted somewhere along the line, that I was against local self-government at the grass roots level, I don't know, it's another story, but at any rate it did. The concept was that I asked the Administration at that time to present a budget to the Porter Creek Citizens' Association so that they could have before them in black and white and with the arithmetic worked out, what it would cost the residents of the Porter Creek area to become a village and be responsible for their own affairs much like the municipality of the City of Whitehorse. I must say, Mr. Speaker, that this proposed budget is still forthcoming after a year and a half from the Department of Municipal Affairs. We haven't seen it yet. Certainly to goodness, how can tax payers be expected to vote on an issue on which they know nothing, and certainly it just stands to reason that until the Administration is prepared to sit down and work out a cost figure as to what a village status is going to cost the tax payers who are going to be burdened by the taxes, then how can they approach the people in the area and say, "Now, look it, we think that you should go for village status", and if the meeting at Watson Lake was anything like the public meetings that were held in Porter Creek where the Administration just stood up and said they weren't able to give an answer to any of the questions that were presented, then I certainly don't blame the people of Watson Lake for being worried about accepting the concept of more self-government. The thing that I don't particularly accept in the motion is this Council putting forward a directive that would not allow, if things were worked out by the Administration and the climate changed so that the people of Watson Lake or Porter Creek could see that it would benefit them and they were desirous of becoming a village, they would be held up because of a directive of this Council to the Administration that they could not do this for the course of a year. If things were worked out and worked out properly, I think that it would be to the benefit of the people involved to be a village. I'm wondering Mr. Speaker, if this

isn't where the effectiveness of the Councillor of the various areas comes in because if the Commissioner or the Administration tries to get a village through the back door by a petition in the community with a hundred signatures, and I knew as a Councillor for the area that the majority of the people weren't for it, I would come before this table and yell and scream and hollar and solicit the support of Council to condemn and not to condone such shenanigans by the Administration. I'm sure that I would get the support of Council on this. I just don't like to see the people put in a straight jacket where they can't make a decision one way or the other, and if they change their minds, if they're not allowed to take on more self-government themselves. I think that this kind of a motion does exactly that, and I wonder if we couldn't guarantee the Member for Watson Lake that we would be prepared to support him if there was any desire to circumvent the wishes of the people of Watson Lake. I personally would be prepared to give that guarantee to him at any time, but I have very grave doubts about putting this type of a rigid straight jacket type of directive to the Administration.

Mr. Chamberlist: Mr. Speaker, I differ somewhat from the Member for Whitehorse North. Obvious to me is a reason behind the motion. To me it seems somewhat incongruous that the Administration can come forth and deal with residents instead of tax payers. It's quite obvious that there's a back door entry being attempted here. I think that the Honourable Member for Watson Lake should have the opportunity of being in Watson Lake to discuss the matter with his constituents. He can't be in both places at the same time, and the fact that this has been somewhat prepared while he is in Whitehorse attending to his duties here, I would say is sufficient reason to support the motion so that the Honourable Member can be at Watson Lake to discuss this whole area with his people there. I would support the motion.

Mrs. Gordon: Mr. Speaker, I fully agree with the motion. I can understand the problems of the people of Watson Lake because I can compare them to another Local Improvement District within the Yukon Territory. Watson Lake was the pilot project and Mayo came second. At this moment, my understanding is that that L.I.D. is ready to fall apart. I certainly support the motion. The lack of co-operation between the Administration and the people who are on the board of trustees in these various areas would certainly in some ways make those people resident look for another way of taking over the authority and running of the various communities. But, if it's going to be no better than what they've had, there's absolutely utterly no point in it. Until the people are cognizant of exactly the arithmetic of what is involved, I would certainly say that they have every right to forestall any force of this type of government on any village or community in the Territory.

Mr. Taylor: Mr. Speaker, in closing the debate, I would just like to bring up one point, and that is between now and the cut-off period of January 1st, 1971, in which these people would have the opportunity to consider the matter, I think it's well to remember that we'll have two Sessions of Council within that period. We'll have a Spring Session and a Fall Session, and if, for any reason, the people do change their minds down there and decide yes, they will go for it, then this could be handled at one or two of those Sessions. The other thing is that there's budgetary considerations and unless it's obvious that this is not going to be achieved by April 1st of 1970 and consequently it will be April 1st, 1971, which would still leave three months from the cut-off date mentioned in the motion until a budget could be prepared for the incorporation of a village should they go along with it. I just wanted to make this point. This, Mr. Speaker, is the wish of the people and, of course, this is why we are here. This is why the motion is before us, it is the wish of the people.

Mr. McKinnon: Mr. Speaker, may I ask one question of the Honourable Member from Watson Lake? Could he tell me how many of the people of the community attended the meeting and what the vote was in favour of the resolution?

Mr. Taylor: Mr. Speaker, there was pretty close to eighty. I heard one figure of eighty and I heard another of about ninety-five attended at the outset of the meeting, and as the battle raged on and people became frustrated and whatever, some left, some did not vote, some did not vote because they didn't know whether they had to be a member of the L.I.D. to vote ... nobody knew what their rights were in voting. The result was thirty-six in favour of the motion of deferring the thing for one year, and twenty-two opposed.

Mr. Speaker: Is the House now prepared for the question on Motion No. 22? Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

MOTION #23

Mr. Speaker: Motion No. 23, moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Mayo, "That the Administration communicate with the Canadian Broadcasting Corporation in an effort to determine: 1. what Yukon communities are being considered for Frontier Package Television facilities, and 2. what priorities of installation are forecast including installation dates at such communities". Would the Honourable Member be prepared to discuss Motion No. 23 at this time?

Mr. Taylor: Yes, Mr. Speaker. This is a direct result of our discussion in Committee of the Whole two days ago respecting priority dates for installation of Frontier Packages, and inasmuch as we keep getting different answers every time we get a reply on installation dates from the C.B.C., I thought that maybe we could get finally one reply as to installation dates in the communities we wish to know about, this is Mayo, Faro and Ross River, and also maybe we can find out what did happen to Teslin, Beaver Creek, Carmacks or any of the other communities. So, this is another attempt to get from C.B.C. information in this respect.

Mr. Speaker: Is there any further discussion on Motion No. 23? Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

MOTION #24

Mr. Speaker: Motion No. 24, moved by the Honourable Member for Dawson, seconded by the Honourable Member for Carmacks-Kluane Lake, "It is requested that the Administration bring forward formulas for the purpose of equalization of electric power rates within the Yukon Territory". Would the Member for Dawson be prepared to discuss Motion No. 24 at this time?

Mr. Shaw: This motion, Mr. Speaker, apparently comes as quite a shock to some of the Honourable Members, but I think after due reflection they will see that there is a great deal of merit in this proposal. The modern day concept, Mr. Speaker, is to try and equalize many of the essential things of day to day living and beyond that sphere in regions of the country. For example, Mr. Speaker, you could buy an automobile in Whitehorse or in Dawson at the same price that you can buy it in the City of Winnipeg. Now, I'm sure that the people of Winnipeg realize and are quite prepared to pay the additional costs which they have to in order to equalize the matter of freight rates coming from that distance up into Dawson City. In other words, the company must charge those people a little more so that we can have the benefit in an equal manner as what they do in that city that is just about four thousand miles closer, the way the automobile travels. You buy brand-name products in the Yukon,

Mr. Speaker, and you pay the same price for those as you pay in the MOTION #24 City of Vancouver or the City of Edmonton or any other city. So that private industry alone has proven that these things are necessary, not only just, but they are necessary. A conference has just concluded between the Federal and Provincial Governments and I think, Mr. Speaker, that the main topic under discussion was the matter of equalization of economic matters. I hear quite a lot of laughing going on. There's kind of a side effect here, Mr. Speaker, but this was a Constitutional Conference yet the matters which took the prime concern, the matters which took the longest discussions were matters of equalization of various and sundry things throughout this Canada, throughout this whole nation. Those are facts. Even the Yukon Territorial Council is endeavouring equalization of responsibility in government. Now, there's quite a number of people, maybe the majority of people of Canada do not agree with it, but it doesn't mean to say that the cause is any less just. Now, when we are talking about power rates, we find this great province to the south of us has realized that this is a fair and just thing to do so they had equalization of power rates on a regional basis. I would submit, Mr. Speaker, that if we are going to have people living in the Yukon Territory, we must do the same thing in this particular area, and this electric power is not something like buying a box of candy where you can take it or leave it, it's absolutely essential to have it. There are areas in this Territory, Mr. Speaker, where they have every thing in the house, in the residence, completely electric, and those people will pay an average of about twenty-one to twenty-two dollars a month for this service. You go to other areas of the Territory and if they had this same service, if they used the same amount of kilowatts, that would cost them anywhere from a hundred to a hundred and fifty dollars a month. Mr. Speaker, if you should investigate the reasons for some people paying a relatively small amount for an essential service and those who pay a phenomenal amount, in fact they can't afford to have these services, it's absolutely impossible, you would find ... I believe I have another twenty minutes ... you will find, Mr. Speaker ...

Mr. Speaker: Order, please.

Mr. Shaw: ... that these areas where you have these amenities, where you have this relatively low cost power, it is by virtue of the fact that the Government of Canada made the installations to make it possible for this low cost power at the cost of all the tax payers of Canada. Mr. Speaker, I would submit that when all the people of Canada provide the tax dollars to provide amenities to a region, then I think all that region should benefit from the money that was put in by all these people. Now, my resolution, Mr. Speaker, is not saying that you do this or you do that. It's asking that the Administration look into the matter and bring up formulas to see how we can equalize an essential service such as electric power. It's something, Mr. Speaker, that has to come. It's something that any other formula will be frowned on by any of the people in any of the provinces and I think in trying to get many of the equalization matters that the provinces have, I think that we should start right at our own back door and see what we can do, that where this money has been provided by all the people then I think the only formula is to equally divide the benefits that accrue from that as much as it is possible to do it. Thank you, Mr. Speaker.

Mr. Speaker: The House now stands in recess for ten minutes.

RECESS

RECESS

Mr. Speaker: I'll now call the House to order. The Honorable Member for Dawson was discussing Motion #24.

MOTION
#24

Mr. Shaw: Thank you, Mr. Speaker. I think I concluded my original remarks and I would be very pleased to hear the concurrence of the other Members of Council.

Mr. Chamberlist: Mr. Speaker, the first point must be made that there isn't always equalization in every sphere, Klondike gold nuggets cost more in stores in Dawson City than they do elsewhere.

Mr. Shaw: One point of order Mr. Speaker is the Honorable Member is talking off where he doesn't understand the subject, and he is intimating that my things are more expensive in private life, then that is out of order.

Mr. Chamberlist: Well, Mr. Speaker, we must first remember that there are two distinctively different supply authorities in the Yukon. It would be somewhat difficult to have equalization of electric power when the rates differ so much between one and the other. Also, there is a firm franchise contract within the City of Whitehorse boundaries which is many, many years old, and quite frankly I see no reason why the people in this area should have to pay the cost of supplying monies towards getting cheap electricity in the Dawson area for instance, when the time was that if the people in the Dawson area would have opened up their mouths years back and complained about the kicking they were getting from the supply authority then, something should have been done about it but they sat back and accepted .25¢ a kilowatt for electricity and the only people that made money at that time was the optometrist who had to sell people glasses up there so that they can see because they couldn't afford to use more than a 25-watt lamp. Now, the Honorable Member from Dawson is suggesting that there should be equalization of rates. There's an old maxim, he who has not spoken when he should have been heard should not be heard now that he wishes to speak. You might think it applies in this particular instance.

Mr. Taylor: . Mr. Speaker, I think the Motion is a very, very important one to all the people in the Yukon more particularly those who live in the smaller settlements outside of the area of Whitehorse where we have large hydro-generation facilities. The subject has risen in Council oh in many, many occasions and it's interesting to note that even the standing Committee on Indian Affairs and Northern Development devoted quite a bit of their time to considering how power could best be equalized, the cost of power electrical energy in the Territory can be equalized across the Territory. Now one private enterprise company is now or has laid before the Committee a proposal of equalization involving \$167,000 which is a tax rebate from the 1966 period. Now this is a three year delayed program, so assumably next year we are going to be looking at this fund will not be \$167,000 anymore. This is going to be \$350,000 possibly or even \$400,000, but the proposal they have put forward would not be inequitable distribution or equalization. I won't get into depth on that at the moment but I do have all the information in front of me in that respect. I've always said in this House and I feel that the way we are going to achieve equalization is to have the Federal Government buy a far appraised value that is independently appraised value of all the assets of the Yukon Electric Company in the Yukon, turn them over to N.C.P.C. or turn this matter over to N.C.P.C. to effect equalization straight across the Territory and it's got to be considered that these people possess the hydro facilities in the Yukon and are best equipped to offer equalization across the Yukon and best equipped to offer power at a much reduced cost over what we're paying it now. If this is done, and the Province of British Columbia managed to this Mr. Speaker, if this is done we would have a flat out utility rate in Old Crow, Watson Lake, Pelly Crossing,

MOTION
#24

Mr. Chairman continues.....
Ross River, Burwash, Teslin, any place you wish to be. Wherever you are in the Yukon, assumably you could pay the same price for power. Now I note that in the Province of British Columbia even in the little town of Atlin and indeed in the little town of Telegraph Creek, you can get power for as low as .02¢ a kilowatt for residential users and this is a far cry from what many of us areas throughout the Yukon are paying today. I also note that when N.C.P.C. considered Faro that they set up a new rate schedule which indeed equalizes power at the community of Mayo and Faro to a much reduced cost over Whitehorse up to the consumption of 600 kilowatt. This shows that N.C.P.C. are now in a position to effect this through their hydro facility. So, Mr. Speaker I wholeheartedly endorse this Motion. The Motion asks that formulas be brought forth for consideration of Council which would equalize power rates within the Yukon Territory. This is not just a public utility Mr. Speaker, this is an essential utility and so I wholeheartedly support the Motion and it is my earnest hope that the Administration if this Motion is approved will get right on the job and see if they can come up with equitable means of equalization of power in the Yukon Territory.

Mr. Speaker: Is there any further discussion?

Mr. McKinnon: Well, Mr. Speaker I would like to add my comments to this. The only way possible at this moment with the two different suppliers of power to effect equalization throughout the Territory for each of these individual suppliers, namely Yukon Electrical Company Limited and Northern Canada Power Commission to find out how best the tax rebate could be distributed throughout the Territories to provide some form of equalization of power rates throughout the Territory. As I understand it now both the Yukon Electrical Company Limited and both the Northern Canada Power Commission have presented these proposals. We have asked at the beginning of the session that these proposals be presented before the House, and the Commissioner has assured us that this would be done at this Session. Now when we go further than this that the Honorable Member for Dawson's Motion is implicit in that Motion that this would have to be supplied by one supplier, so then we are in debate public versus private power which is a matter for another debate at another time as I would see it and I'm not going to take up Committee's time by getting into this debate which I think would be premature at this moment. I'll have plenty to say about it as the Honorable Member from Watson Lake has intimated that he will have lots to say about it to when this debate comes before the House, but at this time the only concept in any type of equalization is from the tax rebate that both the N.C.P.C. and the Yukon Electrical have permitted proposals and these proposals are to come before the House as per question to the Administration on Wednesday, November 19th at the beginning of this Council Session. So I just can't see the validity of Motion No. 24 at this moment.

Mr. Speaker: Any further discussion?

Mr. Shaw: Well Mr. Speaker, if there is no further discussion I would like to close the debate. I note the remarks that the Honorable Member from Whitehorse North who said there is no necessity for this discussion. I'm afraid that I disagree with that particular matter to that thinking. Now, I also disagree Mr. Speaker with what appeared to me the inference that there should only be one power company. That isn't necessarily so, we have two suppliers of power in the Yukon. One is you might say is a distributor and the other is a manufacturer and also a distributor but mostly in the distribution of this power, it is distributed in the wholesale level through a company who retails this. Now they can both lid

Mr. Shaw continues....

MOTION
#24

together and that doesn't mean to say that because you have a combination such as that, that only one area can benefit from a wholesale supplier so that I cannot see the justification to that type of thinking Mr. Speaker. We have an established power company and we have two established power companies or corporations, but there is no reason you have to kick one out in order to get the other. You can still have two of them and you can still formulate an equalization of an essential type of service to people. Electric power Mr. Speaker is not something like butter and eggs where you can have it or you don't have to have it. It's essential for modern day living just as essential as a roof over your head and when the power fails usually in this day and age you have no heat in the house, but when some people in the Yukon Territory have to pay \$150 and other people pay \$20, there's quite a vast difference and I think it's up to the representatives of the Territory to do all they can within reasonable bounds to see that all people get an equal shake at this thing that it just doesn't just benefit one group. I think all the people of the Territory entitled to partake of the modern day installations and particularly when these modern day installations were provided by the taxpayers and the people of Canada.

Mr. Chairman: Question?

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

Mr. McKinnon: May I ask the Honorable Member a question before the question is called Mr. Speaker? I wonder Mr. Speaker if the mover and seconder of the Motion would prefer not to put the question now until after the formula is asked for on December 19th by this Council represented before this Chamber because I am going to be put in a videos position of voting against this resolution, because I want to see as to what the proposals are for equalization that already have been prepared.

Mr. Shaw: Mr. Speaker, my reply to that question, "the Motion reads as follows. It is requested that the Administration bring forward formulas for the purpose of equalization of electrical power rates within the Yukon Territory. It does not bind any Member to say that they are agreeing to any particular formula, it's asking that action be started as soon as possible to bring these before Council for consideration.

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

Mr. Clerk: Member from Whitehorse North.

Mr. McKinnon: Yea

Mr. Clerk: Member from Whitehorse East.

Mr. Chamberlist: Nay

Mr. Clerk: Member from Dawson City.

Mr. Shaw: Yea

Mr. Clerk: Member from Whitehorse West.

Mr. Dumas: Yea

Mr. Clerk: Member from Mayo.

Mrs. Gordon: Yea

Mr. Clerk: Member from Watson Lake.

Mr. Taylor: Yea

Mr. Clerk: The motion is "yea" by "nay" one, Mr. Speaker.

MOTION Mr. Speaker: I will declare the Motion carried.
CARRIED

MOTION CARRIED

Mr. Chamberlist: Mr. Speaker, I would ask if my "nay" vote is recorded at this time.

MOTION #25 Mr. Speaker: May we now proceed to Motion No. 25 moved by the Honorable Member for Whitehorse East and seconded by the Honorable Member from Watson Lake, "That the boundaries extentions to the City of Whitehorse be discussed in the Committee of the Whole". Are we agreed?

Some Members agree.

Mr. Speaker: Motion No. 26, moved by the Honorable Member for Carmacks-Kluane Lake and seconded by the Honorable Member for Watson Lake, "That, the building and equipment at Aishihik Airport be sold at Public Tender and the grounds reserved for further consideration and use by the Government of the Yukon Territory". Would the Honorable Member of Watson Lake please take the Chair.

Mr. Speaker:: The Honorable Member from Carmacks-Kluane.

Mr. Livesey: Mr. Speaker, I'd like to draw the attention of the House this morning to, I believe the Motion should read, "That, the building (plural) and equipment and so forth. This question as we all know was raised in Committee of the whole when we discussed the Aishihik Airport and made reference to Sessional Paper No. 14 which is additional to the question laid before us under Motion No. 26 that is in line with and in all aspects with it. The situation out there at Aishihik was brought about the closing down of the Aishihik Airport a number of years ago and also in conjunction with that the Airport at Snag both coming under the same Act at one at the same time and since that period, the Aishihik Airport has been held in it's present condition due to the fact that it was our understanding that an organization was to take over these buildings in this area and use them for their own particular purposes, a research group. Now this has not been successful and has not taken place. The Territorial Government was obviously placed in a position where they would have to come to a decision in relation to this particular place and I felt Mr. Speaker that it was up to us to give the Administration some direction, and the direction I have proposed is contained in Motion No. 26. I don't believe that I need to discuss this question any further as I believe every Member Mr. Speaker knows exactly what the position is at the moment.

Mr. Speaker: The Honorable Member from Whitehorse East.

Mr. Chamberlist: Mr. Speaker, I don't know what the position is because the Honorable Member who has moved this Motion hasn't in Council presented a Motion, presented the content of the Motion. He did say something about the matter in Committee of the whole but there has been no reference in Council to this matter. I am opposed to the destruction of what might be a liable area where the buildings could be used to recover a tax space for the Territory. It would become in that particular area a attraction for fishermen and hunters. It can be let out to rent for a period of six months in a year or for a long lease. The airfield can be kept in such a way that the people who would be leasing the buildings and the land would also be only to pleased to take care of the airfield for the simple reason that continuous use of that airfield would be

Mr. Chamberlist continues....

able to keep it intact as an emergency airfield. To me it is a destructive method to ask that Crown assets dispose of buildings of this nature. They have never been known to where buildings have been pulled down and destroyed had never been known that the land use has ever been made or taken proper care of. What we're asking to do would really, it's almost criminal and I felt so strongly about it.. beautiful surroundings like that is in the Aishihik district, I couldn't support this Motion not at all.

MOTION
#25

Mr. Dumas: Mr. Speaker, it seems to me that this Motion could have been put in Committee and we still have a paper in Committee, and we still have a Paper in Committee that we are discussing regarding this problem. I'm inclined to agree with the Honorable Member from Whitehorse East in so far as if we pass this Motion, we're tying the Administration's hands to one motive action only and I think that this would be wrong. If I said in Committee, I repeat, there are other possible alternatives the most ideal being, that the land be leased, the buildings purchased and it be operated as a boy's camp, or a fishing camp or whatever, a research center possibly by a university or foundation. But there are a lot of possibilities and to restrict the Administration to follow only one line of thinking, I believe would be wrong Mr. Speaker. I would again like to see some public notice put up of the availability of these buildings and see what proposals come from the private sector of the community. It may be that somebody will want to buy the buildings and lease the land. The Territory would still have control of the land. The area would be developed to the benefit hopefully of all Yukoners, therefore I must vote against this Motion Mr. Speaker.

Mr. Speaker: Is there any further discussion? Honorable Member from Dawson.

Mr. Shaw: Mr. Speaker, I do not know just what the situation is in relation to the Aishihik Airport as I have never been there or seen the installations but I do happen to know that the Territorial acquired possession of them and in this period of time since they acquired possession a number of years, they have been paying a man to look after these particular buildings. Now I can't recollect right now just how much this costs but it already costs quite a few thousands of dollars. There comes a time when there's just no use for certain things in the position where they are at. We've had discussions in this Council before on this very same matter as to what disposition should be made to this property, and well if you had to use it for research, use it for this, but none of these things have materialized. Now this is quite a number of years that this has been going on. There comes a time in the life of any piece of property that when it has a value and when it does not have a value. For example, there is a, in my area Mr. Speaker, what you call a village of Bear Creek. It's a picture, a beautiful location. It's the most ideal living location as far as beauty and natural surroundings as I think you find in the whole Yukon Territory, however there are no people to live there. There is no industry going on so this whole village of really nice houses is being sold and disposed for they will never be used. Now as I stated, I am not to conversant with all the ramifications of this but this is in the area of the Member from Carmacks-Kluane. He has come up with this proposal Mr. Speaker and I always particularly when it's in a direct responsibility of an area of this Council, I feel that he is much better qualified, knows more about the particular situation such as this and when he comes forward with recommendations, he must have taken all these accounts from an intimate knowledge into consideration, the same

MOTION
#25

Mr. Shaw continues....

way Mr. Speaker as when the Honorable Members from Whitehorse come up with certain proposals in respect to their area. I give it more than fair consideration to try and comply with their wishes and I will do the same in this particular Motion, Mr. Speaker.

Mrs. Gordon: Mr. Speaker, my understanding that essentially this area has only been offered to one outlet for public use or such as it may have been, and I think that as the Honorable Member from Dawson says, there comes a time when things are such that there's nothing left to do but dispose of it. I think that at this point when only one organization has had the opportunity to access the situation and has refused it, that at least give it one more kick at the cap and put it out to public knowledge, public opinion, and if some entrepreneur wants to take a try at it and can make a go of it, let him go to it and if at a point there is no answer from the public, they do not feel this is a worthwhile enterprise to enter into it, then that last resort has been reached and it should go to public tender for sale of the buildings and retention of the land.

Mr. McKinnon: Mr. Speaker, I am extremely sorry that evidently I was away when the discussion took place in Committee as to what the future of the Aishihik Airport site so unfortunately I am not in command of all the arguments that were used at that time. What had happened, I having been to Aishihik and having visited extensively both in Aishihik and Sekulmun Lake, I would be very sad to see the buildings not used to some benefit to the people of the Yukon to enjoy for sometime in the future, and I would wonder if really all the methods for disposing these buildings has been exhausted and I'd be inclined to be in agreement and I say I'm not speaking from hearing all the facts in the Committee discussion. I'd be inclined to agree that perhaps we should have one more effort to see whether we couldn't bring about the use of these buildings that would benefit the people of the Yukon, because it is in a prime recreation area and a beautiful spot.

Mr. Livesey: In replying to the Members, Mr. Speaker, I would like to point out that no matter what Honorable Members might think in their great wisdom should be done with this airport, no matter what they talk about. They talk about something 77 miles off the Alaska Highway, 77 miles of road that has to be maintained. I would like to point this out at this moment Mr. Speaker, that so far the thinking of the gentlemen that are talking about this very same thing of not being to expansive when it comes to providing funds to provide recreational roads to scenic areas in that particular area which I think is the most scenic in the world as a matter of fact. The budget certainly show their thinking to be in this direction whatsoever that they are thinking about the scenery or the beautiful places or anything else. They're thinking in the budget Mr. Speaker is to be just about minute as possible and to be just as frugal as possible when it comes to providing money for roads, recreational roads to beautiful areas in the Carmacks-Kluane district. This is the result of my coverage of what is in the budget. Now these self-same gentlemen are harping about the great beautiful area at the end of Aishihik road and I don't believe to many of the Members have ever been out there. What I'm thinking about is the comparison between one area and another, the comparison for instance in the mountain area of Haines Junction is totally different to that which exists at the end of Aishihik road, and certainly won't cost the same amount of money to provide in my opinion a far more essential service to the public if this is what they are interested in as far as a beautiful place is concerned.

Mr. Livesey continues.....

MOTION

This is still within the meaning of this Motion Mr. Speaker that the Territorial Government will still have control of the land but why anyone would want to keep all those old buildings out there, I wouldn't know and if the type of expense that is going to be incurred, it seems to me that the cost of maintaining that 77 miles of road could be far better expended in other areas. They wouldn't have to go very far from the Aishihik road to find these areas either. The only way you could maintain those buildings even if you lease them to somebody, obviously the next move would be how much the Territorial Government going to expend on maintaining the road, this is obvious. This came up in the Sessional Paper and I believe in answer to the Member from Whitehorse West Mr. Speaker, if he would have read the Sessional Paper, he would see that the Territorial Administration have looked into this situation. It says, that two other courses of action aluded to in the institute resolution are worthy of consideration and the site and the buildings could be sold outright or alternatively they could be leased. Either course of action would involve the Territorial Government in additional road making or perhaps in the reconstruction of a good part of the road to the site. At present, it is a low standard access road. They say 70 miles long, I say 77 and limited maintenance is carried out for about 18 miles from Canyon and Otter Falls, so that local residents and tourists can reach the camp grounds in the area. This I understand, I go for this. There is nothing wrong with it. The best solution probably would be to have the crown assets disposed of corporation, sell the buildings and the installations subject to removal from the site so that the lands may be reserved for future development. The buildings although old are still in fairly good condition and it is possible that some local residents might wish to acquire the buildings for cottage use or some other purpose. On the other hand, if the buildings are allowed to remain at the site unused for further extended period, they would undoubtedly deteriorate to a point where they would command very little sale value. Now, in relation to this Sessional Paper Mr. Chairman, I think lays it out quite fairly and reasonably. I think as the Honorable Member from Dawson said, sometimes you have to take action and make decisions, and by this Motion, Mr. Speaker that I'm making or proposing a decision that this may accept in relation to this particular thing. I personally don't see any reason to hang on to this property any longer. Surely we've had enough time to be able to realize that the costs are far too high for maintaining that area as my Motion suggests. Thank you Mr. Speaker.

#25

Mr. Chamberlist: Can I have a question of the Honcrable Member, Mr. Speaker?

Mr. Speaker: It is the rules of the House that the Member having spoken twice closes the debate. May the Honorable Member have permission of the House to pose a question? Do proceed. The Honorable Member from Whitehorse East.

Mr. Chamberlist: I wonder if the Honorable Member of Carmacks-Kluane can answer whether he is aware that provision is made in the supplementary estimates that we will be dealing with to provide the Aishihik Airport to provide funds for the protection of buildings and contents during the summer months when the airport road to the airport is open to the general public. Is the Honorable Member aware of that?

Mr. Livesey: But that doesn't exclude Mr. Speaker the fact that the cost of maintaining the road are one of the main points of the argument.

MOTION #25 Mr. Speaker: Question has been called. Do you agree to the Motion?

Some members agree.

Mr. Clerk: Member from Whitehorse North.

Mr. McKinnon: I'm sorry Mr. Speaker I'm going to abstain on this. I just don't know as I was away for the discussion in the Territorial Council. I am just not aware of the facts or what the discussions were at that time.

Mr. Clerk: Member from Whitehorse East.

Mr. Chamberlist: Nay

Mr. Clerk: Member from Dawson.

Mr. Shaw: Agree

Mr. Clerk: Member from Carmacks-Kluane.

Mr. Livesey: Agree.

Mr. Clerk: Member from Whitehorse West.

Mr. Dumas: Nay

Mr. Clerk: Member from Mayo.

Mrs. Gordon: Nay

Mr. Clerk: Mr. Speaker, there are three "nays", two "yeas" and one abstention

MOTION DEFEATED Mr. Speaker: I will declare the Motion defeated. Will the Honorable Member from Carmacks-Kluane resume the Chair.

MOTION DEFEATED

Mr. Speaker: Is the House now prepared to recess for lunch? The House now stands in recess until 2:00 o'clock this afternoon.

RECESS

Mr. Speaker: I will now call the House to order. We were proceeding with Motion No. 26 when the House rose. The next Motion, gentlemen is Motion No. 27: "Moved by the Honourable Member for Carmacks-Kluane Lake and seconded by the Honourable Member for Watson Lake that the recommendation in Section 3 of Sessional Paper No. 15 be adopted as the best means of providing ambulance service on the Klondike Highway and that Administration give serious consideration to the necessity of improving and maintaining the Carmacks airstrip in order to provide air evacuation and light plane traffic to and from the area." Is it the desire of Council that this Motion be debated. Question has been called? Are we agreed. I will declare the Motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: I wonder, Mr. Clerk, if we could obtain the services of the Commissioner for the question period? I will call a five minute recess.

RECESS

Mr. Speaker: I will now call Council to order. We are in the question period.

ANSWER TO QUESTION-FIRST AID BY ROAD MAINT. MEN

Mr. Commissioner: Mr. Speaker, there are several answers to verbal questions that I would like to reply to at this time. On Friday last Councillor Gordon asked how many Territorial Road Maintenance personnel have had first aid courses. The answer is 16 to this date. On Monday last Councillor Chamberlist asked whether there are any people of Indian status in the Correctional Institute charged under Section 94 of the Indian Act and whether the order for their release had been carried out. The answer is, all those persons serving sentences under this Section of the Indian Act were released from the Whitehorse Correctional Institute on Friday last and the Royal Canadian Mounted Police had been instructed that there are to be no further charges laid under this Section of the Act.

ANSWER TO QUESTION INDIANS & SEC 94 CRIMINAL CODE

Some Members: Hear, hear, hear!

Mr. Commissioner: On Monday last Councillor MacKinnon asked whether any charges had been laid under the breathalizer section of the Criminal Code, and if not, why not. The answer is, there have been no charges laid as the local Royal Canadian Mounted Police have not yet started using the breathalizer because of a lack of test ampules, the component that is used to measure the alcohol content of the breath. These ampules are on order and are expected to arrive at any time. Thank you.

ANSWER TO QUESTION RE CHARGES BREATHALIZER TESTS

Mr. Speaker: Are there any questions?

Mr. Dumas: Mr. Speaker, I might point out at this time that Question No. 32 has been left off the Daily Routine for the day and it has not yet been answered.

RE QUESTION 32

Mr. Speaker: If that is a written question then it is directed to the Clerk.

Mr. Dumas: Yes, it is a question regarding Yukon Hospital Insurance Scheme.

Mr. Clerk: Mr. Speaker, both Question No. 32 and 35 were

Mr. Clerk continues....
inadvertently left off of the Order Paper for the Day;
neither one has been answered. They will be on the Paper
tomorrow.

QUESTION

RE BREATH- Mr. Shaw: Mr. Speaker, I note the answer in relation to the
ALIZER breathalizer test, according to different people having
TESTS informed me that it was used and it was wrecked on the first
test. So my information must be very much incorrect.

Mr. Speaker: Is that a question from the Honourable Member
from Dawson?

Mr. Shaw: I could make it a question, Mr. Speaker. I
wonder if Mr. Commissioner has heard the same rumor as I
have heard?

Mr. Commissioner: Mr. Speaker, there are various types of
information that become funnelled into the Commissioner's
ears and certain information that I had provided me here, I
believe it was yesterday or Friday in connection with this
situation would tend to make me believe that possibly there
has been some misadventure involved with the breathalizer.
However, I would like to assure the Honourable Members that
the information supplied is from the Royal Canadian Mounted
Police and is tabled as factual information at this time,
Mr. Speaker.

Mr. Shaw: Mr. Speaker, it seems that these breathalizer
machines are easily subject to misadventure. I wonder if
the Commissioner, in view of the fact, Mr. Speaker that it
is important that we have these operational for the safety
of many people, would the Commissioner know whether there
were going to be perhaps two machines, one for a spare?

Mr. Commissioner: Mr. Speaker, the long arm of the federal
law in Canada is very efficient and I am quite confident
that breathalizers in such numbers as they feel are required
to do an effective job of policing the Territory in this re-
gard will be made available in due time.

QUESTION Mr. Chamberlist: Supplementary question, Mr. Speaker, to
RE NEW Mr. Commissioner. Mr. Commissioner, is there any truth
LIQUOR in the suggestion that an amendment to the new Liquor
ORDINANCE Ordinance will be made instructing all liquor outlets to
have a breathalizer on the premises?

Mr. Commissioner: Mr. Speaker, as Members well know, nothing
will be in the Liquor Ordinance that this august body does
not approve of, and if this is one of the things they wish
to see in the Ordinance it will be entirely the prerogative
of Council to make the necessary suggestion at the proper
time.

QUESTION Mr. Taylor: Mr. Speaker, I have a question to direct to
RE UP- Mr. Commissioner today relative to a section of road running
GRADING from the Alaska Highway to the B.C. boundary on what is known
CASSIAR as the Cassiar Road. I am wondering, in view of the recent
ROAD. upgrading of the B.C. Section of the Cassiar Road, if Mr.
Commissioner could advise me today whether provision has
been made in the forthcoming 1970/71 Estimates for the up-
grading of the Yukon Section of that Road.

Mr. Commissioner: Mr. Speaker, I am not aware of any monies
that will be made available in this coming year for such

Mr. Commissioner continues....
upgrading. My information out of the past has been that the cow path that has been passing as a road on the British Columbia section has been put to shame by the standards maintained on the Yukon Section of the said road and I am very happy to hear that finally the province of British Columbia, who steal money from the Cassiar Asbestos Corporation with an adeptness that puts us to shame on our side of the border, have seen fit to reinvest some of that money in the propagation of this very valuable natural resource to their tax base and I am quite confident that my Engineering Department, in co-operation with the federal people who supply the money for roads will be taking a very hard look to make sure that the standards that we maintain are still far superior to those maintained by the province of British Columbia.

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

Mr. Taylor: Supplementary to my last question, Mr. Speaker, QUESTION in view of the fact that it is the Cassiar Asbestos people RE WEIGH who are destroying and making less than a cow path out of SCALES- the Yukon Section of this very road, I am wondering if Mr. CASSIAR Commissioner could inform us today, Mr. Speaker, as to whether CUT- it is anticipated that the Yukon Territorial ernment will OFF be placing weigh scales north of the Cassiar cut-off in order that all these trucks be weighed and brought down to proper load limits.

Mr. Commissioner: Mr. Speaker, I am not aware of any such intention and anything of this nature would only be done as a consequence of discussions with the Council in this matter and if it is Council's wish or desire that this matter should be looked into to see if it is an advisable condition to bring about, why we will be very happy to have that instruction from Council.

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner. Mr. Commissioner have you any information with reference to QUESTION the Tyea Project which was the Frobisher Project that was in RE TYEA effect up until I believe 1970 or 1971 in the Carcross- PROJECT- Tagish Area. Is there any suggestion that there may be any power dams put in that area.

Mr. Commissioner: Mr. Speaker, the Yukon Tyea project has lain dormant for a considerable period of time but an investigating group, of which I believe is representative of the original signatories to this agreement that represent the federal government, the State of Alaska, the American Federal authorities and I believe the province of British Columbia have been conducting an intensive investigation in the course of the past several months to determine if indeed there would be potential customers available in the reasonably near future to use the hydro potential that would be produced from the Yukon Tyea, as to whether they are meeting with any reasonable success in this matter in search of potential customers, I have no knowledge. Assuming that they will be publishing their findings, I believe they had one year to conduct this task, I think the year will be up somewhere in about February or March of 1970 and until we have seen the publishing of their findings we will not really know as to whether potential customers are on the horizon in the reasonably foreseeable future. I think the question that is asked by the Honourable Member relates to the land reservation; possibly I haven't the right terminology, Mr. Speaker, that affected the land in the general Carcross-Tagish-Marsh Lake

Mr. Commissioner continues...

TYEA Bennett Lake-Atlin Lake area and I believe the bench mark
AREA was either 2215 or 2250 foot bench mark which would be the
water level that would be occupied by the water of the system
when it was filled to capacity. As a consequence of this the
distribution of land in the said area below that bench mark
has been in jeopardy, not exactly jeopardy but it has been
removed from distribution for a period that must be very
close to twenty years at this time.

QUESTION Mr. Chamberlist: Supplementary, Mr. Speaker, could Mr.
RE Commissioner indicate that the purpose of the new survey
POWER is to see if there could be sufficient electricity generated
FOR for the North Slope pipeline to remove the oil from the North
NORTH Slope in Alaska to the markets of Canada and the United States
SLOPE of America.

Mr. Commissioner: Mr. Speaker, I think the question is
asked in a context that I could not answer but I could
answer the question in another manner by saying that the
use to which some of this electricity may be put could
conceivably be for the energy of the pipeline that has been
referred to in the question. If we said that this was one
of the potential customers. I think that this would be a
reasonable statement under the circumstances.

QUESTION Mr. MacKinnon: Supplementary question Mr. Speaker. I wonder
PURCHASE if Mr. Commissioner could answer whether in the foreseeable
LOTS IN future that those people now on leased land in the Marsh
LAKE Lake, Tagish Lake, chain of lakes will be able to purchase
AREAS the lots that they now lease.

Mr. Commissioner: Mr. Speaker, you have asked me a question
that I would have to, I think, secure an answer to but would
I be correct when I would say that it is the Frobisher
Reservation which has made it only possible to lease these
people property and that it would call for the removal of
this reserve before the purchase of the property could be
permitted. Now, I think, if the Councillor's question is:
will this Frobisher Reserve, as we term it, be removed at
the termination of the first twenty years, this is the
question that is endeavouring to be answered by the group
who are studying the potentiality of customers for this
power; in other words is this reservation to be maintained
with the thought in mind that it will be developed in the
near future or is development so far away that the reserva-
tions that are presently placed on this area be released.

QUESTION Mr. Chamberlist: Mr. Speaker, a further question to Mr.
RE POWER Commissioner. Could Mr. Commissioner say whether the
FOR Casino Mining Company will be requiring a large supply of
CASINO electricity and how big this supply of electricity will be in
MINING the existing production of electricity in the Yukon at the
COMPANY moment?

Mr. Commissioner: Mr. Speaker, I would hesitate to quote any
factual figures as to the amount of electricity that
may be required in the Casino area if one or any of the
properties presently under intensive investigation were proven
feasible and became operating mines. I think, suffice to
say, that the energy requirements of the area will be very
substantial and that the total amount of usage will depend
to a large extent upon the number of properties that go into
production, if any, and also to the extent to which the use
of electricity will be as far as the mining and the milling
processing is concerned. I think that we all are aware of the

Mr. Commissioner continues....

fact that extensive studies have been made over several years past on the potential hydro development at the Five Finger Rapids area. I'm not qualified to say as to whether or not this would be the feasible development if there was a large requirement for electricity in the Casino area but certainly from a layman's point of view, looking on a map, it certainly would look as if it has a lot, as far as general geographical proximity is concerned to the area that could require electricity.

Mr. Speaker: Are there any further questions?

Mr. Taylor: I have a further question I would like to direct to Mr. Commissioner, Mr. Speaker. Inasmuch as the summer construction being 25 miles of the Ross River section of the Campbell Highway was reconstructed this summer to a minimum standard, is it anticipated that any future construction on this Highway, that is from Watson Lake to Ross River on the Campbell Highway, will be done to a 32 foot top to bring it up into standard with the rest of the Highway?

QUESTION
RE ROAD
UPGRADING
CAMPBELL
HIGHWAY

Mr. Commissioner: Mr. Speaker, could I have the privilege of bringing forth a written answer to that question because this involves the road standards and the technicalities that are involved and I would appreciate it if I could do that, Mr. Speaker?

Mr. Speaker: Would the Honourable Member be prepared to have the Commissioner provide a written answer to this question? Are there any further questions? If not may we proceed to Public Bills and Orders. May I have your pleasure?

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

Mr. Dumas: I'll Second that Motion.

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse West that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers and Motions. Is the House prepared for the question on the Motion? Are we agreed I will declare the Motion carried and the Honourable Member for Watson will please take the Chair in Committee.

MOTION
CARRIED

Mr. Chairman: We will be proceeding to Bill No. 11. I will declare a brief recess.

BILL NO.
11

RECESS

Mr. Chairman: At this time I will call Committee back to order. We have the next Section which is Section 53(1). (Reads 53(1),(2); 54).

Mr. Chamberlist: Question, have we got an interpretation of a minor for the purposes of this Section?

Mr. Legal Adviser: We don't need it Mr. Chairman, everybody knows what a minor is.

Mr. Chamberlist: Well, let's have an explanation. A minor at law is what?

Mr. Legal Adviser: We may be introducing legislation next year to deal with what this should be but at present it is 21.

BILL

NO. 11

Mr. Legal Adviser continues....
The day before he becomes 21, at midnight, on the day before
the day before his 21st birthday.

Mr. MacKinnon: It should be under this Ordinance.

Mr. Chamberlist: Mr. Chairman, because of this legisla-
tion, is going to lower the drinking age, therefore allowing
a minor to drink, there should be, I would suggest, an
interpretation section for the purpose of this Ordinance,
clarification as to what is meant by a minor.

Mr. Legal Adviser: Mr. Chairman, a person who can drink is
not necessarily an adult and a person who cannot drink is
not necessarily a minor. We fix arbitrarily the ages of
people for various things like marriage, driving licences
and so on. You don't have to define what a minor is. A
minor is, under our law, a person who has not reached the
age of 21 years so that is why it is chosen here so that
it be universally understood for contract purposes and every-
thing else as a minor. We have said in this Ordinance, a
person can drink and being a licenced premises, when they
are nineteen years of age or over so they don't have to
define minor because it is a universal application throughout
all our laws until it is changed.

Mr. Chamberlist: Are we not saying in that case that we
are liberalizing the law to give the minor the right to
drink, that he can drink but he can't sell liquor. Is this
what we are saying?

Mr. Legal Adviser: He can't sell liquor but he can hold a
licence; no licence authorizing the sale of liquor can be
issued to a minor. Now if he wants to evade this all he does
is form a corporation. There are ways around this but the
old Ordinance said, and as far as I know, fairly universally,
they do not allow minors to hold licences. This is basically
a thing of civil rights more than liquor.

Mr. Chamberlist: That is what I am concerned about, civil
rights. How could a person - let me start again. As Mr.
Legal Adviser said, when I raised the question that it is
not preventing a minor from selling liquor, it only prevents
him from having a licence. Now, how can he sell it if he
hasn't got a licence?

Mr. Legal Adviser: He might be a bartender. The basic
position is that administration may well, next year, intro-
duce legislation across the board dealing with the ages of
minors; most common-law countries of which we are one are
now moving in that direction. A bill was just a short while
introduced in England, reducing the age of minority to 18 for
the purpose of contracts. This has been done in at least
one Canadian province to my knowledge and Bills will be prepared
in other provinces to follow this. This was one of the reasons
which guided the administration in suggesting the original
drinking age as of 18, to keep a level thing across the Board.
As the Council has already been made aware, legislation will
be introduced dealing with the voting age which may reduce
it to eighteen so that a person will be treated for all
contract purposes for civil law purposes as a full adult when
he reaches his 18th birthday but until that point of time
has arise, I didn't feel it incumbent to introduce a different
section here and say that a person can, in advance of the
general movement to say that a licence authorizing the sale
of liquor may be issued to any person over eighteen years of
age. We just left it as was, as has always been the case.

Mr. Legal Adviser continues...

We haven't proposed any change at this time. This is all. We are not trying to make fish of one and flesh of another. We just left it as was. If the House wishes a licence to be issued at any other age group, as far as I know I don't think the Commissioner has any particular view one way or another except to keep in general conformity with other laws beside liquor laws.

Mr. Chamberlist: Mr. Chairman, I don't see this, here we are giving a young man of twenty the right to drink liquor and yet if he is astute enough to have sufficient funds to build a hotel, with liquor accommodation or has been trained as a chef and runs a proper dining room, so that he has to by subterfuge, or he and his young wife have to incorporate and then the corporation can get the licence but it is still him. It seems to me to be quite ridiculous that we should restrict young people whom we have given the right to drink to obtaining a licence. Why have it in. What is the purpose of it; why have we got that section? It is not needed; this is the part I mean.

Mr. Legal Adviser: In drafting this Ordinance the changes which were made were changes which were thought out and prepared by administration after a lot of cogitation. We did not think, in discussion, there was any particular need to tamper with the age at which a person can hold a licence so we left it as is. There is no deep-seated conspiracy about this. It is just that the section is exactly the same as the section has been so far as I know, since 1898. There has been no change; maybe the time for change is now, but maybe not, we don't know.

Mr. Chamberlist: I would like to move that Section 54, of this Ordinance, be deleted.

Mr. Shaw: Mr. Chairman, in this respect I note that in England, in a recent paper, the new legal maturity will also mean that 18 year olds can give blood or get passports, sit on juries or enter into contracts, binding contracts, and in general enjoy the pleasures and responsibilities of coming of age. Now, I agree that the system that the Legal Adviser has here that at the present moment in the Yukon Territory we have the legal age of 18 before one becomes of legal maturity. Twenty-one in the Yukon is legal maturity - that is what I said. I beg your pardon. I think that possibly there is a time that Council will sit down and really go over the facts to perhaps lower this legal maturity age to nineteen years of age right across the board but at the present moment it happens to be 21 and I think if we made midnight moves in all these kinds of attitudes, we would become quite complicated and I think that that is a separate issue, Mr. Chairman. I will have to provide a fiddle for the Honourable Member from Whitehorse North as I think he ought to do something useful with his hands but at the present moment I think it is quite adequate the way it is. In the first place, unless a person is legally mature you can't sign and enter into any contracts; I doubt if he would ever get a franchise for an automobile agency or anything else, or be able to sign one at the age of eighteen or nineteen in the Yukon. It has to be twenty-one. Those are the facts Mr. Chairman, and I think I would be quite happy to see in a future Session that we had something to the effect that nineteen; but until we get that I would just as soon leave these kind of things alone for the present instead of making midnight moves.

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Mr. Chamberlist: Mr. Chairman, in view of the special request that has been made by the Honourable Member from Dawson, I withdraw my motion.

Mr. Chairman: I'm afraid, there being no seconder, there is no Motion. May I proceed? (Reads Section 55(1)(2)).

Mr. Chamberlist: Question, now you see, here is something that hasn't been cleared up. Now, because a corporation or a club has to give the name of the officer or agent who is to be in charge of the premises, but it does not say that the officer or agent can't be under 21. It doesn't say he can't be a minor, so that he can't have the licence in his name but he can be named as the one in charge of the operation. It is absolute nonsense.

Mr. Chairman: (Reads 56(1),(2);57(a)(b)(c)).

Mr. Chamberlist: Question. Mr. Chairman, I would like to ask Mr. Legal Adviser if the opinion of the Board can be questioned before a Court.

Mr. Legal Adviser: The Court gives it's opinion, its reasons, and there is an appeal, the same as the opinion of the Judge.

Mr. Chamberlist: Mr. Chairman, in view of a recent decision that in the opinion, that if in the opinion of the Commissioner something happens that the opinion of the Commissioner, in our present legislation, cannot be questioned, now what would.....

Mr. Legal Adviser: That is a different thing; if it is in the opinion of the Commissioner, he is not a judicial body, he is exercising an administrative function so there is no right of appeal from the Commissioner unless you have put it in the Statutes that there is an appeal....in which case then it is not enough for the Commissioner to say "I think so and so". He has to have reasons, and he has to have some kind of a hearing or evidence or papers before him which can be subject to appeal. Then the Board must act in a judicial way in coming to their opinion. Now the point of distinction in this, whether you are acting in an administrative way or acting in a quasi judicial way and the Board here will be acting in a quasi judicial manner and is subject to appeal. Now, what the Honourable Member is thinking of that a little knowledge is a dangerous thing at times. What the Honourable Member is thinking of is that when you are attacking the decision of an administrative officer and doing it by way of a prerogative writ, the question is, was it done and was it done properly, not why it was done. So, a decision will then be given that one cannot examine the mind of a Commissioner but one can examine the mind of a Board because the Board is not an administrative officer; it is a judicial body sitting here to decide licences and appeal and everything else and we have provided that there is a right to appeal and we would be.....

Mr. Chamberlist: Mr. Chairman, they can examine what the Board is doing yet, if the Board says this person will not be granted a licence, an Appeal Court can examine that Board, with all respect that Mr. Legal Adviser is a Johnny Come Lately when it comes to this type of liquor legislation that we have been having in the Yukon Territory. I have had much more experience of what has been happening and I want to make

Mr. Chamberlist continues...
sure that it doesn't happen to people inadvertently. Now, you see where the words are used "if in the opinion of" where such a decision is made because of an expressed opinion the opinion itself cannot be delved into; only the action can be delved into. You can question the action but you cannot question the opinion. This has been clearly laid out. Now why do we have to have these words "if in the opinion of the Board" because it was this very section which I am sure, Mr. Chairman, Mr. Legal Adviser will agree, is the same section that in the legislation existing now, except for the fact it is "of the Board" instead of "the Commissioner".

Mr. Legal Adviser:it is not the same.....

Mr. Chamberlist: Let me continue, let me continue. Well, the key piece has been left out. I think, Mr. Chairman, that the key piece are those words "in the opinion". Now, if this read"(a)unless he is a fit person to keep and operate" but as soon as you have those words "in the opinion of the Board" you are crucifying anybody from going before a Court of Law and getting an answer to the question of why was this licence refused. You cannot point it out to me and say "look, this is what we are doing, the words have been before the Court and the Court upheld that , that in the opinion you cannot question the Commissioner's mind. I've expressed agreement as to why I think he couldn't at the time. But we should leave out those words "in the opinion of the Board" and I would ask members of this Committee to look at this very, very closely. Those words don't mean anything to the language of the section but it means so much to somebody who feels they have a right to be heard and that right is removed from them...told by the court you cannot search the Board's mind. You can discuss their actions but you cannot search their mind. Now, can Mr. Legal Adviser, Mr. Chairman, see any reason why we can't just leave out those words "in the opinion of the Board" and it would then read "No licence in respect of a tavern, cocktail lounge, dining-room, restaurant or club shall be granted to or held by any person unless he is a fit person to keep and operate the kind of premises", now what is wrong with that.

Mr. Legal Adviser: Mr. Chairman, by giving the right of appeal in this Ordinance against any decision of the Board, I am not specifying whether it is only an appeal on law or an appeal on The court is in exactly the same position to call evidence and examine the facts as the Board was in the first place and the Court will be unable to substitute its opinion on the facts for that of the Board, in a completelyway. It can order a rehearing; it can decide anything which is just in the circumstances. Now the key section which was left out of this, not really in deference to the Honourable Member was, we left out the words "a person of good character" and we said he was a fit person. Now "fit" does not necessarily mean character. It means a proper person; it means a person who is capable of doing things; he is fit for the person. It is a very, very old English word, with 1400 years behind it and this is what it means. It means a person who is capable of, reasonably capable of performing a task for which he sets himself. So, the Board will not be just deciding whether or not he has a criminal record; they will be deciding whether he is the kind of person who will be able to operate the business for which he is seeking a licence. It does not mean good or bad. So the result will be that the Board will be acting, if necessary, on the opinions

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Mr. Legal Adviser continues...
of witnesses saying "what is your experience with this man, has he any experience in this trade and so forth" as much asand the Board must be given some power to decide their own business. So, they hear what has to be said, sometime it is going to be opinion evidence and sometimes it is not; it might be a series of character references which can be checked back. It is up to them to decide how they will decide it and by putting in the words "the opinion of the Board" we are leaving it up to the Board; we've got to trust them to some extent, with some discretion, especially when it is going to be reviewed; on the occasion when the applicant feels aggrieved he can always go to the court and have a complete rehearing and hear the same thing all over again.

Mr. Chamberlist: Mr. Chairman,, I don't understand why Mr. Legal Adviser will go on and on and on and on, talking, Mr. Chairman, about other things but the point that is brought forward. I say this and I don't care what Mr. Legal Adviser says about this particular point because I have experienced, I have experienced this very thing where the Courts have ruled quite clearly that where the opinion is expressed, it cannot be searched as to the reasons why. When you have a case of where in the opinion of an unfit person, a fit person is jeopardized, then there is something wrong. Now, I want to make sure and, because this has happened and can happen, and I don't know Mr. Chairman, when Mr. Legal Adviser is so intent on having those words in when it makes not one iota of difference to the Administration but a lot of difference to the people who may be applying for a licence. This is what I cannot understand. Why do Administration have to be so stubborn about a simple thing like this that I have pointed out, that has been my strongest beef about this type of legislation being present. Why This is why I would like to know. It seems to me that the Administration, through the Legal Adviser, is saying, we want a way out. You are not saying that this legislation is for the overall good of; for the overall purpose of everybody concerned. You are just looking for a way out. Now, Mr. Legal Adviser could say what he likes about any other portion of this legislation but I know, I suffered a lot and I know and I know how anybody else would suffer because of those few words that are in here. And why, and I have asked the question and I didn't get an answer, what is the objection to those words being taken out? This is what I cannot see and I haven't had an explanation.

Mr. Legal Adviser: The reason it is in there is to give a discretion to the Board; and equal discretion is given to the Court and this is the purpose of the Section. The case to which the Honourable Member refers to was a case where an application was made to the Territorial Court to quash proceedings because of excess or want of jurisdiction or because the application was turned down contrary to natural justice in not allowing the applicant to know the reason for it. Now, this isn't the case with an Administrative officer and when you.....officer got jurisdiction to do what he did. There was no appeal laid down under the Old Ordinance; it was outside the normal way of appeal to strike down the decision of the Commissioner in refusing a licence because of discretionary grounds. The Court ...that his grounds could not be examined. This is a completely different case. We have gone to the length of providing an appeal to the Territorial Court which is, as far as I know, the only province in Canada which provides this right of appeal.

Mr. Legal Adviser continues...
And we want to give it the broadest base to operate when it does get there because the jurisdiction of the Territorial Court is the same as that of the Board once the appeal goes before it and if necessary, that can be carried out under the normal rules of Supreme Court procedure to the Supreme Court of Canada. I think it a reasonable section and to be as broad as it is long.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser is not familiar with the circumstances of the case I am referring to because of the last few words he said - because the application was - the Court instructed the Commissioner to deal with the application and after that was done, after that was done, then the Commissioner, as his way out, said in my opinion you are an unfit person. And then we went back to the Court to force the Commissioner to say why I was an unfit person and the Court ruled that you cannot search the Commissioner's mind. And who was the Court at that time; who was the lawyer that put it up, Mr. Justice Morrow; he put up that argument and the Court held for him. Now what chance would anybody have to go before the Court in the Yukon Territory with Mr. Justice Morrow being a member of that Court, when a decision was already made, based on his argument. That is why there is a necessity for those words to come out. But I still haven't been told why is there the insistence on those words being in; if it is a matter of a personality conflict clash between Mr. Legal Adviser and myself now, I would like to know this because to my way of thinking the language in itself is clear; if those words are out you are still referring to the fifth person. But why should it have those words "in the opinion of the Board"? It says "no licence in respect of a tavern, etc. should be granted unless he is a fit person", then I would say you have the right to go before the Courts it wasn't granted but you can go before the Courts now but the Court would just tell you that you can't search the - you can't enquire into the Board's mind when they have expressed their opinion. You could only search the things they have done; the Board says no, we haven't given you a licence. You can enquire into it and the Board will say "we haven't given you a licence and they say because under Section 57 (a) it is our opinion that you are an unfit person". That is the end of it.

Mr. Legal Adviser: Would the Honourable Member agree if we made it clear that the Board...to act upon and said "unless the Board is satisfied that the applicant was a fit person" it has to be satisfied because.....

Mr. Chamberlist: Mr. Chairman, ...in the opinion" take them out.

Mr. Legal Adviser: Yes, unless the Board is satisfied that he is a fit person.

Mr. Chamberlist: Right, that will be fine, as long as "in the opinion of the Board" is taken.

Mr. Chairman: The next Section is Section 58 (Reads Sec. 58).

Mr. Dumas: Mr. Chairman, that section, is it absolutely necessary. It seems to me that if the owner goes away on a holiday or on a three day visit, does he have to notify the Director that somebody else was looking after his establishment; is that correct?

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NO. 11 Mr. Dumas continues....
Of if he leaves the place for half a day or something, it seems he has to notify the Director. Could we maybe have that clarified somewhat?

Mr. Legal Adviser: The function of this Section is that there will be corporations who will certainly not be in day to day control, who.....day to day control; that is someone who may live in Vancouver and pay a visit up here in three months and he appoints a manager. The manager is the person in day to day control so we want to know the name of the manager.....so they have got to notify the Director who is in day to day control and managing the premises. Then the next thing is, what is the arrangement between this manager and the boss. Is he the Director of the Corporation; what is their relationship.

Mr. Dumas: What if he goes on holidays?

Mr. Legal Adviser: Well he appoints an Acting Manager. This is the person who will actually be the person with whom Mr. Vars will be in day to day contact with. If anything happens, orders and so forth; we've got to know. This is not an unreasonable request.

Mr. Chamberlist: Well if the person who is listed as the manager goes to Ottawa for six days; he has to notify the Liquor Control who is the day to day manager. During those six days that he is away?

Mr. Commissioner: Mr. Chairman, you have administrative documents that are passing between the holder of a licenced premises and the liquor control board on a continuing basis. Certainly, we have got to have some understanding or some ways and means of understanding to know the people who are signing these particular documents are authorized to sign on behalf of the licensee. I am quite confident that any manager who is going to be absent for a period of six days is going to sign, before he leaves, two or three liquor purchase orders or two or three requisitions or whatever they are called that go to the liquor control board. This is not going to make a particle of difference. When the man is going to be away off the premises for six months, this is another set of rules altogether and this is what we are after here and I don't think there is anything unreasonable about this at all and the interpretation of it is certainly an administrative type of interpretation for the day to day things that transpire in the normal course of getting liquor and other things into this licenced premise.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser did say, in answer to Councillor Dumas, that if a person went on holiday he would have to have somebody else's name there.

Mr. Legal Adviser: This man's name goes on the licence itself.

Mr. Chamberlist: Supposing the Manager is away on holidays. You don't have to give another name then. That is all I want to know.

Mr. Legal Adviser: It depends on the length of the holiday; if I am taking a good holiday of six months; some people take only six days, but I think if the man is going away for six months he should.....

Mr. Chairman: Are we now clear?(Reads Section 59, 60).

Mr. Legal Adviser: Mr. Chairman, this is to protect the community against the particular evil that the people in the Liquor Control would be optimistic in getting a licence in their own name, their wives' names or their friend's without the Board knowing it mainly in respect of what is going on. This is a necessary Section to keep the Administration virgin pure.

Mr. Chairman: (Reads 61(1)).

Mr. Dumas: Mr. Chairman, I think that the number of bedrooms in this case is too great. I think it should be changed. It may be that at one time 30 bedrooms was a reasonable figure to put in, but in this day and age you are looking at an expenditure of about \$380,000 to build 30 bedrooms and then your cocktail lounge. You are limiting somebody to who can put out half a million dollars before they are going to have a cocktail lounge. I think that this number 30 is too high. I would suggest myself that 20 would be more reasonable. You are going to get a good quarter of a million dollars establishment with 20 hotel rooms in it and a cocktail lounge. I think that this is reasonable, and as prices, of course, go up, then cost of buildings go up and we are just making it too restrictive.

Mr. Commissioner: Mr. Chairman, I don't want to enter into a discussion concerning the numbers of rooms here but there is something that has to be clarified from an administrative point of view and I think that this is the time that it should be clarified. The way the present Liquor Ordinance is written, an applicant, an applicant can have a required number of rooms; I'll use the figure 30, not necessarily that they are binding, but to use it as the figure, and apply for a licence, a cocktail lounge licence. This licence is secured. Shortly after that the same individual, using the same 30 rooms, comes along and applies for a tavern licence; now I am not saying that 30 rooms is required for a tavern licence; don't misunderstand me Mr. Chairman, as to what I am saying here and the way it has been interpreted up until now has been that the same rooms can be used for - to apply for more than one licence. Now, I have no strong feelings, we have no strong feelings in Administration at all about this but Council I think has got to indicate to us, is the same number of rooms to be, are the same rooms to be allowed to get more than one licence? Now, if this is the decision of Council, and the Administration has no strong feelings as far as we are concerned about this; I think it has got to be very clearly understood. I have nothing further - I'll answer any questions on this as to why I raise the point, Mr. Chairman, but this is a very important interpretation situation here and it may well be that after the discussion is over with, the Legal Adviser may well want to maybe reword some of the sections in here to clarify whatever Council wishes are in this respect.

Mr. Dumas: Mr. Chairman, two observations; one is that it says here that a hotel has to have at least 30 bedrooms. Now there are hotels and there are hotels. I know some hotels in town that have deluxe rooms in them and others have rooms that maybe cost half as much to build. So, just an arbitrary number doesn't necessarily make a quality establishment of a premise. As far as I personally am concerned, the same rooms should be able to be used when applying for a tavern licence; in other words if the figure we finally

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Mr. Dumas continues....

arrive at for cocktail lounges is 20 and say 15 for a tavern I don't think that we should require an additional 15 for the place to have a tavern and then we might say something else for a dining room. I don't know, but I believe that as it is in B.C. you can have both, I believe this is a fact but I am not certain, but you can have both on the same rooms and I think that at any rate that is the way it should be here because once again I say that anybody putting up a 20 room hotel with a cocktail lounge is putting out an investment, at the very basic minimum, a quarter of a million dollars.

Mr. Chairman: At this time I will stand Committee in recess until 3:30 P.M. sharp.

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3:30 o'clock p.m.

Mr. Chairman: I will call Committee back to order at this time and we are dealing with subsection (1) of section 61. BILL #11

Mr. McKinnon: I would like to express my opinion on this. I think that I would like to see at the present time the number of rooms remain in the Whitehorse Metropolitan area as thirty bedrooms. The reason I say this is that I think it has been working out fairly well, this kind of arbitrary decision of Council on the number of rooms that have to be built before a liquor licence is given. It is conceivable that this licensee can get five licensees in that premises that he built with the thirty rooms. He can receive a cocktail lounge licence under the new Ordinance, a tavern licence under the Ordinance, a restaurant licence and a dining room licence and a off premises sale licence, all within the one establishment of thirty rooms so I think that he certainly has some incentive to be able to go for this different type of licensing with the number of rooms at thirty. I think there is only one other alternative if we are going to decrease the number of rooms within the Whitehorse Metropolitan area, take it down to twenty, but then I think you are going to have to set some kind of a standard on the size of the bedrooms to make sure that there is a deluxe or to go away from an area where a person could put pull in six trailer units or ... mind you four trailer units with five rooms each and then have application to all five liquor permits on that area in that place. I think this thing worked very well so far. Maybe we have just been lucky, maybe I'm burying my head in the sand, but the establishments that have been built under this Ordinance in the last few years in the Whitehorse Metropolitan area are a real credit to the City and a real addition to the live of living in the Whitehorse area, but I think you are going to have to have one or the other. I don't like to go into more Administrative detail and set up an Administrative bureau to go and judge the size and standar of the room. I think we are just getting into another Administrative area where we are involving the Government in every facet of every day life so at this point in time, tho I'd really be open in the future if I could see it was present real hardships in people raising money and if in fact even with this type of legislation people were trying to circumvent the intention of the Ordinance by the methods that I have described, then I think we will have to look at it and look at it very quickly but I think at the present the Ordinance is working well. I don't hink that if the corporation is legitimate and if that they can find the needs that the money is going to be that difficult to obtain and I at the present would like to see in the Whitehorse Metropolitan area the Ordinance remain as it stands.

Mr. Chamberlist: I don't follow that view at all. I follow the view that every person has a right to go into a business of his choice and every person has a right to be able to use those funds that are made available to him through various methods to carry on the business he wants to go in. I certainly agree that there are in the ... this particular type of legislation reason enough that there should be accommodations attached to liquor outlets. When a man needs to enlarge in his area of borrowing and commit himself to a ... many years of repayment of debt just simply because he is legislated aginst in the size of the business that he must operate, there is something radically wrong. I agree with the Honorable Member from Whitehorse North when he says that at the moment as it is written that a hotel operator with thirty rooms can get five or six licensees. This is quite true. He can get the five or six licenses though without having the extra facilities. For instance he has to have a tavern as well as a cocktail lounge in separate premises. He can't get the same licence in the same premises in the same area. I think what is really a sensible way

BILL #11 Mr. Chamberlist cont.

to overcome this situation is to say clearly that only one licence will be issued to a hotel that has twenty rooms for a cocktail lounge and if they want a tavern, they must have another ten rooms and so on, so that the establishment, as the establishment grows then the number of licenses they can hold, grows with it. The areas for instance outside the Whitehorse Metropolitan area, outside Whitehorse, because Whitehorse Metropolitan area is not recognized for the purposes of liquor licenses. I know if somebody else had been here, I know someone who might have had difficulty in getting recent licence too.

Mr. Commissioner Mr. Chairman, I'm happy to hear this acknowledgement.

Mr. Chamberlist But these it shows you how these things can be manipulated and this is where we have to be careful that people don't get hurt by manipulation, but there are areas outside of Whitehorse, where it is I think a penalty that you impose upon people for only being able to afford to build a ten room hotel and somebody who maybe wants just a small cocktail lounge or tavern about 800 square feet, just enough to satisfy the needs of the travelling public and those people who are staying there, you see, you say to him, "No you have to have a large establishment". It is quite true that in areas outside such as Watson Lake or maybe Haines Junction where there are hotel-motel complexes of a large amount there, it might be necessary to say that in those particular areas, we should keep the licenses down, the hotel rooms up. Is this just to satisfy the existing business people there or is it to serve the public that we must be thinking of? In the local area around town here for instance, I know a number of people who would like to add a beverage room to their establishment. I know one motel that has got 24 rooms, but he hasn't got anymore room to build on his particular premises, but if he took four of the rooms out, he's got enough to put a cocktail lounge in. Incidentally, this is not mine, I have got lots of room, but the areas, it is those areas that must be considered. Now again another thought that has come to mind, the Honorable Member from Whitehorse North brought forward, a suggestion that these prefab motel units come in. They should not be made part of a licencing complex. I understand in Faro for instance, they have a certain area, which is set aside as a temporary hotel, . . . where there is a temporary hotel going to go up and a temporary, I take it would be a temporary licence because it can't be treated as permanent, is going up there where this complex is going in, but you can't have it in Whitehorse. I say that if there is a building, where the actual liquor outlet is connected to or in that building then twenty rooms for one licence only would suffice. I'm not talking about the off licence proposition because anybody can have an off licence, but where you have an outlet, I don't think that **there** should be a tavern and a cocktail lounge using the same number of rooms for each one, because then what you do is you take advantage to the people who can build. The number of rooms required plus the two outlets to get the two licenses. I think we would be far better off to say quite clearly that a cocktail lounge licence would be issued in the Whitehorse area for a hotel that has twenty rooms or for a tavern that has twenty rooms, but if an extra licence is needed for a tavern or a cocktail lounge, when there is one already existing that then it should be increased by another ten rooms, so that's for thirty rooms, then you can have two licences. This I think would be fair, outside areas I would say, remove the restriction and bring it down to ten rooms for a licence and if an extra licence is required, an extra ten rooms. I think this would be an equitable way to deal with this, but thirty rooms in the Whitehorse area, this should be done away with right now. This is a penalty that is being imposed against the small business man and

Mr. Chamberlist cont:

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you are only making provision for the big corporation and the people who are much more affluent and easier to get hold of money than the smaller guy. I can't support that type of thing.

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

Mr. Taylor: The only reason that this came into being in the first instance was because we felt that there were many, many people both within the Metropolitan area of Whitehorse and without and around the Territory that were having a great deal of fun with their cocktail lounges licenses and paying more attention to them and getting so much profit out of them that they ignored the facilities of the travelling public that is rooms, and the upgrading of those rooms etcetera, so in an effort to encourage the development of accommodation for the travelling public, we said, "all right as a matter of encouragement if you can provide thirty rooms in the City of Whitehorse, you can then get a cocktail lounge licence. It was an incentive and Councillor McKinnon, or the Honorable Member from Whitehorse North has pointed out, it doesn't seem to have created any difficulties in this area and as a matter of fact when you look around at the construction in these last two or three years in this line, look around today to see some of the new construction, this is certainly worked in the Whitehorse Metropolitan area, but I certainly agree that it is up to the people in the Whitehorse area and their representatives to decide what is going to be required, but that is the reason why this legislation has existed. Number two is that it was interesting to note that the Honorable Member from Whitehorse East suggested I think at one time that if you have twenty rooms you should be able to have a cocktail lounge and if you add another ten you can have a tavern. Why not in the reverse order? Why was it not suggested that you have twenty rooms entitles you to a tavern and if you build thirty rooms then you can have a cocktail lounge, because there is a big difference. I think it further complicates the matter. I think the way it fits right now in both, within and without Whitehorse, looks pretty good with one exception of outside as we will come to in the next section or subsection, outside of the City of Whitehorse, I think that the twenty rooms should remain, but in the case of taverns I think that this should be reduced from fifteen rooms down to ten rooms for this reason, as we have discussed ... we also have to think not just of the licensee and he seems to be getting the best shake right at the moment but let us now think of the travelling public as well and on the highway it is recognized that many of the little lodges, some do and some don't have taverns, but they don't have cocktail lounges, but ... and some of them don't have taverns under this new legislation, so permit them for ten rooms to have a tavern and a tavern I think you will notice can have off premises rights for the sale of hard liquor, where no cocktail lounge exists in that community, so that these little taverns all that they require then is ten rooms and they can have a ... go get a beer and if you want to take a 26 ounce bottle of spirits out well, you can buy it at these taverns, and this would seem to solve the problem but I would be very hesitant to suggest that we should reduce for a cocktail lounge licence the restriction which now exists to anything less, because what you are going to have is a proliferation of cocktail lounges and no accommodations for the travelling public and no upgrading and this is something that you have got to give a lot of consideration to when you are considering the outlying districts because even down in parts of my area, there more particularly in the Watson Lake area which is the second largest community in the Yukon and a very active one, we have several hotels, granted, but by golly when it comes to summer season there is no way that these hotels

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can accommodate the travelling public. This is occasioned by the increase of the tourist industry and these tour busses coming in and when they hit town they grab all the accommodation and if you step off an airplane or come out of the bush and without a reservation in a hotel you are very, very, lucky if you can get a hotel room or a motel room during this critical period, so this is why I suggest to you that it has worked very well and should remain with the exception of the reduction from fifteen down to ten in the case of taverns.

Mr. Dumas: There are a lot of good points raised so far by various Committee Members, but I can't help but think that when this legislation was brought in, I think it was four years ago, or five years ago, it was a mistake, to increase the number of rooms required and I still feel that requiring thirty rooms in this day and age is just working too much of a burden on a small business man or several small business men that might want to get together and put up a hotel or motel complex, possibly tying it in with having one licence with twenty rooms and another for thirty rooms, or possibly even tying it in with the number of seats you might have in the cocktail lounge according to the size of the hotel, that you wouldn't get a twenty room hotel with a cocktail lounge that seats 500 people. This might be another possibility, but I think that all of these things might be looked into by the Administration and some suggestions might be brought forward whether we should change the thirty at this point immediately or not, I'm open to hear more discussion on it but I still feel that it is a little bit too much of a requirement at this point in Whitehorse.

Mr. McKinnon: Unlike so many constitutionalists, I'm not one of those that believe that legislation should be sacrosanct and unchangeable. I think that to reflect the people of the time legislation has to be a living thing and changing all the time, I think that this is working quite well right now. I think that when it can be proved that there is being a real burden and a real hardship and there is a need to move to lower the number of rooms, that the legislature should be quick enough to be aware of the problem and be able to change it immediately to reflect what the public opinion is and the needs of the community. I think that some of my ... I hope my friends on my right will excuse me, my small seed mid-western conservatism comes out in something in this legislation where it is ... you are trying to conciliate all kinds of forces which are working and pressures that are building on legislators in this field and I think it is folly to change an area where I can really see around the arguments of the table, no necessary change at the moment. I personally feel that the Ordinance as it stands has been working extremely well in this area and I am open for change if it can be proven to me by people who can show me that they wanted to invest in the Territory and this is the kind of complex that they wanted to do and I have no trouble standing up at this table and saying I think that it is time now that this should be changed and these are my reasons why and I don't think I should be ridiculed for changing my opinion at that time because as I say I believe in legislation being changed to suit the methods of the day and this is one area where we can work in the Yukon and we don't have to wait two years to change a piece of legislation and really reflect the philosophy and feelings of the people at the time and I say that the legislation seems to be working fairly well now, let's not really get into this problem at this moment.

Mr. Livesey: I agree with a good many things that have been said with regard to the Metropolitan area and with regard to the present boundaries of Whitehorse. When you come into the outside areas, where you have long distances between places where I always understood you were trying to encourage people to set up in business to give

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service to the travelling public, what you are going to find out is that you get too tough out in these outlying areas where you have a seasonal form of business and expect them to operate all the year round, you are going to run into an impossibility. No man in business is going to stay there unless he is making money. He cannot stay there unless he makes enough to keep himself going and besides that expand his business. You have got to encourage him from year to year to reinvest. It is a different thing here where you have an all year round proposition where you have an exceedingly busy capital area at the moment all year round, I would say, somewhat less in the winter than it is in the summer, but nevertheless there is a tremendous amount of business in this area. When you are talking about outlying areas and people travelling on the highway, you are talking about a half year proposition. You are talking about a certain amount of business in the winter time and quite a little in the summer. Now let's take a look and see what you are talking about in the summer time. You are talking about I would say a tremendous increase in the volume of trailers and campers which takes away from the hotel, the possibilities of the business that we think they are going to get, they are just not going to get it that is all there is to it. A lot of these people travelling on the highway in the summer time are travelling in their own equipment. I heard all these theories that you have got to opt the number of rooms and you have got to do this and the other thing to get better accommodation so what happens. Those large organizations that have any amount of rooms presently in large numbers on the highway in the Yukon Territory today, close in the winter time. They shut down and there are a lot that close down that don't have a lot of rooms, so what are we talking about increasing the type of accommodation. How can you increase the type of accommodation to a point where you can't operate the place. There has got to be some limit to this, so what are we really talking about. We are talking about service and we are not only talking about service to the travelling public we have got to talk about service to the permanent people who live in these various outlying communities. If you don't have permanent people, you're not going to have even travelling people stopping in these areas and you they have to be encouraged, so I would say at the present moment, the number of rooms in respect of taverns and cocktail lounges in areas outside recognized municipalities are away too high. In my own area, there are several times during the summer time where miners and prospectors, and you know miners and prospectors have a habit of drinking after they have done their hard days work, this is not something abnormal to the people of the North, this is normal to miners anywhere and there is nothing, they can't get any beer, they can't get any hard liquor, they can get absolutely nothing, because the Ordinance says a man has to have twenty rooms when he knows perfectly well he can't keep them open in the winter time. Impossible, why should a man have twenty rooms open when he has three customers, that doesn't make any sense, especially when you are talking about areas which are much colder than this one. Where you are talking about 40, and 50 and 60 and 70 below zero. You are still talking about business. You are talking about travelling public, about residents, you are talking about remuneration, the amount of money, the ebb and flow of finance in and out of that particular area and you are certainly not going to do it, in my estimation, you can't get blood from a stone and this is what a good many people don't understand about legislation. You can create all the legislation you want but you are not going to make impossibilities into possibilities just by merely creating legislation. Most of the time, what we are doing is creating areas of destruction rather than facilitation. This is the problem of this Ordinance and this Mr. Chairman I would like to reiterate that my point of view on this particular section is that the number of rooms should be reduced in outside areas.

BILL #11 Mr. Taylor: Might I ask the Honorable Member from Carmacks-Kluane if there is a tavern facility or a cocktail lounge facility in Beaver Creek at the present time?

Mr. Livesey: Yes, we have a tavern facility where there is a lesser number of rooms open all the year round and we have a cocktail bar open five months of the year because he has to close in the winter time because he has too good a place, it is too expensive, he's got too many rooms.

Mr. Taylor: It would seem to me then that obviously these people, these miners and whatever that come to Beaver Creek, do have a place to drink then because even if the cocktail lounge is shut down, there seems to be a tavern and it seems to me that taverns can off limits sale of hard liquor and I really can't see what the problem is, certainly it would appear that the premises referred to as being open five months of the year, the one that has the cocktail lounge is obviously too expensive for the average public taste and I believe this is operated by a tour bus company and possibly this is by offering a cocktail lounge privilege at twenty rooms to another entrepreneur shall we say, possibly some day Beaver Creek may enjoy this facility and have the added benefit of reasonable rated rooms.

Mr. Livesey: Not the views of the business man Mr. Chairman. The situation at Beaver Creek isn't because the hotel is too expensive it's too expensive to operate. That is the answer. I'm not going to tell you what the losses were during one year of winters operation because I think this would be divulging private information, but it was tremendous, there is not question about that and I'm not talking about hundreds of dollars, I'm talking about thousands and you can't you just can't operate a place like that. When you are talking about a business, you are talking about facts. All the theory in the world doesn't mean anything, you have to get down to the rudiments of the situation and dollars and cents. That is the answer, that is what you are talking about and when they can't afford it ... they have a tremendous place there, they are putting up a really beautiful place but unfortunately they can't operate in the winter, so in the summer if you want to talk about Beaver Creek, ... I didn't know that the electoral district of Carmacks-Kluane Lake was just Beaver Creek. I think it is bigger than half of Ireland as a matter of fact, so there is a lot more places than in and I'm not talking about Carmacks-Kluane Lake, I'm talking about the Yukon. The situation is such that you have to create facilities and for instance in the summer time, no where near Beaver Creek, there were prospectors, miners, the whole lot of them came in from prospecting and mining all summer so the business man in the area, he didn't have twenty rooms so he couldn't sell them any beer and no hard liquor, nothing and here he has a mining element there, a potential source of revenue and he can't get it. This doesn't make any sense. I mean let's look at the facts instead of talking about all this theory.

Mr. Taylor: Just before I resume the Chair, I can only say that there can't be a very intensive amount of mining activity in Beaver Creek or else they would just be scrambling to the rooms and somebody would be building a hotel there, or have one project immediately with a cocktail lounge in it. Twenty rooms isn't very many to have, but I might say this that in order to appease the Honorable Member from Carmacks-Kluane in his thought and ideas in Beaver Creek it would work to a very great disadvantage I would say down south in the community of Watson Lake for instance where we want to see twenty rooms as the minimum requirement for a cocktail lounge licence in order that we can get more accommodation and accommodation is what we need, because without that accommodation and not being able to look after people, our industry is somewhat retarded and crippled and for this reason I must state before resuming the Chair that I cannot agree to the deletion or decreasing of this particular twenty

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room requirement for a cocktail lounge licence but I do say that in the outlying districts that I do agree that the tavern licence should be reduced to ten rooms. Councillor Chamberlist I will resume the Chair.

Mr. Chamberlist: It seems to me somewhat strange that from time to time we get the suggestions made from Members outside the Whitehorse area who say that, "where Whitehorse is concerned, on the local matters the Whitehorse Councillors should have something to say about things of this nature." If there seems to be such definite stands on the part of the Member from Watson Lake in relation to Whitehorse here. Why? I would like to remind Members of this Committee that this legislation, this piece of legislation was brought into force during the vindictive reign of a Commissioner and Legal Adviser ...

Mr. McKinnon: Point of Order.

Mr. Chamberlist: It is not a point of order, I am talking about. You make one if you want to. I am fully conversant with all the circumstances surrounding this piece of legislation and this is why I speak strongly on this and this is why I'm taking such an active part in a piece of legislation where penalties can be imposed against individuals for not seeing eye to eye on other matters with people who have Administrative power. The legislation was, before this came into being, that there be facilities for twenty rooms during construction of one particular hotel, and the twenty rooms was being built and the application was made, there was immediately a movement on it she was moved to thirty. We have no way whatever of protecting the individual who knows how much money he can raise for a given project and I think we should start thinking about those people who want to go into business. When I hear of individuals who propound the free enterprise system, reject the free enterprise system in their actions, it shows the hypocrisy that exists in preparing legislation and in supporting legislation. I say preparing legislation because Administrative people that are concerned with the free enterprise system all of a sudden restrict that very system that they are suppose to expound. When I hear to satisfy the needs of one Member of this Committee for his particular area, the suggestion is "Well that's all right, in your areas, okay you want a tavern of ten rooms, fine and dandy, I'll go along with that", this is real nice. This is fine and then we have that nicely smoothed out, you know give a little bit. Now what do we come to we come again to an area where the consideration is not being given to the needs of people, nor to the needy, but only to those that are able to through their various resources get together large sums of money to construct larger enterprise. The remarks from the Honorable Member of Watson Lake, looks out through the windows and looks at the Travelodge at \$650,000 or probably more operation and say they are doing pretty well out here. They can't find these monies. There are people in this area who can perhaps go and find and raise \$150 or \$200,000 but they can't get more than twenty rooms and a cocktail lounge or a tavern out of that, so they are restricted, they can't go anywhere. I know people who have struggled for years to build themselves into a twenty room hotel for 14 years to struggle to get that going so that they can get a liquor licence once they have twenty rooms, so they work all those years and what happens. They come across some Administrative people who say, "Well, we'll fix this guy, we'll make legislation". Up she goes, you see. This could have gone on for ever and ever. It could have been thirty, forty, fifty, and two hundred and the next thing you know you need theHotel before you get a liquor licence here. This is what could happen. I would say to you that just look at the licensing of liquor and the accommodation to be the quality of the

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of the accommodation and I think this is important and if you think for one moment that I can't help laughing to myself about this when I hear about the travelling public, I know in one of my establishments in two months I had people there fifty a night, all tea-totellers, all of them. They were all over 65 to 70. They were all senior citizens coming out on holiday, talking about the travelling public. 60 times 50, 3,000 people, you are talking about the travelling public and making liquor available to them. Go into any of these bars and you tell me how many of the travelling public are using these bars there. It's not the travelling public, it's Councillor Dumas, myself. All the travelling we are doing is from bar to bar, that's what we are doing. That's the travelling public. This is a joke, this thing about upgrading the travelling public. The only reason why the travelling public is in Watson Lake is because they pass through it, otherwise they wouldn't be going in there. It happens to be on the highway. Appreciate that it is laughable, not in the manner that I am putting it to you but to hear that we are referring to the travelling public. How many people are travelling up towards Dawson City but there are bars open right now this time of the year. There is a suggestion made by the Honorable Member from Carmacks-Kluane that an establishment closes down in the winter because it takes a loss of thousands of dollars if it were kept open in the winter and I know this, and I agree it should be closed. Do you think that the hotels here with bars are not taking a loss. Do you think that their rooms are occupied? I know with our bar how many rooms I have open at times. Sometimes I don't have anybody in the place at all because the saturation point in this area of rooms has been reached, just in exactly the same way as one day the saturation point in Watson Lake is going to be reached with rooms and then you'll hear a scream of a different nature coming along and then there will be a threat to the Honorable Member that he will be defeated if he does anything like that again. The other way round, in reverse. This seems to be a fear that is going on, not about what the good is, but who you have to bend your knee to and the time has got to come that you have got to start understanding that the liquor business is only secondary to the business of people that go into money to invest and if they want to go into liquor to invest, they go into it because they know they have to have rooming accommodation but to penalize him by saying, "The only way you are going to get a liquor licence is to spend \$500,000. If you only have \$300,000, tough baby, you can't do it", and aren't we just legislation against the private enterprise system. Aren't we just doing that. Is this what we are here to do. I don't think that anybody is going to be willing to answer that question because somebody is going to get up and say, well more than one might say, "Well, we are thinking of the travelling public", this is a joke, this is an absolute joke when we think about the travelling public. Tour after tour comes into this place and I only spoke of about 3,000 people, but tour after tour that comes into this place, have never seen the inside of a liquor outlet, that the liquor outlet is there for the convenience of the people in the Yukon as well. This idea of thinking that it is there for the travelling public, is becoming nonsensical. I have an establishment, I want to see the the Legal Adviser there, I want to see every Member of this Council there. The travelling public, they will be travelling and might pass me right by, but if I can put up a good establishment to let local people come in, this is the thing that I am concerned about. Quite frankly, I don't cater to the travelling public and I don't think that most of the hotels don't cater to the travelling public. Do you think that a hotel, an establishment like the Edgewater with its feeding facilities there and it has only twelve or there may be thirteen rooms are catering to the travelling public? They are there

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to cater to the needs of the people of the Yukon Territory and they are the people that we should be catering to. You are just taking a towel, wetting it and wring it out, the travelling public, some special monster with horns sticking out that you want to grab to the inside. I would ask that the time has come to recognize that the people of the Yukon Territory are just as important as the travelling public and they are the people that we should be serving.

Mr. Chairman: Mr. Shaw would you take the Chair please.

Mr. Taylor: I'm not rising to debat but I might say that during that last outburst that I did hear many cries and it started with hypocracy and it would up to the effect that the licensee in this area are not interested in dealing with the travelling public. That is the way it started and that is the way it ended.

Mr. Chamberlist: I rise on a point of order. If this tape can be read back you will find that that is not the truth at all. I didn't say that at all I said that we should be concerned about the people of the Yukon Territory, not that we are not concerned about the travelling public.

Mr. Taylor: If it is on the tape it is there for the record, but I will not waste the time of Council having to listen to it again on tape. It seems to me that all through this we talk about rooms. I'm talking about the travelling public and the Honorable Member from Whitehorse East is talking about a licensee, one specific licensee. I am coming fast to the opinion that there is certain prosecution complex involved here. This is not the the Member is working under some sort of a strange misapprehension about the motives of Council when we raised these rooms. I have stated what that was. That was to increase the availability of accommodation in the Yukon Territory in order to provide for the travelling public and I state that again and as the Honorable Member stated, he said it should be the quality of the service nothing else and I say it should be the quantity, the number of rooms, places of accommodations and certainly when the Honorable Member stated here just a few moments ago that the licensees in Whitehorse, don't care, he said he didn't care to cater to these travelling public, he catered to local people and that some other licensees don't cater to the travelling public they cater to local people. We don't do that in the outlying districts. We don't do it like he runs his business, and unfortunately I'm not in the liquor business, I'm not in any business where I have a personal axe to grind in this Council Chamber and any of my personal problems I don't bring into this Council Chambers, but I think it behooves us to attempt to ensure that the travelling public do get a fair break in the Territory and that is the reason this legislation is there. The only other way that this can be dealt with is to throw out the Liquor Ordinance and have the Administration whole sale liquor and everybody gets in the liquor business because what you would then have would be a bar just like the State of Alaska, every three stores down the street and you would have no accommodation and as a matter of fact if you doubt what I say go over to Juneau some day and try to get a room, Juneau the capital of the State of Alaska. There are lots of bars but just try to get a decent room. It is pretty hopeless especially if there is a little convention around. So this is what we are trying to do. It has not worked to the detriment of anybody of the Yukon Territory to my knowledge and I have no compunction about what you do in Whitehorse. If it was my position I would say let the City of Whitehorse by by-law establish the regulation as to how many rooms you need. Let them by by-law establish. Run your own affairs, but I will tell you one thing, five will get you ten, then you will have trouble in the City of Whitehorse.

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Maybe you will have to have 50 rooms to get a cocktail lounge licence. At least here you have the protection of Members from all over the Territory through this Council and through this legislation, so I would suggest and I would recommend that the Whitehorse Members retain that, but in the outlying districts, in respect of a cocktail lounge licence, I say hold on to the twenty room requirement, outside the Municipality of Whitehorse but reduce the tavern requirement to ten rooms.

Mr. Dumas: Just a few more observations. I'm still not convinced that this shouldn't be lowered and my reasons are this. I think it was wrong to increase the number of rooms when it was done and I don't understand why the Administration of the day introduced legislation increasing the number of rooms and although I believe that the Council of the day acted in all good faith in going along with it I wonder what kind of persuasion or why. It just doesn't seem practical. I've said that the rising cost make it impossible to build a hotel of thirty rooms today for the price you could build that same hotel five or six years ago when these increases were brought in and in fact the building cost is probably forty percent higher so that to build twenty rooms today would cost just about what it would cost in those days to build thirty rooms. The other thing is that there seems to be some feeling that we are going to let people get away with building liquor outlets and we are going to forget about the travelling public and so forth. This just isn't true. If there is a demand here for rooms, they will be built. In the last several years we have seen some fine establishments built in Whitehorse, One of them has 50 rooms, they only have to have thirty if it was just a cocktail lounge they were going after another has forty eith and they didn't have to build that, they already had qualified for a cocktail lounge and then there is another one with thirty rooms, that doesn't have any cocktail lounge at all and there is one at the south end of town with twenty-eight rooms with no cocktail lounge at all, so I just don't think that trying to bribe people by giving them a cocktail lounge licence if they build these rooms is the answer. I don't think this is the right approach. If there is a demand for rooms, people will build the rooms because they are going to make a buck at it, but tying the two in so tightly and so stringently I think is no correct and I repeat again that the legislation regarding the requirement as it was before, when it required twenty bedrooms in town, I think that was good legislation. Once again, there are a lot of ramifications. Maybe it should be tied in with the size of the cocktail lounge or the types of rooms etcetera. I still think, my mind has not been changed by the arguments that have been presented, I still believe that thirty bedrooms are too many.

Mr. Taylor: I will resume the Chair.

Mr. Chamberlist: I will move at this time that section 61 (1) the words thirty bedrooms be altered to read twenty bedrooms.

Mr. Dumas: I'll second that motion.

Mr. Shaw: I haven't said anything in this debate. I would like to first give the reason why this was made into thirty rooms and where it came from. It was the result of recommendations of the Liquor Board that went around the Territory and they went and travelled to all areas of the Territory and they asked questions on what peopled wanted for liquor and what they thought about this and that and they came back with certain recommendations which they proposed and it was placed before Council for perusal and to act accordingly and in these recommendations were the stipulation that there shall be thirty rooms

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within the limits of the City of Whitehorse and a minimum of twenty rooms outside this particular area. One of the reasons for it were that in so far as about the only business that is controlled by the Government is liquor, that with a licence one obtained certain privileges and that in attaining these privileges there were also certain responsibilities to the public when they were give a public franchise. In the same manner that a railroad gets a franchise, that an airline gets a franchise, where the Government regulates certain matters such as I have outlined. They have certain restrictions, and certain responsibilities that the licenses or franchise holders have in order to carry on this particular business, so as a result in so far as accommodation were ver acute and in fact still are in many areas of the Territory, it was felt and I believe resonably so that if you did have this particular prorogative or franchise or licence then part of the obligations were to provided also accommodations for people, a hotel, a tavern, a cocktail bar usually are associated with a hotel. Since that has gone into being this has worked out in my estimation very well. To make any change at this time, we have to consider that these people that have spent a great deal of money providing the thirty rooms in accordance with the Regulations, then if it said that it doesn't pay or something then these have wiped that out completely. Their investment has been put in there and not served the purpose. There is nothing that seems to be changed around every two or three years. I would submit Mr. Chairman, it ... that twenty rooms is enough. How do we know there is twenty rooms, thirty rooms, or fifty rooms or in fact five rooms. What is the yard stick that we are measuring this by? When we talk about a small man, hasn't got the money. Now what is a small business man. What is a small amount of money? What is a large amount of money? I think that we have to also feel that these hotels that we have that provide this and get the hotels rooms if for example as the Honorable Member from Watson Lake has suggested if it were wide open you could just open a cocktail lounge then what kind of hotel accommodations would you have? There is ... I think there is a little question that a cocktail lounge is a highly profitable business. A hotel is not always a profitable business because you get slack and therefore as was the recommendations of the Liquor Committee which I agree with, one balances the other to a certain extent and when we talk about the travelling public, the travelling public put hundred of thousands of dollars into this very same municipality that we are talking about. Without the travelling public Mr. Chairman, they would be hard put to make a living, many of these people, in fact a great segment of the population. Don't underestimate the travelling public because they contribute probably millions of dollars to this particular municipality. Myself I contribute a thousand or two thousand every year and other Members of this Council. I have to stay in a hotel room. I have to eat in restaurants. That is money that comes into the cash registers of this place in order to enable it to continue, but if you just had a few bars scattered around and no accommodations it would be pretty rough. I will conclude by saying that I do not agree with the motion I think that the present Ordinance as it stands with the amount as outlined is ... has proven very satisfactory since its passage by law. There was another question in respect to tavern and cocktail lounge and I don't know if that has been really decided. Would thirty rooms include just a cocktail licence and you have to put on 15 more for a tavern. I would feel Mr. Chairman that if you have thirty rooms you could have either or both a cocktail lounge licence or a tavern licence overall. To me it really makes very little difference but why get more Regulations if they are not necessary. If a person has thirty rooms, he can put one or two or either one or the other.

Mr. Dumas: It just occurred to me that maybe we have been wasting the

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last couple of hours , since I could build a hotel with 10 bedrooms or no bedrooms put in and apply for a dining room licence to sell liquor until 2:00 in the morning, have entertainment and dancing, so really it doesn't matter at all Mr. Chairman.

Mr. McKinnon: The point that I wanted to make and I have to admit that the Honorable Member from Whitehorse West seems to have brought up an area which none of us had looked into prior to this, but the point that I do want to make is that if this amendment is passed at this moment with no guide to the Administration as to how it is to be enforced, the very danger that I said previous where a person for a minimum investment of a hundred thousand dollars could at least get five different licenses in the Whitehorse Metropolitan area. If this is the type of thing that the Honorable Members want to do by passing of this motion then I'm not in accord with this type of thing.

Mr. Dumas: That is invalid arguing, with respect. You can get a dining room licence without having a room, you can get a restaurant licence without having any rooms, therefore we are down to three licences. The other one is off premises which we may have with the dining room or restaurant anyway as per our discussion so we are really only talking about the two and if a person is going to haul trailers in they can haul in two more trailer units, if it is thirty rooms and we are still only talking about another ten or twenty thousand dollar investment. It's not that valid I think Mr. Chairman.

Mr. Chamberlist: What I'm trying to get over is not the ... not making it so easy to obtain a licence, a liquor licence for a cocktail lounge or a tavern, that there isn't facilities of another nature like room accommodations. I'm not opposed to that. What I'm saying is what is the point of having a hotel with thirty rooms which you can let every room during three months of the year, every room could be let, there is not doubt about it at all, June, July and August 100 percent occupancy, sometimes if you are fortunate enough you get 110 and 120 percent occupancy where people move out, ... you know they check in at ten in the morning, they get maybe 8 or 10 hours sleep and then they want to get up the highway and they take off. You straighten out the rooms and you get more accommodations in there. I'm not talking about that. This time of the year, for instance, I know hotels in town here, with cocktail lounges who have only two or three rooms occupied for five or six days in the week. What you are actually saying is that you are alright as long as you have thirty rooms in the summer time, then you get a cocktail lounge licence, but even if you can't use them in the winter time. This is just bad thinking from a business stand point, it's just not an operative thing. The economics of it are bad. The area that the Honorable Member from Whitehorse West brought up is quite clear as well. There is nothing to stop anybody from having a dining room which in fact is a glorified cocktail lounge, because you are going to have food in there and you can sell as much liquor as you want and you don't have to have the conditions that are required under this section where you need thirty rooms. You can overcome that but why leave cracks that you can get into. Why not have it spelled out. This is the reason that I make the point and I think there is a need to recognize the fact that in the summer time people do make money on their rooms, but nobody can operate successfully a hotel at higher than the 50 or 60 percent occupancy at any time in the winter time.

Mr. Shaw: The statement that the Honorable Member from Whitehorse East just said is part of the crux of the situation. They couldn't operate it so what would it mean. It would mean that you would be pretty short on hotel space for even the summer time. On this

Mr. Shaw cont:

BILL #11

particular issue I would like to reiterate that this was the recommendation that the people of the Liquor Committee which in turn was an opinion of the people of the Yukon. That is where they got their information from, was when they travelled around to every community. Public meetings were held and this was concensus of opinion of the public and this was only three or four years ago. It's fine to come up with midnight moves, that is the greatest area in the world, is this Liquor Ordinance for such things but the people decided this about three or four years ago and in practice it has worked out very well, because we had many fine establishmentsare the Honorable Members finished on my left. I think what we should have when I rise to speak is a couple of muzzles so we could put them on some of the Members. I don't interrupt them when they are discussing. I sit back like a very good boy and listen to it and I tell you it is very hard to listen to it. Anyway, this was a décision of the people of the Yukon, 3 or 4 years ago and the situation has not changed since that time as far as I can see and I'm certain the opinions of the people of the Yukon Territory haven't changed.

Mr. Dumas: Were these points put up to plebiscite? How can you say that these are the opinions of the people of the Yukon. A Committee goes around and discusses it with tavern owners in every area and business men. These are the people? Surely we represent the people. I'm sure that is what we are doing now.

Mr. Shaw: I would like to answer that and that is they went around and asked the people. They took around records of it which were available to all Members of Council on the matters that concerned the people of the Territory and they wanted certain liberalization which was afforded at that time by Ordinances, so you can't have a plebiscite on every when there is seven of us here it takes ... look at the hours you discuss sometimes one particular phrase so obviously you can't go around like this to the public, but generally speaking these were the general ideas which the public wanted and I think that is about as satisfactory a way as you can find out what the people thought about it. If anybody can disput^e that, their mind must be closed.

Mr. Chairman: I have a motion before me. It has been moved by Councillor Chamberlist, seconded by Councillor Dumas that the last two words of section 61 (1) and I assume you refer to Bill No. 11. If that be the case unless I can have a better direction from the Honorable Member, he made the motion, I didn't. If that be the case the motion is out of order because it doesn't state what Bill it refers to. I'm trying to assist the Honorable Member and a little less sarcasm at this time would be appreciated. Now I ask if I have amended your motion in the first instance to include Bill No. 11 be amended to read twenty bedrooms. Is this agreeable with the mover of the motion so we can proceed.

Mr. Chamberlist: I have to agree, it is a wonderful suggestion.

Mr. Chairman: You have heard the motion are you prepared for the question? Are you agreed? Any contrary? I must declare the motion not carried.

MOTION DEFEATED.

MOTION
DEFEATED.

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

MOTION CARRIED.

MOTION
CARRIED.

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

Mr. Taylor: Mr. Speaker, Committee convened at 2:30 p.m. this afternoon to discuss Bills, Sessional Papers and Motions. It was moved by Councillor Chamberlist, seconded by Councillor Dumas that the last two words of section 61 (1) of Bill No. 11 be amended to read twenty bedrooms. This motion was defeated. I can report progress on Bill No. 11. It was moved by Councillor Shaw, seconded by Councillor Gordon that Mr. Speaker do now resume the Chair and this motion carried.

Mr. Speaker: You've heard the report from the Chairman of Committees are we agreed? What are the indications of the agenda for tomorrow.

Mr. Taylor: It would appear that we are still dealing with Bills, Sessional Papers and Motions for tomorrow.

Mr. Speaker: Are there any further additions to the agenda for tomorrow? Is there any further business.

Mr. Shaw: I would move that we now call it 5:00.

Mr. Speaker: It has been regularly moved that we call it 5:00. Are we agreed? The House now stands adjourned until 10:00 a.m. tomorrow morning.

ADJOURNED.

ADJOURNED.