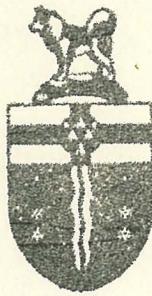


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YUKON TERRITORIAL COUNCIL

FOURTH SESSION 1968

Votes and Proceedings

VOLUME 2

Mr. Speaker read the daily prayer and Council was called to order. Except for Councillor McKinnon, all Councillors and Mr. Legal Adviser were present.

Mr. Speaker: I will call Council to order. A message from the Honourable Member for Whitehorse North that he regrets that he will not be able to attend this morning due an ankle injury which may possibly incur a visit to the hospital. I hereby table Sessional Papers No. 49, 50 & 51. Are there any reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. Dumas: Mr. Speaker, I'd like to give Notice of Motion regarding Sessional Paper No. 50.

SESSIONAL
PAPER # 50

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

Mr. Chamberlist: Mr. Speaker, I'd like to give Notice of Motion for the production of documents known as the Yukon Territorial Vehicle Regulations.

MOTION #1

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers? Passing to Orders of the Day. Motion #12, moved by the Honourable Member for Whitehorse West and seconded by the Honourable Member for Whitehorse East that Sessional Paper No. 45 be moved into Committee. Are you agreed? I will declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: Motion No. 13, moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Watson Lake that an emergency debate be held to discuss Premier Bennett's announcement regarding the extension of B.C.'s boundaries to include the Yukon. Would the Honourable Member be prepared to discuss this question at this time?

MOTION #13

Mr. Taylor: Mr. Speaker, I would move that Motion 13 be referred to Committee as a Whole for discussion.

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

Mr. Speaker: It was moved by the Honourable Member for Watson Lake and seconded by the Honourable Member for Whitehorse East that Motion 13 be moved into Committee of the Whole for discussion. Is the House prepared for the question? Are we agreed? I will declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I wonder, Mr. Clerk if you could ascertain whether the Commissioner will be available for the question period this morning?

Mr. Clerk: Yes.

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

RECESS

Mr. Speaker: I'll now call Council to order. May we now proceed with the question period?

Mr. Chamberlist: Mr. Speaker, I have a series of written questions with reference to the same subject matter. Question 1, in the Administration what is the Board of Adjudication? Two, what are the names of the persons who form the Board of Adjudication? Three, under the provisions or regulations of what Ordinance does this Board exist? Thank you Mr. Speaker.

Mr. Taylor: Mr. Speaker I have a written question this morning. Question No.1, how much Territorial capital is currently invested in banks and interest gaining institutions? Two, how much of this capital is invested in each of the local banking concerns and at what interest rate? Three, what is the general investment policy in respect of such loan investment?

Mr. Speaker: Do we have any further questions?

Mr. Taylor: I wonder Mr. Speaker...I have a question for Mr. Commissioner this morning and I'm wondering if he has anything to report on the forthcoming conference on Canada's Constitution in Ottawa?

Mr. Commissioner: Mr. Speaker, I have nothing further on this.

Mr. Speaker: Are there any further questions?

Mr. Chamberlist: Mr. Speaker, I wonder if Mr. Commissioner can say when the answers to questions No. 25 and 26, the method of purchasing artefacts will be forthcoming?

Mr. Commissioner: Mr. Speaker, they will be coming forth as quickly as possible. I'm afraid I can't name a day certain on this.

Mr. Speaker: Are there any further questions? If there are no further questions may we pass to Public Bills and Orders?

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

Mr. Chamberlist: I will 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 into 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 Lake will please take the Chair in Committee.

MOTION
CARRIED

MOTION CARRIED

MOTION #13

Mr. Chairman: The first item of consideration this morning, gentlemen, is the Motion No. 13, moved by Councillor Dumas and seconded by Councillor Taylor that an emergency debate be held to discuss Premier Bennett's announcement regarding B.C.'s extension to include the Yukon.

Mr. Dumas: Yes, Mr. Chairman, for the record I'd like to read the news release as put out by C.B.C., yesterday's date: Premier Bennett wants the boundaries of B.C. extended northward and he's going to say so at the Constitutional Conference at Ottawa next month. Mr. Bennett had a surprise comment on the matter this morning in Victoria during a meeting in his office with the Governor General, who is visiting B.C. The Premier said B.C.'s brief to the Ottawa conference would suggest extending B.C.'s boundaries to the North to take in the Yukon and the McKenzie River basin in the Northwest Territories. He said he would like to see B.C. extended right to the Arctic. Mr. Bennett did not reply to newsman questioning as to whether he had made any formal

presentation to the Yukon or the Northwest Territories. He noted however, that Quebec and Ontario already have boundaries already extending to the Arctic Circle." Mr. Chairman, I suggest that the Premier of British Columbia is a fine old gentleman who has served his Province and his country well. Now he's in his "twilight years" and I'm sure he would like to make a final last gesture on behalf of the people of his Province. We must give him the respect that is his due, we must listen to him as he is the leader of one of the biggest Provinces in Canada. However, we must also realize that a man of his age and with so many fine years of service behind him sometimes tends to wonder in his political thinking, and this has happened before in our country. He realizes that he leads a rather faltering government in his Province, a government that the polls show and all indications show is in real trouble politically, that in fact, may not survive the next election. Something dynamic must be done and the aged Premier is still searching for the type of dynamic action and ideas that he's been noted for. Instead of coming up with something new, has reached into the "old oaken bucket" and come up with something that he first proposed in 1957. I suggest that his originality has left him. It's another case of somebody from the "great outside" in this country wanting to ravish the North country. He wants our land, Ottawa wants our resources, and Edmonton wants our history. They intend to leave us ravished and naked, but I suggest that this won't happen, I suggest that it's highly unlikely at any rate. We Yukoners, though there's only 18,000 of us, are prepared to stand our ground against the "great white fathers" in Ottawa against the dynamic Premier of B.C. and against the rather dishonest Edmonton Exhibition Association and City of Edmonton. We are not prepared to just lay over and play dead and say here, "take our country, take our land, take our history, you can have it fellows because you're big and we're small." We here, in Council, must lead the way, we must show them in no uncertain terms that we are prepared to fight with words, we are prepared to fight by use of the constitutional practices that are within our power and if necessary we are prepared to man the barricades. But let's be reasonable about this thing, let's not press the panic button, maybe the Premier of B.C. has some realistic sound proposal that he would like to present. We've argued in the past for discussion, for talks with Ottawa, no harm could come from talking or hearing the Premier of B.C. talk, heaven knows he loves to talk, so let's give him his chance if he wishes to. Let's hear him out, let's show him the respect due a senior statesman in our country.

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

Councillor Chamberlist takes the Chair.

Mr. Taylor: Well, Mr. Chairman, as seconder of the Motion, I feel that this is a matter of great import at this time to the people of the Territory. This proposal comes as certainly no surprise to the people of the Yukon who once before had heard a proposal from Mr. Bennett to annex the Yukon, so to speak. He never was specific to my knowledge to what he...to what his proposals really were, but no doubt knowing Premier Bennett it must have done the Province of British Columbia some good and must have applied the lever to gain something else. The proposal as I stated, for British Columbia to annex the Yukon comes as no surprise. Yesterday I was asked by the news media from Victoria what I thought the reaction of the people of the Yukon to such a proposal would be, they asked if I thought the people would be very concerned. And really and truly, Mr. Chairman, I don't think that at this point in time the public of the Yukon Territory are as concerned as they would be humored as an initial reaction. Because as I have stated they have heard this before. The interesting part of this proposal at this time is that I don't think that Bennett,

being a very flamboyant Premier, with very good advisers, I don't think he was ever more serious than he is at this moment. Mr. Bennett is building railroads, building and extending the P.G.E. to Fort Nelson, he's wheeling and dealing with Ottawa and no doubt he will be prepared to go to the Constitutional Conference in Ottawa and do some heavy bargaining with this possibility in mind. The Federal Government on the other hand has certainly constantly reminded us of the value and import they play on our resources and there should be no doubt in anyone's mind here in Council that this is exactly what Mr. Bennett wants. He's not too interested in you and me but he's very, very interested in the resources and the future exciting development of these resources in the Yukon Territory and this is what he wants and Mr. Bennett is quite prepared, I'm sure, to put up quite a battle for them. It is interesting to note that British Columbia is not quite a hundred years old as a full Province, as a partial-Province, I believe it is but the full boundaries as we now know them in the Province of British Columbia were established in the year 1866 and at that time it is a matter of note, they had a population of 32,000 people. British Columbia joined as a sixth Province of Confederation of the Dominion of Canada in 1871 with a total population of 36,247 and ever since that date British Columbia has never looked back. The Yukon, on the other hand, not too far behind British Columbia in terms of organization, was formed as a Judicial District in the year 1897 and became a Territory with a provisional Government in 1898, seventy-one years ago which was really the birth date of this Legislative Council. I don't know whether we might say that we can follow Mr. Bennett's lead by saying that we have never looked back. We've made a few staggering gains forward but it would seem to me that the Federal authority has restricted us to the point where we haven't gone too far. Now, we look at the business of the Constitutional Conference, we are told in this press release that Mr. Bennett, when asked by newsmen as to whether or not he had consulted the governments of the Yukon or, indeed, the Northwest Territories, he had not made any formal presentation and would be raising this matter at the Constitutional Conference. It only goes to serve more clearly and to show more clearly that the Yukon Territory must participate not as part of a Federal delegation in Ottawa and not just as observers in Ottawa, but as the Yukon Territory. In light and amplified more so by the proposal of the Premier of British Columbia to discuss the Yukon in this conference, the Yukon must sit as a delegation of its own at this Constitutional Conference. If our future is to be discussed either in jest or in seriousness we have got to be at that table and we have got to have the latitude and full freedom of full discussion and debate on matters which concern the people of the Territory, for whom we represent. To get back to the proposal of Mr. Bennett's, that he annex the Yukon Territory, I wonder what benefits would accrue to the Territory and what are some of the so called non-benefits that would accrue to the Territory. Mr. Bennett runs a funny kind of government. For instance we could view the fact that power rates would go to five cents a kilowatt flat across the Territory, as they do in a few communities in Northern British Columbia, such as Atlin, Telegraph Creek and so forth, where government power is provided. We could look for a Home-owner's grant but I think if you look at the Home-owners' grant you find that he's taking a little more out of one pocket and he's handing it back to you and you think he's a real good fellow for it. Of course we would inherit his 5% sales tax, I'm sure the people of the Yukon would surely want to look at this one before they did anything. Your liquor would cost you a dollar a bottle cheaper as it does down in Atlin and I think people would go for that, that would be alright. You'd find a more realistic and ideal land policy in the purchase and development of land, you'd find better mining legislation than is presently available in the Territory, you might have a little

MOTION #13

trouble with roads. I think if you were to vote Social Credit you might get a road but if you vote anything else, there's very little chance you would get anything but minimal maintenance money and for your roads as evidence, your Atlin road, by the Cassiar road and most roads in the north immediately appertinant to the Yukon Territory. So I don't really know the benefits or all the benefits and all the non-benefits to the people of the Yukon of such a proposal. It is often said in Northern British Columbia that Mr. Bennett was virtually unknown in that area, that is the area north of Stewart, including Atlin, Telegraph Creek and the land that B.C. forgot. However, we have a proposal, we extended this proposal at the last occasion that Mr. Bennett raised this question and that is that we annex, instead, that we annex a portion of the Northern part of British Columbia. That is on a line drawn somewhere south of Stewart, British Columbia. Now we see here a beautiful counter-proposal because when you think about it, it would give us all manner of benefits. It would give us the benefit of the exciting resource development in this area, in oil, in heavy metal production, in water-power use and in forest products. Not to mention the fact, that we would gain a seaport, a seaport at Stewart, from which we could export to the world products of the Yukon. It would be clearly understood, Mr. Chairman, that we, here in the Yukon, not Ottawa under this proposal, would administrate those resources. That is to say, all the resources which lie between the 55th and the 60th parallel. These would be under our control in the Territory and would give us a golden opportunity to start shaping this Territory into what we foresee it will come to. To develop roads and to further develop the resources of the Territory, it would also give us an opportunity to show Ottawa conclusively that we are capable, not only at the legislative level but of controlling intelligently these resources. We would certainly, by this proposal, gain two railheads to the south. One at Dawson Creek and the other at Fort St. John and, indeed, if Mr. Bennett continues to build the P.G.E. to Fort Nelson we would have the railhead that much closer. All these would be part of the Yukon Territory. We would be able to proceed with the Skagway road, we could build that road right to the Alaska boundary and meet the Alaskans at the boundary. Certainly the Alaskans are coming this way. We could consider another road access, oft spoken of, through the Community of Atlin, which would then be Atlin, Yukon and down to link the Communities of Whitehorse and Juneau together on the Taku river. The possibilities are great if we were to annex Northern B.C.. I feel that it is a proposal that should be extended to Mr. Bennett and his cohorts. In conclusion, Mr. Chairman, I feel that it is essential that Mr. Bennett make known his program or make known his seriousness in this matter to this Legislative Council so that we, in conjunction with the Administration and the people of the Yukon can sit down and consider these proposals. Not that we would ever accept them and not that he would ever accept ours but it's a good talking point and I feel that before this debate is concluded that some consideration should be given to inviting Mr. Bennett to come to the Yukon and do something about it. Thank you Mr. Chairman, I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chamberlist: Mr. Chairman, during the last Federal Provincial Conference, I had the honour of being an observer at that conference and commented then and I comment now that Mr. Bennett, the Premier of British Columbia, conducted himself in matters where he was referred to as the "West Coast Clown". He may be having more jokes about this now but I wonder if Mr. Bennett has consulted with some of his colleagues and I'm sure the Reverend Phil Gaglardi would remind him of one of the commandments, "Thous shalt not covet thy neighbors house". Obviously if this would have been done, he may have taken the thought into mind as to what he was saying was something that should not have been said. He has had, over the years, many anchluss', as we refer to in the German language where

in Europe one country after another tries to annex a smaller area, smaller in population and perhaps smaller in power. But before the turmoil and clamour of politicians who have lost or are about to lose the confidence of the people stands the party leader who thinks it is most effective to say anything which can capture the attention and hold it momentarily before the chance passes. Obviously Mr. Bennett has taken this into consideration. This power holding man has now asked for a half a million square miles be added to what he thinks is his own personal domain and he may at any time wish to extend his borders north to the North Pole and south to the South Pole. I, myself, feel that what he is attempting to do is to just create a little bit more publicity for himself, to put it in the words of the Honourable Member from Whitehorse West, while his "twi-light years" in the political forum is quickly disappearing. I would say to him this, "Mr. Bennett do not meddle, we're not interested in your laissez-aller" and I'll transfer that into plain english, mind your own business about the doctrine of our liberty.

Mr. Chairman: Anything further, Councillor Livesey.

Mr. Livesey: Well Mr. Chairman, I take great enjoyment in entering into this debate 'cause I feel that we should be shocked as citizens of the Yukon that our friend and neighbor to the south would first elect to tell the public that he wants to take over our property before he wants to negotiate or discuss or argue or even bring to our attention in friendly discussion any question at all related to our feelings or the feelings of the old-timers, the pioneers of the Yukon and the North. He doesn't want to talk to us at all. He broadcast this to all of Canada and this is our notification from the Premier of one of the largest and most prosperous Provinces in Canada. I say again I think that this should be a shock to all of us. A familiar approach, I thought, outside of Canada but I never thought I would see it inside. What it seems to me to be, on behalf of the aspirations of the Premier of British Columbia, is that he feels now that what we've been telling him all along and telling the rest of Canada that we have resources here, we have a bank account in the ground upon which in the future we can create a Province, a place where the people of the Yukon will be able to have their own government and look after their own affairs and elect their own government to take care of those affairs, he now has the idea that he is going to take it before this happens. This is another bad aspect. I don't think that any Premier of any Province in Canada should take this approach to his neighbor, especially a friendly neighbor like the Yukon Territory. I've often wondered how much British Columbia does for the Yukon. What does Mr. Bennett's government do for the Yukon Territory. But it isn't hard to visualize what the Yukon does for Mr. Bennett. All our resources that are leaving the Yukon today finally wind up in Vancouver. The trade between the Yukon and Vancouver, British Columbia, Victoria and other areas is more than evident. He knows that the Yukon is contributing to the economy and the economic affairs of the whole of his Province but where is his contribution to the economic affairs of the Yukon, personally I don't see it. I think he has his eyes on what we've got such as oil, copper, silver, lead, zinc, gold and other raw materials and no doubt the Bay discovery in Alaska has jarred his sensibilities to the effect that he now realizes that there's a possibility of an oil resource in northern Yukon and he'd like to get a hold of this too. You can't blame a man with a business head and business background for wanting to gain as much as possible especially for his Province, I suppose, in his case. But now we seem to have a double problem on our hands, the question of where does the exploitation come from, is it going to come from the Federal Government or is it going to come from Premier Bennett of British Columbia? In the North, as the

Premier knows, especially in the Yukon Territory, and especially as it may concern this wholly elected Council, we have been working for well over a decade towards better Government for the Yukon. We've been working towards economy, working towards a position with the Federal Government whereby the people of the Yukon may have something to say about the direction in which those affairs may go. And from every corner and every turn we have seen walls created, blocks put in our path arguments, discussions, long drawn out procedures and long tales of woe about how long this is going to take. We're still here and we're still working for it and a good many of us believe in it. We don't believe in annexations of any type. What we do believe in is self government. Any annexation to the Province of British Columbia would defeat this purpose. Probably a good many people may feel that the Premier of British Columbia is really putting out a "feeler" and try to find out just what he can do or what he cannot do but unfortunately this is not the case. The Premier probably well knows that he has the law on his side. A very old archaic piece of legislation, almost as bad as the Yukon Act and other Acts that have gone before in Parliament which place the people in the Yukon Territory in the position they find themselves in today. The piece of legislation I refer to is Mr. Chairman, an Act enacted on the 29th of June, 1871, cited as 34 - 35 Victoria where in Section 3 it reads, "Alteration of limits of Provinces. The Parliament of Canada may from time to time with the consent of the legislature of any Province of the said Dominion increase, deminish or otherwise alter the limits of such Province upon such terms and conditions as may be agreed to by the said legislature and may with the like consent make provisions respecting the effect and operation of any such increase or diminution or alteration of Territory in relation to any Province effected thereby". So here you have a piece of legislation so old fashioned in concept, so derelict, so far back-in-the-woods that you couldn't possibly get the people of today, especially the flower element, ever thinking of this sort of thing as being something that we can accept and something for which we can consider to be of importance. This is the sort of thing the whole problem is related to this kind of thing. Old fashioned legislation so far in the back-woods it's pretty hard to find it after digging through the moss. It goes onto Section 4, "Parliament of Canada may legislate for any Territory, not included in a Province. The Parliament in Canada may from time to time may make provision for the Administration, peace order. and good government for any Territory not for the time being included in any Province." This is the basis for the Yukon Act and as I have said before despite the legislation I fail to see the peace or the order or the good government. I haven't seen anyone of these things. Now Mr. Bennett wants to come along and says, "well I'm your new Messiah, you just listen to me". I don't feel that is Mr. Bennett's proposal on the surface anything at all to consider. Perhaps if we approach Mr. Bennett and ask him what he is going to bring to the Yukon, which is better than what we have today or better than what we are trying to obtain then that is a different matter entirely and I hope as Yukoners we don't forget his first approach, which seemed to me was sort of a bribe, rather than a proposition. I believe he offered us the last time that he was going to fix up the Alaska Highway or that he was going to put blacktop on the Alaska Highway. This was one of his propositions. Well I don't think it's a proposition at all. However I do think that if he had anything to offer before he goes to Ottawa and says he's going to propose that he extend his boundaries that he at least come to the people of the Yukon Territory and tell us precisely what he has to offer to us so that if we have the choice, we can make a proper choice and I think this is about the only thing he can do. Now let us

look at the size of the ground that he wants to take over. As we all know, we have in the Yukon, 207,076 square miles and I believe in British Columbia he already has 366,000 square miles. In British Columbia ~~89~~ by joining these two areas together he hopes to have a half a million square miles of Territory. While Mr. Bennett was at the last Dominion **Provincial Conference on Constitutional questions**, I well remember his discussions for this conference whereby he extolled his great benevolence to the Province of Quebec and also to the Province of Newfoundland.

Joey Smallwood of course felt that this was a great privilege on behalf of Mr. Bennett and that it was expected of him. But this wasn't Mr. Bennett's point of view. He felt that he was extending himself to other Provinces in Canada by providing more taxation for the share of Quebec and Newfoundland than other Provinces were so doing and this no doubt may have been true. So this would be another aspect of any proposition which may come through from Mr. Bennett. Just what is he going to offer to us? I don't know and I don't know anyone in the Yukon that does know of this point, Mr. Chairman. I don't think we know at all what he has to offer and I think his first proposition should be to let us know just what this offer is going to be. Thank you Mr. Chairmna.

Mr. Chairman: I think at this time I'll declare a brief recess to facilitate the stenographic changes.

RECESS

Wednesday, November 27, 1968

11:00 o'clock a.m.

Mr. Chairman: I will call Committee back to order at this time. Is there anything further on Motion No. 13?

MOTION
NO. 13

Mr. Shaw: Mr. Chairman, I think I'm going to take a different tact on this particular subject. I think that is necessary because we must have rational thinking in something like this. Now this has been termed annexation and another German word 'anchluss'. I would feel this can also be considered as amalgamation, we are all Canadians, we are not in a different country. I have been a British Columbian and I have been a Yukoner and I have been an Ontarioan, or whatever they call the people that live in Ontario, and I have never thought of it as being a regional resident, rather I have thought of it as being a Canadian resident. Now Mr. Bennett, through his government has made an announcement of extending the B.C. boundary. I think all politicians are aware that before anything comes about a pronouncement has to be made and a more dramatic, and Mr. Bennett certainly is dramatic at times, the more dramatic the announcement might be, the better results that you might get out of it. Certainly you will get the publicity. So first off, I look at it, Mr. Chairman, that we are all Canadians and we must look at it as to what the benefits would be to us, namely the people of the Yukon Territory. Firstly, I'm somewhat selfish in that respect, and then the benefits that might accrue to the country as a whole. Now in this, what I have to say Mr. Chairman, as I have pointed out, that we must look at the advantages, we must look at the disadvantages. The balloon - tri balloon has gone up and we go up from there. We do not know at the present moment what Mr. Bennett has to offer, he may have nothing, in which case, as far as I am concerned, there will be nothing to accept. On the other hand, he may have a proposition that would be a tremendous benefit to the people of the Yukon, to the people of Canada. I would not be ashamed to be called a resident of British Columbia, or a resident of the Yukon Territory, or a resident of Manitoba, I would feel that what we should do is to get the utmost out of our resources whatever region of Canada we belong to, to have the best type of life, that is the most important thing. Now we have to consider what we would get in one full measure of, that would be a form of democratic government. To offer British Columbia, or to ask British Columbia for a part of their territory, to bring that back into colonialism that we have here, I don't think is a very good offer in that respect, so looking at it at a rational point of view, the Government of British Columbia have shown through the past number of years what can be done with a province. It has been mentioned at this table, Mr. Bennett has been called a clown, and I have heard, Mr. Chairman, if we go back further east, that Mr. Smallwood has been called very similar names, but if you look at the results of these extremities in the areas of Canada, you will see that the people of Newfoundland are so much better off than they were twenty years ago, there is absolutely no comparison. You go to the extreme west and you find one of the most progressive and prosperous provinces, one of the few provinces that can pay their own way, the province of British Columbia. These are all things to be taken into consideration, all things that must be rationalized as to whether it's advantageous to the people of the Yukon or not. As far as has been suggested, if there were an amalgamation, and I call it such, we would be left out in the cold, like the Town of Atlin, Telegraph Creek. Then it would appear to me that in

MOTION
NO. 13

Mr. Shaw continues:

any discussion, the Yukon Territory would need to be assured that they wouldn't be left out by possibly having, for all times, representation of ten members on the legislative house. That would be one way of assuring that the Yukon Territory got its fair share, so it's dependent on what an agreement contains. The Premier of British Columbia has offered to blacktop the Alaska Highway, that in itself would turn the present trickle of tourism into a flood of tourists, and I don't think anybody could disagree with that. He has also offered, this offer apparently still stands, to restore the history of this country in Dawson City in a large manner as he has done Barkerville, that's another consideration. The Province of British Columbia have good mining laws, they have good game laws and conservation of game, they have many things, and as has been mentioned, they also have sales tax. Now, Mr. Chairman, while we are talking on this sales tax, this particular item, if you will recollect just a few months ago there was a group of accountants, or whatever you call them - consultants, they came up with certain recommendations in respect to taxation in the Yukon Territory and among these recommendations were that the people of the Yukon Territory should be taxed more, that they are not carrying their fair share of taxation. Now I think that is a fact. A year ago we had a direct confrontation, you might call it that way, with the Federal Government in respect to the matter of the Council sanctioning further taxation in the Yukon. We resisted this proposal for as long as we could, and then as you are aware, we had to buckle down and impose this further increase in taxation to get the required assistance from Ottawa. I think I may be a somewhat pragmatic individual, Mr. Chairman, but I recollect just a few short years ago, when the Government of British Columbia decided to enter into this Columbia River project. They were resisted by the Federal Government, and just about anybody else that thought they could resist it, however, they went ahead and they said, 'we are going to do it' and they did it, and not only that, Mr. Chairman, they proceeded with a mammoth project of this Peace River Dam, two of them that couldn't be done all at the same time, and now we see the advantages that will accrue to the people of British Columbia, and also the people of Canada as a result of this far seeing program. We have in this Yukon Territory, as we all are aware, tremendous potential resources, but, Mr. Chairman, unless those resources are developed we have nothing, and to develop these requires a great deal of capital, it requires communications and various, sundries and other things in relation to it. I am sure that if we were part of the Province of British Columbia that Edmonton would never get away with what they are getting away with right now, NEVER. So in assessing this situation I do not look at it, Mr. Chairman, in any point of supporting, I might say, any political party, be it Social Credit, Conservatives or Liberals, or whatever you want to call it, it's not that. I'm looking at what might happen, or what could happen, if there was an amalgamation on terms, and I say on terms, that would benefit the people of the Yukon Territory. We have a system of government, Mr. Chairman, that is controlled from Ottawa. I think when you have a control that distance away, with the inefficient operation, and in my estimation, governments generally speaking, are pretty inefficient, and in many instances indifferent to their Regulations and so on, that this, amongst any other benefits or any other deal that may be entered into, we in one swoop could rid ourselves of the shackles of colonialism, by having the representation from this Territory as I have

Mr. Shaw continues:
outlined. It's quite serious, it isn't when you have the representation, Mr. Chairman, you have your say, so in order to put this on a rational plane, or rational thinking, let's put it that way, apart from the emotional aspect, taking into consideration we are all Canadians, and all one country, this should be entered into with an open mind - I say open mind because I can't say, maybe, for example, if all we got out of this was a highway and a restoration of a historic site, I'd say, "I'm sorry Buster, we can't make a deal, it's just out of the question, we have no protection we have nothing". It would be, in fact, a take-over, but when two parties can get together and mutually benefit from an agreement, I think it's well worth considering. So that is my attitude in respect of this, Mr. Chairman, and I'm very pleased to give my view point.

Mrs. Gordon: I have before me a map of the western part of Canada, it's in the area with which I am very familiar. 60% of my lifetime, all my adulthood has been spent in the Yukon Territory. I grew up in this northern area, north of the 55th parallel, and I am very familiar with their problem, past, present and from the looks of things, future. The people in northern British Columbia, in most areas, have an affinity to us as Yukoners, as also being a forgotten part of their province, just as we are forgotten by our senior government. This is a condition of long standing, as a child going to school, I listened for many years to the proposal of a railroad outlet for the Peace River Block to the British Columbia coast. The most feasible, inexpensive and best route was from Dawson Creek to Stewart, B.C., which was my home. I see now, after 30 years having left that province, there has been no change in the situation whatever. The extension went through Prince George, north to Dawson Creek and the benefits from it accrued not to the people of British Columbia, where it should have been maintained, but to the people north of the 49th parallel. In my growing years I lived next door to our sister territory, then, of Alaska. Their Federal Government poured money into areas, roads and development where there was nothing, and then there was something. We, in the northern part of Canada, in the Yukon and that area of northern British Columbia, are in the same position, only our Federal Government doesn't believe in the capital expenditure to create a future, they wait until there is something concrete and then build roads and railroads. This is tragic. I think one of the things we could do is take a leaf out of Mr. Bennett's book and use what he has done in British Columbia by borrowing money from other areas to finance these hydro projects and if, in future, we could take over the northern part of British Columbia and join it to Yukon to become far more than what the southern area would be. This borrowing power, he had no problem, is there any reason that we could not interest other areas, and other governments into our potential, it's real and everyone knows it, British Columbia, Mr. Bennett and our Federal Government. We're a plum, believe me. In respect of joining the Province of British Columbia I can only see us being a ten member group, a minority in a possible sixty-five seat legislature. I think one of the things we must remember if there is ever a take-over of any sort, that we will lose our complete identity as people apart, in a word Yukoners. Of this we can be proud and we must not lose it. I think we can go back a long ways in our Canadian history when the dispute over the boundary between Canada and United States held a battle cry. It was 54, 40 or fight. They were prepared to go to arms, we can go to arms in the same way, with words. Thank you.

MOTION
NO. 13
AMENDED

Mr. Chamberlist: Mr. Chairman, without going into the economical policies of the present government of British Columbia, and without discussing any great length the remarks of the Honourable Member from Dawson, I draw the conclusion from what the Honourable Member has said that he may be preparing for political retirement with Mr. Bennett. Now he made reference to Newfoundland and what has happened there, but I would remind the Honourable Member from Dawson that Newfoundland moved from colonial status to provincial status. We would still be wards of state, simply a transfer of guardianship. Mr. Chairman, I feel at this time, and I would like to move that Motion No. 13 be amended by deleting all the words after that, and adding the words, "The Premier of British Columbia be invited to discuss with the Yukon Legislative Council details of the proposed boundary extension of his province so as to include the Yukon and also to discuss the possible extension to the 55th parallel of latitude of the Yukon's southern boundary." Thank you, Mr. Chairman.

Mr. Chairman: Is there a seconder for the Motion?

Mr. Livesey: I will second it, Mr. Chairman.

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, in respect of the amendment I feel this is a very sound proposal, I most certainly support the amendment. I feel that Mr. Bennett has certainly laid this thing on the line as far as the press are concerned, I don't believe he has consulted anybody, Federal Government, I would even be surprised if he's consulted his Provincial Government in this matter, he's merely dropped a hint that he's going to do something. I think that if he's going to do this he's got to come and talk to us about it, discuss it, if he's serious about it, tell us, for instance, how much per capita debt of the Province of British Columbia that we are going to be expected to share, because, indeed, British Columbia has the highest per capital debt of any place in Canada, any province in Canada, and indeed the Premier himself holds the financial portfolio, so he's best equipped to tell us these things, and although he calls it a contingent liability, it's still a per capita debt. If he's serious in these proposals he will lay before the Yukon Legislative Council his proposals for our consideration and discussion. If he does not, then we can only conclude, Mr. Chairman, that he possess no respect whatsoever for the people of the Yukon or their opinions, and he's only engaging in some more of the political in play for which he become so nationally famous. So therefore, I feel we should extend this invitation to the Minister and I would say, Mr. Chairman, pardon me, to the Premier, and I would say to Mr. Bennett, at this point in time, 'put up Mr. Premier or shut up'.

Mr. Dumas: Mr. Chairman, I think the amendment to the Motion is an excellent one. I think we must be prepared to sit down with Mr. Bennett and his advisers, and discuss this so-called proposal, but we must also make it clear to all Yukoners, and to all people, indeed, of the country, that because we're willing to discuss such proposal, doesn't mean that we necessarily think there's any merit in it. It certainly

Mr. Dumas Continues:

MOTION
NO. 13

doesn't mean we are going to sell out for a few pieces of silver, our heritage and our land. It does mean that we would be willing to take over the forgotten country of northern B.C. and do something with it because there's been a lot more done in the Yukon in recent years than has been done in that part of northern B.C. I must comment on the remarks of the Honourable Member from Dawson, just to this extent, if he thinks we've been getting a bad shake from the government in Ottawa, I suggest what the Victoria carpetbaggers would do to us, if we were to give them our Territory, would put us in a far worse position than where we now stand.

Mr. Taylor: At this time, I will resume the Chair.

Mr. Taylor resumes Chair.

Mr. Livesey: Mr. Chairman, if there is going to be any discussion of a proposal from the Premier of British Columbia it seems to me that this man's duty is not to tell Canada that he's going to take over the Yukon, but to talk to the people of the Territory and tell us what's it's all about, what he has on his mind, tell us in short terms, if he will, precisely what he has got to offer. This is about his only opportunity. I think he has to do this to vindicate himself from the position in which he has already put himself by telling everyone else about it, but not telling us. It seems to me that the Premier of British Columbia has stepped on to a platform which looks a little shaky at the moment, and I would suggest both to him and his government in British Columbia that the people of the Yukon would prefer to be treated in a different manner, if we are going to talk business, or talk any proposition over at all. I feel this is the correct way of proposing the proposition as far as the Premier is concerned for the simple reason he will be invited to lay his ideas on the line, instead of just talking in generalities. Let him put these things down in numbers, and by doing so, we commit ourselves to absolutely nothing, and I think there's a very good reason why we shouldn't at this time commit ourselves to anything, and the reason is, of course, that we are working for our own form of government, we are working for a more responsible form of government, and we are trying to lay the foundation for a province, the eleventh province in Canada, and I don't see why any Premier of Canada could be sort of a dog in the manger, and not want to allow others to do that which they have done themselves, or their predecessors have done for them. Now in the case of British Columbia, when British Columbia became a province in 1871, I believe they had a population of around 35,000 people, 25,000 of whom were Indian people, and 10,000 white. I believe their grant at the time was \$214,000.00 from the Federal Government, now from that stage they built and developed a province. These offers are not being made to us today, there's no question about that, no offers at all, because they say, the powers that be now tell us when we want to become an atomistbody, that those things are gone, that situation doesn't exist. What they forget is that the minds of the people have advanced in time, the same as anything else, and if the people for instance, in Lower Canada in 1839 had the power over their own taxes, surely the people in the Yukon Territory in 1968 should have that power also. I feel why we have been working along these lines towards more atomist government is that we have been on the right track, absolutely on the right track, and I feel by inviting the Premier of British Columbia to lay his

MOTION
NO. 13

Mr. Livesey continues:

cards on the table, we will be able to make a meaty comparison and as far as I am concerned, even before we start thinking about it I firmly believe that the choice we'll make even if we do discuss it, is that we are going to move for a more responsible government in the north with the eventual possibility of establishing the eleventh province in Canada. Thank you, Mr. Chairman.

Mr. Shaw: Mr. Chairman, by the remarks that have passed, it appears I am looked upon as a decendent, or something to that effect. All I had been trying to do, Mr. Chairman, was to point out some of the facts, you have to accept the facts. If you are a Yukoner, and you haven't anything to eat, what do you get out of that! If you want to get a piece of land, how do you get a piece of land! I mean, I'm just trying to rationalize on this, I didn't say, I was going to say, 'well, Mr. Bennett come up here, we'd be glad to have you and you can take over the whole works, we'll give you 50¢'. That is not the idea and I hope I didn't infer that. I didn't infer anything except to keep an open mind, and not to look on it as an annexation, but look on it, if anything any way you look on it is an amalgamation of Canadians, not as a bunch of foreigners. We speak the same language and it's a case, Mr. Chairman, of finding out what deal you can get, but don't close your eyes to facts, look at the facts, and propose the facts. If you don't get a good deal, you don't do it, it's just as simple as that. I might be very much opposed to the proposition that the Premier of British Columbia may have in relation to the Yukon, in fact, it may be annexation in which I would oppose it, but on the other hand, there may be advantages. I say, keep an open mind and say, 'fine, come on let's see what you have to offer, maybe you got something'. In the meantime when we talk about progressive government, we have stayed stationary for 70 years, we haven't moved any. I have been ten years in this Council Chamber and I can't see any advance whatsoever, and I have had lots of help in this. I've had persons to assist in this that are outstanding people and still we haven't been able to make it, and we may not make it for another 25 years, I don't know, but at the present rate of progress for 70 years I'd say that about the year 2200, we may if you look at it in relation to 70 years where no progress has been made, we have gone to a Financial Advisory Committee, that is the change in 70 years in government, and if I am wrong, I would appreciate it if someone would point it out to me that I omitted seeing that. These things have to be looked at objectively, taking into consideration, Mr. Chairman, in my opinion, we are not foreigners to the people of British Columbia. They are Canadians the same as us; they just happen to live in a different region, the same as what is in Whitehorse and what is in Mayo or what is in Watson Lake. And when we talk about prosperity in the Yukon I certainly don't see any prosperity in the North, this is the only place that I see any prosperity, so certainly some of the people in the North haven't got a great deal to lose in any event. However, this must be looked at objectively and forget the emotional part of it and see what is offered and is it beneficial to the people, and if it isn't, you reject it; if it's good, you accept it, without any bias, or prejudice whatsoever.

Mr. Chairman: Is there anything further on this amendment? MOTION
I have before me a Motion, moved by Councillor Chamberlist, NO. 13
seconded by Councillor Livesey that Motion No. 13 be amended,
by deleting all the words after that, and adding the words,
'That the Premier of British Columbia be invited to discuss
with the Yukon Legislative Council details of the proposed
boundary extension of his province so as to include the
Yukon and also to discuss the possible extension to the 55th
parallel of latitude of the Yukon's southern boundary'.
Are you prepared for the question? Are you agreed? Contrary? I
declare the amendment has carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: Now I would call for question on the Motion,
Motion No. 13. Are you agreed to the Motion? Are there any
contrary? I shall declare that Motion No. 13 is carried in
Committee.

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: At this time I will declare Committee in
recess until 2:00 o'clock this afternoon.

RECESS

RECESS

Wednesday, November 27, 1968.
2:00 o'clock p.m.

Mr. Commissioner not present.

Mr. Chairman: At this time I will call Committee back to order, and the last Sessional Paper that I have noted here is Sessional Paper No. 40. Councillor Chamberlist.

SESSIONAL
PAPER NO.
40

Mr. Chamberlist: Mr. Chairman, I have received a letter delivered by hand as an answer to my earlier question about the R.C.M.P. detachment at Carcross. It would appear to me that, notwithstanding that a reply has been given by the Commissioner, the people of Carcross are still asking, and asking in very, very strong terms that a Member of the R.C.M.P. be sent to Carcross as a permanent detachment. It would appear that the R.C.M.P. have not properly recognized the need for a police constable to be stationed there and I would ask, Mr. Chairman, that the letter that has been forwarded to me be allowed to be entered for discussion because the answer that I have received differs from the contents of this Sessional Paper.

Mr. Chairman: If copies can be presented to all Members, I believe Committee would agree. Would Committee agree to this?

All: Agreed.

Mr. Chamberlist: Could we therefore defer this Sessional Paper to another day so that I can prepare the copies, Mr. Chairman?

All: Agreed.

Mr. Chairman: The next Sessional Paper is Sessional Paper No. 45, and this is Loans on Small Lots. Councillor Dumas.

SESSIONAL
PAPER NO.
45

Mr. Dumas: Yes, there is some misinformation in this Paper, Mr. Chairman, or at least incomplete information. By-law No. 181 of the City of Whitehorse was amended on September 12 of this year to allow for the very lots that I mentioned and referred to, to allow for construction on these lots. What I would like this Committee to do is to give their approval, their spiritual approval at least, to the use of the Yukon Housing Loans for construction in the City of Whitehorse on these lots that are mentioned here. The City of Whitehorse has amended their by-law so that houses can be built on them. CMHC will not loan money for houses to be built on these lots because they are under 4,000 square feet. Therefore, I think Territorial money should be made available under the Low Cost Housing Loan for these people that wish to build within the city boundaries. I'd like to hear from the Committee or get the Committee's approval on this. If we pass this on to the Administration, I feel sure they'll act on it if they know that they have the concurrence of Council.

Mr. McKinnon: Mr. Chairman, as far as I know there is no regulations under the Low Cost Housing Ordinance or Regulations that would prohibit moneys from this fund being used in this manner. Mr. Chairman, all the person who wants to borrow money under the Regulations of the Low Cost Housing Ordinance has to prove that he is eligible for an NHA loan, and as the Member from Whitehorse West has pointed out, these people, because of the size of their lot, are not eligible for a loan under the NHA program.

SESSIONAL
PAPER NO.
45

Mr. Dumas: Mr. Chairman, I'm glad to hear this because it was suggested to me by somebody in the Administration that these loans weren't available to people within the city. Now, this again was apparently misinformation, just as there is misinformation in this Paper.

Mr. Chamberlist: Mr. Chairman, it is quite true that this money is available to people in all areas of the Yukon, but I know that members of the administrative branch who have the power to make these loans available have indicated to various people, to two people I know in particular who have applied for these loans, that they are not eligible because they haven't got the size of lot which is a minimum standard size for the borrowing of these funds, and I think that this should be much more clarified than in the manner this Sessional Paper has placed now before us. I wonder if Mr. Legal Adviser could comment on whether he is aware of the Regulations in regards to making loans on land available which are in lots smaller than that of 50' x 100'.

Mr. Legal Adviser: I can't add any useful comment except to say this, that the over-all consideration in giving a loan, such as the Small Housing Loan, is that the security will be intact and I would consider it a wrong practice for a member of the Administration to sanction a loan for the building of a house on a lot when the building of a house on that lot was contrary to a local by-law. He would be contributing to something which was illegal. If this was the difficulty, then it can be removed by changing the by-law.

Mr. Chamberlist: Mr. Chairman, are we concerned in the loaning of money with by-laws, or are we concerned with the legislation that permits the borrower to borrow funds for that particular purpose? This is what I would be concerned about.

Mr. Legal Adviser: We're concerned with the purpose to which the money will be put and if in handing out money for the building of a house, the building of the house could be prevented by the action of the Inspector of the Municipality by pointing out that he can get a stop-order on the house. It would be a very foolish administrator who would, under those circumstances, give a loan of \$8,000.

Mr. Chairman: Well, in the Sessional Paper the Commissioner has stated if Council agrees, the Administration could look into the matter and discuss it with the City of Whitehorse and the owners of the property concerned. I wonder if it is the wish of Committee that this be done?

All: Agreed.

Mr. Shaw: Mr. Chairman, I was always of the understanding that the Low Cost Housing Loans of the Yukon - I don't recollect the current name for it right at the moment - was set up specifically for use by the public of the Territory where they were unable to acquire CMHC loans. That was my understanding. I am surprised to hear that one Honourable Member say something about it having to be okayed by CMHC or approved under their regulations or statutes. I thought this was an entirely different thing, that the CMHC processed the applications. I believe that was my understanding, that they had no authority to turn down loans because they didn't comply with CMHC regulations. Could I ask the Legal Adviser if I am correct in my assumption, Mr. Chairman?

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: These applications are processed by an administrative officer of the Territorial Government who decides on the evidence before him, the purpose of which the loan is sought, the value of the security, and whether it conforms with the regulations under which he operates, he decides. This isn't a function of CMHC at all.

Mr. Shaw: Yes, Mr. Chairman, that is what I did think was. I'll be more specific perhaps in my question to the Legal Adviser, Mr. Chairman. That would be, what relationship would a Low Cost Housing Loan have to a CMHC in relation to any of the size of the lots, for example?

Mr. McKinnon: I can answer that. This is one field I'd like to assure the Honourable Member from Whitehorse North that I am fully conversant with. In subsection (3) of section - Dawson City. In subsection (3) of section 3 of the Low Cost Housing Regulations, the applicant must give evidence that he is unable to obtain a lot pursuant to the provisions of the National Housing Act 1954. This is it. He goes to the Housing Administrator of the Yukon Territory and says, here, I've tried to get a loan under the CMHC program. They have turned me down. It could be for any reason, because there is no sewer and water; because the lot is not big enough. Anything. The guy says, right, if you meet our credit qualifications and everything else, then you are eligible for a loan under our Territorial Low Cost Housing scheme.

Mr. Shaw: Essentially, that is the way that I felt it was, so why should we have a problem. What is the problem, Mr. Chairman. That is what I don't understand. Why do we have a problem.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: I think with the suggestion that the Chairman made a few minutes ago, we won't have any further problem.

Mr. Chamberlist: Mr. Chairman, with respect, I wonder, as a courtesy to the Honourable Member for Whitehorse North, when he is debating in Committee now that he be allowed to be seated and not jump up because he has an injured foot. I wonder if that would be permissible?

Mr. Shaw: Mr. Chairman, I wonder if the Honourable Member would feel like talking sitting down. I'm certain that I wouldn't, myself. Leave the option to him.

Mr. McKinnon: Oh, I don't think I'll have any problem.

Mr. Chairman: Gentlemen, what is your decision in relation to this Paper? Are you agreed with the suggestion?

All: Agreed.

Mr. Chamberlist: My suggestion, Mr. Chairman?

Mr. Chairman: Is it the Member's wish that he remain seated?

Mr. McKinnon: I'm fully capable of getting up and standing on one leg. I very much thank the consideration of the Honourable Member for Whitehorse East though, Mr. Chairman.

Mr. Chairman: Order, please. This brings us to the end of the Sessional Papers at this point in time. We have several Sessional Papers now remaining in Committee awaiting information or awaiting the finalization of supplementary - or presentation of

supplementary estimates. I wonder if at this time you would care to take a review through the Bills again and see if we can proceed with something over there.

All: Agreed.

BILL NO. 1 Mr. Chairman: Bill No. 1 is the Ordinance to Enable the Commissioner to Obtain the Opinion of the Public by Means of a Plebiscite, and I'm wondering, Mr. Legal Adviser, if Mr. Commissioner as yet has determined the policy in respect of our request.

Mr. Legal Adviser: We have an amendment in the process of being multiplied or photocopied or stencilled.

BILL NO. 2 Mr. Chairman: The next one is Bill No. 2, the Fuel Tax Ordinance.

Mr. Legal Adviser: This amendment has also been prepared and is being multiplied.

BILL NO. 3 Mr. Chairman: The next is No. 3, Historical Sites.

Mr. Legal Adviser: The same with this Bill, Mr. Chairman.

BILL NO. 5 Mr. Chairman: Thank you. Bill No. 4 has not yet been discussed and this awaits the supplementary estimates. Bill No. 5 is the Tourist Establishments Ordinance. I believe there is an amendment being.....

Mr. Legal Adviser: There are a couple of small amendments in this, Mr. Chairman, and I think they are being multiplied. The Honourable Clerk might be able to.... You haven't got it yet? No.

BILL NO. 6 Mr. Chairman: Bill No. 6 is the Mining Safety Ordinance. I believe we have something on that today.

Mr. Legal Adviser: I sent a message to the Deputy Minister of Labour, who I thought would be the best authority in this since the Deputy Minister had in fact been the original author of the request to implement the legislation, and the telex reads as follows: Convention 45 underground work (women) has been ratified by seventy-four countries, among them the United Kingdom, U.S.S.R. - that is Russia - Australia, Belgium, Brazil, France, Italy, the Federal Republic of Germany. I asked him not to put in a telex the complete list of the seventy-four countries, but to give us the major powers who had ratified this, and in specific terms asked him whether Russia had or had not.

Mr. Dumas: Mr. Chairman, I'd like to move that Bill No. 6, An Ordinance to Amend the Mining Safety Ordinance, be passed out of Committee without amendment.

Mr. Chairman: Is there a seconder?

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

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Speaking on the motion, Mr. Chairman, I feel that I will have to bow down to the wisdom of seventy-four countries and will hesitantly approve the section in the Bill relating to the upsurge of chivalry in all these countries.

Mr. Chamberlist: Mr. Chairman, I, notwithstanding the agreement that I have with the Honourable Member from Dawson, in view of the situation as applied to by the seventy-four other countries,

will not support this legislation because the penalty section is a section which I disagree with. I have already expressed myself that I disagree where an individual can be penalized because of the conduct of the corporation where a person who is in a managerial capacity is instructed to do certain things for mining safety and he carries them out, and the corporation disapproves of him spending the money to that effect and does not allow him to continue in the manner that he feels he should put mining safety regulations in; he then is penalized, he is prosecuted; the corporation is not prosecuted. To me it is discriminatory against that man, whose future chances of employment with other companies, having a conviction against him, is not protected and because of that, as always, I support the protection of the individual, and because of that I will not support the legislation as is.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I have a question on that to the Legal Adviser. If, in the event that such an occurrence did happen, and a person was brought to court, an individual, and he informed the court that he was instructed by the corporation that he must do this or that or the other thing, surely that man would not be penalized, would he? I ask that of the Legal Adviser, Mr. Chairman.

Mr. Legal Adviser: Mr. Chairman, in a normal case he would be penalized. Under a normal case he should be penalized. The exceptions in favour of the responsibility or avoiding the responsibility have long ago been abolished in Canada. This is bringing us back to the time when a wife could plead not guilty, and be found not guilty because she had committed a felony in the presence of, but not necessarily under the compulsion of, her husband, or that because a person was able to read or write, he could plead benefit of clergy, or something like this. If a person is guilty of an offence then he is guilty of an offence, and in such a serious case as mining safety, it should be no excuse that by scrim-shanking on money, a mine manager should skimp on the safety of people who are going underground and then plead oh, some absent mining mogul in Toronto said, oh, you needn't have this particular safety device and you'll never be caught.

Mr. Chamberlist: Mr. Chairman, this opens up another field where the individual is placed in the position that if his employer instructs him not to carry out an expenditure of ten thousand dollars this year on safety mining equipment, and he is just a manager and he must act on the instructions, and if he acts on the instructions not to do this, it would appear to me that he should - and something happens - certainly, he should be charged, but so should the corporation who instruct in this, and this relieves the corporation, whereas the corporation does not have to be charged, and this leaves it at the discretion of the Commissioner as to whether he is going to be charged or not. This is a one-sided law.

Mr. Legal Adviser: It is not intended to be one-sided.

Mr. Chamberlist: But this is how it is.

Mr. Legal Adviser: The subsection says when a corporation is guilty of an offence, so before you go anywhere you have got to prove that the corporation is guilty of an offence. In that case, the particular officer, the particular director of the particular agent of a corporation who directed, authorized this, acquiesced in it, is deemed to be equally guilty with the corporation. This is a question of a prop-conspirator, pro-guilty

BILL NO. 6 people. If the corporation is guilty, the agent is guilty, but it is an essential part of this ordinance, in particular, that the mining safety officer should have some person to deal with and say do that or not do it. There is the question like expenditure of ten thousand dollars. No one expects the mine manager to take the money out of his own pocket. If he is not given the money, then he can't spend it, but where it is a question of a particular safety direction, training a mine safety crew or using a certain type of explosive which is dangerous without taking certain precautions, there is a series of things which are very, very dangerous to the lives of the men working underground and if that particular manager says do this; it should be no excuse for him to say I was told to do it.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser is speaking in reverse. If a mine manager knows that he should be doing certain things, he should have the equipment available and he has made representations to his company that these things should be made available and that he is - when something happens - prosecuted because he didn't have it available, and the corporation can only be penalized once it is found guilty. The point is that it should be immediately charged with the person, but there is no provision in here for that. The person, the individual, the manager - a charge can be laid against him, and the corporation isn't charged, so therefore there is no way of finding the corporation guilty. What do you do? Charge the individual first, wait for the outcome, and then decide whether the corporation is to be charged? What kind of justice is that?

Mr. Legal Adviser: The practice is that the corporation is to be charged and charged jointly with the officer.

Mr. Chamberlist: It doesn't show that.

Mr. Legal Adviser: It says where a corporation is guilty of an offence, so the corporation must be guilty. So, you charge the corporation and you also charge the particular officer that you know who actually gave the order, because the corporation does not give orders except through human people. It is idle to charge a corporation. It is a spirit. You can get some satisfaction if you can hold the director, who actually gave the instruction, and hold him responsible equally with the corporation.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Yes, well, one thing I think you are going to agree with, Mr. Chairman, and that is that I am going to be consistent. I thought this Ordinance was for the Yukon Territory, and if seventy-three other countries don't like what we propose to have in our Ordinance or do like it, why in some instances that may be okay if it is federal legislation, but surely this is Territorial legislation we're talking about. I feel I'm correct in that manner, and on the principle of discrimination against an adult, I say that no legislation should discriminate against adults. I can see where legislation should protect juveniles from doing something that they otherwise probably would do to their own detriment, and I can certainly see where children shouldn't work down a mine. I mean, in Europe we know years ago that children were exploited beyond belief. In fact, treated in some instances worse than cattle and horses in the mining industry, but here where there is no force applied that anyone must work down a mine, well, I don't see any reason why we should restrict it. I think it is an insult to the intelligence of people that they have to be told they can't work down a mine. I think it should be left up to them whether they do or they do not, and under those circumstances I will

follow my conscience and vote against anything which discriminates an adult - discriminates against an adult. BILL NO. 6

Mr. Chairman: Well, I have before me a motion. Are you ready for the Question?

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: I wonder if we could return to Bill No. 3. We have an amendment for your consideration.

BILL NO. 3

Mr. Dumas: Mr. Chairman, could I ask that the Commissioner be here for this.

Mr. Chairman: Mr. Clerk, would you see if the Commissioner would be available at this time, and I will declare a brief recess.

RECESS

RECESS

Mr. Commissioner enters Council Chambers.

Mr. Chairman: I will call Committee to order, and we are discussing Bill No. 3, the proposed amendment, which I shall read. (Reads amended section 4(1).)

Mr. Dumas: Mr. Chairman, I'd like the Commissioner to tell me how our amendment which we suggested read, a board to be called the Historic Sites and Monuments Board of the Yukon Territory is hereby established, consisting of seven members, to be appointed by the Commissioner, on the recommendation of the Council, was changed to read ten members?

Mr. Commissioner: Well, Mr. Chairman, I am not aware of the particular requirements or the particular request that was made for it to be changed, you know, as outlined by the Councillor. The matter came to me and it was my understanding that Council did not feel that they wished to see the appointments to this Board as being the entire prerogative of the Administration. This was my understanding. Now, if I have this wrong, why this was my understanding of the way Council was speaking about this. This came for consideration to me and I felt that this might possibly be a compromise which has got a lot of practical application, that there would be ten members on this Board; that seven of these people would be the nominees of the Councillors, and that they would automatically represent the areas of the Territory to give us the geographical concept that I think is very necessary when we are going to talk about historic sites. Now, the historic sites of the Territory are not all located in any one particular area. They are located throughout the Territory, and the method of giving this geographical representation would be the delineation of the electoral districts, which I think covers geographically the Territory very well. Now, the question arises at this point as to the qualification of many of the people that sit on these particular boards. It is inconceivable to me that on all occasions are we going to find ourselves with seven people who happen by virtue of the particular areas of the Territory,

to be knowledgeable in all facets of such things as historic sites, and it would appear to me that if we have seven of them appointed on this basis, that the opportunity or the option of appointing three others who conceivably may have particular talents along these lines and which would not cut into the Councillors' ability to have their representations geographically located, would be a highly desirable and practical situation in this area. Now, the Historic Sites Board in itself is not an

BILL NO. 3 administrative-type body. It is a body that is going to make recommendations which ultimately are going to wind up in budgetary requirements. There is no recommendation that anybody ever made yet that didn't call for the spending of money, and I think that we are duty-bound to get the very best possible advice available for Council and the Budget Programming Committee when they are called upon to spend money in these matters, and from a practical and a potential point of view of having these people who may be peculiarly knowledgeable in matters that pertain to historic sites I think that the option of putting three people on here that would not necessarily be represented by a geographical area of the Territory has not a very highly practical application. There are no hidden mysteries about it as far as the Administration is concerned. It is a very straight-forward situation.

Mr. Dumas: Well, Mr. Chairman, if it is a very straight-forward situation, where in the original Bill in subsection 6 of section 4 said four Members constitute a quorum. Four seems reasonable. Four of seven constitute a quorum, but in the amended Bill it is still four members constitute a quorum.

Mr. Commissioner: Mr. Chairman, do we want to make it seven, six? This is fine.

Mr. Chairman: I think first we must decide on the make-up. Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I never, in the debate on this amendment and proposed amendment followed, the thinking that there had to be an appointee from each electoral district in the Yukon. I just wanted a board that was ratified by Council before it went to work, that we got together before Council sat and we said here's the make-up of the Historical Sites and Monuments Board. What do you think of it? And we could say well, I definitely don't agree with this because I think there is better personnel around. We want the seven best people on the Yukon Historic Sites and Monuments Board for the Yukon Territory regardless of the area they come from, and if Mr. Commissioner thinks that this Council is trying to delve into the field of political patronage-king of an area where we're going to be able to give plums to constituents who can do us some political good, then he is mistaken. I'm sure that every Member of this Council has in his mind that they wanted seven members on the Board. This is fine, but they didn't want the Board to be completely removed - or the make-up of the Board completely removed from the ratification of this Council, and that was the simple and the only objection that I had, at any rate, and as far as I understood from the debate that the other Members had. We just wanted to have some say in approving the make-up of the Board before it became a fact of thing.

Mr. Commissioner: Mr. Chairman, with respect, Sir, I would strongly recommend that there be no dillusion of geographical representation throughout the Territory on this Board. Now, I have sat in on several of the Board meetings and there is definitely a need to hear from all sections of the Territory in this particular regard. Now, this has to represent a consensus of opinion and likewise it is only individuals who are knowledgeable with the defined areas of the Territory who can bring to a Board of this nature information concerning the particular areas in which they are located, and while I have nothing but respect for the opinion that is stated by Councillor McKinnon that it is his and other Councillor's desire to see the seven very best and knowledgeable people that we can on this Board, it would certainly, from my experience with this Board, it would be a very highly

desirable thing to retain, you know, that particular mix of representation that we get as a consequence of the manner in which the present members are made up, namely that they are the nominees of each individual constituency as a consequence of the Members representation from that constituency.

Mr. McKinnon: Well, Mr. Chairman, I guess I didn't realize the historical significance that one person lived on the east side of Fourth Avenue and the other person lived on the west side of Fourth Avenue had in the constitutional make-up of this Board.

Mr. Commissioner: Mr. Chairman, with respect, I don't mean to infer that that is the particular case with regard to Whitehorse, but I do say it, with respect, that it applies particularly to those areas outside of the metropolitan area.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Thank you, Mr. Chairman. The Honourable Member from Whitehorse North has referred to this as a political plum.

Mr. Chamberlist: He did not.

Mr. Shaw: Well, I'll modify that. It might be a political plum.

Mr. Chamberlist: That's better.

Mr. Shaw: I can assure, Mr. Chairman, the Honourable Members and the Honourable Member that when one goes all the way from Dawson or from Watson Lake or from Mayo or from Haines Junction or any other part of the Territory to come to Whitehorse to attend a meeting such as this, far be it from any political plum. This is a service they are giving for free to the people of the Yukon Territory. They get their expenses paid. That's what they get out of it, and they spent - well, if there's remuneration here, Mr. Chairman, it hasn't been in the past.

Mr. McKinnon: Just on a point of order, Mr. Chairman. The area that I was referring to was not the people who would be appointed to the Board but would be the people who had the power to appoint them to the Board; that it could in the future become a political plum for the politician. I didn't mean for the person who would be appointed, with respect, Mr. Chairman.

Mr. Shaw: Thank you, Mr. Chairman, I very much appreciate hearing Councillor McKinnon's explanation of his thinking. I haven't notice the remuneration, but today, Mr. Chairman, these people are giving a public service to the people of the Yukon Territory. Certainly, it is a losing proposition to attend a two-hour meeting in Whitehorse. You spend a day getting here, a day for the meeting and a day going back, so you are giving three days of your time to whatever the purpose may be, and I'm sure that this is a sacrifice given by these people. I also feel there must be on this Board representations from all areas of the Territory. I realize, Mr. Chairman, that as far as Whitehorse is concerned, it is so close that it does seem a little silly that if you live on one side of the street, you have one on the other side, but at the same time it's necessary to see that the people in Whitehorse, the Members in Whitehorse, also have their say equally with the Members that live at a further distance away, or the people, so that is very necessary. We do have problems on this Board as set up, though, that I had noticed, and that is that not always is there a full attendance at these meetings, and Members sometimes from outlying areas - they have the pressure

BILL NO. 3

of business or some other interest, or maybe out on holiday, that they are unable to get to the meeting so that we do want as many people participating in this as is possible. Now, the present set up we have suggested is seven members appointed on the recommendations of the Members of Council, and the Commissioner has reserved in this Bill the appointment of three members. In having seven members from the areas that Members of Council have recommended as the best possible in that area, you have a preponderance of seven over three, if we're talking about whether this is going to be an Administrative function or whether it is going to be a political function, and finally we do get before Council in the final analysis a Bill in which money has to be approved for the particular purpose. Up to this date, this Historic Sites, from what I can gather, the Historic Sites and Monuments Board, Yukon, has been on an ad hoc basis. They have no authority to do anything. In fact, they have really very little authority to exist. All this does is provide that authority. I can't see anything in it that would be really objectionable. I'm happy to see that there are representations from every section of the Territory.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, in a very capable administrative manner, Mr. Commissioner was able to side-track the discussion away from the main point, and the main point is that the Members be appointed on the recommendation of Council. Now, I see nothing wrong with this amendment if it would read as we requested in the beginning. A Board to be called the Historic Sites and Monuments Board of the Yukon Territory is hereby established consisting of seven members appointed by the Commissioner on the recommendation of the Council, and this is all we're asking for, and I agree with the Honourable Member from Whitehorse North that I don't care personally where they come from, as long as they do the job that we want them to do. If it happens that Mr. Commissioner suggests to the Council that each one of them appoint somebody from his particular area - fine. But we're not concerned with it. We just want to have some say in whether we agree to the recommendations that have been made or not. I think that this is the main point we are getting at.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, this is exactly the point I make - we're both on the same wave-length but we're talking a different language here. I'm simply suggesting to you that after further consideration, after we have talked about this Bill in Council, I am in full agreement with the seven members being appointed as by myself as a consequence of these people being recommended by the Members of Council. As to whether or not here in Whitehorse they happen to represent them, the electoral districts - I don't think that's the point, but I am most anxious to see that they would - the representation would encompass the other identifiable areas of the Territory. I would like to reserve the opportunity for the Administration to add to these seven members, if it is a practical thing to do, people who might be peculiarly or particularly knowledgeable in this field. Now, I would like to bring to you a case in point at the present time. We provide administrative back-up for this Board and it generally calls at the present time, Mr. Gibson, the Director of Travel and Publicity, to be the administrative man who sits in on this Board. It may be at some particular time that we may find that it is highly desirable

to appoint a person who has got some professional background in historic sites, artifacts, you name it, to this Board. This is all I'm asking in this particular thing. As far as Council's original request is concerned, I'm happy to agree to it. We've agreed to it right here.

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: In this particular Bill on this Board, my understanding is that they are working in an advisory capacity, and I think each one of us here have knowledge of people in other areas that are probably more knowledgeable about historical sites and monuments in another area rather than that in which they live now. I can think of two people who have worked on the past Historic Sites and Monuments Board who do not live in a particular area, but have a complete and full knowledge of it and these people are the type that should be on these boards. Geographical location is fine for an appointment but if there aren't the people there that are knowledgeable, there should be no reason why they shouldn't come from another area as long as they are familiar with historic sites and monuments. Of the seven members, no matter where they are from, given approval of the Council to the Commissioner, should in essence be sufficient if, as he says, they can receive advice from other sources. If they need advice on historical background or value or whether an artifact is in fact an artifact, is there any reason why they can't get this advice from others. I can't see where the increase from seven members to ten is necessary.

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

Mr. Chamberlist: Yes, Councillor Taylor.

Mr. Taylor: Mr. Chairman, I have listened with some interest to the comments that have gone around the Table, but I don't believe though that we are on the same wave-length as suggested by Mr. Commissioner. I, too, feel that seven members on a Board would be sufficient for the Territory. I also agree that the Commissioner should have the right, or could have the right to appoint that seven-member Board but with the concurrence of Council. I see no problem if the Commissioner is making a selection of the seven members - I see where he will have no problem in selecting members from all over the Territory. That would be his prerogative with the, of course, consent of the Council. I think that when we first discussed this matter we all agreed that it is essential that the Board continue its good work, but that we felt that possibly in two or three years' time when the Board had catalogued, shall we say, historic sites and had the historic sites program pretty well underway, might possibly be a time to reduce the Board to a size of three, to a smaller size, but however to keep it up to at least seven members for the next couple of years. I can't agree on ten members being on this Board. I think that makes it a little heavy, a little unwieldy, and when we consider the possibility of expenses and this type of thing - it just costs the tax payer that much more and maybe we're not getting that much more benefit out of it, and I would agree, if the Administration would agree, that we hold the size of the Board to seven members appointed by the Commissioner with the concurrence of the Council. This would meet all my demands as well.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, the way I have our original amendment

BILL NO. 3 here - it reads seven members to be appointed by the Commissioner subject to ratification of Council. Now, this is the whole key - ratification of Council. This is what we're talking about. Now, if the Commissioner wants to appoint the people that he mentioned, and I think he should be entitled to, I think it's a good idea to appoint at least some experts - fine. It doesn't necessarily have to be anybody from Whitehorse West as far as I'm concerned, but all we want, all we're asking is to be able to ratify these seven people that you appoint. I don't see any problem.

Mr. Taylor: I'll resume the Chair at this time. Councillor Shaw.

Mr. Shaw: Mr. Chairman, I wanted to see where the seven members came from in the Territory split up into the electoral districts. That is about the only way we can work something like this. That is here. I am happy with that. The next situation is where the Commissioner will have the power to appoint someone also on this Board that may have the talents, may have the knowledge that can contribute greatly to it. I have no fears about this group controlling the Board. After all, we have seven people that are representative of the Yukon. Now, if one or two are brought in - I don't know where they would come from - they might come right out of this building; they might come over from Whisky Hollow - I haven't a clue, and they may even come from Victoria. I believe in getting the best wherever it is available. If it is from Victoria, that's where I would get it. I believe they do have some clever people there. They also have clever people in Ottawa. I think Members should know; we've been battling them long enough, and they are clever enough, Mr. Chairman, that they still seem to hold the whiphand, but you may need experts, Mr. Chairman, at times. You may need someone with certain qualifications. Why hold up something on account of something like that? I, myself, cannot see it and I am prepared to accept this proposal because, as I have stated, the original concept is still there and it satisfies the request as was originally contained. It is spelled out that we can make these recommendations.

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

Mr. McKinnon: Hold it. Mr. Chairman, I think that we could further compromise this compromise that is presented before us. How about if, just to make sure that every pace that could come about can be satisfied if need be, an amendment to read something to this effect: A Board to be called the Historic Sites and Monuments Board of the Yukon Territory is hereby established consisting of - which may consist of ten members appointed by the Commissioner, of whom seven shall be appointed upon the recommendation of the Council, because there may never be a necessity for ten members to be appointed to this Board, but there may be some time when seven members are appointed to the Board and there are people of great qualifications who would be of great help to the Territory who we may think should be on this Board, but it would be not expedient at the moment to say to someone else that you should be replaced by this member, type of thing. So, we could increase the Board, if this did happen, to eight or nine members, type of thing, and I think this should satisfy any and all objections that any of the Members could have.

Mr. Chamberlist: Mr. Chairman, do I understand the Honourable Member from Whitehorse North is suggesting that the extra members in that case would be appointed by the Commissioner, also with the recommendation of Council or just simply may be appointed by the Commissioner?

Mr. Chairman: Mr. Legal Adviser.

BILL NO. 3

Mr. Legal Adviser: I don't - I hesitate to correct the Honourable Member's drafting, but I think if the wording was consisting of not more than ten members appointed by the Commissioner of whom seven shall be appointed on the recommendation, now, this carries a number to any number. You know, from one up, I suppose, not more than ten members, and then if the Board consisted of exactly seven members, will then the seven members come from the Council. If there are eight members, then the Commissioner gets a tilly. A tilly is an old Celtic word meaning a little extra. It's the extra drop of milk that was given when a milkman sold milk loose. He threw in a little bit extra. Mr. Shaw will understand what I mean by this little extra that a merchant gives for good will, so then if you have it in this way it means that whenever there are seven members, they all come from the Council. If there are eight men or ten, then the extra three would come from the Commissioner. They might not even be appointed at that time so that the quorum, I think, would need to be changed, or at least rethought of.

Mr. Chamberlist: Mr. Chairman, I'm concerned about the milking of the powers of the Council. This is what I am concerned about, and when it is even put in this way, it still leaves the powers of the Commissioner to appoint a further three members without consultation of Council. Now, this is what it means, and if this is what is intended, we might as well leave the original amendment that has been brought forward in this because this is exactly the same, but the words are just turned around. Now, I would say this though to compromise - certainly if there was the necessity for extra people to be on there, why not leave it to the seven members of the Board to appoint extra people for a particular discussion. If they were to bring in the Head of the Tourist Department for discussions, why couldn't they be able to do that? They can easily do that, but I think it should be left as we wanted it, certainly. We'll leave it to the Commissioner to make the appointments. He just comes along and says to Members of Council, well look, how about this. As Councillor McKinnon has said, how about this. These are my proposed members of the Board. We say, oh, these six are okay, but see if you can find somebody else for that seven, so he goes and finds somebody else for the seventh, and then we agree with that, so we're all happy. He's happy. He should be - the Commissioner - because he has chosen them. We're happy because we have approved of his choice. Well, how often does Council approve of the Commissioner's choice? I mean, here's an opportunity for him.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I think I would look at it this way. Council has asked for and received, I think, complete power to appoint seven members to this Board. They have asked for and received it. Now, in return, the Commissioner has said will you allow me to appoint one or two, if necessary, when I may need these special qualifications. I would say that we have been pretty fairly treated on that, and with the compromise as has been suggested by the Honourable Member from Whitehorse North, that that can be re-phrased perhaps, such as that, and I think that we have made progress in respect of this. It's one thing to say we want something, but when you get something, you also have to give something. It's a two-way street, so that's the way I look at it, Mr. Chairman.

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

RECESS

RECESS

Mr. Chairman: At this time I will call Committee back to order. BILL NO. 3
We were discussing an amendment proposed for Bill No. 3.

Mr. Shaw: Mr. Chairman, could I inquire from the member for Whitehorse
North the amendment proposed?

Mr. McKinnon: The suggestion that I made; it wasn't a Motion,
it was a suggestion that 4(1) read: "A Board to be called The
Historic Sites and Monuments Board of the Yukon Territory is
hereby established which may consist of not more than ten
members appointed by the Commissioner, of whom seven shall be
appointed on the recommendation of the Council." That was the
suggestion I had made.

Mr. Chamberlist: Mr. Chairman, the very fact it says that you
may have ten members, it means that it may not have ten members
and then the Commissioner would be able to only appoint two. It
doesn't say that he shall appoint seven, he says of those that
may be appointed; if it may appoint ten, seven shall be; but if
he doesn't appoint ten, well, let us go on with what we intended,
and not confuse the whole issue. My suggestion is either to follow
the amendment as was put by Councillor Dumas or to have it
spelled out clearly, consisting of seven members appointed by
the Commissioner on the recommendation of the Council. It is
in simple form language, easy to understand and then we've got
what we want.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: I've one question I have to ask. Does the Council
want any experts on this Committee or not?

Mr. Chairman: To whom do you address that question Councillor
Livesey?

Mr. Livesey: Well, I would address it to the Council because
apparently the Council is making the recommendations here and
what I was thinking of was it was entirely possible we could
have seven members, all of whom would be 100% law-abiding
citizens of the Yukon Territory, with every heart and soul in the
entire operation of Historic Sites and Monuments, but my question
was not related to the generosity of the individual but towards
the, shall I say, experience of say at least one or some members
of that body to be, or say, perhaps have taken courses in this
particular field, or have found recognition through other forms
of academic experience. This is the point that I bring up; do we
want it or don't we want it? That is the question.

Mr. Chamberlist: Mr. Chairman, if we don't bring this to an end
this document itself will become one of the Historical Sites.
What does it matter whether we have experts or otherwise; this
is up to the appointee. The Commissioner makes the appointment
and if he says here is my list of seven experts; here is my list
of seven people. Council either says that's fine or it's not fine.
We just put it that way. But we've got to come to an end here's
a small Bill that we are piddling about and doing nothing with.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: I would ask the Honourable Member from Whitehorse East
perhaps to take a look at a mirror. As for the Honourable Member
from Carmacks-Kluane's question, I would say that I'm in full

BILL NO. 3 Mr. Shaw continues....
accord that if the Commissioner deems it necessary, that he can invite. It's necessary and desirable that one should be appointed and if the Honourable Member from Whitehorse North wishes to propose that as a Motion I will be pleased to second it; as he outlined a little while ago.

Mr. Chairman: What is your pleasure, gentlemen, to the proposed amendment?

Mr. McKinnon: Mr. Chairman, I would propose that an amendment to Section 4 of sub-section (1) be made and the amendment will consist of, after the word "of" the words "not more than" be included.

Mr. Chamberlist: Is this amending the amendment, Mr. Chairman, or just the original one?

Mr. Chairman: We have no amendment other than a draft amendment. There has been no amendment proposed.

Mr. McKinnon: The amendment would then read, Mr. Chairman: "A Board to be called the Historic Sites and Monuments Board of the Yukon Territory is hereby established, consisting of not more than ten members appointed by the Commissioner, of whom seven shall be appointed on the recommendation of the Council."

Mr. Shaw: Mr. Chairman, I would second that amendment.

Mr. Chairman: It has been moved by Councillor McKinnon, seconded by Councillor Shaw, that Section 4, sub-section (1) of Bill No. 3 be amended to read: "A Board to be called the Historic Sites and Monuments Board of the Yukon Territory is hereby established, consisting of not more than ten members appointed by the Commissioner of whom seven shall be appointed on the recommendation of the Council." Do I have that correctly?

All: Correct.

Mr. Chairman: Are you prepared for the question? Councillor Gordon.

Mrs. Gordon: Before the question is put would this need a change there then in Section 4, sub-section 6?

Mr. McKinnon: Yes, Mr. Chairman, it was my intention to propose an amendment to that Section immediately following the question.

Mr. Chairman: Question has been called. Are you agreed? Order please. Would those who agree with the Motion kindly signify? Would those contrary to the Motion kindly signify? I declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. McKinnon: I would like to move an amendment to Section 6; rather sub-section 6 of Section 4 will now read: "a majority of the members constitute a quorum."

Mr. Chairman: You say "a majority..."

Mr. McKinnon: I have it written out Mr. Chairman, if you would like it.

Mr. Chairman: Is there a seconder?

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

Mr. Chairman: It has been moved by Councillor McKinnon, seconded by Councillor Shaw that Section 4, Sub-section 6 be amended to read: "a majority of the members constitute a quorum." Are you prepared for the question? Are you agreed? Contrary? I declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: Mr. Clerk would you so note and provide for the correction of the draft?

Mr. Dumas: Corrected the way we instructed this time.

Mr. Chairman: All right. Bill No. 7. No. Bill No. 8, Public Inquiries. BILLS NO.
7 AND 8.

Mr. Legal Adviser: The amendment hasn't been finalized with regard to that Bill, Mr. Chairman.

Mr. Chairman: Bill No. 13, Loan Agreement Ordinance. I believe this is pending Supplementary Estimates. BILL NO. 13.

Mr. Shaw: Mr. Chairman, I was wondering on this Bill that we've just concluded; namely Bill No. 3. Was that passed out of Committee as amended.

Mr. Chairman: We are waiting for the draft of the amended Bill. Bill 13 I believe is awaiting Supplementary Estimates; is this correct?

Mr. Dumas: Yes, Mr. Chairman, I wonder if we could have any clue from the Administration as to when we can expect the Supplementary Estimates. Will it be before Christmas or what is the score? QUESTION RE
SUPPLEMENT-
ARY
ESTIMATES

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, I believe that there will be a calling together of the Budget Programming Committee at a time that is acceptable to Council Members on that Committee as promptly as possible and depending upon the points of their deliberations that will determine the time of the tabling of the Supplementary Estimates.

Mr. Shaw: Mr. Chairman, would it be possible to take it up right away and attend to that business?

Mr. Chamberlist: Mr. Chairman, I take objection to the Honourable Member trying to attempt to get us out of this Council....

Mr. Chairman: The next Bill is Bill No. 16. What is the status, Mr. Clerk, of Bill No. 16? An amendment is being provided. The next Bill is Bill No. 20, the Expropriations Bill. There was to be an amendment, I believe, to Section 3. Mr. Legal Adviser, have you anything on this? BILL NO.16
BILL NO.20

Mr. Legal Adviser: Could I have a second to speak to Mr. Clerk? It is being typed and I would have thought it had arrived so I wanted to ask the Clerk. The thing is they may have a renumbering of Sections to do that might mean more typing than reckoned. It's possible it's about finished but instructions were, when it's ready to bring it up here and it hasn't arrived.

Mr. Chairman: Bill No. 21, the Notaries Ordinance. Amendments being prepared? BILL NO.21

BILL NO. 21

Mr. Legal Adviser: All the amendments are in the same state.

BILL NO.22 Mr. Chairman: Bill No. 22, the Evidence Ordinance.

Mr. Legal Adviser: Was there an amendment to that Mr. Chairman? I don't think there is to be any amendment to that.

BILL NO.25 Mr. Chairman: Next is Bill No. 25, Legal Profession.

Mr. Legal Adviser: I've done the amendments to it; it's just a question of getting them produced.

Mr. Chairman: Next is Bill No. 27, Fire Prevention Ordinance.

Mr. Legal Adviser: That's held for another Ordinance Mr. Chairman. There are no amendments to it.

Mr. Chairman: What is the status on this Bill?

Mr. Legal Adviser: I think it was not proceeded with pending dealing with Public Inquiries.

BILL NO.28 Mr. Chairman: No. 28, the Liquor Bill which is referred to the Select Committee. It would appear that we have run out of work at this point.

BILL NO.18
PUBLIC
UTILITIES
ORDINANCE
Mr. Legal Adviser: Mr. Chairman, I would suggest; we've no objection to dealing with the main body of the Public Utilities Ordinance to at least get the Sections read from about Section 4 on. It will be read then. It was suspended pending dealing with other Sections or the question as to who would constitute a Board. The other Sections could be read through.

Mr. Chamberlist: Mr. Chairman, I feel that some notice should be given via the press or some publication to the effect that a day is being set aside, or that we are going to continue with this Public Utilities Ordinance because it has been intimated to me that there are a number of people who are interested in listening to the debate on this. If we proceed with this and those who are interested in knowing what is going on about; it kind of puts them in a position of being unable to speak to their representatives on this particular subject. I feel that if we are going to continue tomorrow that we might say today that we are going to continue tomorrow and then we at least will give some notice to people in the transportation industry or in other industries involved that we are dealing with Public Utilities.

Mr. Chairman: Does Committee agree to discuss tomorrow as a day certain; tomorrow morning? Bill No. 18, Public Utilities.

Mr. Legal Adviser: Mr. Chairman, it was mentioned that the Financial Advisory Committee and the Budgetary Advisory Board will be called to the Session possibly tomorrow.

Mr. Commissioner: I'm sorry, I don't know exactly what time tomorrow but I think it will be a matter of discussion with the Members of the Advisory Committee on Finance and the Administration Members to see what time is agreeable with the members who sit on Council for the discussions in getting the Supplementary Estimates finalized, but Mr. Chairman, while I am on my feet may I say something about the subject that the Honourable Councillor just raised here? This point that has been brought up about giving public notice of matters being discussed in Council is something that is constantly being asked of the Administration.

Mr. Commissioner continues....

I highly commend to Council the course of action as outlined by the Honourable Member from Whitehorse North that when matters of particular public interest are going to be discussed in Council, that any assistance at all that an Administration can give to Council in publicizing this particular fact, I think will be to the benefit of everybody concerned because there are many, many people who have interest in particular things that are coming up before Council who cannot avail themselves either personally or have representation here on a continuing basis but if a time certain could conceivably be laid on prior to this discussion and if there is any help that the Administration can give to the Chairman of Committees, Mr. Speaker of Council, and Council in publicizing this we would be very happy to do so because it is a matter of public concern in many, many instances that they do not know when these matters are going to be discussed.

Mr. Chairman: Speaking from the Chair, in such issues it is sometimes possible to do this but it is often not possible, to do this without shutting Council down for great periods of time in order to accommodate the public gallery. Where possible certainly the Chair will attempt to do so.

Mr. Chamberlist: Mr. Chairman, I feel that as I am the Chairman of the Financial Advisory Committee, I can say that the Financial Advisory Committee will be meeting at nine o'clock - my understanding is that it has been moved to nine o'clock tomorrow morning, with the Budgetary Committee.

MEETING OF
FINANCIAL
ADVISORY
COMMITTEE

Mr. Chairman: Well would Committee then agree to discussing, following Orders of the Day, to discussing Bill No. 18 tomorrow morning.

BILL NO.18

All: Agreed.

Mr. Chairman: That would seem to be the only matter that we have to discuss. What is your pleasure at this time. There is nothing more for consideration before Council at this time?

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

Mr. Shaw: I second it.

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? Any contrary? I declare the Motion carried.

MOVE THAT
SPEAKER
RESUME
CHAIR

MOTION CARRIED

MOTION
CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:35 A.M. to discuss Bills, Sessional Papers and Motions. It was moved by Councillor Chamberlist, seconded by Councillor Lovesey that Motion No. 13 be amended by deleting all the words after "that" and adding the words, "the Premier of British Columbia be invited to discuss with the Yukon Legislative Council details of the proposed boundary extension of his Province so as to include the Yukon and also to discuss the possible extension to the 55th Parallel of Latitude of the Yukon southern boundary." And this Motion carried. The Committee recessed at twelve noon and reconvened at 2:00 P.M. It was moved by Councillor Dumas, seconded by Councillor that Bill No. 6 be reported out of Committee without amendment. This Motion carried. It was moved by Councillor

CHAIRMAN
OF
COMMITTEES
REPORT

Mr. Taylor continues....

McKinnon, seconded by Councillor Shaw that Section 4, sub-section (1) of Bill No. 3 be amended to read : "A Board to be called the Historic Sites and Monuments Board of the Yukon Territory is hereby established consisting of not more than ten members appointed by the Commissioner, of whom seven shall be appointed on the recommendation of the Council." This amendment carried. It was then moved by Councillor McKinnon, seconded by Councillor Shaw that Section 4, sub-section 6 of Bill No. 3 be amended to read "a majority of the members constitute a quorum." And this Motion on the amendment carried. I can report progress on Bill No. 3. It was moved by Councillor Dumas, seconded by Councillor Shaw that Mr. Speaker do now resume the Chair and this Motion carried.

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

Mr. Taylor: Mr. Speaker, the Committee, at last sitting this afternoon is temporarily out of work. However, the Committee indicated that they would wish to discuss tomorrow morning, following Orders of the Day, Bill No. 18, namely the Public Utilities Ordinance.

Mr. Shaw: Mr. Speaker, I was wondering if the Financial Advisory Committee tomorrow morning will be able to conclude their deliberations by ten o'clock in the morning. Would that be known?

Mr. Chamberlist: Mr. Speaker, what hasn't happened cannot be known. It hasn't happened and therefore we don't know if it will be complete by that time.

Mr. Shaw: Mr. Speaker, I raise that question insofar as we do have three Members on the Financial Advisory Committee and if they are not here Council would need to carry on just the same because we obviously would have a quorum of four Members unless of course they were out the previous night playing hockey or something like that and were injured, in which case of course they would not be. So I thought we could ascertain that so we would know what time we could start in the morning. At least that is the object of my question.

Mr. Taylor: Mr. Speaker, I would assume that we would get on with our Council duties at ten o'clock tomorrow morning and so far, until we see, those Members of the Committee have seen what there is to deal with, it would be rather difficult to say how long these proceedings will take.

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

Mr. Speaker: Are we agreed?

All: Agreed.

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

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

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

Mr. Chamberlist: Mr. Speaker, at this time I would ask that the House give consideration to allowing the Members of the Financial Advisory Committee sometime during the sitting of Council today to attend a Committee meeting that is of some importance. Sometime during the day, we cannot give the time but we will be so informed by the Administration, request information from the House.

Mr. Speaker: Thank you Mr. Chamberlist, are we agreed? I have for your attention and tabling this morning, Sessional Papers No. 52, 53, & 54. Are there any reports of Committee?

Mr. Taylor: Mr. Speaker, the Select Committee on Liquor met last evening and decided they receive written submission from the Proposed Liquor Ordinance up until and including January 31st next and this is all the Select Committee has to report at this time.

Mr. Speaker: Are there further reports of Committee? Introduction of Bills? Notices of Motion or Resolution? Are there any Notices of Motion or Resolution?

Mr. Dumas: Mr. Speaker, I would like to give Notice of Motion regarding Sessional Paper No. 53. SESSIONAL
PAPER # 53

Mr. Speaker: I wonder if the Honourable Members would read his Motion?

Mr. Dumas: That Sessional Paper No. 53 be discussed in Committee of the Whole.

Mr. Speaker: Are there further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? Passing to Orders of the Day. Motion for the Production of Papers. Moved by the Honourable Member for Whitehorse East and seconded by the Honourable Member for Whitehorse West requested that a document to be known as the Yukon Territorial Vehicle Regulation be produced. Is the House prepared for the question on the Motion?

Mr. Chamberlist: Mr. Speaker, I would wish to point out that the Motion as typed is in error. My Motion read, "It is requested that a document known as The Yukon Territorial Government Vehicle Regulations be produced". I don't know whether this is a typist's error or not but the word "Government" as requested should be in that Motion, Mr. Speaker.

Mr. Speaker: In that case, would the House agree that I may amend the Motion by adding the word from the Chair? 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: Motion No. 14, moved by the Honourable Member for Whitehorse West and seconded by the Honourable Member for Mayo, that Sessional Paper No. 50 be moved into Committee. Are you agreed? I will declare the Motion carried. MOTION #14
MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: May I inquire from Mr. Clerk if Mr. Commissioner will be available for the question period? I'll call a five minute recess.

RECESS

Mr. Speaker: May we proceed with the question period?

Mr. Chamberlist: Mr. Speaker, I wonder if Mr. Commissioner can intimate at this time whether he has prepared answers to Questions 25 and 26 re the purchasing of Yukon artifacts.

Mr. Commissioner: Mr. Speaker, apparently these answers are not available for this morning but I wonder if I can ask Mr. Clerk if he would please check on this so that I can give a definitive report to Council on these questions.

Mr. Speaker: Are there further questions?

Mr. Taylor: Yes, Mr. Speaker, I'd like to direct a question to Mr. Commissioner this morning and I'm wondering if he could inform the Council as to whether or not he has had any communication from the Government or Premier of British Columbia in respect of the request that was put forward yesterday?

Mr. Commissioner: Mr. Speaker, the request was forwarded by the Speaker in the Council. It wasn't forwarded in the name of the Commissioner.

Mr. Speaker: Are there any more questions?

Mr. Taylor: Supplementary to my last question, would the Commissioner be able to inform us today of any information that he may have received in respect of the Yukon participation at the Constitutional Conference in Ottawa?

Mr. Commissioner: Mr. Speaker, I have no information from Ottawa on this matter as yet.

Mr. Shaw: Mr. Speaker, I do have a question but with your indulgence it would need a little explanation before I ask the question. Would that be feasible?

Mr. Speaker: Well the usual form in asking a question is to avoid as much statement as possible and to make your questions direct to the party concerned.

Mr. Shaw: I will endeavour to do that Mr. Speaker, it's in relation to the mail that goes from Dawson to Old Crow. We are aware that there is no other available means of transportation to that area, therefore, it goes by mail. Everything has to go by mail. A lot of groceries and so forth are also by force of necessity carried by mail quite frequently there are two thousand, four thousand pounds which go up from time to time. However, the facilities at Old Crow for landing aircraft are the same as what the Lord provided, gosh knows how many years ago and planes have to over-fly and go to Inuvik. The question Mr. Speaker, I have to explain what is occurring before I can ask the question. The mail then is not permitted to carry it back.....

Some: Question, question

Some: Let him speak.

Mr. Speaker: Order. During the question period if there is any lengthy explanation required I must remind the Honourable Member that his question should be on an Order paper or it should be referred to the order paper. During the question period just the questions are required.

Mr. Shaw: Well this will be the question, Mr. Speaker, if I will be permitted to finish in about two seconds....that's all it will take.....

Some: Let him speak, let him speak.

Mr. Shaw: I very seldom ask questions and I would ask the indulgence, Mr. Speaker.....

Mr. Speaker: I will have to rule this question out of order.

Mr. Shaw: Thank you, Mr. Speaker. A supplementary question directed to your good self. May I....would you please inform me how I can present this problem to the Administration without a resolution or how would I do it in the most expeditious manner?

Mr. Speaker: Well according to the rules of the House which are your rules, that is the rules of all elected Members. Bouchaine describes this most adequately when he points out that Mr. Speaker is always in a position to receive delegations or individual Members and to provide advice to Members before they attempt to either ask questions or promote Motions or provide incidents toward debate and I would suggest to the Honourable Member that if he has a debatable order please, if he has a debatable question to provide the House with a resolution to that effect.

Mr. Shaw: Mr. Speaker, this is not debatable. May I rephrase my question? Why is it necessary to bring the mail, sometimes twice, from Inuvik to Edmonton, to Whitehorse to Dawson to Old Crow, instead of from Inuvik to Old Crow. Thank you, Mr. Speaker.

Mr. Speaker: To whom do you address your question, Mr. Shaw?

Mr. Shaw: I would direct my question to the Commissioner, Mr. Speaker.

Mr. Commissioner: This sounds like a tremendous exercise in logistics which I will have to have the opportunity of looking into and I would be very pleased in bringing forth an answer as promptly as possible.

Mr. Speaker: Are there further questions?

Some: Not after that.

Mr. Speaker: We will proceed to Public Bills and Orders.

Mr. Taylor: Mr. Speaker, I would move that Third Reading be given to Bill No. 6, namely an Ordinance to Amend the Mining Safety Ordinance.

THIRD
READING
BILL #6

Mr. Dumas: I second the Motion

Mr. Speaker: Am I correct in assuming that it was moved by the Honourable Member from Watson Lake and seconded by the Honourable Member from Whitehorse West? Moved by the Honourable Member from Watson Lake and seconded by the Honourable Member from Whitehorse West that Third Reading be given to Bill No. 6, An Ordinance To Amend The Mining Safety Ordinance.

Mr. Chamberlist: Speaking on the question Mr. Speaker, I will vote against the Bill as it has discriminatory Sections in it and also it doesn't provide the protection for the individual that every piece of legislation should provide.

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

Mr. Chamberlist: Contrary.

MOTION
CARRIED

Mr. Speaker: I will declare the Motion carried.

MOTION CARRIED

Mr. Speaker: Is the House prepared to adopt the title to Bill No. 6?

TITLE
ADOPTED
BILL #6

Mr. Taylor: Yes, Mr. Speaker, I would move that the title to Bill No. 6, namely "An Ordinance To Amend The Mining Safety Ordinance," be adopted as written.

Mr. Dumas: I'll second the Motion.

MOTION
CARRIED

Mr. Speaker: Moved by the Honourable Member from Watson Lake and seconded by the Honourable Member for Whitehorse West that the title to Bill No. 6, An Ordinance to Amend The Mining Safety Ordinance be adopted as written. Is the House prepared for the question on the Motion? Are we agreed? I will declare the Motion carried and that Bill No. 6 has passed this House.

MOTION CARRIED

Mr. Speaker: May I have your further pleasure?

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.

Mrs. Gordon: I would second that Motion Mr. Speaker.

MOTION
CARRIED

Mr. Speaker: Moved by the Honourable Member for Dawson and 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 Paper and Motions. Is the House prepared for the question? Are we agreed? I will declare the Motion carried and the Honourable Member for Watson Lake take the Chair in Committee.

MOTION CARRIED

BILL # 18

Mr. Chairman: The first matter of business this morning and the only matter of business at this present time is Bill No. 18. May I proceed?

Mr. McKinnon: Mr. Chairman, before we commence with Bill No. 18, I have a few general comments that I would like to make. First I take this is such a contentious piece and such an important piece of legislation at the same time, I think the same opportunity and same privilege should be given to those individuals who want to make representation before this Ordinance becomes law, that they have the opportunity of doing so. What I'm saying Mr. Chairman, is I think there should be a select Committee of this House also formed, as was done in the case of the Labour Provisions, as is being done in the Liquor Ordinance to hear briefs from all those interested in the Ordinance to establish a Public Utilities Board in the Yukon Territory. I think this is the only sensible and proper way of going about the propergoing about giving this Bill the proper effect. I would like to make one other comment, Mr. Chairman, and that is I would not agree with this Bill at this time, in the passing of it. I say this because two of the most important public utilities in this Territory, because they are Crown Corporations will be excluded from the provisions of this Bill. And the two namely are the Northern Canada Power Commission and the Canadian National Telecommunications. When monopolies and franchises are granted, I agree whole heartedly with the principle that there should be some type of control over these monopolies and

franchises. I believe whole heartedly in the concept of a Public Utilities Commission but I do not believe in a Public Utilities Commission that will be discriminatory against the private sector enterprise of the economy and not have the same powers when it comes to the Crown Corporation sector of the economy. Mr. Chairman, I think that the N.C.P.C. and C.N.T. play an extremely integral part in every Yukoner's life. By law, by the statutes which set up these corporations they are now excluded from coming under the purview of a Public Utilities Board and Mr. Chairman, until these Crown Corporations are liable to scrutiny from a Public Utilities Board, I don't think it would be proper for this Council to make only one sector of the economy liable to scrutiny while leaving another important sector of the economy not liable to the same type of investigation. Right at this moment, Mr. Chairman, there are representations being made in Ottawa so that the Statutes which create the Northern Canada Power Commission will be changed so that this Crown Corporation will be able to be investigated and be inspected by Public Utilities Commission in the separate Provinces and the Territory. I think this is only right and this is only proper and I'm going to make my feelings known right at the outset of this Bill, that as far as I'm concerned, until the day comes when every sector in the communications industry and every monopoly and every franchise in the Territory is open to the scrutiny of a Public Utilities Board, then that is the time I will be more than willing to support this type of legislation.

Mr. Dumas: Mr. Chairman, I agree whole heartedly with the Honourable Member from Whitehorse North and this brings the question as to how the rest of the Committee feels about it. If a majority of Committee feels...has the same type of feeling, I wonder if there is any sense in going ahead with the ...going ahead with discussing the Bill at this time.

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I can't entirely agree with the Honourable Members who have spoken previously. I agree to the extent that my feelings are the same that C.N.T. and Northern Canada Power Commission, as established Crown Corporations, should come under the purview of a Board if we so choose to accept this legislation or amend it or retain it. However, I do feel that we owe it to the public in the Yukon Territory to bring under the purview of a Public Utilities Board any area that we can. Now certainly I agree with the Honourable Members to bring in, say the private enterprise sector and not the Crown Corporation sector would be in some way discriminating against the private enterprise sector. However, controls are required, they are needed and as fast as we can broaden the scope or the terms of reference covered by this Board the better off we're going to be. I think it would be foolish and I think it would be very unwise on the part of Councillors to withhold the establishment of a Public Utilities Board just because the Federal Government may be adamantly opposed to allowing us to deal with these two Crown Corporations. I think that in all fairness this should be taken into account by Members of Committee.

Mr. Dumas: Mr. Chairman, the Honourable Member speaks about fairness. Now how fair would it be to have restrictions and so forth placed upon one sector of the industry and let the others go free. This is hardly fair.

Mr. Taylor: Well Mr. Chairman in reply to the Honourable Member may I say it is no more fair than not looking after the people who are buying power for instance in private enterprise in Ross

BILL # 18

River, in Teslin in Watson Lake. It is no more fair there. Does the Honourable Member infer that these people should not be given the sanctuary of a Public Utilities Commission just because Northern Canada Power Commission; who provide power in Whitehorse and Dawson are not under the purview of this particular Ordinance? Are these people not to be protected?

Mr. Dumas: Mr. Chairman, if I can answer that, I say that these people should be given the protection; when they can be given full protection let's give it to them. We can't give it to them at this point.

Mr. Taylor: Well, Mr. Chairman, I'd just like to advise the Honourable Member that those of us in the hinterland that must deal with this problem, who are not associated in any way, shape or form with N.C.P.C., want this protection and I'm here to see and attempt to get it for them. Now it may be that I agree with the make-up of this Ordinance, make-up of the Board or anything else but we started on this Utilities Commission many years ago and now this is about as close as we've got to it. The Ordinance may be unsatisfactory but if it is, if there's any possibility of making this thing work I'm here to do that and I'm going to do it.

Mr. Chairman: Mr. Legal Adviser has intimated that he wants to speak.

Mr. Legal Adviser: Mr. Chairman, I wouldn't like the debate at this early stage to get off on the wrong foot. As this Ordinance is drafted, there are not exceptions for Crown Corporations. By Federal legislation the Federal Government can control its own Crown Corporations and may make provisions for them and by virtue of constitutional provisions, in one sense they are immune from the control of our law. But as this Ordinance is drafted any person, which includes the Corporation, and would by definition include a Crown Corporation, who applies for a franchise must disclose through the Public Utilities Board the particulars set out in this Ordinance. One would assume that N.C.P.C., if they're looking for a franchise would disclose the particulars. Now so far as other Crown Corporations as mentioned the C.N.T., there's no provision whatsoever in this particular Bill for the control of communications. This is something which may come but this Bill is merely an attempt to allow the government to test the temperature of the water. To put in the little toe to see how it works. It may be boiling but one hopes in the course of the day we can cool it off and if the House would go Section by Section through the Bill a lot of the objections of the Honourable Members might be answered as they were reading the Bill.

Mr. McKinnon: Well, Mr. Chairman, I've never been one to stick my toe delicately in the pool. When I go I dive right in. Mr. Chairman, with all due respect, if Mr. Legal Adviser is trying to intimate to this House that we can pass legislation which is superseded by Federal statutory sections of their Bill then I think Mr. Legal Adviser is rather leading the House astray.

Mr. Legal Adviser: For the effect, Mr. Chairman, I'm not suggesting that we can pass legislation which if it is in conflict with Federal legislation would prevail. What I am suggesting is, in our Legislation we laid out a set of conditions which any applicant must fulfill well then that includes every applicant who comes forward must comply or else be refused a franchise.

Mr. Taylor: I'll resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chamberlist: Mr. Chairman, I had noted in the explanatory notes that this does not relate to Crown Corporations. Last night in preparation for this morning's debate, I went into the Acts that set up the Northern Canada Power Commission and I have come to the conclusion that what information Mr. Legal Adviser has given this morning is correct information. It's also includes the Northern Canada Power Commission, if they are a distributor of electrical energy in this area. We cannot certainly supersede the Statute of the Federal Government but only where that Statute spells out that it is a function specifically given to that particular Crown Corporation. It would be a sorry thing if because somebody wanted to insist on a particular portion being instituted into a piece of legislation the principle of the legislation be destroyed. The idea of the legislation is to control public utilities. Personally I do not think that this piece of legislation will go far enough because as you have heard there's no provision for communications and it is of the utmost importance that this legislation would include communications just in exactly the same way it includes the distribution of electrical energy. This Utilities legislation does not include nor does it appear to have considered insurance, and I believe insurance has become just as much a Public Utility as the supplying of electrical energy because there is no person that can live completely without insurance of some description. It performs a function just exactly the same way that any of the items of transportation, communications, supply of electrical energy performs. It is a service, a public service and therefore it must come under those particular confines. I will support the Constitution of a Public Utilities Board. I am not going to say at this time, and I concur with the Honourable Memoer from Watson Lake, I'm not going to say at this time that I am going to comply with approving this legislation or this Board and how this Board is constituted, or is going to be constituted or I would say suggested to be constituted by the Administration, in this particular piece of legislation. But supporting the principle of a piece of legislation to establish a Public Utilities Board, yes I will support it and I will not allow the fact that it may be, that communications are not in it at this time to disprove completely of the idea of this legislation. Certainly I am going to make sure that added into this legislation will be the clear and distinct words to include the Northern Canada Power Commission and to include the Canadian National Telecommunications System. I will want that as an amendment and I give notice that I will be asking for that amendment. Thank you, Mr. Chairman.

Mr. Chairman: May I proceed with the reading of the Bill? Bill No. 18, namely an Ordinance to Establish a Public Utilities Board in the Yukon Territory. (Reads Section 1 and Subsections (a), (b), and (c) of Section 2 of Bill No. 18)

Mr. Chamberlist: Question. Mr. Chairman, I wonder if Mr. Legal Adviser will say that the Interpretation Ordinance giving the interpretation of "persons" will apply here, including corporations, partnerships etc?

Mr. Legal Adviser: Yes, it's intended that a person includes a corporation and for the guidance of the Honourable Members to forestall another question, it's intended to only control those who furnish electricity primarily for sale to the public. There are many people who operate power plants for various purposes but they don't need a franchise or any permission unless they start selling the electricity. The words primarily for sale to the public will not possibly include a contractor or a person resident outside Whitehorse who was supplying one or two houses of his employees or possibly a friend of the road. But once the operation comes of such a nature that it's intended to really sell the electricity and the other purpose becomes subservient then he would have to apply for a franchise to sell electricity in his area.

Mr. Chairman: (Reads Subsection (d), (e),(f)and (g) of Section 2 of Bill No. 18)

Mr. Chamberlist: Question. I wonder if we can have this amended to read "Public Utility includes an electrical public utility, a transport public utility, a communication public utility" etc. I think this particular subsection should be checked through.

Mr. Legal Adviser: Well to put it this way, Mr. Chairman, the answer is yes but that's not sufficient. It is not intended to control in this Bill, communications. If this Bill works then it at that time, was good policy, a Bill might be brought forward to control the occasion and the rates charged by operators of communication equipment. As long as this Bill is only attempting to control electricity and transport I would suggest that we leave well enough alone. Now so far as saying that it includes Northern Canada Power Commission, I have no objection to this being included but not in this particular definition. This is not to bind the Northern Canada Power Commission. A section should go in somewhere, if this was the wish of the Members, saying as is in other Bills which come before the Council, if they want to make it quite clear, is adding a new section saying, this Bill binds the Northern Canada Power Commission. To do it that way would be wrong because it's attempting to be too wide. It doesn't in essence bind the whole of the operation of the Canada Power Commission. You'd want to draft a careful section to say that this Bill applies to any person who applies for a franchise in relation to the term "grant of a franchise". This is what the House would be attempting to do. We don't want to bind Northern Canada Power Commission's operation anywhere else except here and then only in relation to it's operations in relation to a franchise and I think this Bill already does it. If you want to make doubly sure it's possible to draft a complicated section, I don't think it would be unnecessary.

Mr. Chamberlist: This subsection (g) only interputs a public utility as an electrical public utility and a transport public utility and it leaves out everything else. Now this is the point that I'm making, that if at any time there is a question raised as to whether or not a public utility has reached a regulation or the Ordinance itself of the Public Utilities Board then immediately those who would be defending would point to the interpretation section of this Ordinance and say a public utility includes an electrical public utility and a transport public utility. Now this is what it is limited to. If you remember, I argued the other day on the word "sale" because it also says the word and such and such a thing but it just spells out those two particular items of that time. Mr. Legal Adviser agrees with me here, disagreed with me the other time not withstanding that the words were exactly the same so that the position must be that a public utility, when it is referred to, must include all those services that are applied to the public as a utility. If it fails to do that, I say we have no good legislation. It must include those sections of communication services for which the public pays.

Mr. Legal Adviser: Mr. Chairman, with respect, we can quite usefully do without the definition of public utility in this Bill altogether. In the preparation of the Bill, we started a deal with two different diverse things. We dealt with electrical public utilities and we dealt with transport public utilities. There were three types of sections in the Bill. There was a section which applied only to electrical public utilities, sections which apply only to transport public utilities and sections which apply to both. The definition of a public utility is merely put

in to say "public utility includes both" and it's only to save the typist having to type each time the full phrase "electrical public utility" and "transport public utility". It's just for that purpose that the definition is there. Public Utility defines nothing. It says it includes and we could have phrased it this way, we could have said "public utility includes subsection (c) and subsection (h) of this section." It's merely for the typing and not for the purpose of definition that it is included.

Mr. Chamberlist: Mr. Chairman, would it not be, perhaps, Mr. Chairman, Mr. Legal Adviser could answer this question. Would it not be so that when we refer to transport public utilities are we only referring to a public utility of transport goods or are we referring to transport public utilities that transports passengers. For instance, why should not the bus services come within this sphere of public utility, why should not the air service come within the sphere of public utility, why should not the train service come within the sphere of public utility. I'm just putting this up as a reason for you to answer why you have just two separate items referred to as a public utility, an electrical energy public utility and a transport public utility. It doesn't go far enough for the interpretation section of a what is a public utility concerned?

Mr. Legal Adviser: Well drafting should be and occasionally is, an attempt to have an exact science. The instructions for the preparation of this Bill were to include electrical franchises and to include public service vehicle operators. The choice of the language, transport public utility, is my own. It's an attempt to make it clear in the Bill that we're dealing with, what is really a public utility. The operator of a public service vehicle is included in this Bill. The definition of public service vehicle and all its connotations is taken from the existing Motor Vehicle Ordinance so that the things that an operator of a public service vehicle can do are put into this Bill. There already exists a Board to which the operator of a public service vehicle will apply for his licence. That Board is being abolished and the power of that Board is being given to the present proposed Public Utility Board. So so far as transferring the public utility is concerned, it's merely a descriptive expression of something which presently exists and there is no new area of policy dealing with public service vehicles except that he may get the right of appeal which may be given to certain applications and what he does have to do at present he will have to do under this Bill. He will have to declare in advance what his rates are and will have to give a ninety-day lapse before he can change them. So the operator is under a certain amount of restriction under this Bill which he is not presently under the Motor Vehicle Ordinance, but there's no new large area of policy proposed in dealing with them. The new area of policy is dealing with electrical public utilities. Now there are many public utilities, some of them operated on by municipalities, some of them not, such as the operation of water and sewer service. Electricity is just one of a number. We could have included heating services, we could have included the supply of certain commodities which by reason of a monopoly position should be deemed to be a public utility. We haven't. We haven't included communications so the only new area controlled by this Bill is electrical public utilities and we can, if this Bill is passed we will control it. It seems to me idle unless the Bill is to be revamped and a basic new area of policy picked out for deposit within this Bill such as communications. It seems idle to argue the definition which is chosen deliberately in so far as one can use English words to just enclose exactly what we want to enclose and this attempts to put a foot in the bathtub.

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

Mr. Shaw takes the Chair.

Mr. Taylor: Well, Mr. Chairman, I apologize for tossing this Chair back and forth but this is a debate in which I am very interested. It seems to me that the Administration have a prerogative of laying before this Council such as the important piece of legislation we discuss at this moment. It is their prerogative, but it is our prerogative to amend it, to retain it, to let it die in Committee. However, if we should pass it again, it is the Commissioner's prerogative or the Administration's prerogative to refuse assent to the Bill. Now this is a much needed legislation whether we accept, as I mentioned before, the full content of it or not, and therefore in order to exercise the prerogative of the legislature, and it is our prerogative to propose an amendment, I would move an amendment, Mr. Chairman, that subsection (g) of Section 2 of Bill No. 18 be amended by adding after the word "and" in line two, the words "communications; and".

Mr. McKinnon: Mr. Chairman, I don't hear a seconder to the motion on this. With all due deference and respect, the official Legal Adviser of this House, the ex-officio Legal Adviser of this House, the information that I have, and I'm going to make no secret of it, comes from the Yukon's Member of Parliament, Mr. Nielsen, who is presently appearing before the Committee investigating into the formation and operation of Northern Canada Power Commission, and one of the areas he is working in, because he states positively and emphatically that as N.C.P.C. is created by a Federal Statute that there is no way possible that the Provincial or Territorial jurisdiction can control it in any way, shape or form. I agree with the amendment that the Honourable Member from Watson Lake has proposed but the same holds true entirely that there is no way possible that this House is going to be able to bring the Crown Corporation that has the monopoly in communications in this Territory under the purview of this Ordinance as it now stands. And, Mr. Chairman, with all due respect, I think with two conflicting opinions, in as argumentative and as contraversial area as this, that we should be willing and able to listen to the other side of the argument. And I would humbly ask, Mr. Chairman, that Mr. Nielsen be asked to come before this Committee and present his views because they are diametric opposition to the advise that we are receiving and hearing from the Legal Adviser of the Administration of the Yukon Territory and from the Honourable Member from Whitehorse East and I don't think we're going to be able to make up our minds intelligently until we hear the arguments from both sides in the open.

Mr. Taylor: Mr. Chairman, just in reply, I propose this amendment knowing that it may take some time before we can bring under the purview of this particular piece of legislation. It has been suggested that it is ultra vires. This is absolutely foolish, possibly C.N.'s, but there are other communications and organizations in this world. Under the terms of reference, this Board should be in a position of making recommendations to C.N. to Northern Canada Power Commission or to any agency of government they so choose. What I suggest in this amendment is that the power be given to the Board, spelled out in the Ordinance, to deal with matters of communication. There's nothing wrong with this. C. N. happens to be one area of communication and I might say that in terms of franchise I don't know if these people... I don't think they have a franchise in the Yukon Territory because certainly the Council have granted none, not in my time. I feel that any Public Utility Commission established in the Yukon should cover the field of communication.

Mr. Legal Adviser: Mr. Chairman, I would ask the Honourable Members not to pass this amendment for the simple reason that to put it in is scoring a brief point. It's making the point that a Council would wish to control communications but it may do damage to the Bill because the word "public utility" is used throughout the Bill in a number of references. A public utility must do this, must do that, and the other thing but a electrical Public utility is used where if we wished to specifically spell out what an electrical public utility is used for. There's nothing that a communications utility could do or should do for the Bill would need redrafting to try and capture what power we have over communications. Now this at present, is not the Administration's policy. A new Bill can come forward doing this but this particular Bill does not attempt to do it and to do it in an odd fashion by changing a definition would damage the Bill and mean that we might have changed a whole lot of sections back and forward and still not control communications, if we want to control communications. Then if a Motion is made by the House to that effect then that can go to the Administration which would constitute a request to enlarge the scope of this Bill to control communications in whatever fashion lay open to the House to do this so that it could be followed if the Administration drafted it. If they could agree on policy with the Members they would then follow this with the Bill in the next Session or the Session after because as you can see there's a certain amount of difference of opinion between one of the Honourable Members on his advice as to how far we can control N.C.P.C. and my own and my Honourable Assistance's. Our view is, for what it's worth, that if an electrical public utility, however it's constituted, whether it's a Crown Corporation, an Inter-National Corporation an Inter-Provincial Corporation or a Yukon Corporation or a person operating his own little plant down the road outside Whitehorse, if he wants a franchise, a franchise will be granted subject to terms granted by the Commissioner and they've got to comply with the rules like anyone else. We cannot control their over all operation but if they fill in a form they fill it in correctly because there's no compulsion on the Commissioner to grant that franchise unless they agree to conform with the rules.

Mr. Dumas: Mr. Chairman, there's a conflict of opinion here and frankly I'm confused. I'm not a lawyer nor a pseudo-lawyer. There's been a suggesting and a request made by the Honourable Member from Whitehorse North that the Yukon's Member of Parliament be asked to appear in Committee and discuss this point, which he of course, as a representative of the Yukon people is also interested in and I can see no harm in this. I think it would be to the benefit of Committee to have an open and free discussion on this. We need all the information that we can get, Mr. Chairman, in order to delve into this Bill properly so that we can do the job that we're here to do.

Mr. Chamberlist: Mr. Chairman, it would appear to me that when Members are interested in bringing the Honourable Member of Parliament into Committee to give his point of view, this might be so after the matter has been discussed and then Committee can decide after it has been discussed but I think at this time the discussing stage that we are discussing it we should thrash out all our own points first. Now the suggestion that has been put forward and the Motion that has been put forward by the Honourable Member from Watson Lake is something that I'm going to settle. I'm going to second the principle of that Motion that it does not interfere or make reference to a Crown Corporation. It just puts into the interpretations a communication utility. There may, as the Honourable Member has said, there may be communication companies that are not a Crown Corporation set up. Before the C.N.T. took over there was a utility here called Yukon Telephone

BILL #18 Company. They took over the Yukon Telephone Company. They were not a Crown Corporation and the position would be if another company came along and did that, they would have to necessarily comply with this Ordinance. Now I see nothing wrong with putting this into the interpretations section, nothing wrong at all. As far as I can see, it's a good one. Now, what we come to isn't going to suggested that because a Public Utility is a Crown Corporation that we have no control over that Crown Corporation. Is anybody in this Committee going to suggest that the Northern Power Commission or the Canadian National Telegraph do not have to comply with any of our Ordinances in this Territory. Nobody can suggest that. They have to comply with specific areas of our Workmen's Compensation Ordinance. They have to comply with specific areas of Motor Vehicles Ordinance. They have to comply in many other instances. I see no reason why they can't be made to comply with this particular Ordinance dealing with Public Utilities as well. I'm not quite sure if I recall the words correctly but there is a necessity in most Acts that set up Crown Corporations to comply with the laws governing those Provinces where the Crown Corporation operates. I will look that up further and bring this particular.....those particular instances to Committee's attention. Thank you, Mr. Chairman.

Mr. Chairman: Before we proceed any further, because it's getting very close to recess. There have been suggestions from two Members of Council that the Member of Parliament be invited to appear as a witness. Is that agreed by the Members? I suggested this at this time to expedite matters because while we were having recess this gentleman could be contacted. Is your wish that we proceed in that direction?

Mr. Chamberlist: I would, Mr. Chairman, move that we wait until such time that we have discussion. I feel that I should have some coffee at this time.

Mr. Chairman: Well then the Honourable Member from Carmacks-Kluane wished to say something. When he concludes we will proceed to a recess.

Mr. Livesey: Well in view of the time, Mr. Chairman, may I have the privilege of rising after recess.

Mr. Chairman: The privilege is granted. This Committee is now recessed for five minutes.

RECESS

Thursday, November 28, 1968
11:00 o'clock a.m.

Mr. Chairman: At this time I will call Committee back to order.

Mr. Livesey: The discussion, Mr. Chairman, in Committee in relation to the Motion before Committee which included the word communications, I think it is fairly clear that in a good many instances the Federal legislation and Provincial type legislation conflicts. There are numerous incidents in history and back history where the provinces have attempted to encroach upon Federal jurisdiction and vice versa. Now here I think is a principal point where it looks as though we, as a Territorial Council, are attempting to encroach upon an area of Federal jurisdiction, and I would just like to refer to section 92 of the B.N.A. Act, As you know section 91 defines the powers of the Federal Government, and section 92 generally speaking, defines the powers of the Provinces. The beginning of section 92 reads as follows: "In each Province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next, here and after enumerated and that is to say", and you read under subsection 10, "local works and undertakings, other than such as are the following classes: (a) lines of steam or other ships, railways, canals, telegraphs and other works and undertakings, connecting the Province with any other, or others of the Province, or extending beyond the limits of the Province", so on and so forth. So in my view, communications are within the jurisdiction of the powers of the Federal Government, and if this is so, or even if there is any doubt about it, I see no reason why we shouldn't question it properly and ascertain our exact position in this matter. I know that the Provinces naturally for the sake of their own benefits attempt, and probably always will, to encroach on the powers of the Federal Government, but I think in our case, it would be much more wise to make sure that we know what we are doing, and before we make amendments to legislation, which I think could come in conflict with the powers of the Federal Government, which, as we all know, the power of parliament is supreme and if the power of parliament is supreme, then we would be putting ourselves in jeopardy and putting the legislation also in jeopardy, which I don't think would be advisable at this time. Thank you, Mr. Chairman.

Mr. Taylor: Mr. Chairman, as I stated earlier, whether or not the Canadian Utilities will -- pardon me, the Canadian National Telecommunications would come under the bird view of this Ordinance is yet to be established. However, I feel whether or not they do, or whether or not they will in the future, is not the question. I feel that communications of this type, now I know at least one private telephone system that was in operation in Ross River, for instance, now who does come under this? and there are other areas of communications which are made available to the general public at a cost that should come under the terms and references of this particular group. Thirdly, I feel this group should be empowered to look into all fields of communications regardless of who they are dealing with, whether they are crown corporations or not, and it should be within their terms of reference to do so and it should be spelled out in the Ordinance, and this is why I propose the Motion. I feel it's essential in any such legislation that this be included, and if it means a redraft, fine, let us produce a piece of legislation which is complete and good, than to take a piece of legislation that is not complete, and therefore I would

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Mr. Taylor continues:
move that subsection (g) section 2 of Bill No. 18 be amended by adding after the word and, in line to the word, a communication utility; and.

Mr. Chamberlist: I would second that Motion, Mr. Chairman.

Mr. McKinnon: Mr. Chairman, speaking on the Motion I'm really being put in an untenable position here, because I agree whole-heartedly with the concept that if you're going to set up a Public Utilities Board, that a communication system should come under the purview of this Board. However, I'm not too positive that we have the jurisdiction of legislating in this field, and I don't want this legislation to pass, go to the Commissioner for assess, and assent be approved because we are being told from the other place that we have acted ultra vires of our powers, and if this is so, the whole legislative body looks like a darn bunch of fools, let's face it. Now I've asked this Committee whether a person who is extremely knowledgeable, the Yukon Member, could appear before Committee as an expert witness and answer these questions that I would like to put to him, There seems to be some disagreement whether this is so or not, and then other members are forcing motions on this House, where others who have asked for the privilege of getting another opinion than the one being offered by the Legal Adviser of this House, are not being allowed to get this information, but being expected to vote on a motion which, knowing all the facts, they might agree on. It just puts me, Mr. Chairman, in a completely untenable situation, and I requested the permission of this House, prior to ask the Yukon Member of Parliament, as a Yukoner interested in the need of the Yukon, and representing the Yukon people, if I would be able to put these type of questions to him. I don't know whether the House is going to give me the privilege of being able to do this, or force these types of motions before the House and expect me to make an answer when I don't know what I'm talking about.

Mr. Taylor: Mr. Chairman, prior to the recess, I requested the information as to who this party would be representing in this endeavour. I've since learned over recess, and I'm quite amenable to having this party, suggested by the Honourable Member from Whitehorse North, to come to the table.

Mr. Chairman: Is it the pleasure of this Committee that the Honourable Member of Parliament be invited to attend as a witness?

Mr. Chamberlist: Mr. Chairman, in respect I have indicated to Mr. Chairman, that I wish to speak on this.

Mr. Chairman: Proceed.

Mr. Chamberlist: Thank you, Mr. Chairman. I have no objection to the Yukon Member of Parliament to attend here, I am just concerned whether the discussion might enter into a argument of legalese, which may, or may not, bring forth any of the information that we require, because after all, we do not necessarily have to accept Mr. Neilson's legal opinion, we have a Legal Adviser, are we going to employ him as another Legal Adviser, until such time as the information given by our present Legal Adviser is disproved, and I can do that at times. I feel we must accept that particular piece of information unless this Committee has decided to

Mr. Chamberlist continues:
look for further legal advice. Now if this is the intention of the Honourable Member from Whitehorse North, to obtain further legal advice, then the suggestion should be that the Federal Government be put a few questions - put to the Department of Justice on this particular regard so that they would then give us the answers that we want. Then after we have received those answers, and if the Honourable Member from Whitehorse North still wishes to have Mr. Neilson attend Committee, then I would raise no objection at all, but as the Motion has been put now, it's just simply adding a few words in there and is not in any way putting the C.N.T. as a named crowned corporation into the interpretation section. Now what harm is there, and how could the Honourable Member from Whitehorse North in view of his very humble remarks make not to support the Motion that asks for a communication utility to be included in the reference. as a public utility. What objection could there possibly be to that?

Mr. McKinnon: I was asked a direct question Mr. Chairman. It's amazing how Mr. O'Donoghue switches from "our" to "their" legal adviser so fast. Mr. Chairman, this is the point, as the Honourable Member from Watson Lake pointed out, that he only knew of one other communication outfit that was privately in the phone business in the Yukon Territory, a small corporation in Ross River. Now we have this huge octopus of a Canadian National Telegraph system, which for intestine purposes runs a monopoly system of communication in this area. Now we pass this type of legislation, and it's completely unapplicable to the one communication's outfit which plays such an important part of every one of our lives, and you can see the three Board Members scooting off to Ross River to investigate the poor little company that's set up there providing communications between one house and another. As I said in the beginning, why don't we lay our cards on the table. As it is right here, there are two companies that are really going to be investigated, it's Yukon Electrical and White Pass and Yukon Route. This is fine. I have no problem in saying they should be under the purview of a Public Utilities Commission, but why shouldn't the other communications and utilities which play just as an important role in the development of the Yukon, and namely, let's name them, Canadian National Telecommunications and Northern Canada Power Commission, also come under the control and the purview of this Ordinance to provide for Public Utilities Board in the Yukon Territory. Why should this Council be looking to provide discriminatory legislation against the private enterprise sector of the economy and not making it an all inclusive legislative requirement that any and all of these public utilities that are so important in the development of the Yukon, all or none, come under the investigating powers of the Public Utilities Board.

Mr. Taylor: Mr. Chairman, I feel that the suggestion made by the Honourable Member from Whitehorse North is sound, if someone can shed a little light on this, by all means let's get him down here. I just would like to point out that not only are we talking about Canadian National Telecommunications as being in power to operate in the Yukon and the Northwest Territories, but also N.C.P.C. are permitted under section 2, subsection (g) of the Northern Canada Power Act to provide telephone systems in the Yukon Territory or the Northwest Territories, so here we've got It's interesting to note, just in perusing this Act that in section 13, it states,

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Mr. Taylor continues:

"The Commission may investigate a project and may advise the Minister, or the Commissioner, of the Northwest Territories, or the Commissioner of the Yukon Territory, as the case may be, of the areas that might be served, the estimated amount of capital required, the proposed rates, that in the opinion of the Commission would produce revenue equal to the cost specified in section 10". Now here is permission in the Northern Canada Power Commission Act, which makes it possible for this Commission, or the Canada Power Commission, to consult with the Commissioner. Now we can consult with the Commissioner and if we choose to include communications in this Ordinance, or indeed power in this Ordinance, it would certainly follow if he could consult with the Commissioner, he could certainly consult with the Public Utilities Board, I would assume this. However, I would suggest that a vote be taken, and if it is a favourable vote, that the party suggested by the Honourable Member from Whitehorse North, be invited to attend forthwith.

Mr. Chamberlist: Before a vote is taken, Mr. Chairman, I have one very strong objection to make to the remarks made by the Honourable Member from Whitehorse North. He indicated that this Bill is a Bill pointed at the Yukon Electrical Company Limited, and at the White Pass and Yukon Route. I would suggest the Honourable Member is in error when he did that, it is not pointed at any of these two companies. They have both played their part in the economy and growth of the Yukon, it is there to regulate all public utilities and all companies, that are performing services and public utilities, and the reference made to the White Pass and Yukon Route is certainly the largest transport company, but there are other transport companies, and there are other people who have P.S.V. licences, who must be controlled as well, so that the inference by suggesting that this legislation is there to point and control the White Pass and Yukon Route, and the Yukon Electrical Company is, in my opinion, an error on the part of the Member of Whitehorse North. Thank you, Mr. Chairman.

Mr. Legal Adviser: Mr. Chairman, I would just like to make one point. The Honourable Member from Whitehorse North said, that this Bill does not control crown corporations, it only bears reference to private corporations and he mentioned the White Pass and Yukon Electric. This Bill as drafted represents the policy of this government, and in the electrical field it will control, and will successfully control, any person, or any corporation, crown corporation or otherwise, who is selling electricity to the public, and who attempts to seek a franchise from this government, or the Public Utilities Board to do it. This is all it attempts to control in that field. In the transport field it will control any person, or any corporation who is operating a public service vehicle. He will need a licence to do it, and he must apply for a licence and comply with the terms of this Ordinance, and the Motor Vehicles Ordinance. Now in my opinion this Bill does just that, it can control us and it will control us.

QUESTION RE FRANCHISE OF C.N.T. Mr. Chairman: Might I ask a question from the Chair to the Legal Adviser? Does the Canadian National Telegraph have a franchise in the Yukon Territory?

Mr. Legal Adviser: I don't know how the C.N.T. operates. I presume you're thinking in the terms in the field of telephones. I don't know whether they have a franchise or not, I don't know whether they need a franchise or not. I would apprehend under our legislation, since we don't have provision for granting telephone franchise, that they have not got a franchise from us, and I haven't delved into the legal intricacies as to whether or not, if we had control of communications that we would be able to control their operations outside the Yukon Territory, that is the communication network extending over our borders, but I would apprehend that we would be able to control the operation of any telephone company within our own borders.

Mr. Chairman: Well gentlemen, I have a Motion before me, the Motion as follows: 'That subsection (g) section 2 of Bill No. 18 be amended by adding after the word, and, in line to the word, 'a communication utility; and.' Are you prepared ---

Mr. Livesey: Mr. Chairman, according to my understanding we have asked for a witness to attend to discuss the subject, the very subject matter that is involed in the Motion. Now does it make sense to propose the Motion and attempt to pass it and listen to the witness second. To me that is absolutely foolish, I can't think of anything more ridiculous. If we are going to invite a witness to attend Council to give us advice, whether we think we are going to accept it or we're not, it's our own prerogative. That's not the point, the point is when a witness is coming to Committee to discuss a certain subject, surely you don't decide the thing first and ask questions second. I've always thought, Mr. Chairman, that the rotation was the other way about, that we listened to the advice first and then we make our decision second. So I would think, Mr. Chairman, that the proposed Motion be put the question be put at this time is absurd, totally absurd, and Mr. Chairman, I think in all common decency we should withhold any decision on any question related to this Motion until we have heard the witness as described. I feel, Mr. Chairman, this is the only sensible policy to follow.

Mr. Chairman: I agree very much with the remarks of the Honourable Member from Carmacks-Kluane. I might state the position of the Chair that it was asked by an Honourable Member to call the question on the Motion, and I am endeavouring to get agreement as to whether the witness should appear, someone popped up and wanted to discuss the Motion each time so obviously we can't take two Motions at one time, so at this time I will ask, is it agreed that a witness appear before this Committee as outlined?

All: Agreed.

Mr. Chairman: Are there any contrary? Thank you very much.
Mr. Clerk, would you please as certain if the witness ----

Mr. McKinnon: Mr. Chairman, I can see no useful purpose, by the time the witness would be here to appear before the Committee it would be time for the noon hour recess.

Mr. Chairman: Now gentlemen, in view of the fact it's quite difficult to proceed with anything in the time that we have, and it is necessary to have the witness, I will call it recess until 2:00 o'clock this afternoon, when we hope the witness will be here.

RECESS

RECESS

Thursday, November 28, 1968.
2:00 o'clock p.m.

Witness Present: Erik Nielsen, Member of Parliament for the Yukon Territory.

Mr. Commissioner and Mr. McKinnon not present.

Mr. Chairman: At this time I will call Committee to order. We have with us this afternoon the Honourable Member for the Yukon to assist us in this Bill relating to Public Utilities. Councillor Dumas.

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Mr. Dumas: Mr. Chairman, the problem that we have and the one that I'd like to hear comments from the witness on is whether NCPC and CNT can be brought under the Regulations as laid down in the legislation before us, and that is a Public Utilities Commission?

Mr. Nielsen: In my opinion, no. I might explain that the operations of Northern Canada Power Commission are now before the Standing Committee of the House of Commons on Indian Affairs and Northern Development. The last meeting at which NCPC was present with the Deputy Minister and the General Manager was about two or two and a half weeks ago at which time several questions were put to the General Manager and to the Accountant which require a good deal of research before the answers can be given. So, NCPC definitely have indicated that they won't have this information until after the New Year, at which time they will again be before the Committee for the purpose of providing the answers. One of the questions which was put concerned the accounting practice of the Commission which set up a reserve for contingencies substantially in excess of the reserve of two or two and a half per cent, I believe, which is established by most provincial public utilities commissions for the operation of utilities. NCPC's this last year was more in the neighbourhood of six or seven per cent, but in one of the questions I put as to whether there was any limit on the amount that they could set up as a reserve, the answer I got was no, they could go to ten if they wanted, or it could be fifteen. I'm not suggesting that they would but the power was there for them to do that, and this led into the question as to why NCPC was not bound in its operations by provincial utilities legislation, because they do operate at Field, B.C. a plant, and they operate at Moose Factory in Ontario, another plant. Both of these provinces have utilities legislation and NCPC, being a Crown Corporation, is not bound by the provincial legislation. In my opinion they could only be bound if the Federal Act creating NCPC subjected that corporation to the provincial legislation and control of provincial public utilities commissions by the way of background.

Mr. McKinnon enters Council Chambers.

Mr. Dumas: Mr. Chairman, our Legal Adviser has suggested that in fact NCPC would be bound by this Bill if it went through. Is that correct, Mr. Legal Adviser, and the witness doesn't agree with this. Now, I would like to know the basis for either stand, or both stands. We have got to make the final decision here, so we have to know. It's imperative that we know that if we pass this legislation, NCPC is bound by it. Now, if we go ahead on

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the basis that we feel it will be bound and in fact if it isn't, we could make a very grave mistake in passing it. On the other hand, if we know that there is no hope of binding them by our legislation, we then might not be inclined to pass it, so I would like to hear from both the witness and Mr. Legal Adviser, if it is in order, Mr. Chairman, the background to the stands that they have taken on this matter.

Mr. Nielsen: Well, let me say at the outset that I don't intend to engage in a professional combat with the officer of the government whose job it is to advise you. As far as NCPC is concerned, and as far as the Deputy Minister is concerned, by their very answers to the questions which I asked them in the Committee - they don't consider themselves bound by provincial public utilities legislation. My professional opinion is that if it happens to be opposite to that of Mr. O'Donoghue, so be it, but I don't think it would be right to engage in combat here.

Mr. Chairman: If you could direct your questions - rather, be specific about a question, Mr. Dumas. I think, Councillor Dumas, that we would progress further, if you could ask a specific question and perhaps you would be able to get a specific answer.

Mr. Dumas: All right, Mr. Chairman. Before we sat down here at 2:00 o'clock we knew what the stands were. We knew what the argument presented by the Honourable Member from Whitehorse North was, and we knew what the Legal Adviser's argument was and that the stands were diametrically opposed. Now, I think we've got to have something more to go on. We're still, as far as I'm concerned, no further ahead than we were this morning, so I'll ask the Legal Adviser what he bases his opinion on.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, by virtue of section 16 of the Yukon Act, this Body has power to make ordinances which are of a local and private nature. This Bill is of a local and private nature, so it is within the competence of the House. It is suggested that the Bill cannot control the actions of Crown Corporations. Now, Crown Corporations share the privilege of the Federal Government of being immune from legislation by a province, but to say this on a wide scale is not to say that none of their operations come within the compass of the legislature of this particular Territory. This Bill is not attempting to control the operations of NCPC. What it is doing is this: it is setting up a system whereby the Commissioner or a municipality may grant a franchise subject to certain conditions. A franchise is, by its very nature, the right to give or grant the exclusive privilege of selling a particular commodity - in this case, electricity - within a certain area of the Territory. The power is granted to the Board to give this franchise. If NCPC wish to obtain a franchise, they must come in a submit to the rules for granting franchises, subject themselves to the conditions by which franchises are granted. Now, in this field, they are only then controlled, not in their over-all operations, but in a particular function, and that is the retail sale to the public of the commodity, which is electricity. We don't, unlike some of the provinces, make a big long set of regulations and say that anybody who sells electricity must submit themselves to these rules, and have regulations as to the various kilowatts and the safety regulations and this, that and the other thing, which form part of provincial legislation. We're not attempting to do this. We are merely attempting to grant a franchise subject to conditions, and every person who applies for

a franchise for this one narrow field, and that is retail sale to the public, must subject themselves to this. Now, this legislation was not done in an idle moment, and it wasn't done without a lot of thought and advice, legal and otherwise, from other people, and so far as I know, NCPC have been consulted in the matter and we are of the opinion that the legislation is proper and within the competence of the Commissioner and Council under section 16 of the Yukon Act, that the particular field in which we attempt to bind every person, Crown Corporation or otherwise, who seeks a franchise are within our terms, within our competence and can be enforced.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Thank you, Mr. Chairman. The question I raised this morning was in relation to a motion before the House to include in the legislation, under the interpretation of the words public utility, the word communications as added to public utility and transport public utility, an interpretation of the words public utility. In other words, to give power to the Utilities Board or Commission over communications, and, Mr. Chairman, I raised the section of the British North America Act, section 92(10) where it definitely states in each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say...., and then it goes on to say in subsection 10, local works and undertakings other than such as are of the following classes, and it says lines of steam or other ships, railways, canals, telegraphs and other works and undertakings connecting the provinces. My question is, Mr. Chairman, is it possible for this Council, speaking to the motion, to add communications as an interpretation of the words public utility over which the Board would have control in view of section 92 of the BNA Act, section 10? I wonder if I could direct that question to the witness, Mr. Chairman.

Mr. Nielsen: Well, I want to be as helpful as I can. I don't know what discussions have taken place before I came here this afternoon, but I would, with respect, suggest that that is the kind of question I shouldn't be answering and that your Legal Adviser should be answering. I've already stated the view that provincial legislation cannot bind any Crown Corporation. That's my view.

Mr. Chairman: Councillor Livesey, in view of the witness's remarks, would you care to re-direct the question?

Mr. Livesey: Yes, perhaps I could re-direct the question to the Legal Adviser, Mr. Chairman.

Mr. Legal Adviser: Mr. Chairman, I don't want to dodge this question, but communications is a very wide word, and at the time that the BNA Act came out, I'm not sure that telephones were even thought of. Now, the power that is given to this House to pass legislation is a different power from that of the provinces. We have our own special list which, although it paraphrases the list given in section 92 of the BNA Act, is not an identical list. Our power is a two-fold power. We're given the power to make legislation under this list but subject to the proviso that no exercise of power purporting to be under this list may exceed the power which is granted to the provinces under section 92 of the BNA Act, so there are two different things to consider here. Now, whether or not telephones going outside this Territory to other territories are capable of control by this House is, in my view, doubtful. Now, I think so far as local telephone companies are concerned that confine their operations to within the

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Territory, I think we would have power to legislate for them, certainly in so far as this type of ordinance is concerned, which would be as much a matter of consent as anything else, that if the person wanted an exclusive franchise to operate within an area, then they would be granted that franchise on terms, and they would give their undertakings and be bound by the terms of their own undertakings before the franchise was granted. Where one would draw the line as to where the boundary was to exist in the case of a telephone line, if it was found that we could not legislate for an operation that was going outside the Territory, I would not like to say. Now, my advice to the House for what it is worth is not to insert this amendment because communications in turn will have to be defined and closely defined. It's not just a matter of putting in a word and then saying merely because we changed the definition of public utility to include communications that that catch-all word can usefully encompass what is in the mind, or what I think is in the mind, of the Honourable Member which is to enable this House to control the operations of CNT in the telephone field within the confines of this Territory. Now, one must also bear in mind that the modern method of telephone communication makes use of radio communication over distances and is not merely confined to wires. This in turn may move us into the field where I think it is undoubtedly unchallenged, that the Federal Government is supreme, and that is in the field of radio and television. So, the communications field just as what one might call a midnight amendment would, in my view, be unsuitable for insertion in this Ordinance at this time without considerable research and some degree of agreement as to whether this can be done or not, and as I earlier suggested, if the definition is left as it stands and it is dealing with electrical public utilities who fall into two classes or two conditions. One is that they are selling direct to the public, and two that they are applying for franchises from the Commissioner or the Board. If we leave it at that, then, in my opinion, which I have already given, we have the power to enact the legislation, but if we move beyond that field we are risking this legislation which, I think, is good sound legislation. We are risking it in attempting to achieve something which may be impossible.

Mr. Nielsen: Mr. Chairman, may I be permitted - I'm in the middle of an argument in court and I can see this is going to take some time. We can't go beyond 3:00 o'clock in any event in court and I'm wondering if perhaps it might suit the Members of Council if I returned to court and then came back here after three?

Mr. Chairman: Would that be agreeable, gentlemen?

All: Agreed.

Mr. Nielsen leaves Council Chambers.

Mr. Chairman: In view of the exit of the witness due to pressing business, would it be agreeable that we proceed with other matters in this particular Bill and come back to the pertinent subject?
Mr. Taylor.

Mr. Taylor: Mr. Chairman, I would feel that we could proceed with this matter without the witness being present at this point in time, and if anything does arise that we require his assistance with, why we could pick it up again at three, or make note of it.

Mr. Chairman: I might state that it has been requested that the witness be here by our rules and the witness has had to leave, so I presume he will be back and we could continue the questioning.

Mr. Taylor: Mr. Chairman, I just wanted to say that the witness has answered the questions, I think, we were wishing to put to him, but I would, just before I continue, like to ask one question and then get on with what I wanted to say. I'd like to direct this to Mr. Legal Adviser. It would follow that where we deal with the issuing of franchises that it is quite within our prerogative to pass such an Ordinance. Then does it not follow that we then have the legislative right to insist that all corporate utilities operating and functioning in the Territory under legislation could be forced into a position of having to take a franchise in the Yukon Territory?

Mr. Legal Adviser: This is a question of control. If I have heard the Honourable Member correctly, this is what this legislation is trying to do. It's creating a position whereby it says that any person who wants to sell electricity to the public in an area must apply for a franchise. We're not just as such saying this applies to Crown Corporations. We're saying anybody, and by anybody I mean a person or corporations. Then, we say if you want a franchise, you come in before the Board and be prepared to answer questions; be prepared to give undertakings; be prepared to accept our rules, and the Board then in return says if you don't do this we will not grant you a franchise. We will grant a franchise to somebody else. Now, it is inconceivable to me that whether or not that view is accepted, that any Crown Corporation in defiance of an announced public hearing, and in defiance of an open invitation to submit schemes showing the cost and the utility of the particular service, that any Crown Corporation would, having accepted the ground rules, turn around and attempt to defeat them or even to compete in that area with the person who might be successful against them in obtaining the franchise. If, having come in and having failed to observe the ground rules - supposing, for instance, they were asked during the hearing what amount of reserve did they have - to take up the point which was raised by Mr. Nielsen - and they say six per cent, and supposing they were asked to reduce their reserve to a certain percentage and they undertook to do this; that the following year that they had not done it in relation to this particular operation, then the Board would have something to say about this matter. Now, also in the franchise there is the power to control rights and to accept complaints against the quality of the service and rates can't be increased except with certain notification and certain information be forthcoming. These would all apply to any person who has been granted a franchise, and the Board would have the power to cancel the franchise if the rules were not observed. Now, this is the real power behind this Bill; the right to grant the franchise to somebody who agrees to conform, and if they don't conform, well then they get no franchise.

Mr. Chairman: The Chair recognizes Mr. Chamberlist unless Mr. Chamberlist would care to allow Mr. Taylor to continue.

Mr. Taylor: Point of order, Mr. Chairman. I believe that I asked the Chair if I could first ask a question before I could continue. I was granted that permission.

Mr. Chairman: Proceed with the question.

Mr. Taylor: Mr. Chairman, I had asked that I might ask the question previous in order that I might get on with what I had to say, if this was permissible with the Chair.

Mr. Chairman: Oh, I beg your pardon.

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Mr. Chamberlist: I bow to the Honourable Member for Watson Lake.

Mr. Chairman: My hearing is not as acute as it might be. Proceed, Mr. Taylor.

Mr. Taylor: Thank you, Mr. Chairman. Well, then if this be the case, it occurs to me that indeed NCPC could well come under the purview of this Ordinance. Now, there's another problem, and that is that in section 13 of the Northern Canada Power Commission Act it states that the Commission may investigate a project and advise the Minister or the Commissioner of the Northwest Territories or the Commissioner of the Yukon Territory, and so forth, and it goes on to state that he advises them on the areas that might be served, the capital required, the proposed rate that in the opinion of the Commission would produce revenue equal to the cost specified, that in the opinion of the Commission, and so it obviously follows, from reading this as I interpret it, that the Commission would not involve itself anywhere in the Yukon Territory without first having received the consent of the Commissioner. This is the way I read it unless I'm reading it wrong. So, that would mean then if we wrote into this particular Bill a provision that they could not come into the Yukon Territory unless they were granted a franchise, it would then automatically - and if they did come in and took a franchise - they would then come under the purview of this Bill. Now, this is the way I see it. Correct me if I am wrong, Mr. Chairman. Now, let us take a look for one moment at the operation of private enterprise - private enterprise utilities in the Territory - more particularly Yukon Electric. Yukon Electric have power franchises on an agreement, not with the Council, but with the Commissioner alone of the Territory. Here again the Commissioner is acting as chief executive. To deal between the utility company and the Territory is between the Commissioner and the utility company. Now, it is suggested by this Bill, as I interpret it, that now the Public Utilities Board rather than the Commissioner would be the other party to the franchise agreement. Well, this would seem to fit. This would be the same as NCPC taking a franchise and coming under the purview of this particular Ordinance, as I see it, and if this be the case and if this is spelled out, then the problem is partially resolved. We need only then insist that Northern Canada Power Commission, wherever they do have operations, come under the terms of the franchise agreement. Then the Utilities Board can deal with them. Now, then further to this there's no reason at all why then we cannot include communication into the terms of reference of this Board because again wherever a communication organization selling communications to the general public is within the Territory - whenever they wish to operate they, too, would have to come under a franchise agreement thereby allowing the Board the right to negotiate or indeed regulate rates and so forth in respect of their franchise within the Yukon Territory, and as I see it, if I have this correct, and I would ask Mr. Legal Adviser if I have interpreted this properly, then I see that there's no trouble. I wonder if Mr. Legal Adviser would care to comment.

Mr. Commissioner enters Council Chambers.

Mr. Legal Adviser: Well, Mr. Chairman, I know it's an awkward answer to give, but it's a question of no and yes. The particular section which the Honourable Member quotes from the Federal Act is a routine type of provision inserted in the act to enable Northern Canada Power Commission to do certain things which otherwise it might be improper for it to do. In other words, it may make an investigation in the Yukon Territory or the Northwest

Territories subject to the approval of the Commissioner. This is directing it in its own operation. Its properly proper legislation for the Federal Government to pass and in fact it's passed as a courtesy to this House that this should be so. This enables the Commissioner to make use of the services on a broad scale of NCPC in making an investigation into power projects, power possibilities, power costs, and I think Honourable Members are familiar with the method by which the Commissioner can call on the services of CMHC to send in some people to make an investigation into the planning of Whitehorse, the possibility of having public housing, the question of surveys, the feasibility of housing in general, but CMHC would need in their own parent Federal Act to have the power to do this and to expend money in such a project when they get the invitation of the Commissioner, so that the power given to NCPC in their parent act is to spend money on these investigations, if they have been invited into the Yukon by the Commissioner. It doesn't control their everyday operations. Now, NCPC is a very wide and far-flung organization. Apart from investigations at the insistence of the Commissioner, it engages in a multitude of operations. They can build dams, construct main power houses. They can, in other words, manufacture electricity or they can wholesale electricity. In these phases of its operations, even though they take place within the confines of the Yukon Territory, this Bill does not attempt to control them. There is no general list of regulations inserted into this Bill whereby the general operations of NCPC are in any way controlled and this is no accident. The design of this Bill is carefully thought out to avoid the clash between a federal corporation and the Territorial Government in fields into which it would neither be adviseable or competent for the House to tread, so this is why I have no doubt whatsoever that this Ordinance as it is written, and I emphasize as it is written, is within the competence of this House, but I could not say the same if the amendment suggested by the Honourable Member, using the broad word 'and communications' was inserted into this Bill. I would like time and consultation with other more experienced legal minds than my own to consider the whole question of dealing, in a public utilities bill, with the field of communications. It's a delicate field into which fools may rush but angels fear to tread, and in this regard I am on the side of the angels. Right here in Whitehorse we have potential rivals for radio or TV stations entering into the communications field. We have CNT who are operating not only within the Territory but internationally, and not only do they do this but in addition to that they are a Crown Corporation. Now, I would hesitate to put them in without a real examination of the whole problem of communications in this field, so I don't ask, I beg the Honourable Member not to force us in this field into communications. We just want to control, in this instance, two things. One is public service vehicles, which we already control, so it's no new thing in this Bill. The new thing is electricity. Let's see how it works. Maybe this Bill may be crazy. Maybe the Public Utilities Board may not work. Maybe some disaster may happen. We don't know, but at least let us test the temperature of the water and give it say three months, six months, a year to see how it works, and then if it works, and if it works well, then if the House wishes to move a motion on the subject there is no question but the Administration will investigate at that level the feasibility of extending the power of control of the Public Utilities Board to wider fields, and then if that is legally feasible and not only is legally feasible but is a wise measure and we can get proper legal control without which it is useless to have a bill - if we can get that, then we can introduce telephones. We can introduce other things as well as telephones, but telephones is the one which is under discussion, but I beg of

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you for the moment to leave it alone and just stay with electric.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, now that we have heard the word of the angel, I would ask this particular point, and it seems to me that there is some confusion about communications. My intention was to refer to telephone communications. I understand that radio and television communications come within the scope of a Transport Board of Commissioners and therefore I would agree that it would be outside the realm of our authority to legislate in that particular sphere. Now, I think that the explanation given by Mr. Legal Adviser in his capacity as a representative of the angel - I like that, I really do - has made it quite clear that NCPC cannot be legislated against within the Territory when it relates to the manufacture and wholesale selling of electrical energy, but I see no reason why it should not come within the sphere of this Public Utilities Commission when it does the same job as the other distributor when selling electricity retail as they do in the Mayo and Dawson districts. I think that they should be controlled. I don't think that they should have any advantage given over a private utility company that in fact performs the same or similar function. It's of interest to note that when dealing with the communications system known as CNT that they are subject to our Taxation Ordinance, besides the other ordinances that I mentioned this morning. I would at this time like to put a question to the Commissioner and he should, or perhaps he is unable to answer at this time and he should be given time to ascertain the answer to this question and whether it is in the affirmative or otherwise, and the question is this, has the NCPC been consulted in regards to this proposed legislation and its effects on the retail operations of the NCPC in the Yukon Territory.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, I would have to determine that. I'm sorry I just do not have that answer right off the top of my head.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Commissioner could indicate if an answer to this question could be forthcoming before we complete this Bill.

Mr. Commissioner: Mr. Chairman, I will get the answer just as quickly as I possibly can for the Committee.

Mr. Chairman: Mr. Dumas.

Mr. Dumas: Yes, Mr. Chairman, the Legal Adviser suggests that NCPC would be brought under franchises and so forth inside the Territory and they wouldn't make any moves without consulting the Board and the Commissioner's office and so forth. I wonder, did NCPC and the federal government consult with the Territorial Government on the supplying of power to Anvil and was any thought given in that case of any private enterprise possibly being allowed to bid on something like this? This is the type of thing that we're trying to guard against. I wonder if I could be enlightened on that.

Mr. Chairman: Councillor Dumas, you said you wonder. Who would you ask that question of?

Mr. Dumas: The Commissioner.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, the situation that has been referred to, I think, is very clearly spelled out in the agreement that was arrived at between the Federal Government and the Anvil Mining Corporation, and I would certainly have to go and do my homework all over again on this before I can go any further on that answer.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Just to conclude my remarks, Mr. Chairman. Some time ago we seem to have gotten a little off the track, but section 6 - I wanted an interpretation from the Legal Adviser of section 6 of the Northern Canada Power Commission where they state that the Commission may construct, purchase, rent or otherwise acquire, operate and maintain plants within the Northwest Territories or the Yukon Territory, and with the approval of the Governor in Council but subject to the laws of the province in which the powers under this section are exercised, elsewhere in Canada and for those purposes may, and then it goes down listing all the items - develop, improve, operate any property of the Commission and so forth. Am I to take it from this section that the only two places in Canada where the NCPC do not have to operate under the laws of the province are the Yukon and the Northwest Territories, or am I to conclude from this that indeed it would infer that territories are generally included in this term province? That they have to live up to the laws that we establish here?

Mr. Legal Adviser: I think NCPC are bound, as a normal rule, by the laws of the place in which they operate.

Mr. Chairman: Mr. Livesey.

Mr. Livesey: Another point, Mr. Chairman. I would like to direct a question to the Legal Adviser. Does transport public utility include the railroad in the Yukon and the freighting service in the Yukon connected with the Yukon?

Mr. Legal Adviser: No, Mr. Chairman, it specifically does not include that. Transport public utility means a person who operates a public service vehicle, and they are not public service vehicles. The definition of that is given in (f) and that's taken exactly from the Motor Vehicles Ordinance. We already have this power of dealing with public service vehicles.

Mr. Chairman: Mr. Taylor, would you mind taking the floor just for a moment? I have a query.

Mr. Taylor: I'll take the Chair, not the floor, Councillor Shaw.

Mr. Shaw: That's correct. I beg your pardon. Mr. Chairman, we seem to be getting no place exceedingly fast. Where the Legal Adviser has given an opinion, the witness has also given an opinion on certain matters and in analyzing the situation I think they are both correct. The Legal Adviser has stated that when someone has a franchise they must comply with the law. The Honourable Member of Parliament for the Yukon has stated that the Northern Canada Power Commission is not subject to certain control by the Territory. Now, the Legal Adviser informs us that when these people have a franchise they must comply with the law, and, Mr. Chairman, I say he's right. I also say the other opinion is right for this very

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reason, that the Northern Canada Power Commission have not a franchise, so therefore if they don't have a franchise, they don't have to follow in the terms of the franchise. Now, a franchise is nothing more or less than an agreement made between two parties in which exclusive rights are given. Pure and simple. Now, if the NCPC have made an agreement to come into the Yukon Territory and to produce power and to sell power and distribute power and so on and so forth, that is quite right. They have that franchise to do these things. On the other hand, have they agreed, Mr. Chairman, that they will open their books, documents and all this stuff and be controlled thereas and therefor under a Public Utilities Commission? Now, I think we have two different kinds of horses here.

Mr. Chairman: I will just declare a brief recess.

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Mr. Chairman: At this time I will call Committee back to order. Councillor Shaw.

Mr. Shaw: Thank you, Mr. Chairman. I almost lost my train of thoughts. Maybe I should start at the beginning. I did really forget just where I left off, but none the less there is a difference, Mr. Chairman, in bringing people under this Ordinance that have a franchise and bringing people under this Ordinance that at the present moment do not have a franchise, so I haven't gone too sufficiently to know whether you can force anyone to have a franchise or not. That' seems to me to be a somewhat difficult thing to do. However, we'll leave that in abeyance at the present time. Now, my sentiments, Mr. Chairman, in relation to the NCPC and also the CNT or any other Crown Corporation - I feel that they should be brought under the same laws as you would private enterprise. They are providing a public service but at the same time why should they have exemptions in matters of either contributing to the economy of the area and following within its laws. However, I do feel at this present time that due to the Statutes of Canada which are now in effect that for us to try to bring these various and sundry corporations under our wing, as we might say, or under our control, must, of necessity, force a change - perhaps force isn't the word, but must, of necessity, have to have a change in the Federal Act concerning that. I feel that for us to enter into control of communications - that's a very broad word - would be just a futile exercise because it is beyond our competence. It's an all-embracing field. It's something that - communications, in my opinion, Mr. Chairman, for the general safety of the country, must be under federal control, otherwise it could extend to everything, but in relation to their dollars and cents attitude with the people of the Yukon Territory; certainly anything that is involved in that or the actual service, I think, should be under the control of this Body, but at the present moment I do not think it's within our competence. I would like to ask the Legal Adviser, who is absent at the present, a question, Mr. Chairman, and perhaps have it on record so that when he arrives back here he could complete this - is there any means whereby we have in this Bill which could force the Northern Canada Power Commission to enter into a franchise with the Commissioner of the Yukon Territory.

Mr. Chairman: Mr. Clerk, would you see if Mr. Legal Adviser could be available. I'll declare a brief recess.

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Mr. Legal Adviser enters Council Chambers.

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Mr. Chairman: I will call Committee back to order at this time. Councillor Shaw, would you re-state your question, please.

Mr. Shaw: Mr. Chairman, I would ask the question - the Legal Adviser stated that anyone who has a franchise is subject to the provisions of this Ordinance, and there are two questions. Have the Northern Power Commission a franchise in the Territory in the respect to something like this Ordinance, and if they have not, would there be any means which we could say to them, you must have a franchise?

Mr. Legal Adviser: I'm not sure of the answer to this second part of the question, but the basic position of a franchise is this; a person comes along and makes an application and gives certain undertakings. If they break those undertakings, apart from any other law, the franchise can be cancelled. Now, with this Board, if they deal with what is essentially a privileged person, which is NCPC, it's got legal privileges which an ordinary corporation formed within the Territory has not got. It may be difficult to bring them to discipline by a criminal charge. It might even be difficult to sue them because they may be able to plead privilege and fall back and force an action in the Exchequer Court, but the real power of this Bill is that if they consent to come into our court and to request a franchise, the first thing they will be asked is will they play the game according to our rules. If they do, then I cannot conceive of their attempting to evade the rules. This is the real power. The power that they ask to play the game according to our rules and make a request to either the Commissioner or the Public Utilities Board, depending on who is granting or offering the particular franchise. It's never easy to control a Crown Corporation because they can fall back on legal difficulties, but so can any other corporation. Now, if a giant corporation moved in here from the outside and seeks a franchise, in terms then they fall within our rules and they have got to make the disclosures that are requested because if they don't satisfy the Board with the scheme, with the feasibility, and with what is happening during the course of their operations, that franchise can be cancelled, although, as the Honourable Members well realize, a giant corporation moving in here, say from New York, Vancouver, Toronto, would be able to so organize its books that without assistance from the applicant himself, it would be difficult to pull out the figures relevant to the particular phase of their operations within the Yukon Territory.

Mr. Shaw: Mr. Chairman, that doesn't quite answer my question. If I may paraphrase that. I was not referring, Mr. Chairman, to a private corporation, and I will be very specific and I will use an illustration, which may derive the answer. We are dealing with a Crown Corporation period. NCPC. If the NCPC at the present moment has an agreement or franchise with the Commissioner of the Yukon Territory in which they will supply power, in which the terms of the agreement state that they will supply adequate power to a certain area in the Territory period. Can we then say, in view of this Bill, if it were passed, that yes, that's right, you supply the adequate power but you must also be subject to the discipline that is here. You must show us your books. You must do this and you must do that and you must do something else, when the original agreement was only to supply adequate power.

Mr. Legal Adviser: I don't think so. No. I think the only real control is what they agree to do in the beginning.

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Mr. Chairman: Have you anything further at this time or do you wish to proceed with the Bill?

Mr. McKinnon: Mr. Chairman, I have several questions I would like to ask. If I am not incorrect, there was a Parliamentary Statute of the Federal Government which sets up the Northern Canada Power Commission. Is this correct?

Mr. Legal Adviser: There is. I think one of the Honourable Members has it in his hands down here.

Mr. McKinnon: Now, Mr. Legal Adviser, you have stated in no uncertain terms that if we pass legislation at the Territorial level that we can bring this Crown Corporation which has been set up by Federal Statute for the terms of franchise arrangements under the rules and regulations of this Territorial Ordinance. Is that correct?

Mr. Legal Adviser: This is correct, because we are in this not dealing primarily with a Crown Corporation. We are dealing with applications for a franchise in one or more areas. So, there is no argument but that this Ordinance is within our frame of reference. Once a Crown Corporation, and I'm making the assumption that NCPC is a Crown Corporation - once it moves into the field, then itself, it impliedly - whatever about its terms of reference, whatever about the Statute creating it, it moves into the field and it says, we are going to move into this field and we make an application under this Act. Therefore, it impliedly submits itself to our law. Whatever about its over-all privilege, it doesn't have to come in. It comes in. Now, if we were to make in the law a set of regulations dealing with power companies, with no reference to a public utilities board or anything else; just say that every operator of an electrical station must have safeguards here and safeguards there and safeguards there - I can conceive that NCPC would say, we, as an agent of the Crown, are the Crown. The Crown cannot be bound by Provincial or Territorial legislation. Therefore, go away. Now, this in effect is what happens when you are dealing with railways, when you are dealing with aircraft regulations and so on. This is not the case here. We are setting up a board for a public utility. If they want to come into our ground, they have got to be bound by our rules.

Mr. McKinnon: Now, Mr. Chairman, if this franchise is granted to the Northern Canada Power Commission and they say that we're going to abide by these rules and regulations that you have laid down in this Ordinance, are they in fact bound by the rules and regulations if in the future they say they do no longer want to be bound by these ground rules that we have laid down, will they be liable for prosecution under this Ordinance?

Mr. Legal Adviser: I wouldn't conceive that they could be liable to prosecution. I would conceive that we would have difficulty if they really dig their toes in and say, to hell with you, we don't want to be bound.

Mr. Chairman: Order.

Mr. Legal Adviser: Excuse me. I can conceive that we would have difficulties, but the expressed policy which applies to the Northern Canada Power Commissioner equally with others, but in particular to them, is that they are to consider themselves bound by the laws applicable to this Territory and to the Provinces. Now, we may find difficulty if they really dug their heels in in that we cannot prosecute them, which is the final result of enforce-

ment of law. We cannot prosecute them just like that. We might be able, for instance, to prosecute one of their officers who would not be able to plead privilege in the same way as a Civil Servant is subject to direction, but they cannot escape responsibility for a wrongful act mainly by saying I am a member of NCPC, any more than one of our Territorial Civil Servants could escape the same thing, but the over-all thing is that if they come in, and that is policy, they are bound, and this legislation sets up the framework within which they can come to accept the jurisdiction and the control equally with any other competing company in the same field.

Mr. McKinnon: So then, Mr. Chairman, our only deals where we can apply pressure is that beautiful pyramid that political scientists use of government's applying moral suasion on a company so that they live as good corporate citizens within the community, and, Mr. Chairman, I've had many times tried to use this moral suasion on Crown Corporations and to this moment have had no avail and no effect. Now, Mr. Chairman, I'd like to ask another question. Under the terms of the Broadcasting Act, and this is quite apropos at this time, is the Canadian Radio-Television Commission set up by a Federal Statute?

Mr. Legal Adviser: As far as I know, yes.

Mr. McKinnon: Mr. Chairman, if we were, as the Honourable Member from Watson Lake would like us to do, put into this Ordinance communications to come under the competence of this Ordinance at this time, does this mean that the Territorial Council could then judge applications of radio and television stations, no matter what the Federal CRTC set up by Federal Statute would like to do in this field?

Mr. Legal Adviser: As I have already said, communication is far too wide a word to use in this context, and I **didn't think** that any Honourable Member had suggested that, that power would be given by this or any other Statute to get this control in this House.

Mr. McKinnon: Could this body have the competence of ruling in this area if they so desired?

Mr. Legal Adviser: Which body?

Mr. McKinnon: This Public Utilities Commission.

Mr. Legal Adviser: No, it seems to me a hypothetical question. I can't see its relevance to the subject in hand.

Mr. McKinnon: Well, I heard communications, Mr. Chairman. Mr. Chairman, we've heard a legal opinion from our Legal Adviser that it was within the competence of this House and this body to rule in an area that is covered by a corporation being set up under a Federal Statute, but we can move into this field if we darn well please to do so. This is what - now, all right, I am saying if we please to do so in another field, in the area of communications, are we similarly going to be allowed to move in this area even though there is another Crown Corporation set up specifically to deal with these instances?

Mr. Legal Adviser: It's an invalid argument, Mr. Chairman, because we are specifically prohibited from moving into the TV and radio field, whereas in the field of public utilities we are specifically given the control in that area by the Act of the Federal Government itself.

BILL Mr. McKinnon: Interprovincial communication within the Territory
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Mr. Legal Adviser: In the public utilities field. This is a local and private thing and the power to deal with local and private things is specifically given to us by section 16 of the Act. This is completely different from a field which we are prohibited from invading, which is the TV and radio field or communications.

Mr. McKinnon: If a good system were set up encompassing power distribution in northern areas - B.C., Northern Alberta, the Yukon - would the Yukon still have competence to legislate in granting franchises?

Mr. Legal Adviser: I don't know. We have a saying in another country. 'Say good day to the devil when you meet him'.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I think Councillor Chamberlist is on the very same subject that they're on. We'll let him go ahead.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I referred earlier that what the Honourable Member from Watson Lake was making reference to, was telephone communication and not - with respect, it was telephone communications and not those communications that are radio and TV which deal with the Commission. It's of interest to note that we're making reference to the Northern Canada Power Commission and the Honourable Member from Whitehorse North made reference to the CRTC which is also another commission and we have been arguing and debating about whether or not Crown Corporations can come into this particular field of this piece of legislation. The question that I would ask at this time is who is suggesting that the Northern Canada Power Commission in fact is a corporation at all? Since when is the Northern Canada Power Commission a Crown Corporation? It is exactly what it is referred to, as a commission, and therefore it would come within our scope in any event because it certainly is outside of the field whereby they can come in, and apply for - or rather they must apply for a franchise, and they would have to apply for a franchise, surely, as a separate entity. Now, I have not heard any briefs put to the wills here, or any filings put in the wills, but certainly there must be a difference involved between a commission and a Crown Corporation.

Mr. Legal Adviser: I presume there is a difference. It may not be a very appreciable difference, but I hope the Honourable Member didn't take me as saying it was a Crown Corporation because in my previous remarks two minutes ago I said excepting for the moment that it was a Crown Corporation. That is, I haven't personally examined the Statute.

Mr. Chairman: At this time I'll declare a fifteen-minute recess.

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Mr. Erik Nielsen present.

Mr. Chairman: At this time I will call Committee back to Order. Councillor Shaw, will you take the Chair a moment, please?

Mr. Shaw: Yes.

Mr. Taylor: Mr. Chairman, in light of the discussions which BILL NO. have gone on, in respect of involvement of communications, 18. I at this time will withdraw the amendment, with the agreement of my seconder and the agreement of Committee, but I feel it is sufficiently important an item that I will be proposing at some later point in the discussion of this Ordinance a Motion which would ask that the Administration actively consider for future amendment the matter of communication; more particularly in the telecommunications field. So I would thereby ask that I be allowed to withdraw, as Mover, the amendment.

Mr. Chairman: One moment, does the seconder wish to withdraw the Motion.

Mr. Chamberlist: I agree to the withdrawal.

Mr. Dumas: Mr. Chairman, I have before me the Northern Canada Power Commission Act. Section 6 sub.(1) says "The Commission may construct, purchase, rent or otherwise acquire operate and maintain plants within the Northwest Territories or the Yukon Territory". Section 9 says "The Commission may supply public utilities to municipalities, organizations, corporations or individuals, or to such districts or areas as may be established by the Commission for convenience of administration and supply of public utilities." Nowhere in the Act does it refer or does it say that this is subject to approval of the Territorial Government. At no point does it say this. Now it may be that in practice N.C.P.C. has listened to the local areas in which it operates. It may be the intent of N.C.P.C. to do this in future but we would have to know this, I suggest, before we could go ahead with this Bill.

Mr. Taylor: A point of order, Mr. Chairman. I wonder if we could deal with the matter of the Motion first before we proceed.

Mr. Chairman: Yes, we are slightly off the track. We are discussing a matter that is particularly regarding communications. The Motion was that an amendment be made that after the word "and" in line two, the words "a communication utility and" - that is the matter. Are you prepared to accept the withdrawal of the Motion as such?

All: Agreed.

Mr. Chairman: Are there any contrary? Motion is carried and this particular Motion is now withdrawn.

MOTION WITHDRAWN

MOTION
WITHDRAWN

Mr. Taylor: I will now resume the Chair.

Mr. Chairman: Councillor Dumas.

BILL NO.18

Mr. Dumas: Mr. Chairman, I'm very sorry I got out of order. But I want to repeat what I just said. I'm trying to make the point that according to the Northern Canada Power Commission Act, which is an Act of Parliament, they do not, at least it doesn't say in here anywhere that I can see, have to refer to local authorities or local government except in the cases of Provinces, but as far as the Territories are concerned this doesn't apply.

Mr. McKinnon: Mr. Chairman, may I ask a question of Mr. Nielsen? If, as we all know now in the Yukon Territory, that the Northern Canada Power Commission generates and supplies power at both Dawson City and Mayo, now if this Ordinance came into effect would Northern Canada Power Commission be bound to apply for franchises in the Dawson City and Mayo area?

Mr. Erik Nielsen: No. Northern Canada Power Commission can establish and operate public utilities unrestricted as Councillor Dumas has read from the enabling Statute. The question of submitting N.C.P.C. to the authority of a Public Utilities Ordinance is extremely important. They generate and supply in Dawson and in Mayo. They generate in Whitehorse; the supplying being done by a distributor. In the balance sheet for the last fiscal year of N.C.P.C. there was, take a thousand dollars or two, a hundred and thirty thousand dollar net profit in the Whitehorse operation. All this has been shuffled over into the contingency reserve for contingencies. This is what they do with their surplus, if they are permitted unrestricted reserves for contingencies if they are not subjected to ceilings as would be in an industrial owned utility in any of the Provinces to 2½%. You never see a rate reduction by N.C.P.C. The fact is there never has been one. There was one temporarily for two or three months since they commenced operation. You won't be able to subject the rates in Dawson City to control and as Councillor Dumas has pointed out, the power is granted to N.C.P.C. under the enabling statute are wide enough to permit N.C.P.C. to operate wherever they please without the authority of anybody. They are derived from the Parliament of Canada.

Mr. McKinnon: In future areas, Mr. Chairman, I wonder if I could ask the witness some questions? If N.C.P.C. wanted to go into a new area from where they operate now and said, we see now you have a public Utilities Board in the Yukon Territory and we would like to go along with the law in the Yukon Territory and we will go before the Board and seek a franchise. Now if they were given this franchise under the Public Utilities Board in the Yukon, would they then be bound by the rules and the regulations of this Ordinance?

Mr. Nielsen: In my view, no. And as far as this consultation is concerned, some mention has been made of the possibility of N.C.P.C. consulting with the Administration of the Territory or whatever. Representations had been made to N.C.P.C. several times in the past concerning rate reduction. As recently as the last Committee meeting I asked if it was the intention to reduce rates in view of the large surplus this year and the accrued surpluses which are far in excess of those allowed by Utilities Commissions in the Provinces and the answer was a flat "no", no intention at all to reduce rates. So if that's consultation, that's what one might expect in the future.

Mr. McKinnon: May I have one final question, Mr. Chairman? BILL NO.18
Mr. Chairman, how could the law be changed so that, in your opinion and in your view, that the Northern Canada Power Commission would come under the Public Utilities Board set up in the Yukon Territory?

Mr. Erik Nielsen: It would require an amendment to the Northwest Power Commission Act; a portion of which has been read to you; and I might say that it is the announced intention of the Government to amend the Act. One of the matters which I know is being considered is the question of the equalization of rates throughout the system which would be extremely harmful to the Yukon since the profits in the Yukon are now helping to subsidize the non-paying operations in places like Cambridge and Frobisher Bay and so on. But if they are permitted to equalize rates throughout the system it means that the economic development of the Yukon is going to be seriously impaired because we are going to be required through our user of utilities, with our industrial expansion, to support the uneconomic operations in the Northwest Territories.

Mr. McKinnon: One final question. In your opinion then, if this Ordinance is passed by this Council it will apply in no way, state or form to the Northern Canada Power Commission. Thank you.

Mr. Erik Nielsen: That's correct.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I know that if Northern Canada Power Commission base their structure on an equalization base, it may be a detriment to the Yukon Territory because the profits will go from one area to another to balance up, but I don't think there is anything wrong with that because Yukon Electrical Company have already intimated to me once some time ago that when it is necessary for them to ascertain how their operation takes place in the Yukon, they sometimes also have to balance and charge at a different rate in other places that do not pay. I don't think there is anything wrong with that system; it's a matter of housekeeping which could be straightened out. What I would like to know from the witness; I wonder if Mr. Nielsen could answer this, Mr. Chairman, is whether in your view the Northern Canada Power Commission as such is a Crown Corporation?

Mr. Erik Nielsen: Yes, there's no doubt that its status is a Crown Corporation. I might say that it is the only Crown Corporation whose Chairman of the Board is a Deputy Minister, which has a very significant effect on policies. I can't convince you, but with respect to this equalization I would consider it a Yukon disaster if the Council were to approve of this kind of change in policy. The Act now requires each operation to be self-sustaining but if utilities sold and used in the Yukon and the profits made therefrom are going to be used to support expansion this system in the Northwest Territories, indeed in Moose Factory and Field, B.C., I think this would be a very serious retarding effect on our own development here.

Mr. Chamberlist: Mr. Chairman, I'm sorry, I was under the impression Mr. Nielsen was making reference to do with the balancing of between profit of lets say the Dawson area and

BILL NO.18 Mr. Chamberlist continues... in the Whitehorse area. I see what he means. I agree with his point of view on that, that it shouldn't be a detriment to the Yukon as far as profits going into the Northwest Territories. I would like to come back to this question of N.C.P.C. being a corporation. I wonder whether Mr. Nielsen, Mr. Chairman, could say where in the Act, or where in any Act is the Northern Canada Power Commission defined by Statute as a Crown Corporation?

Mr. Erik Nielsen: No, you're quite right; it's a question of semantics. In my view it's a Corporation described as a Commission, as a Board of Directors and it's set up in the same way that Poly..... or Air Canada is set up. It's called a Commission and in effect it operates the same way. Crown Corporation.

Mr. Chamberlist: But, Mr. Chairman, it isn't defined by Statute as a Crown Corporation.

Mr. Erik Nielsen: No, no.

Mr. Shaw: Mr. Chairman, I have a question for Mr. Nielsen. Did your objections to equalization of rates extend to equalization rates within the Yukon Territory?

Mr. Erik Nielsen: No, no. It's perfectly acceptable I think, within the Yukon. The Yukon is entitled to have all public citizens support the growth of all parts of the Yukon.

Mr. Shaw: Thank you Mr. Chairman.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, in view of the fact that the Budgetary Programming Committee wants to meet this afternoon, I wonder if we could excuse the witness, Mr. Nielsen?

Mr. Chairman: Are we agreed?

All: Agreed.

Mr. Chairman: Thank you Mr. Nielsen.

MOTION SPEAKER RESUME CHAIR Mr. Dumas: Mr. Chairman, I move that Mr. Speaker now resume the Chair.

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

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

MOTION CARRIED

MOTION CARRIED

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

REPORT CHAIRMAN OF COMMITTEES Mr. Taylor: Mr. Speaker, Committee convened at 10:25 A.M. to discuss Bills and Sessional Papers and Motions. Committee recessed at twelve noon and reconvened at 2:00 P.M. Mr. Erik Nielsen attended Committee to discuss Bill No. 18 and I can report progress on Bill No. 18. It was moved by Councillor

Mr. Taylor continues...

Dumas, seconded by Councillor Gordon that Mr. Speaker do now resume the Chair and this Motion carried.

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

Mr. Taylor: Mr. Speaker, in respect of the Agenda for tomorrow, we have before us Bill No. 18 currently under consideration and following that we have several amendments to other Bills so I suggest that we deal with Bills and Sessional Papers tomorrow.

Mr. Speaker: Are there further suggestions towards the Agenda for tomorrow? If there is no further business a Motion for adjournment is now in order.

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

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

Mr. Speaker read the daily prayer. With the exception of Councillor Chamberlist, all Councillors and Mr. Legal Adviser were present.

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

Mr. Clerk: There is, Mr. Speaker.

Councillor Chamberlist enters the Chambers.

Mr. Speaker: I will now call Council to order. I have for your attention Sessional Paper No. 55. Are there any reports of Committee?

Mr. Chamberlist: Mr. Speaker, I would like to apologize for not being here for prayers. I was in consultation with a Head of a Department.

Mr. Speaker: Are there any reports of Committee? Introduction of Bills? Notices of Motion or Resolution? Are there any Notices of Motion or Resolution?

Mr. Chamberlist: Mr. Speaker, I'd like to give Notice of Motion re Sessional Paper No. 55. SESSIONAL PAPER #55

Mr. Speaker: Notices of Motion for the Production of Papers? May we pass to Orders of the Day? Motion No. 15, moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Mayo, that Sessional Paper No. 53 be discussed in Committee of the Whole. Question has been called. Are we agreed? I will declare the motion carried. MOTION #15

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: I wonder Mr. Clerk, if you could ascertain if the Commissioner will be available now for the question period? I'll call a five-minute recess.

RECESS

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

Mr. Dumas: Yes, Mr. Speaker, a written question to the Commissioner. Would the Commissioner advise what, if any, policy his Administration has towards Territorial employees running for local office?

QUESTION RE TERRITORIAL EMPLOYEES RUNNING FOR OFFICE

Mr. Chamberlist: Mr. Speaker, a question to the Commissioner. Has the City of Whitehorse presented its' budget for the forthcoming year to him?

QUESTION RE CITY BUDGET

Mr. Commissioner: Mr. Speaker, could I have the opportunity of time on that. I'll bring it back as a verbal answer, but I would want to determine one or two things.

Mr. McKinnon: Mr. Speaker, I have a written question to the Administration. How many applications for first and second mortgage loans under the Territorial Government Low Cost Housing Ordinance were received during the period of September 15th and November 15th? How many of these applications were processed and approved during this period and what dollar value do they represent?

QUESTION RE LOANS UNDER LOW COST HOUSING ORDINANCE

Mr. Chamberlist: Mr. Speaker, I wonder if Mr. Commissioner can say when answers to Question 30, re Board of Adjudication, will be forthcoming?

Mr. Commissioner: I'll sorry, I can't give a time certain, Mr. Speaker, but it will be here just as quickly as possible.

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

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

Mr. Speaker. Is there a seconder to the Honourable Member's Motion?

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

Mr. Speaker: Moved by the Honourable Member from Dawson and seconded by the Honourable Member for Watson Lake that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, 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 from Watson Lake will take the Chair in Committee.

MOTION
CARRIED

MOTION CARRIED

BILL # 18 Mr. Chairman: We are this morning discussing further Bill No. 18, An Ordinance To Establish A Public Utilities Board in the Yukon Territory.

Mr. Chamberlist: Mr. Chairman, could we have Mr. Legal Adviser here?

Mr. Chairman: Are you clear on, for the moment at least, on Subsection (g) Public Utility?

Mr. McKinnon: Absolutely confused, Mr. Chairman, and I don't mind saying so. Completely baffled.

Mr. Chamberlist: Mr. Chairman, I wonder if at this time Mr. Legal Adviser can express an opinion as to whether the Northern Canada Power Commission as such, is an agency of the Federal Government and not a Corporation as set up by the Federal Government?

Mr. Legal Adviser: Mr. Chairman, I don't want to give "off the cuff" opinions but for what it is worth, I don't think there is much difference between an agency of the central government and a Crown Corporation. They both attract to each other, the privileges of the central government in it's operations.

Mr. Chamberlist: Supplementary, Mr. Chairman, to Mr. Legal Adviser, in that case would it not be that the Yukon Territorial Government itself is an agency of the Federal Government?

Mr. Legal Adviser: Well using it in a very, very broad sense, this would be true but not in a narrow sense which would refer to a Crown Corporation or a Commission of the central government, as being an agency. We are an agency in many ways and we do things on behalf of the central government but basically this is an operation set up under its' own statute with its' own powers and we would not normally refer to it as an agency to the Federal Government.

Mr. Chamberlist: Well, Mr. Chairman, N.C.P.C. is also set up as an agency under a statute with its' own powers. Isn't this already in the same category as that of the Yukon Territorial Government?

Mr. Legal Adviser: The Yukon Territorial Government is a government. It hasn't got all the powers that some of the Honourable Members would wish it to have but it is our Government. The other is merely an agency of another government.

Mr. Chairman: Subsection (h). (Reads subsection (h) of Section No. 2 of Bill No. 18) Clear? (Reads Section 3 of Bill No. 18)

Mr. Chamberlist: Question. This is, Mr. Chairman, I think the sorest point of any piece of legislation that has been brought before Members of Council this Session. The continuing attempt to supersede the powers of this Legislative Body by having Sections in there extending the powers of the Commissioner. This should either read "Commissioner in Council", or should read, "to be appointed by the Commissioner with the approval of Council". I wonder if we can have any comment on that from Mr. Legal Adviser?

Mr. Legal Adviser: Any comment I would have on this Section would be somewhat discouraging to the Honourable Members. I am a person who likes to be encouraging rather than be discouraging but this Section or a parallel has been debated by this House in several other Bills and an attempt is being made to find some formula which would meet with the wishes of the Honourable Members and at the same time be compatible with the functions of the Members of the Board and the functions of the Commissioner, and enable a choice to be made of who the members should be, allowing Council in some fashion a view of this or enabling them to assist in some way in these choices without destroying the executive power which the Council, normally in its' operations, delegates to the Commissioner to exercise on behalf of the Council.

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Well Mr. Chairman, I think that the nub of the whole question is right here in this Section 3 again. I can say without any qualification whatsoever that unless the Administration bend at least to the degree of writing the people into this Ordinance, as somewhat along the lines suggested by the Member from Whitehorse East, I will certainly oppose the Bill in any form and I realize that we desperately need this Public Utilities Board and indeed have asked for this for many years. But I do not feel that it would be right and proper for myself certainly, as a legislator, or, indeed, possibly for the Council to just hand the full powers of this Board over to the office of the Commissioner. Right now franchise agreements exist in the Territory, as I stated yesterday, between the Commissioner and the utility company involved. Under this particular Bill and set up the way it is set up at the moment, the Commissioner would still be in charge, really, and be in charge of these franchises as far as the Territorial Government is concerned. I feel that it's essential that the public be written into this Bill and I feel that three members to be appointed by the Commissioner should be by and with the consent of the Council or at least a segment of the Council. If this cannot be done, I am prepared to cast my vote not in favour of the Bill and to await any possible changes that might come from Ottawa which might grant a sufficient autonomy to place ourselves in this position. That is clearly my stand in the matter and until this is amended or changed to my satisfaction by writing the people into it, there's no way I'll go for it.

Mr. Dumas: Mr. Chairman, it's the same old argument presented in other Bills and I can't go along with this either. I don't see why Commissioner in Council could not be used as the Governor in Council is used for the Tax Department.

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

Mr. Taylor resumes the Chair.

Mr. Chamberlist: Mr. Chairman, I suggest that we leave Section 3 in abeyance without approving it.

Mr. Chairman: Anything further on Section 3? The next Section is Section 4 (Reads Section 4 of Bill No. 18) Clear? (Reads Section 5 of Bill No. 18)

Mr. Dumas: What happened to the third fellow?

Mr. Legal Adviser: The third man of course comes in the first sentence. He's appointed for three years.

Mr. Chairman: Just one question from the Chair. Section 5, this is the first Bill that I've ever seen in my eight years in the legislature that says that these people shall hold office during good behaviour. Good behaviour is defined as what, Mr. Legal Adviser?

Mr. Legal Adviser: It's not easy to define this. It's uh..... It came in question during the debates in Parliament concerning Judge Landerville of Ontario. It's a term which has been known for very many years but since Judges are so seldom removed from office for offending against clause of good behaviour it's hard to define exactly what it is, but the law here is that any member of a Board such as this appointed under a Section such as this, holds it during any event during pleasure. It's merely adding something which is not essential to say during good behaviour because it is the law here that when the Commissioner appoints a member to a Board, notwithstanding that he has been appointed for three years, he could for cause be removed.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser could say during whose pleasure?

Mr. Legal Adviser: That expression is normally used in relation to the Queen and one would hope that possibly to the Federal Government, to the Minister, to the Yukon Act down to the Commissioner, it would be the Queen's pleasure.

Mr. Chamberlist: The way, Mr. Chairman, the way this would be set up before back in Section 3, it would be the Commissioner's pleasure, would it not?

Mr. Legal Adviser: One would expect that the Queen does something in the Yukon Territory. The Commissioner would be the agent to exercise the pleasure.

Mr. Livesey: Mr. Chairman, can anyone act, legally, on behalf of Her Majesty without appointment?

Mr. Legal Adviser: I didn't hear the question, I was reading a note.

Mr. Chairman: Will you state your question, Councillor Livesey?

Mr. Livesey: Yes, Mr. Chairman, can anyone act legally on behalf of Her Majesty without appointment?

Mr. Legal Adviser: I would think so. I would think so. Some people hold office by virtue of birth, they inherit an office. I think that the King's Champion or the Queen's Champion at the Coronation is a decendent of Sir something Dymo and he has a right to ride a white charger and defend the Queen's right to the Throne by virtue of his being the Sixteenth Generation decendent of the original Chamption in the 13th or 14th hundred.

Mr. Livesey: The loosely knit formula provided by our very esteemed Legal Adviser is too loosely knit because I think when it comes to a question of constitutional values that those not appointed by Her Majesty do not represent Her Majesty.

Mr. Chairman: Are we clear on 5? Section 6. (Reads Sections 6, 7 8 of Bill No. 18)

Mr. Chamberlist: The same objection would apply, as far as I'm concerned, as Section 3.

Mr. Legal Adviser: This is only a temporary appointment.

Mr. Chairman: Nine. (Reads Section 9 of Bill No. 18)

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser will say why the Board cannot appoint it's own Chairman without being a function of the Commissioner to do that?

Mr. Legal Adviser: The reason is, Mr. Chairman, that it is thought there may be. I'm not saying this is government policy in this regard, but one has got to make room for certain things. One may have a professional high powered full time Chairman at some future time. In that event he would designated to the Chairman, he might be an executive operating the Board, or Chief executor of a Board which would continue it's operation. He might be assisted by two part-timers so he would automatically be appointed to the Chairman.

Mr. Chamberlist: Well Mr. Chairman, it would appear then that the Commissioner would have the power to appoint three of his administrative officers to be the board and then he can make up his mind as to which one is more professional than the other two and he would set up the Board accordingly. Is this the suggestion that the Honourable Legal Adviser is making?

Mr. Legal Adviser: If anyone tells the Commissioner in all these context One really means the Commissioner acting on the advice of his advisers. In certain circumstances this may be the Council and it's common to submit a paper for the opinion of Council so the Commissioner can be guided in a policy director. But he could appoint anyone and in some spheres there'd be no objection to appointing a member of the public service to be such Chairman who would then act in an independent capacity. It is not uncommon in many forms of government but it is not the definate intention to do this.

Mr. Chamberlist: Well Mr. Chairman, I must pursue this. One of the errors of years gone by, I think before a man by the name of Commissioner Fraser was Commissioner of the Yukon Territory, a Board of Transport or a Committee on Transport were appointed and at that time in those years when the White Pass & Yukon Route were not so forward looking as they are today, there was sitting on that Board, the Commissioner and two people who were employed by the White Pass & Yukon Route and they were appointed by the Commissioner and they formed this Board of Transport. And at that

time a company applied, one particular company applied for a licence to operate a trucking business on the Alaska Highway and this particular Board refused to issue that licence. Now these were appointed by the Commissioner. Needless to say that company formed, today, part of the White Pass & Yukon Route operation because the man went ahead and said, well, this is not right, and went ahead and put his trucks on the road. I'm pointing this out because the danger is involved if the Commissioner can permit a Board of his wishes that he put together without the restrictions on who may sit on this Board, it may lead to absolute turmoil in the transportation industry. There are a number of companies in the transportation business today who are all equally concerned that a Public Utilities Commission is an unbiased commission so that they all may be treated in a fair manner. It is because of this I feel that we must give very, very close consideration to removing from the one man, the Commissioner, the right to appoint people without the advice and consent of Territorial Council or those the Territorial Council approve, should be the ones to consult with the Commissioner in the appointment of this Board. Now if we continue to bring forward legislation or even attempt to bring forward legislation with this particular type of information in there for us to pass we are going to be continuously wasting the time of this Committee and Council because we are going to stand up, Mr. Chairman, and make exactly the same objections and the Administration are not harkening to the objections being made and they are continually bringing the same sections forward. I wonder, Mr. Chairman, if Mr. Legal Adviser, will at this time say whether the Administration, whether he knows the Administration is prepared to take out the objectionable areas of legislation so that we can continue with clearing legislation as it comes before us because we will be continually going over all sections because one section makes reference to another section and we must keep on objecting until the main area, Section 3 of this particular Ordinance, is destroyed and corrected.

Mr. Legal Adviser: All I can say is this. If Section 3 is changed it will carry on its' shoulders the other sections which depend upon Section 3. In other words, if there is a change in Section 3 so that it would read, "appointed by the Commissioner and somebody else in some fashion" well then, the temporary appointment would, I hope, remain in the Commissioner's hands but the other powers of the Commissioner might have to be a shared power as well. Just because the Administration is not saying this, that or the other thing doesn't mean that it's doing anything. There's an expression that "the empty pot makes the most sound", and merely because in Council, nobody is saying this, that or the other thing doesn't mean that an exercise is not being undertaken and being worked at hard behind the scenes to try and find some formula.

Mr. Chairman: Section 10 (Reads Section 10 of Bill No. 18)

Mr. Chamberlist: There again, Mr. Chairman, I've got to... here's where we are going to have a Board so we give two people functions now, now we give the Chairman of the Board a function and we give the Commissioner a function. Either one or the other now can act, but who's going to act, the Board of the Commissioner?

Mr. Legal Adviser: A Chairman and the Board will act. The reason the words "or the Commissioner" were put in there is it's an addition for administrative convenience; that the Commissioner may issue instruction to the Chairman and say please call a meeting of the Board. The doubt might arise as to who called the meeting

together, the Commissioner or the Chairman. It's to resolve that area of doubt that these words are in there. It's not intended to give the Commissioner supervisory...day to day powers over the work of the Board in any way.

Mr. Chairman: Section 11(Reads Section 11 of Bill No. 18) Clear? (Reads Subsection 1 of Section 12)

Mr. Chamberlist: Question again. Here we have again, subject to the approval of the Commissioner. A Board is being appointed, now the Board has to act subject to the approval of the Commissioner. Either you give powers to a Board or don't give powers to the Board. You might as well forget about the Board and just leave it to the Commissioner.

Mr. Legal Adviser: It's very difficult, Mr. Chairman, to draft anything consistent and to take any line of policy in drafting which will meet with the wishes of some of the Honourable Members. This is an attempt to meet with the objections which are voiced from time to time that when you set up a Board or set up somebody they can then go off down the hill and do what they like. This particular objection has been made a hundred times in this Session. We are here subjecting the power of the Board to the approval of the Commissioner. When they want to make a high powered appointment then they want in a high powered engineer, a high powered architect, a high powered accountant and they may give him a set of instructions to go off and investigate this that and the other thing. We want to be able to control this and subject it to reasonable limits and this is nearly a break on what could become an objectionable and arbitrary power on the part of the Board. We're trying in this way to try and slow them down, if it becomes necessary, and not create them as dictators. We were asked to do this on several occasions in other Bills and now that the suggestion is that we're wrong because we do it in this sense.

Mr. Shaw: Mr. Chairman: I realize that when you have a Board operating in any function that there has to be a certain amount of latitude in which this Board has and in which the Commissioner has under the Ordinance and I, for one, feel that it's a very foolish thing to have to ...every action that they do is subject to calling in a Council meeting. I was wondering, Mr. Chairman to resolve some of these difficulties, that, and I think it would appear to me, to resolve a great deal and still allow the Commissioner in his executive capacity to operate the Ordinance more or less, that Section 3, a part be added or it be changed to the effect to something such as this, "that the permanent Members of the Board shall have the approval of the Commissioner in Council", in other words this is approved by the Council. That seems to be one of the objections and the executive function can be carried out by the Commissioner. I assure you, Mr. Chairman, that I have no wish or desire to have any authority to tell the Board members what they should do or what they should not do. I do not think it advisable that I should, as a representative, be able to dictate to a Board in any manner, shape or form. It may be highly desirable in context with our thinking that we should have some say in the appointment members of the Board, the permanent members, Mr. Chairman, because all of a sudden in a middle of a summer one of them may die and it's necessary to appoint someone to take his place and I don't feel that I would wish for a purpose like that to have to come to Whitehorse and spend a few days deciding who is going to take the job. I think that would be an executive function but that person would be a temporary member and not a permanent member and I think that would be one way that could be eliminated. . I wonder if the Legal Adviser would feel that something like this could be put into the Ordinance.

BILL #18 Mr. Legal Adviser: There's no real objection to putting in something like this except that we, at present, have a Canadian or British type of constitution in all of the provinces of Canada. Our particular constitution has to stand on its' own feet because it's hard to say exactly what father'd it or how it operates. But, one hopes the constitutional position will change. If we adopt the suggestion of the Honourable Member just to put in that the permanent members have the approval of the Commissioner in Council or some such form, we are there and then at that point turning this House into an American type assembly and we are having a clear American break with British tradition because this is how, under the American system, all the high officers in charge of Boards, public agencies and so on are appointed. All Ambassadors are appointed this way. The President appoints them but it has to be approved by Congress. There's no question, but I'm sure this House would co-operate by not having public hearings in not following on in this American type of method for checking on the appropriateness of an appointment by the Commissioner, but we've made a departure and if at any time a sub-committee of the House wanted to attack an appointee or substitute possibly their own suggestion for the appointment, this House acts in public. It is a legislative body open to the people and the people must hear what happens and we've made a major departure at that point. The expression "Commissioner in Council" is quite a different one from "Governor in Council" and "Lieutenant in Council". The Council there is the Executive Council or Cabinet of the Federal Government or the province and there's no objection to that Council, or Executive Council, having in fact the appointment in its' own hands. Unfortunately at this stage of our constitutional development, the word "Council" means Legislative Council; we have no Executive Council. So, by putting in the word "Council", we follow the phrase of the provinces but we twist the meaning and we make this an American type of constitutional body. This is a major block. If the Council can resolve it in some way to some other form that can be produced...if Council Members can think of some other way, then this is it. The Administration is not opposed to trying to consult the Members in some fashion. It's a question of finding some way that does not set us off at a tangent to the whole development of constitutional law in Canada.

Mr. Shaw: I've been trying to catch your eye for the last five minutes. I can quite see, Mr. Chairman, the Legal Adviser's view point. The present Commissioner is, since I have been on the Council and have been in the Territory, I must say he has been the most co-operative Commissioner that we have ever had and I certainly feel that he is doing his utmost to bring Council into as many decisions as possible. However, this may not be the case when the next Commissioner comes along. The changes in government in seventy years in the Territory, have been so small that they've infinitesimal in the form of government and at the present rate of change this could go on for a number of years...another fifty, sixty or seventy years, so that it would appear to me that when we talk about British constitutional procedure, this type of government that we have in the Yukon at the present moment is something that has gone out of style quite some time ago. So, in order to make some type of progress rather than remain stationary which it has been for the years, it might be perhaps necessary and desirable to use a slightly different form of government until we get the one that is now existing in the British constitutional theory. Maybe this is the time for a change on something like that. It appears that the changes from any other viewpoint is non-existent so it's a proposal to start possibly a new kind of system. This is 1968. May we need something new because we haven't anything at the present time.

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

BILL #18

Mr. Chamberlist takes the Chair.

Mr. Taylor: Well, Mr. Chairman, let's quit beating around the bush. Let's face facts. The truth of the matter is that nobody around this Administration wants to make a decision. If anybody wanted to make a decision, then we wouldn't have requirement for all these many Boards and that is the truth and the fact of the matter. Mr. Legal Adviser has stated that we are approaching, if he accepts our opinion, somewhat of an American type system. Well, I don't know. Any kind of a system would be better than the one we've got and if we have to accept it, we have to accept it. We certainly do not favour a British system and we certainly don't follow the Canadian system. I don't think we've got as far as following a completely socialistic system. In fact, there is no system in the world today that functions similar to the way that we function in this Territory and heaven only knows why we can function at all. The Administration can't understand it. I don't believe Ottawa can explain why it works. It just works. The fact of the matter is, we have still books and volumes, reams and reams of paper with legislation which grants to the Commissioner or to the office of the Commissioner the right to virtually legislate in practically any field in the Territory by mere regulations. Every time you pick up an Ordinance, we are asked to give our sanction on behalf of the people to those pieces of paper; we hand more power everyday to the office of the Chief Executive of the Territory. Here we come up with the other day, a Board to advise the Game Director. I say we haven't even got a Game Department. Let's build a Game Department first and then if we have to have a Board, then we can consider it. But I see no need for it. What we need is people in the Administration and stand by the. Why do you think we have Local Improvement Districts? Just to manage the water and sewer? No, to be the scapegoat. This is in fact the truth and I think that most will recognize this. In other words, nobody wants to make a decision and if they have to make a decision, they'd rather be able to blame...place the blame on somebody else but themselves and that's the truth of the whole matter right there.

Mr. Taylor resumes the Chair.

Mr. Chairman: Is there anything further on Section 12, subsection (1)? Subsection 2. (Reads subsection 2 of Section 12 and Sections 13 and 14)

Mr. Chamberlist: Question, Mr. Chairman. Would Mr. Legal Adviser define whether this is an administrative Board with a quasi judicial function or a judicial Board with an administrative function?

Mr. Legal Adviser: It's a quasi judicial Board with certain necessary administrative functions.

Mr. Chairman: Fifteen. (Reads Sections 15 and 16(1) of Bill No. 18) Was there a subsection (2) to this section, Mr. Legal Adviser?

Mr. Legal Adviser: This point has merit. I see sub. (1) and my copy reads the same as yours. Possibly the Clerk would check this and report later.

BILL # 18

Mr. Chairman: Seventeen. (Reads Section 17 of Bill No. 18)

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser, explain why a person cannot be asked to become a witness if there was civil action taking place?

Mr. Legal Adviser: They can be compelled to give evidence. They can be compelled to become a witness but in the course of its' investigations their submissions made to it or dealing with persons who may be operating a public utility or seeking to operate a public utility, confidential information may be given to the Board. Now to enable this confidential information really to be given to the Board it is necessary to protect the position of a member of a staff of the Board might be subpoenaed to produce figures or information which would be of a confidential nature. This is not unlike something, like say income tax. It's a civil protection if, of course, it's a criminal court well, of course, the law prevails.

Mr. Chamberlist: As I understand it in answer to a question before, the Legal Adviser suggested it was a quasi judicial Board so therefore whatever evidence or confidential matters are given to that Board are given in open in an open hearing. Now if they're given in an open hearing although they might be confidential they're given on an open hearing. Why shouldn't these matters be subject to question if a subsequent civil action takes place.

Mr. Legal Adviser: This is so that if it's given in a hearing then a privilege would not be claimed but there are certain circumstances of an investigation into price and they may look for figures or get figures and if in other section where an investigation can be made by the Board and one of their officers is called for a set of figures, that's confidential information. The fact that he happened to come across something in the course of the Board's operation should not be available just by merely setting up a court action. Available to the trade rival of that person anything which is done in a judicial hearing this is fine but negotiations take place.

Mr. Chairman: Section 18, subsection (1) (Reads Section 18) Clear? (Reads Section 19 of Bill No. 18)

Mr. Chamberlist: Question. Now we come back to the Northern Canada Power Commission. Mr. Chairman, Mr. Legal Adviser made reference yesterday to the situation where Northern Canada Power Commission can under their act, the Act that constituted them to supply and distribute electricity to public utilities etc. then they wouldn't come under the purview of this legislation but if they requested a franchise then they would come under the purview of this legislation. What is to prevent the N.C.P.C. from continuing in exactly same manner it is operating now without applying for a franchise. Would it be that they do not need to come under this legislation, if they continue to operate in the manner that they operate now? I wonder, Mr. Chairman, if Mr. Legal Adviser can answer that?

Mr. Legal Adviser: N.C.P.C. is a privileged body. It's not easy for us to injunct them through our courts. It's not easy for us to charge the Deputy Minister of the Department of the Interior with a crime by doing something as Chairman of N.C.P.C. which is a crime. In the first place he's resident in Ottawa. Our laws only operate within the framework of our own jurisdiction so a lot of our laws are difficult to enforce not only this one. But possibly the answer to this might come very easily when the Commissioner has more information and if it comes at any time during the course of the debate I'll bring it to the House.

Mr. Chamberlist: Mr. Chairman, theI'm always getting a lot of information from Mr. Legal Adviser but I'm rarely getting an answer to a straight forward question. On this particular one I simply asked, can they continue to operate without applying for a franchise and then, would this legislation not apply to it.

Mr. Legal Adviser: It's hard to say, you see it's can and may. There are two different words. I don't think they would but it's not unlike trying to enforce the trademark "Klondike" against Edmonton. If supposing they do something contrary to the Ordinance, if the Honourable Member says well what are we going to do about it, at that point we have got to put on our thinking caps.

Mr. Dumas: Mr. Chairman, if the Yukon Electrical Company tried to set up an operation without a franchise we could do something about but if N.C.P.C. did and it's very clear in this Act, did the same thing as Yukon Electric, really we have no recourse because there's nothing we could actually do.

Mr. Legal Adviser: I'm not sure there'd be no recourse. It's a question for consideration at that time what exactly they did and what court we'd go to for address but to discuss in advance a hypothetical question is quite difficult. They are in a privileged position so that's a pool I will dive into but only after investigating how deep it's going to be.

Mr. Chamberlist: Mr. Chairman, further soreness speaks roughly in it leaves no electrical public utility shall be granted a franchise by the Commissioner to operate outside a municipality without the approval of the Board. What is the position when a electric public utility operates inside a municipality without the approval of the Board.

Mr. Legal Adviser: One shouldn't make too much of these sections because they are designed to link in together. In any municipality you apply for a franchise from the municipality. In the unorganized areas in the Territory, you apply to the Commissioner, it's linked in. This is the Commissioner using his powers under a local government power rather than under a Territorial power.

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

Mr. Chairman: At this time I will call Committee back to order. Are we clear on section 19?

BILL
NO. 18

All: Yes.

Mr. Chairman: (Reads section 20 subsections (1) and (2) of Bill No. 18).

Mr. Livesey: Question. How about the power of the people in the area whether they want one, or they don't want one? Are they going to be consulted or not?

Mr. Legal Adviser: In the democratic process they will have a chance to vote, or their members, and their members will have a chance to do something about it. The intention is the Board approves after a proper hearing of the procedure set out here. The Commissioner is the person who physically signs the document, in that sense he grants it, but he cannot grant a franchise without the approval of the Board.

QUESTION
RE FRAN-
CHISE

Mr. Chamberlist: Mr. Chairman, isn't it so before a franchise can be granted there has to be legislation to grant a specific franchise as we have now. There are a number of pieces and Bills which grant franchises, and this would therefore, have to come before Council. With respect, Mr. Legal Adviser, shakes his head, but in the past the Administration has brought forward legislation to the Council for the Council to approve the granting of a franchise, and if it turns that franchise down, it turns that Bill down, is the franchise granted in any event by the Board?

Mr. Legal Adviser: This is an ambiguous type of Bill which in advance is approving legislatively any franchise which is approved by the Board. The section reads, "the Commissioner may grant a franchise to an electrical public utility to operate outside a municipality", and it says, "he may grant it" subject to subsection (2), and subsection (2) says, "he shall not grant it without the approval of the Board". This is merely a drafting method of making it clear the intention of the section. It could have been put into one sentence.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser has misinterpreted my question that I have put. In previous matters of granting of a franchise there have been separate pieces of legislation for each franchise that has been granted. In the legislation for the granting of a franchise it had to pass this Council. Now, is it suggested that this will remove the right of the Council to pass on whether a franchise will be granted for any specific area?

Mr. Legal Adviser: It's not removing anything from the Council, because the Council would always be at liberty to pass legislation annulling the effect of anything which isn't in the Ordinance. I would not anticipate it would happen, but this is the equivalent for groups of places, or if it was earlier done in Council where a special Bill was brought in, which became law, granting a franchise to this place, for this place and so on. That will no longer be necessary because the Board will now do the investigations instead of the Council.

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

BILL Mr. Chamberlist takes the Chair.

NO. 18

QUESTION
RE LOCAL
IMPROVE-
MENT BOARD

Mr. Taylor: Mr. Chairman, this is another section that is quite unacceptable as far as I am concerned. I was here in the late fifties visiting Whitehorse, in the very late fifties, it was either 1958 or 1959, when the then Member for Whitehorse East, which included the Watson Lake, or what is now considered Watson Lake Electoral District, sat in this Council chambers and just about concluded a franchise agreement between a local resident of Watson Lake and the Commissioner for the provision for the power in Watson Lake, and the people in Watson Lake didn't have the foggiest notion of what was going on. And this franchise would have crossed the Board provided for .25¢ per kilowatt power rate for the people in Watson Lake. They weren't even consulted, they didn't even know anything was going on until it just happened we dropped into the Council chambers to see the proceedings of Council and how it went and this matter happened to be before Council at that time. It was something like plucking a political plum, I believe is the terminology. Now there are no safeguards in this Ordinance to prevent this sort of thing from happening again, the people aren't written into this Ordinance, this Council has no control over this Ordinance, so the Commissioner is quite at liberty, or would appear to me, to enter into a franchise agreement with nearly anybody, whether this Council liked it or not, and no doubt, if such a thing occurred he could only say, 'well, it was the Board who advised me'. I have a question for Mr. Legal Adviser, just noting in the Northern Canada Power Commission Act, municipality in that Act includes a Municipal District and a Local Improvement District established under Ordinances of the Northwest Territories and the Yukon Territory. Why then is the Local Improvement District not considered with municipalities under this Ordinance?

Mr. Legal Adviser: On the latter point, the Honourable Member has a point, and if he wishes consideration will be given to this.

Mr. Taylor: Mr. Chairman, I feel it's essential, and I'd go a little further than that, I'd say in any, apart from a municipality, which, of course, includes a Village and a Local Improvement District, I feel that in any small community such as Teslin, such as Ross River or those unorganized, that the people should be consulted, and the people should have the right to decide from whom they wish to buy power, to buy telephone or buy any utility service that may be provided by virtue of this Ordinance.

Mr. Legal Adviser: Mr. Chairman, I'm answering an objection in a sense or explaining, but in the course of the Bill, it might become clear to the Honourable Member, the Board before it grants any franchise must hold a public hearing. It must allow time for the people to bring in their objection and there is an appeal against a decision in the point of law, if it's gone wrong in law, and not a question of fact. If a franchise is being sought for Watson Lake, one can assume the proceedings will follow the course of the Ordinance, and that is the Board shall publish advertisements of their times and dates, they shall hold a public hearing, they must give the people an opportunity to allow themselves to make their representations to the Board and so on. All these sections are carefully delineated in the following sections, so in the suggested case, the Board would go down to Watson Lake and hold its hearings, receive the evidence and then eventually

Mr. Legal Adviser continues:
come to a decision. This does not seem an unfair way of proceeding if the Board is going to do this, and if the Board comes to a positive finding at the end of it, as to who gets the franchise, or whether a franchise should be granted at all. Then he makes his recommendation and the Commissioner may then grant the franchise but only to the person approved by the Board.

Mr. Taylor: Mr. Chairman, are we talking in terms of hypotheticals or what could be, or what should be, or do we find compulsion for this. Is the Board compelled under this Ordinance to go to these communities and to seek the opinion of the people that live in them?

Mr. Legal Adviser: Relevant to section 30 which says, "the Board shall hold a public hearing with respect to every application for the approval of the issue of a public service vehicle licence or the approval of a franchise and may receive oral or written representations from any person with respect to any application before it". So they must hold a public hearing.

Mr. Taylor: Here in Whitehorse, Old Crow, Watson Lake or where, Mr. Chairman?

Mr. Legal Adviser: It's hard to say, one assumes the Board would behave as other Boards do, and that is, hold their hearing at a place that is convenient to the people who intend to appear before it. Now it's difficult to define in legislation a list of places where they must hold public hearings, but it's a Board like any other Board. Whitehorse might be the convenient place in some instances even for Old Crow.

Mr. Taylor: Mr. Chairman, is it difficult to describe that within the area this franchise is to be requested for? Is it very difficult to draft?

Mr. Legal Adviser: No, it's not difficult to draft if this is the wish of the House, this can be done. It may possibly add a certain amount of extra expense, this is a detail in such an important matter to the people living there.

Mr. Taylor: I'll resume the Chair.

Mr. Taylor resumes Chair.

Mr. Chairman: Is there anything further on Section 20?
(Reads section 21 of Bill No. 18).

Mr. McKinnon: Question, Mr. Chairman. Could Mr. Legal Adviser explain to me what is the connection between municipalities granting franchises, Territorial Government granting franchises and the relationship between the two of them in the Board?

QUESTION
RE GRANT
OF FRAN-
CHISE

Mr. Legal Adviser: In order to give each municipality, which after all is an entity, to give it its proper powers and try and transfer them to the Commissioner. The idea is in an unorganized area the Commissioner grants the franchise, in an organized area the municipality grants the franchise, and this scheme is then produced here, but a hearing will be held before the thing is granted.

BILL
NO. 18

Mr. McKinnon: We'll take Whitehorse as an example, now if the municipality of the City of Whitehorse desired to give a franchise to the Yukon Electrical Company to operate just within the border of the municipality as they now stand, then the Board decides to grant Northern Canada Power Commission with a franchise to distribute everywhere else, except in the municipality of the City of Whitehorse. Could this be done as this Ordinance now reads?

Mr. Legal Adviser: I suppose it could but the Board is involved. These are far fetched questions, you're asking me for a possibility that one franchise could encircle Whitehorse and another franchise within Whitehorse. This would seem to be a somewhat unreasonable decision, it could happen in theory, but lots of things can happen in theory which don't happen in practice. But the section dealing with municipality's says, "a franchise granted by a municipality shall have no effect until approved by the Board", and then it gives the conditions under approval is sought and it says, "The Board shall not approve a franchise unless, the person seeking the franchise has satisfied the Board that his scheme is reasonable and sufficient in the area to be served; and the Board is satisfied that having regard to the availability of any other source of supply in the area of the residents of the area". Now this is what the Board must be satisfied about before it approves the franchise granted by the municipality.

Mr. McKinnon: Mr. Chairman, I will bring in further evidence at a later date before this table has approved what I am saying, it's not unreasonable.

Mr. Chamberlist: Mr. Chairman, would Mr. Legal Adviser say whether the conduct of a franchise holder operating within the municipality be subject to purview of this Board in like manner that the conduct of a franchise holder outside a municipality will be subject in view of this Board?

Mr. Legal Adviser: Yes, Mr. Chairman, it will be subject to purview and complaints can be made and it will be investigated by the Board. This is intended to be a continuing Board available to receive complaints of various nature, and you see in section 37, this is so. A complaint may be made by the Council, or outside a municipality, a complaint may be made by twenty-five residents of the Territory, respecting the rates, the proposed rate increase, or this is a very wide point, the manner in which the Public Utilities Board provides services, or the area within which it provides services. So it's a very very wide power of complaint, after which the Board must then start a hearing and investigate the complaint.

Mr. Chamberlist: I take it, Mr. Chairman, this applies even though the franchise may be granted by the municipality, and not by the Board?

Mr. Legal Adviser: The Board has to approve it, and the complaints may be made to the Board, and the Board may then make an order after the hearing. But the provisions then dealing with fictitious complaints and so on, but in the case of a genuine complaint the Board would investigate it, hold a hearing and make an order.

Mr. Dumas: Mr. Chairman, if the Board doesn't approve a franchise that was granted by the municipality, then it can't go into effect, is that correct?

BILL
NO. 18

Mr. Legal Adviser: That is correct. To say we disapprove it the franchise is void.

Mr. Chamberlist: Mr. Chairman, in supposition, supposing the Northern Canada Power Commission decides to sell retail without a franchise power within the municipality of the City of Whitehorse does its operations as a retail seller of electrical energy come within the purview of the Public Utilities Commission?

Mr. Legal Adviser: It's hard to give a straight answer to this question. We've threshed over this one before. According to our law here, anybody who does something which is contrary to the Ordinance is committing an offence, and can be charged and can be prosecuted in the Court. But you run up against the difficulty when you are talking about a privileged person of how do you get him into Court. It's the mechanics, the machinery, plus the fact when you get there they have learned from some of the Honourable Councillors how to drag out a case from the Supreme Court of Canada.

Mr. Chairman: Is there anything further on section 21? (Reads sections 22, 23 subsection (1) of Bill No. 18).

Mr. Dumas: Question. Mr. Chairman, does the Legal Adviser suggest that we can enforce this in the case of N.C.P.C. This doesn't even refer to a franchise?

Mr. Legal Adviser: I think they presently comply with this section except that there's no Board with whom they can file their returns. I don't think they'll have any objection to billing these returns.

Mr. Chairman: (Reads section 23 subsection (2) of Bill No. 18).

Mr. Livesey: Question. Mr. Chairman, this would seem to obviate every franchise presently in existence. I think the basis of franchise presently in existence throughout the Territory are that the rates are set. My question to the Legal Adviser, Mr. Chairman, does this then provide that these changes can be made within a period of ninety days without reference to the franchise?

QUESTION
RE CHANGE
IN RATES

Mr. Legal Adviser: This is the intention. A rate will be set, this is the machinery for changing the rate. In order to change a rate, the utility must file a notice saying, 'three months hence, I intend to raise my rent or lower them' as the case might be. If they don't do that, then it's illegal to change a rate. If, however, they file a notice with the Board, and give public notice to the people concerned, either the municipality, the Commissioner, or the public, they can then change it, but an objection may be lodged against the change, in which case then we go to form of a public hearing and justification of a new rate.

Mr. Chairman: (Reads section 23 subsection (3), section 24 subsections (1) and (2) of Bill No. 18). Councillor Chamberlist, would you take the Chair.

Mr. Chamberlist takes the Chair.

BILL
NO. 18

Mr. Taylor: Mr. Chairman, I think it should be understood this is in the field of transportation, this is a pretty competitive sort of business. And, if for instance, a trucking company, trucking transportation company, P.S.V.'s are asked to bid within a space of two or three days on a contract to move a diamond drill, or to move a bulk of freight in competition, with say, two or three of these truckers and they wish to tender bids, maybe one is a little less than the other fellows; under the terms of this Ordinance they wouldn't be permitted to do this because they'd be running under tariff, somewhat like the Air Transport Board regulates the aviation industry. I would be unalterably opposed to this particular section in respect of competitive trucking and public service vehicles. I mean it just stands to reason, this is legislating price control, this hasn't been done since the war I don't think, except on liquor.

Mr. Legal Adviser: I'm not sure if it's intended to actually control the prices of transport public utilities, but the point made by the Honourable Member is a sound one. I don't remember in the discussions to which I was a party in dealing with this Bill, that this particular point was raised, that is, the possibility apart from showing your rate, might be necessary at comparatively short notice for a particular tender which was going in, on its acceptance might need urgent consideration by the Board. This is the point, I think, raised by the Honourable Member. Regardless of the published rate that the operator has in operation as an every day affair, if he bids on a particular contract and gets it, ninety days is too long a time ahead for him to be able to change his rates to fit into the schedule of his tender. Is this the point being raised?

Mr. Taylor: Mr. Chairman, the point is simply this. If this afternoon I have a bunch of freight to move and I go to three trucking concerns to get verbally, I've nothing in writing, and I say, 'Charlie, what will you haul my freight for', 'Bill, what do you haul it for', and 'George, what do you haul it for'. So Bill says, 'I'll haul it for .90¢ a mile' or something of this nature, I say, 'O.K. within the next hour I want that freight loaded and I want it on the way'. It's as simple as that. I'm not going to wait ninety days and go to a Board - this is totally unworkable for the trucking industry, maybe in the taxi cab industry it might have some application, but certainly not in the trucking industry. It's just completely unworkable and unacceptable.

Mr. Legal Adviser: This may be possibly, One of the Administrative's offices dealing with this every day might be able to assist here. I doubt it, but it's a question of basic policy here as to whether or not a transport public utility in the trucking business should maintain a fair structure, a rate structure which he sticks to or not. This I take it is the problem.

Mr. Taylor: Yes, but Mr. Chairman, I think it must be recognized that if a person in the trucking business was offered a job to haul a piece of freight from here to Porter Creek, he might charge, say, a dollar a mile, depending on what type of a unit he was using to convey that particular freight. On the other hand, by using that same unit, if he was to haul a load of similar goods to Watson Lake, he might say, 'well on a long trip like that I can do it for .80¢ a mile', and this type of thing. Certainly the trucking industry must have the opportunity of establishing their own tariffs in competition with each other. If somebody

Mr. Taylor continues:

charges too much for the conveyance of these goods, then certainly they are not going to get the business, because the guy who charges less is going to get the business. What we really should be doing is creating fair competition, and right now within the trucking industry these people can openly and freely compete to the general benefit of both themselves and the people with whom they deal. I'd stay here for the end of time to defeat the intent of section 24, and I feel this must be removed. This just goes without say.

Mr. Legal Adviser: Now, of course, the Honourable Member should understand that I cannot speak in any way for the Commissioner on the matter such as this. The point may need further discussion and thinking, either to leave it in, or leave it out, once the Member has made his point, and I'd bring the matter to the attention of the Commissioner, so this can be rediscussed.

Mr. Taylor: I'd be satisfied, Mr. Chairman, if it would be taken under review because if this Bill was ever to be approved, I doubt that it will, then I would like to see this out, it's got to go out.

Mr. Shaw: Mr. Chairman, I listened with most interest to what the Honourable Member from Watson Lake has just stated. There's alot of truth in what he says. On the other hand, we also have to consider another aspect of that where the big outfit can buy lowering rates for a certain time can put the small one out of business, which I have seen operate in this Territory in the 30 years or more that I have been here, and seeing small firms being completely put out, so I think that is possibly the reason why this particular section is contained in this Bill. On the other hand, you do have when you are starting to regulate things too much then you stifle competition in the particular business. When someone, as the Honourable Member has brought up, wants to contract or move something then if he has to wait ninety days that's the most ridiculous thing that has ever happened. There are so many facets to this one particular situation. I would ask the Legal Adviser, Mr. Chairman, is this the reason of this section is so that the rates are uniform and kept uniform whatever they may be?

QUESTION
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RATES

Mr. Legal Adviser: I don't think, Mr. Chairman, it adjusts here so that rates are uniform. I think it's so when a person seeks a licence and renews it every so often they will publish their rates, it's known to the public and if a person is given the concession of a truck licence between two points A and B on promising to the Board that he is going to supply twice weekly service, and he says, "I am going to give the people great service because they need a trucking service, this is my rate per ton mile" and try to make an attempt to hold them to that, they don't tell him what rate he charges, but having got his licence and started off with his regular trucking service between here and say, Ross River, between here and Haines Junction, between here and anywhere, but armed with his licence he can't then double his rates, using the exclusive nature of a public service vehicle licence to protect him because the Board have said there is room for one operator on that journey. Now this is the intent of the section, it's for the public benefit, rather than for the benefit of the trucker, but as I said to the Honourable Member I would ask the Administration to review the intent of it, if this is the wish of the House, which I take it is

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Mr. Legal Adviser continues:
and then either stand by the suggested policy, or be willing to move.

Mr. Taylor: Mr. Chairman, just before I resume the Chair, I just wanted to raise another point in respect of section 24 and that is the onus is apparently on the transport public utility, which namely is every P.S.V. licence in the Territory to give the Board the name, addresses and duties of every officer and director of the transport public utility. Well these are garbage trucks, some little guy who has no company, no corporation, he's merely a guy who's got to haul garbage or tows vehicles, starts cars in the winter time, maybe even hauls mail from an airport or something like this. There's no corporations or companies here and further over we find they're also going to, every time they change an officer or director of the public utility it's got to notify the Board and then they've got to keep maintain depreciation, amortization and depletion accounts, all this type of thing, intelligent understanding of the conduct of its business, records and accounts, good gravy this is just right beyond all reasons. You've got to consider you are not dealing with big corporations like Louisille or Freightways, or White Pass and Yukon, you're dealing with the little fellow just as well, and you're legislating alot of unnecessary work and hardship upon these people. I think this should also be taken into consideration when the Administration reviews section 24.

Mr. Legal Adviser: Mr. Chairman, I can't see any change being made there because it's the same law for the big corporations or the small corporation. If a person is a one man business, all he has to do is say in his form, sole owner, and that's the end of it, sole owner or proprietor or whatever it is. He doesn't have to fill out the various corporation forms. But if it's a corporation, then the Board needs to know what is happening from time to time on its reports on an annual basis. Annual returns are prepared by the secretary of the company and they are a routine thing and once you fill in the first one, the form every year is just no change, no change, no change, that's it, it's not an onus thing as might be thought, but the purpose of the Board overall is to protect the public and it must know the information in which it can usefully come to findings.

Mr. Livesay: Mr. Chairman, I think what the Honourable Member is talking about is the determinatel position to small business as against large business in connection with legislation of this type because usually the same amount of work has to be done by a small business as a large business to satisfy the government, and always to the determinant of the small business rather than a larger one. Where as one puts down one million dollars, the other one puts down \$1.50, the work is just the same, the few "0" s at the end of the figures don't make any difference, it's the exacting conditions created by legislation that is forced upon a small business, the unnecessary imbalance of government requirements. This is the point the Honourable Member brought up and it's a very clear one and a very good one. While I am on my feet, Mr. Chairman, I wondered if the Legal Adviser could tell me if it is spelled out in this legislation that one of the requirements of the Board would be to control, as far as the transport public utility is concerned, the equal mileage rates of that company over each of its arteries under one franchise. For instance, if one leg of a highway goes in one

Mr. Livesay continues:
 direction, and the charge is .3¢ a mile, would it be .3¢ a mile for all the other arteries irrespective of where they may go, or where they may come from. Would the board be able to control this?

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Mr. Legal Adviser: The Board can control it provided the people make complaints of breaches of the law. This is an area where the Board can hear a complaint if enough people complain about it and then they can do something about it, but like lots of things, people don't often go to the trouble of making complaints, and certainly not in groups of 25.

Mr. Taylor: Mr. Chairman, I'd like to direct a question to Mr. Legal Adviser. Why is it not considered by the Administration to be sufficient to say that the Board issues public service vehicle licences, and upon complaint shall investigate the complaint, and if the Board in its wisdom see that somebody is erred takes some action to rectify this thing, rather than go and stipulate price controls and this type of thing in this piece of legislation. I might say that even now the only area in transportation here in the Yukon that I know of, competitive transportation where you have to control tariffs is in the aviation industry and I believe there is much pressure indeed thought being given in Ottawa to lifting this restriction, and I'm just wondering why at this late date we suddenly come charging in here and we're going to impose such hardships upon these people. Could the Legal Adviser tell me why it can't be done the other way?

QUESTION
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 LAINTS

Mr. Legal Adviser: This is a basic question of policy, either you decide to let any person charge any rate that he wants to. This is presently the position so there's no power of making an operator of a trucking business stick to his published rates, he doesn't even have to, in many cases, tell you what his rates are. In this Bill the intention is instead of merely having a Board, which would grant licences on a once only basis, then the man has a licence would thousands and thousands of dollars, in some instances, which is even almost a saleable commodity. The intention is to allow the Board to receive complaints, the man must file his rate with the Board, he must stick to his rate, and if complaints come in, it will be dealt with, but the procedure here is the increasing rates, it's a basic question of policy, this is what policy of the Bill reflects. There's no reason why, except it's deemed wiser to take one course than another, there's no secret reason behind it.

Mr. Dumas: Mr. Chairman, what happens to the free enterprise system on this? These guys are supposed to be competing with each other, you know somebody says, 'well I'll give it to you for ten cents less', it just seems to be washed out.

Mr. Legal Adviser: The enterprise remains the man can change his rate, but to change his rate he's got to say so, he's got to file his rate and say, 'I'm going to change his rate'. Now if the House wants to abolish this whole system that's their prerogative. These sections reproduce a particular aspect of policies, that is the truckers, and the buses and everybody else must publish their rates, and having published them they stick to them, unless they give notice to the public in advance that they're going to change them. Now if the House doesn't want this, there's no objection whatsoever to just taking this section and throwing it out

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Mr. Legal Adviser continues:
the door, the House doesn't want this type of policy, just do it, but it must be the decision of the House fairly taken on a fair issue

Mr. Taylor: Just one last word on this, Mr. Chairman, I agree with the Legal Adviser's opinion that it should be thrown out the window, out the door, somewhere where it can never be found again. But in any event, I feel I would like to see the Administration lift this out of the Bill. Too bad it was ever here in the first place. I would just like to point out this is a two-way street, it was suggested to me, that possibly we should propose that nobody can raise their rates, but to lower them in this section, this is kind of foolish too because you have the situation whereby an oil company again comes along and says, 'look the weather is going to be good for the next three weeks, I have a lot of freight to move, what are your rates', and the fellow said, 'my rates are \$1.25 a mile' well I'll give you \$5.00 a mile right across the board if you can move that freight in, and what you're saying here you can't take advantage of it. I really think this should be pulled and withdrawn, I won't propose a Motion at this particular time, but if this Bill should ever survive, I would certainly move that it be deleted completely and utterly. I'll resume the Chair.

Mr. Taylor resumes Chair.

Mr. Chamberlist: Statistical information is requested by various government departments usually make up about 15 to 20% of the cost of administering business. There isn't a government agency in the Federal government that doesn't send you so many forms during the course of a month that you finish up you recognize the envelopes being filed in file 13. This is where you put it right away. They'll send you three or four letters and they'll say to you, 'well under section so and so, Dominion Bureau of Statistics you must supply such and such a piece of information', then you'll try and protect yourself, you send them in the information and then the following week comes back another form of a different color, or in three different colors, and they tell you what to do with two of them and what to do with the other one, you send the two back and then subsequent to that, you get another three forms of three other different colors, and this thing goes on and on. Now we have to be careful not to place, not only the large corporations, but the small person in the same position, because immediately what happens is the next thing you know we have to set up a separate department and this is what happens, and like I said once before, we have to ask Mr. Lynn for another building because this is what will happen you just have to start setting up a Bureau of Statistics. Now this section here it's under section 24, as far as I can see it may be for the sole purpose of regulating rates on scheduled routes and for scheduled carriers. Now what I mean by that, sometimes there is some merit in having this type of legislation in there so that there is fixed rates between certain areas that it applies to the large and the small company, so the large company doesn't take advantage of the small company, and the small company doesn't try and force himself to go broke just because he's trying to compete with a big company. What should be here and made clear is the competitive attitude should not be restricted simply because they are fixed areas and fixed routes. Why, for instance, as the Honourable Member from Watson Lake referred to, cannot a person make a deal to move a specific piece of

Mr. Chamberlist continues:
equipment from point A to point B. Now I think the large company should have the right to compete and the small company should have the right to compete on a special piece of equipment that is being moved, and I think this is where the fault in this legislation lies, but I say also, if this Bill ever gets through in the way it is set up now, there will have to be some amendments done to this one. Frankly, why we're wasting our time over it at all until we get the policy of dealing with section 3 of this Bill, as it applies to all Bills, I will never know because we could all get off for an early Christmas I figure because none of these Bills will have anything done with them, until the Administration make up their mind that they can't bulldoze this Council in doing what we don't want to do.

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Mr. Legal Adviser: Mr. Chairman, is the Honourable Member suggesting that the House be in a better humour after Christmas than before!

Mr. Chairman: At this time I will declare Committee in recess until 2:00 o'clock this afternoon.

RECESS

RECESS

Mr. Commissioner not present.

Mr. Chairman: At this time I will call Committee back to order, and we are discussing Bill No. 18. Have you anything further on subsection 2 of section 24? BILL NO. 18

Mr. Dumas: Mr. Chairman, I think the Honourable Member from Whitehorse East brought up a good point this morning. Is there much sense in us going on with this Bill at this time? What's the opinion of Committee?

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: In regard to the question of reviewing section 24, this is the regulatory powers of the board in relation to transport, I think, if the Council wish to have this dealt with by taking out this section, I think it might do no harm at this time to ask the Commissioner about the matter.

Mr. Chairman: In relation to the question asked by Councillor Dumas, what is your wish? Do you wish to proceed with this or do you have another course you wish to follow?

Mr. Shaw: Well, Mr. Chairman, I feel that a Public Utilities Ordinance is very, very desirable. There must be somebody who will decide on these particular things, that will regulate these matters of public importance. I wouldn't, just because I don't agree with some sections, take and throw the whole thing out. There must be some control. Every province has control on public utilities and I feel that we also should have a measure of control in respect of that for the orderly development and for the protection of the public. It's vitally necessary, and I just wouldn't say kick it out, no, not by any means.

Mr. Dumas: Mr. Chairman, there's no suggestion that it be kicked out. The suggestion was that it be left until we settle section 3, which is the important section in this and every other bill.

Mr. Chairman: May I proceed?

Mr. Shaw: I might state, Mr. Chairman, if we can't resolve on something like this - on a section and who runs it, well then I can see that it is futile to go through with any of these bills. Have you got an answer as to whether it's going to be put this way or that way or the other way, and take it to a vote and that's the start and the finish of it. I mean if we're going to keep haggling over every little statement that's in there, and every part of it and we can't settle the principle of it in the first instance, I will admit that that is a waste of time.

Mr. Chairman: Well, I'm at the direction of Committee.

Mr. McKinnon: Proceed, Mr. Chairman.

Mr. Legal Adviser: Mr. Chairman, section 24(2) and (1) are the sections which the Chairman speaking from the floor at that time asked to have reviewed and one of the points was raised as whether or not an adjustment could be made in the ninety-day period before a change of rates by a transport public utility would become effective. The point had been made that a transport public utility could not change its rates until after a three-month period had

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elapsed from notification of the change being given to the Public Utilities Board. Now, a second point was made that the operator would have to file his rates with the Board and then in the event of a complaint at some later time under section 27 that the Board would have power, if it wished to use it, to fix a set of regulatory rates to apply to the transport public utility. Now, this has in fact been done, and as the section appears here, it gives this power to the Board, that the person must file their rates and keep to them, so I'm in the hands of the House as to what the House does with regard to this section, and in particular the regulatory powers of the Board dealing with a transport public utility.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser has not made any reference at all to the question I put before recess. That is that section 24 as it is now may be satisfactory to scheduled routes and scheduled rates with scheduled carriers, but what about those individuals who wish to put forward a competitive price on moving a particular piece of equipment from Point A to Point B. Now, he has a PSV licence. He doesn't carry regular types of goods, so there is no point in him having a regular set structure. He's not interested in carrying groceries from Whitehorse to Ross River, or from Whitehorse to Dawson, but he is interested in moving a Cat on a lowboy. Now, somebody comes along to him - a general contractor comes along to him and says, give me a price for moving my Cat from Whitehorse to Ross River, and that contractor may go along to one of the other companies and perhaps another small company and try and get a competitive price. They are not allowed to compete with each other. This is the point that I made. This becomes too stringent, so that you dispense with the free enterprise system by saying you cannot give a competitive price because the rate structure says it's X dollars per thousand pounds between two given points. Now, this is a ridiculous piece of legislation when it doesn't apply - you don't make provision to apply to all types of circumstances and therefore I must agree with the Honourable Member from Watson Lake that because it doesn't deal properly with all matters of transportation of goods that it should be removed completely or put a section in to suggest that this particular thing is only applicable to scheduled distances and certain scheduled types of supplies, but don't just go ahead and leave it up in the air so that the small working stiff that's got maybe one truck and he's earning his living from - he's got to start putting in a complete administration in his house so that he can supply the Territorial Government with all the statistics that they require.

Mr. Legal Adviser: I agree the Honourable Member has a point. I'm not sure if that can be dealt with in the Ordinance as it presently is drafted. It might have to be something which the Board would have to do and that is make a differentiation between a scheduled route with a scheduled listed set of rates for that particular route, and a different list and so on for other routes, and still leave an area unscheduled to be dealt with by the jobbing-contractor, if I may so describe him. To know whether or not we can put an exception in for this and sufficiently describe and delineate it, I haven't given sufficient thought to at the moment, to be quite frank, nor am I sure if we put it in that it would not destroy the over-all power of the Board eventually to set up scheduled rates. It might and it might not. It would need examination. Now, I agree that an amendment could be made without damaging the Ordinance in any way, that in subsection (2) where the word 'ninety days' appears, a sentence could be put in which is often found in our legislation which would run somewhat like this: 'the period of ninety days may in a proper case be abridged by the Board at

the request of the operator'. In other words, the operator says this is an urgent case. I want a quick decision. He gives his reasons and the Board then says okay, we'll have a hearing or listen to you and we'll do it in five days rather than ninety days. Now, in this area it is possible, without any difficulty, to meet the point which was made by one of the Honourable Members, but there are two other points; one raised by the Honourable Member from Whitehorse East which is that provision should be made for the jobbing contractor not to have to keep to a fixed schedule of rates. The other point was made by the Honourable Member for Watson Lake and was that the Board should not have any regulatory powers at all for dealing with rates. It just should deal with the operators as the present Public Service Vehicle Committee does, and that is to just give them their licences, either a full licence or a restricted licence or a private licence, as the case might be, and then let them get on with the job. Now, this has received examination, and I don't want to be representing the Commissioner's policy here. If you want to know what the position is on that, my suggestion would be to ask the Commissioner on that point. As far as the Honourable Member from Whitehorse East is concerned, the point has not received detailed examination so that I doubt if a firm answer to that question could be given as of this moment.

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

Mr. Chamberlist: Yes.

Mr. Taylor: Mr. Chairman, in the first instance it has been suggested that maybe scheduled routes should be controlled, and I can't agree. In one instance where you have a scheduled route, for instance, from Watson Lake to Ross River on a scheduled basis hauling freight and supplies to that community, it is often found that many of the mining companies in between also wish freight hauled to their sites and the cost to the customer varies because this freight isn't all on the highway. This truck has to leave the highway and go over some very rough terrain to service these various mining companies and therefore the cost to these mining companies goes up considering the wear and tear on the vehicle in route. Secondly, there is also a danger which hasn't yet been looked at to the small operator. Now, we talked this morning about the days when one trucking company pretty well controlled all the H plates in the Yukon Territory and they indeed control them all. It was virtually impossible for anyone else to get an H plate, other than that one company. Well, if you made these companies - these trucking firms post their tariffs and controlled them, then immediately you leave it often for the large corporation to once again take over from the small operator because the small operator, who has fixed his tariff at some locally acceptable tariff level, can be certainly beat by the larger corporation who would fix his tariff at a much reduced figure because his company doesn't have to be a profit-making company. Another aspect of the general operation could overcome this and thereby you would virtually legislate the small trucker right out of business. I mean this is a possibility. I'm not saying it's going to happen in all cases but certainly it will in some, and I think that this is a young enough Ordinance that we could very well consider dropping section 24 and 25, as it applies to 24, for the time being, assuming that it may or may not be approved at this session, and I doubt that it will. In any event, if it should ever be considered for acceptance, then this should be thrown out and considered at another time. Possibly when we have attained the degree of administrative responsibility similar to that enjoyed by

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the provinces in terms of motor vehicle where areas are defined, where H plates and contracts and J plates and C plates, and all these things are organized, then we could consider such a thing, but I think it is premature at this time.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: And we have another situation where this could create a great deal of trouble, Mr. Chairman, For example, Cassiar Asbestos Corporation maintain the section of road from where they take off from the government road, as we will term it, of about 34 miles. They do not do the maintenance themselves. They contract it out to a firm or firms, who, in turn, hire trucks to haul gravel and hire tractors to do this and do that, and these trucks, in any event, all must have a PSV licence. You must have a PSV licence in order to rent your truck out for public hire, and they make - whatever their deals are - whether it's so much an hour or so much a yard or whatever it may be - it, to me, is an agreement purely between the person that is contracting and the contractee. If there seems no necessity whatsoever for the Board to poke their nose into such an affair such as that. It's an agreement between two people which they have, although by necessity these people must also come under the jurisdiction of this Board on account of having a PSV licence, so there you also have a situation where this person that is renting this truck out - whatever the case may be - he has to file these papers and go through all this performance and this person may just own one truck, and with all the regulations that you have now - you get inspectors on a continuing basis from the government, and the UIC and from the pension plan and the sales tax - there's a continuing stream of these people that something like this is not necessary, in my estimation, where you get a small operator. I can see where possibly when you give a franchise for a certain route from A to B, then I feel that that should be under government control because you are giving a special privilege, but, in the normal course of competition, to require all this paraphernalia seems to be somewhat asking too much of an operator, too restrictive entirely.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Mr. Chairman, the Honourable Member raises another - or brings to mind another proposition, for what it is worth, and that is that it occurs to me that in the area of air transport where tariffs are set somewhat along the lines as suggested here, that what we've done really is legislated a combine in respect of tariff-fixing. If you say, well, we are going to charge \$75 an hour for our Beaver aircraft, and you apply and you have this tariff approved, then all the other companies around say, well, we're going to charge \$75 - we're not going to charge \$72 or \$73, we're going to charge the same thing, so then everybody becomes equal. There is no competition to try and force prices down. Prices mainly just stay. There becomes a fixed solid price for something and if that price is too high, it's tough beans. You've just legislated a combine. In respect of the Ordinance, it was my intention to move some action on this section 24 and 25 later on and to do no more than comment on it at the present time until we get to the end of the Ordinance, so I would be prepared to carry on at this point in time and come back to this whenever we've concluded the reading of the draft.

Mr. Legal Adviser: Mr. Chairman, rather than waste the time of the House, if a drastic action was taken with regard to section 24 and 25, well then I'd be grateful if you would accept by suggestion and listen to what the Commissioner has to say concerning that because it might mean an end to the Bill.

All: Agreed.

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Mr. Chairman: I will declare a brief recess for five minutes while Mr. Clerk asks the Commissioner to attend Committee.

RECESS

RECESS

Mr. Commissioner enters Council Chambers.

Mr. Chairman: At this time I will call Committee back to order. Councillor Taylor.

Mr. Taylor: Well, now that we have the Commissioner with us, I hardly know where to begin because we'd have to re-state all this conversation all over again and it's rather difficult. I assume that the Commissioner has been in consultation with Mr. Legal Adviser and I'm just wondering if Mr. Commissioner would be willing to accept the complete withdrawal of section 24, if Committee so desired.

Mr. Commissioner: Well, Mr. Chairman, I don't think it is really a question as to whether or not I am prepared to accept the Bill without these things. I think that this is a decision that Council has got to make as to whether or not they are going to pass the Bill with or without these things, but I wonder if I may be permitted to make an observation on this particular thing, Mr. Chairman, and that is basically that this Ordinance has been brought forward as a consequence of continued requests from the Territorial Council here for public utilities legislation. Now, public utilities legislation is exactly what the word implies. It implies regulation of those forces or those activities in the community which form part of the analysis that is given in the early part of this Ordinance, I imagine under the interpretation section. Now, with regard to the particular sections that you have before you here at the present time, this in effect is the nub of where the public is going to get their protection in this particular area. Now, it would appear to me that if it is council's wish not to retain these sections, that we would be far better to stay with what we presently have, namely a licencing authority. Now, this licencing authority is clearly spelled out in other ordinances, and operates in a manner which I am sure must meet with Council's approval because I have not heard any particular complaint laid against the manner in which it operates, but is a licencing authority and a licencing authority only. Now, there is nothing halfway in between. There is nothing halfway in between the licencing authority and a public utilities act which is given effect to by a Public Utilities Commission or a Public Utilities Board. It may well be that Council feels after taking a look at this Ordinance that they do not feel that this is the time in the development of the Territory to indeed bring forward and enact public utilities legislation as such. Now, this is a decision that Council must make. This is not a decision for the Administration to make. It is a decision of Council. Mr. Chairman, I think that I would be very remiss if I did not say that the removal of the sections that you are presently talking about would effectively mean that we only have in this Bill a licencing authority. Now, we've already got a licencing authority, and there's no point to creating a Public Utilities Board and having public utilities legislation for the sake of having it on the books. There is just no point to it at all, so I think the decision really is, does Council wish, at this point in time, to enact public utilities legislation, and if they do, the retention of these particular sections that you are talking about is the key to the whole Public

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Utilities Commission's activities. Now, on the other hand, it may well be that Council feels that this is not the time. If this is their decision, the licencing authority under which we presently operate is still in the Motor Vehicles Ordinance and such other ordinances as are applicable, and it will continue to operate, but this is definitely a decision that Council must make. Now, the creation of boards for the sake of creating boards, I don't think serves any purpose at all, if all that they are going to do is just be another board without proper authority, there is no point to having them, so this is really the decision, Mr. Chairman, and it is a decision for Council. It is definitely a prerogative of the Administration at this point in time.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Mr. Chairman, I don't think it is sufficient to say that if we lift section 24 at this time and merely make the existing ordinances - make this Board a licencing agency under the existing ordinance that we would have defeated the purpose of the Bill because really and truly when we're talking about public utilities in the first instance we are talking about power and communication again. Suddenly we've run into problems with Crown Corporations or pseudo-Crown Corporations, and this forms, I think, the major part of the requirement at this time for public utilities legislation. I made an observation a short while ago that in my opinion I didn't feel the time was right to - indeed if it ever is right - start making people post their tariffs in terms of competitive trucking in the Territory, and I still don't, but if the Bill remains and if we can resolve section 3 and those sections involved with section 3 whereby the people form part of this Bill to its legislature or its elected representatives, fine; but the exclusion of section 24 and that portion of 25 that applies to the trucking industry or hauling industry within the Territory has just got to go. It would work too great a hardship on the people of the Territory.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, I must point out to you that if you do that, you are simply creating another piece of legislation and another board which is of no effect because you already are doing this. All that you will then have is a licencing authority and you've already got this.

Mr. Taylor: Is the Commissioner inferring, Mr. Chairman, that the electrical generation of electrical power in these corporations need then no regulation?

Mr. Commissioner: No, Mr. Chairman. I am not inferring that at all. What I am inferring here is the fact that you have before you a package which endeavoured to put together, as a consequence of Council's request that we gather these things together and endeavour to have a regulatory authority with regard to these things which normally fall into the category of public utilities as they are understood and the actions of a Public Utilities Board as they are understood in neighbouring jurisdictions such as the Province of Alberta, the Province of British Columbia.

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

Mr. Chamberlist: Mr. Chairman, I cannot agree with Mr. Commissioner that the removal of section 24 destroys the intent of an Ordinance for the setting up of a Public Utility Commission. Certainly if 24 and 25 were withdrawn then I would agree with him because

section 25 is the section that makes it necessary for a public utility to have available for inspection at a Board's request their books and operations of their particular business so that they may be able to justify the rates that are to be charged. Especially section 25 is necessary because of the rate structure that should be submitted to a Board both for the distribution and sale of electrical energy and for telecommunications, and I specifically refer to telephone communications because it is high time that the people of the Yukon Territory were charged telephone rates that were in comparison with those rates that are being charged elsewhere in Canada. Section 24 - I have already expressed my opinion on it and why I feel that it doesn't go far enough or is too little. It is both really, because it becomes too stringent for the small operator of a PSV licence and also it doesn't go far enough to allow a large operator to be competitive in his particular sphere of business. I'm going to suggest, Mr. Chairman, to Mr. Commissioner that the removal of section 24 will not defeat this Bill and that removal of section 24 will not leave this Bill in a position of being just a licencing authority, but that in fact what it would do if it were removed is leave open to the free enterprise system the trucking portion of that area of public utilities. I'm not suggesting that it should be withdrawn. I believe perhaps there is some merit in having it there if the other points that I have raised went along with it. I respect the Honourable Member from Watson Lake's remarks on it because I feel sure that if the other portions were in there to go with section 24 or amended as was suggested a little earlier by the Legal Adviser, I think that perhaps we could overcome this objection as well. Certainly, we must go back again to section 3 which is the real section that is making all Members of this Council very, very reticent about passing this Bill, and I think that Mr. Commissioner and his Administration should look deeply into the ways and means of overcoming our objections to section 3. Once that is done, I am sure the rest can be resolved satisfactorily. Thank you, Mr. Chairman.

Mr. Chairman: Have you anything further?

Mr. McKinnon: Mr. Chairman, we started off by wanting - this Council - a Public Utilities Commission so that all these areas of public services to the people of the Yukon could be enquired into. It seems universal and everybody admits that we can't cut CNT at this time, and this very grave argument as to whether we can cut NCPC at this time. Now, there are suggestions from the Members that we remove the regulator controls of this Public Enquiry Board out of the field of transportation. I suggest what we have left, Mr. Chairman, is that we should entitle the Bill An Ordinance to Establish a Public Utilities To Examine Into the Operations of Yukon Electrical Company Limited. That's what we've got left.

Mr. Chamberlist: Mr. Chairman, the Honourable Member from Whitehorse North would be very correct in the remarks that he has made except for the fact that the intention is to include at a later date all other areas of public service that can be brought into a Utilities Commission. I'm not opposed to having the legislation there and I don't want the legislation to be placed in such a way that it will effect and work directly towards the regulating of one utility. Now, I won't go as far as refer to Yukon Electrical Company Limited for the simple reason that they haven't got the complete open sesame to operate utilities in any area of the Yukon. The time may come along when some competitive operator might come in and want to open a utility, so therefore it is not directed at one company. It certainly would be directed at electrical energy

BILL
NO. 18

only - the distributors of electrical energy only, and this would be absolutely incorrect for it to take place, but never the less, the necessity must be that this Body be in a position to have its voice heard in the setting up of a Public Utilities Commission, and until such time as the Administration recognizes the need for that to be done, as I said earlier, it is a waste of time going on with this piece of legislation and any piece of legislation like it. As I have remarked earlier outside of the Committee, that it becomes an exercise in futility to continue to carry on in the manner that we carry on until such time as the Administration is prepared to bow to our needs. Now, I have already put the question to the Administration. I have been getting everything but a satisfactory answer. I don't know why the Administration on this particular Bill is showing so much resistance. They went along with us on the Historical Sites and Monuments Board to meet us halfway, and because they met us halfway, we went along with it and I would ask again that they meet us halfway in the same manner in this particular instance, or tell us why you are opposed to doing this. Thank you, Mr. Chairman.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, this gets us back to where we were at 2:00 o'clock this afternoon. We're stalemated, let's face it. We're wearing ourselves out here beating our heads against a brick wall and we're not getting anywhere. I suggest - I'd like to move that we report progress on this Bill and come back to it at a later date.

Mr. Chamberlist: Mr. Chairman, I would move that we report no progress whatever.

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

Mr. Chamberlist: Yes.

Mr. Taylor: Mr. Chairman, I think the crux of the whole matter is found in section 3, and I would like to direct a question to Mr. Commissioner at this time, and that is, would the Commissioner agree to a proposal by Council that under section 3...

Mr. Dumas: Mr. Chairman, I made a move...

Mr. Taylor: There is no seconder to any motion.

Mr. Chairman: Order, please. Carry on, Councillor Taylor.

Mr. Taylor: I would like to ask Mr. Commissioner if his Administration would agree to give assent to this Bill if we amend section 3 to provide that there shall be a board to be called the Public Utilities Board consisting of three members to be appointed by the Commissioner by and with the advice and consent of Council.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, I am very reluctant to make any commitments about something that hasn't happened. Now, I think that Council feel that when it says in an Ordinance such as this - such as section 3 'there shall be a board to be called the Public Utilities Board consisting of three members to be appointed by the Commissioner'. Now, it is unfortunate that the manner in which the Yukon Act is written and the manner in which we are governed here at the present time infers that one individual, literally

speaking, has all the prerogatives and all the say in connection with such things as this as well as hundreds of other things that occur on a day-to-day basis, and Council is also well aware of the conversations that they had with the Minister approximately six weeks ago, and are well aware of the fact that there is going to be further fairly prompt conversations with our Minister that could very well bring changes about which would make such requests as are presently - I am asked to answer at the present time, make them completely unnecessary and completely redundant, and it is for this reason that I am very reluctant to make any prior commitments in connection with this particular wording that you are asking to get changed at the present time. Now, I think Council is aware of the fact that some type of internal change is reasonably imminent. Now, there is no use of me saying it is going to happen next week or next month. There is no point in me saying this at all. I neither have the authority nor do I have the knowledge, but it would certainly be a most unnecessary and possibly a most unwelcome situation for me to commit myself at this point in time in the full knowledge of what I have just stated to make this type of wording change, indeed the law of the land, as it applies to any particular witnesses, and for this reason, Mr. Chairman, I would ask to be excused entirely from answering directly the question that has been posed to me at this time.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Well, then if this be the case, Mr. Chairman, it then seems that the suggestion made by the Honourable Member for Whitehorse West should be considered. We have reached a stalemate. We have stated our position. The Administration are not in a position to state theirs in relation to the acceptance or rejection of that particular aspect. This is something that must come from maybe 4,000 miles away, I assume, and if this be the case, there is no useful purpose in dealing with this Bill any further at this session, and I would move that this Bill be allowed to die in Committee.

Mr. Chairman: Could you let me have a copy of the motion. Is there a seconder to the motion?

Mr. McKinnon: I'd be most pleased to second the motion of the Honourable Member from Watson Lake.

Mr. Chairman: Is there any discussion?

Mr. Dumas: Yes, there is just one point, Mr. Chairman. I'd like it made clear that what the Commissioner has said again about possible changes that may be coming about - I repeat what I said ten days ago; until there is some action, we can't be expected to act. All the words in the world aren't going to change things. It's action that we need. We, as a Council, can't be expected to start passing these bills carte blanche until we see some actual changes in the set-up.

Mr. Chairman: Any further discussions?

Mr. Shaw: Yes, Mr. Chairman, what is the motion?

Mr. Chairman: The motion is that Bill No. 18 be left to die in Committee. Is there any further discussion?

BILL
NO. 18

Mr. Shaw: Yes, Mr. Chairman, I'm sorry to see that we can't come to any agreement on this particular matter. I feel that a Public Utilities Commission is a very necessary part to have in government. I feel that the people are entitled to have such a commission and though, as I had voiced my disapproval of some of the sections that are in there, just on that account I don't think it is sufficient that the whole thing should be wiped out. I think that these things are very necessary for the Territory and the time to get them going is the time when we are in a younger state, rather than later on when it gets larger. I shall vote against the motion.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: r. Chairman, I'd just like to say one thing in reply to the Honourable Member from Dawson, that the way I view it is that we're not going to get any results at this session. Certainly, the Administration in Ottawa have now on record, through Votes and Proceedings, some idea of what we want, and, as I say, it is certainly not going to be resolved at this session. We're just wasting good valuable time, and it seems to me now that the Administration will take this, back in Ottawa, and they'll think about how they can place this Ordinance and provide us with an Ordinance which is good, and place it before us at a future session. I realize, myself - and I have been one of the opponents of public utilities for many years now in this Council Chamber, along with other Members, but I'm not prepared to take the first thing that is thrown at us when we have to give away some of the rights of the people and place unnecessary impositions upon them. If it is going to be a good piece of legislation, let it be right. If it is not a good piece of legislation, let us not deal with it at this time, so when the Bill dies, it merely goes back for re-consideration by the Federal Government, and maybe in the interim our Minister might, in his White Paper - if he has one, and if he doesn't, maybe the Minister will come up with some further degree of autonomy which, maybe by the spring session, if this is done, might place us in a different position in order to deal with this matter of public utilities.

Mr. Chairman: Is there any further discussion? There has been a motion moved by Councillor Taylor, seconded by Councillor McKinnon, that Bill No. 18 be left to die in Committee. Are you ready for the question?

MOTION
CARRIED

MOTION CARRIED

BILL
NO. 2

Mr. Taylor: I will resume the Chair at this time. The next bill for consideration - we go back to, I believe, Bill No. 2, Fuel Tax Ordinance. You have two new pages, pages 2 and 3, which were provided either yesterday or today. I wonder, Mr. Legal Adviser, if you could draw the attention of Committee to the amendment.

Mr. Legal Adviser: Well, my recollection goes, Mr. Chairman, there was an insertion of the two words 'fuel oil' in section 3 of the Bill. In section 3 we had per imperial gallon for remittance through the distributor, and it now reads per imperial gallon of fuel oil for remittance. Now, that necessitated the re-typing of that particular page, page 2. Now, in page 3 the point was made that the power of inspection should be given to a person appointed by the Commissioner and not by the Territorial Treasurer in section 7(1), and a similar objection to the Territorial Treasurer dealing with procedure appeared in section 7(2), the first place where Territorial Treasurer appeared which in the old draft was at line 6, but the

assessment would, of course, still be made by the Territorial Treasurer, whose name appears in the next line. These are the two changes which the Council asked for the other day.

BILL
NO. 2

Mr. Chairman: (Reads amended section 3 and 7(1) and (2) of Bill No. 2.)

Mr. McKinnon: Mr. Chairman, a perfect example of Administration and Council working in harmony and unison, and I would like to move that Bill No. 2, An Ordinance Respecting.....

Mr. Legal Adviser: At the risk of striking a, Mr. Chairman, I would be less than frank if I allowed the motion to go forward because the Honourable Member from Whitehorse East had made some points on the Bill. In particular, he made the point that the period of time during which a man must keep his books, I think, and the period of time of limitation of an offence were too long. One being a two-year period and the other a one-year period. Now, I don't know how to phrase this without being tactless, and I hesitate to say either the Commissioner or the Territorial Treasurer or the Administration for this next sentence, but the position is that the question has been considered and the Council can draw an inference as to what the decision was from the fact that I have not prepared an amendment to abridge the time and shorten it. A year is not too long to bring a tax offence charge because it may not be discovered in such a short period of time as six months from the time of the offence. There may be a persistent attempt to conceal. We wouldn't bring a charge in relation to an accidental omission; it would be just merely a payment of the tax, but in the case of a deliberate fraud, a year is not too long a period of limitation and therefore the Bill before you remains as a period of limitation - no prosecution for an offence shall be commenced for two years. This is a year after he has to keep his books.

Mr. Chamberlist: Mr. Chairman, it really is of so little importance after the beating that the Council are taking from the Administration that I'd let it go.

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

Mr. McKinnon: There can be nothing to do upon agreement between the Legal Adviser and the Honourable Member from Whitehorse East but to move that An Ordinance Respecting the Imposition and Collection of a Tax on Fuel Oil, Bill No. 2, be moved out of Committee as amended.

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

MOTION CARRIED

MOTION
CARRIED

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

RECESS

RECESS

Mr. Chairman; I will call Committee back to order. The next matter for consideration is the amendment to Bill No. 3.

BILL NO. 3

Mr. Legal Adviser: Mr. Chairman, this is the Historic Sites and Monuments Board Bill. This was merely the preparation of an amendment which I think was accepted by Council, I'm not sure whether by a former Motion or not, yesterday or the day before.

Mr. Chairman: (Reads Section 4 (1) and 4(6)). Do you have any discussion on this Bill.

Mr. Dumas: Mr. Chairman, I would like to move that Bill No. 3 be reported out of Committee as amended.

Mr. Chairman: Are you prepared for the question?

Mr. Dumas: We don't have a seconder.

Mr. Chairman: Oh, pardon me.

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

Mr. Chairman: Moved by Councillor Dumas, seconded by Councillor McKinnon that Bill No. 3 be reported out of Committee as amended. Are you prepared for the question? Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I will oppose the Motion. My words are already recorded. There is no point in me going over the same grounds all over again.

Mr. Chairman: Order please. Are you agreed?

All: Agreed.

Mr. Chairman: Those in favour of the Motion please signify. Those contrary please signify. I will declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: The next Bill is Bill No. 5. Mr. Legal Adviser would you proceed with your comments.

BILL NO. 5

Mr. Legal Adviser: Subject to correction by the Clerk, I have a note in the copy of these changes. The first change was to change the name where it appears; the Title, inserting the words "Hotels and" so that the Bill shall now read "Hotels and Tourist Establishments Ordinance". This then necessitates the change in the Short Title.

Mr. Dumas: Mr. Chairman, isn't there an amendment requested regarding Municipal Inspectors acting as Territorial Inspectors?

Mr. Legal Adviser: We said we would table an exchange of letters between the Commissioner and the Mayor and Council of the Municipality of Whitehorse. This exchange of letters is going forward. My recollection is that I did a first draft and I'm not sure whether it has actually left here or not, but the tenor of the letter is that the Mayor is requested by the Commissioner to allow his Inspector to operate in accordance with the Act on being appointed for the purpose under this Ordinance. This,

BILL NO. 5 Mr. Legal Adviser continues....

of course will need the consent of the Council so on getting this consent back from the Mayor on behalf of the Council the exchange of letters will be tabled.

Mr. Chairman: Speaking from the Chair as a result will there be an amendment to Section 8 providing for a nightman.

Mr. Legal Adviser: Mr. Chairman, I haven't gone in to the other amendments. I thought you were going to deal with it section by section. But there was another amendment which is requested by the Honourable Member from Whitehorse East in relation to fines. This particular amendment occurs in Section 15 (b). The point that was made was that it was harsh that a notice not less than one-quarter the size of a sign would have to be affixed not only to highway signs but also to the main illuminated or neon sign outside the establishment and it was thought that this was unnecessarily expensive or difficult for the operator to comply with. The particular amendment which I think meets this point is that in sub-section, or paragraph (b) of sub-section 1, I eliminated the words all other signs so that the obligation on the operator now is to affix to each Highway sign advertising his establishment a notice advising the public that it is closed. Now the highway signs are the signs that are actually on the Highway coming and going so if a driver is coming for a mile along the road and keeps on seeing closed, closed, closed, he should know it is closed by the time he reaches the neon sign. Now there was a further amendment, I'm not sure exactly which section it occurred in but it was a point made - in Section 19 sub-section (1), one of the Honourable Member was perspicacious enough to point out that a person who leaves a hotel for parts unknown, leaving his address in the hotel, this would be his last known address. So, I thought an easy amendment would be to insert the word previous in the sentence so that it now reads that he mails the notice of sale to the former guest at that person's last previous known address. Now the previous known address of course should be inserted in the register in some fashion or it should be known. In other words his last known address is the hotel **itself**, and his last previous known address.

Mr. Chamberlist: Mr. Chairman, what happens, what do you do when there is no last previous known address. What do you do.

Mr. Legal Adviser: Well, what can you do.

Mr. Chamberlist: Now Mr. Legal Adviser is trying to question me?

Mr. Legal Adviser: Well possibly the Honourable Member might have more expert knowledge of the hotel operations where you are chasing defaulting guests than I would have. I just don't know what you would do. You do as best you can in the circumstances and I'm not sure how you put that in the legislation.

Mr. Chairman: May I ask again from the Chair when we may expect the amendment to Section 8 to provide for night men in such premises.

Mr. Legal Adviser: That has not been prepared. The point is taken that in the Bill for once it is not desired to have this particular regulating power. The suggestion which was discussed informally between the Honourable Member and myself was that the Section would read "have such persons as may be prescribed on duty at such time or times as may be prescribed", and then the details of who would be on duty would be left to regulations, because there are different classes of establishments and so on. But there is no change forthcoming. If the Honourable Member wishes to propose

Mr. Legal adviser continues....

a Motion he is perfectly free to do so but I have not drafted a specific change to meet the wishes of the Honourable Member. BILL NO.5

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Well, Mr. Chairman, the amendment which I had proposed would provide under Section 8, its operating requirements, that up to or beyond a certain level of accommodation that a hotel would be required to have on duty at all times; and more particularly during the night hours when guests are sleeping, a nightman or what is commonly referred to as a nightman or a night clerk. The purpose for this is in the case of fire. In the Territory we have had too many instances where people have been smothered to death by burning mattresses, affixation and this type of thing. I don't think - well I know that this Bill would be completely incomplete without this provision being made specifically in the Ordinance and when we have people staying in this rental accommodation situation anywhere else in the world it seems to me that when they get into a hotel and go to bed at night they at least know that someone is looking after them to see that they are not going to get burned up. I feel it is essential that we write it into this Ordinance. Certainly we must find a way to avoid a small motel or this type of place. We have to set some sort of limit on this. I personally asked some of the Fire Chiefs, some of the people involved in fire fighting to give this matter some thought and to possibly contact the Legal Adviser with any ideas they might have as to how this could be set up. I personally, without making a motion at this time, would like the Legal Department, Mr. Chairman, if it is Committee's agreement to go along with this, to look deeper into this before we pass this Bill out of Committee in order that possibly some solution may be found to this matter.

Mr. Legal Adviser: Mr. Chairman, it is not basically a question of the Legal Department refusing to accept the wishes of Council. As you know I'm only too happy to accept the wishes of Council at any time and always do so. The question is, it is a policy decision as to whether or not the words which in here I think the Honourable Members should actually cast their eyes over, should be changed. This is a policy decision. Now these words here are as wide and as loose as we can make them - have in attendance at all times during the operation of his tourist establishment at least one person capable of operating the establishment in a proper manner. Now this is fairly loose and it is not intended to tighten it up that the man must be actually standing in the hall in a multi-storey establishment. You might have sets of rooms like the Skyline in Ottawa. There is nobody in attendance on each individual floor - they are all down miles away down fifteen floors beneath you. We are trying to adapt this in this form loose and easy workable to the operator of the small place on the highway as well as the big place because a one man operation - he is there - he may be asleep on a coach or in bed close to the office. There are hundreds of ways in which they operate this system and we don't want to be too harsh on them. As a matter of policy the Administration, the Commissioner and his Administration I should say, feel this Section should be left as it is but in this manner they are in the hands of the Council. If it is not a suitable paragraph it could be lifted right out and bundled right out the door and we could renumber the paragraphs. But my suggestion which was to allow this to be done by regulation so that tighter rules could be made for big establishments and looser rules for

BILL NO. 5 Mr. Legal Adviser continues....

smaller establishments, was apparently not acceptable so that is the position now.

Mr. Taylor: Mr. Chairman, this doesn't fill the Bill in subsection (c) because it was agreed upon when we first discussed this that to have an attendant at all times during the operation of the establishment, at least one person and this person could be sound asleep - order Mr. Chairman, this person could be..

Mr. Chairman: Order please Mr. Taylor, the Chair will call the order from Committee. Please carry on.

Mr. Taylor: I was just asking for order Mr. Chairman; it seemed that it is very difficult to convey my thoughts to the administration if they are otherwise involved. I will begin again. It states in here that having in attendance during all times of operation of his establishment at least one person capable of operating the establishment but it was agreed upon when we first discussed that this person could be sleeping in one of the rooms and consequently if he is asleep there is no good opportunity for him to be detecting a fire in the building, or indeed smoke or anything of this nature. As close as I've been able to get to the amendment I'm searching for at this point and time would exclude a motel, that is a two storey motel with doors opening on the outside but it would include an hotel which accommodates personnel on the second storey or where an hotel has an occupancy rate greater than a certain given figure. It is this I'm searching for to spell out and having achieved this height of occupancy then I feel that this should be mandatory that these people should have someone awake and alert in this establishment during the night hours. That is what I'm looking for.

Mr. Legal Adviser: I'm sorry, I didn't realize I was called upon to reply. There is no tremendous constitutional importance attached to this sub-paragraph. Whatever the Honourable Member wishes to have in it I will certainly draft it for him and he can submit it and if it is passed by the House it will be accepted. If he can put it into words with me at some time, then we will do our best to accommodate him but our suggestion is to leave it alone. It is the Administration's suggestion, not mine, to leave it alone. If the Member wants something else I will certainly sit down and draft it but no offer is forthcoming from the Administration of a new section on that behalf.

Mr. Commissioner: Mr. Chairman, I wonder if I could have a word on this. The particular question that is raised and the manner in which it has been explained by the Honourable Member from Watson Lake, I go right along with it but I have this to say. There is not very much point to putting into an Ordinance of this nature something that is literally speaking unimportant. Now you can write down anything that you want to in these laws but unless they have the acceptability of the public and the people who are affected by them, they are of no avail. I simply cannot visualize how we could ever police let alone enforce such a requirement throughout the Territory, even supposing we attempted to define, aside of the establishment or the peculiar circumstances of the establishment that would exempt it or make it a requirement. Now this is really the problem. We are not against putting in something that will have the requirement along these lines providing that there is some reasonable opportunity of enforcement of this. Now the individual operator in this particular business are a group of people who for the most part are individual entrepreneurs with the possible exception of the City of Whitehorse. And I am quite confident that as a consequence of high fire insurance rates

Mr. Commissioner continues...
high fire risks, the automatic bad publicity, bad advertising that comes from not having their premises attended to properly have got to be the deciding factors of whether or not an operator has a person on duty as has been described by Councillor Taylor. Now there may be one hundred and one arguments that are very good ones and very logical ones against the words that I have expressed to you but I do think that you are almost getting into an area here where you are making enforcement very difficult and may well be placing ourselves in the peculiar predicament of being unable to properly describe those establishments that should comply and those which do not necessarily comply. Now the statement was made concerning two storey motels with doors opening completely to the outside. This, has a generalization, I don't think is very good because of there is only one door it is highly that access or egress in and out of that one door may well be prevented by the very fire that we are talking about. So you are getting into a very very difficult areas to define. The desirability, I go right along with that.

Mr. Taylor: Mr. Chairman, I can't agree with Mr. Commissioner. I feel that if we are putting forth a Hotel and Tourists Establishments Ordinance, not only are we trying to offer some degree of protection to the operator but we are seeking to offer some degree of protection for the travelling public and rather than take up the time of Committee any further at this time, I would ask that Committee allow progress to be reported on the Bill and that we get the Territorial Fire Marshal's opinion on this matter and I would be glad to abide by anything that he might come up with, but I think the matter is of sufficient importance that we should discuss it with him.

Mr. Dumas: Mr. Chairman, I agree with the Commissioner and the Legal Adviser on this. I think that like so much of the legislation passed here we have to depend on the people who are enforcing it to look after these things. If we try to spell out every detail of every Bill we are going to run into no end of problems and I think that sub-section (c) of Section 8 covers it quite well.

Mr. Taylor: Unfortunately, it doesn't save lives, Mr. Chairman.

Mr. Livesey: I can see the point raised by the Honourable Member from Watson Lake and I think it is commendable. However, there is the question of economics as well. In the large establishments even on the Highway, to the best of my knowledge, there is always somebody around at night which would seem to me to be covered in sub-section (c) of Section 8. Now in the tourist establishment business, apart and different from other business is, for one particular job there has to be three shifts per day on a twenty-four hour basis. You have to think in this business of operating, that you are operating a tourist establishment; obviously it has to pay its way. At the present moment we have a distinct difference between the summer and winter operation and as you know the tendency so far in certain areas has been that in the winter now we have establishments closing down and the reason they close down isn't because they are making too much money; it's because they cannot operate at a profit. I know in some instances some have operated on a test basis at a tremendous loss on their overall year operation which made the operation unprofitable. So, this cannot carry on that way. While we are thinking about legislation, therefore, to control establishments in the outer areas; and don't forget these are the establishments that collect the taxes for the Yukon Territory towards the upkeep of the Territorial Government, we have to think about the soundness of their operation and the soundness of their operation is maintained by a proper, orderly operation of a business

BILL NO. 5 Mr. Livesey continues....

so that at the end of the year the books are in the black and not in the red. So, the more restriction you place on these people at the present moment where tourism, in my estimation hasn't even been half scratched yet; we haven't even got anywhere yet. It's just in the up and coming stage of the approach towards I would say a real position in the economy of the Territory, we must try to help the people interested in the tourist business to expand their places and provide better accommodation and to keep them as far as possible, operating all year round and I would say if possible on a twenty-four hour basis, yes, but these things are limited by economics and we don't want people closing down in the winter. We want them to keep open in the winter and I feel a good many will quit - more will close in the winter than are closing now if we put too much pressure on them. Now I think it's very sensible at this particular moment to keep this Bill as flexible as possible in order to allow the ebb and flow of the tourist economics to give us a picture whereby we can judge this situation properly as it climbs up the ladder, which we hope will be towards success. And I would suggest, Mr. Chairman, that the least restrictions we put in this Ordinance at this time the better for this particular aspect of the economy.

Mr. Taylor: Well, again I can't necessarily agree with the Honourable Member from Carmacks-Kluane when he states that the economics factor, based on the economic factor for some Highway operator we should not consider this. This is wrong. I think you will agree that when we last dealt with the Liquor Ordinance we stated that in order to get a cocktail lounge licence you had to have outside of the Municipality of Whitehorse, a minimum of fifteen rooms and I believe in the Municipality thirty rooms. Now, if you take a look outside the Municipality of Whitehorse if someone builds a hotel they provide fifteen rooms for the travelling public, you might consider that if that establishment was full it would have at least thirty people in it in addition to the staff of whoever else might be involved. If you have thirty people in a building I think you owe it to those thirty people to offer them the highest degree of safety possible during the night hours; otherwise I guess they wouldn't get any sleep worrying about whether or not the place is going to burn down and believe you me, when you consider the loss of life that has been incurred in this Territory in the last three years as a result of **mattress** in hotel fires, I would think that you would go along with what I say. I still feel that before the matter is decided we should have a hearing from the Fire Marshal on it. I would very much like to hear his opinion before we pass this Bill through and I think I would also point out too that where have or where we build these units of fifteen rooms for thirty people, or if you had thirty rooms you would have approximately sixty people involved, that you have cocktail lounges and you have taverns and I think you will agree with me Mr. Chairman when you have these units your incidence of fire of this nature is higher where people, through intoxication and so forth, go home and drop cigarettes on mattresses and start fires and things. So, once again I would ask that some consideration be given - I expect we will be here another week or so on Supplementary Estimates and what not - that we find and give some time for the Fire Marshal to hear his view of that subject.

Mr. Livesey: Mr. Chairman, question. What are the statistics on the tremendous loss of life in the Yukon Territory in the last three years from motel fires?

Mr. Chairman: Councillor Taylor, would you care to answer that question?

Mr. Taylor: Well, I can think of two that I personally have been BILL NO. 6 involved in in Watson Lake.

Mr. Livesey: Two deaths?

Mr. Taylor: Two deaths, Mr. Chairman.

Mr. Shaw: Mr. Chairman, we are making regulations for the better operation of these particular establishments. Now, I think myself that we should make the minimum of this type of legislation in order to make it possible for many of these places to operate. A hotel in Whitehorse is a different type of an animal to a hotel some place on the Highway. One that has a cocktail lounge and one that doesn't is a different situation on account of the profit picture. If we force all these places to have a man on duty that would mean employing somebody else possibly; that would mean, in all probability an expenditure of at least \$500.00 a month to this particular small operator even though he may have twenty rooms that he rents for two or three months in the year. And to force him to have a person there specifically just to walk up and down the halls might mean the difference between profit and loss or being able to operate this place or not. I certainly agree that every precaution should be taken in relation to fire. I do know the fire Marshal will go around to these hotels and every once in a while if he feels one is in a dangerous situation then he orders that they have fire stations set up and these persons go around and punch the clock and that is happening right in Whitehorse and it may be happening in other parts of the Territory. I do not feel that it is necessary at this time to start dictating to the operators just what they should and should not have in respect to something like that because it may be beyond the economies of the business they are operating to hire such a person. We do have that a person must be on hand at all times and I think at this stage of the game Mr. Chairman, that is all that is necessary.

Mr. Taylor: I can only say I never thought I would hear such words in Council Chambers where you put a dollar ahead of a human life. However, this is exactly what is going on. You can afford to run a cocktail lounge and operate a business you can afford to protect the people who sleep in your establishment during the night hours and that is as simple as that. I'll resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: I heard some laughs of derision when the Honourable Member from Watson Lake made the reference to dollars being put before lives. Well I am one of those people who supports Councillor Taylor's remarks one hundred percent because I have had the misfortune of knowing and feeling the loss of life in a hotel accommodation and let me tell you this much that I wake up at night time now thinking about it. Now, I can tell you this that as far as I am concerned there should be no accommodation with fifteen rooms or more without a person being on night shift and that it is a neglect of our duty if we prepare a piece of legislation where we did not make sure that this happens. I am only too satisfied that I was in the fortunate position of having somebody on night shift because there would then have been quite a calamity if I hadn't had somebody on night shift. The loss of one life was more than enough. I find that although this particular Section does make reference to having somebody in attendance, it doesn't make reference to the fact that somebody should be in attendance and moving around the hotel or motel

Mr. Chamberlist continues...
to make sure that everything is in order because fire from mattresses doesn't start immediately. It takes some time to start and if people are on duty and walking around they could perhaps smell the smoke and be able to take evasive action at the right time before there is too much loss of life. As far as I'm concerned there should be no doubt about it within the Metropolitan area of Whitehorse, certainly there are some spots on the Highway, both the Alaska Highway and other Territorial highways where the accommodation is so small that there are only three or four rooms and perhaps only one or two guests that a requirement of this nature is not needed. But certainly where there is multiple accommodation and there are more than fifteen people in a hotel as guests there should be ample protection in legislation to make sure that the public are protected. And I say that we should not place dollars before a life. Anybody who runs a business doesn't expect to be making a profit every night. Some nights they have to make a loss but they still have to maintain the services that are required for the type of establishment. I support, absolutely, the necessity and requirement for night people being on duty and not just asleep in an arm chair but awake on duty. Thank you Mr. Chairman.

Mr. Dumas: Mr. Chairman, ~~what~~ the Honourable Member from Whitehorse East said is quite different from what I understand the Honourable Member from Watson Lake said. The Honourable Member from Whitehorse East is talking about an establishment of fifteen rooms or more and I think he certainly has a valid point. Now as far as dollars and lives are concerned, I'm certainly certain that none of the Councillors here are putting dollars before lives. We could go to the extreme and say, every hotel must have a fire truck parked outside with two firemen in attendance. I mean it's only dollars. Let's not put dollars before lives. Well, sure it is but that's what we are discussing - the extremes, possibilities. So the man down the highway with three or four cabins has to pay somebody to look after his place during the night. And this is the implication that was made by the Honourable Member from Watson Lake. I still think that the Bill as presented, the legislation as before us, is adequate.

Mr. McKinnon: Mr. Chairman, the Honourable Member from Watson Lake has asked that the Fire Marshal be invited before Committee to ask him whether the legislation is adequate or not. I have no objection, why would anybody at this table have an objection to this happening. Certainly, if Mr. Chairman, or the Honourable Member invites him and asks the indulgence of this Committee just to report progress on this Bill until we hear from him; I don't think there is any objection. Why are we standing up and debating and yelling about it.

Mr. Chamberlist: I would move that we report progress.

Mr. Chairman: I shall report progress then on Bill No. 5. Does Committee agree?

All: Agreed.

Mr. Chairman: Next Bill is Bill No. 16. Mr. Legal Adviser.

BILL NO.16

Mr. Legal Adviser: This is the Rehabilitation Ordinance, Mr. Chairman. The amendment which is presented picks up the point made by the Honourable Member from Whitehorse East that some

Mr. Legal Adviser continues.....
people would not be able to personally make application on their own behalf so an arrangement should be made whereby it can be made on his behalf by another person. So the section is turned around and put into the passive voice.

Bill No.
16.

Mr. Chairman: Are we agreed with this amendment?

All: Agreed .

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

Mr. Chamberlist: I would move that Bill No. 16 be passed out of Committee as amended.

Mr. Dumas: I'll second the Motion.

Mr. Chairman: Are you prepared for the question? Are you agreed? Any contrary? I'll declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: We'll proceed to Bill No. 21.

BILL NO.
21

Mr. Legal Adviser: Mr. Chairman, this is the Notaries Bill and the first amendment I have note of is Section 9. The Council will recollect that there was only a penalty of a fine in this Section for a breach of the Ordinance and I have added an amendment to impose an alternative of one year's imprisonment in deference to the wish of the Honourable Member from Whitehorse East. This is Section 9.

Mr. Chairman: Does Committee agree to this amendment?

All: Agreed.

Mr. Chairman: Proceed Mr. Legal Adviser.

Mr. Legal Adviser: I'm not sure exactly what the amendment was on page three. I think it was Section 15, to retype a word - all fees 'payable' to the Territorial Secretary shall be 'remitted', to save using the same word twice I changed the word to 'remitted'. The Territorial Secretary remits the money, he doesn't actually pay the money to the Territorial Treasurer.

Mr. Chairman: Is that clear?

All: Clear.

Mr. Legal Adviser: A further amendment at Section 18, Mr. Chairman. This was an amendment designed to meet the point raised by the Honourable Member from Watson Lake who pointed out that it would be a bad practice to give the powers of a Notary Public to Commissioners for Oaths during the interim period before the office of Commissioner for Oaths should die. So, with that in view Section 18(1) is amended to include the words 'the Commissioner for Oaths may practice subject to the provisions of this Section'. Then sub-section (5) is added which cancels the appointments of people holding appointments of Commissioners for Oaths on the first of October, 1969 which is the effective date of coming into operation of the whole scheme under the Bill. Now, Mr. Chairman, the Honourable Member for Whitehorse East may notice that there is no amendment brought into repeal Section 29, speaking from memory, of the former Ordinance. This is the one dealing with Articled

BILL NO. Mr. Legal Adviser continues....

21. Clerks. The Council will remember that during the debate at that time the Member pointed out that there were still Articled Clerks in Ontario and we should retain power to deal with them here. Well, on reconsideration of this point I came to the opinion that an Articled Clerk in Ontario was an Articled Clerk in Ontario and he would have no jurisdiction whatsoever on arrival here. We have no Articled Clerks and we could not have had any since 1955 so the section is superfluous, unless we are prepared to amend the whole scheme of the Bill to introduce this classification. It should be amended at this time to consolidate it in a proper manner.

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: Was there not an area on page two under Section 6 where there were some changes to be made in relation to **confining**; Notary Publics to practice in a particular isolated area and not throughout the Territory.

Mr. Legal Adviser: I can remember crossing it out in my copy of the Bill but I don't remember where. This is quite correct there words 'shall order him to practice in an area ' was to be taken out. This is my recollection of it.

Mr. Dumas: It was taken out - Section 9.

Mr. Legal Adviser: Has it already been taken out?

Mrs. Gordon: No, it's exactly the same - it is not Section 9.

Mr. Dumas: No it's not.

Mrs. Gordon: I beg your pardon, it's Section 6 I'm speaking of.

Mr. Chairman: Yes, this has not yet been deleted, Section 6.

Mr. Legal Adviser: Well Section 6 I think might have to stay in because there are Notaries appointed by the Commissioner from the Public Service who may be specifically confined to an area and this will be proper.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser would say why Section - we've got the Section out completely and renumbered? It would appear, Sir because on the page four of the original we have Section 21 and now we are only up to Section 20.

Mr. Legal Adviser: Well there was a Section taken out to deal with the point of continuing Commissioners for Oaths, and the result was to put it into a sub-section of another Section.

Mr. Chairman: I don't know where we are. We were, on Section 6, I understand. It still happens to be deleted. I believe the provision that was made for the general public may be found in Section where the Commissioner - there is another Section, it is Section 17 which covers the item of public appointments, Public Service appointments, so would it not follow under Section 6 that the area clause should come out?

Mr. Legal Adviser: In Section 17 Mr. Chairman, the Commissioner may define and limit the area within which a person so appointed may practice as a Notary Public, so that should remain in Section 6 but I think it should come out in Section 4.

Mr. Chamberlist: Mr. Chairman, if I recall, the idea was not to limit the area within which a person appointed may practice because it is - a Notary Public for and in the Yukon Territory. Well the idea surely would be to remove the power given to the Commissioner that he may define and limit the area within which a person appointed under the Section may practice as a Notary Public. That was intended. BILL NO. 21.

Mr. Legal Adviser: The intention was to deal with people in private practice but where an appointment is made by the Commissioner one would anticipate he would say to me as Legal Adviser, you will practice in Whitehorse and chop it off; and then he would inform me on my Commission I was limited to practice in Whitehorse. This would be a perfectly proper exercise of the Commissioner's power. But where a person applies to the Court then this is where we were debating at that time and it was in Section 4 that the debate came to its peak and, I won't say I conceded but I agreed that there should be an amendment to make it clear that the judge, when he is making an appointment, did not have the power to limit an applicant coming to him to Court for an appointment to a particular area. So it appears to me that Section 4 should be amended to take up the point made by the Councillor. If we amend Section 4 then it wouldn't happen.

Mr. Chairman: That was an error, six is a recording Section and four is the appointing Section. Does Committee agree?

All: Agreed.

Mr. Chairman: Have you resolved the other question about Clerks?

Mr. Chamberlist: There will be another amendment to this which Mr. Legal Adviser will have to prepare.

Mr. Legal Adviser: Yes, Mr. Chairman, this will be in order.

Mr. Chairman: Is there anything further on this Bill or do you wish I report progress. I have reported progress on Bill No. 21. This concludes our initial run through the Bills and we have only two other matters; Sessional Paper No. 50 first. SESSIONAL PAPER NO. 50.

Mr. Dumas: Mr. Chairman, I move Sessional Paper No. 50 and I wonder if we could hold off for further information.

Mr. Chairman: Does Committee agree?

All: Agreed.

Mr. Chairman: The remaining Sessional Paper is Sessional Paper No. 53. SESSIONAL PAPER NO. 53.

Mr. Dumas: Mr. Chairman, I just have one question on that. It says here in the third paragraph, the third Section that money is put on fixed deposit with one of the banks operating in the Territory. I wonder if it is the practice of the Territorial Government to use all of the banks or to confine themselves and how do they decide which one?

Mr. Chairman: I believe it is stated as quotations of current interest rates from each bank for the best deal. Have you anything further then until we clear Sessional Paper No. 53? Well this brings us to the end of our business at this time in Committee.

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

MOVE
SPEAKER
RESUME
CHAIR

Mr. Livesey: I'll second that Motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Livesey, that Mr. Speaker do now resume the Chair. Are you prepared for the question? 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 Committees?

Mr. Taylor: Mr. Speaker, Committee convened at 10:15 A.M. to discuss Bills, Sessional Papers and Motions. Committee recessed at twelve noon and reconvened at 2:10 P.M. It was moved by Councillor Taylor and seconded by Councillor McKinnon that Bill No. 18 be left to die in Committee and this Motion carried. It was moved by Councillor McKinnon, seconded by Councillor Dumas that Bill No. 2 be reported out of Committee as amended. This Motion carried. Moved by Councillor Dumas, seconded by Councillor McKinnon be reported out of Committee as amended; this Motion carried. I can report progress on Bill No. 5. It was moved by Councillor Chamberlist, seconded by Councillor Dumas that Bill No. 16 be reported out of Committee as amended; this motion carried. I can report progress on Bill No. 21 and it was Moved by Councillor Chamberlist, seconded by Councillor Livesey that Mr. Speaker do now resume the Chair and this Motion carried.

REPORT OF
CHAIRMAN
OF
COMMITTEES

Mr. Speaker: May I have your further pleasure?

Mr. Taylor: Mr. Speaker: We seem to have come to the end of our work for the present time but possibly on Monday we may have further business to conduct if Supplementary Estimates are here.

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

Mr. Speaker: Are we agreed with the Honourable Member from Dawson?

All: Agreed.

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

Monday, December 2, 1968.
10:00 A.M.

Mr. Speaker read the daily prayer and Council was called to order.

Mr. Speaker: I have for your attention, and I am tabling this morning gentlemen, Sessional Papers Nos. 56, 57 and 58. Are there any reports of Committee?

Mr. McKinnon: Mr. Speaker, I wonder if I may rise on a question of privilege. I don't want to be picky about this but there are a few mistakes in the Votes and Proceedings that make my statements completely unintelligible and I wonder if I could have them corrected. On page 516 of the Votes and Proceedings I said "for all intents and purposes" and in the Votes and Proceedings it comes out "for intestine purposes". On page 532, Mr. Speaker, I said "if a grid system" and it came out in the Votes and Proceedings "If a good system", Mr. Speaker.

Mr. Speaker: Are there any reports of Committee? Introduction of Bills? Notices of Motion or Resolutions?

Mr. Dumas: Mr. Speaker, I would like to give Notice of the following Motion. That Sessional Paper No. 58 be discussed in Committee. MOTION NO. 17

Mr. Shaw: Mr. Speaker, I have a Notice of Motion at this time. Is it necessary to read the Motion at this time? It is the opinion of Council that it is desirable and economic that the Minister of Northern Affairs be approached for the object of having all river soundings, foundation investigations and all pre-engineering work completed this winter in order to have all the information necessary for the construction at a future date of the bridge spanning the Yukon River at Dawson. MOTION NO. 18.

Mr. Shaw: I have another one Mr. Speaker. In the opinion of Council it is necessary that airport facilities at Dawson, Mayo and Old Crow be up-graded in order to keep up with the exploration and general economic expansion of the Yukon and that the Minister of Transport be approached to consider and implement such a program. Thank you Mr. Speaker. MOTION NO. 19.

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

Mrs. Gordon: Mr. Speaker, I move that Sessional Paper No. 57 be moved into Committee for discussion. MOTION NO. 20.

Mr. Speaker: Notices of Motion for the Production of Papers? Moving to Orders of the Day; Motion No. 16 "Moved by the Honourable Member for Whitehorse, seconded by the Honourable Member for Whitehorse West that Sessional Paper No. 55 be moved into Committee of the Whole for Discussion. Are we agreed? I'll declare the Motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Mr. Clerk, will you please advise the Commissioner we'll be ready for the question period.

Mr. Commissioner enters Council Chambers.

Mr. Speaker: I'll now call Council to order. Are there any questions?

QUESTION RE Y.T. VEHICLE REGULATIONS Mr. Chamberlist: Would Mr. Commissioner say if he knows why papers that have been asked for for Production, i.e., those papers that are referred to as Yukon Territorial Government Vehicle Regulations, have not been tabled as yet, Mr. Speaker?

Mr. Commissioner: Mr. Speaker, there was no intent for us to hold Council up on this particular question. I am advised by the Clerk that members of our staff are working on this and they will be brought forward just as quickly as possible. I will personally seek advice on this and see if it cannot be speeded up, Mr. Speaker.

QUESTION RE BOARD OF ADJUDICATION Mr. Chamberlist: Mr. Speaker, a further question to Mr. Commissioner. When will an answer be forthcoming for the question put re the Board of Adjudication?

Mr. Commissioner: Mr. Speaker, might I ask, are these two matters not related here?

Mr. Chamberlist: Mr. Speaker, surely it is not necessary for me to disclose the purpose for my asking for tabling of documents and for the purpose of asking for questions. I simply want to know why the questions have not been answered.

Mr. Commissioner: Mr. Speaker, it isn't because we don't want to answer the questions, it is because there simply hasn't been time to get the necessary documentation together but it will be here just as promptly as possible.

Mr. Speaker: Are there any further questions?

QUESTION RE YUKON PARTICIPATION OTTAWA CONFERENCE Mr. Taylor: Mr. Speaker, in view of the fact that the conference to be held in Ottawa on matters constitutional is only two weeks away, I wonder if Mr. Commissioner could inform Council this morning as to whether he has received or when he may expect to receive some information respecting the Yukon's participation in this event?

Mr. Commissioner: Mr. Speaker, our total knowledge of this matter is newspaper or radio or press reports and I have asked the Minister's office if they would be kind enough to forward information on this as soon as it is available to them and I have been advised that this in fact will be done. It is my understanding that word was awaited officially from the Privy Council office on this.

Mr. Speaker: Are there any further questions?

QUESTION RE ISSUING OF SUMMONS Mr. Chamberlist: Mr. Speaker, I wonder if the Commissioner would not find it possible to investigate from the Police Court Magistrate's Office why summons are being issued in this community unsigned by a Justice of the Peace, undated, instructing people to attend Court, contrary to every provision that is required under the Criminal Code for the issuing of summons?

Mr. Commissioner: Mr. Speaker, with respect I would be very happy to follow this up and I wonder if it would be possible if the Honourable Member would give this in writing, or at least would co-operate with the Clerk in seeing that we get this question put as he wishes it to be?

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I would like to ask the Commissioner, where are the Supplementary Estimates?

Mr. Commissioner: Hopefully, approximately two hours' hence.

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

Mr. Speaker: Councillor Livesey.

Mr. Livesey: Mr. Speaker, I have a question this morning which is of little or no political significance. Could the Administration advise Council of the number of buffalo presently in the Territory and the whereabouts of the herd? QUESTION RE BUFFALO IN YUKON

Mr. Livesey resumes the Chair.

Mr. Speaker: Public Bills and Orders?

Mr. Shaw: Mr. Speaker, I wonder if you could advise me if Bill No. 2 is ready for processing at this time? Also Bill No. 3, 16 and 21? QUESTION RE BILLS 2 3,16, 21.

Mr. Speaker: Mr. Clerk.

Mr. Clerk: Mr. Speaker, my records indicate that these Bills were moved out of Committee with amendments on Friday last.

Mr. Taylor: Mr. Speaker, I don't believe that No. 21 is out of Committee as yet. I understand we have further amendments before us this morning in Committee.

Mr. Shaw: Mr. Speaker, I would move that the amendment to Bill No. 2, An Ordinance Respecting the Imposition and Collection of a Tax on Fuel Oil be given first reading at this time.

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse West that the amendment to Bill No. 2, An Ordinance Respecting the Imposition and Collection of a Tax on Fuel Oil be read the first time FIRST READING BILL NO.2 MOTION CARRIED

MOTION CARRIED.

Moved by the Honourable Member for Dawson, Seconded by the Honourable Member for Whitehorse West that second reading be given to the Amendment to Bill No. 2, an Ordinance Respecting the Imposition and Collection of a Tax on Fuel Oil. SECOND READING BILL NO. 2 MOTION CARRIED

MOTION CARRIED

Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse West that third reading be given to Bill No. 2, An Ordinance Respecting the Imposition and Collection of a Tax on Fuel Oil. Is the House prepared for the question on the Motion? THIRD READING BILL NO.2

Mr. Chamberlist: No, Mr. Speaker, I objected in Committee and I will vote against this Bill because the burden of proof in these matters or prosecution is placed on the defendant. I think that is improper and I therefore vote against it.

Mr. Speaker: Question has been called; are we agreed? I will declare the Motion carried.

MOTION CARRIED.

MOTION CARRIED

Mr. Speaker: Is the House prepared to adopt the title to Bill No. 2?

TITLE BILL #2 ACCEPTED Mr. Speaker: Moved by the Honourable Member from Dawson and seconded by the Honourable Member from Whitehorse West that the Title to Bill No. 2, an Ordinance Respecting the Imposition and Collection of a Tax on Fuel Oil be adopted as written.

MOTION CARRIED

MOTION CARRIED

BILL NO. 2 PASSED Mr. Speaker: I declare that Bill No. 2 has passed this House.

FIRST READING BILL NO. 3 Moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Whitehorse East that the amendment to Bill No. 3, An Ordinance to Establish the Historic Sites and Monuments Board of the Yukon Territory be read now for the first time.

MOTION CARRIED

MOTION CARRIED

SECOND READING BILL NO. 3 Moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Whitehorse East that second reading be given to the Amendment to Bill No. 3, An Ordinance to Establish the Historic Sites and Monuments Board of the Yukon Territory.

MOTION CARRIED

MOTION CARRIED

THIRD READING BILL NO. 3 Moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Whitehorse East that third reading be given to Bill No. 3, An Ordinance to Establish the Historic Sites and Monuments Board of the Yukon Territory.

MOTION CARRIED

MOTION CARRIED

TITLE BILL #3 ACCEPTED Moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Whitehorse East that the Title to Bill No. 3 be adopted as written, an Ordinance to Establish the Historic Sites and Monuments Board of the Yukon Territory.

MOTION CARRIED

MOTION CARRIED

BILL NO. 3 PASSED Mr. Speaker: The Motion is carried and Bill No. 3 has passed this House.

FIRST READING BILL NO. 16 Moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Mayo that first reading be given to the amendment to Bill No. 16, An Ordinance to Provide for the Vocational Rehabilitation of Disabled Persons.

MOTION CARRIED

MOTION CARRIED

SECOND READING BILL NO. 16 Moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Mayo that second reading be given to the amendment to Bill No. 16, An Ordinance to Provide for the Vocational Rehabilitation of Disabled Persons.

MOTION CARRIED

MOTION CARRIED

THIRD READING BILL NO. 16 Moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Mayo that third reading be given to Bill No. 16, An Ordinance to Provide for the Vocational Rehabilitation of Disabled Persons.

MOTION CARRIED.

MOTION CARRIED

Moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member for Mayo that the Title to Bill No. 16, An Ordinance to Provide for the Vocational Rehabilitation of disabled Persons be Adopted as written.

TITLE
BILL NO.
16
MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: The Motion is carried and Bill No. 16 has passed this House.

BILL NO
16
PASSED

Mr. McKinnon: Mr. Speaker, on Bill No. 21, I wonder if you could direct me? It seems to me that there is an amendment to Section No. 4 that has not been read in the House up to this time?

QUESTION
RE BILL
NO. 21

Mr. Speaker: Mr. Clerk?

Mr. Taylor: Mr. Speaker, No. 21 is still in Committee and is not yet ready for Third Reading.

Mr. Speaker: May I have your further direction?

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

SPEAKER
LEAVE
CHAIR

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

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

Mr. Speaker: Moved by the Honourable Member from Dawson, seconded by the Honourable Member from 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.

MOTION
CARRIED

MOTION CARRIED

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

Mr. Chairman: We will proceed to Bill No. 5; I believe we have a witness this morning in respect of this Bill. Mr. Clerk, would you..... We have with us this morning Mr. Tom Nairn, Territorial Fire Marshal to assist us in relation to Bill No. 5, Section 8. Councillor Dumas.

BILL NO.5

Mr. Dumas: Mr. Chairman, I would like to ask the witness if he is familiar with this Bill in question.

Mr. Fire Marshal: Mr. Chairman, I have a brief outline as to what the Bill entails.

Mr. Dumas: Mr. Chairman, could the witness tell us then if in his opinion sub-section (c) of Section 8 adequately allows for protection against damage by fire.

Mr. Chairman: Possibly, I don't know if Mr. Nairn has a copy. Sub-section (c) reads "have in attendance at all times during the operation of his tourist establishment, at least one person capable of operating the establishment in a proper manner".

BILL NO. 5 Mr. Fire Marshal: Mr. Chairman, yes, this I would say is the basic requirement. You are safeguarding the public when you've got them in your premises; and may I quote the National Fire Code which we use as a basis and they stipulate that where you provide accommodation for ten or more people then you will ensure that there are adequate means of alarming these people in the event of a fire. This fire alarm system shall be continuously supervised on a twenty-four hour basis. I should also point out that in terms of watchmen, if you call this person such, that I would advocate that they conform to certain standards. I can quite well visualize that if you hire a watchman it may be done on a minimum cost inasmuch as you may have a pensioner of seventy years of age and the hotel owner may provide him with board, and a minimum sum for doing patrols. Then the result is I feel that possibly you may have a sense of security inasmuch as the person doing these patrols; if a pipe or cigarette smoker may accrue to larger hazard than would be existing prior to the introduction to such a person into the premises. Therefore, I would say that if there is a requirement for a watchkeeper then it should be stipulated that he be a certain age, and physical characteristics and that as a safeguard there should be time clocks installed in the premises whereby he would do his rounds and these clocks would be punched. These then would be held in the office in abeyance for any inspector to peruse when he checks the place.

Mr. Chamberlist: Mr. Chairman, surely this defeats the purpose itself of the objections that have been made by some Honourable Members because if there is a necessity for a watchman to punch clocks and a necessity for a desk clerk to be on duty does this mean there have to be two people on duty? Surely the intent as I put it in my agreement that there should be somebody on duty in the building at all times is not as a watchman punching clocks but somebody who could walk around the area and be on shift awake during the hours of darkness; during the night hours. I wonder, Mr. Chairman, if the witness could answer this particular question? What size establishment would you suggest, Mr. Nairn be the minimum before it would be necessary to have somebody on duty all night. Never mind the status about a watchman but somebody on duty in a hotel or tourist establishment?

Mr. Fire Marshal: Mr. Chairman, in this respect I advocate, where you have fifteen bedrooms or more. And if I may clarify the point about the watchman, the requirements are, where you have accommodation or at least bedrooms of at least forty or more.

Mr. Chairman: One question from the Chair. Would this include motels?

Mr. Fire Marshal: Only if there are more than two stories in height; in other words the requirements are that if each individual room, in a case of a motel, has direct access to egress, namely to a balcony or ground level, then there would be no requirement for a watchman service.

Mr. McKinnon: Is this all laid down in the National Fire Code?

Mr. Fire Marshal: I have it here Mr. Chairman.

Mr. McKinnon: Is the Yukon Territory bound by the regulations of the National Fire Code?

Mr. Fire Marshal: We do conform to the.....
of the National Building Code and the National Fire Code to which the Fire Marshals of Canada have appended their signatures. BILL NO. 5

Mr. McKinnon: Thank you.

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, based on the suggestions we have had this morning, and yet bearing in mind, without being too restrictive, or more restrictive than is absolutely necessary, I would strongly recommend that possibly Mr. Legal Adviser and Mr. Nairn, our Territorial Fire Marshal could possibly get together and prepare an amendment for the consideration of Committee - a draft in order to facilitate this in the Ordinance.

Mr. Legal Adviser: Mr. Chairman, it will be very awkward to pull out the provisions of the National Fire Code and put them right into the Hotel Ordinance. I am not sure if it is the wish of the House. If it applies I'm not sure exactly how it applies; because if it applies to buildings it already applies to buildings. It would be a complicated task for me to write a complete set, which is what the House is asking me to do; to write a complete set of Fire Regulations to apply to hotels. It might be better if the particular sub-section were just pulled out and the normal law left to apply to the people in the normal way.

Mr. Taylor: But I'm wondering, though we have fire codes these are codes used widely across the country as a basis for legislation, I believe; it doesn't necessarily mean that these codes apply. I don't believe that they apply until such time as we write them into our legislation.

Mr. Legal Adviser: When the building is put up first it complies with regulations; it won't be passed unless it applies, so far as any establishment of size is concerned. It will apply for a licence one would expect and will get it, and have to comply with the Fire Code and be subject to regulation inspections. I presume it is also subject to inspection once the public are accommodated in a building or group of buildings; then the Fire Marshal would, one assumes, in the course of his normal duties as a routine, inspect them and see what was happening but it is not just enough to write in and say, containing over forty rooms shall do so and so and so. They are linked in with all the various requirements and if we started attempting to write a particular fire requirement into the Hotels Ordinance; it's carrying a certain implication that the other ones don't apply. So, it warrants a lot of consideration before we just do it on one sub-paragraph of a particular Section.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Thank you Mr. Chairman. I would like to direct a question to Mr. Nairn. As he is aware, we have here a Bill; for the minimum standards for hotels and motels and I was wondering, in his duties, Mr. Chairman, if he went around the various and sundry hotels and motels, regardless of what may be contained in this particular Bill, if he noted

BILL NO. 5. Mr. Shaw continues... something that was contrary to the National Fire Code of Canada, would he have the authority, Mr. Chairman, to make the owners rectify whatever may be contrary to the Code?

Mr. Fire Marshal: Mr. Chairman, normally these National Fire Codes are qualified.....or by the person having jurisdiction; in other words they spell out to a certain point and then they leave it to the person on the spot on the basis of past experience whereby he would possibly determine it a risk and then he would issue an order. However, I should say that I do take certain aspects into consideration and namely that is that a person in business has to be allowed to survive. By this I don't mean to the extent that one would jeopardize the public, but I try if possible to be reasonable and if possible stretch it over a period of time. If I was to walk into a place and expect a man with ten units to spend ten thousand dollars within three months wouldn't hold any water I would think. So we would then bear down on the essentials, namely the preservation of life and then start working on the preservation of property, at later stages.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I would like to ask the Legal Adviser if, in his opinion, the legislation as presently written is broad enough to both allow and confine establishments to follow the National Fire Code?

Mr. Legal Adviser: Mr. Chairman,my recollection is that when a section is being drafted - I was one of the group of people who was doing the drafting - the discussion did not wholly centre on fire at that time. It was basically a question of controlling the operation of a hotel in a reasonable way and we had other things in mind besides fire. We had - the fact that a person coming off the Highway wants accommodation and there is a vacancy so they want to be able to get at somebody. In small operators down the line they often have high school children, returned from school, who are usefully occupied during the summer months and in some cases it is necessary to make the operation a financial success, that the whole of the family is involved. One of the things which we were talking about, I can remember, is whether we should lay down an age limit; that somebody over the age of sixteen or over the age of eighteen. We were conscious of the fact that you might have a stupid child of eighteen and a very intelligent child of sixteen. It is a question of trying to be reasonable to deal with the circumstances. It wasn't wholly dealing with fire in the discussion and we were trying to draft a section which would merely say that if a reasonable person, reasonably capable person, must be there at all times, either in answer to a bell, in answer to a shout or I suppose in an extreme case, the blowing of a motor car horn or banging on the door or something. We were conscious of the fact that in some places along the line they put up a notice and say "take a bed and pay in the morning" or words to that effect. It is trying to combine, in a simple manner, suitable in the Yukon for the big and the small. We were leaving the actual real fire sections to be organized by the Fire Marshal, the real building sections to be organized by the Building Inspector of the Municipality as the case might be; we were attempting to deal with the operation of the hotel in relation to the general public. Now when this sub-section comes up for discussions, I in a sense attempt to send it in a general way. But to a certain extent defend

Mr. Legal Adviser continues....

it along the suggestions which are made to try and use it BILL NO.
for a purpose for which in a sense it was designed but 5
which wasn't the whole intent of the Section. So, to return
to the question which I was asked, in my opinion is it
adequate. As drafted it's a loose section, deliberately
left loose to take account of a wide variety of circum-
stances and the other normal laws applicable will pick up
all the other various things like fire, building, and so on.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Just in reviewing Section 8 again, I am wonder-
ing if we could possibly get around this by stating - I believe
it's in Section 26 - that the Commissioner may make such
regulations as he deems necessary to carry out the purposes
and provisions of this Ordinance. So possibly the Commissioner
seems to have the right to make regulations for most every
other Ordinance, could we not hurdle this problem by stating,
with an additional sub-section (g) in Section 8, that the
operator whom we are dealing with here, shall observe all
fire regulations made pursuant to this Ordinance and then
at a later date, in conjunction with the Fire Marshal, these
regulations could be drafted. In other words what I'm
saying here is that we make it mandatory upon the operator
to observe these regulations. This would put the intent in
the Ordinance and this may satisfy the problem.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I wonder if we could get Mr.
Legal Adviser's opinion on that suggestion?

Mr. Legal Adviser: I'm not sure that it's necessary. I
think it is the Commissioner's power to make regulations.
He's got power to make regulations and in this a person must
be there, the power of the Commissioner to make regulations
is fairly wide; without sort of looking through the Fire
Marshal's Act, the Fire Protection Act, I wouldn't be sure
exactly what regulating power he has under there. But there
is no harm in putting it in. It might reinforce something
to say - the Commissioner may put in a Section saying that
the Commissioner may make fire safety regulations with
regard to establishments. Then that makes it clear beyond
all doubt.

Mr. Taylor: Mr. Chairman, this is my point, is that we could
then write, or amend the National Fire Code into our Ordinance
this way, but as it stands at the moment, it would appear to
me that the Commissioner can make regulations following the
intent of the Ordinance but there is no intent here unless
it is specified and this is why I offered the suggestion
I offered.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Thank you Mr. Chairman. I think that we also have
to consider that in the Yukon we have many different types
and varieties of accommodation and we also have the very
important matter of persons being able to operate the various
motels and hotels and one could easily put them out of
business by having extremely restricted legislation. We
certainly should be very concerned about persons being burned
up in these places. There have to be some regulations
absolutely, but everything has to be relative to many factors

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5

Mr. Shaw continues...
and as the Fire Marshal has stated, to conditions that exist in a particular area so that I would feel we are well covered in the present Ordinance the way it is. I would like to ask one question, Mr. Chairman, of the Fire Marshal, if I may be so permitted and this is whether he would feel that he has sufficient legal authority to carry out sensible and safe fire precautions; in other words if he's not blocked by not having authority to say to this person "there is a fire hazard, remove it". If it was really bad.

Mr. Legal Adviser: Mr. Chairman, before the Fire Marshal speaks, could I mention the fact that we have a case coming up in the Territorial Court on Wednesday and which, with leave of the House I might be able to attend. Rather than ask the question before the case is decided, might we tell you the answer when the case is over. This is a case where an appeal has been made against a Fire Marshal's Order and the Territorial Judge confirmed the Order, or confirmed it in part. This will then give an easy answer to the Councillor's question.

Mr. Shaw: Mr. Chairman, under the circumstances as explained by Mr. Legal Adviser, I will withdraw that question.

Mr. Taylor: I will resume the Chair at this time Councillor Chamberlist.

Mr. Taylor resumes Chair.

Mr. Chamberlist: Mr. Chairman, it appears to me that the discussion has gone this morning a long way away from the point that we are trying to get at and that is, at what stage is it necessary for a person to be on duty during the night time and as Mr. Legal Adviser has put it, it is for more than one reason, not only for fire but also to make sure that somebody who is travelling the highway has somebody to talk to if they are looking for accommodation. But I am concerned mainly with loss of life. Mr. Nairn, the witness has stated that in his opinion there is a need for somebody to be on duty in a fifteen room hotel and that the need for a watchman would only apply in a forty room hotel. Now, it would appear to me that the necessity for fulfilling these specific requirements is very high. There is no doubt about it that we have a responsibility to protect life; sometimes you can't protect people from themselves but the cause of somebody doing something foolish may endanger the lives of others and that is where it is necessary for us to protect. I see no reason why we cannot say in legislation, any hotel that has 15 rooms or more must have a person on duty. Why can't we spell that out in the legislation itself. It appears to me in the past in liquor regulations to say how many rooms should be built before they can have a licence; why not say how many rooms there must be before it is necessary to have a person on duty. It is not an insurmountable problem; I don't think there is a requirement for a specific piece of regulation because the Fire Marshal's Code and the Canadian National Building Code are only guidelines and if you read them they are specific and they say that they are guidelines. And unless, as the Honourable Member from Watson Lake has said already, unless the legislation accepts these codes in toto then they do not become part of the legislation and they cannot be part of defining whether somebody has breached the regulations or not. I would suggest, Mr. Chairman, that we

Mr. Chamberlist continues...
have an amendment by adding a Section where there are;
I'll make this in the way of a Motion, I've not written
it out but I will, where there are fifteen rooms or more
in an establishment, that a person be on duty at all times.

Mr. Legal Adviser: Mr. Chairman, that it is intended
"rooms for sale to guests" this is apart from dining rooms,
kitchen, basement and so forth.

Mr. Chamberlist: Well, surely, Mr. Chairman, this parti-
cular Ordinance we are dealing with, Hotel and Tourists
Accommodations, the intent of course is that fifteen rooms
available to the public.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I would like to ask a question of
the Honourable Member from Whitehorse East. How about
these places on the Highway that might be keeping open during
the cold weather and have two or three, or three or four
guests at night during this slack season. Can he see how
this person can economically operate that hotel with a
twenty-four hour shift walking up and down the hotel
corridors? Is it reasonable?

Mr. Chamberlist: Mr. Chairman, that question, I can put in
a very simple; I have known occasions when the Whitehorse
Inn, the Travelodge and many other establishments, including
my own establishment, has had only one or two guests in the
winter time. But we are bound to think of the necessity to
protect the lives of those one or two guests. I have on one
occasion two years ago had for one night an empty hotel but
the necessity to have somebody there is important. We are
thinking in terms of saving lives and not of dollars and
cents. We have a moral responsibility to attend to that
particular thing. If the person who is on the Highway has
a twenty room unit and has already advised that there will
only be six rooms in operation for the winter time and that
the others are being shut down, then he has already declared
himself to the Territorial Government and then it will be
treated as a six room unit. But if he is treating it as
a twenty room unit all the year round, it is a twenty room
unit and the requirement must be that ample protection is
taken for the saving of lives.

Mr. Shaw: Mr. Chairman, I would ask a supplementary question
in respect to that. If you happen to have a building that
you couldn't close down; one or two or three rooms and
for six months a person has one or two guests, would it be
possible for that person to continue that operation?

Mr. Chamberlist: That's very simple. After all there are
many places where the operation closes down and leaves just
two or three rooms available for regular people. At least
it is known then that it is not open to the public; that
there are only a few rooms open to the public. You shut
your rooms, you shut your doors, there is nobody going in
there, the doors are locked, certainly we are going to the
extreme. We are thinking again, if we followed that particular
thought, we are thinking again of how much money can we
save instead of whether we are protecting lives. I don't
know what Councillor Shaw thinks about this but as far as I'm
concerned there is not enough money to let any life go

BILL NO.5 Mr. Chamberlist continues...
during wartime and I've seen lots of that, but where we can save a life we should even dip in our pockets if we have to.

Mr. Dumas: Yes, I wanted a point clarified by the Honourable Member from Whitehorse East. He said that if there are fifteen rooms or more there should be a person on duty. I wonder if there is any difference between that and what we have here now, that there has to be a person in attendance?

Mr. Chamberlist: Mr. Chairman, a person in attendance is a person who is on duty but sleeps during his hours. He is on call, then he is in attendance, in exactly the same way you might have emergency firemen who are there in attendance because they are on call. And I'm making reference to a person being on duty in a hotel all the time, up and awake. He is there to answer telephones, he is there to - a person can be asleep in a room, Mr. Chairman, and somebody else can spot a fire but if he is asleep how do you waken this person if you don't know where to look for him. Whereas if there is a person on duty in a lobby, at the desk of a lobby, at the checking desk, he or she has a responsibility of making certain that the place is safe. I don't think there can be any argument against the fact that lives are the most important factor in any business in any type of an operation.

Mr. Livesey: Mr. Chairman, I couldn't agree more that lives are the most important but as far as the Ordinance is concerned, when you make legislation you are creating stipulations that are hard and fast rules of operation and these hard and fast rules of operation are - what you are trying to do is you are trying to find some form of regulation, some form of law or rule of law that applies to varying degrees of operating in varying aspects of the operation of this type of business. The type of business that is operated in Whitehorse here is not the type of business which is operated in Dawson or Mayo or Beaver Creek or Destruction Bay or even down in Watson Lake. There is a totally different type of operation, especially during the winter months in these outlying areas to what you've got in municipalities and you have to have some flexibility in this respect; otherwise you are going to decrease, in my estimation, or tend to decrease the supply of services in areas where I think it is far more necessary to have a service, especially in the winter time than it is in an area like Whitehorse. Here if you can't find accommodation in one place you can go to another but you tell me where you can find accommodation in the winter time for a man on the highway at sixty below zero, a hundred miles away from the next one that is open. This is a totally different situation altogether. The tighter you get with specifics in legislation of this type the harder you are going to make it for those who are struggling to create services in the outlying areas where you know yourself large capital, more often than not, doesn't want to supply this type of service. Most of the services in the outlying areas in the the rural districts are supplied not by people who have tremendous capital but by people who have normal capital to operate a business. And stipulations and regulations in law are all very well, but to try to apply them to circumstances and conditions as they arise is a totally different situation altogether, and if you have some flexibility here, I've always felt that this is the reason for having regulations so that we put the skeleton and the essentials in the Ordinance and then we use the regulations to make those essentials work.

Mr. Livesey continues.....

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That has always been my understanding; in other words the regulations make provision for the operation of legislation as laid down in the Ordinances that we've discussed here in Committee and in the House. So, I do feel, Mr. Chairman, that this Bill is perfectly all right the way it is and if there is any need in the future for any particular spelling out of something which we don't already have in this Ordinance, it can be done by regulation.

Mr. Chairman: At this time I'll declare a brief recess.

11:00 a.m., December 2, 1968

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Mr. Chairman: At this time I will call Committee back to order. We are discussing Bill No. 5.

Mr. Chamberlist: Mr. Chairman, seeing that I did not have a seconder for my previous Motion, I have now prepared another Motion and it would be to amend Section 8 (g), should read then "Section 8 (g) To take such of the precautions and make such provisions to safeguard the premises and guests from damage by fire as may be prescribed"

Mr. Chairman: Is that a Motion?

Mr. Chamberlist: Yes, Mr. Chairman.

Mr. Chairman: Is there a seconder?

Mr. Chamberlist: Mr. Chairman, I'd like to speak a little on this Motion. There seems to be a reluctance to second the Motion that deals with protection of saving of lives. Why Members of this Council should at any time have any consideration to others and to try and prevent the loss of life, I do not understand. It appears to me that we're not talking about those people that injure themselves but we're thinking of people who, through their foolish actions may injure others, will cause a loss of life to others. What I'm saying is that there's no law that can be legislated to protect a person from making a fool of himself and certainly we're not out to do that but we've got to come up with an answer to make sure that we're doing something to protect lives of people in hotel establishments. I would ask that you give consideration to just this point. I think, and I must say this, I think that every one of the Members of this Council will be failing in their duty if they didn't make it a main point to see that the lives of people are protected because if you don't go along with this, when the occasion comes along that I hear any Member of this Council speak about legislation to protect others, it will get a big fat hee-haw from me.

Mr. McKinnon: Mr. Chairman, with all respect, here we've come up at a moment; with an amendment that I have no idea of the concept of what it entails. It says "take such precautions". What such precautions? "Make such provisions". What such provisions? "To safeguard premises and guests from damages as may be prescribed". What does "as may be prescribed" prescribe? Certainly Mr. Chairman, with all due respect, the Honourable Member before he makes such a Motion should let the Members of the House know what the Motion entails, what it is intended to do and what the Motion in essence means and how can Inot second the Motion or agree or disagree with the Motion whenjust like the gobbly-gook in Section 8, where "in good repair", "clean and sanitary," "in good order" "capable of operating"; I don't even know the definition of any of these terms. It all to me is just a bunch of legal jargon until some one explains it out to me what the Motion means and I'd ask that the Honourable Member would do this?

Mr. Chamberlist: Well, Mr. Chairman, it would be a waste of my time and a waste of Council's time, if after all the discussion that's been taking place on this particular subject, the Honourable Member from Whitehorse North doesn't understand what I am attempting to do. The Motion in itself is quite clear to what it is intended to do, is ask there is power within the Commissioner to make regulations on any Ordinance, we would allow the Administration to make regulations to protect the lives of those people in hotel establishments. I think the language is quite clear to me. I'm the first one to object when the language of any legislation is not clear.

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Mr. Shaw: Well, Mr. Chairman, may I ask a question? I don't knowit appears to me that I may not be able to get it, but can someone inform me, Mr. Chairman, say the last three years or four years or five years. How many people have died in hotel fires? Can I have that question answered, Mr. Chairman. It matters to me, I don't know, maybe the Honourable Member from Whitehorse East, maybe it doesn't?

Mr. Chamberlist: Mr. Chairman, I think somebody answered it the other day. But does it matter if there hasn't been a loss of life. Isn't the idea to protect from losing lives. Supposing there has never been a loss of life, just supposing there hasn't? Does that mean that we shouldn't go along with it to protect the future? I understand that there arethere's a first time for anything. One of these days, if you don't have regulations, you'll have a fire that will lose of life. You remember a few years ago, the old White Pass Hotel there. Everybody got out because there was somebody awake. That went up in about two hours and it wasn't only because somebody was awake to get everybody that there wasn't such a loss of life there. I'm not concerned about what has taken place in the past or whether it hasn't been loss of life in the past. I can't understand people thinking in terms of dollars and cents in this particular thing.

Mr. Dumas: Mr. Chairman, what's the Legal Adviser's opinion of that Motion?

Mr. Legal Adviser: The Commissioner has got power in this Ordinance to make regulations but it is customary for the Commissioner in setting out to make regulations to consider himself bound by the intent of the statute and not just merely to use a wide scope giving him regulation power to make regulations which have no direct connection with some particular section of the Statute the intent of which is to establish regulations in that particular field. Section 8, subsection (c) as drafted was not designed primarily just to deal with a fire position. It was to deal with the convenience of guests, with the convenience of travellers and everything else and to have great flexibility as to who should be in attendance. If it is necessary to make a set of regulations applying certain provisions of the National Fire Code to certain categories of hotel then there should be a specific paragraph or subsection in the Ordinance indicating that it is the intent of this House that regulations should be made in that field. The word "prescribe" has been defined in the Interpretation Ordinance as meaning "prescribed by regulations made by the Commissioner". So when it says "prescribed" this is what it means. The Honourable Member's Motion is to take such precautions and carry out the provisions as may be prescribed, The effect of that would be to enable the Commissioner, without breaching the intent of the Ordinance if he felt it was necessary and after normal consultation probably with the Members of the Trade with the Fire Marshal, with the people in charge of building to apply one or more of the Sections of National Code to one or more hotels.

Mr. Dumas: I'd like to follow up on this Mr. Chairman. In.... do you see any reason why this couldn't go in as suggested?

Mr. Legal Adviser: Don't take me now as indicating a policy in this. From a legal point of view, if it was the intent of the House that they want power given to a body to deal in this field, this Motion would adequately do this in a legal manner. In other words it's giving a new Sub (g) and enabling regulations to be made covering this particular area and keeping us clear from 8(c) which is merely to have a person in attendance. One assumes then that it would be left to the Administration with co-operation of the Fire Marshal and everybody else, not necessarily to say

a person must be in attendance. In the future there may be mechanical methods of having people in attendance. I don't mean now that you would have a computer sitting behind the front desk answering questions exactly, so much as there might be certain types of fire alarm working automatically. It might be far better than having a watchman who might fall asleep. It's a question of then taking adequate advice from his experts as to what the different types of hotels should do having regard to the financial cost, the position of it, the question of whether the buildings were separated widely from each other or whether there were adequate....in a two-story building....whether there was an adequate fire escape available to the occupants of each particular bedroom and so on. All these things must be dealt with. It's not easy to deal with them in an Ordinance and they're flexible things and they change from year to year depending on the invention of man and what available.....in the particular area with which a person happens to be dealing. This is a flexible method of doing and would meet the case if, on a policy matter, it's the wish of the Council to follow through with this.

Mr. Dumas: Mr. Chairman, as far as I'm concerned that quite adequately explains the proposed Motion and I'd be willing to go along with it.

Mr. Chairman: Will you second it?

Mr. Dumas: Sure will.

Mr. Livesey: Mr. Chairman, it seems to me we're talking about two separate things. We're talking about Tourist Establishments and we're talking about Fire Prevention. Now surely if we're going to put any particular stipulations at all in legislations that this stipulation, if any, should be in the Fire Prevention Ordinance. I don't understand why we're toying with this subject for in the Tourist Establishment Ordinance. Surely when we divide legislation we have particular categories for types of legislation, it seems to me, that anything to do with fire prevention should be under that Ordinance and I still don't understand why we have to toy with it in this Ordinance. at all. This Ordinance isn't about fire prevention, it's about tourist establishments and surely when you separate these items and you put them in their proper category you're talking about law that makes sense. A law that people can follow. I, personally, don't understand why we're attempting to misuse the theory of law for specific purposes spelled out in legislation. If we're going to talk about fire prevention, surely then let's put it in legislation in the Fire Prevention Ordinance. I don't see any reason for putting it in this Ordinance.

Mr. Shaw: Thank you, Mr. Chairman. I'm inclined to agree with the Honourable Member from Carmacks-Kluane that this type of thing, if you're going to put it in any place, would go in the Fire Prevention Ordinance. However, I note on Section 26, on this particular Section that we have, "that the Commissioner may make such regulations as he deems necessary to carry out the purposes and provisions of this Ordinance." It would appear to me that if you wish to give specific authority to the Commissioner in this respect or it was delineated so that it's specific purpose was there, one could change that, amend this particular one to carry out the purposes and fire safety provisions of this Ordinance and you have it in a nut-shell.

Mr. Livesey: Mr. Chairman, we're talking about fire prevention let's put it in the Fire Prevention Ordinance and we're talking about Tourist establishments, let's put those things necessary for tourist establishment in the Tourist Establishment Ordinance. It's just as simple as that.

Mr. Chamberlist: Mr. Chairman, surely this is what we're doing. We're not talking about buildings only, we're talking about guests as well. Now you don't put guests in a Fire Prevention Ordinance. You deal specifically with guests in a hotel accommodations establishment. I would agree with you absolutely if we were just dealing with the provisions as they apply to the protection of building but because it is a hotel and tourist establishment premises, we have to be concerned with those people who have to use those premises and I find that there's nothing at all that you could say is wrong with having it as an extra measure to say in this particular Ordinance so that the operator of a hotel knows what his responsibilities are in the law pertaining to hotel and tourist establishments. He's got it in that law in this Ordinance. He has that available to him. He has that in his office, he knows what he's referring to, he knows what his terms of reference in how he's to operate his business, what he has to protect himself against, what he has to protect his guests against. This is the important thing. It's not something that only pertains to fire regulations only. It's something that pertains to the actual saving of life, it's a preventative action.

Mr. Livesey: Well Mr. Chairman, I've heard of all kinds of things getting on fire and I've heard of people catching fire too but I always thought that when we're talking about fire prevention we're talking about building, goods and chattel and surely when we're talking about buildings, goods and chattel we're talking about fire prevention and the prevention of goods, buildings, chattels and other materials and things, is surely a question in relation to the prevention of fire and if theif that is what we're talking about then surely that has a direct relationship to the prevention of saving of lives. I think this is automatic, it isn't a question of making a separation in the Ordinance between people and things or people and goods. It's goods that catch on fire, at least it should be, as far as I know and it's the goods that destroy humans in such a fire so surely when you're talking about prevention and fire prevention then it's a question of prevention of fire in relation to goods, chattels, and things. Obviously if people are in the area you're not going to make a separate Ordinance so that people catching fire or anything like this. You're talking about things that will burn and that is what should be in the Fire Prevention Ordinance. There's no question about that. I don't see why they should overlap, I just don't see it.

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Well, Mr. Chairman, the Honourable Member is talking about things that will burn. This is covered in the Fire Prevention Ordinance. The intent here, as I see it, is we've got smoke to deal with. Detection of smoke, asphyxiation, this type of thing. You can have a very small fire going in a very small mattress and you can asphyxiate a lot of people. Now this is not dealt with in the Fire Prevention Ordinance. This is dealt with, as I see it, in this Ordinance, and it is the detection of that smoke. There are only two ways that you can detect the smoke and that is through modern mechanical smoke detector or through the use of an individual and this is what we're trying to prescribe in this Ordinance. I think we're back to the point where what is not expressed is not implied and if the amendment as suggested by the Honourable Member from Whitehorse East isn't accepted it would then make it possible for the Commissioner, by regulation to insure that adequate safeguards are taken in hotel establishments to protect the people

from asphyxiation by smoke and I think that this should be..... What can burn is, I believe, reasonably adequately covered in the Fire Prevention Ordinance and that's where you have structures to consider. Now asphyxiation is another question and is secondary to fire but nevertheless, of great importance to this Ordinance and that's exactly what we're trying to get through. Thank you Councillor Chamberlist, I'll resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Shaw: I would like to direct a question, Mr. Chairman, I hope that there's no court case hanging on in answer to this. That is I would like to present a question, Mr. Chairman, to Mr. Nairn, the Fire Marshal, and ask him if he feels the Fire Ordinance gives adequate power to go into hotels and point out where they must have watchman under certain circumstances and the various details for fire prevention. Would he have that authority at the present moment?

Mr. Nairn: Mr. Chairman, we do have the authority to enter any premises of public assembly and we do have the authority to prescribe any recommendations that we feel are reasonable to the security of the habitants. In this respect, I would certainly like the Ordinance to be such that it spells out certain requirements because otherwise then I would suspect that we would become involved in legal arguments, delays and so on to the detriment of the Fire Marshal's office or at least the enforcement of the Reasonable Regulations as I call them.

Mr. Shaw: Supplementary question, Mr. Chairman, I would ask if the Fire Marshal could perhaps loose state on that question about the Ordinance. Was he referring to the Fire Prevention Ordinance?

Mr. Nairn: The Fire Prevention Ordinance is, in my estimation, adequate for the pointing out of deficiencies, however I do think there is a certain gap whereby pointing out and enforcing leaves a lot to be desired. As I mentioned before, due to the fact, that appeals are submitted and in certain cases, they may hang-fire for a year.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Nairn, whether you can say whether you have power under the Fire Ordinance, Fire Prevention Ordinance to instruct a hotel keeper to have somebody on duty all the time? Have you any of that type of power? Mr. Chairman, I started off with Mr. Chairman.

Mr. Nairn: Again, Mr. Chairman, we can recommend. However I should point out again that being a democracy that people have the right to appeal and we can then only point out, at least then I would only be in a position I could point out that under the National Fire Code this is the recommendation by the experts in the fire field that this should be. In other words everthing in the National Fire Code is based on recommendations until it is taken in by the local authorities or the Territorial Government possibly in this case.

Mr. Chamberlist: Mr. Chairman, I didn't get a direct answer from Mr. Nairn to the question that I had put. Mr. Chairman what I want to know is this. Whether under the Fire Protection Ordinance you have the power to order a hotel establishment to have a person on duty in any specific hour. Not what you would recommend but whether you have the power to order that this takes place.

Mr. Nairn: I have the power to order Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, I wonder if the witness would refer the particular Section to me?

Mr. Nairn: It makes reference to the Fifth Amendment 62, Chapter Three of the Territorial Ordinance and it's contained in there to the effect that the Fire Marshal will make any recommendations to the Commissioner towards the preservation of property and life.

Mr. Chamberlist: Mr. Chairman, with respect, I asked the witness not what he can do by way of recommendation, by what you can do of a specific order. I wonder, Mr. Chairman, if the witness follows what I am getting at. At the moment, you can make certain recommendations, Mr. Chairman, the witness can make certain recommendations to the Commissioner. But can you order somebody, can you order a hotel establishment to have a person on duty all night and if you can, if you specify, can you specify the particular Section so that I can refer to it.

Mr. Nairn: Section 14, and this could be covered in that portion Mr. Chairman, whereby we could spell out that there is a requirement because we are involved in a question of vacating these people from the premises. Then we'd go to Section 14 and we'll see it there. Now I'm afraid I haven't got a copy to hand Mr. Chairman, but if I were to obtain one there would be a clause there whereby we'd be covered.

Mr. McKinnon: Mr. Chairman, under Section 14, the Fire Marshal can protect any structure or premises where it is found that the structure for want of proper repair by reason of age, in a dilapidated condition, is a fire hazard, or where the structure is lacking adequate provision for the safe evacuation of persons in case of fire alarm or fire, he has the power under Section 4 of that Ordinance of closing the structure if these dangers exist. I don't know what could be more far reaching or wider than that type of power.

Mr. Chamberlist; Mr. Chairman, with respect, the question has not been answered and I'm sure Mr. Chairman, will recall that my question was this: Has the Fire Marshall got the power to order a hotel to have an employee on duty during the hours of darkness? Now I wonder if the Honourable Member from Whitehorse North would refer once again to his Section to see if this particular power is spell out?

Mr. McKinnon: Mr. Chairman, I had no trouble and perhaps the Legal Adviser can verify this that under Section (d) of this Ordinance, if the Fire Marshal says that unless you have a person on duty, I don't think this hotel can have the safe evacuation of guests in case of fire. He certainly has the power to say under this Section of this Ordinance have a watchman on or I'll close your hotel. Is that correct, Mr. Legal Adviser?

Mr. Legal Adviser: Well having a watchman and having a watchman on duty are two different things. This is being canvassed in earlier debate here. Having attendance or set of words or set of words which are intended to be loose and in fact are loose. It allows for the fact that the watchman may be asleep so maybe in the office, maybe attached and semi on duty on call, in response to a bell or something. I don't know what powers would rest in the Fire Marshal to make an order under Subsection (c) of 8 under the Ordinance under discussion.

Mr. McKinnon: I'm referring to, Mr. Chairman, to Section 14(g) of the Fire Prevention Ordinance which is Chapter 3 of the Ordinances of the Yukon Territory, 1962, Fifth Session which is the Fire Prevention Ordinance now in effect. And in that Section, the Fire Marshal may inspect any structure where he is of the

opinion that the structure is lacking adequate provisions for the safe evacuation of persons. He may then order the owner in the building or premises to do such things as may be for the safe evacuation of people from the premises. Now my question is, under the terms of this Ordinance, that with the Fire Marshal's opinion that only a person on duty would be adequate for the safe evacuation of persons, could he order that hotel to do this?

Mr. Legal Adviser: Mr. Chairman, no he could not.

Mr. Livesey: Well the argument is not....is far removed from the point that I raised, Mr. Chairman. It wasn't a question of whether it was or was not in the Fire Prevention Ordinance, it was a question of where it should be placed. That's the point I raised. My point was, if it is necessary to create legislation to provide this particular fact issue or whatever may be now before the Committee, then let us put anything to do with fire prevention in the Fire Prevention Ordinance and keep it out of the Tourist Establishments Ordinance. Surely that's about as plain as anything could be. It's not a question of any exercise to establish the legal stability or inability or ability as you will of the Fire Prevention Ordinance but a question of putting the right thing in the right place. That's what the point that I raised and that is exactly the position that I raised this morning, anything to do with the Fire Prevention Ordinance surely that's where it should rest, not in the Tourist Establishment Ordinance.

Mr. Chamberlist: I think the Honourable Member from Watson Lake clearly, when he spoke the last time, pointed out to Members of this Committee that it is not damage by fire that is the main theme of this, that the main theme is loss of life to people by other reasons than fire. As a result of fire perhaps, but smoke asphyxiation, this is the point that must be of paramount importance in putting this into this particular piece of legislation, dealing actually with hotel establishments. Because most lives are lost, I heard of a case just a few weeks ago, it wasn't..... there wasn't any publicity about it but in one particular establishment there was some smoke smell, there was a mattress smoldering and there was a man on the mattress. He was inhaling this smoke and it was only because somebody happened to be on duty in that particular establishment that this person had his life saved for him. There was very little danger of an immediate fire taking place, there wasn't a fire, it didn't burst into flame, it could have come through instantaneous combustion later on but somebody happened to be walking past the room, smelled the smoke, went in there and found that the man was asleep and the mattress was smoldering around him. Now this is one of necessities and I agree with what the Honourable Member from Watson Lake has said and I'm sure that if Members would only face the important fact that we're not dealing specifically in matters of fire, we're dealing with reference to what can and what should be done to protect and prevent loss of life in hotel establishments, other than fire. It could be, that some places where they have a semi-basement area. The water pipe could burst and the and the man could get drowned as well, you know. There are all reasons why there should be somebody on duty.

Mr. Livesey: Mr. Chairman, is the Honourable Member suggesting a Water Piper Bursters Ordinance? I don't quite understand what he's talking about. Where there's smoke there's fire. I defy the Honourable Member to disprove this point and if he can then I say he'll go to the top of the ladder fast, there's no question about that. I'd like to make it more than that, Mr. Chairman, but the rules prevent me from doing so. The point is let us get down to common sense and reason and put the problems of fire

prevention in the Fire Prevention Ordinance, let's separate the question of hotels and tourist establishments and put whatever is necessary in the Fire Prevention Ordinance. This is a simple question, simply answered.

Mr. Dumas: Just on this same topic, Mr. Chairman, how about where propane is used in the building? Where you have a leak in the propane tank. There probably could be danger of fire but there could also be danger of asphyxiation through gas. I really think that the Honourable Member from Whitehorse East has a point and I think it does belong in this Ordinance. This type of protection.

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: I just have a question to direct to the Honourable Member from Carmacks-Kluane and it would be this. I wonder if he could explain to me why we deal with silicosis other than in the Public Ordinance, why do we deal with over in the Mining Safety Ordinance?

Mr. Livesey: Well yes, I certainly can, as a matter of fact, the Honourable Member, being a man well established and well versed, I think, in prospecting and mining will realize that the question of silicosis has been before Boards of Inquiry been before government legislatures and the Province provincial legislatures for many years and has been discussed by all kinds of trade unions, especially those that work to protect miners working underground and that silicosis is a disease. There is no question about that and if it's a question of mine safety then surely it should be in the Mine Safety Ordinance and the question of safeguarding the people who work underground obviously that is a question of safety. But here we are talking about a Fire Prevention Ordinance and surely Fire Prevention Ordinance isn't necessarily talking about the problem of building, surely these have a relationship to people. That's what we got the Ordinance for.

Mr. Commissioner: I just want to ask a question here. I wonder if, Mr. Chairman, why couldn't a fire alarm be interpreted into being a watchman? Is there any reason why not? Quite frankly Mr. Chairman, I'm of the opinion that a very close scrutiny of what is already in the Section of the Fire Prevention Ordinance that has been referred to here, if possibly if you gave the Legal Adviser a half hour on this over lunch hour he might well find that you've already got exactly what you're looking for. It is simply a matter as to whether or not you've got room for interpretation on it.

Mr. Taylor: Mr. Chairman, I think the Commissioner missed the point that other than mechanical smoke detectors the human is the only one that can do this. We're concerned with smoke not necessarily with the fire.

Mr. Commissioner: Isn't a watchman a fire alarm? Mr. Chairman, this is my question, isn't a watchman a fire alarm? This is the very point you're making.

Mr. Chairman: From the Chair, if Mr. Commissioner is asking me the question I'll tell you the answer in my opinion is no.

Mr. Commissioner: With respect, Mr. Chairman, I'd like to see this point looked into to see if in fact this is the case.

Mr. Shaw: Well Mr. Chairman, we're all over the country. We'll be into gosh knows what Ordinance pretty soon, instead of the Tourist Establishment Ordinance. If we are going to make an Ordinance respecting general matters of tourist establishment to take in many facts or something that's one thing, if we are going to be specific about what is safe and what is not safe, I'm not against making these paces stay, but the Fire Ordinance surely is the one it should be in not in this particular Bill to give all the details on howwe might as well go a little further and say how many fire extinguishers you have and various and sundry other details. In my estimation, and from experience, Mr. Chairman, the hotels in Dawson City for example, were closed down some of them or were ordered to do this or close down. They weren't ordered to close down. They were ordered to take certain fire preventative measures or they could not operate so they closed down. We didn't have this Ordinance at the time. They were closed down under the Fire Regulations Ordinance because they were not safe for various and sundry reasons and I think it still applies to the same thing now. If we have provisions for looking after certain custodial care or whatever it may be under what terms and what conditions. That should be spelled out in the Fire Ordinance because that is the specific subject we are dealing with. I'm not against, Mr. Chairman, making these things as reasonably safe as possible that I feel that the Fire Ordinance is the place to put that in and not this Bill.

Mr. Dumas: Mr. Chairman, this subject that we're dealing with, is hotels and tourist establishments and I think that it's in this Ordinance that we look after the people that are going to be using these establishments and I don't care if we're protecting them from fire, water, gas or what have you. There should be somebody there to insure that the people who use hotels and tourist establishments are protected from any type of danger and you can only do that if there's somebody in attendance and on duty.

Mr. Taylor: Just before I resume the Chair, Mr. Chairman, we've battled and argued on this thing most of the morning but let this stand as a example to all Members of Committee that if we can't decide who make the law as to whether something is specifically covered or not, or where or what, how in God's name are the courts going to decide. As the witness has pointed out this morning it's an area that could stand some clarification and it would probably drip a litigation. Number two is that when anyone wishes to go into business in the hotel business in the Yukon Territory, tourist business or whatever, at least they can pick up a copy of this Ordinance which they would do in the first instance and they would read it and it would bring to their attention that they do have a responsibility as specified to insuring the safe operation of not only of his establishments but to the safety of his occupants. And in this itself I feel that we should approve the amendment as suggested and I will at this time resume the Chair.

Mr. Shaw: Mr. Chairman, you look at Section 8, paragraph (a) "keep his tourist establishment in good repair and in a clean and sanitary condition". Now they don't spell that out. That is spelled out in the Public Health Ordinance. It just indicates that these are the things that he should do. Keep the land surrounding his tourist establishment in good order and free from refuse so you refer to another Ordinance to enforce this cleanliness, you go onto (c) you have the same thing. I mean it would appear to me, Mr. Chairman, this is just general things that you should do but for the enforcement and the confidence and

so on you refer to the particular Ordinance in which it may apply to, Fire Prevention Ordinance, the Public Health Ordinance and so on. Now, I would feel that it....there is not adequate fire safety regulation or whatever you may call them then an amendment should be made to the Fire Safety Ordinance. That's the way you look at it not: in this particular Bill, because you cannot contain.....if you put all the details in this particular Bill, my goodness you'd haveyou'd never need the other Ordinances except for private people.

Mrs. Gordon: I've listened at this table for a fair length of time on this question and I think we've wondered around in a circle and completely missed the point simply because fire has caused the major loss of life, with relation to these kind of establishments, we're missing the point in not realizing the other areas in which life can be lost in the tourist establishment. As the Member from Whitehorse West mentioned, a leaky propane system. I can think of another one, in a motel it would be very possible, of a car at forty below idling outside the window would cause an asphyxiation of the guest inside if there was a duct on the intake to take that gas into that room and if there were not someone human on duty, this would never be discovered until it was too late. I don't think that we're meeting the requirements by relating it to other Ordinances and in particular the Fire Prevention Ordinance. I think that is adequately covered in that but I do think that there is an area that needs to be covered as the Member from Watson Lake and the Member Whitehorse East has stated, that there are other areas in which there could be a loss of life that isn't taken into consideration in other Ordinances.

Mr. Livesey: Well, Mr. Chairman, under Subsection (c) should have in attendance at all times during the operation of his tourist establishment at least one person of operating the establishment in a proper manner, what's wrong with that?

Mr. Chairman: I wonder if at this time just before the noon recess if you have any further requirement for Mr. Nairn. Thank you very much Mr. Nairn and I'll declare Committee in recess till 2:00 o'clock this afternoon.

RECESS

Monday, December 2, 1968
2:00 o'clock p.m.

Mr. Chairman: At this time I will call Committee back to order. We were dealing with Bill No. 5.

Mr. Chamberlist: There's a Motion on the Bill, Mr. Chairman.

Mr. McKinnon: Mr. Chairman, the Motion as it's worded that I have a copy of reads that new section G takes such precautions and makes such provisions to safeguard the premises and guests from damage by fire as may be prescribed. Now in the discussions that went on this morning I agreed there is an area where regulations may have to be prescribed for the public safety of people using hotels and tourist establishments, however, this limits those areas to fire and fire only. Now we were given examples, and very good examples, of carbon monoxide poisoning, of propane gas poisoning. Now these are areas also where the public should be protected and I think this Motion done on the spur of the moment excludes these areas, and I think this Committee should be given time to be able to draft an amendment that will satisfy the very good examples that were raised by different members at this table this morning, and I think this is always the fault of these Motions that come up on the spur of the moment. They sound extremely good and extremely well thought out at the time, but they're really not and they have an effect on other sections of the Ordinance and they're not all inclusive as we would like to see amendments that are made to Ordinances be. I think if we were given some time to be able to consider an amendment so that we would really move an amendment that satisfies the wishes of all the members of this Committee, then we'd be more further ahead than trying to pass this Motion at this time.

Mr. Chamberlist: Mr. Chairman, I agree this is quite true. There is an error in the Motion and if my seconder will allow me to, I will be prepared to withdraw the Motion that has been made.

Mr. Chairman: Does the seconder wish to withdraw?

Mr. Dumas: Agreed.

Mr. Chairman: Does Committee agree to the withdrawal of this Motion?

All: Agreed.

Mr. Legal Adviser: In drafting an amendment some guidance needs to be given as to whether carbon monoxide poisoning and these things are to be put into an amendment or not at all. What is the main purpose of the amendment, are all the Members agreed or anything?

Mr. Chamberlist: Mr. Chairman, I feel the main purpose not of the amendment, but the main purpose is to have legislation which will provide ample protection for people who are guests in a hotel establishment.

Mr. Legal Adviser: We can't provide adequate protection all we can do is impose a duty on the hotel operator to do something. Now what duties do we want to impose on him?

BILL
NO. 5

Mr. Chairman: Mr. Chairman, I think the Honourable Member from Whitehorse North put it close as anybody we wish to provide a protection for the travelling public who are guests who are in a hotel or premises as specified under the Ordinance to insure the safety of this person and to insure that the owner does make every effort to look for smoke, to safeguard against propane, carbon monoxide and this type of thing, in other words, insure or attempt, because you can't say insure, but attempt wherever possible to look after the safety of the guests in his care.

Mr. Shaw: Mr. Chairman, I would like to direct, perhaps you may call it a question, or you may call it direction, or whatever it is to the Legal Adviser, that perhaps review section 26 where the Commissioner may make Regulations as he deems necessary to carry out the purposes and provisions in this Ordinance that something can be put in there for the safety, they can make Regulations for the safety of the guests, the people in the - which would be all embracing.

Mr. Legal Adviser: I can understand this but some of the Members were talking about people drowning in the basement. The Honourable Member from Mayo was talking about people who are injured, by what to me would sound a most extraordinary coincidence although I agree it can happen. But a car parked with its rear towards the hotel and the carbon monoxide gas is subject to This has happened. Then some of the Honourable Members are talking about damage by fire, some of them are talking by smoke, propane poisoning and so on. How on earth in this Ordinance are we to what is really a comprehensive code of safety legislation just by an amendment, which is going to be a section or subsection of general purport. It would give the Commissioner power to so wide

Mr. Shaw: That's why I suggested this, Mr. Chairman, in this Regulation that something in matters of safety to the guests, now in matters of safety, Regulations could be made if they sleep in the basement it must have certain exists, and it must have this or something like that in a door..... There are various and sundry ways in which this can be handled. We talk about drowning in the basement, well in Dawson in the last flood we had, there were people that got out of bed in the morning, in fact there was one case where the bed started to float, so what are you going to do about something like that. So many things can happen, certainly propane gas there should be ways of - there must be Regulations or there should be Regulations saying certain safety features should go in. Insurance won't allow them inside a building and there must be a dozen different things that can be carried out in the purpose like this, but if we are going to spell out everything in an Ordinance it would take pages and pages, but the normal safety provisions such as the Honourable Member has brought up the matter of a place being attended all night with a person in the building, or a person employed to be a watchman, I mean these are the things that will be settled in something like this by normal safety Regulations. I don't see this is any great problem at all because most of them will comply with either the Fire Ordinance or the Health Ordinance, and perhaps certain sections in relation to propane which can also come under the Fire Ordinance. I think that is in there already.

Mrs. Gordon: I think we missed the boat again. My understanding of our whole discussion was to protect guests in the establishments over a certain number of people, and if it's required in the Ordinance that there must be a human element to take care of these needs and on duty during the night hours, why do we have to worry about the other Ordinances. This is the point we are trying to get at.

Mr. Dumas: I would like to suggest that we report progress on this Bill.

Some: Agreed.

Mr. McKinnon: Could Mr. Legal Adviser prepare a background paper to show under what Ordinances Public Health, Public Safety, Fire Ordinance, just where a guest in a hotel, or a tourist establishment; his safety is taken care of, and if there are areas which aren't safeguarded under certain Ordinances, whether he feels that there should be an amendment in this Ordinance to take care of such a case, or an instance?

Mr. Legal Adviser: This is a task of monumental proportions. This would mean that we have to take each section, consult each department to find out how tourist establishments is running under Public Health and there are dozens and hundreds of ways where one can think of where he may not presently be covered by dangerous apparatus, you know, hundred and one different things. In the event of the flood in Dawson, does the hotel have to provide a lifeguard! This is really a difficult paper, it wasn't the original purpose of the Bill at all. We are only preaching on hotels as one aspect where people assemble, public health and fire and all these things apply, apart from private buildings, to all areas where the public assemble to the dance halls, bars, hotels, meeting halls, schools and so on. Each have their own rules of safety set out under various Ordinances, including their own Ordinances that certain rules must be observed. This must go under a simple subsection saying you must have somebody who might happen to be resting or asleep during the night hours, if it happens to be a small establishment. Now we appear to be in a completely different field, we are setting up a hotel safety code and trying to fill in the gaps in this thing you see, and leaving it then to me or somebody in the Administration as an amendment to this Ordinance to set out a complete code of operation and maintenance for all hotel apparatus, sanitary and public health and everything. It's really a monumental task.

Mr. Chamberlist: This is the whole point I am trying to make, Mr. Chairman, the public may at this time through other Ordinances and Regulations be already adequately safeguarded. Now Mr. Legal Adviser doesn't even know this, and I sure don't know it at this time, that the whole point of making legislation, that has already covered other legislation is to need a foolish task and one that is redundant and not needed. So how do we find this answer if Mr. Legal Adviser can't give it, how do we know as a Committee whether this protection for the travelling public is already included by other Ordinance and Regulation?

BILL
NO. 5

Mr. Legal Adviser: It's not the question of the Legal Adviser knowing or not knowing. This is a question for experts in every field to be assembled here together. I'd draft a legislation as being, one hopes occasionally, given to with some common sense, you can see there happens to be a gap and you point to it. But primarily the fire marshall would have to assemble together a code, the building inspector would have to assemble his building code and so on right down in these expert fields and it would have to be inserted into Regulations in some fashion with an all embracing parent section put in the Ordinance. But this was not what this Bill was designed to do or even attempting to do. If we want a hotel or a House of Assembly Safety Ordinance, then that would be the proper method of doing it, but not, I plea with you, this is going to take me three months doing nothing else.

Mr. Dumas: All we want in here is something the same as subsection (c) of 8 to read to 'have on duty at all times in establishments of fifteen units or more, and during the operation of his tourist establishment, at least one person capable of operating the establishment in a proper manner'. That's all we're looking for, that's all anybody is looking for, it's a simple straight forward thing. What we don't want is somebody with a forty unit hotel sleeping while there are guests in the hotel.

Mr. Shaw: Mr. Chairman, I'm quite satisfied to leave it just the way it is and let the Fire Regulations look after that.

Mr. Chairman: Mr. Chairman, it would be rather difficult just to report progress on the thing unless we plan on amending it. I'm not going to carry this thing on any further, I feel we've spent sufficient time on it for the present for as far as we're getting. I certainly can't for the life of me see why we cannot make it a requirement of an operator in section 8 under a new subsection that he look after the general safety of the people in his care. This is not covered by any other Ordinance, the Fire Marshall himself indicated that this morning, clearly no one here understands whether or not just how far the Fire Marshall can go in relation to this so we know there is a definite requirement to spell it out in this Ordinance, and either you are prepared to do that, or you are not prepared to do it. If you're not prepared to do it, let's get on with something else, if you're prepared to do it, I would suggest that Mr. Legal Adviser could well prepare an amendment which would provide for this in the Ordinance. It's as simple and basic as that.

Mr. Livesey: Mr. Chairman, I think the Legal Adviser has already stated his case as explicitly as possible, and you never know how far this thing can go if you start working on it, why someone may later suggest the government become responsible for tourist camp sites as well. You should have a watchman on every tourist camp site in case somebody sets fire to the grass. There is a limit to all these things, and I don't feel at the moment we have anything to worry about if we adopt subsection (c).

Mr. Chairman: Just one final point, the Member, no doubt, read this many times he will see that it says in section (c) to 'have in attendance, at least one person capable of operating the establishment' but there's no compulsion upon the person to do anything here just to have somebody around that is capable of doing it, it doesn't say he has to do it, it doesn't say he has to operate it at all.

Mr. Livesey: I would suggest to the Honourable Member, if any person in business in the Yukon Territory that has a hotel or a tourist establishment with forty rooms, with an investment of \$100,000.00 that he's not going to be sleeping in the basement watching his birds.

Mr. Taylor: I'll resume the Chair at this time.

Mr. Taylor resumes Chair.

Mr. Chamberlist: I was going to say that anybody with forty units and gave me a \$100,000.00 investment could consider himself very lucky. I have never come across with all due respect to Mr. Legal Adviser, I have never across a member of the legal profession that is able to state anything explicitly so I don't accept the words of the Honourable Member from Carmacks-Kluane that Mr. Legal Adviser has applied explicitly what he's expanded. I am very very worried why Mr. Legal Adviser, as an officer of the Administration, I stress that point in this case, is not able to agree that it is a simple proposition without any difficulties whatever to having there, that every operator shall when he operates a hotel with room accommodation of more than 15 rooms available to the public shall have a person on duty. Now if Mr. Legal Adviser can give a logical reason or if he can show there is some administrative difficulty, the words he has been known to use occasionally, as to why this can't be in there. It seems so ridiculous that we should be held up for so long, because many of us want to be assured there will be a term of protection and a time of protection during those hours of darkness. It seems so unnecessary to try and convince anybody there is a need there, it's such a simple thing. We shouldn't even be discussing other Ordinances at all, it's so simple, we start off 8 with 'every operator shall' and then 'shall keep his tourist establishment, keep the land' it's all there, so we have 'every operator shall' that's already in when he operates a hotel with 15 or more rooms available to the general public shall have a person on duty. Now what's more simple than that, and surely how can anybody here argue against it, that's not doing any harm to anybody, all it can do is good.

Mr. Legal Adviser: I'm not objecting to it. The section is here as it is, the political policy behind it, I attempt to make clear that we didn't, by we I mean the Administration, the Administration chose the word, I didn't choose the word, I wrote the words and I advised that the meaning of 'have in attendance' was sufficiently flexible to allow, what one might refer to, as an amateur, not necessarily a professional watchman or a professional firefighter, somebody who could be a member of the operator's family in attendance, chosen deliberately for its vagueness which is seldom done in drafting, but this was chosen deliberately for vagueness to allow flexibility of the operation. It came from both instances, if the House wants to put in something specific, detailing a special class of person, or a specific condition

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Mr. Legal Adviser continues:

that an operator with a certain number of units must do something then this is a matter for the House to decide, and once they decide to do this then it's a simple matter to make a change. Don't take me as objecting, I'm merely in a sense defending my own drafting, because although it's vague, it was no accident it was vague.

Mr. Chamberlist: Well in that case, Mr. Chairman, perhaps I could move again, another Motion. I would move that every operator shall when he operates a hotel of 15 rooms or more, which are available to the general public, have a person on duty at all times. I think, Mr. Chairman, I must add this, that as a result of the vagueness of the drafting, using Mr. Legal Adviser's words, and the attempt not to be explicit that we are in the of this tire.

Mr. Legal Adviser: It wasn't just pure obscurumism, it was flexibility.

Mr. Livesey: Mr. Chairman, the Honourable gentleman from Whitehorse East is still vague, very vague, he seems so far from what he's trying to aim at, it's not even funny. He says, a person, now what is a person, is it a two month old child, an eight year old child, a fifteen year old child, or someone on relief, or taking the old age pension. This is something - please in Committee, Mr. Chairman, let us have some common sense prevailing here so we can get something down that is reasonable and sound for a change.

Mr. Chamberlist: Mr. Chairman, with respect, anything that might appear to be common sense to the Honourable Member from Carmacks-Kluane, I'm prepared to accept as long as it's understanding is with me that there's a necessity for somebody to be on duty.

Mr. Livesey: Well, Mr. Chairman, that doesn't arrive at my door as meaning anything either. May we report progress on the Bill, Mr. Chairman?

Mr. Chamberlist: Mr. Chairman, there is no progress being made whatever and we should attempt progress. Here we have a Bill that is practically through, but it's just stubbornness on the part of some members, not willing to recognize there's a necessity for somebody to be on duty in an establishment to protect the lives of people in there. Now in all seriousness nobody can refuse to recognize this point, that is in their complete clear thinking mind. Anybody can challenge that statement too.

Mr. Livesey: I can, Mr. Chairman, anything that defeats the purpose of that last Motion is progress.

Mr. Dumas: Mr. Chairman, can I put it this way, for the purpose of sitting down with our Legal Adviser and drawing up a clause that's going to have the effect as the Honourable Member from Whitehorse East, may we report progress on this Bill at this time.

Mr. Chairman: Is it Committee's wish that I report progress on Bill No. 5?

Mr. Chamberlist: What progress will be reported, Mr. Chairman? I wonder if Members can be asked, we're dealing with this one section, and we dealt with this section, now what progress has been reported on this section?

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NO. 5

Mr. Dumas: Mr. Chairman, the Honourable Member from Whitehorse East has realized we have had discussions, we agree in principle on what we want to do, that is have a person in attendance, or have a person on duty. Now all we have to do is get it in the proper legalese, and I suggest rather than, as so often used, the term 'midnight amendment' going in here we sit down and draw up a proper legal amendment, bring it back into Committee and if the Committee agrees on it, it will go through.

Mr. Shaw: Mr. Chairman, the Honourable Member from Whitehorse West, has certainly got it misconstrued in a different manner to what I have. I did not say I was agreeable to force anybody to have persons on duty for any length of time. I would say this, Mr. Chairman, in the first place I agreed to say we've got to do everything to save lives from people burning themselves up or somebody else, I agree with that, but on the other hand, somebody is trying to make a living to keep a place up and I refer particularly to this area, hotels and motels. If you start putting down restrictions where they have to have this person, that person and the other person, you will, Mr. Chairman, effectively close them down, if that is the desire well that would be a very good move to make I think, to put down that you had 15 rooms or so many rooms. I would say, Mr. Chairman, how do I know how many rooms you have to have you can afford to have this so you can afford to have that in order to keep operating. I'm not talking about making money. It's fine to say we can't equate lives with money and I agree with that, but when you start forcing a person to do certain things I think one has to be very clearly aware just what all that involves, now if that was to apply to the City of Whitehorse, I would agree with it, because the Member proposing it knows the conditions around the City of Whitehorse, but I do not think the Honourable Member is conversant with how these other operations - what they have to put up with in other areas, the Territory. And I think, Mr. Chairman, we have to consider that. Now if the Honourable Member wishes it to apply here, I would go along with that and I am sure he must be conversant with the situation here, but by the Motions coming out I am sure, with all respect, the Honourable Member is not conversant with the situation outside of this huge metropolis.

Mr. Chamberlist: Mr. Chairman, the Honourable Member from Dawson has a very very short memory and he forgets the Occidental Hotel, when fire burst out on three or four different occasions during the daytime, if those fires burst out during the night time when nobody was on duty, he wouldn't be talking in the manner he is talking in now.

Mr. Shaw: Mr. Chairman, I have helped fight fires in the Occidental Hotel at 50° below at 12:00 o'clock at night, so there was one illustration where the Honourable Member wasn't conversant with all the subject. I don't recollect anybody getting burned up in the fires in a hotel in Dawson yet, to my recollection, but I do remember two people getting burned up in a fire in the N.C. Company where there was a watchman downstairs that was paid specifically to be a watchman. Now so you see they burned up two people when they

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Mr. Shaw continues:
had a watchman, they hadn't burned any when maybe they didn't have a watchman. So where do we go from there.

Mr. Dumas: Mr. Chairman, that was the whole point of my suggestion so that whatever amendment we bring in is principle enough to cover the situation. That's the idea of leaving it so we can work at it with the Legal Adviser and come up with something that is satisfactory.

Mr. Shaw: Mr. Chairman, this is what I would suggest to get a little common sense out of it, we do have a Fire Marshall, I think a very competent person, surely when he goes around on his duties, and is now a Territorial Fire Marshall that will be subject to the directions of the Commissioner, rather than one that's Federal appointed, and if he comes up with recommendations for certain things, which he no doubt will, when he comes into the job, I think he will see things that require restrictions on and recommend them accordingly.

Mr. Chamberlist: Mr. Chairman, I can't understand why both the Honourable Member from Carmacks-Kluane and the Honourable Member from Dawson are under the impression that common sense is something to do with representatives from those two specific areas and nobody else has any. This seems to be the impression I am getting now, you know, from both of them backwards and forwards they keep on impressing, 'let's do something where we can get some common sense'. You know the greatest piece of common sense those two members can have is for them to move to Whitehorse, then, of course, they will be getting to know what is really needed for the vast majority of the people. I would never object to just simply reporting progress if I could be assured, and perhaps Mr. Legal Adviser can, if its possible, in a explicit manner, suggest what he will be doing, will bring forward an amendment to satisfy the needs of perhaps all of us so that an amendment making it effective, there'll be a requirement of somebody on duty, not necessarily a watchman, i only somebody is on duty on the desk, somebody in the building, somebody is responsible for the area is there on duty, and make it just a simple thing just to have an amendment to say that somebody should be on duty. If the Honourable Member from Carmacks-Kluane has suggested I haven't made myself clear as to the age of the person, I'm quite prepared to agree that perhaps I didn't make myself clear as to the age of the person, but I took it from his age that he would understand what I was referring to, but perhaps I was wrong in that effort as well. So if Mr. Legal Adviser could do that, then certainly the question is answered.

Mr. Livesey: Mr. Chairman,

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, if the Members look at section 8 the series of general statements here, none of which are spelled out, 'keep his tourist establishment in good repair and in a clean and sanitary condition' this presumably refers back to the general law on this subject. If it was possible for, I don't know, maybe King Solomon might have been able to satisfy all the Honourable Members.

Mr. Chamberlist: One of my relations.

Mr. Legal Adviser continues:

Is this to the Queen of Sheba? Mr. Chairman, I presume one doesn't want to go into the fine details of what is good repair, which comes under the building code, and what are the clean and sanitary condition, which comes under general sanitary conditions, would it be sufficient to put say, instead of just saying in (a) to 'keep his tourist establishment in good repair and in a clean and sanitary condition' to say 'keep his tourist establishment in good repair and in a clean, safe and sanitary condition', or something, I don't know, you see we're attempting in this one field dealing with fire and fire alone, we're attempting to be exactly specific where the only place in the list of things we must do. It says we must equip all public washrooms and water closets with baffle partitions in such a manner as to ensure the privacy of the user'. We don't attempt to say that the baffle condition must come within, say twelve inches off the floor, we don't attempt to say they must all have a lock of a certain type, and the toilet bowls must not be less than eighteen inches from the floor, we leave in general under normal regulations. Now part of the difficulty here is caused by an attempt to be exactly specific when we are dealing with fire, gas and other types. If this is the wish of the House, it might be possible to come up with something.

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Mr. Livesey: Move we report progress, Mr. Chairman, and reporting progress in a normal, parliamentary practice.

Mr. Chairman: Is it your wish then that we report progress on this Bill at this time?

All: Agreed.

Mr. Chairman: Our next Bill is Bill No. 21. We have a redraft of page No. 1 of this Bill. Mr. Legal Adviser.

BILL
NO. 21

Mr. Legal Adviser: What Bill is that, Mr. Chairman? It was section 4, Mr. Chairman the reference to specific detail areas was eliminated in section 4. This is the particular amendment which necessitates the retyping of page 1. The other pages have been dealt with.

Mr. Chairman: If this is corrected, are Committee agreed with the amendment as it stands on section 4?

All: Agreed.

Mr. Chairman: Is there anything further on this Bill? I just wish to ask one question of Mr. Legal Adviser, in section 15, has it been noted that the spelling error, or the typing error in 15, third word, 'paid' should be 'payable'.

Mr. Legal Adviser: Yes, that has been done, Mr. Chairman.

Mr. Chairman: What is your pleasure in relation to Bill No. 21?

Mr. Shaw: Mr. Chairman, I will Move that it be reported out of Committee as amended.

Mr. Chamberlist: I second the Motion.

BILL
NO. 21

Mr. Chairman: It has been moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill No. 21 be reported out of Committee as amended. Are you prepared for the question? Are you agreed? Contrary?

MOTION
CARRIED

MOTION CARRIED

Mr. Dumas: Mr. Chairman, I ask that you record my abstention on this vote.

BILL
NO. 22

Mr. Chairman: I will so record. The next Bill is No. 22.
Mr. Legal Adviser what is the position of this Bill at this time?

Mr. Legal Adviser: It's dependent on the Notary Public and there will be no change in this because of the change in the Notary Public.

Mr. Chairman: This is Bill No. 22 namely 'An Ordinance to Amend the Evidence Ordinance'. (Reads the section of Bill No. 22).

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 22, An Ordinance to Amend the Evidence Ordinance, be reported out of Committee unamended.

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

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Shaw that Bill No. 22 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Contrary?

MOTION
CARRIED

MOTION CARRIED

BILL
NO. 25

Mr. Chairman: The next Bill is Bill No. 25. The change in the Bill, as I am informed, is only to renumber the sections.

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 25, An Ordinance to Amend the Legal Profession Ordinance, be passed out of Committee unamended.

Mr. Shaw: I will second the Motion.

Mr. Chairman: I am just wondering, I have one question, has this Bill been actually amended or is it just correcting of a typing error?

Mr. Legal Adviser: Possibly not, Mr. Chairman, it was a typing error. I remember a suggested amendment by the Member from Whitehorse East which I think I explained that it was necessary to keep it with the clerks, to repeal section 24.

Mr. Chamberlist: There was an amendment from the word 'paid' to 'payable'.

Mr. Chairman: That was the Notaries Ordinance. I don't believe there was any amendment to my copy unless there is a new copy other than the renumbering which I believe was typographical.

Mr. Shaw: In respect of this Bill, Mr. Chairman, while we are getting into this, I do note that I have here on November 15 is when we give it the Second Reading and I have no notations that any amendment was required and my notation said, just progress on November 20 when we discussed it and I have no notations that any amendment was to be made. It might have been an area where there was disagreement.

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NO. 25

Mr. Chamberlist: Mr. Chairman, I will withdraw my Motion and restate a new Motion. I would move that Bill No. 25, An Ordinance to Amend the Legal Profession Ordinance' be moved out of Committee without amendment.

Mr. Shaw: I will second the Motion.

Mr. Chairman: It was moved by Councillor Chamberlist, seconded by Councillor Shaw that Bill No. 25 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Contrary?

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: Are you prepared to proceed with Bill No. 13?

BILL
NO. 13

Mr. Legal Adviser: I don't know anything about this Bill, Mr. Chairman and I would suggest you go to Bill No. 17, which is the Motor Vehicles Ordinance.

BILL
NO. 17

Mr. Chairman: What is your pleasure in relation to Bill No. 13. Do you wish to proceed with it at this time? At this time I will declare a short recess.

RECESS

RECESS

Mr. Chairman: I will call Committee back to order at this time. We proceed to Bill No. 17, An Ordinance to Amend the Motor Vehicles Ordinance.

Mr. Legal Adviser: Mr. Chairman, might I say a word on this. There are a group of sections in this Bill which were to amend section 6 and 6 (a) of the Motor Vehicles Ordinance, and in view of the decision of the House to allow the Public Utilities Bill to die, these sections should be dealt with by being pulled out of this particular Bill. But section 8 of the Motor Vehicles Ordinance is changed and the suggested change to it will be found on page 3 and page 4, page 4 being an amendment to the schedule at the end of the Bill, at the end of the Motor Vehicle Ordinance. Now the particular change is, while not exactly a routine change, is a change taking account of the distance in time from the time when the limits of insurance liability was set under the Motor Vehicles Ordinance. This section 8, subsection (1) and a schedule set out the amount of minimum compensation, which an owner of a Motor Vehicle must insure for, when he takes out insurance, this is not his public liability part of his insurance. The old amount was \$20,000.00, the new amount suggested is \$50,000.00. The details of the various capacity's of vehicle are put in the schedule and the suggested list is that less than eight persons, which is a private car, should be \$50,000.00 and gradually scaling up \$50,000.00, \$65,000.00, \$75,000.00 up to, when we are dealing with a bus, carrying more than 60 persons \$200,000.00. Now these amounts parallel the amounts which have been recently introduced in the Province immediately to our south, and the

BILL
NO. 17

Mr. Legal Adviser continues:

Bill could have been simply amended by just changing the items, the amounts, but the whole thing had been pulled out by ease by changing the books had been taken out and retyped.

Mr. Chamberlist: Mr. Chairman, it may be that the areas have increased of coverage is the same as what has taken place in the other provinces. But our premium structure is already pretty high, I wonder if Mr. Legal Adviser has ascertained through the Administration what would be the cost of the increased premiums as a result of this increase in this amount \$20,000.00 to \$50,000.00 that is now required?

Mr. Legal Adviser: There are persons present who might be able to give you a better opinion of this than myself, but our information does not go to getting an exact quotation of the exact difference in cost. It went to a different purpose, we tried to find out what the normal amount of insurance which a normal person going into a vendor of insurance will purchase, and the average amount that a private car owner appears to buy for whatever dollars he gives, appears to be in the nature of \$200,000.00 to a quarter of a million. When an average person goes into to buy insurance this is what he normally gets. Now the minimum, of course, this is what average people do, sensible people do, the minimum which a person can get away with by saving something like \$2.00 is \$20,000.00 or \$50,000.00. The difference in cost between \$20,000.00 insurance and \$50,000.00 insurance and \$200,000.00 insurance is very very minimal, but there are other people here that might be able to give more information.

Mr. Chairman: Is it your desire I read the sections that we were discussing first?

All: Agreed.

Mr. Chairman: I believe it is the intention of the Committee to disregard section 1 and to hold it for repeal. Is that correct?

All: Correct. All of section 1.

Mr. Chairman: (Reads sections 2 and 3 of Bill No. 17).
Proceed Councillor Dumas.

Mr. Dumas: Mr. Chairman, I would just like to make two observations, of course I'm not going to into this, but the increased cost it seems to me would be about \$3.00 a year for private vehicles. The increased coverage, I think, is a very good idea because if through negligence, say the head of a family were killed, and you wanted to try and recover some amount of money to try and compensate, well \$20,000.00 isn't likely to do the job, \$50,000.00 probably wouldn't either, but at least it is a little more reasonable. So I think it is a good idea to increase it. I'll get the exact figures at coffee break though.

Mr. Livesey: Mr. Chairman, I was a Member of the Council when we first brought this compulsory insurance - when this compulsory insurance was first brought before the House and I'll say now what I said then, it has a lot of defects in it. I believe, despite what's been said in the Committee this afternoon, to my understanding there are only two areas

Mr. Livesey continues:
in the whole of Canada that have compulsory insurance, one is Quebec and the other is the Yukon Territory. A Committee sitting in Victoria recently, I believe, came out with a report on the question of insurance and I believe the essence of their report was they were no longer recommending insuring vehicles, they were going to insure people, and I think the total cost of insuring a person would be in the neighborhood of around \$20,000.00. This was what was suggested by the Committee, if my information is correct. Fully enough I brought this very same situation up before this Committee here several years ago, the very self same argument and I fail to see how an automobile could by itself commit any act which would be contrary to any regulation or any Ordinance. The only way an automobile can get involved in an accident is because someone is behind the wheel, and therefore, it should be the person that is behind the wheel, not the vehicle, that should be insured, and this apparently was the results of the findings of the Committee which recently gave out a report of their findings that's set on this particular issue. One of the big problems of the type of compulsory insurance we have here in the Yukon Territory is, for instance, in the summertime it looks as though Yukoners by taking out compulsory insurance are insuring themselves against each other, but they're certainly not insured when it comes to the influx of American tourists into the Yukon which I would think in some instances could triple the population during the summer months. My understanding of British Columbia insurance is that if a person there gets involved in an accident while his vehicle is held, if he doesn't have any insurance to cover any costs that he may incur through that accident, there is no attempt to force him to have compulsory insurance, and I don't believe the tourists coming into the Yukon during the summer time, that they are forced to take out compulsory insurance either. As a matter of fact I see some of them driving on the highway even without licence plates or anything else, just going through Canada, some of them with a sticker on the windshield, this sort of thing. Well that vehicle is just as liable to get into an accident as any other accident, what we're really doing by this compulsory insurance here in the Yukon is forcing a protection upon each other, which is only a partial protection against the general mobilization of moving traffic, this is the point and it seems to me \$50,000.00, before I would agree to that, I would certainly like to know what the premium is going to be, if it is going to be forced by legislation.

Mr. Dumas: Mr. Chairman, just a couple of observations. In all of the provinces that don't have a compulsory insurance they have something called, the unsatisfied judgment fund, so that if there's an accident and somebody is hurt or killed, there is a fund that can be applied to for assistance for relatives of whoever was hurt. We don't have that type of set-up in the Yukon, I think it might be something we might look towards in the future and we would be making a mistake to do away with compulsory insurance before we had a fund such as this type set up. I also agree with the report as stated by the Councillor from Carmacks-Kluane about insuring people, and I think eventually this will come and this will probably be a very good idea, but until it does we have to make do with what we have and really this is the best we have.

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

RECESS

RECESS

Monday, December 2, 1968,
3:30 o'clock p.m.

Mr. Commissioner not present.

Mr. Chairman: At this time I will call Committee back to order and we are discussing Bill No. 17.

BILL
NO. 17

Mr. Dumas: Mr. Chairman, I verified the information that I gave Committee earlier. The increase on the minimum amount of coverage is \$3.00 per year and it may be \$4.00 or \$5.00, depending on what you use your car for or your age.

Mr. Legal Adviser: Mr. Chairman, possibly I should say at this time that the Council are aware that the Commissioner has been concerned at the lack of an uninsured fund such as all the Provinces have at the moment which would provide a fund from which would be paid damages caused by the driver of a car who is not carrying any insurance. All of the Provinces in Canada presently have such a fund and, except for Manitoba alone, the funds in the Provinces provide that payments can be made to non-provincial residents but only if there is reciprocal legislation in force in their home province, and the result of this is that a Yukoner travelling throughout Canada does not get from the Provincial Governments involved the same protection against injury by an uninsured driver as a resident of all the other Provinces of Canada, and of most American jurisdictions. In attempting to bring forward a bill to cover this particular field, the officers of the Administration looking into the matter found that just at this time in America and in some Canadian Provinces, a review of the whole thinking of what the law should be in relation to the liability of the state for the damages caused by uninsured drivers is. There is a Keaton-O'Connell Plan which has been widely canvassed in the eastern United States which, I think, originates in the State of Massachusetts where owners carry the highest premium rates in North America. Other rival plans have been proposed and the American Bar Association and the Conference on Uniformity of American law have this very subject before them at the moment and widely different opinions are being expressed and commissions have been set up by some jurisdictions in America to consider this whole matter. Some of the Provinces of Canada have taken the step of moving in governmentally into the field of insurance and only allowing fringe insurance to be taken out by owners. The Province of British Columbia recently set up the Wootton Commission to investigate this matter and a very large report was recently published, and I think I gave a copy to one of the Honourable Members for his private study, so I haven't got my own copy before me, but the Commissioner has now decided to set up some form of a review to see what legislation in this whole field will be coming forward, and this may be an informal study. We will have the benefit, I hope, of outside experts in our deliberations and hopefully one might have a bill, possibly, two sessions from now, because it is a very, very difficult field. So, it is true to say that we, in common with, I think, Quebec, are one of the two areas in Canada where compulsory insurance is in force, but almost universally throughout Europe, compulsory insurance is in force not limited to \$20,000 or \$50,000 but unlimited for all drivers and all owners and there does not seem to be much complaint one ever hears of these particular provisions. The particular amendments here, raising the limit from \$20,000 to \$50,000 of compulsory insurance limit for passenger cars, and moving up to \$200,000 for vehicles carrying more than

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NO. 17

sixty persons, is not deemed at all high, and the limits are set as low in the circumstances as the Commissioner feels the government can go in this field. Now, I won't say that this amendment is a stop-gap. It's not quite that, but the Members will be familiar with a case which caused some heartsearchings and may cause more where a boy - I can only call him that - killed a man and injured a breadwinner in such a fashion that he died, leaving a widow and some children, and he was at that time insured to the then compulsory minimum which was \$20,000, and this didn't even go part of the way towards even meeting the hospital bills, never mind compensation for the family involved, so it was felt in the circumstances that the very least we might do is set this limit at \$50,000. Now, the whole subject will be reviewed and no doubt this will be part of the revision; what the limit should be and whether there should be any limit at all or whether the owner should be insured or whether the people travelling in cars should be insured.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I was wondering in the event this particular matter, or raise in liability were accepted, would that apply for policies that were taken out after this legislation was passed, or would it be retroactive and everyone would have to tear around getting the additional amount put on if they didn't have it?

Mr. Legal Adviser: I would say that the number of people who would be effected by this would be minimum. I have personally never met or spoken to anyone who was insured for less than this amount, but I know it occasionally happens. The figures again - the Honourable Member from Whitehorse East may be able to give me figures. I would say that in any normal firm there would be a very, very small number of such policies sold, but the bill on its face is expressed to come into force when it is signed by the Commissioner, so it would mean that people who feel that they are uninsured up to this value would have to promptly take steps to see their insurance companies in order to comply with the law.

Mr. Commissioner enters Council Chambers.

Mr. Shaw: I raised that subject, Mr. Chairman - I, myself, feel that \$50,000 is little enough. I think I carry about \$200,000 myself, but that isn't the point that we're discussing. The point is though that when we create legislation whereby these policies have to be increased, there are going to be quite some people that will not be aware of this situation, Mr. Chairman. They will not know that they have to increase their liability and through that could inadvertently have quite some problem in the event of an accident. In accepting anything like this, I think there would be two requirements. One would be that all the persons that carried this would need to be notified that they will have to comply with new regulations, or on the other hand, it could be any policies that were taken out effective on the date that this - from this date on would have to have this coverage. I don't know that I'm quite getting over what I mean, Mr. Chairman, but we do have problems of people unaware of something - good law-abiding citizens could get into quite a trap on something like this and maybe perhaps liable themselves for an additional \$30,000 than what it is right now.

Mr. Legal Adviser: This is a valid point, Mr. Chairman. The procedure that we intend to follow is to have the insurance companies notify all the people so this will be done fairly rapidly.

Mrs. Gordon: In the event that this was to go into effect, at the time when the new licence plates are issued in the spring, it would be a suitable time then to have a small slip of paper with everybody that buys their new plates to say that they are now required by law to have minimum coverage of \$50,000. BILL NO. 17

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, this is one occasion where certainly some common sense has been used by the Honourable Member from Dawson. To me there is a necessity to bring home to those insurable people that they should have their insurance increased, but would it not be much easier to bring into the legislation a section which would say that upon renewal of any insurance now in effect that - I will pause for a minute - that upon renewal of insurance now in effect or/and upon new policies being purchased that the new obligations will go into being.

Mr. Legal Adviser: In theory this is possible but it destroys the effect of this legislation reading it afterwards. It means that with some of these people it won't go into effect for possibly twelve months, and nobody knows for sure exactly when it is going to go into effect. It is a swinging date, and while we are swingers we don't want to swing this much. As soon as the Administration is assured that this bill is going to be passed, an exercise will be put on foot whereby the insurance companies will be asked to get ready to notify all their people to whom they have issued policies less than \$50,000 to insure them at once, and deal with them, and I can assure the Honourable Member that the power that he will not immediately start issuing prosecutions until a reasonable time has elapsed to enable the people to know exactly what the law is.

Mr. Chamberlist: The reason why I brought this up; insurance companies have a habit of not taking a pro-rata portion of the premium that is required when it is increased. They will probably say you have a larger amount to pay. In other words, it might only be two months to run, and they might ask for the increase for the whole time because of the amount of cost to administer that particular increase for them. You're really giving them the opportunity to increase the premiums to whatever expense in their own period of time.

Mr. Legal Adviser: This is true, but as one of the Honourable Members pointed out, the total difference in the year is only going to be \$3.00, so if a man has got four months to run, it means \$1.00. It may very well be the insurance companies will bear the cost themselves. I don't know.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, it would be impossible for the insurance companies - or at least unwise for the insurance companies to do this because it would be just too costly an operation. I can only see increasing these on renewal as the Honourable Member from Whitehorse East has said. It would be just too huge a job and too costly a job to try and pro-rate from here on for those who have had their insurance, for instance, for the last six months and it won't be renewed for six months, to try and get them to increase at this point. It's just not reasonable.

Mr. Chairman: Just a question from the Chair. Could this not be brought into force on April first next year?

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Mr. Legal Adviser: There is no reason why it couldn't be brought into force on April first. I wouldn't object to a fixed date so that everybody knows and then possibly the section may come out later.

Mr. Dumas: Mr. Chairman, we might as well bring it into force on January first because there is no relationship between the issuance of licence plates and the renewal of insurance in fact.

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

Mr. Shaw: Mr. Chairman, I would suggest that whenever we do bring it into force that if we accept this, and I personally think it is well worth accepting, that the government go to the extent of advertising the fact that on such and such a date this will be required. I don't think that would be very expensive. It would let most of the people know what it was and I think it would be sensible so the persons themselves could contact their insurance companies and say, will you raise it up to this.

Mr. Chamberlist: Well, Mr. Chairman, there is no difficulty in what the Honourable Member for Dawson suggests, but I agree with the Honourable Member from Whitehorse West that it would be a massive job to pro-rate insurances and I'm sure that it could be easily done by having reference to renewals and new policies. I don't think there would be any problem involved there.

Mr. Commissioner: Mr. Chairman, I agree that what has been suggested by the Honourable Member that the manner of dealing with this on a renewal basis may be very neat and very acceptable to the insurance companies, but I'm afraid that from the point of view of administering the law, I think that it should be a factual situation that either everyone is required to have these minimum insurance or they are not required to have insurance at all. I don't think that you can be, you know, halfway between the devil and the deep blue sea so to speak, and it is very possible that an automobile, we'll say, bought today, and an insurance policy bought in order to secure the licencing privileges for that vehicle would be on the road for twelve months before these new limits came into being, so that you would have one portion of the motoring public with this coverage and another portion of the motoring public with the former limits, so that I think we're talking about the possibility of a rather bad situation that might develop as a consequence of putting this suggestion into force.

Mr. Dumas: Mr. Chairman, I take the opposite stand, not as an insurance man, I assure you, but as a Councillor. I think we would be doing a great disservice to the people of the Territory if we expected them within the next month to increase their insurance because I'm certain we're not going to get through to all of them, for instance, in that time or even in three months time. I think on a renewal basis it is true that some of them won't have this for just about twelve months or so. They won't be increased to this amount. The fact of the matter is that we've been going along without it for so many years now that it has got to be a gradual thing that we're getting into. Now, the cost - and let's face it. Who is going to pay this? It's the people that are going to pay. If there's a big cost to increase your insurance on a pro-rated basis, the people that buy the insurance are the ones that are going to pay for it, and I just think we would be doing them a disservice to put it in on that basis. I think on a renewal or a new insurance basis, it is the only practical way from the peoples' point of view.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Could we suggest that it could be on a renewal basis up to and including April 1, 1969 and as of April 1, this was the date at which everyone who hadn't had a renewal in that period of time would be required to have the new suggested rate. I think, Mr. Chairman, that in all fairness there has to be a time set beyond which the requirements of the law are to be met.

Mr. Chamberlist: Mr. Chairman, could we not in that basis say that after twelve months from the date of the bill being assented to, then that completely takes care of everybody, because automatically they would have to - a new licence is renewed, this would have to be done, and in twelve months this would take care of the whole picture.

Mr. Legal Adviser: Mr. Chairman, the maximum involved on any person would be \$3.00 or \$4.00 or \$5.00. We can be tender to people. Insurance companies are only dealing with handfuls of people here. It's a question of sending out a notice and saying please send me \$3.00. Please send me \$5.00, even if there is the whole annual premium for the sake of two or three months. In small cases they might even bear it themselves.

Mr. Livesey: Mr. Chairman, in a case like this where the government has seen fit to provide legislation for this Council which increases compulsory insurance two and a half times, I wonder if the Commissioner could inform the Committee the exact reasons for this increase and could he allude to any particular age group in the driving field that was responsible for any apprehension that the government may have had with regard to the improbability of the present rate of \$20,000 minimum being sufficient.

Mr. Commissioner: Well, Mr. Chairman, I trust I have the question accurate here, but I would suggest to you that these minimums were set at the time the Motor Vehicles Ordinance was amended to call for compulsory insurance, and in the course of that time the erosion of the dollar bill that goes out to pay an insurance claim suffered the same erosion as the dollar bill that is used to buy all other things, and as a consequence there is a particular case - one that I am aware of, and there may be many others that I am not aware of in which these insurance minimums just all of a sudden came home to roost as being completely and totally inadequate in light of the present day cost as it applies to medical care, hospitalization and such things of this nature, and I can assure you that this has not been brought forth with any malice. It is brought forth on the basis of practicality, and the age group that it might allude to is certainly not anything that we have in mind. I understand that insurance companies apply their own rules and their own standards as to insurability and likewise the age group that they charge higher rates to and those they give lesser rates to. This is not within our purview as such.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Well, Mr. Chairman, when I asked to speak it was when we were discussing a particular date and we have gone further, but I will go back to this date, and it would appear to me that if this were made April the first of this year then it would be fair to everyone. You would not be making..... but all persons were required to have it; it would conform and it would give four or five months in which the public could be well informed as to what is involved. It would also give the insurance companies time to prepare the necessary forms which they wish to

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send out to persons that had policies extending over that period, and it would appear to me to be a practical way of doing it.

Mr. Chairman: Would Committee agree to such a proposal?

All: Agreed.

Mr. Chairman: Are there any opposed to that proposal? I would take it that Committee agrees. I wonder at this time if the Chair would enjoy a motion that section 1 of this Bill be repealed - section 1 of Bill No. 17?

Mr. Chamberlist: Well, we can't repeal a Bill, surely, that hasn't been read or passed.

Mr. Shaw: Mr. Chairman, could we make a motion that this section 1 be not considered?

Mr. Chamberlist: And that section 2 become section 1, and section 3 become section 2, and that it come into force on April 1, 1969.

Mr. Chairman: I'll have to have a copy of that motion made out. They're easy to make but they're not easy to write down. I'll declare a brief recess while we make up this motion.

RECESS

RECESS

Mr. Chairman: I will call Committee back to order. I have a motion presented by Councillor Chamberlist that section 1 of Bill No. 17 not be considered and that the remaining sections be re-numbered and the Bill come into force on April 1, 1969. Is there a seconder?

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

Mr. Chairman: Are you prepared for the question on the motion?

MOTION
CARRIED

MOTION CARRIED

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

All: Agreed.

Mr. Dumas: Mr. Chairman, would you record my abstention on that vote?

Mrs. Gordon: Also mine, sir.

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Mr. Chairman: Well, this brings us to the end of our business in Committee. We have one Sessional Paper, No. 55, if you wish to discuss that at this time. Question No. 25, the method of purchasing artifacts. Will you proceed with this, Councillor Chamberlist.

Mr. Chamberlist: Well, Mr. Chairman, in answer to the question that I - the questions, which were Question No. 25 and No. 26 which I put to Mr. Commissioner - we have now received an answer in a form of a Sessional Paper, the answer being that the necessity for an investigation would arise only if the City of Whitehorse purchased an artifact without obtaining the approval of the Territorial Government for a budget item in the City's estimates. If the item were included in the City's estimates, the matter would be dealt with in the normal way. I wonder if Mr. Commissioner can say whether the artifacts have been purchased, to his knowledge,

or whether there has been a request for the artifacts to be purchased, and whether in fact there is any item in this year's budget for artifacts to be purchased.

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Mr. Commissioner: Mr. Chairman, the first question, have these artifacts been purchased - I have no knowledge one way or the other on that. Now, secondly, has there been a request to the Territorial Government for permission to include a budgetary item along these lines.

Mr. Chamberlist: I didn't say that, did I.

Mr. Commissioner: Oh, I'm sorry.

Mr. Chamberlist: Let's begin please, Mr. Chairman.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: How many Chairmen have we in this Committee? I asked, Mr. Chairman, whether the Commissioner has knowledge of a budgetary item for the purchasing of artifacts in the City of Whitehorse budget, and if it is included in the City's estimates?

Mr. Commissioner: The answer to the first question is that I am not aware of any request ^{hanging} been made to us and I am certainly quite confident that in the budget under which the City is operating now that there was certainly no specific item that was requested for that. Now, for the next year's budget, I was asked to give a verbal answer to a question the other day, had the City's budget for the next fiscal year come in here yet, and I was provided with an answer and the answer is no, and I was hoping, before I was called upon to give this answer, that I would have time to check on the statutory requirement as to when the City's budget for next year has to be in. I'm sorry, I just don't have that information on hand, but as of today the City's budget for the next year is not in our hands.

Mr. Chamberlist: My second question that I asked which has been replied to in this Sessional Paper is quite considerable in length, but it does certainly show that the duties of the Inspector of Municipalities - show that he is responsible for investigating any matter that may come up of a questionable nature where a municipality has gone beyond its powers of the Municipal Ordinance. Now, I would therefore ask the Commissioner, and I'm sure that everybody in this Committee is aware, because there has been a public statement made to that effect that it has been passed in City Council to the effect that they purchase these artefacts. I would ask the Commissioner whether he intends at this time to ask the Commissioner to instruct the Inspector of Municipalities to ascertain whether the City of Whitehorse are acting within the scope of the Municipal Ordinance to use municipal funds for which there has been no budget item set aside to purchase artefacts.

Mr. Commissioner: Mr. Chairman, I think the question is, am I about to instruct the Municipal Inspector to determine if in fact the City of Whitehorse intends to proceed with the purchase of artefacts for which budgetary provision has not been made, to my knowledge, up to this point. Now, I think the basic situation has been this: in the past when there have been matters of this nature come up, both municipalities in the Territory have in writing asked the Administration for permission to include items that are beyond the scope of their normal budget, and I certainly have no reason to believe that there will be anything different in this

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particular occasion, and I would be certainly very hopeful that the good relations that exist between the Municipality of Whitehorse and my officers will continue and that there would be no necessity for me to envoke this particular authority that is available, namely delegating or seeking the Municipal Inspector's services to check on this matter.

Mr. Chamberlist: Well, Mr. Chairman, I wonder whether the Commissioner can say at this time that if it came to his knowledge that the municipality did purchase these artefacts prior to obtaining that permission, would the Commissioner then take whatever necessary steps would be available to him under the Municipal Ordinance?

Mr. Commissioner: Mr. Chairman, I would be at that particular point hustling down to the other end of the hall here and checking with my Legal Adviser to see just exactly what course of action (a) was open to us, and (b) what we should be doing.

Mr. Chamberlist: Thank you, Mr. Chairman.

Mr. Chairman: Have you anything further on this Sessional Paper? Well, this concludes our business in Committee at this point in time.

Mr. McKinnon: Sessional Paper No. 50, Mr. Chairman.

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Mr. Chairman: Sessional Paper No. 50 is in Committee but was deferred, I believe, yesterday, or when last we sat, I should say. Are you ready to proceed with this today? Well, we'll then move to Sessional Paper No. 50. Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, when I saw the answer from the Administration on this Sessional Paper No. 50 concerning Low Cost Housing Ordinances, to use the words from the Honourable Member from Dawson City, I almost swallowed my snooze. Mr. Chairman, I thought that somehow, somewhere I had won out because I have been fighting this low cost housing battle since 1961, the first session I sat here, and, Mr. Chairman, the answer contained in this Paper is not just correct from the information I have received from senior officials of the Central Mortgage and Housing Corporation, from deputy ministers, from the Territorial Housing officers and from the past commissioner. Now, Mr. Chairman, either the philosophy of the now present Territorial Administration has changed completely over the years and I know nothing about it, or the answer contained in this Paper does not represent the Council and the Administration's thinking. In 1961 when the low cost housing was first proposed, I stated, and I have been searching the Votes and Proceedings since 1961 and this is factual, that it would not work as long as it was a plan that CMHC wouldn't involve itself in. What I mean, Mr. Chairman, was that the inception of the Low Cost Housing Ordinance - it was put that a person who had a salary, I think it was of over \$2,500 a year, was not eligible for a loan under the Territorial Low Cost Housing Ordinance because it was to apply and apply only to those people who no plan of CMHC would come under. I said at that time it can't work. It's just a plan to subsidize houses for people who could never afford to pay the government back. The Low Cost Housing Ordinance was passed anyway, and not one loan, Mr. Chairman, after its passage was forthcoming subsequent to this. Following this at the next session of Council, a Sessional Paper was prepared for this Council which said that the Low Cost Housing Ordinance as it now stands is ineffective and unworkable and we're going to have to make it so that the loans are available to anyone who can't satisfy the CMHC requirements to build. Now, the CMHC

requirements definitely state that they are not interested in putting money in a subdivision where there are not the proper sewer and water facilities, and, Mr. Chairman, I've had senior members of the CMHC up before this Council as late as last year who have said exactly this same thing in this House, and this is the area where these low cost housing loans have been most effective - in the subdivisions - where CMHC have been unwilling to move in because they do not plan a subdivision and there are not the proper services there and the proper facilities to where they would like to lend money. Now, I could go through - I've got all these sections marked in the Votes and Proceedings from 1961 and I'd just bore you to tears through reading all these areas where I say - and I know I'm correct, and the votes and the Proceedings and the records prove me to be correct. Now, I get a Sessional Paper from the Administration stating that the program was approved on the condition that it would not compete with mortgages made available by CMHC. To raise the levels in the present low cost housing scheme would conflict with existing CMHC programs, and for this reason no change could be made at the present time.

Mr. Chairman, what is the use of the Administration of the Yukon Territory going before the Task Force on Housing and making exactly the same recommendations that Members of this Committee have been making all through the years, and I read that the Federal Government increases the low cost housing first mortgage from \$8,000 to \$12,000, and the second mortgage with the same waiver clause be increased from \$1,00 to \$1,500 applied over the same ten-year period, and then a month later come up with an exactly opposite answer in a Sessional Paper addressed to this Committee. I don't even know where the truth lies any longer, Mr. Chairman. One day I'm told one thing. The whole history of this Low Cost Housing Ordinance has been that CMHC are unwilling to go into areas where there is no sewer and water and the Territorial Government, the Administration, the CMHC, Ottawa, have all admitted this, and said that this is the plan. Well, I was in Ottawa in 1961 and the Federal Government said we're just applying this \$300,000. We don't care how you people use it as long as we get our money paid back and now it's been a continuous struggle to get this money increased. I thought this was one area where Council and Administration were working in harmony and working together to distribute this mortgage money better, and now I am told by this Sessional Paper that I have been mistaken all along. Now, Mr. Chairman, where does the truth lie? May I ask the Commissioner, because if I am not only beating my head against a brickwall, but they're building the brickwall for me to beat my head against, after seven years of fighting I'm just about ready to give it up.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Well, Mr. Chairman, I mean we are simply an agent of the Federal Government in dispersing this money, and if the statement that has been made that the Federal Government has intimated to the Councillor that they don't care how we disperse this money as long as they get it back - if you can produce this for me in writing, why I will be very happy to invoke the policy tomorrow morning. In fact, I'll do it this afternoon, and furthermore, there is no way that we have the authority at the Territorial Government level of changing this policy. The policy is laid down under which we can disperse this money, and the people who are completely and totally knowledgeable of this particular thing in my Administration are the Territorial Treasurer, who has been involved in the handling of this money since the inception of the program, and I'm sure that there are other officers of the

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Administration who are coming in day-to-day contact with this particular situation, and the philosophy of increasing the amounts that are available under this loan scheme are certainly very highly desirable and the Administration fully supports this, and we have done everything that we can in making representations to the people who control this money in Ottawa seeking approval for to change these limits, and this is what this question has asked, and this question has been asked in the House on innumerable occasions, and if there is any suggestions from the floor of the House as to what manner that we can use to present this to the Department in Ottawa that will make it possible for these ceilings to be raised, we are full supporters of it and are quite happy and would will it any support that we possibly can, but as long as we are an agency of the Federal Government, who is putting up this money, we are fortunately or unfortunately bound by the rules which they have established in the dispersing of these funds. Now, I think, myself, that the way to get to the bottom of the particular statement that has been said here that the Federal authorities say that they don't care what we do with this money, or, effectively speaking - I won't say it is that broad, but they do not care just exactly what the rules are so long as they are assured of getting their money back, I would strongly suggest that we should be checking with Mr. Treasurer to see if at some point in the dim distant past that this was in fact a policy. I've certainly never heard of it.

Mr. McKinnon: This Sessional Paper says, Mr. Chairman, that the program was approved on the condition that it would not compete with mortgages made available by CMHC. To raise the levels of the present low cost housing scheme would conflict with existing CMHC programs and for this reason no change could be made at the present time. Mr. Chairman, with respect, this is an incorrect statement because as late as the second session 1967 in this House, in this Committee, Mr. Gross said that we can't compete with CMHC Programs in this area because they are unwilling to make a CMHC program and moneys available from a CMHC program available in the Porter Creek area, so how can we compete with a CMHC program under the Territorial Low Cost Housing Ordinance if CMHC haven't even got a program that will apply in the Porter Creek Subdivision.

Mr. Commissioner: Mr. Chairman, this program is not confined to Porter Creek. This is a Territory-wide program. To my knowledge, and I'm sorry but there should be someone else here for me to refer to in dealing with these things on a continuing basis, but certainly to my knowledge there is no limitation to Porter Creek on the low cost housing program. I'm quite confident. I'm not saying that moneys have been dispersed in other areas but to my knowledge there is nothing in the low cost housing loan understanding that would limit these moneys to Porter Creek. Now, I realize that this is where most of them happen to be getting used but I am quite confident that there is no limitation.

Mr. McKinnon: What I'm saying is that there is only two areas in the Yukon in the municipalities where there is sewer and water facilities available that CMHC programs are available. So, nowhere else in the Yukon Territory can you compete with a CMHC program, because CMHC just will not lend moneys in any other areas except where there are fully serviced lots. So, to say that this Territorial low cost housing can go in competition with CMHC other than anywhere else but Whitehorse and Dawson City is just not correct.

Mr. Commissioner: Well, Mr. Chairman, we do not say this in the answer. We are simply saying that if these limits are raised under the present circumstances, this is what we are going to be running

into and this has been the theory that has been advanced on a continuing basis by the people who control the dollar-bill.

Mr. Dumas: Mr. Chairman, is the Commissioner suggesting that if somebody who lives in the municipality or within the city boundaries of Whitehorse, were to apply for the low cost housing loan that they are, in fact, eligible for it even though they are also eligible for the CMHC loan?

Mr. Commissioner: Oh, I believe this is exactly what the policy is, is that where CMHC funds are available, the low cost housing moneys are not available.

Mr. Dumas: Then how can there be a conflict? How can one conflict with the other? This is the whole point.

Mr. Commissioner: The idea is that they are to complement each other, Mr. Chairman.

Mr. Dumas: Right, but that's just the opposite of what it says in this Paper.

Mr. McKinnon: You have to prove that you are unable to qualify for any CMHC loan before you are eligible for a Territorial low cost housing loan.

Mr. Commissioner: Mr. Chairman, look, there is no use of arguing the point with this thing. You can argue it until Dooms Day. All we're doing is talking among ourselves. The people that we have to convince to loosen up on this are the people who control the funds in the Federal Government in Ottawa, and I have loaned every bit of support that I possibly can to getting this done, and if there is something else that I should be doing or something that I have left undone that should have been done - if it can be pointed out to me and it is within my power to do it, I will be most happy to do it. Now, publicly my officers went before the Task Force on Housing and made this recommendation that these ceilings be raised to become more realistic in line with the requirements of the day and age. We are prepared to do anything that is within our power, but we cannot extend our powers beyond what we actually have. It's impossible.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I support the statement made by Councillor McKinnon. Just reading this reply, it conflicts completely with the terms of reference of CMHC themselves. They say in actual effect, and I can remember when Mr. Gross was here last year; if I recall I put a question dealing with this matter to him - and they say that we cannot - in broad words they say - we cannot loan money for the construction of housing where there are no sewer and water facilities. Now, if they can't do that, how can anybody who wants to do that be in competition with them? This is a simple straight-forward question and this answer here suggests that if you increase the low cost housing amount you're in competition with them, but you can't be in competition because they'll never lend you any money in any event, because they say that they can't do it. It's not their policy so to do, and certainly Councillor McKinnon refers to Porter Creek because this is his constituency. Supposing in Carcross, I have somebody that wants to go ahead and construct. I wonder if the Administration can tell me how they can go to CMHC and ask to borrow some money to construct there. Now, they can't. It's obvious they can't. They have made that clear - officials of CMHC have made

SESSIONAL PAPER NO. 50 that clear, that they cannot loan any money on this, so therefore anybody that loans money - if the Territorial Government loans money, they are not in competition with CMHC. So, I can only assume that the Commissioner, in signing this Sessional Paper, has been inadvertently misled into believing that this is the case because this is not factual, that there is no competition between the low cost housing scheme and Central Mortgage and Housing in certain cases. Certainly, perhaps it might be justified within the municipality where there is sewer and water and money can be obtained from CMHC, but there is no possible way that you could obtain money from CMHC in any area that hasn't a sewer and water system, but people in the Carcross area cannot get money from CMHC, nor can the people in the Porter Creek area, nor can any other area of the Territory that hasn't a sewer and water system - Beaver Creek, Destruction Bay, Watson Lake - none of these people can get CMHC housing, so perhaps you could expand, Mr. Chairman - the Commissioner can expand on where the competition lies between CMHC and low cost housing in this instance.

Mr. Commissioner: Mr. Chairman, the semantics notwithstanding, the fact remains; that the people who control the money that is available under the low cost housing loans, as we term it, are not prepared at this time to raise these limits, and I strongly suggest, Mr. Chairman, that a complete and thorough vetting of this particular problem had best be done at the time we are negotiating the next fiscal agreement with the Federal Government, and anything that we have to say around this Council table outside of voicing our support for increasing these particular ceilings, I am afraid that there is not very much that we can accomplish.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Well, it seems to me there is a misunderstanding of some type here along the line, Mr. Chairman, because quite obviously the loan scheme, I would think, of which two are the main that we know of, are distinct in values and distinct, I would think, in their proposition towards the erection of homes in the Yukon, and these distinct values have been described by Members in Committee this afternoon quite distinctly. They have pointed out that the CMHC is obviously not in competition where the area is excluded from their jurisdiction, where they have decided they do not want to operate, cannot operate, because in the outside areas, as the Honourable Member for Whitehorse North stated, where there is no sewer and water the CMHC certainly doesn't want to operate at all, so where they don't want to operate, the only option that the people living in those areas may have, if they want to obtain a loan, is to go to the Low Cost Housing Ordinance. Now, this is about the only option they have, so how the government explains it - whether the actual explanation is not available here, but only from Ottawa, as far as a detailed explanation is concerned, something that we can understand - I personally cannot see where the competition may lie. I don't see it. If it is not there, it isn't there, so I don't understand this Sessional Paper on that ground.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Thank you, Mr. Chairman. This motion, Mr. Chairman, that was introduced by the Member for Whitehorse North, I support. I still support this motion. I also support the brief or recommendations which the local Administration made to the Task Force on Housing. It is fairly obvious to me that both the Council and the local Administration are one hundred per cent behind a proposal such as this, but as has been pointed out, where do we go from there. The money must come from the Federal Government, and

that is the only way we can get the money. Somehow, this Council and the Administration, and possibly both together, or both separately, will have to devise some manner and means of getting the government to loosen up the purse-strings on something in which they get their money back and they get the interest for their money. They're not losing money on it. They get it back. They get well paid. They send out bonds and they give you 5½ or maybe 6 per cent under certain circumstances, turn around and loan that money to the people for 8¼ per cent, or so it appears to me, so they are not running too much of a losing business, but the point is to find ways and means - I think we're all in agreement with the principles of this. This is sound, just and necessary, but how are we going to get the Federal Government to loosen up on this money? That, to me, Mr. Chairman, is the roadblock. It's not within the Yukon Territory. It's about 4,000 miles further afield. That is the answer to the question, and an answer that I would - a question that I would like to have an answer to, but it doesn't seem to be able to come.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I agree to some extent with the Honourable Member from Dawson, and I do believe that the Administration wants these loans increased. There is no doubt about it, and that we have got to come up with some way of getting them increased, and maybe the next negotiations are the way to do it. I think it is very unfortunate, however, that this Sessional Paper was worded or written in the manner that it is, because it is the opposite of what are the facts in the matter, and this of course is what we must take exception to, apart from the fact that we want to increase the loans - we must also take exception to the fact that we're given information that is the opposite of what is, but be that as it may, I think that we must look forward to the next negotiations and hope to find some other means of increasing this than just passing motions here, because obviously Ottawa isn't interested in our motions in this regard.

Mr. McKinnon: Mr. Chairman, this is what hurts so badly because here I thought that we were all thinking on the same wavelength, and then I get a Paper saying there can't be a change because it is in competition with CMHC policy. Well, Mr. Chairman, with respect, even the senior administrative officers of the Yukon Territory don't know that it is impossible for this program to be in conflict with the CMHC policy, how in heaven's name are we ever going to convince Ottawa that we aren't in competition with the CMHC policy, and certainly, Mr. Chairman, Mr. Commissioner must know by the terms of the regulations of the Low Cost Housing Act that we cannot - we are precluded by being in competition with CMHC, so if this is the only reason that he can give that we can't increase the loans because we are in competition, then we're going to have to look for another reason because this is just not correct.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, in my opinion we got the other reason from the Commissioner. It's unfortunate that we didn't get that reason in this Paper. It would have saved a lot of debate and a lot of time.

Mr. Chairman: Councillor Shaw.

SESSIONAL
PAPER NO.
50

Mr. Shaw: Mr. Chairman, with all due respect, the way I would look at this - I have known the views of the Administration in regards to a matter such as this, and it appears to me that this is one of those unfortunate times when possibly the Commissioner signed a Paper - he could have signed a hundred thousand of these things, and he probably signed this and inadvertently the wrong answer was in there, and I think that is what it must be because I've heard the Commissioner's - I know the Commissioner's sentiments in this particular matter, and he has already stated them, and it just appears that somebody put this Paper in front of him and maybe he had fifteen hundred at the same time, and that's how it happened.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Commissioner would like to withdraw this answer and come up with a different Sessional Paper and a different answer?

Mr. Chairman: Well, that would have to be a decision of Committee. Well have you concluded discussion on this Paper at this time? Well, this concludes then all the business before Committee. I wonder if it is your wish to revert to Council at this time?

Moved by Councillor Dumas, seconded by Councillor Livesey, that Mr. Speaker do now resume the Chair.

MOTION
CARRIED

MOTION CARRIED

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

REPORT OF
CHAIRMAN
OF
COMMITTEE

Mr. Chairman: Mr. Speaker, Committee convened at 10:30 a.m. to discuss Bills, Sessional Papers and Motions. Mr. T. Nairn, Fire Marshal, attended Committee to discuss Bill No. 5. Committee recessed at 12:00 noon and reconvened at 2:20 p.m. I can report progress on Bill No. 5. It was moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. 21 be reported out of Committee as amended and this motion carried with Councillor Dumas abstaining. It was moved by Councillor Chamberlist, seconded by Councillor Shaw, that Bill No. 22 be reported out of Committee without amendment, and this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Shaw, that Bill No. 25 be reported out of Committee without amendment, and this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Shaw, that section 1 of Bill No. 17 not be considered, and the remaining sections be re-numbered and the Bill come into force on April 1, 1969, and I can report progress on Bill No. 17. Incidentally, that latter motion carried with Councillors Dumas and Gordon abstaining. It was then moved by Councillor Dumas, seconded by Councillor Livesey, that Mr. Speaker do now resume the Chair and this motion carried.

Mr. Speaker: You have heard the Report of the Chairman of Committee. Is the House prepared to adopt the Report?

All: Agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Taylor: Mr. Speaker, in respect of matters arriving in Committee today, I believe that a copy of Bill No. 24, namely Supplementary Supply, was circulated so that all Members do have a copy. I'm wondering if we could proceed with Public Bills and Orders at this time in order that this Bill receive first and second reading?

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

All: Agreed.

Mr. Speaker: You may proceed.

Moved by Councillor Dumas, seconded by Councillor Shaw, that
First Reading be given to Bill No. 24, An Ordinance for Granting
to the Commissioner Certain Sums of Money to Defray the Expenses
of the Public Service of the Territory.

FIRST
READING
BILL NO. 24

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Dumas, seconded by Councillor Shaw, that
Second Reading be given to Bill No. 24, An Ordinance for Granting
to the Commissioner Certain Sums of Money to Defray the Expenses
of the Public Service of the Territory.

SECOND
READING
BILL NO. 24

MOTION CARRIED

MOTION
CARRIED

Mr. Taylor; Mr. Speaker, in respect of the agenda for tomorrow, we have now concluded all items with the exception of Supplementary Supply, that we can deal with at this particular point in time, so I would suggest that we move on to the Supply Bill tomorrow morning.

Mr. Chamberlist: Mr. Speaker, as Chairman of the Financial Advisory Committee, I will be tabling the Supplementary Estimates tomorrow morning.

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

Mr. Shaw: Mr. Speaker, I would move that we call it 5:00 o'clock at this time.

Mr. Speaker: It has been moved that we call it 5:00 o'clock. Are we agreed?

All: Agreed.

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

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order and I have for your attention and tabling Sessional Papers Nos. 59, 60, 61 and 62. Are there any reports of Committees?

Mr. Chamberlist: Mr. Speaker, I wish to report this morning the work of the Financial Advisory Committee. Since this Council's first Session on the floor in 1957 the Financial Advisory Committee have met in conjunction with senior Administrative officers on nineteen days, sitting as a Joint Budget Planning Committee under the Chairman of Mr. Frank Fingland, the Executive Assistant to the Commissioner. It would be remiss of me at this time if I did not express on behalf of the Committee Members Councillor McKinnon, Councillor Taylor and myself our sincere thanks to the Commissioner and his staff for the considered co-operation given to us during our deliberations. The institution of a Budget Planning Committee assured Members of Council are capable of dealing with fiscal matters and Mr. Speaker, I am pleased to advise Council that your Financial Advisory Committee scrutinized all items of proposed expenditures before completion of the Estimates being presented today by the Commissioner as Supplementary Estimates No. 2. Section 12 of the Yukon Act gives to the Financial Advisory Committee the opportunity only to consult with the Commissioner in the preparation of the Estimates and Appropriations. We feel we have attained a greater measure of recognition of our legitimate needs toward self-government by actually participating in the production of the Supplementary Estimates to defray the cost of government. However, Members of Committee continue to look forward to the day when the Yukon Territorial Council will have the executive powers to administer its own affairs. Respectfully submitted, Mr. Speaker.

Mr. Speaker: I thank the Honourable Member for Whitehorse East for his report. Are there any further reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. Chamberlist: Mr. Speaker, I wish to give notice of Motion reading Sessional Paper No. 61. The Motion will read that Sessional Paper No. 61 be moved into Committee for discussion.

Mr. Speaker: Are there further Notices of Motion?

Mr. Dumas: Mr. Speaker, I would like to give Notice of the following Motion. That Sessional Paper No. 54 be moved into Committee for discussion.

Mr. Speaker: Are there any further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? Under Orders of the Day? Motion No. 17. Moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Mayo that Sessional Paper No. 58 be discussed in Committee. Will the Honourable Member be prepared at this time to proceed with this Motion. Are we

MOTION NO.
17.

Mr. Speaker continues....
agreed? I will declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

MOTION
NO. 18

Mr. Speaker: Motion No. 18, moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse East, "It is the opinion of Council that it is desirable and economic that the Minister of Northern Affairs be approached with the object of having all river soundings, foundation investigations and all pre-engineering work completed this winter in order to have all the information necessary for the construction at some future date of a bridge spanning the Yukon River at Dawson". Would the Honourable Member for Dawson be prepared at this time to proceed with Motion No. 18?

Mr. Shaw: This Motion, Mr. Speaker, is the anniversary of almost an identical motion and almost on exactly the same date; actually it was introduced on the same date but discussed in this particular time. What I'm asking for, Mr. Speaker, is that the Government, the Department of Public Works, whom I think we will admit have a slack season during the winter time, with an engineering staff capable of doing such a job of investigating soundings, river contours and foundations and getting all data necessary for making the required investigation. At the same time, Mr. Speaker, they would be able to set their drills up on the ice and could do it in the most economic fashion possible. Last year I did in fact, as I stated, put in the same Motion and the answer that I got back in a Sessional Paper at that time, which was numbered 75, stated that the reasons for not doing it - "furthermore the changing profile of the river crossing from year to year would render obsolete any survey carried out now by the time construction actually takes place". Now, Mr. Speaker, the foundation, the rock foundation which you have to put footings on for a bridge, I don't think change from year to year. A little gravel on the bar may change but an answer such as this just does not hold water. So, I still feel that at some future date, and gosh knows whenever that may be, it is going to be necessary to put that bridge across. It's a main road between Canada and Alaska, used a great deal in the summer time. The present ferry system and land line system would work. Sure it would work. If you really get down to the fine point you could use dog teams across and carry the freight - it might take a lot of dogs but eventually you would get it across I suppose if you used enough. I would feel, Mr. Speaker, that we should get the data - let us get some information on the Yukon Territory on different facets of the Yukon Territory and this is one of those things we should know because ultimately there will be a bridge across there. Now is the opportune time to get that information. Now, whenever the Minister so wishes, or the cabinet so wishes or the Government of Canada so wishes they will invest the money necessary to put up the bridge but I do not feel that to gather that information should be delayed. I think we should have it. That is all I'm asking Mr. Speaker, is to carry out this work so that we have the data on hand that if and when necessary we can proceed immediately and I would appreciate Council's support in this, Mr. Speaker.

Mr. Speaker: Is there any further discussion?

Mr. Chamberlist: Yes, Mr. Speaker, as seconder of the Motion I cannot but agree with the Motion that has been put.

Mr. Chamberlist continues.....

Certainly there's a necessity for the Federal government to recognize that the pre-planning for a proposed bridge over the river at Dawson is a necessity and it would be, I'm sure, beneficial to the Federal government for them to know that this Council agrees that pre-planning should be commenced for that bridge as soon as the feasibility of it is possible should be put into effect immediately.

Mr. Speaker: Are there any further discussions on Motion No. 18?

Mr. Taylor: Mr. Speaker, I certainly concur, as I did a year ago with this Motion that I believe a bridge is needed and certainly we should get started on it. I'm just wondering whether or not this is going to take the usual three to five year course from the time of asking to the time of the thing starting. That seems to be the way of it here in the Yukon. I support the Motion and I hope that the Administration in Ottawa will look favourably upon it and at least get this ground-work done.

Mr. Speaker: Is there any further discussion? Is the House prepared for the question? Are we agreed? I'll declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Motion 19. Moved by the Honourable Member from Dawson, seconded by the Honourable Member for Mayo, "In the Opinion of Council it is necessary that airport facilities at Dawson, Mayo and Old Crow be upgraded in order to keep up with the exploration and general economic expansion of the Yukon and that the Minister of Transport be approached to consider and implement such a program". Will the Honour Member from Dawson be prepared at this time to proceed with Motion 19?

MOTION
NO. 19

Mr. Shaw: Mr. Speaker, this Motion that I am discussing right now, is I think the tenth anniversary of bringing up this very same matter; I think that's as long as I have been in the Council, or possibly the eleventh, I'm not quite sure but somewhere around that length of time. Being a persevering type of individual, I feel that we have to continually bring this to the attention of the Department of Transport who is responsible to maintain and to construct airports. Now if we look back when the Alaska Highway was constructed, back in 1942, they constructed that Highway, Mr. Speaker, through the route that it now takes primarily because there were airport facilities to construct it. That was one of the reasons why they took that particular route and of course they expanded these airports. But when we discuss the Yukon Territory you look north at Whitehorse and the largest plane that can land on either the Dawson or the Mayo airport is a DC3 with a restricted load or I should say a restricted take-off load. Now I won't get into all the details of that but certainly that's the largest plane that can be used or that will be allowed to be used. I suppose you could land a DC8 on that if you were stuck and I suppose that you could land that on a highway. There has been no improvement whatsoever these many years on these facilities. In Old Crow, apart from the Village, there are oil companies in that vicinity and in the area which have spent millions of dollars exploring for oil. I'm not talking about a few thousands, I'm

MOTION NO.
19.

Mr. Shaw continues....

talking about millions of dollars and they have paid millions of dollars in exploration permits. Now, between Dawson and Inuvik in the Northwest Territories there is a regular DC3 flight that has been operating for, I would say, over a year, Mr. Speaker and there are many many times, in going past the Village of Old Crow they cannot land, they continue on to Inuvik and of course, as I have mentioned at other times when they send the mail to Inuvik sometimes 2,000, 3,000, 4,000 pounds, when they have to overfly, the mail cannot be returned by this airline when they go back on the return trip, it has to go from Inuvik to Edmonton, from Edmonton to Whitehorse and then it goes back again. And if it should be put on that aircraft and have to overfly Old Crow again, Mr. Speaker, then it does the same route all the way around again. So, you have an idea of how efficiently the operation works. A simple order would be to have that flown from there back to Inuvik. But the airport facilities at Old Crow are sandbars and when the river raises and the ice flows it is an extremely hazardous undertaking to land these aircrafts. One of these days, Mr. Speaker, I just hope it won't happen, but I think there will be a crash there and maybe lose a lot of lives and destroy an airplane. When we have scheduled flights like these three, surely there should be some place they can land between a distance of say about 500 miles when they go north from Dawson. There should be some place that that aircraft can take off from; can land safely, but there is not. So, if anything should happen between that large distance, a DC3 is just going to have to make an emergency landing and just where? If they happen to be fortunate to be close to an area where there is a field provided by private enterprise, a small field that these oil companies use for small planes, they will be all right, otherwise we could very well have a serious accident. Now, of course, we do hear that there isn't any money, or you can't have this. We hear "well if you show us where you have the airlines travelling, we'll provide the facilities?" Well, Mr. Speaker, that is just lip service because the facilities - the scheduled line is there but there is no airport for them to land on except what nature provided, and that is a little hazardous at times. The next excuse is that we haven't got the money! Well, I recollect a few years ago I was in Ottawa and they have what they call a building they are constructing which they call the Centre for Performing Arts. Now, this was going to be a building so that arts could be provided for the people back East because I'm sure that the people back West cannot afford to go down there and see it, and they appropriated an amount of nine million dollars. Last year in the Estimates, Mr. Speaker, they found out that it would take forty-six million dollars to finish this building - forty-six million dollars, that is for an Art Centre just a few blocks from the Parliament Buildings. Well, I can see that we have to stretch these dollars bill - the taxpayer has to pay the dollar bills but I cannot see why in the North, to expand the North, that if we had taken just a mere couple of million dollars from this forty-six million dollars as I think that for forty-four million dollars they should have got a pretty good art centre. If we had two million dollars of that, Mr. Speaker, we could have provided these little airport improvements for this northern end of the Territory. It's a continual repetition - I have to get up every year and make this request and I am going to have discussions with the Honourable Member from

Mr. Shaw continues...

Whitehorse North. He's very well acquainted with tape facilities and so forth and perhaps I can make a recording of this so I can bring it up here every six months instead of every year; the same question, the same story, and possibly the same arguments. It seems to be extremely useless, just don't seem to be able to get any place and I would certainly say that it is just about time that some attention was given to this. We here in the Territory have the expansion and the people spending millions of dollars which is quite correct. And up in the north they have spent millions and millions of dollars - private enterprise. They are producing millions and millions of dollars right now. There is one firm that is producing sixteen million dollars worth of products of which 80% of that provides foreign exchange for Canada. Surely these facilities could be improved to be better than what they are. They have absolutely nothing, Mr. Speaker. They haven't even an out-house at these airports belonging to the Government and I think it is just about time that they give a little consideration to this. I would very much appreciate Council's support and hear their views on whether they think this is an unreasonable request or not.

MOTION
NO. 19

Mrs. Gordon: Mr. Speaker, in seconding the Motion of the Honourable Member from Dawson, I wholly concur with his remarks. I wish I had been here to support him for the past ten years and I hope if we are both here in the future we will eventually see our dreams become realities. The improvements on the Mayo airport have been requested for years as they have been in Dawson and Old Crow. During the past summer there was an improvement on a D.O.T. building in which there is no waiting room for the general public, and my understanding is that the building that has been used as a waiting room is to be removed. What people are going to do on that airstrip when it's forty below, I don't know. I would remind Council members that during the exploration program of the Crest Iron Ore in the northern part of my constituency there was a 5,000 foot lighted runway. This is something we don't have in any of the communities north of Whitehorse. There was an accident at their operation in which a man's life was very much in danger and through the D.O.T. radio facilities arrangements were made to bring this man after dark at 4:00 P.M. on a December afternoon where the cars in the town were taken out to light the runway so that the pilot could land. It was only through the goodness of people in the area it was possible. It might have been too late to bring him to Whitehorse. In 1947 the bench above the Mayo river was surveyed. Some eight years ago a private contractor was asked what he would charge to put it in the same condition as what the runway in Mayo is, with a five thousand foot strip; his estimation was \$50,000.00. At the same time the Federal Government had been asked for the costs and their estimation was \$250,000.00. When we look at the map of the Yukon Territory, the whole development has to go north because this is the largest part and the richest part of the Yukon. There is utterly no reason why there should not be at least more airstrips there now which could be expanded and I hope, in the development of this Territory, and in northern airstrips, that we see some concrete indication of improvements in the very near future.

MOTION
NO. 19.

Mr. Taylor: Well, Mr. Speaker, I don't necessarily agree that we are speaking of the largest and richest part of the Yukon but I certainly agree with the other comments that the Honourable Members made - potentially possible, I don't know. I think that - I've been on Council eight years now and I think that every year Councillor Shaw has presented this proposal and Councillor Gordon's predecessors as well. Always Council have given their full, wholehearted support to the Motion but for some strange reason nothing happens. I don't know whether this winds up in the Deputy's waste-paper basket or where it goes but to date no action. Now, it's interesting to note that private enterprise at this point and time are just crying to get up into that area. Private enterprise, in the fields of mining and oil exploration also are interested in that area. Aviation companies are interested in that area. Indeed one aviation company is wanting to put an F27 service, turbo prop service into Mayo, Dawson and Old Crow. They can't do it because there is insufficient runway space; approaches have to be cleared, work has to be done. And this is not a multi-million dollar proposition. This work can be done at a much reduced cost. I know in the case of Old Crow that last winter there was some equipment fairly close to Old Crow working in the Arctic which could have gone over there and roughed out a runway. No, this wasn't good enough. I guess we have to wait until the mid-summer and float everything in and go to great expense to get equipment in there so that we can ding the taxpayer for more money. It is an accepted fact that the government, the Federal government seemed to have money for some things and they don't have money for others. They went and invested nine million dollars into Pan Arctic here last year; God knows why when we have places to put taxpayers dollars which I think are more beneficial to the taxpayer than a hole in the ground up in the Arctic islands. This is an area for private enterprise and I think, Mr. Speaker, you will agree; all Members will agree, that as a result of this mass of oil discovery in the State of Alaska that most all of the northern Yukon and a great deal of the northern Northwest Territories or adjacent Northwest Territories are taken up in oil permits. I don't know why the Department of Northern Affairs has to go into spending nine million dollars on Pan Arctic, with a commitment to spend more later on and when private enterprise has this capital available. I don't know why they don't take that nine million dollars and build useable, sensible and visible projects such as these three runways as proposed by the Honourable Members. I think that it's interesting to note that not only have they spent this nine million dollars, they have spent multi hundreds of millions of dollars building up areas in the north such as Cambridge Bay, such as Inuvik, and I understand by a very recent press release that they are now proposing on spending more money in the form of a multi-million dollar project at Frobisher Bay. What this is for I haven't the foggiest notion but this is our Northern Affairs. The emphasis seems to be over there; I don't know why it isn't over here where we have Eagle Plain and Peel Plateau, where we have these oil people spending hundreds and hundreds of thousands and indeed millions of dollars, and have been spending this money for many, many years, and where all the revenues from same accrue to the Federal government; none of which accrues to the Territorial Government. Now it seems to me in exchange for the monies they have been receiving and the monies they will receive based on oil production in that northern area and in light of the great interest now shown as a result

MOTION
NO. 19

Mr. Taylor continues..
of the Alaskan program you'd think that the Federal govern-
ment, the Administration in Ottawa; I believe this is at
the Civil Service level, you'd believe that these people
would say "well, we'll pour a little back into that
country. That country has been pretty good to us". Well,
I hope they do Mr. Speaker. I can only say that I support
the Motion, I feel it is sound as I have always felt and
I know if we are ever to develop the northern part of the
Territory these airstrips will have to be - we've reached
the stage in the Yukon where the float plane slowly but
surely is being replaced by wheeled and more sophisticated
types of wheeled aircraft. And if we are ever to develop
that large area lying north of Dawson and Mayo, we are going
to have to have first the airport facilities at Dawson and Mayo
to receive the traffic and we are going to have to have that
airport at Old Crow to receive that traffic. I therefore
wholeheartedly support that Motion.

Mr. Speaker: Any further discussion on Motion 19. Question
has been called, are we agreed? I will declare the Motion
carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Before I proceed with Motion No. 20 may I
enquire from Mr. Clerk if he knows whether the Commissioner
will be available for the question period? Motion No. 20,
moved by the Honourable Member for Mayo, seconded by the
Honourable Member for Whitehorse West that Sessional Paper
No. 57 be discussed in Committee. Would the Honourable
Member for Mayo be prepared to discuss Motion No. 20 at this
time? Question has been called? Are we agreed? I will
declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

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

RECESS

Mr. Commissioner enters the Council Chambers.

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

Mr. Chamberlist: Mr. Speaker, this is a written question
with a short preamble. Now that it has been indicated that
the Commissioner has not yet approved spending of municipal
funds to purchase certain artifacts, question; what further
consideration has been given by the Administration to purchas-
ing available Yukon historical artifacts by the Territorial
Government to help maintain for posterity Yukon history.
.....written question.

QUESTION
NO. 35
ARTIFACTS

Mr. Speaker: Written question, yes. Are there any further
questions?

Mr. Taylor: Mr. Speaker, in light of a news report in News
of the North from Yellowknife dated November 21st, where it
is stated that discussions between Commissioner Stuart
Hodgson and C.B.C. President George Davidson are expected to
lead to the establishment of a Task Force to study communica-
tions in the North, could Mr. Commissioner advise me if he
has been made aware of these conversations, or these discussions
and could Mr. Commissioner report as to whether or not indeed

Mr. Taylor continues....
such Task Force will be implemented?

Mr. Commissioner: Mr. Speaker, that is the first I ever heard of it.

Mr. Chamberlist: Mr. Speaker, a supplementary question, can Mr. Commissioner say whether there is co-operation between the Commissioner of the Northwest Territories and the Commissioner of the Yukon Territory with reference to this particular matter.

Mr. Speaker: Order, I will have to rule that question out of Order. Are there any further questions?

RE QUESTION Mr. McKinnon: Mr. Chairman, I asked on November 25th
NO 27 AND Question No. 27 asking in reference to the Minister of Public
SESSIONAL Works' statement where he stated that forty-one miles of the
PAPER NO. Alaska Highway would be black-topped next year; I asked for
60 the details of this program and in Sessional Paper No. 60
I got a reply that some of this black-top would be in the
Whitehorse area. Would it be possible for the Administration
to give the actual forty-one miles of black top that are to
take place next year.

Mr. Commissioner: Mr. Speaker, this is an absolute impossibility until the Federal Estimates have passed the House of Commons. I'm sorry that we cannot supply any more details than what we are able to at this time. Whether the House is in Session or whether it is not, as soon as this detail is available to us, Mr. Speaker, I will give my personal assurance that it will be made available directly to Council.

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

QUESTION Mr. Taylor: Mr. Speaker, I have two written questions this
NO. 36 morning. My first question would be: Have power rates in
POWER RATES the settlement of Upper Liard been reduced in this calendar
REDUCTION year? And two; if so what are the comparable rates; and
UPPER three, if not please explain why not? The second question
LIARD would be: Would the Administration advise Council as to
what progress has or is being made in relation to the pro-

QUESTION vision of a liquor store and Territorial Agent in the
NO. 37, Community of Teslin?

LIQUOR STORE

TESLIN & Mr. Speaker: Are there any further questions?
AGENT

QUESTION Mr. Taylor: One final question which is the daily question.
RE OTTAWA Has the Commissioner any information on the Conference to be
CONFERENCE held in Ottawa on December 16th?

Mr. Commissioner: Mr. Speaker, my total knowledge is what I read in the newspaper and hear on the radio and I have committed myself prior to this, Mr. Speaker, that as soon as this information is available it will be made known to the House.

Mr. Chamberlist: Mr. Speaker, supplementary question. I wonder if Mr. Commissioner would be able to send a telex off this morning to ask for the information that has been requested by a member of this Council.

Mr. Commissioner: Well, Mr. Speaker, with respect, we have

Mr. Commissioner continues....
already requested this information by telex and there has also been a telephone call on this particular subject which went through to the Minister's office and I think, with respect Mr. Chairman, as soon as the information that is required comes forth to the Departmental office in Ottawa from the Prime Minister's office it will be forwarded to us.

Mr. McKinnon: Mr. Speaker, I wonder if I could ask the Honourable Member from Whitehorse East whether he would have anything to report to this House on attendance from amongst the elected representatives at this forthcoming constitutional Conference?

QUESTION
RE CONSTI-
TUTIONAL
CONFERENCE
IN
OTTAWA

Mr. Chamberlist: Mr. Speaker, all I know at present is the information that the Commissioner has brought forward to the Table. That is the information that can be disclosed to Council.

Mr. Speaker: Any further questions? If not may we proceed to Public Bills and Orders. I await your pleasure.

Mr. Shaw: Mr. Speaker, is this Public Bills and Orders?

Moved by Councillor Dumas, seconded by Councillor Gordon that first reading be given to Bill No. 19, an Ordinance to Amend the Taxation Ordinance.

FIRST
READING
BILL NO.19

MOTION CARRIED

MOTION
CARRIED

Moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member for Mayo, that second reading be given to Bill No. 19, an Ordinance to Amend the Taxation Ordinance.

SECOND
READING
BILL NO.19

Mr. Taylor: In speaking on the principle of the Bill, Mr. Speaker, the reason this Bill has been reserved of course is because we wanted first to get a report on the revenue position of the Territory in order to determine whether or not this Bill was indeed necessary and consequently I find myself in the very difficult position of not knowing whether to accept or reject this and I don't like to abstain. I think an abstention is the sign of a real coward in politics. But I wish to make this known; in this case of course, presented at this time I will agree to it but not necessarily agree to the Third Reading but I will agree to it in order to get it into Council for further discussions.

Mr. Speaker: Is the House prepared for the question? Are we agreed? I declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Moved by the Honourable Member from Dawson, seconded by the Honourable Member from Whitehorse West that First Reading be given to Bill No. 30, An Ordinance to Impose a Tax on Liquor.

FIRST
READING
BILL NO.30

MOTION CARRIED

MOTION
CARRIED

Moved by the Honourable Member from Dawson, seconded by the Honourable Member for Whitehorse West that second reading be given to Bill No. 30, an Ordinance to Impose a Tax on Liquor.

SECOND
READING
BILL NO.30

Mr. Chamberlist: Mr. Speaker, I would speak on the principle of the Bill. I do not think that this is an appropriate

Mr. Chamberlist continues time for this Bill to come forward as the Liquor, the proposed Liquor Ordinance has been held in abeyance and this Bill is in conjunction with the proposed new Liquor Ordinance and taxes that are already on liquor remain the same, unaltered.

Mr. Shaw: In speaking on the Motion, Mr. Speaker, it has been my attitude, and still is, that to give a Bill second reading one can always, of course, object to any principles in the matter and that is a person's right but at the same time I also feel that unless we give it second reading there is no way of getting it into Council to discuss it on its merits and as a result, except perhaps in the extreme odd circumstances, Mr. Speaker, I always feel and I am always prepared and in fact do, move first and second reading of the Bills to get them under discussion to either accept or reject them, as a very harmless exercise but useful insofar as we can discuss it in open Council.

Mr. Dumas: Mr. Speaker, I think it's important to point out that this isn't going to affect the taxes on liquor tax; it's merely a housekeeping Bill in order to facilitate procedure covering the accounting for the surcharges.

Mr. Taylor: Well, Mr. Speaker, I make the same reservations I made with the former Bill. However, I feel that now that we have deferred the proposed Liquor Bill for further consideration, I don't feel that this Bill is necessary.

Mr. Speaker: Is the House prepared for the question on the Motion? Are we agreed? I will declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure?

FIRST
READING
BILL NO.21
MOTION
CARRIED

Moved by the Honourable Member from Dawson, seconded by the Honourable Member for Whitehorse East that the amendment to Bill No. 21, An Ordinance Respecting Notaries be Now read for the first time.

MOTION CARRIED

SECOND
READING
BILL NO.21
MOTION
CARRIED

Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse East that the amendment to Bill No. 21, An Ordinance Respecting Notaries be given second reading.

MOTION CARRIED

Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse East that third reading be given to Bill No. 21, An Ordinance respecting Notaries.

Mr. Taylor: Mr. Speaker, I just wished earlier to note that by reason of a pecuniary position being a Notary, I am not voting on this Bill. I wish to make the point that I am not permitted by law to vote in this Bill.

Mr. McKinnon: Mr. Speaker, are there any other Notaries in the House that should be excusing themselves from voting on this Bill because they also have a pecuniary interest in it?

Mr. Shaw: Mr. Speaker, I do not feel that this is what you would call a pecuniary interest. You would have to go a long ways out, I think, to put something like that into that category. I feel, absolutely, that the highest integrity should be shown by all Members of Council in respect to where their interests may appear on something like this, but the Notary privileges that one has is more of a convenience for the Districts in which they are given than they are of a profitable nature and I feel that I am not personally looking at this, or could conceivably profit by this Bill in any manner, shape or form. It just changes the form on the way it is being enacted at the present time, and that is why I feel that I am not doing anything wrong in agreeing and promoting the passage of this Bill in this House. If I am so advised I would be pleased to withdraw any action, but I cannot see it that way Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, as Commissioner for Oaths I say on oath that I have no pecuniary interests in the matter

Mr. Taylor: Mr. Speaker, I can only reiterate...

Mr. Speaker: Order, the Honourable Member for Watson Lake has already spoken on this Bill for third reading. The Chair would recognize the Honourable Member for Whitehorse West.

Mr. Dumas: Yes, Mr. Speaker, I must abstain, notwithstanding what the Honourable Member for Dawson said, I feel that being a Notary I should not vote on this Bill.

Mr. Speaker: The Chair will be guided by the decision of the House on this question.

Mr. Shaw: May I ask a question? Mr. Speaker, on account of the Member from Whitehorse North, the Member from Mayo can vote on this subject, would that be sufficient for the passage of the Bill?

Mr. Speaker: If there is any problem in relation to this amongst the Members of the House I will defer a decision in this respect and provide the House with a conclusion at a later date.

Mr. Chamberlist: Question, Mr. Speaker. Mr. Speaker, there appears to be still a majority that can vote. I wonder if Mr. Speaker would put the question?

Mr. Speaker: I feel that at the moment there is a doubt in certain Members minds in the House and I would prefer that the Chair be allowed to defer this Question at this point. Are we agreed?

BILL NO. 21
DEFERRED

Mr. Shaw: A further question. Insofar as I am a taxpayer of the Yukon Territory, would this eliminate me from voting on any tax measure that might come up?

Mr. Speaker: I believe that question could more properly be addressed to the Legal Adviser who is, unfortunately, not present in the House at the moment. May I have your further direction?

Mr. Chamberlist: Question of privilege. Why, when the House is in Session, in the House, why Mr. Legal Adviser is not present?

Mr. Speaker: May I have your further direction with respect to Public Bills and Orders?

Mr. Taylor: Mr. Speaker, I think that before we leave the matter under consideration, to refer you to Rule No. 6, where no Member is entitled to vote upon any question in which he has direct pecuniary interest and the vote of any Member so interested will be disallowed.

Mr. Shaw: Mr. Speaker, in view of the shellacking that Bill No. 21 has just received and No. 22; that will be in the same category I presume?

Mr. Speaker: I believe that I have already inferred that a decision at a later date to cover these questions will be brought to your attention. May I have your further direction with regard to Public Bills and Orders.

Mr. Shaw: Mr. Speaker, I would move that...

BILLS NOS. 21, 22, 23 DEFERRED Mr. Chamberlist: Mr. Speaker, with respect, if Mr. Speaker has ruled that he will reserve his decision on Bill No. 21, I would suggest that Bill No. 22 and Bill No. 25 also refer to Notary Publics and will have to be dealt with in like manner.

Mr. Speaker: May I have your further direction with regard to Public Bills and Orders, gentlemen?

Mr. Shaw: In view of your ruling on Bill No. 21, it is not to process Bill No. 22 and 25; in view of this I would suggest we proceed with other business.

Mr. Speaker: That is exactly what I have been asking for; for the last five minutes.

Mr. Shaw: Thank you Mr. Speaker, I would take pleasure in moving 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 will second that Motion.

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 and the Honourable Member for Watson Lake will take the Chair in Committee.

COMMITTEE OF THE WHOLE

Mr. Chairman: At this time I'll declare a brief recess.

Mr. Chairman: At this time I will call Committee back to order. The first item of consideration is Sessional Paper #57, Liquor Control Board. SESSIONAL
PAPER #57

Mrs. Gordon: When I put the question in relation to this Sessional Paper, I felt that the information that we received.....

Mr. Dumas: Mr. Chairman, a point of order. Would it be possible to have either the Commissioner or the Legal Adviser here?

Mr. Chairman: The Commissioner is on the way.

Mrs. Gordon: When I put the question, questions, I should say, I thought it would be interesting and certainly of vital interest to the tax payers of the Yukon Territory, as to what cost such a Board would be. Also that there would be areas that other Members of Council might like to discuss on this particular matter.

Mr. Chairman: Is there anything further on this?

Mr. Chamberlist: Yes, Mr. Chairman, I wonder if the job is going to be available to Members of Council? My word, that's a pity because \$25,000 a year for the Chairman of the Board. I wonder, Mr. Chairman, if Mr. Commissioner can give some explanation as to this...the reason for why a Chairman of the Board would be receiving a salary of \$25,000 a year which may be almost as high if not higher than the Commissioner of the Yukon Territory?

Mr. Commissioner: Well Mr. Chairman, I certainly hope you wouldn't use the pay the Commissioner of the Yukon Territory gets as this criterion which everybody else is judged they may think the Chairman of the Liquor Control Board has some work to do. Mr. Chairman, you have asked us to answer what conceivably might be the cost of operating a Liquor Control Board. We have taken what we consider to be the very outside, highest, topmost, figures that conceivably that we can see that it would cost and have this presented for Council. I have read into the question something maybe I shouldn't have but I felt that Council wanted to know what would be the uppermost limit that this Board could conceivably cost and this is the basis of which we have answered the question. Any matter of a payment of any of these things is subject to an appropriation of Council and at that particular point in time Council would have their control on what was actually paid to the positions and the emoluments for such things as expenses, per diem rates etc.

Mr. McKinnon: Mr. Chairman, do I take it from the answer to this question that the Government would be willing to go as high as \$25,000 a year for Chairman of the Liquor Board?

Mr. Commissioner: Mr. Chairman, I think the question is a correct question but I think it has been put in the wrong context if I may be permitted to say that, It is not maybe a question as to what the Government considers that we are prepared to go to the price to which we might have to go to get the calibre of a person that, Council and the Administration if they do go to a Liquor Control Board would deem to be the proper and qualified person to hold that position.

Mr. Chamberlist: To question two: what is the number of additional persons required to establish a complete operation of the Board, the answer is none. What is meant by that answer, that there will be no other people required to establish a complete operation of a Board?

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Mr. Commissioner: Mr. Chairman, the administrative back-up for such a Board already exists, in other words, I think the question is, are there going to be further supplementary employees needed and the answer is no.

Mr. Chairman: Is there anything on this Sessional Paper?

Mr. Chamberlist: Mr. Chairman, it appears to me that beyond any consideration to my way of thinking that an answer like this should be forthcoming for the simple reason, when the time comes along for a. for somebody to go into any departmental office immediately 8efines it to three people are required to fulfill the job, Mr. Commissioner indicates that I am in error, four people. Well I can't accept from the Administration the answer that when a Liquor Board is constituted that there will be no otherno additional employees requested.

Mr. Chairman: Are there any further comments on Sessional Paper No. 57?

Mr. Livesey: I wonder, Mr. Chairman, if we could ask if then is not then tantamount to setting up a new department in the Administration?

Mr. Commissioner: Mr. Chairman, the answer is no.

Mr. Chamberlist: Perhaps Mr. Chairman, we should that this until the proposed Liquor Ordinance comes before us again. We can tear it to pieces then.

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PAPER #58

Mr. Chairman: Is it agreed that we proceed? The next Sessional Paper is No. 58,

Mr. Dumas: Mr. Chairman, I would like to make my position very clear on this at the outset. I'm interested in a policy being established regarding Government employees running for elective office. The individuals that are presently involved or may be involved in the municipal election,..I feel are....I know them personally and they are very fine people who could contribute an awful lot and have, indeed, contributed to the community. What I am concerned with is a possible conflict of interest which may arise or could arise if a person at a certain level in Territorial Administration were to run for elective office in a municipality, a local improvement district or a village in the Yukon. Where the policy of the Territorial Government in that area on any given item or subject is contrary to the policy as expressed by the village, municipal or local improvement council, a conflict is going to arise. Now what would the person in this situation do? We would expect that as an elected representative he would act primarily on behalf of the people who elected him but what kind of a position might this put him in, in his job, in his position as part of the Administration? This is a question that must be answered and I very honestly am asking this question of Committee. It appears to me on first look that there should be a policy established whereby individuals at a certain level in the Administration not be allowed to run for elective office. Now it may be, that I am wrong in thinking this way, I'M sure that if I am Committee will point out why and how. It may be that I am right, at any rate, this paper says that there has not been a policy established. We have to have a policy established. The type of conflict of interest that might arise, I use the example that I used before, what if a plebecite is to be held on extending the city boundaries of Whitehorse to take in the Hillcrest area. These are assumptions, what if during the course of this discussion, generally speaking, and found out that Administration

is in favour of this take-over. Now I remind Committee again, that these are suppositions. Now the individual who is on City Council may be acting in conjunction with a body that may take the other stand, that is in fact, the opposing of the extension of the boundaries. So here we have a problem. Now he can abstain in the vote in Council, in any votes having to do with this but he is expected to give some guidance to the people that he represents on this matter. And, indeed, what in fact, if all the City Council were Territorial employees. All of these questions, I feel must be answered and they must be answered satisfactorily and they must be answered now. The election is nearly upon us, the municipal election in Whitehorse. The other question arises of privileged information certain individuals in the Administration have access to privileged information on developments that will be taking place within the next six months or twelve months. Now while I don't suggest that any of the individuals involved at this time might use that information it's certainly possible that it could be used, here again, I'll use a hypothetical example, a campaign could be run on the basis on an individual saying, if I am elected I shall improve the sewer system in Whitehorse or fix up the old cemetery. It could be possible that this person might know full well that in the estimates are included amounts for this type of thing and know that, in fact, it would be done within the next twelve months. These are possibilities, one more problem area that could arise is between the Territorial Council who may on any item take a stand on an item that concerns the city, for instance we have one before us now, the Expropriation Ordinance. What if the Territorial Council should decide that if the Territory wants to expropriate within the City it can go ahead without the okay of City Council. We would possibly expect that City Council is going to say they are stepping on our feet or stepping into our area of legislation. What would the individual, who works for the Territorial Government and who is an alderman on City Council say in a situation like this? Would he then criticize Territorial Council for his actions? And criticize the Administration for its actions? All of these problems could arise, so we must set the policy and we must set it now.

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Well Mr. Chairman, I appreciate the remarks as proposed by the Honourable Member from Whitehorse West. However I don't see the problem in the same light as the Honourable Member does. In the first instance we find under Section 28, of the Public Service Ordinance, under Subsection 1, that no unit head, and accept as authorized under this Section, no employee shall, (a) engage or work for on behalf of or against a candidate for election as Member for the House of Commons, a Member of the Legislature of a Province or a Member of the Council of the Yukon Territory or the Northwest Territories or engage in work for or on behalf of or against a political party. Now this doesn't involve itself around local improvement districts, it doesn't involve itself around municipalities or villages, merely the Federal Parliament which is the House of Commons or this Council, or the Northwest's Territories' Council. I don't believe, involved in the municipal election that politics is a partisan politics as a consideration so I see no problem here. I refer to the regulations impending this particular piece of legislation and I see nothing in there other than a House of Commons, a Provincial Legislature or the Council of the Yukon Territory or Northwest Territories which would prevent employees of the Territorial Government from running for office. Certainly it doesn't mention municipalities but if it did there's still

provision for the person to run with those regulations. I then perused and I find that anyone that has resided within the municipality for not less than six months immediately prior to the date of election can run and....oh, I see no problem here so, indeed, I can't see where this is illegal in any form. Now if it is suggested that any change to the Ordinance be made, I don't know that I'd really go along with any such suggestions, as suggested by the Honourable Member. I think that this is a decision that the electorate should take. Whether or not they want a person who is a resident in the municipality and yet who is in the employ of the Territorial Government to be on their Municipal Council or whether it isn't. This is their prerogative. That I think is the prerogative of the people of the municipality involved. Now it has been suggested that some levels of government some people may have privileged information. This is quite correct, indeed Members of this Territorial Legislative Council have privileged information and possibly when they go for election they might say, well I promise that if I am elected that certain things will be done, certainly you have the edge over the other opponent but I think that in that respect that if you wish to use that information. It's what they call "dirty pool", I agree and sometimes people who play in that respect gets their fingers rapped sometimes they break laws, things happen. However, I see no problem in respect of this privileged information. It has been suggested that the person might get up and say well if I'm elected I'll fight very hard to get us a sewer system or get a cemetery. It is entirely possible that what the municipality needs is a candidate who will do this. I don't know, there's nothing wrong with this, not that I can see and as far as I'm concerned I'd feel that everybody excluding three members of the Administration should be entitled to run for public office if they so choose, The three exclusions I would make would be the Commissioner and his two executive assistants. For the rest of this Administration, I feel that if they want to run and if the people want them to become a member of their municipality let them go. And that is quite my position in the affair and I leave that for your consideration, Mr. Chairman.

Mr. Dumas: Yes, Mr. Chairman, I think that some of the points that the Honourable Member has made are well taken but I think that some of them don't hold water too well. The Municipal Ordinance, for instance is something that.....every Ordinance that he's referred to doesn't say that people can't run, it doesn't say they can either, mind you. You see there is no policy set down, this is the whole point. It says in this Sessional Paper if the Honourable Member will read it, nor has a policy been established. This is what I would like to see established, a policy so that we know for future reference. Furthermore it's our responsibility to make sure that an employee of our government does not use privileged information. That's one of the things we're elected here for. Our responsibility is to all the people of the Yukon so that directly involves us. This is where we must put the stoppers on. The people of the City, if privileged information is used to their advantage, are to be expected to go along with it, quite likely, Territorial privileged information that is. The very arguments that the Honourable Member uses are the very reason why we have to discuss this now and thrash it out so that in the future we will know whether this Council and whether this Administration wants to be put into the position where some future date somebody could take advantage of their position in Territorial Government, to put them in an elected position at a municipal village or local improvement district level.

Mr. Taylor: Mr. Chairman, in reply the Honourable Member doesn't feel that there's a policy in relation to this and I think that there is. I was in these Council Chambers in the year 1967 during it's first Session and was one of the people who dealt with the Public Service Ordinance and it was decided at that time that municipalities do not be included and that people in the public service could, indeed, run for public office otherwise it would be spelled out in the Ordinance that they couldn't. To pre-suppose what a person is going to do with privileged information is pretty rough sort of a proposition. It's like trying to suppose that the moon is going to grow green spots, I don't know, who does. It's up to the individual themselves and I suppose that everybody in some walk of life or another enjoys some privileged information, I don't think this is really any criterion if a person misuses information under oath, which he is under oath to protect, then he is penalized for doing so. We have laws that provide for this and I really don't see the problem here whatsoever.

Mr. Dumas: Mr. Chairman, just one point that I want to make. I can only go on the answer that was given in this Paper. The Honourable Member says there's a policy established, the Commissioner says there is no policy established. Obviously somebody is wrong.

Mr. Shaw: Well Mr. Chairman, we do have a somewhat delicate subject here in view of the remarks of the Honourable Member from Whitehorse West and there's a lot of merit in what he has to say. There's also a lot of merit in what the Honourable Member from Watson Lake has to say. This problem, if it be a problem, is centered around the municipalities in the City of Whitehorse, it doesn't seem to be any other areas in the Territory that has ever given us any problems so I'm no aware from a close contact if it is a problem. The Public Service Ordinance gives the right to these people to run for these and various and sundry offices. I think that they can make quite a contribution to the management of the City to public service they would be giving in that particular respect. Where you would start and where you would stop, that is the question I would hesitate to answer at this time. I do feel, Mr. Chairman, that these people can make a substantial contribution and whether one can say, well it would be.....that anyone below the position of whatever it may be, may be permitted to run on account ofif it seems to be the problem of confidential information that they have on hand which they may not state, they may keep that strictly to themselves but it will give them the opportunities to make decisions or formulate certain ideas that may conflict with the Territorial Government's policy and the City's policy because there are many times that the municipalities in the Territorial Administration do not see eye to eye, which is a quite natural function. There's merit in that but the point is, Mr. Chairman, I wouldn't know where you'd start and where you'd finish on something like this. You may exclude the Heads of Departments, you may exclude the Senior Officials of the Heads of Departments I mean where to stop and where do you start. That is the question. Of course there may be another question and that is, if you do exclude these people what good are you doing or what harm are you doing? It's a question that I would hesitate to come out with a blanket opinion on it. It would appear to me though that to evolve something sensible such as relation such as, if in fact it is creating problems would be to ask the Commissioner and his Senior people to get together with the Heads of the Public Service Association, whatever they call, that, and to discuss the matter with an open mind and say well what do you think about this and what do you think about that. We must,

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remember, Mr. Chairman, that through our agreement with these public employees that we have made solemn agreements saying that you can do this and you can do that and you can't do that and you can't do this. Well I don't think that, unilaterally, we can say, well boys, we're going to cut out this thing. I think that if it would have any adverse effect on the government or the municipality it seems reasonable that it might conflict, then I would say then that the Administration would meet with the employees Association and discuss the matter with an open mind and see what they thought about it. I think that a great deal of information coming from such a meeting and then the Administration can, at a later date, well they can either make regulations which appears to me the Commissioner has power of or an Ordinance can be made accordingly. I think that would be the most sensible way of working it out, in my opinion Mr. Chairman.

Mr. Livesey: Mr. Chairman, I think that the point that the Honourable Member for Whitehorse West is making is that the stipulation with which he refers and the conditions to which he refers are all encompassed in the relationship between employees of government and elected members of government in the two senior governments we have in Canada such as the Federal Government in Canada, and it's relation to Members of Parliament and in the Provinces and also as far as this Council is concerned. No Member of this Council can become a Member of Parliament and no Member of Parliament can be a Member of the Territorial Council Neither can a civil servant of the Government of Canada become a Member of Parliament at one in the same time, unless according to the amendment to the Public Service Statute he has received a leave of absence from either the Minister of the Government in the area in which he was employed. So that we have this principle covering both other senior governments in relationship to the employee of that government and the elected Members of the government and both Houses. We don't seem to have it in the...at the municipal level and I think this is question to which the Administration refers, when it states there is no stated policy, in other words it's a , it's mute at the moment in this particular area. I personally wouldn't want to be in the position ofas an employee of Territorial Government sitting as a Member of the Municipal Council, perhaps some people would. For instance, the position of attempting to discuss a question on the floor as a representative of the people knowing full well the position of the organization to which one may be dedicated as an employee, I think would put the person in a very peculiar position, not an enviable position, I would say. Personally I think in where people are elected to office it is far better if they are in a free open state whereby they are not necessarily influenced either in law or by prejudice of by allegiance of any type to their employer or any type of financial influence either in the Territory, Province or in the whole of Canada. It seems to me that they would be in a far better position, far more free to make an open decision if the question of their relationship of any governing body was not there. This is of course aa question at the moment that an individual would have to make for himself, however, I can certainly see the problems that can arise. I can also see the benefits. I can see where a person with knowledge can supply it to an elected body under such circumstances otherwise they would not be able to supply. But then that individual could also be taking upon himself problems that he would be much better without because the question of allegiance would certainly arise and I think, personally, that a person elected by the people, the people have a right to expect that a person will elect to do those things in their favour as their representative and not as a representative of any other group, no matter what that group may be.

This is the question. I think this is the question that has been raised by the Honourable Member from Whitehorse West, shall we set a policy on the same basis as the two senior governments in relation to their elected Members or do we leave it the way it is. This is my understanding of the question.

Mr. Shaw: Mr. Chairman, as the Honourable Member from Carmacks-Kluane has certainly brought up some very good points. There was one statement though that he made or perhaps intimated that I didn't think was so and I would like to ask the Legal Adviser and that was the matter of having to ask permission of the Head of the Department or the Minister in running for office. It was my assumption that they had a right or being granted this rather than have make a request of any person. Could the Legal Adviser clarify that, Mr. Chairman?

Mr. Legal Adviser: Mr. Chairman, it would appear to me that in the case of politics, pure politics that is where leave of absence is sought or where a Territorial election or a Parliamentary election, that the employee concerned has virtually a right, whether or not it's not stated because it's an exceptionally good reason would have to be given to the contrary. Other people having dropped this, precedence have been created.

Mr. Taylor resumes the Chair.

Mr. Livesey: Mr. Chairman, I believe that the Public Service Statute has been within the twelve months or more has been amended in the House of Commons to allow Civil Servants to enjoy certain aspects of political endeavour but only on the basis that they are not at that time still employed by the government.

Mr. Chamberlist: Mr. Chairman, I cannot at any time condone at what I consider hypocritical thinking and hypocritical statements. I cannot visualize where the Honourable Member from Whitehorse West or I cannot visualize why the Honourable Member from Whitehorse West did not, a year ago or so, when there was a vacancy on City Council and a former defeated elected alderman was appointed to that City Council, and I don't recall the Honourable Member standing up and objecting because this person was a Territorial Government employee nor did I recall that before he was defeated that an objection was raised by him to the effect that sitting on City Council in City of Whitehorse, was a Territorial Government employee. Now I am opposed to any idea of removing from public servants, citizens rights. As far as I am concerned the public service of the Yukon Territory or the public service of the Federal Government or indeed the public service of any municipality should not be treated as a group of second class citizens. I have been told in this Council Chamber that I should not interfere with the affairs of municipalities and I have been told that by the Honourable Member from Whitehorse West. Now I cannot again, visualize why this particular subject should be brought forward. Now, the Honourable Member from Whitehorse West specifically referred to people who worked for the Territorial Administration having knowledge of various matters and being in the position of being elected to local improvement areas and the like. There is a person employed in the Treasury Branch of the Territorial Administration who is head of the Citizens Association in Porter Creek who has continually used his position as such towards obtaining village status for Porter Creek with the encouragement of the Territorial Administration. Now I have yet to hear the Member from Whitehorse West stand up and say that he is opposed to this taking place.....

Mr. McKinnon: Mr. Chairman, could I rise on a point of order at this time? Mr. Chairman, as representative for the area of Whitehorse North, I believe this is an area in which I should be

allowed to feel that if there is any difficulties at this moment being involved and a senior member of the Administrative staff of the Territorial Government interfering with my rights and prerogatives as a Territorial elected Member than these complaints should come from me and not from the Honourable Member from Whitehorse East, Mr. Chairman.

Mr. Chamberlist: Well, Mr. Chairman, replying to Councillor McKinnon I would say this. That I, when I represent and I've said this before, when I am in this Council chambers I speak on subject matters that have been brought forward that effect the whole of the Yukon Territory. I am only bringing that particular area forward to show that the Honourable Member from Whitehorse West did not raise objection prior to this. I say that it is an interference, truly, with local government something that he has objected to in the past of other Members in this Chamber, yet I find no reason whatever why a person who is employed by the Territorial Administration, who is a tax payer within a municipality cannot participate in the life, the political life and the community life of a municipality. To me it is completely in error that the subject should have been brought forward. All I can say, in my opinion, that the person to whom it was intended has been assured a seat on City Council because of it and I would say this further, that when the Honourable Member from Whitehorse West raises this question, not from the understanding that he would like to see this done but because in my opinion it was directed in one direction. I say this for the simple reason that the other people who are in a position to ...who have been elected and have been appointed and sit on a municipality have not been deferred to prior to this subject coming up. The Honourable Member from Watson Lake quitebrought forward those powers within the legislative capacity of this Council where question could be raised. That is Section 28 of the Public Service Ordinance and in so doing he made it quite clear that the objection to political partisanship, incidentally it is something with which I do not agree because even the Federal Government has recognized that Councillor Livesey has pointed out, recognized the need for expanding the political opportunities of all citizens of Canada not just those who are in the unfortunate position of time of being public servants. Mr. Chairman, the Honourable Member from Whitehorse West surely must recognize the very privilege that he would like to extend to all people in the Territory must be extended to those people that are employed by the Territorial Administration. Certainly if there is a matter that it may come into conflict where he would have knowledge of the particular subject and he felt that he could not use it, he would do exactly the same as what the Honourable Member from Whitehorse West has found reason to do. He would stand up and state his point and say I cannot act in this particular manner because I have a pecuniary interest. I see nothing wrong with that. But Mr. Chairman, not to belabour my point too far, I would say this, that this Committee should not in any way offer criticism to any person that wishes to participate in the political and community life in the Yukon Territory. I would say that, perhaps, Mr. Chairman, the Honourable Member from Whitehorse West is a little right in bringing forward that the matter of the Sessional Paper has not been properly answered, I agree the Sessional Paper should have been given a little more thought before it was answered in the manner that it has because there is without doubt the policy which is in the Public Service Ordinance which is already laid out and I would suggest that Section 34 of the Public Service Ordinance which has been referred to which states the Commissioner may make regulations.....regulating the holding of offices or positions outside the public service by persons employed in the Public Service that is not applicable to the position of running in a municipality. I would ask that Members of this Committee do not in any way hinder those people who wish to participate toward the growth of the Yukon Territory.

Mr. Dumas: I'd like to speak right now, I'll be very brief. Prior to the last speaker the discussion was on a fairly high level. Immediately suggestions of hypocrisy and ulterior motives were brought in and a personal attack was made. I came to this Council and if the Honourable Member had listened he would have understood, I was asking for advice on a question that I didn't feel was answered properly. I was asking him for advice along with rest of the Committee. I wasn't asking for a personal attack. He suggests that I'm aiming this problem at an individual. The individual that he suggests I'm aiming it at, happens to be a friend of mine and we've discussed this problem before I came into Council. I am looking for a policy to be set down by this Committee and it's this Committee and this Council's responsibility to lay that policy down. On what the people who work for us are going to do it is our responsibility otherwise we're shirking it. I would like to hear, Mr. Chairman, at 2:00 o'clock when we come back, Mr. Chairman, the Administrations' comments on this matter if they would be willing to give them.

Mr. Chairman: At this time I will declare Committee in recess until 2:00 o'clock .

RECESS

Mr. Chairman: At this time I will call Committee back to order. I believe Councillor Dumas, prior to noon recess, had asked a question of the Administration.

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PAPER
NO. 58

Mr. Dumas: I wonder if Mr. Commissioner would make a comment on this matter?

Mr. Commissioner: Mr. Chairman, apparently the comment that I made in submitting this answer that you asked for has come under a certain amount of fire. I don't know whether I am called upon to qualify the statement, expand on it, defend it, or I don't know which. However, I think while there is a certain cause for concern when it comes to the term conflict of interest, I think you have to be prepared to define really what we are talking about here. At the time when the present Public Service Ordinance was given effect to there was a very clear indication on the part of Council when in passing this Ordinance in laying down very clearly what I consider to be the policy line. Now you may say that municipal type governments were not mentioned, and on this I will agree they are not mentioned in the Ordinance, but I think through an Ordinance Council speaks very clearly, and the message that I got was that Council felt there should be no inhibitions within reason placed upon public servants in participating in governmental activity in the form of elected office. Now we say to you in this paper that there is no laid down and defined policy, now this is correct insofar as the statement is concerned and I am prepared to stand behind that statement, but it must be very clear to Council that the Administration has not put any road blocks I am aware of in the way of any people who are in the public service in the Territory offering themselves for civic office. Now when I say, civic office, I am referring to municipal type government in the Territory no matter what name they may peculiarly come under. Now when I think a person is in the public service of the Territory and he wishes to offer himself for civic office I don't think it is good policy to discourage that person from offering themselves for this civic office. Now you get down to this point of conflict of interest and I would like to suggest to you, Mr. Chairman, the general quality of the person who will offer himself for civic office, in most instances, is the quality of a person who was not about to expose himself to criticism from his employer, or criticism from the electors for not having had prudence or exercised to prudent judgment in matters where there is potential conflict of interest. Now you have to trust the good judgment of the people to this extent, and I say this to you, that in a community such as Whitehorse where a large portion of the population by the very nature of the community are people who are in the public service of the Territory, and I would include school teachers, in this particular category for purposes of the discussion. I think it would be a very unwise situation to try to lay down rules that would apply, we'll say, to a level of person. I would like to use the, maybe the ridiculous, example here if I may, Mr. Chairman. Supposing the Territorial Treasurer, who has day to day administrative duties that concern municipalities came to me and said he was considering running for civic office, the first thing I would do would be to tell him to see a psychiatrist, and secondly I would tell him, to come and see me afterwards, this is the ridiculous situation. On the other hand you come to the point where a person who at a fairly low level in a particularly sensitive department, would for reasons of the person's own desires to run for civic office, potentially they could be far less liable to use prudence judgment than what possibly the more senior person in that department and who, basically speaking, could possibly inadvertently put to use

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NO. 58

Mr. Commissioner continues:
information which would totally embarrass the Government of the Territory, and in the Government of the Territory I include the legislature because you were just as much part of the government as what the Administration is. I don't think I would care to say any more on the subject, Mr. Chairman, if there is any specific question that Council would care to ask of me, I would do my very best to answer this specific question.

QUESTION
RE ERROR
IN JUDG-
MENT OF
INDIVIDUAL

Mr. Dumas: Mr. Chairman, for my part, I think what the Commissioner has said has clarified the matter to a great extent, and I certainly accept what he has said in good face in the place that it's given. I believe the Commissioner is able to, and will, decide each case on its merit in each individual that comes up looking to run for the type of office that we've been talking about. I would expect that if, I'll ask a question here, an error in judgment were made, inadvertently or otherwise, would the Commissioner take it upon himself, or would his Administration take it upon themselves to try and correct the situation, shall we say?

Mr. Commissioner: Mr. Chairman, I think the particular situation would have to be defined at the time, as to whether this was an inadvertent error, or whether it was a planned situation. But in the Public Service Ordinance it is very very clear there is no misunderstanding as to who has the direction and the responsibility of the public service, the Commissioner has, and I have got to accept that responsibility or else get out of the seat, whatever I want I have my choice.

Mr. Chamberlist: Mr. Chairman, before lunch I spoke quite strongly on my feelings on this particular matter, it's unfortunate that the Honourable Member from Whitehorse West felt that I was making a personal attack upon him, but I'm sure I wasn't aware that his sensitivity to criticism was such that he felt there was a personal attack intended, however, it wasn't intended, and I am sure the Honourable Member will accept what I say is right. During lunch time I took the trouble of doing a little research from the legal aspect on a similar situation. In 1957 at Lac La Biche, Alberta, a member was elected to a school board. He's defeated candidates, tried to controvert his election on the basis that he was an employee of the Provincial Government. The Alberta Supreme Court ruled the member of the school board was properly elected and being an employee of the Provincial Government did not interfere with his qualifications to run for district school board, and the person that tried to controvert had to pay the cost of the action in this matter, so I think it's a similar thing here, for the simple reason that a person who is an employee of the Territorial Government is permitted by law in the absence of any statutory provisions objecting to a person running in that particular way. I would also bring to the Honourable Member from Whitehorse West attention that if was based on the thinking there might be a conflict because a person would run for local office. I would wonder what would be the situation, because a person is a parent, and is employed in the Department of Education, could he not serve on the executive of the Parent Teacher's Association, or could he not as an engineer belong to a Professional Engineering Association, because they might be discussing engineering matters during a conference, which may, in effect, have something to do with Territorial Government. The same thing applies in community clubs, would this stop a person from being on the executive of a community club, who may have some access to knowledge about what funds are available towards the construction, etc. of services for community clubs.

Mr. Chamberlist continues:

The same thing applies to the Ratepayer's Association, would it object to a person being on the executive of a ratepayer's association, and in bringing these things forward I would also point out it is quite legitimate for a member of Territorial Council to run for office in Municipal Government. I was a member of the City of Whitehorse an elected member of the Territorial Government at the same time, this has also occurred in other places. There are in a number of areas in Canada people who are members of provincial government, who are also members of municipalities, as a matter of fact, Senator Crow when he was member of parliament for Windsor, was also mayor of Windsor. That's a well known case as well, so really these things depend alot on the individual, there should be no question at all that a person who is an employee of the Territorial Government should be restricted from running from municipal office, and I do appreciate the comments made this afternoon by the Honourable Member for Whitehorse West, because certainly he does recognize now perhaps the concern he has felt isn't so much warranted. Thank you, Mr. Chairman.

SESSIONAL
PAPER
NO. 58

Mr. Chairman: Do you have anything further on this Sessional Paper?

Mr. Livesey: Yes, Mr. Chairman. I think that my guest partner here this morning was attempting to clarify the issue to find out whether there was any necessity for what has been termed, the absence of legislation, or absence of instruction, in this particular field, this is precisely what he was attempting to do. I think he was attempting to do, he was exploring into the question as to whether to step down of government and the responsibility to be government, and the responsibility of holding office and still be able to receive the emoluments of one's employee who happened to be a government, whether we wanted to extend this matter to municipal areas, this is the way I viewed it, as far as we are concerned, the secondary level of government, our own legislation, especially in section 9 subsection (c) of the Election Ordinance of the Territory makes it quite clear that a member of the Territorial Government, or a member of the Federal Government can become a member of Council, providing he wants to work for nothing, if he works without pay. This is, I think, the area in which the Honourable Member was attempting to explore, he wanted to find out whether we wanted to continue this. We know we have it in the Federal Government, we have it in Territorial Government, we have it in Territorial Council and the Parliament of Canada, and ours reads in subsection (3) 'every person accepting or holding any office, commission or employment, permanent or temporary, in the service of the Government of Canada, or the Territory, of the nomination of the Crown, or the nomination of any of the officers of the Government of Canada, or the Territory, to which any salary, fees, wages, allowance, emolument or profit of any kind is attached during the time he is so holding any such office, commission or employment, he cannot become a member of the Council if this is the case'. However, if he holds an office in this building working for the Federal or Territorial Government and he signs over his pay completely, he works for nothing, I think he could be. Now the question is, the exploratory operation this morning, Mr. Chairman, was to find out whether we wanted to continue this down to the municipal level and the understanding is we don't, well that's the end of the question, as far as I see it, but I think this was the exercise this morning.

SESSIONAL
PAPER
NO. 58

Mr. Chairman: Is there anything further on this Sessional Paper?

Mr. Dumas: Mr. Chairman, I'd just like to sum up in view of what's been said by the various Councillors and by the Administration that, in fact, we are going to agree that a member of government when given permission by his employer can run for municipal office, when I say municipal, I also mean village or local improvement district and so forth. This is the case, we know what the policy is now, as far as I am concerned, I am quite well satisfied, I accept the Commissioner's statement and I thank the Committee for their opinions on this subject.

Mr. Chamberlist: Mr. Chairman, I must clarify one point. The Honourable Member from Whitehorse West said, 'if permission is given' I am saying, 'permission is not required' this is the remarks the Honourable Member made and I would ask Mr. Commissioner would clarify that it is not a case of permission being given.

Mr. Commissioner: Mr. Chairman, I'm afraid this is, in fact, the case.

BILL
NO. 17

Mr. Chairman: Will there be anything further on this Sessional Paper? May we proceed to the next item? The next item just before we proceed to Supplementary Estimates is Bill No. 17, you have the amended sheet as per the amendment of yesterday. I wonder if I could have your direction in how you wish to proceed with this?

Mr. Chamberlist: Mr. Chairman, I suggest we read the new sections and proceed as if it's a separate Bill being presented to us.

Mr. Chairman: This amendment has already been carried in Committee.

Mr. Chamberlist: Mr. Chairman, I would Move that Bill No. 17, An Ordinance To Amend The Motor Vehicles Ordinance, pass this Committee as amended.

Mr. Chairman: Do you report it out of Committee as amended?

Mr. Chamberlist: Report it out of Committee as amended.

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

Mr. Chairman: It was moved by Councillor Chamberlist, seconded by Councillor Shaw that Bill No. 17 be reported out of Committee as amended. Are you prepared for the question? Are you agreed? Any contrary?

MOTION
CARRIED

MOTION CARRIED

Mr. Dumas: Mr. Chairman, would you record my abstention on this Motion, please.

Mrs. Gordon: And mine too.

SUPPLEMEN-
TARY ESTIMA-
TES OF BILL
NO. 24
YUKON
COUNCIL

Mr. Chairman: The next item of business will be the long awaited Supplementary Estimates which is Bill No. 24. I'll proceed to the reading of the Bill. (Reads sections 1, 2 and 3 of Bill No. 24). The first item is Yukon Council - \$70.00.

All: Clear.

Mr. Chairman: Is it your wish that the Territorial Treasurer be with us in these discussions?

Mr. Chamberlist: Yes. Mr. Chairman.

SUPPLE-
MENTARY
ESTIMATES

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

RECESS

RECESS

Mr. K. McKenzie, Territorial Treasurer in attendance.

Mr. Chairman: At this time we'll call Committee back to order and we have with us our Territorial Treasurer to assist in the discussions and the first item is your own M in capital is Yukon Council - \$70.00.

Mr. Chamberlist: Mr. Chairman, this \$70.00 is for rental of a stenorette piece of equipment, it was put in as rental because of the policy of renting equipment in preference to \$300.00 which was to be put in for the purchase of equipment.

Mr. Chairman: Clear on this item?

All: Clear.

Mr. Chairman: Do we have anything in Vote 20?

Mr. Chamberlist: Mr. Chairman, I think at this time I should explain to Members of Committee that all equipment proposed in these Supplementary Estimates are based on a rental basis. There will be no further purchase of equipment but just rental.

Mr. Commissioner: Mr. Chairman, with respect, could I qualify that by saying we are basically talking about office equipment and road equipment limited to automobiles.

Mr. Chairman: Clear?

Mr. Livesey: Question. To whom is the rent paid?

Mr. Chamberlist: To whoever the equipment is leased from.

Mr. McKinnon: By contract.

Mr. Livesey: Mr. Chairman, this does not incur then a question of book language where the Territory rents it to itself, or the Federal Government rents it to itself.

Mr. McKinnon: Mr. Chairman, perhaps I could explain this abit further. The Territory found itself in a area where they were very desperately short of capital monies because of the huge projects that the Territorial Government is undertaking at this time. However, in the field of operation and maintenance we didn't find ourselves quite as short as in capital monies, and we felt it would be extremely beneficial for the Territory now to do, as most Provincial Governments, and indeed, as the Federal Government does more and more than what private businesses are. Rather than put out the huge outlays of capital expenditure and tie them up in equipment, such as office equipment, typewriters, adding machines, fleets of cars and pickups, it would be much more advantageous, particularly at this time, when we found ourselves a bit shy of capital money to put these out by public tender ~~or~~ a lease basis, and you'll find through these estimates where this has been applied in the field of office equipment and cars, so that public tenders will be called from different leasing agencies in the Yukon Territory to provide this type of equipment to the Territorial Government on a lease basis.

SUPPLEM-
ENTARY
ESTIMATES
EDUCATION

Mr. Chairman: Are we clear?

All: Clear.

Mr. Chairman: There being nothing in Vote 20 we will proceed to the next Vote, which is Vote 3. Education - \$84,572.00. The first item is Administration - Special Services in the amount of \$3,688.00.

Mr. Dumas: Mr. Chairman, in reference to the negotiations that we've just finished called 63, if it is, what I'm wondering about the four trips to Whitehorse for 4 days at a time.

Mr. Commissioner: Mr. Chairman, these are estimates, this does not indicate actual expenditures and remember that these were prepared well prior to the actual situation which has taken place.

Mr. Dumas: Fine, Thank you.

Mr. Chairman: The next item is 302 - Curriculum Supplies \$5,700.00.

All: Clear.

Mr. Chairman: 303, Schools - Custodial Supplies \$4,623.00.

All: Clear.

Mr. Chairman: 305, Schools - Library Supplies \$16,000.00.

Mr. Livesey: Is this merely the estimate that we feel is required to complete this year, or is the estimate that is required for these particular areas as described as part of the overall necessity for materials and supplies as far as library supplies are concerned?

Mr. Chamberlist: Mr. Chairman, when the appropriations were made for these schools, the new schools, there was no provision made for the library and this is why this has been put in at this time.

Mr. McKinnon: These are specifically, Mr. Chairman, to equip the Jack Hulland and Clinton Creek Schools which have no estimates in their construction for this provision of library services to these schools and this is the cost of equipping these two schools with their library.

Mr. Chairman: Clear?

All: Clear.

Mr. Chairman: The next item 306, Schools - Services \$2,085.00.

Mr. Dumas: Question. I would like to know if wherever possible Territorial owned equipment is used?

Mr. McKinnon: Yes, Mr. Chairman, we went around the mulberry by quite some extent with the Department of Education and the Department of Engineering on this and wherever there is a type of vehicle in the Territorial Government somewhere in the area, this vehicle is going to be used for such transportation and the co-operation between the department we felt was absolutely essential where it hadn't been done before. Before there were questions asked to the Engineering Department whether equipment was available and there had been contracts with a local moving firm which the members of the Financial Advisory Committee did not agree with, and from this time on we hope where Territorial trucks are available, a

Mr. McKinnon continues:

Territorial truck will be used for moving supplies and equipment interdepartmentally.

Mr. Shaw: I would like to ask a question, Mr. Chairman, I think it's relevant to this particular subject. When we formed this particular car pool, we utilized to the maximum efficiency the transportation of personnel how many cars. It would appear to me there must have been quite a number of vehicles that were not required. I wonder, are the vehicles just standing by so that at a later time they can be used as the other ones will wear out, is there no difference with just using the same amount and possibly didn't have to purchase new ones.

Mr. Commissioner: You are simply perpetuating the prolonging of the life of the present vehicles you have, Mr. Chairman. In last years estimates there was, if my memory serves me correctly, I believe there was no over the road automotive equipment bought in the way of cars. The number of vehicles that is in use is the total number we have on hand, unfortunately I believe several of them have already met their demise by mileage and also through a certain amount of vandilism, I believe, took place this summer on one compound here. All I would say to the answer - in answer to this question is that as a consequence of creating this car pool, it's not really a car pool, it's an automotive equipment pool we are getting a maximum utilization across the board, instead of having cars standing idle in one department where we have other departments that are scrounging to get equipment for the people to get around the Territory.

Mr. Chairman: Clear?

All: Clear.

Mr. Chairman: The next item is 309, Student Accommodation \$4,408.00.

Mr. Chamberlist: Mr. Chairman, the explanation given in this is complete in itself.

Mr. Livesey: Question. As far as the boarding of students in Whitehorse is concerned, may I ask the Commissioner, if the position at the moment is satisfactory and all inquiries from parents throughout the Territory have been met to their satisfaction?

Mr. Commissioner: Mr. Chairman, with respect, I would like to bring forward a written answer to that question as I just don't have that - you know complete knowledge to answer that to what we are talking here.

Mr. Chairman: Clear?

All: Clear.

Mr. Chairman: 314, Post Secondary Training \$24,068.00. Clear?

All: Clear.

Mr. Chairman: 324, Vocational Rehabilitation of Disabled Persons \$24,000.00. Clear? Making it a total of \$84,572.00.

All: Clear.

SUPPLEM- Mr. Chairman: Now we will proceed to Vote 20, and in Vote 20 we
ENTARY find as itemized the amount of \$74,650.00 in capital.

ESTIMATES
CAPITAL

Mr. Dumas: Mr. Chairman, I see a supplementary of \$30,000.00 for the Faro School. When will the Faro School be opening? What I am trying to get at is, why is that in here at this time, **with** the supplementary goes into the first quarter of 1969, I believe, and it seems to me the Faro School won't be ready until September of '69, if that.

Mr. Chairman: Just in speaking from the Chair, this is on the capital side and I believe its in order to start the school program. The items are listed further on. I'll go through these items if you wish.

Mr. Chamberlist: There are just two items, item No. 2301 and 2389.

Mr. Commissioner: Mr. Chairman, this is planning money.

All: Clear.

Mr. Chairman: Are there any further questions on Vote 20?

All: Clear.

SUPPLEM-
ENTARY
ESTIMATES
TERRITORIAL
SECRETARY
& REGISTRAR
GENERAL

Mr. Chairman: We will then proceed to the next Vote, which is Vote 4. The first item is Territorial Secretary and Registrar General in the amount of \$2,930.00.

Mr. Shaw: Mr. Chairman, in respect to the Territorial Secretary, I wondered if this equipment we have here would come under the same department, or would that be under Yukon Council?

Mr. Chamberlist: No. Mr. Chairman, the items for Yukon Council was only one single item which was separate.

Mr. Dumas: Mr. Chairman, I have a question under rentals, Territorial Secretary and Registrar General, is this in here as O & M because the money couldn't be found for purchase?

Mr. Chamberlist: All rentals, Mr. Chairman, I understand are all for O & M purposes. They are not a capital expenditure because it has not been purchased.

Mr. Dumas: Wouldn't it be wiser to purchase an electric typewriter, rather than rent?

Mr. Chamberlist: Perhaps, Mr. Chairman, Mr. Commissioner might explain the proposed policy relative to the rental of equipment.

Mr. Commissioner: Mr. Chairman, as the hands on our capital become greater and greater, and as the obsolescence factor of equipment purchases becomes faster and faster, and the recovery on obsolescence equipment when we put it up for sale, a public tender at the end of its useful life in the government service becomes less and less. All these things mitigate against the purchase outright of such things as office equipment, copying machines, typewriters, dictaphones, this type of equipment. The next thing concerning automotive equipment, the same thing effectively applies. We purchase a vehicle outright for X number of dollars and we get so many miles on it, and it is with constant maintenance we find at the end of its useful life we are selling these off, it seems to me we were recovering, Mr. Treasurer, what was it around a \$100.00 a vehicle we were recovering on these vehicles last year at the sale we had --

Mr. McKenzie: A very low figure, I don't recall exactly what it was.

Mr. Commissioner continues:
in fact, to tell you the truth, I think it cost us more to conduct the sale than what we got out of it, the truth was known. On top of that if we are going to conserve our capital for those projects which we must buy, for example, schools, things of this particular nature, this is one means of conserving money for that purpose, and over the years it will assist tremendously in having less and less of these negligning things coming out of your capital to allow you to use the capital for those purposes, which there is no other means of secure but outright construction, or outright purchase.

SUPPLEM-
ENTARY
ESTIMATES
TERRIT-
ORIAL
SECRETARY
& REGIS-
TRAR
GENERAL

Mr. Shaw: Mr. Chairman, I would like to ask a question to the Commissioner just in order to evaluate this rental arrangement. I believe, take an automobile for an example, it would appear to me the value of the automobile if first taken into consideration on a rented basis and then spread over so many months or so many years, would the Commissioner be able to state how this factor works out, we'll say an automobile for an example?

Mr. Commissioner: Mr. Chairman, I would be very glad to bring forward the very best and most up to date information that we have on this, I do not have it right at the tip of my tongue at this moment, but I would be very pleased to bring this information forward, and remember too, Mr. Chairman, that the element of competetiveness as far as bidding is concerned on these types of rental agreements will not be in the information that I bring forward, because we have to get out and test the market on this particular situation.

Mr. Shaw: The intention of my question wasn't to ask the Administration to get into all the finer details, but I do know there is a general yardstick utilized in the rental of heavy equipment, for example, and I just wondered if I could get an approximate idea on the difference between renting and purchasing of, say a vehicle, that is worth \$4,000.00.

Mr. Commissioner: We would be pleased to bring this information.

Mr. Dumas: I was just going to say that it's generally considered that if you drive a vehicle more than 14,000 miles per year, you are better off financially to lease it, rather than own it.

Mr. Chairman: Clear?

All: Clear.

Mr. Chairman: Vote 20(05) We have an amount of \$178,689.00.

Mr. Shaw: In respect, Mr. Chairman, to this particular item would there be any progress to report to the start of construction?

Mr. Commissioner: Mr. Chairman, I hesitate to unravel this great ball of wool concerning trials and tribulations of constructing the Cottage Hospital at Dawson City. However, I would be very happy to get up to date information, accurate up to date information and bring it forward for Council on this subject.

Mr. Shaw: Thank you, Mr. Chairman.

SUPPLE-
MENTARY
ESTIMATES
VOTE NO. 20

Mr. Dumas: Mr. Chairman, what is 20%, there is an item in here that says 20% of \$301,000.00, dash, contin is the word, whether it's a misprint or not, I'm just wondering what that's for.

Mr. McKenzie: That will be contingent, it's an abbreviation for contingencies 20%.

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

Mr. Chamberlist takes Chair.

Mr. Taylor: Mr. Chairman, I have trouble with this particular department again after all these years, with what I call the Department of Natural Health and Hell Fire. Sometime ago when we involved ourselves in a fiscal agreement, and in the fiscal agreement prior to this, some consideration was made for the provision of a nursing station at Ross River. As a matter of act, provision was made in this existing agreement, the current agreement, for the provision last year of \$120,000.00 in the budget for the construction of this Ross River nursing station, which has been badly needed for several years, and in this current year for the expenditure of \$63,000.00 to complete the capital construction of this nursing station, giving us a total of \$183,000.00 of capital provided in this agreement. Two years ago, just about the time we were ready to get going on this project someone in Ottawa apparently got the idea, 'well we're going to build Anvil' and now everybody in Ross River is going to move to Anvil, it's not the case, many people who were in Anvil have now moved to Ross River. There was a suggestion at the spring session, Mr. Chairman, that this facility would now be built in Anvil and a Health Nurse would come down from Anvil and visit Ross River. This I suggest is completely inadequate and unacceptable. Now one month ago I held a public meeting in Ross River, at which time this matter was put up to me again, on health services, they don't know what to expect in this line, certainly we have had a rash of accidents and so forth this summer, which has more than shown the need for these facilities at Ross River, and indeed, many an airplane flying into Ross River into Whitehorse every week has sick patients on it, and people flying them into Whitehorse, and the idea apparently to the game is you try and keep yourself alive or hope that someone can keep you alive until you get to the hospital, and it's a game we had to play at Watson Lake at one time, and it's not a very nice game to play. Now, it has been suggested this facility be built at Anvil, my people at Ross River have told me to come up here and do every possible thing, and take every possible action I can to attempt to get this facility constructed in Ross River in the coming year. I don't see it in the Supplementary Estimate, I feel they should be. I further feel this facility cannot, under the terms of this agreement, be built at Faro, it cannot because it forms no part - the Faro agreement forms no part of this fiscal agreement and it's clearly a separate item, and the Territory has no business extending the funds provided here for Ross River in the townsite of Faro. I feel, as I say, a facility that is urgently required by the people of Ross River, and I feel it behoves us to get on with it and insist that Northern Health take another look at this situation and get out there and build this thing. We've been waiting for this for five and six years and I say, thank you, Mr. Chairman, we're getting very tired of seeing this thing put off. This is a very active resource centre, it was from this centre that eminented the Anvil discovery, it was from this centre that many other discoveries have been located in that general region, and it is to this centre that people depend for communications, food supplies and transportation. I

Mr. Taylor continues:

feel the time has come not to just pass along and say, oh well we're going to get it, we're going to get it, if we're not going to get it, we're not going to get it. I think the time has come when we must insist and demand the powers that be 4,000 miles away live up to the agreement that they signed with the people of the Yukon Territory. That is why I raised the question today and I'd like to know if the Administration could provide me with any information, if they have anything as to whether it is anticipated this facility will be under construction at Ross River next year?

SUPPLEM-
ENTARY
ESTIMATES
VOTE NO.
20

Mr. Commissioner: Mr. Chairman, it is news to me that monies were going to be diverted from this Ross River health centre to Anvil. This is complete news, I'm afraid I am at a loss on this one. Secondly, I would be very happy to bring forward the most current information that we have available to us here on the Ross River Nursing Station, I'm sorry I just don't have this off the tip of my tongue, but we'll certainly bring forward any information that we have.

Mr. Taylor: Mr. Chairman, I would as a member for this area, would most appreciate any information that can be gathered and would appreciate any action the Administration could take in order to see that this matter can be successfully resolved to the satisfaction of all concerned before the expiration of this agreement, indeed when this agreement expires, we're back in trouble and we deal with the Department so many miles away, who for some reason just don't seem to have the interest in the Yukon at heart. I don't know why, they certainly don't seem to understand why we need these things, I don't know where they establish their standards. They have taken, I know, our hospital in Watson Lake, reduced it to a four bed nursing station. I didn't believe it, I went down and I asked the doctor about this, and the doctor said, that's what they have done, and I said, why, and he said, you have got me, orders from Ottawa. As a matter of fact, I think it was their intention to add another bathroom to it. It just beats all sense of reason as to why these people, Northern Health people, are doing what they're doing, but they're doing it. I think the time has come we must get together with Northern Health, as a Council, with the Administration and Council and sit down and iron some of these things out because this is virtual dictatorship of the rotti-nest kind, in my opinion, I think something has got to be done about it. We've hollered, we've beefed at these people for years and they just say, well tough bees you fellows in the Yukon, you'll do as we say or you'll do without. I think has come right now in this one issue to stand up and get these people up here to the Yukon, sit down and nail them to the wall, believe me.

Mr. McKinnon: Mr. Chairman, it's probably because the budgetary program in Committee cut their one bathroom up, that maybe the Watson Lake Hospital was reduced to four beds. However, it was unanimously agreed in the budgetary programing committee by all those that said they had real sympathy with Councillor Taylor's remarks, and it was agreed in this Committee that National Health and Welfare should be asked for an explanation as to why the nursing station called for in the current fiscal agreement to be built at Ross River was not requested in their estimates, and Mr. Chairman, as soon as this reply is forthcoming from National Health and Welfare, I am sure it will be made available to all Members of Committee, who certainly look forward to the reply of National Health and Welfare with great interest.

SUPPLEMEN-
TARY
ESTIMATES
VOTE NO.
20

Mr. Taylor: Thank you, Mr. Chairman. I no doubt made my point, there will be much more discussion when this reply is received, but I trust the reply will come in the form of a Sessional Paper and we will have discussion at that time on it. I will resume the Chair.

Mr. Taylor resumes Chair.

Mr. Chairman: Is there anything further on 20(05)? Clear?

All: Clear.

VOTE
NO. 07
GAME

Mr. Chairman: The next Vote is Vote No. 7 - Game in the amount of \$11,000.00.

Mr. Dumas: Just one question, Mr. Chairman, under miscellaneous is \$7,500.00 which is 100% recoverable from the U.S. Army, I take it then this is just an interim outlay until we recover it from the U.S. Army, is that correct?

Mr. Chamberlist: Yes, Mr. Chairman, this money is being repaid by the U.S. for the work done in co-operation with the U.S. Corps of Engineers.

Mr. Livesey: Am I to understand as a representative of that area that whatever has been done with regard to not only the leakage of fuel oil into the lake area, which I understood at least destroyed something like 600 to 1,000 fish that we were so worried about here a little earlier in the session, but I understand there were more breaks besides the ones that came to public attention. All of these breaks have occurred in the eight inch line below ground wherever the pipe is been buried, and I would certainly like to know if we, as a government, that is a combination of Administrative and Legislative forces, are agreed that everything is in the clear in this area, because I know a little earlier on, why the Federal officers were very worried down at Klukshu the maintenance men were using a caterpillar tractor in one of the streams down there, and wouldn't allow them to even use the tractor in the stream because probably a little oil off the grease off the track would prevent the semen eggs from being properly hatched. But this tremendous outburst of oil, I understand, this was all covered up beautifully and everything is completely clear, thousands and thousands of gallons of oil pouring all over the country. It seems to be such a tremendous difference between one thing and another in connection with the wild life and fish that are so abundant in my Electoral District. Mr. Chairman, I would like to direct this question to the Administration to find out if they representatives of the people are satisfied with this fish story from the lower Haines Junction area?

Mr. Commissioner: Mr. Chairman, I don't know whether it's a wild life or the night life that is having effect upon the Councillor asking this question. However, let me assure Committee, Mr. Chairman, the people who are in charge of this particular pipeline, and I say this with all sincerity, they have done everything that is humanly possible in co-operation with our game and fisheries people to not only remove and clean up the contamination that was caused by this unfortunate break, but are taking every precaution they can to determine where other potential weak spots in the line are so that necessary repairs can be incurred prior to any further casualties such as we have had here. I'm sorry I don't understand the technical ramifications of this, or I would be able to explain to Council, but I had a representative from the U.S. pipeline

Mr. Commissioner continues:
in my office here several weeks ago and he was explaining to me they are putting a pig through this line that is able to detect as part of this service that it gives where corrosion and electrolytic actions have taken place that could conceivably result in leakage such as this. Now I don't know how well educated this pig, I don't know whether it talks English or what it is, but I am assured the necessary language barrier will be overcome and the end results will be that we are getting the co-operation of the people involved to try and prevent any future recurrences.

SUPPLEM-
ENTARY
ESTIMATES
VOTE 07
GAME

Mr. Livesey: I can explain that, Mr. Chairman, this pig is a bore, because it goes through the bore in the pipeline, and the pig is usually used to separate aircraft fuels from diesel fuels, to fuel oil and so on, and they use these pigs to separate the different types of oil, does it having any intelligence or not, I don't know, but my question was with regard to the intelligence of the clean up of the mess in the lower south western section of the Yukon after this tremendous splash of oil at Uncle Sam's Store. I understand also some foreign straw was brought in to clean it up too, although we have a farm not very far away from the place of congestion. What I would like to know from the Administration is, have they inquired from the United States pipeline authorities as to the balance of the line and the probabilities of a recurrence in areas where this pipeline is buried?

Mr. Chamberlist: Mr. Chairman, I think the Commissioner should take a couple of snorts before he answers that question.

Mr. Shaw: Is this pig a well greased pig, Mr. Chairman!

Mr. Commissioner: Of Crown Royal, am I permitted, Mr. Chairman? I can assure you that our consultations with the authorities involved in the case that every precaution is being taken to insure there will be no future recurrences of this unfortunate incident, and if there is, I am sure we will secure the same co-operation from all concerned and see that the matter is dealt with as promptly and as efficiently as possible.

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

RECESS

RECESS

Tuesday, December 3, 1968.
3:30 o'clock p.m.

Mr. Chairman: At this time I will call Committee back to order.
Are you clear on \$11,000?

All: Clear.

Mr. Chairman: We'll proceed to Vote 20, where we find the amount of \$4,215.00 in Capital. BILL NO. 24
VOTE 20

Mr. Shaw: Mr. Chairman, are the Game Department now provided with a type of Skidoo vehicle? Maybe they should be.

Mr. Chairman: This involves provision for a half-ton pickup truck equipped with camper and bear trap. Clear?

All: Clear.

VOTE 8

Mr. Chairman: The next item is Vote 8 in the amount of \$110,355.00. The first item is Administration General in the amount of \$75,000.00.

Mr. Dumas: Question. Could I have some details on this? Central Inventory Control, for instance. Is this a computerization system or what is it?

Mr. Chamberlist: Mr. Chairman, the Establishment 800 is made up of divisions for consulting fees respecting the Queen's Printer. There is \$20,000 for data processing, and \$25,000 for Central Inventory Control, and \$20,000 for Municipal Affairs Department in the revision of ordinances, another \$25,000. It was agreed during Committee the provisions for the Queen's Printer Data Processing and Central Inventory Control should belong together for the total of expenditure, \$50,000, so we have a net total there.

Mr. Chairman: Are you clear?

All: Clear.

Mr. Chairman: The next item is Central Registry, \$2,000.

All: Clear.

Mr. Chairman: Personnel, \$140.

All: Clear.

Mr. Chairman: Legal Department, \$140.

All: Clear.

Mr. Chairman: General Insurance, \$4,375.

Mr. Dumas: Question. Could I have, from the Commissioner, possibly, some background on this? General insurance audit to be conducted by, I believe, an insurance broker, is that correct?

Mr. Commissioner: Mr. Chairman, approximately a year and a half ago, it became very apparent that our whole insurance program as it applied throughout the Territorial service, should come under scrutiny, and we decided on a two-pronged program. The first to

be the general appraisal of all Territorial buildings, and this was done and was dealt with in a budgetary item approximately one year ago, Mr. Treasurer? The next phase was to have our whole insurance program examined to see what coverage that we presently had, whether it was adequate to our needs, what, if anything, these program changes should be. This is in fact the amount of money that is before you here at the moment. The second stage of this general insurance reappraisal, should I say, or general investigation of the Territorial's own insurance program.

Mr. Dumas: Mr. Chairman, I think that this idea deserves a good deal of merit, but I wonder about the advisability of consulting an insurance brokerage firm rather than a consulting firm which in fact doesn't have any direct connection with any insurance companies.

Mr. Commissioner: Mr. Chairman, the fact that Armstrong and Taylor happen to provide both services, perhaps raises the doubt in Councillor's mind. This consultant capacity in which we retained Armstrong and Taylor was for a fixed sum of money and they have been - they were retained on the basis of payment, not on the basis that they would be rewarded with insurance or acquire any benefits. We didn't ask them to do us any favours of any kind at all. It was in their capacity as consultants that they were retained, not in their capacity as insurance brokers.

Mr. Dumas: Well, Mr. Chairman, one final comment. I think it's a bad move because they can, and they're going to - they're prejudiced. When they're going to make a recommendation, there is no way - they have been in the business for many years - their recommendations are going to be slanted towards their product. I just don't see how you're going to get an objective recommendation from somebody that is in the business. I think it's a bad move. However, it's been done, apparently.

Mr. Commissioner: Mr. Chairman, I would hesitate to pass any comment or judgment because the Councillor who is making this comment - this is his business. He understands what he is talking about. However, I am quite confident and I would like to assure Council that when they see the end result, I think that they will be more than satisfied that what we have done has been done properly, that is long past due and will have nothing but beneficial results to the financial capacity of the Territory to secure the best possible insurance advice as to what our coverage should be and the manner in which we need this coverage.

Mr. Chairman: Are you clear on this item?

All: Clear.

Mr. Chairman: The next item is a Grant to the Yukon Research Institute of for \$3,000.

Mr. Livesey: Has this got any relationship to the end-of-the-line operation at the end of the Aishihik Road, Mr. Chairman?

Mr. McKinnon: Mr. Chairman, I wonder if we could - this is money to be provided so that those in the Territorial Administration and those of us as elected Members of the Council feel probably that the true taxation picture in the Territory was maybe somewhat misrepresented by the Touche-Ross Report can be rebutted if in fact there are any actual miscalculations in this Report. I think that we're very fortunate to have this money in the budget and I just would ask Members of Committee not to press questions

of this nature too far at this time, please.

Mr. Chairman: Are we clear?

All: Clear.

Mr. Chairman: Next is Fitness and Amateur Sport in the amount of \$5,400.

All: Clear.

Mr. Livesey: Question. I believe it says there is a list available on miscellaneous grants. Is there any way of the Committee being able to find out just how these grants were made?

Mr. Commissioner: Mr. Chairman, they are made as a consequence of the policy paper that Council approved here last session or the session before. We will gladly table them. There is no secrets or hidden mysteries here at all.

Mr. Chairman: Clear?

All: Clear.

Mr. Chairman: Recreation Centre Maintenance, \$10,000.

Mr. McKinnon: Mr. Chairman, I wonder if at some future date on this item - I'll explain to Committee how it came about. There is a very good chance that the Yukon Territory are going to be able to purchase the Canadian Forces Station Recreation Centre, which was in the Hillcrest area, for the sum of one dollar. Now, there is a very good reason for this to be purchased at this time, particularly with the Summer Games and the Arctic Winter Games coming up, where we hope that there will be as wide a representation from as many areas in the Yukon as possible, and this area can be used as a training centre for these Yukon athletes to enter the Summer Games at Halifax next summer and the Winter Games in Yellowknife in March of 1968, and when we were going around on this purchase of this Canadian Forces Base in Hillcrest, we thought that this should be a decision of Council, and it was agreed by the Financial Advisory Committee that we procure the Recreation Centre for the sum of one dollar, if possible. This was over the objection of Councillor Taylor from Watson Lake, Mr. Chairman, and that the Engineering Department maintain minimal heat in the building until this matter can be discussed in Council. The reason for this being that the building had not been drained and if the Council did see fit in the future to get the Recreation Centre for one dollar, they would be faced immediately with a huge repair bill because of the cracked pipes and the whole of the boiler system frozen, and we thought at the time that this would just be asinine not for the Territorial Government to put enough heat in it to keep it in good repair until such time as Council made the decision on whether or not they should procure the building. We also suggested that the Administration should provide operation and maintenance costs figures at the next session of Council and that the figure of \$10,000 that you see in the Supplementary Estimates should stay on the understanding that a maximum of \$2,000 can be spent on the operation and maintenance of this building prior to the Council session which, in effect, is just making sure that the building is not destroyed through lack of heat not being in the pipes through the building, and I think that this is going to be a matter for some debate before Council, and would request that when we come around to this area that the Director of Recreation for the Yukon Territory, Mr. Thorsen, be in attendance to answer

questions pertaining to the use of this building for what we would hope would be to the benefit of all citizens of the Yukon Territory.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, when is it expected that this matter will come before Council then?

Mr. McKinnon: At any time they want to. Now, Mr. Chairman, if this is the time that Council wishes to deal with it.

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

Mr. Chamberlist: Yes, Councillor Taylor.

Mr. Taylor: Mr. Chairman, the Member said that I opposed this in Budget Review. I certainly did and I will continue to with great vigour. I believe that if you establish a policy - well, what really you are talking about establishing a policy here - we have a policy whereby communities run their own affairs. We have a community development grant made available to assist in this endeavour, and the rest of the funds for the operation and maintenance of these facilities, these community halls and recreation centres, or whatever you want to call them, are raised by the communities themselves through activities of one sort or another, and I am unalterably opposed to the expenditure of any moneys, even including the \$2,000 now expended towards this building until such time as the policy is changed whereby the Territorial Government would also look after deficit positions in Mayo, in Old Crow, in Dawson, in all the other communities throughout the Yukon Territory, and it amounts basically to this, but if it is the request of the Member that the Director of Recreation be here, I would certainly agree. If he could be summoned, possibly we could continue and come back to this matter upon his arrival.

Mr. McKinnon: Mr. Chairman, how about if we make a time certain; say tomorrow or the next day, so that Mr. Thorsen could be advised that he would be requested to appear before Committee, and just continue on with the Budget as it now is. Make it tomorrow at ten o'clock, if it is agreeable to Committee.

Mr. Chairman: Do Members agree to this?

All: Agreed.

Mr. Chairman: Ten o'clock tomorrow morning. Mr. Clerk, will you arrange for Mr. Thorsen to be here?

Mr. Taylor: Thank you, I'll resume the Chair. The next item then will be 841 Public Utilities Board, \$5,000.

Mr. Chamberlist: Mr. Chairman, I feel that as we have not accepted the provisions of the Public Utilities Commission - the Public Utilities Ordinance, I would suggest that this item be dropped from the Supplementary at this time.

Mr. Chairman: Is it the intention of Committee to move a motion that this item be deleted?

Mr. Chamberlist: Mr. Chairman, of course at the time of this item being put in the Budget, it was contemplated that provision be made

for this. I would perhaps withdraw that suggestion and allow this to be left in the Estimates should, for some reason or other, the Administration feel that it is necessary to meet the needs of the Territorial Council and perhaps we might be able to use this in the Spring session. Perhaps we should leave it in there.

Mr. Livesey: Mr. Chairman, I would certainly oppose deleting an item of this nature for the simple reason that you can't - once you delete it, it is gone. If you leave it there, you still have a period whereby you may be able to make a decision on it, if necessary, but for the purposes of the most useful part we could play with regard to 841, Primary 63, I would suggest, Mr. Chairman, we leave it in the Budget.

All: Agreed.

Mr. Chairman: Are you clear?

All: Clear.

Mr. Chairman: Public Enquiries Board in the amount of \$3,000.

All: Clear.

Mr. Chairman: Special and Unforeseen in the amount of \$2,300.

Mr. Dumas: Question. What coroners conference and what part does the government play in it?

Mr. Chamberlist: Mr. Chairman, coroners, of course, are a function of the Territorial Government and I believe perhaps Mr. Commissioner can explain what the intention is with meetings of coroners.

Mr. Commissioner: Mr. Chairman, we have a duty under the Coroners Ordinance to see that this particularly necessary function is conducted in various parts of the Territory, and we are called upon to appoint people for these duties, and it was suggested - in fact, I could be corrected on this, Mr. Chairman, but I do believe that this was a suggestion that came from Council that we, indeed, have on some kind of a fairly regular basis, a symposium, a school, a conference - name it what you wish - where these people would be brought up to Whitehorse and members of the medical profession, the police, the people in the courts, all people who are effected as a consequence of the conduct of these people's duties, be called upon to instruct them and do everything that we could to have them as efficient as possible. This is the intent that is involved here.

Mr. Livesey: Mr. Chairman, if I might rise at this time on this point. I don't recall the Council asking for a coroners conference, but I certainly do recall asking, myself, time and time and time again for the training of justices of the peace. This is what has been hammered at, so that the arresting officer does not become the arresting officer and then the prosecutor, then the judge and the jury in rural areas on every question that may arise with reference to justice, and while I was in Ottawa a number of years ago I brought this question up when Mr. Cameron was Commissioner, and we discussed this question there and the Department of Justice at that time were very favourable towards the training of justices of the peace because the justices of the peace obviously is an unbiased gentleman and he is there, not only to uphold the law, but also there to protect the public in questions of cases that may be brought before him, and I think it

is vitally necessary where justices of the peace are concerned that they have background and proper training, and I couldn't emphasize that question more, and I would certainly hope that there is something in this Budget for the training of justices of the peace. Coroners - I've never thought there was any necessity to get them together.

Mr. Commissioner: Mr. Chairman, it is a question of the agency whose responsibility justices of the peace and the agency responsible for coroners. At the Territorial level, we are responsible for coroners. This is, in my opinion, a method of us discharging our responsibility. The Federal Department of Justice is responsible for justices of the peace, and I sincerely hope that the promise that has apparently been made at some time in the past - maybe a reminder at this time might help to have them make good on this particular promise.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, just glancing at this paper, something else comes to mind. In subsection (a) under Miscellaneous there is an allowance of \$300 for a convention that has already been held. Now, it seems to me there, and probably other cases, we are making appropriations for expenditures that have already been made. Well, somebody says no. I'd like an explanation then.

Mr. McKinnon: Well, Mr. Chairman, this is of course an area in which we of the Budgetary Programming Committee were advised and called into a special meeting prior to the expenditure of this money and, in conjunction with the committee, on a minor expenditure which would have proved very embarrassing to both the elected Members and the Administration of the Government of the Yukon Territory, that this banquet of the JC's was not hosted by the Territorial Government, we agreed that the expenditure of this \$300 be made and it would still, of course, come before Council in the Supplementary Estimates. Mr. Chairman, prior to the formation of the Budgetary Programming Committee, there was time and time again where in Supplementary Estimates money had been spent with no consultation at all with any of the elected Members of the Yukon Territorial Government prior to the expenditure appearing in the Supplementary, and, Mr. Chairman, in this minor area, I say it is a step which is a good step forward and one which the elected representatives of the people are being asked their advice and consideration before expenditure of the money does take place.

Mr. Dumas: Is this the practice then, generally speaking, before expenditures are made to consult the Financial Advisory Committee?

Mr. Commissioner: Mr. Chairman, not in all matters. No. But certainly matters of an unforeseen nature that are not in the category of an emergency. Now, the category of an emergency is the funds that we committed to clean up the oil out here, as per the previous conversations. The moneys were expended and it was an emergency and there is authority under the Financial Administration Ordinance for this to be done. The funds that you have before you now - this particular \$300 was not in the form of what we would class as an emergency, and consultation was taken up at the first opportunity with the Budgetary Programming Committee, and I wonder if Mr. McKenzie might be able to varify just at the moment if indeed this money has even been expended to this date. Mr. McKenzie, could you tell me.

Mr. McKenzie: That I can't say. I don't recollect it. I'd have to enquire.

Mr. Commissioner: I don't believe they have been.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Yes, Mr. Chairman, I would concur with the actions taken in relation to this particular thing, section (a) and the JC's. I wonder if the Commissioner found, though, that (b) the coroners conference, was a stiff decision?

Mr. Chamberlist: Mr. Chairman, I would like to answer that. This money has not been expended yet for the coroners conference because it hasn't taken place. It's an allotment of money that has been put in the Estimates for this to take place prior to March 31, 1969.

Mr. Chairman: Are you clear on this item?

All: Clear.

Mr. Chairman: Well, this holds in reserve the matter of \$10,000 for consideration tomorrow morning. We'll now go to Vote 20 again where we find an amount of \$24,398. The first item is Legal, \$479. That is under Vote 20, Establishment 2801. Furniture and Office Equipment, Legal.

Mr. Dumas: Mr. Chairman, with respect, are we on Vote 20 08?

Mr. Chairman: Right.

Mr. Dumas: The first item I have is 2800. Do I have a different copy than the Chairman?

Mr. Chairman: Oh, pardon me, I was looking at the Territorial Secretary's office here. I thought we had already done that.

Mr. Chamberlist: Mr. Chairman, the first item is Road Equipment for \$2,600.

Mr. Chairman: Right.

Mr. Dumas: Question, Mr. Chairman. How many, or why was it not advisable to lease this vehicle? Is it not used that much, or what?

Mr. Commissioner: Due to its particularly peculiar type of vehicle that is involved.

Mr. Chairman: I believe this is a specially equipped vehicle for this purpose. Are we clear?

All: Clear.

Mr. Chairman: Next is Yukon Council. No, pardon me. Furniture and Office Equipment, \$21,798, as itemized.

Mr. Chamberlist: Mr. Chairman, you will recall that Council agreed to the purchase of this equipment for the Council Chambers, and there was a shortage of funds and this is the difference in requirement needed in this Supplementary Estimate. I might add, Mr. Chairman, for the benefit of Members of Committee, that the Estimates

are for this equipment were perused by Members of the Budgetary Programming Committee.

Mr. Dumas: One question. What would a camera be included in this for?

Mr. Commissioner: Mr. Chairman, this is in the Fire Marshal's office, and a very obviously necessary piece of equipment.

Mr. Chairman: Have you anything further on Vote 8 in Capital?

Mr. Livesey: Yes, on furniture, Mr. Chairman. I wonder if it's the intention to leave the Committee Room and the Speaker's Office and the bare walled type bare atmosphere that we have in there at the moment? I wonder if I could enquire from the Administration if this is the case, or if there is some intention to make the atmosphere a little more warmer, and more amenable to the atmosphere of the battles that go on in the Council?

Mr. Chamberlist: Mr. Chairman, this money was asked for for that particular purpose, but in the wisdom of the Financial Advisory Committee and the Budget Planning Committee, it was decided to pull it out. I'm sure Members of Council can get on amiably without that piece of equipment for now, for the Supplementary Estimates, anyway.

Mr. McKinnon: We suggested, Mr. Chairman, that we'd forego the trappings if we got some of the power.

Mr. Chairman: Are we clear? I just wonder, in speaking from the Chair, if the Chairman of the Financial Advisory Committee might wish to comment on the manner in which furniture is being handled now?

Mr. Chamberlist: Yes, Mr. Chairman, there is to be an inventory taken of all furniture in the government service and before any furniture is purchased, that it would be looked into to see if there could be furniture supplied from existing areas. Is this, Mr. Chairman, what you refer to?

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Yes, Mr. Chairman, I wish to comment on the furniture that we have in the office back here where the Council meet. I feel that we should not go to a great deal of expense in matters such as that, but there is one very hazardous feature of the furniture, and that is the chairs that are in there. It's worth one's life to really sit on one because they are so rickety that they are liable to fall down, and we do not have compensation for such things. I wondered if it would be possible, Mr. Chairman, if the Commissioner could see fit to put in the Budget an amount of haywire so that haywire could be put across there and at least the chairs would not fall down. They would stay put, and a four-inch spike that you could turn them and make them safe. That's all I would ask, Mr. Chairman, for the furniture.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: This no doubt will call for very specialized consideration. I'll see what I can do about this particular request.

Mr. Livesey: Mr. Chairman, when I look around this building and I view the amenities which look to me as though they have come from the lap of the gods for those who are working for the government. Gentlemen, I don't feel we're ever going to get anything unless we push for it, holler for it, scream for it, but just merely asking for it and going around like a gentleman **will** never get us anything. I've learned that over the years, and it seems to me that the best way to go about this is to put in as many demands as we can because we'll probably only get 1/10th of one per cent in any event, so this isn't being over-optimistic. If the Members of Council, I think, are going to resolve their differences in the Committee Room, I think, from a common sense point of view, we should make them as comfortable as possible. I always thought that the strategics when thinking of these problems would realize this.

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

Mr. Chamberlist: Yes, Councillor Taylor.

Mr. Taylor: I couldn't let this go by without making a comment. As the Honourable Member for Whitehorse North had pointed out that when we, in Budget Review Committee, came up with this item, it was proposed by the Administration that we have maybe some curtains on the windows, maybe a little better furniture and a few things to kind of brighten the Chambers up, but when we were in Budget Review Committee dealing with all the Estimates of each Department and having to make cuts here and there, we felt that it behooved us to take part of the licking ourselves at the legislative level, and this is indeed the reason why these particular items don't appear in the Budget. Now, mind you, some of these departments have suffered very, very badly in review, and so it is not too much to ask that the people's representatives, which are ourselves, possibly get by for a little more time until money becomes available to buy these for ourselves and we can share this. It is interesting to note that in the Northwest Territories they seem to have this problem, too, for I note in an editorial from News of the North, in part, where they state, talking about the government, he says, 'so maybe we can all gang up and say we want less administration expenses and prestige projects, and more attention to results the people can see and use'.

Mr. Livesey: Mr. Chairman, I have one added point. Those who inflict lacerations upon themselves can blame no one for their own demise.

Mr. McKinnon: Mr. Chairman, I may remind the Honourable Members that when the Council of the Northwest Territories opens, it opens with all the pomp and ceremony of the House of Commons in Ottawa, and a beautiful mace which would do justice to any House comes parading down the centre-line and it is laid on the Table and then, Mr. Chairman, the Commissioner of the Northwest Territories takes over the Speaker's Chair and in turn runs and dictates to the Council of the Northwest Territories what they are going to do, and, Mr. Chairman, I think the bareness of the walls and the starkness of the atmosphere of our Committee Rooms is a perpetual reminder to the public of the indemnity that we are paid and the power that we hold, and I think when we eventually get some real power, then we can think in the field of making offices comensurate with the real function that we will then be serving to the people of the Yukon Territory.

Mr. Taylor: I'll resume the Chair.

Mr. Chamberlist: Yes, and to add to those last remarks, also show the abject poverty in comparison to the Northwest Territories that the Yukon Territory has.

Mr. Chairman: Well, are we clear on that item? The next section then is found - pardon me, the next item is Vote No. 9, and we have an amount of \$109,885. The first item, Head Office Supervision, \$885. Whitehorse Metropolitan Plan, \$30,000.

Mr. Dumas: Explanation.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I would like Mr. Commissioner to give an explanation on this particular one. I find it difficult to explain myself.

Mr. Commissioner: Well, Mr. Chairman, approximately 1960, I believe, 1961, the Central Mortgage and Housing Corporation at the behest of this Council and the City of Whitehorse and the Federal Department at the time, secured the services of a group of town-planners. These people were on the staff of Central Mortgage and Housing Corporation and they developed the Whitehorse Metropolitan Area Plan. Now, in this Plan it indicated that a review, an up-dating of this, at regular intervals was a highly desirable situation. The period of time referred to, I believe, was five years, and I think this time has gone past by some one or two years, and with the changes that are taking place so rapidly here in the metropolitan area, it would certainly be a very great benefit to the City and to the Territorial Government to have this plan up-dated and it is therefore a request that we ask of you that you make available these funds so that indeed this particularly necessary and important project could be proceeded with just as quickly as possible.

Mr. Chamberlist: Mr. Chairman, I would add to the words of the Commissioner that these funds would also include for a site selection for a capital building. This, of course, must be done now as most of you know that the site that was chosen as a proposed area for the capital building has, since that time, had new construction put upon it, so therefore making it much more costly to do. The old site that was proposed was between Front Street and Second Avenue, from Elliott on up to the hospital area, so that it will include for that as well. There is a possibility, of course, that there would be some of the funds coming back from CMHC for this particular job.

Mr. Chairman: Are you clear on Whitehorse Metropolitan Plan?

All: Clear.

Mr. Chairman: The next item is the Zoning Appeal Board, \$6,000. This is for provision of expenses of the Zoning Appeal Board.

Mr. McKinnon: The City of Whitehorse, Mr. Chairman, and the Territorial Government have, working in conjunction, decided on one zoning appeal board for the whole of the Whitehorse metropolitan area. However, once the zoning appeal board was set up, it was discovered that nothing had been estimated or nothing put in the Budget for expenses of this zoning appeal board when they sit, and this is merely expenses which are shared fifty-fifty with the

City of Whitehorse for the cost of the zoning appeal board, which is operational in the Whitehorse Metropolitan Area.

Mr. Chairman: Clear?

All: Clear.

Mr. Chairman: The Dawson City Water System, \$73,000.

Mr. Chamberlist: Mr. Chairman, I can give an explanation of this item first. Members of the Budgetary Planning Committee expressed the opinion that the Municipality of Dawson should accept the responsibility for their water system. It was pointed out that it was very unrealistic to expect the City of Dawson, with its existing population, to handle the cost of the system. The amount has been cleared, but only subject to the production of all of its financial statements by NCPC and approval by the Territorial Engineer of operating costs incurred by NCPC. Thank you, Mr. Chairman.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I am very unhappy with this figure that is presented here. I appreciate very much the fact that the Financial Advisory Committee have allowed this to stay in, but as a Yukon representative, I also have to look at it from various degrees, and in this particular matter there are certain aspects of what costs are involved in this in relation to the NCPC. They took that plant over on the understanding, which was quite reasonable, that the government, the Territorial Government would take over the amount of cost in excess with the amount of revenue which was obtained from the operations of the water system. Now, these costs, to me, are out of relation, in my opinion, Mr. Chairman, are out of relation to what they should be. We have to take into consideration at this time that this was the start of operating this system and you could get possibly costs that wouldn't normally be - or a size that would not normally be, and I have had meetings in respect of this and I am given to understand in the future they will be lower, but in the cost submitted I was not able to obtain a break-down of all these costs. All I saw was one big lump sum, and it was possibly broken down into a few categories, but nothing that one could really get their teeth into to find out just what was. However, there were costs such as Administration Costs of \$10,000. Well, this is head office administration, Mr. Chairman, in Ottawa. The big wheels. The cost of producing the power was based on a cost of six cents per kilowatt to turn over the motors to turn the pumps to produce the volume of water. Now, there are two items in themselves which were extremely large that I could hardly see any justification for. One, why a big head office expense to operate a plant of that size? If so, I suppose somebody must be getting a hundred thousand dollars a year. They put him down as a hundred dollars a minute for consultation. We get to the point of production of power. Now, it appears to me, Mr. Chairman, that when you charge, with a large diesel plant, when you charge six cents of , which is considered the cost basis - which this is supposed to be - cost, not profit - it seems to be a rather excessive amount to put down. In other words, it costs six cents a kilowatt to produce power. So, there doesn't appear to be much hope of getting any reasonable electricity when the cost is six cents a kilowatt. Now, if the costs are that - it might appear that there is something wrong some place, because that is an excessive cost for the production - I think the Honourable Member from Whitehorse West - he has had quite a lot of experience

in matters of electricity, and when it costs you six cents....

Mr. Chamberlist: East.

Mr. Shaw: Whitehorse East, I beg your pardon. When it costs you six cents, that's pretty high, and those are the cost figures, and various other factors. The agreement, of course - there is no question about it - the agreement is very loose, and when you have a very loose agreement, the one that can really pay the piper is of course the one that has to pay the bill. It's a case of the bill is submitted and there it is. You accept it. That's what it is. That's the cost, and what can you do? So, it might behoove us, if possible, to get some agreement that will bring this thing down to where it should be. I would like to point out another matter, Mr. Chairman, that this has been a start of a project and there were a lot of bugs that developed at the start, which is something which we could quite expect. The bugs cost a great deal of money, possibly to rectify in one form or another, and when this gets down to operation that these costs should be substantially lower, and incidentally, I believe this is for more than one year's operation. Am I correct in that?

Mr. Commissioner: Mr. Chairman, I am sorry but I don't have my files along with me at the moment on this, but if you examine the detail that is given here, you will see that what we are looking at is a provision in the main vote of \$45,000 against which we find a charge coming to us - two parts of which are actual, and one part is estimated, leaving us with a short ball of approximately \$73,000. Now, the terms and conditions under which this money may or may not be paid over to NCPC have been very clearly laid down, and we had the people here from NCPC and this was made abundantly clear to them at that time, and in view of these conditions, the money will not be paid over until the necessary information that has been requested directly to NCPC is a consequence of the Budgetary Programming Committee's recommendations is indeed forthcoming.

Mr. Chairman: Are you clear on this item? That gives us a total of \$109,885. I will proceed to Vote 20 where we find an item of \$123,767, and the first item is under Engineering and Municipal Affairs, Firefighting Equipment, 2905, \$20,000. 3054, Pre-engineering Territorial Projects, \$50,000.

Mr. Shaw: Would this include the bridge up at Dawson, Mr. Chairman?

Mr. Chamberlist: Mr. Chairman, the Honourable Member knows that that would be a Federal project.

Mr. Shaw: Thank you, Mr. Chairman.

Mr. Chairman: 3070, Riverdale Subdivision, \$28,267. This is a fully recoverable item, is it not?

Mr. Commissioner: On the sale of the property, Mr. Chairman, yes.

Mr. Chairman: Next is Ross River Subdivision, \$8,500.

Mr. Dumas: That's also recoverable, is it?

Mr. Commissioner: Yes, upon the sale of the budding property.

Mr. Chairman: Moving Squatter Houses, \$5,000.

Mr. Shaw: Mr. Chairman, I thought they had been moved. Do we still have a number of them?

Mr. Commissioner: Mr. Chairman, they have great proliferation. I would suggest that the rate is one removed and two recoveries. I think we're fighting a losing battle.

Mr. Chairman: Next is the Whitehorse Road Construction Grant, \$12,000, giving us a total of \$123,767. Councillor Livesey.

Mr. Livesey: Before you move any further, I see firefighting equipment for Teslin. How about firefighting equipment for Beaver Creek, Haines Junction and Destruction Bay?

Mr. Chairman: I believe this was included in the Main Estimate.

Mr. Chamberlist: Mr. Chairman, this has all been included in the Main Estimates.

Mr. Livesey: Yes, but not included in any action.

Mr. Commissioner: With respect, Mr. Chairman, the question of being able to provide sufficient moneys out of the Main Estimates to comply with the requirements of the Territory called for certain deletions in the course of this year and certain moves into next year's capital programs, and I would like to assure the Chairman that details of this will be made available to the Councillor who has asked this particular question. I am very sorry that I do not have that detail available at the moment, but I will be very happy to see that it is brought forward.

Mr. Chairman: Are we clear? The next vote is Vote 11, which is Yukon Hospital Insurance Services in the amount of \$141,745. Are you clear? The next vote is Vote 16, and I wonder if.....

Mr. Dumas: Mr. Chairman, isn't there a Vote 15 in Vote 20, Welfare?

Mr. Chairman: Pardon me. It's rather difficult to keep track here. This is correct. Under 20, 15 Welfare, we have an amount of \$194,859 for the Senior Citizens Home, Whitehorse. Are you clear? Is it your wish that we deal with Vote 16 tonight or do you wish to deal with that first thing in the morning?

Mr. Dumas: Proceed.

Mr. Chairman: I believe you'll require Mr. Strong here for this Vote, Personnel. Is it Vote 16? Maybe I'm mistaken here. All right, we'll proceed. The first item is under Education and Occupational Training in the amount of \$1,635.

Mr. Dumas: Mr. Chairman, I see there are a lot of new positions that we are going to be looking at, and we can only assume that the Financial Advisory - at least, I can only assume that the Financial Advisory Committee has gone into this in some detail so that they are assured that these positions in fact are required. Is this correct?

Mr. Chamberlist: Mr. Chairman, I'm pleased that the Honourable Member did ask this question because we spent considerable amount

of time over these things and I would ask Members of Committee to accept the work that the Financial Advisory Committee did on these particular items, because we did a lot of chop, chop, chopping.

Mr. McKinnon: Mr. Chairman, when we originally came here, the Budgetary Programming Committee - we had recommendations for a whole new Territorial Civil Service, and it was only after long and arduous argumentation with department heads and with the Federal Government that it came down to a workable number of new positions that the Supplementary Estimates can stand and I don't think it would be unkind to say that there was at least triple the number of positions that were requested in Supplementary when Budgetary Programming first met. This is the result of what we felt was absolutely necessary after all these deliberations and I think that if there is any specific questions on any one of these new positions that Members of the Administration or the Budgetary Programming Committee would be more than happy to show you the necessities of this position at this time; at least why they felt it was necessary.

Mr. Chamberlist: Mr. Chairman, I would add to my Honourable colleague's remarks because the number of positions that were asked for in fact were five times as many as were given, so this will give you some idea of what we did cut.

Mr. Livesey: Yes, well, Mr. Chairman, for those who weren't in on this great battle of words, I wonder if the quasi-minister of finance could inform the rest of us who, I can assure him, are just as interested, and perhaps a little more so, in this question, just what formula was used for shrinking the demand from the original proposition to that which now, I understand, is to the tune of \$44,019.

Mr. Chamberlist: Mr. Chairman, it was a formula of straight common business sense. That was the formula, and this is how we were successful in doing what we did.

Mr. Chairman: Just in speaking from the Chair, it was based on those programs which were absolutely undeniably essential.

Mr. McKinnon: They were based on the formula, Mr. Chairman, of speaking strongly and carrying a big stick.

Mr. Commissioner: Mr. Chairman, with respect, positions can only be justified on the basis of programs, and it is just this simple. Programs that are necessary to be carried out by legislation require a certain amount of staff, and this is, basically speaking, the formula which is used, is being used, and I trust will continue to be used in the establishment of new positions.

Mr. Dumas: Mr. Chairman, I accept the explanations of both the Honourable Member from Whitehorse East and the Commissioner, but I have a question. Under Engineering and Municipal Affairs, it says the effective date is October 1, but what I would like to know is if these positions have, in fact, already been filled and if they have, if the Financial Advisory Committee was consulted before they were filled?

Mr. Commissioner: Mr. Chairman, I would like to confirm that none of these positions have been filled.

Mr. Chairman: Are you clear on the item of \$44,019, Vote 16? The next item is Vote 12 - pardon me, Vote 20 in relation to Establishment 12, Travel and Publicity - Oh, pardon me, there's nothing there. I missed Vote 15 on Welfare in Vote 20. I'm sorry, so we'll turn to that now.

Mr. Chamberlist: We dealt with that.

Mr. Chairman: Oh yes, so I did. All right the next item then is Vote 17 under Vote 20, Corrections. No, there's nothing in there either. I'm sorry, gentlemen, I'm just skipping through trying to find out what..... Vote 18 would be the next Vote. This is in the amount of \$46,525, Miscellaneous Services. The first item is School Services in the amount of \$18,725.

Mr. Chamberlist: Well, this, Mr. Chairman, the explanation speaks for itself. It is as a result of the agreement set up between the Territorial Administration and the Teachers Association.

Mr. Chairman: Clear? Next is the YVTT&S - sounds like a railroad - \$6,200. That is the Yukon Vocational Training and Technical School, I suppose. Clear? Next is Night Classes, Adult Education, \$600. Clear? Next is Contingency Fund, \$21,000. Is that clear? This gives us a total of \$46,525. Now, I haven't the foggiest notion where we go from here. I believed we have considered all the capital, with the exception of - no, I guess that's it, isn't it? So, that gives us a total, Vote 20, figure of \$600,613. The only remaining item is Loan Amortization in the amount of \$49,632.29. Mr. McKenzie, would you have anything to say in this matter?

Mr. McKenzie: This is principally to pay a first instalment of money borrowed from the Federal Government for project capital purposes. It is really a case of receiving money from Ottawa in the same amount and issuing a cheque and sending it back. It's an exchange of funds. It doesn't effect our financial position at all.

Mr. Chairman: Clear? Well, this leaves us with one deferred item then, which we will be discussing tomorrow morning, that being Vote 833, Rec. Centre Maintenance.

Mr. Chamberlist: Mr. Chairman, I think at this time it might be well to point out that the work of the Financial Advisory Committee, jointly with the Budget Planning Committee, has shown that with the speed that this Committee has gone through these Supplementary items, shows that the work that has been done by both Committees has certainly been of the utmost importance and it shows that there has been - that the work has been so well done that there has been very little criticism of the Members.

Mr. Dumas: Mr. Chairman, I was going to suggest I would save the Honourable Member from patting his Committee on the back, and I'd like our Committee to express our thanks for the diligent work that was done by the Financial Advisory Committee and the Budgetary Programming Committee. I believe they have done an excellent job.

Mr. Livesey: Far be it for me to detract from the hard work done by the Honourable gentlemen's Committee, but I can assure him that just as sure as I stand here that the rest of the Members of this Committee know practically nothing about what has been agreed to

this afternoon in this Committee, and I say this with every true feeling towards all those things which the Committee may have done, but the problem still remains, that this book to be gone through in just a matter of two or three hours, or even the main Budget to be done on that basis doesn't necessarily mean to say that if it is done in three or four hours that it has been a wonderful success. What it means is that the rest of the Council haven't got the facilities to make the proper enquiries into the problems contained in this Budget like any normal government would be able to do. That is the problem. That has always been the problem here. The speed really is nice. I go along with it. There's nothing wrong with it, but if you want to write a thesis on this book starting from page one and going to the back page from this afternoon on the amount of intelligence that we have received on the descriptions of what has gone on prior to this Committee sitting as a Committee of the whole, I would suggest to the Chairman that there is a lot to be desired. There's no question about that. I think in the future, possibly this will take place; and that Members of this House will have the opportunity to work harder on this sort of thing than they are doing today and I certainly hope that we can accomplish it, but I don't personally think there is any UBC education going between the outer covers of this book.

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

Mr. Chamberlist: Yes.

Mr. Taylor: Well, Mr. Chairman, I think I sympathize with the Member's feeling, the Member who has spoken previous, but I think he must agree that this has been a tremendous exercise in working with the Administration in finance. I think we've made tremendous gain, and I think he also must agree that if there is any question whatsoever related to any portion or any segment of that Budget, it can be certainly discussed and brought up at the Table during discussion, not only on the mains but on the sups, and I really wouldn't want the Member to feel that he has been hoodwinked or anything of this nature. It has been a lot of work trying to sort things out, working both sometimes with and sometimes against the Administration in order to hold down expenses in the Territory in order to do the best possible job we can. It is the first time since 1898 that the elected representatives have actually been involved in the preparation of a Budget, and it is only followed that the trust that has been placed in the three members of the Committee - there has to be an area of trust in their ability to do this sort of thing and I really think it has been a tremendously successful venture and a real step forward, I might say, in terms of seeking of autonomy, and I wouldn't like it to be thought that this has been a bad exercise because it has been very good, and I would like to, also, point out that every Member can at any time question anything which pertains to the mains and sups.

Mr. Shaw: Mr. Chairman, I may be reiterating certain remarks but I would like to voice my appreciation of the work that Committee has done on this particular Supplementary Budget. We have gone through it in a very short time mainly due, I believe, to the many days of work, of studying, of haggling, and all those things necessary to balance out a certain amount of money which was available. I think that the Administration, in co-operating with

the Committee, have also contributed substantially towards this. The Budget, this Supplementary has brought forth, I felt that I did have the opportunity to ask any questions which I may have wished an answer to, and it has been answered satisfactorily as far as I am concerned, and I would, in conclusion, commend the Committee for the hard work they have done, and that is my personal opinion, Mr. Chairman.

Mr. Chairman: Any further comment?

Mr. Taylor: I just have one question before I resume the Chair I'd like to direct to Mr. McKenzie just to straighten out - in the Bill, section 1 states that this Ordinance may be cited as the fourth Appropriation Ordinance. Why is this the fourth, rather than the second?

Mr. McKenzie: A new system of number. We used to call the first one the Interim Supply Bill, and then the Main Supply Bill, and then Supplementaries One, Two, Three and so on. The idea now is to call the Interim Bill No. 1, the Main No. 2, and No. 3 and this is No. 4.

Mr. Taylor: Am I to understand then that the Interim Bill referred to is where in the Spring we take essential road projects and approve them in a separate bill in order to get them going, and then next the Main? Is this..

Mr. McKenzie: Yes, the Interim Supply Bill also includes a one-month expenditure, which is essential on the first of April.

Mr. Taylor: Thank you, Mr. Chairman. I'll resume the Chair at this point in time.

Mr. Commissioner: I think the question really was what was number three. This was the moneys that were borrowed at the special session of Council, mostly to do with the Anvil Agreement.

Mr. Chairman: I wonder if Mr. McKenzie's services will be required tomorrow morning?

Mr. McKinnon: I'd just like to ask one question before Mr. McKenzie leaves and that is what is the actual amount of money that was raised by the new taxes that this Council passed on the public of the Yukon Territory last year?

Mr. McKenzie: Do you mean the taxes agreed upon in January?

Mr. McKinnon: Correct.

Mr. McKenzie: Well, I'll say this, that the estimate from those new taxes for eight to nine amounts to \$880,000 odd thousand dollars.

Mr. McKinnon: What is the sum that we are requested by the Federal Government to raise?

Mr. McKenzie: \$667,000.00. We have a surplus of \$161,000.00.

Mr. Commissioner: This difference dependent upon the rate of collections remaining at their present rate. Correct? In other words, the difference here - we're talking about an estimate right at the moment.

Mr. McKenzie: Yes, we're talking about an estimate.

Mr. McKinnon: The two tax bills that are presently before us in Committee, Mr. McKenzie, what additional revenues are these intended to bring from the taxpayer of the Yukon Territory?

Mr. McKenzie: The Business Tax Ordinance and the Business Licence Ordinance are in accordance with a motion of Council on the thirteenth of December, 1967, and they were intended to produce, together, a matter of \$25,000, which these new January taxation measures appeared to be short. In other words, we expected to be short \$25,000 with these January tax measures.

Mr. McKinnon: And without these two new additional taxation bills, we seem to have a surplus over the past that the Federal Government asked us to raise of \$161,000, without the implementation of these two further tax bills. Is this correct?

Mr. McKenzie: Yes, it is possible to set off this \$161,000 estimated surplus against the Business Tax Bill and the Business Licence Bill amendment.

Mr. Chamberlist: Mr. Chairman, in that case is there any necessity to pass these other bills to get some more money?

Mr. McKenzie: That's a matter for Council.

Mr. Chairman: Well, would you require the services of Mr. McKenzie tomorrow at all?

All: No.

Mr. Chairman: I wonder if Mr. McKenzie could be excused at this time?

All: Agreed.

Mr. Chairman: Thank you very much, Mr. McKenzie.

Mr. McKenzie leaves Council Chambers.

Mr. Chairman: Is it the wish of Committee that I report progress on this Bill?

All: Agreed.

Mr. Chairman: What is your further pleasure?

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Mr. Speaker do now resume the Chair.

MOTION CARRIED

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

Mr. Chairman: Mr. Speaker, Committee convened at 11:00 a.m. to discuss Bills, Sessional Papers and Motions. Committee recessed at 12:00 noon and reconvened at 2:05 p.m. It was moved by Councillor Chamberlist, seconded by Councillor Shaw, that Bill No. 17 be reported out of Committee as amended. This motion carried, with Councillor Dumas and Councillor Gordon abstaining.

I can report progress on Bill No. 24, and it was moved by Councillor Shaw, seconded by Councillor Chamberlist, that Mr. Speaker do now resume the Chair, and this motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committee. Are we agreed?

All: Agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Taylor: Mr. Speaker, for consideration tomorrow morning, Committee requested the attendance of a member of the Administration to discuss a part of Bill No. 24, and so we would have bills, and, I believe, some sessional papers will be coming in tomorrow, so I would suggest bills and sessional papers tomorrow morning.

Mr. Speaker: Are there any further suggestions?

Mr. Shaw: Mr. Chairman, I would move that we call it 5:00 o'clock at this time.

Mr. Speaker: It has been moved that we call it 5:00 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 and Council was called to order.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I have for tabling this morning Sessional Papers Nos. 63, 64, and 65. Are there any reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion re Sessional Paper No. 63 be passed into Committee of the Whole for discussion. MOTION NO. 23

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

Mr. Shaw: Yes, Mr. Speaker, I have the following Notice of Motion: Be it resolved that Council discuss in Committee of the Whole the matter of changing Yukon licence plates wording from Land of the Midnight Sun to Home of the Klondike. MOTION NO. 24

Mr. Speaker: Are there any further Notices of Motion? Notices of Motion for the Production of Papers? Passing to Orders of the Day, under Motions. Motion No. 21. Moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Whitehorse West that Sessional Papers No. 61 and 62 be passed into Committee for discussion. Would the Honourable Member be prepared to proceed with this Motion at this time? Question has been called? Are we agreed? I will declare the Motion carried. MOTION NO. 21

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: And Motion No. 22, moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Mayo that Sessional Paper No. 54 be moved into Committee for discussion. Would the Honourable Member be prepared to discuss this Motion at this time? Question has been called? Are we agreed? I will declare the Motion carried. MOTION NO. 22

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: I wonder if Mr. Clerk could ascertain whether the Commissioner is able to attend Council for the question period at this time? I will call a five minute recess.

RECESS

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

Mr. McKinnon: Mr. Speaker, I would like to address a question to the Commissioner. A news report from Ottawa yesterday stated that the Minister of Indian Affairs and Northern Development, Mr. Chretien, would be journeying to Yellowknife about the middle of January to announce consti-

QUESTION- Mr. McKinnon continues....
CONSTITU- tutional development for the Northwest Territories and would
TIONAL be announcing constitutional changes for the Yukon about
DEVELOP- the same time. I wonder if Mr. Commissioner can give us
MENT FOR any details of the announcements or whether the Minister
YUKON plans to visit Whitehorse at that time also.

Mr. Commissioner: Mr. Speaker, definitive knowledge that would be required to answer this question properly is not available to me at the present time. If and when it is I will be very happy to bring it forward to Council.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: May I ask the same question of the Honourable Member from Whitehorse East, Mr. Speaker?

Mr. Chamberlist: Definitive answers to a question of this nature are not available, but I will bring them forward when I have them.

Mr. McKinnon: Mr. Speaker, if I had realized that my question would have upset the Commissioner so much I would not have asked it.

QUESTION NO. 38
EMPLOY- Mr. Shaw: Mr. Speaker, I have a written question for which
MENT, I would appreciate having answers from the Commissioner.
WHITEHORSE It is divided in three sections. (1) How many persons,
AREA contractual or otherwise, are employed in all Departments
of the Federal Government in the Whitehorse Metropolitan area;
contractual, not to include tendered public works projects
of a capital nature. (2) How many persons, contractual and
otherwise are employed in all Departments of the Yukon
Territorial Government in the Whitehorse Metropolitan area,
contractual, not to include tendered Public Works projects
of a capital nature. (3) Data from the Federal Department of
Manpower as to the nearest available figures of the total
number of persons employed in the Whitehorse Metropolitan
area in all capacities. Thank you Mr. Speaker.

QUESTION RE EQUAL- Mr. Taylor: Mr. Speaker, I have a question I would like to
IZATION • direct to Mr. Commissioner this morning. In light of the
POWER remarks by the Member of Parliament a few days ago in
RATES IN Committee of the Whole respecting a possible equalization
NORTH of power rates by N.C.P.C. across the North. I wonder if
Mr. Commissioner could inform the House this morning as to
whether he is aware of any such proposal and as to whether
he has made any representation towards the stopping of
this particular proposal as it applies to the Yukon.

Mr. Commissioner: Mr. Speaker, my total knowledge of this proposal is what I gathered from the Votes and Proceedings as a consequence of our local Member of Parliament visit here in Committee of the Whole. I'm sorry that I wasn't in Committee at that particular time. The question as to whether or not I have made representations to stop this, the answer would be "no". Representations that I have made our Council is well aware of them because I have intimated once if not twice in opening addresses to Council in which I have intimated that I feel it is a very necessary and essential thing that electric power rates and energy costs in general and heating fuel costs would be equalized throughout the Yukon Territory. Those are the representations, Mr. Speaker, that I have made and Council is well aware of that thing.

Mr. Taylor: Supplementary to that Mr. Speaker, then may I take it from the Commissioner's answer that the Commissioner, or the Administration would agree that we talk only of subsidized Yukon power, of equalization of Yukon power within the Yukon and not sharing the deficit with the Northwest Territories.

Mr. Commissioner: Mr. Speaker, the last few words of this carry a lot of overtones. Could I say this, that I think it is the prime duty of my administration to be the champion of the Yukon cause and let others champion their own cause.

QUESTION
RE ANVIL
STRIKE

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner. Mr. Commissioner, is the Administration keeping close contact with the strike that is existing in the Anvil area, to ascertain when the construction of the work there will be continuing?

Mr. Commissioner: Mr. Speaker, I can say that the answer is "no". We have a Labour Provisions Officer and certain legislative functions that if we are called upon to give effect to we will be very pleased to do so. As a matter of information to keep my Administration aware of what is going on, "yes", we are keeping ourselves up-to-date on information but I think the question is, are we attempting to inflict ourselves into this particular situation, the answer is "no", Mr. Speaker.

Mr. Taylor: Mr. Speaker, in view of the fact that Government taxpayers dollars are invested in the Anvil area to which the Honourable Member from Whitehorse refers, which is also in my district, I am wondering of the Commissioner could tell me to what extent, or to what adverse effect this is having on the Territory at this time; these wildcat strikes.

Mr. Commissioner: Mr. Speaker, this is a very indefinite type of thing to deal with. I would say that if a work stoppage of a fairly prolonged nature took place, it would be possible for us to define the basic effect that it was having and I am sure that we can bring forward information of that nature, but the work stoppages until now, have, fortunately, not been of such magnitude that they really have something that you could define as being of a particular effect detrimental or otherwise on the Territory's activities.

Mr. Speaker: Are there any further questions?

QUESTION
CANADIAN
CONSTITU-
TION
CONFERENCE

Mr. Taylor: One final question, Mr. Speaker, which is the daily question. Has the Commissioner any information this morning in respect of the forthcoming Conference on Canadian Constitution to be held in Ottawa December 16th?

Mr. Commissioner: Mr. Speaker, I'm sorry that I still do not have any information regarding this particular situation. While I am on my feet, Mr. Speaker, I have intimated to Mr. Speaker that I will be unavoidably absent from my office tomorrow and Friday and on this particular question and any other question, if information comes in that should be conveyed to Council it will be done by either of my two assistants or through Mr. Clerk, whichever is the wish of Council or Committee, as the case may be.

Mr. Chamberlist: Mr. Speaker, in the question to the Commissioner, Mr. Commissioner, in the absence of yourself during the next few days, will either your Executive Assistant or your Administrative Assistant be available in these Chambers to answer questions in Question time.

Mr. Commissioner: Mr. Speaker, I was hopeful that that was what I had conveyed to you. Both of them are available and my Executive Assistant, Mr. Fingland, will be most happy to present himself here for direct answering of questions and he has Mr. Fleming, my Administrative Assistant who is available to assist him in this matter.

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

FIRST
READING
BILL 17

Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Watson Lake that the Amendment to Bill No. 17, An Ordinance to Amend the Motor Vehicles Ordinance be now read the first time.

MOTION
CARRIED

MOTION CARRIED

SECOND
READING
BILL 17

Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Watson Lake that second reading be given to the Amendment to Bill No. 17, An Ordinance to Amend the Motor Vehicles Ordinance.

MOTION
CARRIED

MOTION CARRIED

THIRD
READING
BILL 17

Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Watson Lake that third reading be given to the Amendment to Bill No. 17, An Ordinance to Amend the Motor Vehicles Ordinance.

MOTION
CARRIED

MOTION CARRIED

TITLE
ADOPTED
BILL 17

Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Watson Lake that the Title to Bill No. 17, An Ordinance to Amend the Motor Vehicles Ordinance be adopted as written.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 17 has passed this House.

BILL NO.
21

Mr. Chamberlist: Mr. Speaker, I would move that Bill No. 21 An Ordinance respecting Notaries, be given third reading

Mr. Speaker: I believe that there is a reservation of a decision from the Chair on this and I will be providing the House tomorrow morning with such a decision. May I have your further pleasure?

BILLS
NO. 22,
25.

Mr. Chamberlist: Mr. Speaker, does this ruling apply to Bill No. 22 and No. 25.

Mr. Speaker: I believe that Bill No. 21 is the Bill to which I refer. May I have your further pleasure?

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

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

Mrs. Gordon: I will second that Motion Mr. Speaker.

Mr. Speaker: Moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Mayo that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, 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 Lake will please take the Chair in Committee.

MOTION RE
MR SPEAKER
LEAVES
CHAIR

MOTION CARRIED

MOTION
CARRIED

Mr. Taylor: We will be discussing Bill No. 24 in particular under Vote 8, Establishment No. 833, Rec Centre Maintenance and I wonder if Mr. Thorsen is available at this time. We have with us this morning Mr. John Thorsen, Physical Fitness Director, to discuss Item 833, Rec. Centre maintenance. Would you proceed.

BILL NO.
24,
EST. 833

Mr. Dumas: Mr. Chairman, I wonder if Mr. Thorsen could tell us how many groups might be interested in making use of the Rec. Centre; what the approximate cost of operation of the Rec. Centre would be; what amount of this he estimates might be recovered from groups using it?

QUESTION
RE USE
OF REC.
CENTRE

Mr. Thorsen: Mr. Chairman, the number of groups who indicated interest in using the Centre to various degrees is approximately nine or ten at the moment; local groups, as well as on the Territorial scale groups like the Summer Games Committee and the Arctic Winter Games Committee. The estimated operating cost, based on the best information that we could obtain through Air Force records, is about \$20,000.00 annually, including heat, light and maintenance services. We are anticipating, through normal regulations of Fitness and Amateur Sport, that the operating group, which would be a co-operative group of all of the user organizations would raise one-half of this cost, annually, at a minimum.

Mr. Dumas: Does the Witness have any idea of the approximate replacement value of the building?

Mr. Thorsen: I haven't, Mr. Chairman. I have heard various figures mentioned up to and including in the neighborhood of \$200,000.00 for that building.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Commissioner could be here to answer questions with reference to the purchase of the building?

Mr. Legal Adviser: Mr. Chairman, the Commissioner indicated that he would be a couple of seconds away but to tell him if he is wanted back.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I wonder if Mr. Thorsen could give Committee a run-down on the different types of groups that would be using this facility and how the actual physical plant of the Recreational Centre could lend themselves to these user groups.

VOTE 08
EST 833
REC.
CENTRE

Mr. Thorsen: Mr. Chairman, the list of groups that attended one general meeting and indicated interest in the use of the building included the Royal Canadian Air Cadets, sponsored by the Lions Club here in town, indicated their requirements for the use of the main gymnasium area for once a week drill, the use of one room which would be fairly well exclusively designated for link trainer ground school use, link trainer installation, the use of the photographic dark room in the building which has been there since the Air Force had use of it and some storage space as well for their own equipment and there is quite a large amount of storage space down one side of the building if anyone would care to examine the plan of the building. The other groups that would use that kind of facility as well would probably include the Army Cadets who also have need for drill space as well as storage for equipment and meeting rooms. Most of the other groups are primarily interested in the use of the gymnasium, like the Men's and Women's Basket Ball groups, Judo Clubs and that sort of thing, as well as the Y.W.C.A. which has not given us a specific request for the use of the building but is thinking in terms of fitness classes and programs that they have been operating; some of which are daytime activities which can be accommodated, for instance in school facilities in town; as well as the Whitehorse Youth Centre Organization which has been on the lookout for a full-time youth drop-in centre as well as a facility for dances for the better part of the year which would be able to make good use of the former coffee shop facilities in the Rec. Centre.

Mr. Chamberlist: Mr. Chairman, I wonder if the witness can say how much could be recovered in actual dollars by way of rentals to the various organizations that would be using this building during a year?

Mr. Thorsen: This is extremely difficult to predict. I think that it would be probably realistic to indicate not much more than probably three to four thousand dollars from the normal rentals of gymnasium and room facilities but the organizations represented at two meetings we have held on this have indicated their willingness to co-operate in fund raising activities to raise a further part of the operating costs and the one part that we can predict is the possibility of large major events such as dances, conventions and conferences that could use the large hall to advantage and would be paying premium rentals for it. We have at the moment three tentative requests, for instance, for this kind of activity; two large dances and a conference to be held in this Centre. These people wouldn't be paying two dollars an hour or ten dollars a night; they would be paying a good deal more than that.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I would like to put a question to the Commissioner. Mr. Commissioner, this amount of ten thousand dollars that has been put in the Estimates on the understanding that the C.F.S. Recreation Centre could be purchased for the sum of one dollar. Can Mr. Commissioner say whether in fact this will be able to be purchased for the sum of one dollar.

Mr. Commissioner: Mr. Chairman, I can confirm that we have this in writing that this is possible.

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

Mr. Chamberlist: Yes.

Mr. Taylor: Mr. Chairman, let it be known at the outset that I'm not opposed to seeing someone take over this building. From what I can recall of the building as I've not been in it for a couple of years but it's quite a beautiful structure, but I think it should be understood that the taxpayer's dollars should not be targeted in the direction of operation and maintenance costs of this building except through one area and that is Community Development Fund. If we accept the principle of investing the taxpayer's dollars to pick up the operating deficit in respect of the operation and maintenance of this building, then we've got to do it in Mayo, we've got to do it in Dawson, we've got to do it in Watson Lake and Ross River and Carmacks and Destruction Bay and Beaver Creek and all these other places throughout the Yukon Territory. Now it's clearly obvious that funds, in order to undertake such a wide program, are just not available. It's a matter of making policy. Now this building, we understand from what Mr. Thorsen said Mr. Chairman this morning, it's estimated cost is some two hundred thousand dollars. Now I'm just citing for comparison Watson Lake have a building and it's estimated value right at the moment is worth one hundred and twenty thousand dollars. They not only annually look after the operation and maintenance of it but at the same time in addition to looking after the operation and maintenance, with one full-time employee I might add, pay off on the capital side, the capital debt and the interest on the remaining. Now if a small community of twelve hundred people can do a thing like this; can operate and maintain and still pay off on the capital, a little community of twelve hundred people, why, will someone please explain to me, why this can't be done in Whitehorse with approximately nine thousand people to potentially contribute to the maintenance and operation of this building? Now the normal procedure has been throughout the Territory is that an association requiring funds first is to be incorporated under the Societies Ordinance; next an approach is made to the Councillor involved, or Councillors as the case might be, for assistance. And under the Community Development Grant there is in the Whitehorse area between the three members approximately, well actually twenty-four thousand dollars to be spent annually. Now, it would appear to me a more logical request would be that some organizing authority go up the hill, form an association. Call it the Hillcrest Community Club, call it the Yukon Fitness and Amateur Sports Association, call it what you will, register under the Societies Ordinance and set up a committee of local businessmen possibly who then will sit down and try and design means and methods of getting full and optimum use of the building in order to achieve the highest degree of revenue from that facility. This is what everybody else has to do in this Territory. I don't see why it can't be done here. I'm sure that the banks down here - you have no capital outlay, one dollar, so I'm quite confident that one of these banks in town here will do like they do in every other community association in the Yukon, would loan them money. And if you have an operating deficit the first year maybe you can pick it up the second year, or the third. Mr. Chairman, this to me makes good sound business sense and it also saves the taxpayer. I'll give you another point too. As long as people owe money on something they'll work towards paying that off but if people get something for nothing and

VOTE 08
EST. 833
REC.
CENTRE

Mr. Taylor continues...
you are talking about getting two hundred thousand dollars for nothing; a two hundred thousand dollar building sounds pretty good. They should be prepared to make sure that the floors are clean, that the boiler is maintained properly and that the building is heated and that it is given wide-spread use. When you are trying to pay off - like again reverting back to the hinterland or the outlying districts, when we have a building debt of twenty or thirty thousand dollars staring us in the face the women are much more agreeable to making sandwiches and this sort of thing for functions and the men are quite willing to get out and support the operation of this building. There are hockey games; in our case it's hockey and curling and everything combined. But there are dances and bingos and everything from kindergartens to God knows what goes on in this Hall. As far as I'm concerned I take this stand; I'm convinced that nine thousand people, properly organized, and with an association properly constituted, there is no requirement for the Territorial Government to put one plug nickel into this facility except where the Territorial Government wishes to rent revenue space or revenue accommodation in this facility. If we accept the principle of spending ten thousand or two thousand, or indeed one hundred dollars toward the maintenance and operation of this building we then have established a new policy and this policy would have to apply throughout the Yukon. And it is clearly obvious to any of us that we just haven't got enough money to pick up the operating deficit on every community hall in the Yukon. For the present that's my case, Mr. Chairman.

Mr. Chairman: Excuse me, I understand that Mr. Commissioner wishes to leave now. Is there anybody who wishes to question the Commissioner on this particular matter. Can he be excused at this time.

All: Agreed.

Mr. Chairman: Thank you. Councillor Dumas.

Mr. Dumas: Mr. Chairman, I think the Honourable Member for Watson Lake made some good points. However, I would like to correct a few errors here. He tells us that the building in Watson Lake is worth one hundred and twenty thousand and ours is worth about two hundred thousand. I had hoped that the witness had more accurate information on the replacement value of the building. Twelve years ago in 1956 when the building was built the contract price was either one hundred and eighty seven or two hundred and thirty seven thousand dollars so the replacement value at the present rate would be approximately a half million dollars for a building of that type. Still we are talking about something considerably bigger than the community club at Watson Lake. Now, as far as the principle of contributing to the operation and maintenance of community activities and community clubs are concerned, I see nothing basically wrong with this. We are talking about using the taxpayers dollar for the benefit of the taxpayers. What could be more beneficial? After all it's their money? I think this would be a good principle in fact. The only problem that arises with the Rec. Centre is the fact that there are no organizations in the area at this point because as you know it's an area that was recently turned over to the Territory and the building itself is within the boundaries of the D.O.T. complex and would come under Territorial - it's on

Mr. Dumas continues...
Territorial land. So, if anybody at this point is going to make a move it must be the Territory; otherwise there is just nobody around to pick it up. The City of Whitehorse certainly isn't going to as it is outside the City boundaries. Now for us to suggest that we let a five hundred thousand building be sold through Crown Assets or go to waste because we are unwilling at this point, and possibly on a temporary basis, to fill in the gap, to put the building into use at this time to service the needs of some nine thousand people as the Honourable Member mentioned. I think this would be a good move. I think we could look forward to the day when hopefully, possibly, the City's boundaries are extended to include Hillcrest and that area; and then we might hope that the City would take over this municipal function. It would no longer be a Territorial responsibility. We also have to realize that there will be some benefit accrued to all the Territory from this insofar as the Halifax Summer Games people would be using it and we hope that there will be participants from all over the Territory. The Arctic Winter Games when we host them we'll be using it. The Polar Games, which includes people from all over the Territory and Northern B.C., Northwest Territories and Alaska will be using it. So there are some benefits which will accrue to people from the whole Territory. I think that we would be wrong, we would be negligent if we did anything other than pass the estimate as presented to us. We are looking at this time at a two thousand dollar outlay.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, regarding the remarks of the Honourable Member from Watson Lake, I think he has quite a lot of good reasoning behind what he has to say. I can see at the same time certain problems with respect to the acquisition of this building. In the first place there seems to be extenuating circumstances involved. This building on this property appears to me as part of No Man's Land situation. The property does not belong to the Territorial Government; it does not belong to the City of Whitehorse. Just as I said it's pretty well a No Man's Land type of proposition. Now, when we have the various and sundry type sports activities which are becoming more numerous all the time as has been mentioned. We have the Arctic Winter Games, we have the Polar Games, we have the Halifax Summer games - I didn't know that, that would apply up here but the Honourable Member from Whitehorse West mentioned that and there are various and sundry activities which will be connected with this. Now, if we do not take this building in this No Man's Land area, apparently there is no government function to take it over and it could possibly be sold by Crown Assets; anyone could take it, tear it down and use it for whatever they may see fit and it would appear to me, Mr. Chairman, that if it were purchased by any private group or otherwise it would certainly not be used to benefit the Territory or the particular area around the Whitehorse Metropolitan District. I can see where this can be put to great advantage for these games that are Yukon wide. However, to just enter into something and purchase it just for the use of people locally as Councillor Taylor has outlined, would be contrary to the policy we have now. However, in this event, Mr. Chairman, I feel that there are certain extenuating circumstances and the amount required is nominal to keep it operational

VOTE 07
EST 833

Mr. Shaw continues....

and I would feel that we could possibly - to retain this building in an operational manner because you can't just shut it down due to the water facilities, that we do proceed with this program and endeavour, and I think this is very important Mr. Chairman, to see what can be done to incorporating Hillcrest, to incorporate this recreational centre and these other facilities into a main part and function of the City of Whitehorse itself. It seems to me that when we have an area scattered here and there and an area there and another area scattered some other place, that there are duplication of administrative functions and various other matters of duplications; that this may be a sensible and reasonable means, under the circumstances, of holding this building and holding it at least in a condition of good repair until maybe these means, which I think are highly desirable of incorporating all these areas, adjacent to the City on its borders into one unit. In view of that type of situation I would-considering this as more or less a temporary measure for a year or two, I would be prepared to go along with it under those circumstances but I still, Mr. Chairman, agree very much with the Member from Watson Lake, that in the outlying areas the people themselves have to maintain and operate their own community halls. We do get funds available of a capital nature but the maintenance has to be done by the local people themselves who have to have these various money-making functions. But I think we do have an exceptional circumstance here and I would feel remiss in my duty if I took a negative attitude and in so doing the possibilities might occur that private enterprise would buy it and it would be lost. And it is a building that if it is worth half a million dollars, surely to retain that facility, a few thousand dollars a year under those circumstances I think are reasonable and sensible.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I thank the Honourable Member from Dawson very much for his remarks. I would like to assure him that if the area at Hillcrest fell within the municipal boundaries of the City of Whitehorse at this time, this Committee would not be asking for the approval of this amount in the Estimates and Mr. Chairman, in the very near future I hope, with all the local pockets of areas that are settled around the City of Whitehorse come within the bounds of the Municipality of the City of Whitehorse at that time this building should become a municipal responsibility and no longer be a Territorial responsibility, at this moment the fact of the matter is that if the Territory doesn't accept the half a million dollar building for a dollar nobody is going to get it and the Territory and the people of Whitehorse are going to lose it in perpetuity. Now the Honourable Member from Watson Lake made a very valid remark when he said that this is a change in the philosophy of government towards recreation and recreational facilities in the Yukon Territory and I say to the Honourable Member from Watson Lake "thank the good Lord that finally there is a change in the policy, in the philosophy of recreational activities in the Yukon Territory. I've been fighting this since the time I came to this Council table that the only northern nation that I know of - Canada - that does not provide recreational and cultural benefits to the people who choose to live above the sixtieth parallel and it's about time that Canada and this government recognize the need, the

Mr. McKinnon continues....
recreational needs of the people who choose to live in Canada's north and if this is a change of philosophy and a change in policy and it means that in the future recreational centres throughout the whole of the Yukon are going to be able to apply to the Territorial Government for part of the taxpayer's dollar to make living in isolated areas a little bit easier and the winters a little bit shorter, then Mr. Chairman, I say that this is a welcome change of philosophy and if this is a foot in the door then Mr. Chairman, let's welcome it with open arms. Thank you.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Yes, I agree with the Honourable Member. If I was the Director of this Physical Fitness and Amateur Sports Association, or Winter Games or whatever it is and got deeply involved I'd be up there saying the same thing the Honourable Member is. But I'm not involved to the degree the Honourable Member is and therefore I must look at the taxpayer's point of view in this respect. Now, in the first instance the Honourable Member for Whitehorse West has stated that this is a benefit to the taxpayer so why not spend taxpayer's dollars. I say to you it is not a benefit to the taxpayer in Watson Lake; it's not a benefit to the taxpayer in Dawson nor anywhere else in the Territory other than in the Whitehorse area. Now, it has been suggested there is one possible it can be of benefit to these people and that is whenever they come in to compete for winter games, which is exclusive of curling and skating, incidentally. We're talking about gymnasium sports. We have gymnasiums around this town. In my eight years we've gone through a lot of money and budget such as this and I think we will also agree that we didn't desire duplication of facilities in respect of the Territorial budget either. Put that in your pipe and smoke it. Now, we're told that this building for instance, has to be heated or it would fold up. I have since enquired into this and I find when we were first approached with this matter in budget review, we were told you've got to do it, you've got to buy it and you've got to spend some money or all the pipes will freeze. Well, my information is that this was erroneous, that that building had been winterized by the Department of Transport, incidentally, so I had a gun at my head for a reason stating that if you don't do it Taylor, or go along with it, the building is going to freeze, and this was not the case. However, I understand from further digging for information that they fired the boiler up in the building to service another building, not to service the existing facility but the boiler in this existing facility apparently serves other buildings and that is the reason the boiler is running today and I assume that Territorial Government are paying for it. And I'm still not too clear if the Territorial Government even own this building yet and I don't think they do. I don't think they've purchased it yet. So we are pouring money into a D.O.T. facility so put that in the pipe too while you're at it. So we are not detracting from government policy in one area; we are detracting from government policy in all manner of areas. Now there is no absolute reason to me - the Director of Physical Fitness has indicated that right now he can see 50% of the operation and maintenance deficit being picked up by operational revenue. Now there are three Councillors in this District representing this Whitehorse area and each one of them have \$8,000.00 a year in the Community Development

VOTE 07
EST 833

Mr. Taylor continues....

fund. Now if a proposal was made to the Federal government by Council that 25% rather than 10% of those revenues could be used for operation and maintenance out of the Whitehorse total of \$24,000.00, \$6,000.00 to be contributed by the three interested Whitehorse Members to that operation and maintenance of that building that would leave you on this estimation a short fall of \$4,000.00 annually. And gentlemen, I say to you, if you can't boost the effort and raise an additional \$4,000.00 you haven't got a right to have that building. And number two, it was stated by the Honourable Member for Dawson that in his opinion there was nobody, that this was a No Man's Land is erroneous. We have in Whitehorse, we are just chucked full of service clubs, fraternal organizations and associations of all sorts, shapes and sizes. Now there is no reason why some central operating authority cannot be sought, created to operate that facility. Now if this cannot be done I say again that this facility should be left and sold to private enterprise to be destroyed. If this community is not interested so much as to provide the operation and maintenance costs of the building they do not deserve to have it; no more so than any other community in the Yukon should deserve a community club. If they've got to run to the government and say here, we want that but we can't afford it; well do like everybody else does. Go to the bank and borrow the money and go out and work to pay it off and I will not consider. I don't know what the rest of Council will do, but until this policy is changed I will not put one plug nickel of the taxpayer's dollar into this facility. This community is capable and I'm sure it has the guts, it just needs the organization of taking on the facility on its own. You may wish to form a Hillcrest Community Association. As a matter of fact they may look at it and say sure, we'll take it on for a dollar and we'll look after the operation and maintenance of it and we'll make money on it. Now in respect of this \$6,000.00 that I suggested could be contributed from the Whitehorse Members; this is what it's for, this is where my money goes. I have \$8,000.00 to spend between three community associations and when we take over the Highway I'll have another one, four. How far does \$8,000.00 go amongst four community clubs? So in other words these communities have to dig and dig hard and I think that Whitehorse should dig and dig hard like the rest of us. It's been suggested that \$6,000.00 could come out of this \$24,000.00. That leaves you the balance to put towards any capital needs in the building. In other words you are free of any capital consideration. All you've got to do is raise enough money for the heat. If you want to change the heating system to forced air - I don't know. This is why you need a steering committee. No, - it's been suggested that I'm taking a very negative approach to this Mr. Chairman. I'm not. This is a policy matter. The rest of the people in the Yukon will derive no direct benefit from this. I'm even informed that last year we didn't even get considered for the Winter Games. Everybody came from Whitehorse. No hope! As a matter of fact last year we didn't even get considered for the Polar Games. This year I understand that now there are no monies available to bring people in for competition in the summer games and if people would like to compete they are sure welcome to but they got to pay their own way. In this Territory everybody has to pay their own way so consequently let Whitehorse pay their own way and let the Fitness and Amateur Sports Group pay their own way

Mr. Taylor continues.....
too. It's as simple and as basic as this. But if we change this policy by this Council then you are committed for instance, to pay the first two years or three years of the operating deficit of the Ross River Community Club who are just starting and the operating deficit of the Teslin Community Club if they so have a deficit and any other. So, in other words a change of policy is going to require the concurrence of Ottawa and there isn't a Councillor at this table who doesn't know that. So, as I say, put that in your pipe and smoke it.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Thank you Mr. Chairman. We are accumulating a rather large pipe around here and it will take a lot of tobacco. I'm trying to cut down on the use of tobacco these days. Now, being a private entrepreneur myself, I can see quite a lot of merit in some of the remarks of the Honourable Member from Watson Lake. However, there are ways of looking at certain matters. Now, the Honourable Member covered many matters in his debate which were not strictly connected with this particular project we are discussing. The philosophy of providing maintenance and operational assistance to all the community clubs in the Yukon is perhaps something that is very worthy of consideration because the smaller communities have great difficulties in matters such as this and that is something that I do feel where change of policy may very well be in order. But at the moment Mr. Chairman, I do not look on this as a change of policy; it is my opinion, from what information I can gather, that this is definitely a No Man's Land type of proposition. It does not belong to any community, it does not belong to the Hillcrest Community because they had no organizational set-up that I am aware of. It does not belong to the City of Whitehorse. It isn't within the confines of the City. It is on a piece of Federal Government property and it's a mere matter, in my estimation, Mr. Chairman, that this is somewhat of a holding proposition, this is a good building, this is a desirable building and we are going to acquire it by the people rather than some private enterprise taking it over and no doubt tearing it down because I don't think that that could be used for recreational facilities and show a profit. I'm certain that I would hesitate to put five cents into this building to endeavour to utilize it as a profitable undertaking. As I stated when I first rose, Mr. Chairman, I feel this is a type of what you might call a hold proposition and in view of this, and in view of the remarks from the Honourable Member for Whitehorse North who stated that he would feel that the time would come very shortly that the possibility of the City enlarging its boundaries or something to that effect and taking over, which I would like to see, that all this area adjacent be the City of Whitehorse rather than sections here and there. If for example it did come about that - and this is hypothetical, Mr. Chairman - it's a hypothetical answer. I suppose it can't be answered positively, but I think that this can be answered. If the City should encompass this beautiful building within its boundaries, would the Honourable Member for Whitehorse North agree that this could be turned over to the City and no longer be a responsibility of the Territorial Government.

Mr. Chairman: I wonder if the Honourable Member from Dawson

VOTE 07
EST 833

Mr. Chairman continues....
would be satisfied with an answer after a short recess?
Do we need a recess on this?

Mr. Shaw: It would be quite in order with me.

Mr. Chairman: Committee will recess at this time.

RECESS

Mr. Chairman: At this time I will call Committee back to order. I believe that Councillor Shaw had asked a question of the Honourable Member from Whitehorse North.

VOTE #8
ESTABLISH-
MENT 833

Mr. McKinnon: Mr. Chairman, the answer to the question is unqualified yes when and if the Hillcrest Area becomes part of the municipality of Whitehorse, this building should become a municipal responsibility.

Mr. Chairman: The witness indicated that he had some comment to make. Will you please proceed Mr. Thorsen?

Mr. Thorsen: Thank you Mr. Chairman. There had been a point raised during the discussion concerning the possibility of forming an operating group or organization within the city to assume the management of this building with our assistants and I would like to point out that the Steering Committee has been formed representing the Lions Club, The Air Cadet Corps, The Archery Club, Yukon Sport Aviation Association, The Youth Centre Organization, The Royal Canadian Legion and the Men's and Women's Basketball League. A Steering Committee to form Whitehorse Athletic Association, which would I think, in terms of the other types of community groups in the Territory, assume basically the same function and the operation of this building as a community club or an athletic association anywhere else.

Mr. Taylor: Mr. Chairman: Mr. Chairman, then why is it not possible to have the, if the Yukon Athletic Association is just in it's formation in it's infancy, it would occur to me that it wouldn't take very long to be registered under the Societies Ordinance. I'd like to direct this question to the witness, Mr. Chairman. Could these people not go to the bank and borrow sufficient funds and operate this facility along the lines as I suggested?

Mr. Thorsen: I would assume that they could, I'm not sure how the bankers in town would look on that kind of application. They would be equally eligible to apply for the normal assistance under our regulations toward the cost of their program in the building and this is essentially what the estimate is before you for. The reason that the estimate is for the total amount of the operation is that we are at the moment unable to predict the exact amount of revenue that these people would be able to raise.

Mr. Taylor: I'd just like to make a point here. During the recess, I made a point of phoning the Department of Transport at the airport to really find out what exactly the situation is in respect of this building. I find out that it had been mothballed by the Air Force, that was not the information given the Committee or Members of Committee when we first discussed this. However, the present status is this, that the D.O.T., in order to provide service to one other building, to a group that I believe are called the Yukon Servicemen Association, one that I've never heard of before. In order to provide the heating service from the boiler to this other building, the D.O.T. took it upon themselves to fire it up again, fix the boiler up andfor this purpose. They've kept minimal heat in it, in the last two and a half months they've put in two thousand gallons of fuel and they believe that the Yukon Servicemen's Association, whatever that might be, have dumped in another five hundred gallons of fuel, representing pretty well an actual operation cost. Now if we look at that, that is \$645.00 worth of fuel. Now assumably that is two and a half months of operation, summer

strictly athletic and it is going to be placed in Whitehorse as a centre of activity for the training of physical fitness and a physical fitness program to raise the health standards of the people of the Yukon and to provide material for various games and competitions throughout Canada, this, I think, is an entirely different slant on it altogether. It would seem to me usual, in a good many instances, when the Government has something to offer, they say, well here you can have it for a dollar but you better take it next week or it's gone the week after, so if this is case with this building, I would say, Mr. Chairman, we better hang onto that building while we've got the opportunity, because once it's gone I don't see what we can do with it. I don't think we're helping ourselves at all in any way shape or form by looking the other way when the Federal government is offering us something for the sum of \$1.00. You couldn't get it much cheaper than that and I know it's an obvious fact that if we're going to have competition between Alaska and the Yukon and the Northwest Territories, this competition must take place somewhere and I would suggest that at the moment that somewhere is Whitehorse and if it is Whitehorse then quite obviously this building would come in very, very handy and it wouldn't be then a question so much of operating something for the Whitehorse area as it would be operating something for a point where competition across the country, across the whole of the North American continent can take place. I would suggest, Mr. Chairman for the Yukon, as strictly an athletic operation, would be certainly something that I could support.

Mr. Taylor: Mr. Chairman, I think it should be clearly understood here that we are only talking about indoor sports, we're not talking in that category of curling, skating, hockey or any of these things. We're talking about a gymnasium. I'd like to direct a question to the Director of Physical Fitness, asking how many gymnasiums are available and fully equipped or reasonably fully equipped in the City of Whitehorse, are there and why these are not available for the purposes as required by the physical fitness department?

Mr. Thorsen: I believe that there are, Mr. Chairman, about five or six school gymnasiums primarily in the Community, only one of which is the same size as the Recreation Centre gym. Not all of these are completely equipped for the widest variety of activities but the ones that are suitable for community group use at the moment are booked four and five nights a week as well as week-end periods for community groups at the present time and in a couple of cases the use of school facilities by one or two of the groups mentioned, as interested in the Rec. centre building is just not satisfactory. They found the school gyms are not adequate for the kind of programs they operate. The Air Cadets are a particular instance. There's specialized requirements for a link-trainer room, for photography room and that sort of thing just can't be met in any school gym. The schools gyms in Whitehorse, at the moment, are almost booked to capacity with school programs and other community programs.

Mr. Taylor: I have another question then to follow this. I would like to ask the Director of Physical Fitness, if funds are available within his budget in grant form or other form for the purposes of leasing this facility for the purposes of physical fitness when required, from such a group as I suggested could be formed, that is a private enterprise group. Are funds available to lease, at nominal rental fees, this facility?

Mr. Thorsen: I think this was part of the agreement of making the building available to this athletic association or whatever it may be called that in the same way that we do use at times, school facilities and city facilities for our programs but the rec. centre would be available for major special events for training programs and so forth.

NOTE 08

Mr. Taylor: In conclusion then, Mr. Chairman, I won't drag out the debate any longer. I stated my case the Director has indicated that funds will become available to pay their fair share of the use of the building provided the Steering Committee or this group, Yukon Athletic Association as a private enterprise group do form, do take over the building, the operation and maintenance cost seem to be in the area of maybe,we got \$4,000 in fuel, maybe \$8,000 to hire some individual to look after the facility and maybe we're looking at fifteen we haven't considered the power bill, I don't know what that would be, but I would suggest that we're looking at an operation and maintenance cost of around \$15,000 to \$16,000 a year and it seems clearly evident that the community could do it without involving the expenditure of taxpayers funds and that the Territory could only be required to purchase the building for \$1.00 and turn it over to this facility for another dollar, the matter is decided and then there would be no change in policy and that would resolve the matter as far as I'm concerned. I'll resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chamberlist: Mr. Chairman, I have listened with some interest, to the various suggestions and in fact, the whole debate that has taken place and I would like to review some of the objections by the Honourable Member from Watson Lake. There's no doubt at all that some of the objections that he has made would be very valid objections if this building was located within the boundaries of the City of Whitehorse today. Now it is not located there, it is located outside an organized district and therefore it is a responsibility of the Territorial government to see whether or not it should take over the operation of the building. But what nobody has made reference to, in Committee today, is anything other than recreation, physical fitness and sports. One area that we are lacking in the Yukon Territory and in fact, in Whitehorse area being the capital of the Territory, are facilities for conventions. Now why hasn't somebody thought about that. What is needed more than anything else here, I think, is a facility where we can build Whitehorse into a convention city. In the past few years, you will notice there have been many more convention groups come into the area, J.C.'s Lions and shortly we have a Northern Conference that is going to take place up here and with the increase in delegates coming to these conventions there really isn't a hall large enough to facilitate a large group of people. Now I'm suggesting the need for this building and I'm sure the Honourable Member from Watson Lake, perhaps inadvertently overlooked this particular scheme of things, is that we should be able to make available facilities to organizations which eventually benefit the Yukon Territory as a whole. I'm sure he must agree that if a convention is taking place for any particular purpose, even if it is a purpose of one of our community service clubs, the delegates arrive from Watson Lake as well as from Dawson and Mayo and areas outside of the Yukon Territory and they use the facilities of the greater Whitehorse area and surely there could be no objection raised to a building of this description being available. The Honourable Member from Watson Lake brought forward the suggestion that local members of Council be....use their community development fund towards this particular centre. I don't suggest to the Honourable Member from Watson Lake in what particular organization we should use the funds that are available to him and I would think it's not very politic on his part to suggest where members of the Whitehorse area use their particular funds that are available to them. I can assure Members of this Committee that as far as I'm concerned the funds that are available to me are used properly and effectively in the best manner that I think possible. What we must get away from is just thinking of terms of a community, this is a venture for the whole of the Territory and the facilities will be available

for the whole of the Territory and not only for physical fitness purposes. I would say the witness, of course being the Director of Physical fitness and sports area in the Territorial Government is specifically thinking in terms of what is his job but there are many of us that I'm sure that Members of Committee will agree recognize those other needs of meeting places, conventions and the like. I support the idea of getting a building of this description for \$1.00 because I think it could be operated on a very, very economical manner without too much additional cost to the Yukon Territory taxpayer but I do agree with the Honourable Member from Watson Lake when he brings forward information that the heating unit put on in that building at our cost and was a maintenance cost and out cost with a man, a Territorial government employee going up there to service this area should be used to service another building because this is what exactly is taking place if what the Honourable Member from Watson Lake says is correct. I think that is wrong and I would suggest that the Administration look into this particular factor of it. I'm not opposed to taking over of this building, I want to see the Whitehorse area become a convention city of the North and for these areas. All of the conventions which we can get up here does nothing but bring a financial benefit to the North to the Yukon and certainly increases our tax structure.

Mr. Chairman: Mr. Shaw would you take the Chair a moment please.

Mr. Shaw takes the Chair.

Mr. Taylor: I feel that I must answer the Honourable Member from Whitehorse East. In the first instance I'd like to deal with the land, the land is in no man's ground, it's up in D.O.T. property but it is my understanding that when the building is sold the land goes with it. Now if this be the case this is what I was told or else the land could be leased. I think the Honourable Member will know, I think he is already involved in land in this particular area and I don't know whether he bought it or leased it but he has property up there and I don't think the Honourable Member could tell me that this poses any great problem to anybody. Indeed, that the association formed to buy the facility for \$1.00 could make arrangements to lease the land at a very nominal fee if not buy it. So this is really no problem, if somebody....if private enterprise can do it in one area it can do it in another. It has been suggested that this would make a tremendous convention centre. I could do no more than agree with the Honourable Member and I had considered it. Conventions in the City of Whitehorse do nothing but bring.... they keep Whitehorse green, they bring lots of that dollar that old money and conventions being a money-maker for the people hosting them, there's no problem here. I'm sure that every convention would go up and rent that facility from the Committee as I have suggested so indeed, the convention would do nothing but enhance the position of this private enterprise group. It has been suggested that I am interfering and instructing the people or telling the Whitehorse Councillors where to spend their money. This is indeed, the farthest thing from my mind. What I have suggested is where they could spend their money. We're looking at some members from Whitehorse with their hand out, give me some money, where am I going to get this money, Territorial Government going to give it to me, you going to give it to me, City of Whitehorse going to give it to me, who's going to give me the money? All I did was point out that there are revenues available if the Members choose to spend this money, I'm not telling you where to spend it but I'm pointing out where you could spend it. It has been suggested that this facility is for the whole of the Territory. This is quite correct. So is the facility in Watson Lake. As a matter of fact, we have one of the larger bonspiels in the Territory with a prize table of four or five thousand dollars, which no other place in the

VOTE 08

Territory that has anything of this nature to this extent and that's there for the whole of the Territory too, if you can get down and enjoy it. So the same arguement applies either way. To this date, as a result of my brief phone call over the brief noon recess, there's been no decision made in this building. The building hasn't been purchase^d by anybody, the building is still the property of the D.O.T.. There hasn't been one nickel of Territorial money go into it as yet, the D.O.T. are pouring fuel into the tank and will continue to do so until such time as a decision is made to stop. So this is the position of the building, there's no Territorial money in it now, I don't see where there should have to be any Territorial money in it other than to let the Members choose to contribute some of their community development funds toward this thing. So why not do as I suggested, form a Committee and we're all off the hook besides we could use that \$10,000 in Welfare to build a Children's Group Home or something.

Mr. Chairman: Is there anything further to discuss on the matter of, we'll call this now Recreation Centre Maintenance up in the, I don't know what area you'd call it, the D.O.T. area. Are you agreed? Are there any contrary?

Mr. Taylor: Contrary.

Mr. Chairman: The subject matter is apparently agreed to.

Mr. Taylor: Mr. Chairman, I would like to have my contrary opinion recorded in the report of Committee.

Mr. Chairman: That shall be recorded Mr. Taylor.

Mr. Taylor resumes the Chair.

BILL # 24

Mr. Chairman: The next item.....what is your pleasure in respect of Bill No. 24?

Mr. Dumas: Mr. Chairman, I'd like to move that Bill No. 24, An Ordinance For Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory be removed out of Committee without amendment.

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

MOTION CARRIED

Mr. Chairman: It has been moved by Councillor Dumas and seconded by Councillor McKinnon that Bill No. 24 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

Mr. Dumas: I wonder if we shouldn't excuse the witness at this time.

Mr. Chairman: Yes I wonder if Mr. Thorsen can be excused at this time. Thank you Mr. Thorsen. Before proceeding with Sessional Papers, I wonder if we can take a review through Bills to get ourselves up to date. The first Bill is Bill No. 1, the Plebecite Ordinance. I believe we're awaiting an amendment on this Bill, Mr. Legal Adviser. When will this be available.

Mr. Legal Adviser: Hopefully possibly tomorrow, Mr. Chairman.

Mr. Chairman: The next Bill is Bill No. 4, An Ordinance Respecting Business and the Issue of Licences Therefore.

Mr. McKinnon: Mr. Chairman, I would like the Territorial Treasurer here when we discuss this Bill.

Mr. Chairman: Would you like to discuss this Bill this afternoon then? Two o'clock?

Mr. Chamberlist: Mr. Chairman, I would like to deal with Sessional Papers because the Sessional Papers 61 and 62 are to me very, very important. It may take some time to discuss them.

Mr. Chairman: The Chair in order to maintain the uniform flow of business, it is trying to determine what is required in the Bills and use the Sessional Papers to fill in while the Administration prepare amendments if this is agreeable with Committee. Mr. Clerk would you see if Mr. Treasurer could be available this afternoon and I will declare Committee in recess until 2:00 o'clock this afternoon.

RECESS

Wednesday, December 4, 1968
2:00 o'clock p.m.

Mr. Chairman: At this time I will call Committee to order. We have arrived at Bill No. 4. Is it your wish I proceed with the reading of this Bill?

BILL
NO. 4

All: Agreed.

Mr. Chairman: (Reads sections 1, 2 and 3 of Bill No. 4).

Mr. Dumas: Just one question, I'm sorry, in section 2, "resident" means a person who resides in the Territory for not less than eight months in each year', say it was an individual who owned a business and had an office in the Territory, but in fact, maybe spent six months of the year outside, not a company, an individual. Either the Legal Adviser or the Territorial Treasurer might be able to elucidate.

Mr. Legal Adviser: A resident means what it says here, it means a person who resides in the Territory for not less than eight months in each year.... it's only going to apply to a non-resident so you're accepting the resident, of course the other is the non-resident.

Mr. Shaw: I'm just wondering, Mr. Chairman, how would this apply to a person running a road house, maybe he had seven months of the year in which he kept the road house open, would that bring him under the \$400.00 class?

Mr. Legal Adviser: It depends on where he resides, it's not for carrying on business, it's residence.

Mr. Chamberlist: I wonder if Mr. Legal Adviser would say, because of the interpretation a person, what is the position with a extra-territorial company that has just been named of the company used and registered, in fact, has no employees at all in the Territory but has a registered office, what is the position there?

Mr. Legal Adviser: He's a non-resident, it's a non-resident company.

Mr. Chamberlist: All right, Mr. Chairman, but supposing Mr. Legal Adviser that they register as a Yukon Territorial Company, what is the position then?

Mr. Legal Adviser: This is a horse of a different colour.

Mr. Chamberlist: Well what colour would the horse be?

Mr. Legal Adviser: White, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, this is an inconsistency that should be cleared up, because if you take the interpretation of a person as a single individual, he must be resident, a given time, but a company gets the advantage because it has paid the registration fee of \$5.00 and only needs not to operate at all in the Territory, not for any length of time, just the fact he files a return.

Mr. Legal Adviser: It's not a question of filing a return. You must perform the normal things to be done by a company, to come within the company's Ordinance, as a Yukon company of the Yukon company, and a company moving in from outside has to comply with certain formalities before it can do business at all.

BILL
NO. 4

Mr. Chamberlist: Mr. Chairman, this is quite true, but it is not necessary for a company that has registered at a Yukon Territorial Company under our Company's Ordinance to do anything beyond file a return to keep the company in good standing.

Mr. Legal Adviser: This is a question of acquiring a licence, the person must go along to get a licence to do business at all and then when he pays a licence this is setting the fee, and it's a double scale. There's a \$10.00 fee for residents and \$400.00 fee for non-residents. This is the way it operates. Now the first year a person moves into the Yukon from outside, they will be a non-resident because they won't have been residing in the Territory for this eight month period, the next year then if they continue there they will be a resident.

Mr. Chamberlist: Mr. Chairman, I must continue to follow this line of thought. Here, Mr. Chairman, is Mr. Legal Adviser's suggestion, that because a company is registered at the Yukon Territorial Company and he only wants to actually carry out work for one month, he will only have to pay \$10.00 for that month - now it's a registered company, a resident company, it has no offices, just a registered office in a law office the name is outside it's a registered office, it is then a resident Territorial Company so they will only pay then \$10.00. Now the individual who opens up a business and operates, or partnership that operates for eight months, they are hit with \$400.00. It seems to me totally inequitable.

Mr. Legal Adviser: I'd have to look at it more closely to deliver the answer in exact details, but the general idea is a person, corporate or otherwise, wants to carry on a commercial industrial undertaking obtain a licence to do it. Now they must operate for eight months to get the decreased rate, now this only applied to the municipality, because within a municipality is these people would have to obtain a licence from the municipality and the schedules are comparable.

Mr. Dumas: Something else that comes to mind in discussing this problem, is it true that any company that is going to operate in the Yukon has to be registered, a limited company?

Mr. Legal Adviser: Yes, to operate.

Mr. Dumas: What measures or steps are taken to insure, that in fact, companies that are in operation in the Yukon are registered?

Mr. Legal Adviser: The Territorial Secretary's office carries on a constant exercise on this behalf, and any company which is doing business in the Yukon comes to our notice fairly rapidly because another company would inform us if we don't find out automatically ourselves. The same office handles a lot of work, Labour Standards Ordinance and such like things, Workmen's Compensation and so forth, so the staff has a certain overall unified view of business as it is conducted in the Territory. It's not that big a place that you don't know what's happening.

Mr. Dumas: The reason I asked, Mr. Chairman, is because one day a couple of weeks ago I was given the names of six companies that weren't registered, and I assume they are now because it was brought to the attention of the Territorial Secretary.

Mr. Shaw: I was just wondering, I can see the intent of the Ordinance, Mr. Chairman, I would propose for the edification of the Legal Adviser, for example, a person, which is quite legal, they are operating a road house on the highway and they decide to close that road house on the 15th of October, and go to wherever they happen to be going, and return on the 1st day of March, now that would only make their residence in the Yukon Territory a matter of 7½ months. Would that then mean the persons would not qualify under subsection (c)?

Mr. Legal Adviser: No, they can reside in the Territory for another while and they're covered for the next year, of course. The definition 'resident' is not invented in this Ordinance, it comes from the old Ordinance and except for the scale of fees the Ordinance is not drastically changed in any real way, so the scheme of the Ordinance follows what is in existence. The main thing we've been changing is the big long list of licences and fees which appears on page 65 and 66 of the Business Licence Ordinance in the green book. It worked well enough in practice, we didn't do a big exercise on it because we were assured from the Administrative's office concern that as it now reads, 'resident' was fine. We didn't want to tamper with something which was going along nicely.

Mr. Shaw: A supplementary question, Mr. Chairman, in other words that's the way it is now, is that correct?

Mr. Legal Adviser: Yes.

Mr. Chamberlist: Mr. Chairman, I don't want to stress on this particular point, I feel there's not sufficient clarity being made between a person, as an individual in a corporated company, and Mr. Legal Adviser has said, 'he would have to take a further look at the situation' in that regard. But what does concern me this idea of giving a flat rate of \$10.00 a licence across the board, you know, the United Keno Hill Mines, they pay a \$10.00 licence, and the small guy that's trying to make a living out of private entrepreneur, he also pays a \$10.00 licence. This in itself appears to me inequitable. A man that operates a trucking business with 20 trucks, he pays a \$10.00 business licence, a man that operates a business for the pick-up, he pays a \$10.00 business licence. I wonder now Mr. Chairman, if Mr. Legal Adviser can show what is the equality in that particular situation.

Mr. Legal Adviser: Well equality isn't necessary the object. What we were doing was charging a flat fee of \$10.00 because we've got to handle these things, nowadays any piece of paper you put your name to, or put a stamp on and post out costs \$5.00 or \$6.00 to handle at all, if you actually cost it out, so this \$10.00 is not a big revenue making thing. The revenue side of this to a certain extent is taken up by non-resident company which is \$400.00. This is intended to complement another Ordinance or another Bill which is coming before the House where the equities exercise the Administration. In this Bill, when we come to it, property of the person in the use of a business is assessed, and if the property is utilized for the purpose of business, there is a surcharge of 50% of the assessed value. So under this type of Bill, or there would be a sealing on it presumably, Keno Hill will pay a higher tax or assessment than say, a barber shop. The fees which are in the back of the schedule are all \$25.00 fees, an occasional \$50.00 fee and an occasional \$100.00 fee. The \$100.00 fee is assessed in respect of telephones, electric light and a non-resident contractor, they are the \$100.00 ones that are reduced. Now non-resident businesses and resident

BILL
NO. 4

Mr. Legal Adviser continues:
businesses are treated differently here from the revenue point of view, but the resident people are just the flat \$10.00 fee. Put it this way, I think the Administration would recommend to the House not to pass one Bill without passing its brother.

Mr. Chamberlist: What's his brother?

Mr. McKenzie: In Business Tax Ordinance, Mr. Chairman, they've got to go together. They both carry a maximum, or each carries a maximum of \$400.00, and that puts them on at par.

Mr. Livesey: Mr. Chairman, having been entailed to the markers post by some of the ingenious devices that have emanated from this Bill over the last 20 years, and I'll quote in substance 1, the taxation on purchases which was totally illegal for which I paid the sum of \$42.00 at one time, I still haven't been able to retrieve it back from the coppers of the realm, with interest, by now it should have compounded itself into quite a huge sum. I'm wondering if those geniuses who cook up these things from time to time have been sitting in a corner all by themselves with the hood down, down to the chin, and have thought of this as a simple method of reducing everything to nothing because they are not satisfied with what they've got. And then after when they've got it reduced to nothing next year they'll come up with something and say, well now, we'll start all over again, we just wipe the whole thing out, we didn't like what was there, we couldn't do a peace meal but now we'll start all over again, we'll reduce this to zero', and the boys in Council will go along with it, you know they are happy sort of fellows, then you get it down to \$10.00 and next year we'll see this old creeping paralysis coming in, and they'll say, 'now this one instead of being \$50.00, you know two years ago, should be \$500.00 now, and this one should be \$750.00 and this should be something else. I wonder if I could apply this question to the legal department, Mr. Chairman.

Mr. Legal Adviser: Mr. Chairman, it is extremely flattering to be associated as a man of genius with my learner's friend at the foot of the hall. I am very grateful to the Honourable Member for his remarks, but this Bill, while it may be the part of a genius, the genius is neither Mr. McKenzie or myself, nor for the matter the Commissioner, this Bill at the request of some genius, was requested in the House, this was a constant, shall we say, a thorn in the Commissioner's flesh, and I see Mr. McKenzie waving a piece of paper at me and I am sure he's got the original Bill of the Motion, which was passed in this House requesting this very thing be done.

All: Let it be read.

Mr. McKenzie: This, Mr. Chairman, is a copy of the Motion that was passed on December 13, 1967. I quote; Mr. Shaw: Mr. Chairman, I have a Motion I would like to put before the Committee at this time, moved by myself that in the opinion of this Committee, the Commissioner introduce the necessary legislation by way of amendment to the Business Licence Ordinance and related legislation so as to produce an estimated increase of revenue of \$25,000.00 in the 1968-69 fiscal year, and in this legislation to render the burden of tax more equitable to the taxpayer'. Mr. Chamberlist: I will second the Motion. Mr. Chairman: Are you agreed?
Mr. Dumas: Contrary.

Mr. Chamberlist: Mr. Chairman, may I refer to that please. This is where a Motion has been distorted by the Administration, completely distorted, the intent here was to allow the Administration absolutely, because we were forced to, to allow the Administration to raise certain funds, but we didn't tell him to do it in this stupid manner, the stupidity that lies in this Bill comes out of the Administration's head, not of the Members of this Committee. So I take strong exception to the remarks that have been made by Mr. Legal Adviser that came from this House. Is it not, when the Honourable Member from Dawson, made this Motion and I seconded it, it was on the understanding we would get some sensible legislation, and as has been done in the past, we did get sensible legislation, certainly we had to raise money but not in this way, this is the most ridiculous piece of legislation, apart from the fact that two Bills have to run together, and Mr. Chairman is not capable of reading two Bills at the same time.

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Mr. Legal Adviser: Mr. Chairman, can't you read them one after the other.

Mr. Chairman: Sorry, gentlemen miracles take a little longer. Councillor Dumas.

Mr. Dumas: Mr. Chairman, I'm glad to see there was one cool head at the time the Motion was put. I'd like to suggest, Mr. Chairman, that we proceed and read this Bill, defer it, go to the other one, read that and see what we come up with.

Mr. Chamberlist: Mr. Chairman, the Honourable Member from Whitehorse West at that time, if I recall, he was voted contrary because he must have thought as his usual in all these Bills that he had a peculiar interest.

Mr. Shaw: Mr. Chairman, I think we all pretty well know the circumstances surrounding this Bill. I think the provision as stated in the Motion, and as we were required to do in order to keep the functions of the Territory operating, so in the meantime I would appreciate if we could go through the Bill because I can't quite understand how it all works, it's somewhat complicated to me.

Mr. McKinnon: Mr. Chairman, there's no doubt the main purpose of the Motion at the time was we had to raise a certain amount of money before the Federal Government was going to come through with their share of the money of our deficit finance. So we said, 'well the only way we can see to raise the money in these different areas, and one area where we'll have to produce more money is in the Business Licence Ordinance'. Now we don't have to raise this \$25,000.00 any longer, but if we can through some legislation make the business licences more equitable and more in favor to the Yukon business man, than to outside interests coming in milking the Territory's money and leaving the Territory without us getting any part of their money in the Territory, then I think we should look forward to do this, if we possibly can through this legislation. I think we should go through the legislation, see what it means, see how we can come up with a more equitable package in favor of the Yukon taxpayer, the happy favorable position of being able to do this at this time.

BILL NO. 4 Mr. Chamberlist: Yes, Mr. Chairman, I agree to this, but it must not, also be equitable towards the Yukon businesses, it must be equitable amongst the Yukon businesses, because there's no such thing as equity when you're talking about equitable status, when you're talking about the little stiff getting hit for the same amount of money as the big operator. This I can't see at all.

Mr. Dumas: Mr. Chairman, I suggested we read this, and then read the other one. I think this problem is solved in the other Bill. Let's have a look at it.

Mr. Chamberlist: You'll get caught in the Treasury pinch.

Mr. Chairman: (Reads section 4, subsections (1) (2) and (3) of Bill No. 4). Clear?

All: Clear.

Mr. Chairman: (Reads section 5 of Bill No. 4). Mr. Chamberlist would you take the Chair.

Mr. Chamberlist takes Chair.

QUESTION RE LICENCE FOR PROSPECTOR Mr. Taylor: Mr. Chairman, I note in the explanatory note of the Bill, 'the exemption of newspapers, prospectors, mining, oil and gas exploration and development is repealed'. Now I'd like to direct firstly a question to Mr. Legal Adviser, in asking him if under this Ordinance the prospector would now require a licence to prospect in the Yukon Territory?

Mr. Legal Adviser: It's hard to say, I would think if he's carrying on a business of being a prospector, Yes, if he's a simple prospector going out into the woods, probably not. You know - there are some firms and they operate the business of prospecting, I think the Honourable Member is familiar with this, I think the casual person who is not making it his main business would not, but I think a prospector who was definitely carrying on that as his business, would have to pay his \$10.00 fee.

Mr. Taylor: Mr. Chairman, back in the year 1960, I believe it was the first session, we dealt with this matter and we felt in order to operate at least some incentive in the Territory to mining and oil exploration and certainly to the prospector, we would not make it incumbent upon them to take out a licence, a business licence, to prospect or to act in the Territory. Now when we discussed this we find you get little stampedes started up, for instance, at Anvil or some of these different areas where we have experienced some interest in mining, and when these things happen, they happen very rapidly. These people come in and they start picking up ground, theoretically if they did this, under the terms of this Ordinance they would be violating a Yukon statute and would be subject to prosecution, because of the fact they did not have a licence. As I say, the other reason for offering these categories of prospectors, mining, oil and gas exploration and development, at our own Territorial level to offer incentive and encouragement for these people to come and develop and spend money here. I certainly could not agree these people should be required to take out licences. Now those mining companies who operate in the Territory, and indeed oil companies, must register under the Societies Ordinance, and I feel if these people are registered under the Societies Ordinance in that area, they should be compelled to take out a licence, but not those people who are not registered under the Societies Ordinance. I'd like a legal opinion on that.

Mr. Legal Adviser: Mr. Chairman, the position is, as we were going through the Bill, these things are on going things, we came across the exemptions we were given in 1960 which read, 'no licence is required by this Ordinance for (a) the business of publishing a newspaper (b) the occupation of prospecting mining exploration, development of oil and gas, and so on. We're only charging a \$10.00 fee, now we also have a section in here which says, 'where under any other Ordinance a person requires a licence, doctors, dentists and so forth, they pay \$30.00 - \$35.00 licence fee. We left those alone, not so much for having to do the exercises or anything else, if they pay a fee and get a licence under another Ordinance, O.K. they don't have to get one out of this. So I have sympathy with the prospector who may have to pay a \$10.00 licence fee, but we just didn't want to spoil the Ordinance by putting an exemption for one particular trade.

Mr. Taylor: Mr. Chairman, nowhere in Canada do I know of does a prospector require a business licence, nowhere. The licence is granted to a prospector in some areas in Canada is a licence produced by the Resource Division, and it offers in the form of credential, and it offers in certain privileges, one of which to explore, locate and transfer and negotiate in respect of resources, and that is mining, shall we say. These are issued by Resource branches and by people who control resources, now we have no such a licence here in the Yukon, but, of course, the Federal Government issue them in the Northwest Territories. But this is a different thing, there is nowhere, nowhere in Canada in any of the provinces where a prospector requires a business licence, but under the terms of this Ordinance, as it's written, he would have to have a business licence, and this is grossly unfair, grossly, and I would support it.

Mr. Shaw: Mr. Chairman, now as a genius by insinuation, I cannot but agree with the Honourable Member from Watson Lake. A prospector goes out prospecting is not what you would call a profitable occupation necessarily. For all those that go out prospecting there are so very few that, you might say, will make any more money at it, in fact most of them will lose money, some may have a certain salary with the job which is small, certainly no more than any other person working or possibly less than working in other endeavors, and to require a prospector to pay a licence just seems to me, if I may say with all respects, somewhat foolish. I think a prospector could be very well left out of this, I don't know why it can't be left out. I mean, Mr. Chairman, a prospector has not got a business, he hasn't got a business unless he finds something and how many find it, it's a case where they are putting in their time hoping to find something, which in turn, will inure to the benefit of the Territory, but in most cases their finds are mostly a great deal of privation and hard work. If they carry on a business, a retail business selling something, making a profit, O.K. I'm prepared to go along with that, but how one can conceivably call a prospector a business man, he might be a business man if he's lucky, most of them are not lucky, and I think certainly when Council made this Ordinance in 1960, which I was a Member of Council, the prospectors themselves, as individuals, did not pay licences. I think I did the right thing, I still feel there has been no change in my thinking.

Mr. Legal Adviser: Mr. Chairman, I do not think there is any hard and fast policy on this except that we were considering exemptions and we dug up this section, we didn't think it was any case for exempting the Daily News and the Yukon Star from a \$10.00 licence fee, and the only other people who were exempted happened to be, in many cases, the big companies, these

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Mr. Legal Adviser continues:

prospecting and oil exploration companies. We thought the time had come when prospecting has become less of an art and more of a business so we just dropped the exemption. If we didn't meet with the wishes of the House, this is for the House to decide if they want to put back the prospectors exemption, this is fine, but I would warn the House, then the barbers, blacksmiths, the keepers of billiard halls and so forth, can all make the hard case of not making much money so it opens the door, that's it.

Mr. Livesey: I'd like to direct a question to the Legal Adviser, Mr. Chairman. Would I be correct in assuming that part of thinking behind the drafting of this Bill was to make sure that everyone who is either in a position to make a profit, or actually does make a profit, who may, or may not, be in a position to hire personnel and become liable under the Workmen's Compensation Ordinance, one of the basic objects of this Bill is to more or less feel out the entire community as far as business endeavour is concerned, and to make sure every name is registered and make sure every employee is covered under the Workmen's Compensation Act by this form of search and registration in relation to the fee. Would I be correct in that assumption?

Mr. Legal Adviser: The Honourable Member attributes high motives on the Administration, but I'm not sure their motives are quite as exalted as all this. Their object was to regularize the big long list, I think it's three pages long on the amended list, which has come under fire on many occasions because of seeming inequities where some people are charged \$35.00, some people \$5.00 for a barber chair, blacksmith \$35.00 and suddenly a butcher becomes \$50.00 and so on. We this as primarily a method of making money out of residents so much as carrying on, taking a modest exaction from \$10.00 a year, but being able to tax up to \$400.00 in this particular method extra-territorial companies, or operators. It didn't seem to us when we were reducing taxation by an average of \$15.00 per business that we have such trouble reducing the taxation level in this particular Ordinance.

Mr. Taylor: Mr. Chairman, I think it was pointed out by the Honourable Member from Whitehorse North, that when we had the gun at our head, and I say we did have the gun at our head, in the first instance to raise \$600,000.00 this was suggested by the Administration as a means of raising revenues, and the suggestion they made was that business licences be increased, and then at our suggestion we decided we wanted the business licence more equitable and yet raise this, we must raise the revenue to raise it. Now it seems to methen these exemptions which Council in its wisdom in 1960 placed in, as an amendment to the existing Ordinance at that time. The only reason it has been lifted is to raise this \$25,000.00 additional revenue and I think this is the crux of the whole thing as I see it anyway, and we certainly have shown by the revenue position as indicated by the Territorial Treasurer yesterday that we've more than raised the amount of money we were required to raise, and at this particular point in time it isn't necessary that we raise this additional revenue. Now in respect of the prospector there is no possible way that we as a competent legislature should ever burden the prospector with a \$10.00 business licence fee, which is not done anywhere else in Canada and should not be done here. Why makes things tougher for an already too tough a racket. The other thing is the reason the mining and oil companies were released from this commitment was (1) as an incentive clause, one area in which we can offer an incentive to these people, now I'm not so convinced these people have to pay a business licence outside either unless they are registered as a corporation under the Societies Ordinance

Mr. Taylor continues:

or something similar, but I know in Northern British Columbia they don't, because I see mining companies coming in from all over Canada and they have the right to go and stake claims, trade, swap and barter and do all those things, which are done in that speculative industry without having to have a licence, and indeed if it was a requirement they have a licence it would cost them more to enforce the Ordinance, then what they'd get out of it. Now I still feel these particular exemptions should remain, this is too broad. Is it intended here now then that the churches and religious groups will now be charged a business licence fee, because indeed that is a business. May I have an answer to that question, because it says so here!

Mr. Legal Adviser: It's a hypothetical question. Well, renders to Caesar the things that are Caesar's or something, to God the things that are God's, I don't know, but I would think that any court interpreting this would find a church, in fact, was not a business.

Mr. Taylor: Mr. Chairman, all I'm getting around here, 'well I'm not sure', 'well maybe', 'I don't think' well if we're making legislation and we can't understand it ourselves and we cannot understand how far it reaches, and where it doesn't reach, we've really got no business even considering this thing, by the gods of war this is a little loose. If we can't understand it, how are the public expected to understand it. Theoretically, Mr. Chairman, according to section 5, 'no person shall carry on within the Territory any business without having first obtained a licence for the purpose, and paid the fee therefor' this covers all businesses, so it must cover religious organizations as well.

Mr. Legal Adviser: There are different forms of business, there are different forms of religions, and I can conceive there might be some form of religion which would actually carry on a business, if it does carry on a business, then they have to pay a licence. But business is defined as closely as it can be defined, it's a continuing thing, it's a carrying of a commercial or industrial undertaking of any kind or nature, or the providing of professional, personal or other services. Now these are two distinct things, the commercial and industrial undertaking is that you build the things or you sell things, providing professional services include doctors, dentists, chiropodists, and such like people that are fairly easy to interpretate. But once you move into the field of religion, then there are many religions, some may be businesses, some may not, I'm not a religious expert myself.

Mr. Livesey: Mr. Chairman, I think the obvious general, simple description of a business is that which is set in order to make a profit. I don't think the Honourable Member can exercise such a privilege to describe a church as attempting to make a profit, I don't think they are in the business for making a profit, nor are they classified in that order, neither are a number of other associations, to the best of my knowledge, in this country that do not operate for a profit, and if they're not operating for a profit, they're obviously not a business. I don't think there's any problem there at all, I think this is an attempt to over emphasize or inject a form of confusion, which to me doesn't appear at all. There's certainly a lot of merit to what the Bill provides, there's no question about that, the last list of licence fees for various businesses throughout the Territory was most inequitable form of attachment to fees for operating a business in the Yukon, and I certainly don't blame the Administration for trying to alter it. But I don't see any problem in relation to who the Territorial Administration may decide, if a business

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Mr. Livesey continues:

he was not, I think this is a simple fact, there's no problem there at all.

Mr. Shaw: I think we have to look at this, in a system of reality, for example, I think the Honourable Member is aware it is pretty difficult to go out in the woods and prospect at this time of the year. The prospecting season is approximately five months and that would be stretching it. Now a person that wishes to prospect and comes from British Columbia, we'll say, he lives in Dawson Creek, he has a job there in the winter time and in the summer time he spends his time prospecting. Now there are quite a number of people that do this, so this person comes up to the Yukon and immediately being a non-resident, he is charged with a \$400.00 licence; that's the way the law reads. Now, I myself would feel, the most benefit would inure to the Yukon Territory if we had about five million people strutting around the hills prospecting, because anything they may come up with conceivably could benefit them, but it would benefit the Yukon Territory in a tremendous amount. However, we do have the situation of this prospector would have to pay \$400.00 and that in itself would appear to me, Mr. Chairman, as to be absolutely, I might even say ridiculous, because there are many of these people that wouldn't have \$400.00 in cash to be able to pay for this licence, I'm sure they wouldn't be able to get it on credit, so the alternative would be to say to this person, 'no takee no washee, you go back to where you came from', I think that would be the answer to it. I think, Mr. Chairman, a situation that I have just mentioned, I would like to ask the Legal Adviser's opinion if I am incorrect in making the assumption that he would pay a \$400.00 licence for prospecting as a result of this Bill.

Mr. Legal Adviser: Mr. Chairman, if there's a feeling that prospectors should be in, well possibly the feeling might be limited to prospectors according to the wishes of the Honourable Members, these prospectors we're talking about are people who are in business on their own behalf, not giant corporations. I think the Honourable Member thinks a person who comes up here from northern B.C. and happens to find as a convenient district for his winter prospecting, or whatever it happens to be, summer prospecting, moving it out. There's no objection at all, and the Administration does not object to the insertion of an exception for a prospector. I think I already made this clear, it's just that as a general principle, putting in one exception can invite others, but if the House wishes to put in an exception for a prospector, then it is quite at liberty to do it and all we would need is a decision from the House that this is what they want and then the amendment will be drafted and inserted in a very simple fashion.

Mr. Taylor: Mr. Chairman, I would start off by moving that prospectors do be exempted from this Bill.

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

Mr. Dumas: Mr. Chairman, I agree with the Motion, I think individual prospector's should be exempted, but I don't think prospecting companies should be exempted. Now we'd like the amendment to so read, if it's passed.

Mr. Shaw: Mr. Chairman, my discussions have been in relation to an individual prospector, not a company, and if this includes the companies, I am afraid I couldn't go along with the Motion. I would wonder, as the Motion has not been read by the Chairman

Mr. Shaw continues:

of Committees, possibly there was a mistake there, I would wait until the Chairman of Committees reads the Motion.

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Mr. Legal Adviser: Mr. Chairman, I think with respect, with the orders of the Motion I can understand the feelings of the House, they seem fairly clear and we can go to the next time while I produce an amendment for the next time the Bill is being discussed.

Mr. Chairman: Would the mover of the Motion care to withdraw his Motion?

Mr. Taylor: If this be the case, I'd be quite prepared to withdraw if the Committee would agree.

Mr. Chairman: Does Committee agree?

All: Agreed.

Mr. Taylor: Mr. Chairman, the other matter is the matter of mining companies and oil explorations people. I am just wondering if Committee is aware of the imposition that would be placed here, and the lack of control. There's no way I can possibly see you can control this. If by this Ordinance, you had to enforce this Ordinance, it would cost more to police this and probably bottle the courts up then we would make from the issuance of these licences. I cite the case of where people hearing of some new find in the Yukon, as they have done over the years, come in from Vancouver, from the East and chartered airplanes, hire men and away they go, they stake and locate ground and get things started something like the Dynasty Operation. This is good if we can encourage this type of thing and not discourage it. In many instances, the ground becomes vacant, nothing is found but a great deal of money is expended in the Territory in trying to determine whether they have anything or not. Now if these people were compelled by law, which this would be law, to come roaring in a stampede, come in here on a Friday night, sit on their bottoms in Whitehorse in a hotel till Monday morning and until they could get a business licence, or one of the Territorial agents whenever the door is open, get a business licence and then carry on at the stampede, they might just as well have stayed in Toronto because somebody else would be in ahead of them. If we were to follow this proposed Ordinance this is the only way it can work, and it seems kind of foolish to put this in. I think we should be offering these people an incentive, because they are bringing in revenue into the Territory and these are the people that are spending the money, and why not encourage them in this resource area.

Mr. Shaw: Mr. Chairman, we also have another way of looking at it such as these huge oil companies that go in the north, and they take great chunks of land, which are not available to small people because they cannot finance something like that, they pay hundreds of thousands dollars for permits and they pay that to the Federal Government, it is possibly insofar as they are financially fixed and operating as a business they could make their contribution to the general tax structure of the Yukon, rather than require the barber to pay it all, or whoever it may be.

Mr. Taylor: Mr. Chairman, just in reply in 1960 we saw the need, and the Honourable Member from Dawson was on Council, I believe, at that time, to include this, and I can see no real reason why we should not exempt these people now, the reason was, of course, for incentive purposes. If a mining or an exploration company

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Mr. Taylor continues:

comes in here and they pay their men off, their men go off - what do they buy most of all, they buy liquor, they pay taxes. This is an area where people contribute a great deal in taxation, they buy fuel and local products, groceries, this type of thing and eventually they start building up resource industry to which the Territory benefits to a certain amount. I will admit on production the balance goes to Ottawa, but we get a goodly chunk of it, so why make it mandatory and troublesome for them in this highly speculative industry applied to resources to buy a licence, I really can't see why we should push it.

Mr. Dumas: Mr. Chairman, I feel I have to speak on this since the Legal Adviser is going to try and get the feeling of Committee, and I think companies should pay, because there are companies that are professional prospecting companies, there's no reason why they should be exempt any more than any other company should be exempt. Let's face it, any company in operation in the Yukon is probably helping in its own way to develop the North country and the Yukon, so I can go along with the individual being exempt, because we do want them and we do want them prospecting up here, but a company that's in the business should be charged just like any other company up here.

Mr. Shaw: Mr. Chairman, the Honourable Member from Watson Lake brought up a matter of what I did in 1960. Well that was eight years ago and I will admit he is absolutely right in what he said, and I went along with exempting mining companies from paying just about anything to the Territorial coffers, but alot of water has run under the bridge since 1960, and I look back, Mr. Chairman, on some of the actions that I took at that time in respect to things like this I can see I made a great mistake, it's just a case, Mr. Chairman, I would say, as one gets older, as one spends a longer time on the job, one becomes more conversant with all the ramifications that are involved in it, and had I known as much about this type of business or profession or whatever you may call it in 1960, I think I might have made different decisions in some respect.

Mr. Taylor: Mr. Chairman, I hope the Honourable Member isn't referring to the water under the Dawson bridge because I don't think it's there yet. But I might say, as you will note in my preliminary remarks, I stated I felt that any company registered under the Companies Ordinance should pay a business licence, this is easily controlled, if they're doing business in the Territory the law decess they register as a Territorial or extra-Territorial company. There's no problem here. For instance, in another case in this prospecting business, the prospector the only way he can make a living is to go and take a grub steak, which means he is in the business, he's operating a partnership, you might say somebody is giving him money in order to carry on the business of prospecting. He might go and take a contract with a mining company, or indeed he might go to work for a mining company for two or three weeks to raise the money for his own grub steak, so theoretically he is in business, and I'm just wondering how far you'd go in a deal like this.

Mr. Shaw: Mr. Chairman, my interpretation is this, that an individual prospector does not have to pay a licence. Now I think we can very clearly define what an individual prospector is, and what a person is, who is an employee of a company.

Mr. Taylor: Mr. Chairman, am I to take it that any prospector who works for a mining company would then have to buy a business licence?

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Mr. Legal Adviser: The mining company would have to buy one for its own operations.

Mr. McKinnon: Mr. Chairman, I went along whole-heartedly with the arguments raised by the Honourable Member from Watson Lake on the individual prospector, I agree with him whole-heartedly, it's unenforceable, it's ridiculous, it's not practical, it's all the reasons he suggested I'm with him, but when it comes to mining, oil and gas companies, Mr. Chairman, certainly if they can't afford to pay \$10.00 if they're resident in the Territory and \$400.00 if they're extra-territorial, in his own words, there's no way they should be exempt from under this Ordinance. Mr. Chairman, with respect, let's be sensible.

Mr. Taylor: Mr. Chairman, at no time did I ever say, they couldn't afford to, but they break the law every time they come in here to try and do what they have to do without first having obtained a business licence. Where can they get them, they make them available 24 hours a day every place in the Territory, then maybe you can make it work, but you place an imposition on them, because then if they come to the Territory and stake a piece of ground, if they come in from Edmonton, Vancouver, Toronto and go out without a business licence, they violated an Ordinance of the Territory and they can be prosecuted for it. Now how are you going to handle this one?

Mr. McKinnon: Prosecute him, that's the way you handle it.

Mr. Taylor: You might as well give the whole works to Bennett then. I will now resume the Chair.

Mr. Taylor resumes Chair.

Mr. Chamberlist: Mr. Chairman, I'm sure I heard correctly that the Legal Adviser had said the certain Ordinances exempt doctors and other professional people from licences - rather this Ordinance would exempt doctors and other professional people from licences if they were issued under other Ordinances, this is what I heard Mr. Legal Adviser say. Now I would suggest Mr. Legal Adviser, Mr. Chairman, those fees that are paid under other Ordinances are practice certificates, they are not business licences, it's an entirely different thing for a person in practice, as a professional person having a practice certificate and paying a licence. I was wondering whether Mr. Legal Adviser was perhaps trying to make it easy for these people who are not earning sufficient. I'm more concerned about the fact there is inequity amongst the different businesses the way this is set up. I quite frankly can't go along with an idea of a flat \$10.00 across the board for every business, whether it applies to the small fellow with a half-ton pick up and anybody operating on a larger basis, I have already explained this. Now I look at the offence and penalty clause, which is really a laughable situation - we have to deal with it at this time. If you don't pay, you buy a business licence for \$10.00, you can get fined real heavy \$100.00. Well this is less than people are paying for licences now in any event, so you are going to finish up with people saying, 'well we won't bother about it, the worst we can get stuck for is a \$100.00, plus the licence, plus another \$10.00, that's \$110.00, the people are not going to bother about that. It makes the whole piece of legislation as ridiculous, as ridiculous can be. A general

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Mr. Chamberlist continues:

contractor, he calls himself a general contractor, he doesn't have to have a separate licence for doing electrical work or doing plumbing work, or doing heating work, he just pays \$10.00 because he is a general contractor, an electrical contractor, he pays \$10.00, and the plumbing contractor he pays \$10.00, and you finish up with everybody in the construction industry, they call themselves a general contractor, so they defeat the situation by purchasing four licences in one for \$10.00. This doesn't balance out at all, surely when we pass this Motion, the vickers machine gun made this pass, you know, pointing straight at our guts, we, of course, pass with the understanding the Administration is going to come up in some manner in a way we could get a little bit more extra money out of issuing licences to people, the idea would have been quite satisfactory if some of them would have been increased. I haven't heard anybody that pays \$25.00 for a licence in the Territory kick about his \$25.00 licence in the Territory, I don't know what you're abusing it for, people have gone along with \$50.00, people expect to pay \$50.00 for a licence, not \$10.00, it makes it a joke. You try to enforce these things, you start worrying about paper work, somebody doesn't get his licence, you know, so you have the Territorial Secretary will be busy dictating to a girl who will have to go and type the letter up, to send the letter out, to tell somebody they haven't got their licence and would they please get their licence. Then the following month they will send a warning, they haven't got their licence and they're doing business without a licence, you know, you have to give these people notice, and this goes on, and it's costing you \$30.00 to collect a \$10.00 licence. No, this is not the way to raise money, sure this is the way to raise money in dollars and then throw it out in administrative costs, because this is all you'll be doing, as far as I am concerned, this is not business like, it's not a business like manner of raising money at all. Let's drop it.

Mr. Dumas: Mr. Chairman, the Honourable Member mentioned an item in section 8. I wonder if we should have it read before commenting on it, because I certainly have a comment too.

Mr. Shaw: Mr. Chairman, as the genius reported to move the Motion, it was my intention in moving this Motion in order to raise this necessary money the licence fees that we have in this schedule in the Ordinance would be reviewed to bring in these things into line. That is the object of it and with possible additions, I mean blacksmith shops for example, you don't see many of those in the Territory. I wondered why this type of a - or this form of raising money couldn't be done quite simply, rather than get into all this, plus adding a non-resident licence, I don't know what that is, and put the amount you have, and still obtain the same amount of money.

Mr. Legal Adviser: There's no question - this could easily be done, this legislation, I think I emphasized earlier, is part of a pair of Bills which should be read and understood together. We're bound by agreement with Canada that when we are imposing licence fees and business fees we may not, under the disguise of pretending to impose a business tax, impose of what is, in fact, an income tax. So we're limited by the amount of business tax we can charge. Conversely then, we are using a certain amount of equity in the assessment of property which is used for business and this comes in the Taxation Ordinance. Now both of these types of Ordinance are, in fact, Municipal Ordinances, and they are for the major purpose of raising money for the services which are provided by the Commissioner outside municipalities, and therefore,

Mr. Legal Adviser continues:
neither of them apply within municipalities. Municipalities have sister methods again of raising money in one case by taxation, and the other by business licences, and in fact, this is what happens in the City of Whitehorse, outside of the City of Whitehorse, in the City of Dawson these Ordinances apply, now they must be read together, the equity side of it comes in the available amount of property which is utilized in the business. Now this provides a second half to the Administration, the people come forward and they pay a \$10.00 licence fee, we then know what property is utilized in the operation of a business, and to assist the assessor in making the assessments. Now I suppose we should apologize for reducing taxation to residents from \$25.00 to \$10.00, or \$50.00 to \$10.00, but if the Honourable Member wished to propose a Motion, and the House accepts it, we can put it straight back at \$25.00 or \$50.00 as the case might be, but I wouldn't recommend this because the scheme is a jewel scheme, calculated to raise a certain amount of money and it should either be accepted or rejected, not on its individual point in one Ordinance, but as a combination of the two.

Mr. Chamberlist: Mr. Chairman, the first question I would like to ask of Mr. McKenzie is how much money is raised now by the issuing of business licences?

Mr. McKenzie: \$18,000.00.

Mr. Chamberlist: Now, Mr. Chairman, I wonder if I'm right in saying that these new Bills were to raise \$25,000.00.

Mr. McKenzie: These would produce \$32,000.00.

Mr. Chamberlist: A difference of \$14,000.00. Perhaps now, Mr. Chairman, Mr. Legal Adviser can say where in this Bill that we are looking at now is there any reference to business taxation of property -

Mr. Legal Adviser: None.

Mr. Chamberlist: None at all, thank you, Mr. Chairman.

Mr. McKenzie: May I make one point please, Mr. Chairman, in connection with Mr. Chamberlist's remarks. The estimated income from this new Bill would be, as I have said, \$32,000.00, the majority would be to non-resident businesses, the great majority, a matter of \$29,000.00 now \$32,000.00, these being, of course, the local licence fee as merely \$10.00.

Mr. Chamberlist: Mr. Chairman, how does Mr. McKenzie assess the \$29,000.00, has he a list of non-residential businesses?

Mr. McKenzie: Yes.

Mr. Chamberlist: Well, if they're non-residential businesses, are they corporations we are talking about, Mr. Chairman.

Mr. McKenzie: There are various categories I would say.

Mr. Chamberlist: Well, I can't get that quite clear in my mind. If they are operating here in business this year, then surely they are residential businesses, if they are corporations, then they're registered under the Societies Ordinance and become persons who are residents, because of the fact that they are Territorial registered companies. How many of these businesses would be

BILL
NO. 4

Mr. Chamberlist continues:
involved if we take 400 into \$29,000.00 in the City, 73 businesses. I find this very difficult to imagine there are 73 businesses operating here in the Yukon, who are not registered as Territorial companies, and if that is the case, how then could they be termed as non-residents. I wonder if perhaps, after our recess, Mr. Chairman, whether the names of these businesses could be reviewed as to whether they are corporations.

Mr. Legal Adviser: Review the names!

Mr. Chairman: Order please.

Mr. Chamberlist: Not in Council, but reviewed by Members of Committee because I don't see how this is possible.

Mr. Legal Adviser: Mr. Chairman, I would suggest that in a public form such as this, the names and entitlements and details of a series of companies either are extra-territorial companies, or local companies, should not be canvassed. It doesn't seem a sensible procedure.

Mr. Chairman: The Chair would agree with this.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser misconstrued what I was asking. I wasn't asking for the names to be made public, I was going to ask for the opportunity to have a look at these businesses that Mr. McKenzie suggesting are non-residential. I maintain if they are Territorial companies, it would be found that they can be termed as residential companies and then they would not come within the confines of that area where they would be paying \$400.00 a year for a licence. It would seem to me, we're getting \$18,000.00, we're looking for another \$14,000.00, it would cost us \$14,000.00 more to administrate these two new Bills as they are written. I don't think we are being business like at all, we should be cutting down our administrative costs in things like this, not increasing it, and if we're getting \$18,000.00, if supposing for instance, our administrative costs on this would be that \$7,000.00, it would be only \$25,000.00 we would need if we didn't want the administrative costs, and all we've got to do is just increase the scale of the existing business licences as they are now, because there's not too much wrong with them, they just need looking over, that's all.

Mr. McKenzie: Mr. Chairman, why does Mr. Chamberlist anticipate the greater administrative costs than we have now?

Mr. Chamberlist: For the simple reason, Mr. Chairman, the penalty section, for instance, is so weak we have to allow people the abuse of it, because it pays them not to take licences out, if for instance, their licence now is \$200.00 and all of a sudden they are going to have it reduced to \$10.00, now let's take in the case of a general contractor, who I understand is \$100.00, and now it's going to be reduced to \$10.00, so go ahead and operate, and if he gets caught, and if he gets prosecuted, and if the prosecution is successful, then he has to pay \$100.00 and the \$10.00.

Mr. Chairman: At this time, I will declare a 15 minute recess.

RECESS

RECESS

Wednesday, December 4, 1968.
3:30 o'clock p.m.

Mr. K. McKenzie, Territorial Treasurer, present.

Mr. Chairman: At this time we will call Committee back to order, and have you anything further on section 5? (Reads section 6 of Bill No. 4.) BILL NO. 4

All: Clear.

Mr. Chairman: (Reads section 7 of Bill No. 4.)

Mr. Dumas: Mr. Chairman, could the Legal Adviser explain that one, please?

Mr. Legal Adviser: This is just an abbreviated form of the existing section.

Mr. Dumas: Well, then the existing section is no good. If I have ten salesmen working for me, their agents, or representatives - they have all got to have licences?

Mr. Legal Adviser: No, it has got to be a business carried on in the name of the representative. Not carried on by the representative in your name.

Mr. Chamberlist: Well, suppose an incorporated company, registered at a legal office, and they are carrying on business in all different areas of the Yukon. Is it the suggestion that they have to have a licence for every place that they carry on business?

Mr. Legal Adviser: The section is merely an abbreviated form of the long section which reads as section 7 and we've merely brought the drafting up to date by dropping some of the unnecessary language. The existing section reads, 'the licence fee as mentioned in the schedule hereto, where not otherwise expressly expressed, shall be payable by the person engaging in, following, practising, carrying on or exercising the trades, occupations, businesses, professions or callings therein mentioned;store, office, house or place of business, calling or trade occupied or carried on by him either in his own name or in the name of an agent or representative in any part of the Territory'. So, this is merely cutting out the unnecessary long lists of things because it actually is a business, you see.

Mr. Chamberlist: Well, Mr. Chairman, if a contractor is working on specific jobs in Dawson, Mayo, Watson Lake, Beaver Creek, when he sets up a work office at these particular jobs - that is a place of business. Does he have to take out another licence for each and every one of them?

Mr. Legal Adviser: I wouldn't think he has to take out a temporary licence when a contractor gets a job, say, like building the Takhini Club, for instance. He doesn't have to take out a licence in respect of that particular contract, but if he sets up in Takhini a business office where somebody is receiving calls and he is carrying on business, then he has to pay it. Now, there's no point in the Honourable Member shaking his hoary head at me because this in fact is what happens. They all pay. Yukon Electric pay six or seven licences and every other business knows exactly what it is and none of them object at all.

BILL NO. 4 Mr. Chamberlist: Well, I am objecting, and my head is not hoary. It might be grey. This is the most ridiculous thing I have ever heard that the suggestion that a company that is doing business in the Territory - every time it moves to a location has to pay for a licence. You're trying to give somebody a big deal - ten dollars a licence, and then hit him for a hundred dollars ten times because he hasn't set up an office in each of these areas that he is working at. That is ridiculous.

Mr. Legal Adviser: Mr. Chairman, this is the existing practice. Nobody objects to it at all. They all understand it quite clearly. If the Honourable Member wishes to put in a special section saying they only need to pay one licence, well then he may do so.

Mr. Chamberlist: Mr. Chairman, with the utmost respect, surely Mr. Legal Adviser is not allowing his good humour now to show his impatience, or his impatience to show his good humour, which is bad in any event. I would point out, Mr. Chairman, that if there has been mistakes made in the past, surely we don't, if this Bill ever gets through - Mr. Chairman, there's no point talking about it. I'm not going to vote in any event. It's a waste of time.

Mr. Chairman: (Reads section 8 of Bill No. 4.)

Mr. Dumas: Mr. Chairman, I suggest the penalty should exceed more than one hundred dollars. From experience, I know that a salesman can sell an awful lot of mutual funds or insurance policies or magazines in an awful short time. If I were a salesman and I wanted to beat the four hundred dollar rap that I was going to get, coming into the Territory from outside, I would gamble. I would not pay the four hundred dollars and gamble that I wouldn't get caught, knowing full well that if I did get caught, it was only going to cost me a maximum of a hundred dollars, and probably only ten dollars if I could tell the JP or the judge that I didn't know the difference anyway and I didn't mean it, and so forth. So, a hundred dollars - it's a pittance. It bears no resemblance at all to what might be earned by somebody practising without a licence or being in business without a licence.

Mr. Legal Adviser: Mr. Chairman, I don't think a hundred dollars is a pittance. I'm not in the Honourable Member's income group yet, but the section is taken verbatim from the old section and we have no objection whatsoever in changing the word a hundred to read a thousand, which I think it should be.

Mr. Dumas: Five hundred is good.

Mr. Chairman: Does Committee agree to this change to five hundred?

All: Agreed.

Mr. Chamberlist: I don't agree to the Ordinance at all - any part of it.

Mr. Livesey: Proceed, Mr. Chairman.

Mr. Chairman: (Reads section 9(1) and (2) of Bill No. 4.)

Mr. Chamberlist: Explain.

Mr. Legal Adviser: Well, the explanation is that there is a series of ordinances specially dealing with special professions and trades - lawyers, doctors, dentists, chiropractors, engineers

and such like. They pay varying amounts and we didn't - they were BILL NO. 4 accepted under the old ordinance because their fees are set at thirty dollars, a hundred dollars, fifty dollars - depending on which trade or calling they follow, and we didn't want to interfere with all these ordinances in order to reduce them as we would have had to reduce them if we wanted to be consistent down to ten dollars. We just let them stay in their own ordinances and they pay their own fee.

Mr. Chamberlist: With respect, Mr. Chairman, Mr. Legal Adviser has just said that they pay their own fee. Now, there's a lot of difference between a fee and a licence. One is a fee to practice and the other is a licence to do business. Now, I have no sympathy for doctors, lawyers and any of the professions that are making darn good pay - much more than my pittance. Now, I want them to pay their share of the operation of the Government of the Yukon Territory, if you are going to have licencing, and they should pay licencing and they should not be excluded. You go to the trouble of putting a section in the Ordinance to bring the poor prospector, who has to tramp on his feet through the bush, and then you go and leave out the other comfortable people. No, as far as I am concerned there should not be any difference between doctors, lawyers and engineers and chiropractors and the like. Chiropractors?! I see no reason at all why, if you are going to have a business licence, that everybody should not be compelled to pay a business licence. As I say, I am not voting. I just have to pass comment on it. It's a waste of time going through this thing as it is now in any rate.

Mr. Legal Adviser: No, Mr. Chairman, they do in fact pay a licence or a fee and it would mean amending a whole series of ordinances and reducing their fees because if you want to bring them into line and make it a ten-dollar business licence, well then that's it. They are already paying a thirty or forty or fifty-dollar licence in their own ordinance. So, my suggestion is to leave them alone. They haven't asked for any special treatment and I don't see why they should get it.

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

All: Clear.

Mr. Chairman: (Reads section 11 of Bill No. 4.)

Mr. McKinnon: Objection.

All: Clear.

Mr. Chairman: (Reads section 12 of Bill No. 4.)

All: Clear.

Mr. Chairman: (Reads section 13 of Bill No. 4.)

All: Clear.

Mr. Chairman: (Reads section 14(1) and (2) of Bill No. 4.)

All: Clear.

Mr. Chairman: (Reads section 15 of Bill No. 4.)

Mr. Chamberlist: Question. What type of language is this? First, we're told that somebody has to have a place of business, and if

BILL NO. 4 he opens in another place somewhere, he has to pay a licence, you see. Now, it says 'every licensee shall display his current licence in a conspicuous position in his place of business, if any'. Now, what does that mean, Mr. Legal Adviser?

Mr. Legal Adviser: It's only there for precision of thought. Some people carry on business without having any place of business. A salesman moving into the Territory may live in the Travelodge or the Whitehorse Inn and sell from his hotel room, which, in that case, still remains a hotel room, not his place of business - it's the place he stays at night. Now, if we have to just simply say that he must display his licence in a conspicuous position, it would mean that he would have to carry it on his back like a licence plate for a motor car.

Mr. Chamberlist: Mr. Chairman, you know, before Mr. Legal Adviser argued the opposite way when he said that if a contractor has a job elsewhere - now the contractor might have his representative living in a hotel but because he answers the telephones, is this - in a hotel - a place of business?

Mr. Legal Adviser: It could be sometimes, and sometimes it might not be. It depends on the circumstances. If it is a place of business, then he has got to display his licence in the place of business, but I can conceive that there will be businesses carried on without having any place of business from which it is carried on. This is quite possible, so you put in the words 'if any' to cover this point of view because one aims at a certain amount of precision and draftsmanship. That's all.

Mr. Chamberlist: Legal gobbly-gook.

Mr. Chairman: (Reads section 16 of Bill No. 4.)

All: Clear.

Mr. Chairman: (Reads section 17 of Bill No. 4.)

Mr. McKinnon: Mr. Chairman, I have several questions. In section 13, the transfer of the licence fee - certainly with a fee of only ten dollars for a licence that the Administration shouldn't be bothered with the transferring from one to another and all the subsequent paperwork involved and a transfer fee of five dollars. It just seems like an awful lot of work for nothing. If a person wants a licence, certainly he is not going to object to paying ten dollars for a new licence fee certificate.

Mr. Legal Adviser: Some members of the Administration, not a thousand miles away from where I am standing this minute, have consistently pointed out to the Administration that nominal fees such as one dollar and fifty cents are a waste of time attempting to collect. You could give out the document free or let it be available on the wall to be pulled off and the person can take it away. If you do anything, you should charge something like five dollars or possibly more. Now, we want to know when the licences are transferred. There is a transaction; some clerk - the Commissioner personally isn't going to intervene. He goes up to the Territorial Secretary's office and he says he wants a transfer. It's noted on the books, so we're charging a fee of five dollars merely to get away from the two-dollar fee. This is the explanation of the gentleman not a thousand miles away from me, as I say.

Mr. Chamberlist: Well, Mr. Chairman, what consideration has Mr. Legal Adviser and the Administration given to this supposition? A newspaper-magazine salesman comes to town. He gets himself a licence for four hundred dollars. Now, he does two weeks of business and he goes out and he sends somebody else, another newspaper-magazine salesman comes in. He applies for the licence to be transferred. So, on the payment of five dollars, the licence is transferred. The licence can be transferred again, and again, and again? You can have eight people during the year using the same licence because it is being transferred and all you're getting is eight times five extra, which is forty dollars, instead of getting eight licences at four hundred dollars. Why transfer a licence at all? If a licence should lapse automatically - I mean it's a yearly licence, surely?

Mr. Legal Adviser: There is something to be said for this, except that when a person has paid four hundred dollars, they may change the name of the business, may change it somewhere else. This is to cover this particular case. It's not intended that a licence will become a commodity on the open market, that you'll buy and sell them like stocks and shares. It's intended to cover the business and its good will and if the business is transferred, the licence..... This is the primary purpose of it.

Mr. Shaw: Well, Mr. Chairman, I wonder what would happen - take, for example, a person came up here selling magazines and he had to pay this four hundred dollars for a licence, so on his way outside, I met him at Watson Lake, and 'What are you doing?'; 'Oh, I'm selling magazines'; 'Well, I'm selling magazines, too'; and he'll give me the story of this four hundred dollars he had to pay, quite a deal, so I say 'Gee, that's kind of tough. Will you be making any more trips up here?'; 'No'; 'Well, I'll give you fifty bucks and you transfer the licence to me'. It appears that there is absolutely no way - it just says the transfer costs five dollars. It doesn't say by what means you can transfer it. It doesn't say that it must be the same business, the same partnership, or details like that.

Mr. Legal Adviser: No, Mr. Chairman, but presumably, although this will be an isolated case, he has transferred his good will in his particular magazine business, which he is attempting to do. He meets a hopeful magazine seller coming in, and when he has failed in business going out - or otherwise he wouldn't be going out - and he sells his magazine business for what it is worth. This is a perfectly normal transaction. He's getting a good deal if he gets fifty dollars for his magazine business, but this is an extreme example of what is a normal transaction in business of selling a business and what goes with it. The licence to operate the business goes with it. Let's face it, that however way we have ever drafted a liquor ordinance, people still sell bars and they still transfer the licence with it. I know the law says different, but in practice custom has dictated that there is good will and everything else provided he observes the law; the licence goes with it. This is a matter of normal practical life.

Mr. McKinnon: Mr. Chairman, the Honourable Member from Whitehorse East said this is supposition and it certainly is, because when anybody comes in and does the Territory in court organs, encyclopedias, in magazines, then he can't come up to the Territory for another two years, or no other representative of the same type of operation can come up either, because it takes that long for the public to get over their milking before another one is welcome in the same area, but there was one other question that I would like to ask. Under section 16, Mr. Chairman, the fee of ten

BILL NO. 4 dollars and the fee of four hundred dollars - now, say there are these itinerant fruit peddlers who come up the highway from the Okanagan with their vans loaded with fresh fruit and come right through Whitehorse and set up outside the municipal boundaries of Whitehorse and start peddling fresh fruit and vegetables. Does this mean that these people will be liable to a fee of four hundred dollars?

Mr. Legal Adviser: This would appear to be the case, yes.

Mr. Chamberlist: Yes, if he drives inside the municipal boundaries, he's only liable to one hundred and fifty dollars.

Mr. Commissioner: With respect, Mr. Chairman, the fees inside the municipality are set by the municipality, and if tomorrow afternoon they decide to charge a four hundred dollar fee, this is perfectly within their prerogative to do so.

Mr. McKinnon: That means it is more beneficial to come inside the city.

Mr. Legal Adviser: I thank the Commissioner for coming to my rescue, Mr. Chairman.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: In view of the fact that Bill No. - coincides with 19. Could I move progress in this particular bill, Mr. Chairman, and proceed to the next one? Bill No. 19.

Mr. Chairman: Possibly we can reserve progress at the moment until later on in the evening, and if it is your wish we'll go to Bill No. 19.

All: Agreed.

BILL
NO. 19

Mr. Chairman: This little gem is called An Ordinance to Amend The Taxation Ordinance. (Reads section 1 of Bill No. 19.) Clear?

All: Clear.

Mr. Chairman: (Reads section 2 of Bill No. 19.) (Reads section 3 of Bill No. 19.)

Mr. Chamberlist: Mr. Chairman.....

Mr. Chairman: Order, please. Might I just ask one fast question from the Chair before we get into this, of Mr. Treasurer. Is this not in contradiction to the existing Financial Agreement?

Mr. McKenzie: No, Mr. Chairman, that point has been investigated when the Bill was drafted. It is in order.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, we've already heard Mr. Legal Adviser agree that there are some businesses that have no place of business. Now, these businesses that have no place of business will only be paying ten dollars for a licence, and you will get nothing further from them by way of tax because you have got nothing to tax. So, they are paying ten dollars while other businesses, because they have got proper establishments and premises that they own and property and land, are going to be taxed, and here is where another inequitable thing is. I hope

Mr. Legal Adviser follows my argument here. This means that a business without a place of business is going to have to pay just the ten dollars for the licence and finish. BILL NO. 19

Mr. Legal Adviser: This is correct, Mr. Chairman, but this is a Taxation Ordinance allowing us to tax real property. We cannot charge an income tax, so if any tax is available that we could impose, but we are not permitted to do so. Might I say, you know, eventually these people do come to rest, if you could take the analogy of a bee that flies around collecting pollen - eventually it'll come down to a hive to make it's honey, and then at that point when he has his property we'll tax him.

Mr. Chamberlist: There are many people that have made honeys.

Mr. Chairman: I wonder if we could confine ourselves to the matter on hand.

Mr. Chamberlist: I can't bring this particular thought of Mr. Legal Adviser's close to the reason why this Business Tax Ordinance - this amendment to the Taxation Ordinance, is being made. I hear and it has been explained that it is to make businesses pay on their property to bring up the amounts of money that they have paid before on licences. This was the original idea, but here's a case of, let's say, a book salesman who is a resident of the Yukon. He has no place of business. He pays ten dollars for a licence, whereas before I think it was a hundred dollars. I know it has been reduced now and there is no possible way of that person having to pay a tax on real property because he hasn't got any real property, but yet the person who has invested his money in real property and a proper establishment is going to be taxed additionally. Now, this, as I say, is an inequitable manner in which to place taxes on a business.

Mr. Chairman: Mr. Dumas.

Mr. Dumas: Well, the Honourable Member has made the very point that I was going to rise on. I know several companies that aren't going to be effected by this at all, but are doing a lot of business around the Territory, and have no real property. There's many, many companies like that, and yet their income is probably quite substantial in many cases. I really think that this doesn't solve the problem that we were faced with, in an equitable manner.

Mr. Legal Adviser: Mr. Chairman, there's only one equitable way of doing this and this is to have an income tax or a tax on the turnover of money passing through the business. We can't impose that sort of a tax, so we're doing the best we can with the means available to inject some form of equity into it, because I think the Honourable Members will agree that most places who are residents have a place of business. There are very few that haven't. The registered office or the place where they carry on a trade. Most of them carry a stock of stores or something. There must be some place, as a rule, where there is a business telephone. They can be taxed in some fashion, most of them. There will be exceptions, and there will be doubtful cases, but this is doing the best we can to inject this equity because the bigger the operation, as a rule, the more property they have, although it's not a general rule, but this is just a question of using the tools to do the best job we can. We'd like to do a better job but we haven't got the constitutional authority to do it.

BILL NO.
19

Mr. Dumas: Mr. Chairman, all joking aside, the intention last year was that licences would be gone over and raised on what was considered an equitable manner. In other words, the fellow with a pick-up truck would pay a fifteen or twenty-five dollar licence, and the fellow with a big fleet would pay a two-hundred dollar licence. This was the intention as we discussed it at the time. I do not think that this meets the requirement as we laid down at that time. I agree with some parts of the other Bill. I don't think this is going to solve the - this will raise the money - I take your word for it that this will raise twenty-five thousand dollars if we want to do that at this time, but I just don't think that this is the proper way to do it, and I'm afraid that the only proper way to do it is to sit down and go over all of the different trades and sub-trades and professions and so forth. It's unfortunate.

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: There's a point that puzzles me in the outlying areas where you have zoning such as you have in the municipalities, where there is a private home on what is considered commercial property, and how would this Bill effect that?

Mr. Legal Adviser: This won't have any bearing on it at all. This is just where property in fact is used in a business, then that property will carry a surcharge of fifty per cent of its assessed value. If it is not used for a business, if it happens to be a shop, for instance, that a person lives in and doesn't carry on a business - because it formerly was a shop, he won't have to pay a surcharge; he can use it as a house. This is the best - you might hear the Commissioner on this, but this is the best we can do with the tools available.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, if there is anybody in the Yukon who has been through the hoops on this business licencing situation, I stand before you. Here I am. Now, at one particular point in time, the City of Whitehorse was practically going out of its head trying to get equity into its business licencing, and along with a chartered accountant who was here at the time, I spent the best part of each working day for three weeks, going through what had been going on in the City of Whitehorse in the way of business licencing and trying to equate this with what was going on in similar jurisdictions throughout western Canada. The formula that is before you now is not anything new. This is a formula that is being used in other municipal jurisdictions. It is not being used in any provincial jurisdictions that I am aware of, but it might well be. It is absolutely impossible, and I underline the word impossible, to sort out each business and determine what is an equitable licence fee for that business to pay on anything other than the real property that the business uses from which to conduct its transactions. Now, the ideal is on a turn-over tax or an income tax. We do not have this power available to us. Now, if you want the prime case in point. We can take a highway lodge, which will possibly be owned by one individual, and he will have possibly six different business licences, Mr. Treasurer?

Mr. McKenzie: Perhaps, yes.

Mr. Commissioner: This is not unusual at all for six different types of transactions that are being conducted in this area here. Now, at the present time the man who has got a million-dollar turn-over is paying the same licence fee as what the man is conducting the same number of services who has got a ten thousand

dollar turn-over. One man has got a plant big enough to substantiate and permit him to do a million dollars worth of business. The other man - the size of his plant permits him to do ten thousand dollars worth, and the only way, Mr. Chairman, that we have within our power to bring any equity into business licencing of these type of establishments, and if there is one in the Yukon Territory, there is a hundred of them, is a formula along the lines which we are proposing to you here.

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

Mr. Chamberlist: Yes.

Mr. Taylor: Mr. Chairman, I can't agree with Mr. Commissioner entirely. In the first instance, we were - the only reason we contemplated raising additional revenue, of course, as I stated earlier, was because we had to raise six hundred thousand dollars, and this was considered a means of doing it. As I pointed out also earlier, we have raised in excess of this amount of money without the involvement of the business licence section. Now, it seems to me what we have done now is say to a mining company, for instance, 'If you want to come here from Toronto and stake a claim in the Yukon Territory, you blooming well have to pay four hundred dollars or you can't do it'. Now, if they don't do that, then they are subject to a five hundred-dollar fine. So, it's either four hundred or five hundred dollars, or indeed six hundred dollars for these people to come to the Yukon. If you call this incentive, and if you call this non-discriminatory legislation, by God I've got to be shown. Now, number two is we've taken the legal profession. We've decided that somehow they'll be exempted - these poor people. I guess they're really not making too much money and can't afford licences. Mining companies can, but apparently these professional people shouldn't be penalized - these poor suffering people; and thirdly, it was pointed out by Mr. Commissioner and Mr. Legal Adviser - or I should say Mr. Legal Adviser, rightly so, that any other alternate plan would have to be considered when we consider fiscal negotiations with the Federal Government in Ottawa. This is quite correct. It is, at this point in time, when we agree with the Federal Government, what taxes we will raise, in what areas, and to what extent we will raise these taxes, and nothing - we're not permitted to raise taxes, unless it's agreed here with Ottawa. Now, it has been suggested that there is yet another possible alternative based on income, based on number of employees, based on some other scheme which would be possibly more equitable. Now, I would think that the smartest thing to do at this particular point in time would be to ask the Administration, Mr. Chairman, to go back and review and present to Council at its spring session, say, three or four alternate proposals for consideration of Council on a reference-for-advice basis as to how we could most effectively and most equitably deal with this matter of business licencing in the Territory. I don't think there's a Councillor at this Table, Mr. Chairman, that doesn't agree that we have got to find an equitable means of business licencing. I don't feel that this is equitable. Possibly, there are other Members who feel the same way as I do, but in actuality, Mr. Chairman, I feel that both these Bills, Bill No. 4 and Bill No. 19, should be left to die in Committee with the recommendation to the Administration that several alternate proposals which would bring equity into business licencing, be proposed for the consideration of Committee at the spring session, at which time, taking into account our discussions of this afternoon, and we can discuss these new other proposals, and, if necessary, when we negotiate the Fiscal Agreement, if it is necessary, to, at that time change the procedures and methods of

BILL NO. Issuing and charging for business licences in the Territory.
19 That's my suggestion.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, I think the Honourable gentleman that just spoke should realize that the licence fee as has been explained, as far as I see, is simply a registration fee, and the registration fee to all people is the same. The question of equality and inequality will not be taken out on a basis of the licence but will be taken out on the basis of the assessed value of the property being used for the business, as being the only equitable way in which the necessary form of taxation towards which the Honourable Member is attempting to establish a policy, can be done, and that's been properly explained. It's quite obvious when everybody pays ten dollars, the licence fee is no longer a licence fee as such; it is the registration fee, and everybody pays the same amount to register his business, and after he has registered his business, then the amount of property he owns will be the criteria by which the amount of money he will owe the government for operating that size of a business. This is the way I see it, and as far as the explanation is concerned, it seems to be simple.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I can see where a licence fee in the first place is a means of control, not a means of revenue, and of course it has been used as a means of revenue. However, in this particular matter where we are charging a tax on the property, there are certain inequities in that that might come to mind at the present moment. Take outside of municipalities, as a general rule, especially those that are scattered - you take a small store - they'll have a store-front and in the back will be living quarters. Now, is the assessment - I would like to know, Mr. Chairman, if the assessment will be on the quantity or the area, I should say, used for the business and not on the area that is used as bona fide living quarters. This does not apply to municipalities. Another matter that - if that was the case, there would be some - it would equate itself, but if this person is going to have to pay on the whole piece of property, and that includes his living quarters, which are bona fide living quarters - I'm not talking about something they use as an excuse - that would be inequitable. Now, in this licence business - ten dollars as a registration fee - I can understand that. That's fine, but how about a person - a big contractor - we do have big contractors in this Territory that are living within a municipality who can get a big government road contract as a general contractor and pay ten dollars. Now, where is the equality in the size of that business paying revenue to the Territory when most of their assets - and believe me, Mr. Chairman, they could work from a 20 x 20 building - most of their assets are D-cats and tractors and loaders and lifters, and yet these people have the opportunity of making large sums of money - much larger sums of money than some poor little storekeeper up some place, or a hotel that is paying way more taxes to the Territory. Now, there, Mr. Chairman, appears to me something that would need to be tidied up if we were going to accept these kinds of bills because I don't think that these people should be able to - I feel they should pay their share of taxation, and the way it is set up, on account of the property and the ten-dollar fee, you don't get these type of people. Mr. Chairman, could the Commissioner explain.

Mr. Chairman: Mr. Commissioner.

BILL NO.
19

Mr. Commissioner: Mr. Chairman, the first question that was raised by the Councillor concerns property that is used for business purposes and living accommodation, which conceivably could be within the same frame structure. It is that portion which is applicable to the business only which comes under this particular formula. That portion of the building which was used for living accommodation is beyond the scope of this Ordinance. The next thing concerning contractors. We're talking about real property. I don't know of any contractor working in the country outside of a municipality, unless it happens to be somewhere close in around the metropolitan area here, who doesn't have to erect a camp, and certainly I don't know of any reason why this cannot come in under the context of real property. Possibly, the Legal Adviser has a contrary opinion, but certainly this would be my immediate reaction to this particular type of thing. Now, I may say, while I'm on my feet, Mr. Chairman, that the explanation given by Councillor Livesey is, in fact, the essence of this thing that is before you right now, and I would say this to you, Mr. Chairman, that as far as the Administration is concerned, we are prepared to listen to any suggested alternative formulae that Council has got. We don't have any more to offer. We've simply run out of ideas.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, with that, I'd like to suggest that we report progress on these Bills. I don't want to just throw them out or just let them die at this point. I would like to have some time to think of alternative measures that might be taken, so I suggest that we do in fact report progress. Let the Councillors think on it and see if we can't come up with something as an inequitable alternative.

Mr. Chairman: Councillor Taylor, could you resume the Chair for one moment?

Mr. Taylor: I'll resume the Chair.

Mr. Chamberlist: Mr. Chairman, the last remark by Mr. Commissioner shows how necessary it is for Members of Council to be in the Legislative Planning Committee. You see, if Mr. Commissioner had taken this into consideration then, he would have realized that he had only one formula to present. Now, I'm sure Members of Council would have had an alternative formula at a Legislative Planning Committee, if we had been members there. Certainly, I cannot agree with either one of these two Bills for the simple reason they are most inequitable, as far as I am concerned. I can't even see how they could be considered and where legislation would lie to tax a camp as real property because it is there for one particular purpose only - while a piece of construction is going on, and the construction company may well be resident within the City of Whitehorse and therefore being a resident of the Territory, would only need to pay ten dollars for a licence - a Territorial licence, and having no real property - now, Mr. Commissioner well knows, Mr. Chairman, that buildings on government property wouldn't become real property then because it might be on a government job and the buildings were there as a temporary camp building for to do work on the government job - Mr. Commissioner knows full well that you couldn't really - the government couldn't really tax its own property and get fifty per cent of that out of there, so therefore it wouldn't apply there.

BILL NO.
19

It means that the contractor then would be able to get away with just the ten dollars for the licence. There has to be some alternate method to raise the money, and I would agree that we just leave the thing and think about it, and perhaps let it die for a year or so.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, in the main, I support the concept behind the thinking of these two Bills that have been presented before Committee at this time, and it's an extremely interesting formula that the Administration have evolved to make more equitable taxation throughout the Territory. The really nice thing about it at this moment is that we don't have to make an immediate decision on it because the money is not needed right at this moment, so I think that all of us can think this over for some time and take the Commissioner's challenge and see if we can come up with a more equitable alternative of taxation, and if we can't or if we can make some combination of another alternative and the one that has been presented by this formula, or any such combination or an entirely new method, then I think that we have served a very useful exercise this afternoon, and I think that it's been an extremely interesting afternoon's debate for me, and this does present, as I say, in the main, I agree with the philosophy behind this method of taxation, and I don't think Committee have to make a decision right at this moment, and we can leave it for the time being and see whether we can come up with a better alternative or, in essence, when we do need the money, this is the formula that we will have to follow.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I agree very much with the sentiments. It's best to just sit on this and see if we can come up with other matters - the only point I can think of, Mr. Chairman, right now would be contractors, and when you say you can tax their buildings, well, by the time the taxation man gets around, they have moved off some place else, and further to that it would be a mobile type, possibly a trailer, and they say well you don't tax a trailer. So, I think when a person gets a contract, and it's happened many times, for a half a million dollars, seven hundred and fifty thousand dollars, and he is paying a ten-dollar licence, and here comes a shoe-shine person - he's going to shine shoes, and he pays ten dollars the same way, there must be something to correct the difference between these two types of things, and that is the only part that sticks in my craw as far as I can see, is where these big fellows, such as general contractors, can take contracts valued at hundreds of thousands of dollars and pay a mere ten-dollar licence fee.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, with respect, I go along with the remarks that Councillor McKinnon has made and that Councillor Shaw has made. However, Councillor Chamberlist intimated that he felt that this was an inequitable legislation. I would suggest to him that he take a look at the present method of business licencing, and he will see something that is really inequitable. In fact, the thing is so absolutely stupid and it is - well, as far as I am personally concerned, gentlemen, I think it is some of the worst taxation legislation that we have in the Yukon Territory, and irrespective of whether we need to raise extra moneys or whether the present levels of taxation recoverable under

the Business Taxation Ordinance - I don't think that this is really the point. What we really have to get to here is the formula that is going to be applied, not the amount of money that is going to be brought in, and the present business licencing set-up that we have here in the Yukon Territory - it is absolutely terrible as far as I am personally concerned. It bears no relationship at all to reality, and this is what we are recommending to you here; a system that is going to bring some kind of reasonable reality and reasonable equality. The additional funds are beside the point. This is what we're trying to convey to Council at this time, Mr. Chairman.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I would like to direct a question to the Commissioner in respect of what I have mentioned as far as contractors are concerned, as to whether he would agree that it would be possible for a contractor doing a public works job or otherwise at a huge amount of money, conceivably could get away with a total expenditure of ten dollars.

Mr. Commissioner: Mr. Chairman, this is highly possible and also, I may say, when you start to take a look at this, you will find that there are contractors of all sizes, from one-man operations to total assets consisting of a down-payment on a pick-up truck and a few hand-tools in the back of it, who are possibly involving themselves in some cases in very sizeable contractual obligations, and I'm sure that Councillor Chamberlist will agree with me when I say this, and there are other contractors who term themselves as general contractors, who, in many instances, are out on contracting jobs that so happen to be, literally speaking, very negligible amounts of money. Now, I can assure you, gentlemen, that when you get down to the point of trying to sort out who is a big contractor and who is a little contractor, you'll run into the same stone-wall as what the Administration did. There just ain't no way to do it.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, before we close, the Council should remember that basically this is municipal-type legislation to enable the Commissioner to impose the same type of tax as is commonly charged in a city or town where the services are provided by way of sewer and water and so on, and it's not customary in cities and towns to impose income taxes per se. You attempt to impose a tax on the property or the business and that's one of the reasons why we felt limited to imposing this particular type of taxation. If it was a tax of general application throughout the Territory and we were permitted by the legislation enabling us to do it, then we would have a freer choice, but this is not so. We're attempting to charge municipal-type taxation in this manner.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser has referred a number of times to municipal-type taxation, but the municipalities do not carry out a tax of this description, not the Municipality of Whitehorse. They have provision in the Municipal Ordinance so to do, but it is not being done. It's on a straight licence basis, so I mean the attitude that may be, and Mr. Legal Adviser may be thinking that we're following municipal-type taxation. This is not so. It's certainly there in the Municipal Ordinance, but

BILL NO. 19 this provision has not been followed because it is not workable.

19

Mr. Commissioner: Mr. Chairman, with respect, I don't think that we can say that it is not workable. The fact remains that at the present time the provision in the Municipal Ordinance that does permit this particular formula to be used is not preventing the municipalities from collecting business taxation on a similar type basis as this. They are collecting a licence and they are likewise assessing and taxing the property.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, the Territorial Administration is now assessing the property in any event, raising taxes by assessment, and this is what the municipality is doing. So, they're on the right footing in that particular instance, and the City of Whitehorse has to raise revenue; increase the amount of the licences, and this is what I say should occur here, so that you don't get involved in two bills. One bill would be satisfactory. All you've got to do is just increase the amount of the licences to raise the additional money. This is the only point that is involved, and I think, Mr. Chairman, with respect, we're going through an exercise of trying to do something that hasn't been necessary. It's just an experiment to find out if we can do it. This is all that we're doing.

Mr. Chairman: Councillor Chamberlist, will you take the Chair again for a minute?

Mr. Chamberlist: Yes.

Mr. Taylor: I have a question I'd like to direct to Mr. Commissioner or Mr. Legal Adviser - whoever can answer. It seems, in recalling the circumstances surrounding the building of this Ordinance last spring, as a result of last spring's discussion, it seems to me that there was an expression, informally or otherwise, from Council that we wished the Administration to look into and see how equitable a system could be gained from taxing a business in relation to the number of employees or groups of employees that they had within their business. Was this ever looked into, and if so, what can be reported on that aspect?

Mr. Commissioner: Mr. Chairman, the fluctuations in most businesses in the Territory, particularly those that are beyond the scope of the municipality is such in the course of a year that it is, literally speaking, an unrealistic method of dealing with the situation. Now, another potential method of dealing with this would be not through the number of people that were on their payroll at any one time, but on the basis of what their annual payroll is. Now, I don't know just exactly how far this exercise was carried. I don't have that information, but I would say to you that we are treading on very, very thin ground here, simply for the basis of the information which we would use to do so because this information, and I'm subject to correction from the Legal Adviser on this, is not necessarily information that we, as a Territorial Government, would be able to demand from a business.

Mr. Taylor: Well, Mr. Chairman, this is fine. I'm just asking. You see, a Councillor is at somewhat of a disadvantage. Unlike any other legislature in Canada, we have no opportunity to work with the Administration and to get these answers and the only time that we get them is when we ask for them. They're not normally forthcoming. You have to get this information at this Table and

it's rather difficult to come up with alternative suggestions when you don't have the information as to how many business licences are available and all this sort of thing. Now, this is why this series of questions, and it's not easy when you deal with many subjects in a day, and many subjects in a session, to devote a great deal of time to such a bill in working out alternatives without this information. So, this is why I suggested that the Administration certainly may be able to come up with two or three alternative proposals for, say, the spring session, or indeed next fall session, but in order that we can come up with an equitable - I realize, and I agree with Mr. Commissioner that the present system is unequitable, but I think with some revision in terms of who pays what, we could at least bring it up to date long enough to hold us through to the next Fiscal Agreement, or until we can find an equitable solution to this, but this bill does not offer equality, in my opinion.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, it seems that the filibuster is carrying on in Committee on these two bills and I would suggest, Mr. Chairman, that we report progress.

Mr. Chairman: Councillor Taylor, could you take the Chair a moment, please?

Mr. Taylor: Just one further comment. I don't think that you could consider this as being verbal garbage that I have been expounding this afternoon. I seem to be working for my people, and I trust that the Honourable Member from Carmacks-Kluane has not been too inconvenienced by all of this.

Mr. Livesey: Well, Mr. Chairman, if the Honourable Member wishes to designate and describe his own words as verbal garbage, I have no objection.

Mr. Chairman: The Chair is quite satisfied that the debate has been a proper debate.

Mr. Taylor: I'll resume the Chair.

Mr. Chamberlist: I would like to make one further comment on this. Mr. Chairman, Mr. Legal Adviser has made a point of saying earlier on that the taxation on real property of a person in business would help bring up the amount of taxes. Now, in this section 3 of this Bill, this portion in (1A) 'Where any real property is used in the carrying on or operation of any business, the Commissioner shall, in addition to the tax levied under subsection (1) of this section, levy a further tax on the assessed value of such real property..'. What is the position - perhaps, Mr. Chairman, Mr. Legal Adviser can give an answer to this question - what is the position of, say, the Toronto-Dominion Bank that is being built here, which will pay a licence of ten dollars - I hope the Manager is here - he's left - I wanted to hear him - pays the licence of ten dollars. Now, they lease the land. The Bank pay the licence of ten dollars because.....

Mr. Legal Adviser: In the city.

Mr. Chamberlist: All right, if it's in the City, but suppose they build a bank outside. I'm talking about a type of a business anywhere. It's in business. It pays ten dollars because it's a resident bank, you see. Now, it has the building built

BILL NO. 19 and it leases this building. They go along and who gets assessed? Is it the business that gets assessed, that is paying the licence of ten dollars, or the property that gets assessed? That is the property owner or the business licence and how can you penalize the property owner because of a leased business?

Mr. Legal Adviser: It's not a good example, Mr. Chairman, because the Bank of Montreal is not a resident, or the Toronto-Dominion Bank. It wouldn't be a resident bank. I don't think so. In any event, we'll assume a business which would be a resident and would put up a business in Porter Creek, another one in Mayo, another one in Watson Lake. They would pay a licence fee in respect of each place of business. If it happens to go into several other types of business. If one can conceive of a bank retailing gas, running a little restaurant, and several other things, like a highway operation, it would pay a licence fee in respect of each operation in respect of each place of business. Is this the answer?

Mr. Chamberlist: No. I wonder if I could go to the question again because it is so important, Mr. Chairman. If a business - never mind what type of business - if a business is resident and pays a ten-dollar licence and the property it uses to conduct its business is leased - the businessman leases it from somebody else - according to section (1A) it says where any real property is used in the carrying of the operation of the business - then there is a tax. Who is taxed? The owner of the business or the person who is leasing that business?

Mr. Legal Adviser: The owner of the property is taxed in respect to the use to which the property is put.

Mr. Chamberlist: Why should he be taxed, because he isn't the business licence holder? Why should he be taxed for it?

Mr. Legal Adviser: He gets it back for rent.

Mr. Chamberlist: That doesn't matter. Let's deal with the legislation, Mr. Legal Adviser.

Mr. Legal Adviser: The owner pays it, and if he wants to recoup his loss, he ups his rent to the Bank of Commerce or the Bank of Montreal or the Toronto-Dominion Bank or any other banks that operate, and that's how any business operates. It's taxed in relation to which the property is put.

Mr. Chamberlist: Mr. Chairman, now Mr. Legal Adviser shows some impatience. Please, Mr. Legal Adviser. I am making reference to the way this piece of legislation is written, and how can you, for business tax purposes - how can you tax the property owner when it is the business licence holder that you wish to tax?

Mr. Legal Adviser: Well, how can you - one can and one does in section (1A), and I'm sorry, Mr. Chairman, if I haven't got the patience of Job for more than two or three hours at a time.

Mr. Chamberlist: I still - I would still like to expect - you simply say you can because you can do it in section (1A), but Mr. Legal Adviser has not explained..... I know. Forget it.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, I move, seconded by my desk-mate, the

Honourable Member from Whitehorse West, that we report progress on Bill No. 5 and Bill No. 19.

BILL NO.
19

Mr. Chairman: Does Committee agree that we report progress?

All: Agreed.

Mr. Chairman: I will report progress. May Mr. McKenzie be excused at this time?

All: Agreed.

Mr. Chairman: Thank you very much, Mr. McKenzie.

Mr. McKenzie leaves Council Chambers.

Mr. Chairman: Order, please. Order. May I have order, please. What is your further direction?

Moved by Councillor Dumas, seconded by Councillor Chamberlist, that Mr. Speaker do now resume the Chair.

MOTION CARRIED

MOTION
CARRIED

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

Mr. Chairman: Mr. Speaker, Committee convened at 10:25 a.m. to discuss Bills, Sessional Papers and Motions. Mr. John Thorsen attended Committee to discuss Bill No. 24. Councillor Taylor wished to be recorded as opposing Item 833 of Bill No. 24. It was moved by Councillor Dumas, seconded by Councillor McKinnon, that Bill No. 24 be reported out of Committee without amendment, and this motion carried. Committee recessed at 12:00 noon and reconvened at 2:00 p.m. Mr. Ken McKenzie attended Committee to discuss Bill No. 4, and I can report progress on Bill No. 4 and Bill No. 19. It was moved by Councillor Dumas, seconded by Councillor Chamberlist, that Mr. Speaker do now resume the Chair and this motion carried.

REPORT OF
CHAIRMAN
OF
COMMITTEE

Mr. Speaker: We have heard the Report of the Chairman of Committee. Are we agreed?

All: Agreed.

Mr. Speaker: May I have further indications of your pleasure?

Mr. Taylor: Mr. Speaker, in relation to work in Committee, we now have several Bills pending discussion and Sessional Papers, so I suggest Bills and Sessional Papers for tomorrow.

Mr. Speaker: Are there further suggestions?

Mr. Chamberlist: My suggestion, Mr. Chairman, is we call it 5:00 o'clock.

Mr. Speaker: Is that in the form of a motion?

Mr. Chamberlist: Yes, that would be in the form of a motion. I would move that we call it 5:00 o'clock.

Mr. McKinnon: I'll second that suggestion in the form of a motion, Mr. Speaker.

Mr. Speaker: Order, please. It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Whitehorse North, that we call it 5:00 o'clock. Is the House prepared for the question on the motion?

MOTION
CARRIED

MOTION CARRIED

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

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, I rise on a point of privilege, with reference to Votes and Proceedings. Page 634, dated December 3rd, the ninth line, I said in reporting, Mr. Speaker with reference to the work done by the Financial Advisory Committee, I said "since this Council's first Session in the Fall of 1967" and the journals read as follows: "since this Council's first Session on the floor in 1957". I bring this to the attention of the House.

Mr. Speaker: I have for your attention and tabling this morning Sessional Papers Nos. 66 and 67. Are there any reports of Committee? Introduction of Bills, Notices of Motion or Resolution? SESSIONAL
PAPERS NOS.
66, 67.

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion this morning. That the administration investigate the matter of reduced postal service to the Watson Lake area and make any representations necessary to fully restore normal postal service to this Community. MOTION
NO. 25

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion regarding Sessional Paper No. 67; that Sessional Paper No. 67 be passed into Committee for discussion. MOTION
NO. 26

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

Mrs. Gordon: Yes, Mr. Speaker, I would like to give Notice of Motion re the Financial Advisory Committee which reads as follows: "It is respectfully recommended that the Commissioner appoint as Members of the Financial Advisory Committee Mr. K. McKinnon, Mr. G. Shaw and Mr. D. Dumas". MOTION
NO. 27

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

Mr. Shaw: Mr. Speaker, might I ask a question with respect to Notices of Motion at this time? Is it necessary in a Notice of Motion that there has to be a seconder to the Motion, in the Notice of Motion?

Mr. Speaker: Well, as far as that goes I think it would be far more precise if a Member did obtain a seconder before he proposed his Motion, yes.

Mr. Shaw: Thank you, Mr. Speaker.

Mr. Speaker: Are there further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? Moving to Orders of the Day, may we proceed to Motion No. 23. Moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Whitehorse North that Sessional Paper No. 63 be passed into Committee for discussion. Would the Honourable Member for Whitehorse East be prepared to discuss this question at this time? Are we agreed? I will declare the Motion carried. MOTION
CARRIED

MOTION CARRIED

MOTION
NO. 24

Mr. Speaker: Motion No. 24, moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse West, "be it resolved that Council discuss in Committee of the whole the matter of changing Yukon Licence plates, working from Land of the Midnight Sun to Home of the Klondike". Would the Honourable Member for Dawson be prepared to discuss the question at this time?

Mr. Shaw: Mr. Speaker, the reason I'm introducing this Motion and asking that it be discussed in Committee is due to the fact that we do have an excellent licence plate and the Motion is merely introduced to give it fairly latitude discussion insofar as we would be changing a policy which has served well in the past, but the new proposal would be a type of I might say, product identification.

Mr. Dumas: Mr. Speaker, I just want to point out that there is a typographical error in the Motion. It says "working" instead of "wording".

Mr. Taylor: Mr. Speaker, as seconder of the Motion, I feel that the Motion is a good one. I believe in the State of Alaska - I seconded it yesterday, however, in the State of Alaska the words "Land of the Midnight Sun" are used quite extensively and as Councillor Shaw has pointed out, it is a matter of product identification and I think it could do immeasurable good in relation to the preservation of our Klondike.

Mr. Speaker: Are we agreed that the Motion be transferred to the Committee of the Whole for discussion?

All: Agreed.

Mr. Speaker: Are there any questions? Are there any questions this morning, gentlemen?

QUESTION
NO. 39

Mr. McKinnon: Mr. Speaker, I have a written question. It's for the Administration. "Could the Administration provide Council with a comprehensive picture as to the extent of air traffic handled by the Whitehorse, Watson Lake, Dawson and Mayo airports from January 1st to December 1st, 1968; such information to include passenger volumes both commercial and private aircraft, approximate number of aircraft, tonnage volume of express and freight, and comparative figures for the same period in the previous year". Thank you Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, I have a question for Mr. Commissioner. An oral answer will suffice. Mr. Commissioner, are you and your Administration satisfied with the Members of the Financial Advisory Committee and the manner that they have conducted their work?

Mr. Speaker: Order, I don't believe that question can properly be put this morning.

QUESTION
NO. 40

Mr. Taylor: Mr. Speaker, I have a written question this morning. "Would the Administration provide Council with the following information related to Northern Health Service. (1) How many patients were flown or driven to Whitehorse from the Watson Lake-Liard area this calendar year? (2) What is the total cost to Northern Health Service for such transportation of patients?"

Mr. Speaker: Are there any further questions?

Mr. Taylor: Mr. Speaker, I would like to address a question. QUESTION
to Mr. Commissioner this morning in respect to the Ross River RE
Fire Hall. I'm wondering if Mr. Commissioner could inform ROSS RIVER
me this morning as to why the delay and when we may expect FIRE HALL
this facility to be fully constructed and serviced?

Mr. Commissioner: Mr. Speaker, I would have to bring forward
accurate detailed information on this question if I can have
the permission of the Member to bring this forward I would
be very happy to do so. Can we bring it forward in written
form, Mr. Speaker.

Mr. Speaker: Are there any further questions?

Mr. Taylor: I have a further question, Mr. Speaker. In view QUESTION
of the long need for a stipendary magistrate in Watson Lake MAGISTRATE
area to serve British Columbia, Yukon and Northwest FOR WATSON
Territories, I am wondering if the Administration has taken LAKE &
any action to date with respect of this matter with Ottawa? SURROUNDING
AREA

Mr. Commissioner: Mr. Speaker, to say that we have taken
this specific matter up with Ottawa, the answer would be
"no". Supplementary to this answer, I could say that the
question of the administration of justice in the Territory
generally, of which this particular question forms a part,
this has been taken up and has been the subject of representa-
tions by my Administration to Ottawa as per former requests
made on the floor of the Council.

Mr. Taylor: Supplementary question, Mr. Speaker. I am
wondering if the Commissioner would be able to express as
to whether or not we may find this need satisfied in the
reasonable future?

Mr. Commissioner: Mr. Speaker, this is a question of policy
that only the Minister of Justice himself would be able to
answer and I feel that the proper place for discussion of
this and indeed I am quite confident that it will be taken
up, and that is in the negotiations and the formulation of
the next Fiscal Agreement between the Territorial and the
Federal authorities.

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

Mr. Dumas: Mr. Speaker, could you tell us if you have QUESTION
made a decision with regard to Bill No. 21? RE BILL
NO. 21

Mr. Speaker: Yes, under Standing Order, with reference to
the Honourable Member's question in relation to the procedure
on Bill No. 21, where the question raised by several Members
related to pecuniary interest. The Standing Order by which
the House guides itself is Standing Order No. 11 "no members
is entitled to vote upon any question in which he has a
direct pecuniary interest and the vote of any member so
interested will be disallowed". That is the Standing Order
by which the House usually proceeds. However, if you refer
to Annotation, sub-section 1 and sub-section 2 of
Beauchesne's Parliamentary Rules you will read "The interest
which disqualifies a Member from voting in the House
must be immediate and personal, separately belonging to the
person whose vote is questioned. Disallowance of a vote on
the score of personal interest is restricted to cases of
pecuniary interest and has not been extended to those
occasions when the dictates of self-respect and respect due

Mr. Speaker continues....
to the House might demand that a member should refrain from taking part in a division. The votes of members on questions of public policy are allowed to pass unchallenged. Public bills are frequently passed relative to railways, building societies, insurance companies and salaries to ministers in which members have an indirect interest, but their votes, when questioned, have been allowed. (2) A member's right to vote on a question in which he is personally interested is one of those matters that must be decided by the House and not by the Speaker". Now, that is the position of the question that remains before you in relation to Bill No. 21.

Mr. Taylor: Well, Mr. Speaker, in view of the fact that I do Notary work and on occasion take sums for this work and in view of Rule No. 6, I believe, I will refrain from voting in view of my pecuniary interest.

THIRD READING : Third reading given to Bill No. 21, An Ordinance Respecting Notaries.
BILL NO.

21.
THIRD READ- Third reading given to Bill No. 22, An Ordinance to Amend the Evidence Ordinance.
ING BILL
NO. 22

Third reading given to Bill No. 24, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory.
THIRD READ-
ING BILL
NO. 24.

THIRD READ- Third reading given to Bill No. 25, An Ordinance to Amend the Legal Profession Ordinance.
ING BILL
NO. 25

Mr. Speaker: May I have your further pleasure?

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

Mr. McKinnon: I second that Motion.

Mr. Speaker: Moved by the Honourable Member from Dawson, seconded by the Honourable Member from 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 and the Honourable Member for Watson Lake will please take the Chair in Committee.

Mr. Chairman: We will proceed to Bills and our review through the Bills. I am wondering what you wish to do with Bill No. 4 at this time? This is the Business Licence Ordinance.

Mr. Chairman: I would move, Mr. Chairman, that Bill No. 4 BILL NO.4 be deferred.

Mr. Chairman: Do you have a day certain in your Motion?

Mr. Chamberlist: Sine die.

Mr. Chamberlist: I beg your pardon.

Mr. Chamberlist: From day to day.

Mr. Legal Adviser: It means without a day fixed.

Mr. Chairman: Well, I have reported progress on the matter which has deferred it but I would like some firm direction, if I could, as to how you wish to proceed with this Bill.

Mr. Livesey: Yes, Mr. Chairman, it might die without signing. It's one of those things. Surely we can have something definite on it.

Mr. Chairman: Is it your wish to just leave it in Committee, or what is your direction? Is it your wish that Bill No. 19 BILL NO. also remain in Committee? 19

All: Agreed.

Mr. Chairman: All right, the next Bill is Bill No. 5. Have BILL NO. we any amendments for this as yet Mr. Legal Adviser? 5

Mr. Legal Adviser: I think you've got them all and I think they've all been discussed except - no it's a question that you are to discuss with us, that question of sub-section (c) of Section 8.

Mr. Chairman: Has there been nothing prepared as yet?

Mr. Legal Adviser: Nothing has been prepared to any of this.

Mr. Chairman: The next Bill is the Public Enquiries BILL NO. Ordinance, Bill No. 8. 8

Mr. Legal Adviser: There is nothing ready for the House - possibly tomorrow I would say.

Mr. Chairman: The next Bill is Bill No. 20, The Expropriations Ordinance. Do you expect you'll have an amendment to this tomorrow?

Mr. Legal Adviser: Tomorrow I think, yes, and the same with Bill No. 1, the Plebiscite Ordinance.

Mr. Chairman: The next Bill is Bill No. 27, the Fire BILL NO. Prevention Ordinance. I believe it's linked with the 27 Public Enquiries Ordinance.

Mr. Legal Adviser: That is so, Mr. Chairman.

Mr. Chairman: Bill No. 30, the Liquor Tax Ordinance. BILL NO. 30.

Mr. Legal Adviser: That's linked with the Liquor Bill itself, Mr. Chairman.

Mr. McKinnon: Mr. Chairman, the proposed Liquor Ordinance is certainly not going to come into effect at the earliest till after the Select Committee has heard the briefs from various organizations and interested peoples of the Territory which at its very earliest could be the Spring Session. Now this Bill is to complete the design of the new Liquor Ordinance so one depends on the other so I don't see how we can do anything else but let this Bill die in Committee.

Mr. Chairman: We will proceed to Sessional Papers - is it your wish I report progress on all Bills enumerated this morning?

All: Agreed.

SESSIONAL PAPER NO. 4 Mr. Chairman: First Sessional Paper is No. 4. Salaries for Branch Library Supervisors.

Mr. McKinnon: Mr. Chairman, may I ask what is holding this paper up. I think I've agreed to it five times since its inception at first Session of this Council.

Mr. Chairman: Well I'd have to refer back to Votes and Proceedings, but it has been deferred for further discussion pending, I believe, Supplementary Estimates. One member asked for this, I can't recall who it was.

Mr. Dumas: Mr. Chairman, it mentioned Supplementary Estimates in here and we felt we couldn't deal with it at the time until Supplementary Estimates had gone through.

Mr. Chamberlist: Mr. Chairman, have we passed it into Committee?

Mr. Chairman: It was very likely myself, Councillor Chamberlist. I passed all Bills requesting reference for advice by the Commissioner as a courtesy to the Administration. What is your decision in respect of this Bill?

Mr. McKinnon: Mr. Chairman, I certainly agree with the policy - the policy of the Territorial Government to pay the Branch Library Supervisors as requested in the Supplementary Estimates which I've already agreed to and I agreed to a policy being set to paying Branch Library Supervisors even prior to that so I agree wholeheartedly with the policy as laid down in Sessional Paper No.4.

Mr. Chairman: Is someone in Committee's wish to move that we concur with Sessional Paper No. 4?

Mr. McKinnon: I certainly would move Mr. Chairman, that this Committee concur with the contents of this Sessional Paper No. 4.

Mr. Dumas: I'll second the Motion.

Mr. Livesey: There is only one point I have to raise on the Motion, Mr. Chairman, and that is that there are only certain libraries enumerated here and I believe there are numerous libraries throughout the Yukon that are not enumerated here in the Sessional Paper.

Mr. Chairman: Anything further on this item?

Mr. Livesey: Mr. Chairman, there is a qualification - it mentions Dawson City, Elsa, Haines Junction, Mayo, Camp Takhini, Watson Lake, and Whitehorse. That is all that is mentioned as far as I can see. How about the library at Beaver Creek, Destruction Bay, Carmacks and other places.

Mr. McKinnon: Mr. Chairman, as far as I know this deals with Branch libraries and Branch libraries are those where library service is provided to a community through the use of a permanent, self-contained library area with permanent staff

SESSIONAL
PAPER #4

Mr. McKinnon continues....

and established and growing book collection of a reasonable size and having regular hours of opening. It is my recollection, Mr. Chairman, that the areas which the Honourable Member from Carmacks-Kluane wouldn't be designated in this area as both of these libraries are in the school proper, are they not?

Mr. Livesey: No, Mr. Chairman, they are not. Some are and some aren't and so on. They are in Community Halls, that's where most of them are as far as I know. I know our's is.

Mr. Chairman: Well, I have before me a Motion. Is there anything further - any discussion on it before I put the question?

Mr. Shaw: Mr. Chairman, In view of the question raised I would like to ask the Honourable Member from Carmacks-Kluane if the library situation in the areas he has mentioned appears to be functioning relatively efficiently? Satisfactorily?

Mr. Livesey: Well, yes, but I don't believe that is the point in question Mr. Chairman; it's a question of whether they are going to be included in the terms of the Sessional Paper.

Mr. McKinnon: Well, Mr. Chairman, obviously not because Mr. Graham, the Regional Librarian evidently doesn't know that they are established libraries active in these communities because he has designated the areas in this paper to be Branch Libraries and says that all other situations - deposit stations, camps, isolated families, and mailings to individuals represent little more than the provision of books and not library service. And this Paper specifically designates those areas which have functional, viable operating Branch Library services. Now certainly if these Branch service functions are operating in areas other than the areas that Mr. Graham knows about he should certainly be made aware of the fact. It seems to me that the Councillor from Carmacks-Kluane must have some of these Branch libraries operating in his area that the Regional Librarian knows nothing about or at least he is not designating them as Branch Libraries, then the areas which he has mentioned I thought that there wasn't regular library service, that it was more or less of a book-mobile type of service where the Community Hall and the Schools were open at regular intervals where people would be able to go and pick up books, that they weren't actual Branch Library service operations. If I'm mistaken then I'm as mistaken as the Regional Librarian.

Mr. Livesey: Well, what is the difference between the operation at Beaver Creek and the one at Haines Junction?

Mr. Shaw: Mr. Chairman, would it be helpful for the Member for Carmacks-Kluane and perhaps all the Members if the Regional Librarian were up here to possibly explain the policy?

Mr. McKinnon: It is specifically stated in the Paper that the reason that Haines Junction is included as a Branch Library is that it is completely removed from a Community operation of any sort whatsoever and it's in the basement of the Teacherage and a volunteer opens and closes the

SESSIONAL
PAPER #4

Mr. McKinnon continues....

library on a regular interval basis but it is not part of the community operation as in other areas that the Honourable Member has mentioned. I'm getting more confused by the moment. I'd like to know the difference too.

Mr. Chamberlist: Mr. Chairman, certainly, if the Honourable Member from Whitehorse North agrees with the policy of the Paper, he must agree that the Policy must apply to those areas that the Honourable Member from Carmacks-Kluane has referred to so that it should be pointed out Mr. Chairman. I suggest to the Librarian, to Mr. Graham, that those areas have not been referred to and perhaps it would be a good idea to have him as a witness before Committee to say exactly what his policy, the policy of Branch Library situation is and to satisfy the Honourable Member from Carmacks-Kluane that those areas that he has referred to will be dealt with in exactly the same manner as these other areas.

Mr. Livesey: Well, you see the point I raised, Mr. Chairman, is that in my electoral district there are so many communities. They're not very large, it's true, but there are quite a number of communities in the area and as such, because they are divided over such a large area, to me is not an indication that they need lack service or anything like that, or that they should be in any way on the fringe of what is provided for other areas in the Yukon. That is the only point I raise.

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

Mr. Taylor: Mr. Chairman, I've no problem in my district with this but if I had the problem that seems to be indicated by the Member for Carmacks-Kluane I think I would have a tendency to make representations to the Administration to have these library services in any community, for instance at Beaver Creek, upgraded to the standard that is desired here. I have other communities, more specifically Teslin and Ross River, which are not categorized in the category dealt in this Sessional Paper as Branch Librarian - they receive exchange books and this type of thing as suggested by the Honourable Member for Whitehorse North. I really don't think that at this time there would be any useful purpose served in bringing the Regional Librarian in here, unless we want to stretch out the Session. I think that a phone call to the Regional Librarian, possibly over recess by the Member might satisfy the need and we can get on with the business.

Mr. Livesey: Mr. Chairman, I certainly appreciate the Honourable Member's wisdom. He very often rises when I have a point that I want to discuss about my electoral district and wishes to squash it, or tramp on it as if it was some form of a beetle of his own choice. I don't feel that an indication to this nature is necessary Mr. Chairman. What I'm after is something positive, factual, functional and educational as far as the people in the district are concerned. I might add, while I'm on my feet Mr. Chairman, that I extend this interest further afield than the Carmacks-Kluane area to all areas of the Yukon. My enquiry is for the purpose of

Mr. Livesey.....
creating facilities to provide education for those who direly need it and they need it a lot more than people who are on top of some large situation where they have everything provided. This is not what I'm talking about; I'm talking about services in areas where there are no provisions. This is the point that I raise. SESSIONAL PAPER #4

Mr. Taylor: Mr. Chairman, just one question I would like to direct to the Honourable Member from Carmacks- luane. If such a distressing situation in his area exists, is it his intention to make representations for upgrading the service.

Mr. Livesey: Mr. Chairman, without continuing this too far, I think that the Honourable Member from Watson Lake is the one who is trying to make it into a distressing situation. I merely raised a simple question and the Honourable Member appears to be trying to inflate it - something like a forest fire. Mine is a simple question in relation to library services.

Mr. Taylor: I'll resume the Chair.

Mr. Chairman: I have a Motion before me. It has been moved by Councillor McKinnon, seconded by Councillor Dumas that Committee concurs with the contents of Sessional Paper No. 4. Are you prepared for the question? Are you agreed? Any contrary? I will declare the Motion carried.

MOTION CARRIED.

MOTION CARRIED.

Mr. Chairman: The next Sessional Paper is Sessional Paper No. 5. Yukon Hospital Insurance Services. SESSIONAL PAPER #4

Mr. McKinnon: Mr. Chairman, we've already voted the amount of \$141,745.00 in the Supplementary Estimates so I don't think there's much use in holding up this Paper. We must agree with the contents if we've voted the money.

Mr. Chairman: Does Committee agree?

All: Agreed.

Mr. Chairman: Next Sessional Paper is Sessional Paper No. 8. Oaska World's Fair. SESSIONAL PAPER #8

Mr. Shaw: Mr. Chairman, I would just like to raise a question and that is the matter of - if there is money involved in a particular paper, if we don't discuss it - now I will admit that we always have the opportunity of reading the Papers but quite frequently from debates arise questions that one may not consider at the time; possibly don't know all the ramifications that may be involved and I'm just wondering as to the wisdom of not discussing any Sessional Paper merely because the budget has not been presented. A very good illustration is this Sessional Paper No. 5 which was just passed has quite far-reaching significance and I think it was resolved, personally, in a very good manner. In other words it was agreed to, but there was certainly no opportunity for debating the subject and bringing out the many facets that might quite frequently lie behind or in between lines that are written and I just rose on this occasion to bring this to the attention of the House, Mr. Chairman and give my feelings on a matter such as this.

Mr. McKinnon: Mr. Chairman, it has always been my opinion that to save two debates, that the Sessional Paper and the item in the Budget should be discussed at the same time because the witnesses who are concerned with the item in the Budget are always present. This was Mr. McKenzie's Department and I thought if there were any questions concerning the policy of this Paper they would be asked at the time the amount was in the budget and it could all be resolved at one sitting instead of having two separate debates on the same matter.

Mr. Shaw: Mr. Chairman, I do not believe that the Honourable Member from Whitehorse North, with all due respect, has quite got the import of what I was trying to explain. That there are sometimes many details that arise, perhaps due to some peculiar knowledge that any Member may have of a certain region that will quite frequently come up in a matter such as this. It's very easy for one's mind to be busy on matters of a million dollars here and a million dollars there and you come to an item of five thousand dollars in the Estimates as you're going through it and it could easily slip. I just cannot see the point of not discussing any paper prior to the budget. A decision does not necessarily have to be made but I would feel that such a change of policy such as this could well have been discussed through the normal routine of business at any time when it happened to come up.

Mr. Chamberlist: Mr. Chairman, it's very interesting to note that two members who have been suggested by one of the Members, form part of the Financial Advisory Committee for the future are already having problems with each other's understanding. I hope Members of Committee will take note of that.

Mr. McKinnon: Mr. Chairman, we'll have a lot more too.

Mr. Shaw: Mr. Chairman, I don't see the import of what the Honourable Member from Whitehorse East is talking about - yes there are differences in this Council. Why, for goodness sakes, what have we got? From differences we evolve sound policy for the people of the Yukon and I would say "vive la difference!"

SESSIONAL PAPER #8 Mr. Chairman: May we proceed to Sessional Paper No. 8 at this time; this is Osaka World's Fair, in which consideration of this proposal was required and I believe there was some additional information to be forthcoming in respect of this.

Mr. McKinnon: Mr. Chairman, I take the position on this and I'm going to stick by it, that the prime benefits of the Yukon's resources filter to the Federal Treasury. Japan is interested in the mining resources of the Yukon Territory and the Federal Government should certainly be willing to contribute a pretty fair sized amount if the Yukon decides to go ahead with an exhibition at the World's Fair and until the Federal Government shows a willingness to come up with a sum of money to help the Yukon to put on a worthwhile exhibit at the Osaka World's Fair, I am not ready to put \$300,000.00 of the Territorial taxpayer's money into a Yukon Exhibit at this World's Fair.

Mr. Chairman: Is there anything further on this paper? SESSIONAL
The next Sessional Paper is Sessional Paper No. 9. Nursing PAPER #9
Care for the Aged and Infirm. We are back to the four
proposals.

Mr. Shaw: Mr. Chairman, to get this thing going, I would
recommend proposal number 4 be accepted.

Mr. Chairman: Is that a Motion or a recommendation?

Mr. Shaw: I wondered, before I made a Motion Mr. Chairman,
to make a Motion brings things to a head very quickly and
would state my viewpoint that at the moment I consider
proposal number 4 to be the best - the matter of resolving
this particular delicate subject.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I have already had my say
on this particular Sessional Paper. I do not agree with the
Honourable Member from Dawson; I prefer proposal number 2
which is much more considerate. I don't know whether the
Administration, since our last discussion on this
Sessional Paper, has come up with any further information.
Perhaps Mr. Chairman, Mr. Legal Adviser can give it to us.

Mr. Legal Adviser: I don't know that anything further has
been done on this. Mr. Murphy I think was here at the time;
he isn't far away if you want to ask him any questions.

Mr. Shaw: Mr. Chairman, I had stated and I will restate the
reason that I cannot at the present moment agree to proposal
number 2 is that when everyone receives the care, that is
one thing. I've no objection to that. But a person with
money can turn his estate and his assets over to some heir,
possibly far from the Territory and by so doing this person
does not pay his fair share. He has the means; he gives it
to somebody who might be a thousand, ten thousand miles
away in another country, and in so doing the taxpayers will
have to bear the burden of this cost which is unjust. Now
if this were benefitting - benefitting the pensioner, fine.
But it doesn't, it benefits some unknown person any place
in the world and that is why I cannot see at the present
moment, and I'm not satisfied that this money can be
assured if there is any in the estate that possibly there
is no estate and there are so many ways of circumventing
this that there may be nothing for the people that are
paying for this and of no benefit to the actual pensioner
or whatever you may call the person in the nursing care.
I have seen in my time in the Yukon, Mr. Chairman, quite
a number of cases where assets have been turned over to
relatives far removed and the person has become a charge
on the government and there's nothing one can do about it.

Mr. Chairman: At this point in time I'll declare a recess.

Mr. Chairman: At this time I will call Committee back to order
We are discussing Sessional Paper No. 9.

Mr. Shaw: Mr. Chairman, I think that we seemed to have disagreements on this. Various Members had possibly very good reasons for saying, but I think that this matter has to be fought with it at sometime, so I will move that Proposal No. 4, be accepted as the policy of the Territorial Government.

Mr. Chamberlist: Mr. Chairman, there being no seconder, I would move that Proposal No. 2 be accepted.

Mr. Dumas: Mr. Chairman, if there's no seconder, I would like to suggest we see if the Administration can have a talk with Ottawa and find out if they will increase the amount in Proposal No. 4, so that we don't pauperize a person before we assist him and if the amount could be increased to something more reasonable say, four or five thousand dollars single and eight thousand dollars or so married. I would agree with Proposal No. 4.

Mr. Shaw: Mr. Chairman, on Proposal No. 2, he gets no assistance from Ottawa unless the persons are pauperized before they make applications, then we will. On the other we will allow them to have enough for their normal day to day comfort and still will get assistance from all the people of Canada to help these. I think it was very clear before Committee by the Director of Welfare, in which he stated that every effort will be made and he did feel that had a very reasonable chance of increasing this Proposal No. 4, increasing the amount of an exemption and I would say that in items such as this, if we do not receive this assistance from the Federal Government that means that the Yukon taxpayers has to cover the whole cost and I would feel that we are not financially stable to handle the whole cost of many of these things and therefore we must have this Federal assistance. In talking on this particular matter, there are many shared cost programs that I feel are too restrictive in as far as looking at it from a Territorial viewpoint but at the same time these are something as an agreement all over Canada. It's not an agreement just with the Territory, I feel sure, that this is a National policy and no doubt the provinces do take advantage of this and act accordingly.

Mr. Chamberlist: Mr. Chairman, I did not wish to go over the various points that I had made when we had previously discussed the situation. I'm forced to bring forward this one point just to have Members of Committee remember a specific argument that I had put out. The amount of money involved was so infinitesimal so small, that which we would have to bear in Proposition No. 2 that I have suggested that we accept that. If there was a very large amount involved, I would perhaps agree with the remarks that have just been made by the Honourable Member from Dawson, but because the amount is small, I think it would be far better for us at this time to accept the Proposal No. 2.

Mr. Chairman: Well is it your wish that to resolve this matter that the item be re-submitted to the Administration for further inquiry from Ottawa. Would this be agreeable?

Mr. Legal Adviser: I know it's not really my business to intervene but....as I understood it the figure of \$1500 and \$2500 were proposals by Mr. Murphy when he was here and he did indicate that he thought these proposals could be increased. Some Honourable Member made a suggestion from the floor that if they were accepting Proposal No. 4, then it might be possible to accept Proposal No. 4 subject to negotiations by Mr. Murphy of the maximum possible amounts to be inserted, whatever they

happen to be. He was giving menial figures at this and he thought it could be increased. It's a variable, it's not a fixed cost at this moment until it's finally negotiated with Ottawa.

Mr. McKinnon: I wonder, Mr. Chairman, if I could move that the Federal Government be approached with a view to raising the basis assets exemption under which they will share in the nursing care program under the Canada Assistance Plan?

Mr. Dumas: I second that Motion.

Mr. Chairman: It has been moved by Councillor McKinnon and seconded by Councillor Dumas that the Federal Government be approached with a view to raising the basic assets exemption under which they will share in the nursing care program under the Canada Assistance Plan.

Mr. McKinnon: Mr. Chairman, if I could speak on the Motion, is that if the Federal Government were unwilling to raise the basic exemption, the basic assets exemption then I think that I would have to go along with Member from Whitehorse East and accept Proposal No. 2, however if the Government does accept the feeling of the majority of this Committee, the basic assets exemption is too low and really does tend to authorize a person receiving nursing care home treatment, then I would accept Proposal No. 4, if the basic assets increased...this exemption can be increased. I don't think it's absolutely necessary that we make a decision right at this moment because at the moment as itemized in this paper all patients receiving nursing care home in the Yukon are indigent circumstances so that they are...half the cost if being shared by the Canada Assistance Plan at this moment. When this information is forthcoming from Ottawa, then I think we'll be more able to make up our minds as to whether Proposal No. 4 or Proposal No. 2 should be accepted by this Committee.

Mr. Chamberlist: Yes, I will accept those remarks made by the Honourable Member. I think this would be a good idea to at least bring to ...the position to a head as to what the Federal Government will go further with us and I would concur with theremarks of the Honourable Member.

MOTION
CARRIED

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

MOTION CARRIED

SESSIONAL
PAPER # 16

Mr. Chairman: The next Sessional Paper is Sessional Paper No. 16. Task Force On Housing.

Mr. McKinnon: Mr. Chairman, this is pending an answer to a question that I had and a Sessional Paper which came as a result of that question which has already been debated in this House. I have nothing further on this Sessional Paper #16.

SESSIONAL
PAPER # 40

Mr. Chairman: Committee agree then, that we clear this matter and move to the next Sessional Paper which is No. 40

Mr. Chamberlist: Mr. Chairman, I have no further comments on matter. This matter has been dealt with by the Committee.

SESSIONAL
PAPER #54

Mr. Chairman: The next Sessional Paper is No. 54.

Mr. Dumas: Mr. Chairman, where is this conference being held. I wonder if the Clerk or the Legal Adviser could tell us?

Mr. McKinnon: Irrelevant, outside of Ottawa, Mr. Chairman.

Mr. Chairman: I have a question to direct to Mr. Legal Adviser. Has there been any indication as to whether or not Council will be sitting at the time of this conference? SESSIONAL PAPER #54

Mr. Legal Adviser: There's no real indication, Mr. Chairman, there may be some carry over of Bills from this Session, such as the Liquor Bill, I'm not sure how this will be. There may have to be a special Session called for one item, but if this is on these three days I could not say. It's only a four day course, the 20th to the 23rd, of January.

Mr. Chamberlist: Mr. Chairman, I wonder if the Honourable Member from Carmacks-Kluane would be interested in this particular thing. He has shown some interest in the past in this and I would move that if we do have to put a Member there, perhaps he would be the right Member to go.

Mr. Shaw: Mr. Chairman, I would be pleased to second the Honourable Member's Motion from Whitehorse East.

Mr. Livesey: I would like to reserve an decision on my part at the moment on this question.

Mr. Chamberlist: Well in that case I suppose I should withdraw the Motion, pending the Honourable Members' decision.

Mr. Shaw: I withdraw, Mr. Chairman.

Mr. Chairman: Committee agreed? Is it your wish that be left pending? The next Sessional Paper if Sessional Paper No. 58. Are you clear on this? The next Sessional Paper is No. 61. SESSIONAL PAPER # 58

Mr. Shaw: What about buffalo Mr. Chairman?

Mr. Chairman: That has not been introduced as yet.

Mr. Chamberlist: Mr. Chairman, I wonder if we can deal with No. 61 and 62 together because I will be speaking on both these particular subjects.

Mr. Chairman: Committee agree? Proceed.

Mr. Chamberlist: Mr. Chairman, I wonder if we could have Mr. Commissioner here at this time because there are a number of questions that will have to be put.....I wonder, Mr. Chairman if we could have either the Federal Government Assistant to the Commissioner or the Territorial Government Assistant to the Commissioner here?

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

RECESS

Mr. Chairman: I will call Committee to order at this time and we have with us, Mr. Frank Fingland to discuss Sessional Papers No. 61 and 62. Will you proceed?

Mr. Chamberlist: Mr. Chairman, I have for some many months, been appraised of a situation in the Territorial Administration whereby there exists what has been referred to by most Territorial Government employees as a "Kangaroo Court". Truly, after my investigations, I can't think of any term best fitting the name that has been given to it. It has been referred to as the Board of Adjudication. Now, one can only need to examine the words, "Board of Adjudication" to give some information of what it should be and what is meant by it. It's a Board to adjudicate

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a Justice Board. I asked on November 27th, the following questions which have been layed out in the Sessional Paper. One, in the Administration, what is the Board of Adjudication? Two, what are the names of the persons who form the Board of Adjudication? Three, under the provisions or regulations of what Ordinance does this Board exist? The answers that have been received, layed out in the Sessional Paper, in answer to one, the Board of Adjudication is an Advisory Committee that reviews the circumstances surrounding accidents involving Territorial Government vehicles and recommends to the Commissioner the amount of reimbursement payable by the operator of a vehicle in accordance with Section 19 of the Yukon Territorial Government regulations. The answer to two, was the Membership of the Committee is not fixed and the answer to three, the Public Service Ordinance. Mr. Chairman, these answers have been placed in such a manner in an attempt to get the Administration out of one of the most embarrassing situations it has now found itself in. The situation whereby they know full well I submit that they have set up a Board of Adjudication without the power to do that they have, in fact, answered to question two that the Membership of the Committee is not fixed yet they know full well that the Membership of Committee always comprises one of the Assistant Commissioners and that in recent months that one of the other members of that Board of Adjudication was the former manager of the City of Whitehorse. Also in answer to three, it is suggested that they have the power from the Public Service Ordinance. Mr. Chairman, there is no place in the Public Service Ordinance in the Yukon Territory, whereby there are provisions for a Board of Adjudication to be set up. The terms and conditions of employment of a public servant are set up in the regulations under the Ordinance and notwithstanding that Mr. Chairman, when a person who is taking on employment for the Government of the Yukon Territory is given a paper to sign, which I have a copy, reads as follows: "This is to certify that I have read and understood the Yukon Territorial Government Vehicle Regulations". There's a space for a signature, space for a witness and it has in brackets at the bottom, "To be completed by all operators of Territorial Government vehicles". Notwithstanding this is completed by all operators of Territorial Government Vehicles it is my understanding that all employees are asked to sign this. With that they are given a copy of regulations which are headed, "Yukon Territorial Government Vehicle Regulations". They are undated and there isn't a date at all on any of the documents all there is is one signature signed, "F. H. Collins, Commissioner", and the copy that was presented with this Sessional Paper differs from the copy that I have obtained in as much as it has an added sheet added to the top, signed by K. J. Baker, Head. Also undated. Mr. Chairman, I would first refer to Section 18, of the Public Service Ordinance, it is in the First Session of 1967, Chapter 3, unless some other periods of employment is specified, the tenure of office of any employee is, subject to the provisions of this Ordinance and the regulations made there under for an indeterminate period. I have gone through every regulations in the book of Regulations, which are submitted to.... which are tabled and nowhere in these regulations are there any Regulations as have been submitted with the Sessional Paper and tabled as Regulations forming part of the Ordinance. With reference to a Board, I would refer Members of Committee, Mr. Chairman, to the General Regulations which is Section 34 and if we refer to 34, Subsection 2(b) the only Board in the whole of the Regulations which is permitted under the Ordinance and the Regulations is a Board to determine units of employees appropriate for collective bargaining. The certified bargaining agents for bargaining units are to hear complaints by such agents or by employees, so that the Ordinance does not provide.

for a Board of Adjudication. What has been happening is this. That a Board of Adjudication contrary to the provisions of the Public Service Ordinance have been set up by the Administration and where there have been perhaps a slight damage to a vehicle or heavy damage to a vehicle, maybe, the person has been before a court of competent jurisdiction, and I stress the word "competent" jurisdiction, because I say that the Board of Adjudication as it is set up is not a competent board of jurisdiction, the Board is set up in the manner that it's believed by many public employees a "kangaroo court". I refer to the "kangaroo court" because it may be of interest to Members of this Committee, Mr. Chairman, that the adjudicate upon a person without him having a hearing. He is not there to attend and a report is sent in to them, this Board sits and makes the decisions and fines the employee an amount of money on a percentage basis of damage that is done to the vehicle even without in going forward in being able to go forward and say to this Board, I was not responsible for this accident, why are you doing this? Further we view now if we go to the regulations the sections where I find in the Penalty Section, Section 19, and you will notice in the answer to one, where it says that reimbursement payable by the operator of vehicle in accordance with Section 19 of the Yukon Territorial Government Vehicle Regulations. Now to Members of this Committee, I'm sure the moment you look at Yukon Territorial Government Vehicle Regulations, you will immediately surmise that these regulations are regulations that come from the Ordinance. That it is a regulation that is allowed to be set up for the Ordinance, but this is not the case at all, this is an internal regulation that is set up and this has not been placed in the Regulations Book and we find ourselves in the position that in Section 19, reads this, "Where the Commissioner rules that an employee is guilty of recklessness and undue care and negligence, other than the negligence of a minor character and he is liable to respect of lawful disruption of or damage to public property, the fine shall be made upon the employee for reimbursing to the following extent". Now I'll stop there for a minute and point out that here there's a power given to the Commissioner to set himself up as a judge. That he has to rule, that he can rule when a person is guilty. Well using the word, "guilty" this all amounts saying that the Commissioner has given the right of saying this man has committed a criminal offence with a motor vehicle. Then he goes on in the various sections (a) to (e) of the different amounts that an employee will be penalized. Section 20 of this particular document, says that if the government employee does not within a reasonable rate of time, arrange for payment of the government's claim the Commissioner may direct that the amount be recovered by deduction from the employees pay. Now the employee hasn't had an opportunity to appear before this Board of Adjudication, as a matter of fact, I have seen a report on...that has been sent back by the Board of Adjudication just saying that that the Board of Adjudication have dealt with such and such a manner and rule that this person is not responsible, rules that person is rules that this responsible and shall pay \$50, but my question was, "did you attend?" He said "No, I can't, not asked to." It's just sent to this Board of Adjudication, they just go into the Commissioner's office, they close the door and nobody but the people of adjudication deal with it. The person that is involved is not even permitted to be there. So he's fined, the person's fined without even having the opportunity. Now, Mr. Legal Adviser, there's a question I'm going to put to Mr. Legal Adviser, Mr. Chairman, of which I'm sure he will answer later, is this natural justice? I don't think that Mr. Legal Adviser, Mr. Chairman, can say anything but that it is not natural justice. Section 21, of these regulations, on addition to the foregoing, powers may be initiated

by; the Commissioner by means of reprimand,..... suspension, or dismissal and this without the appearance of the person that can go. What's happening in this public service that the Administration would stoop to that type of thing. That would allow themselves to be placed in the position; of taking good public service in destroying the moral of the public service by attempting to set themselves up as a court without the proper authority to do so. Before going on further, I would ...wonder Mr. Chairman, if Mr. Fingland could at this time perhaps give an explanation as to why this Board of Adjudication and the manner of it's conduct, the offices connected with the Board of Adjudication and the so-called provisions or regulations of what Ordinance of this Board exists, which I asked, you said the Public Service Ordinance, which was answered by Mr. Commissioner, I would like to know perhaps whether these questions could be answeredMr. Commissioner and say where, what sections of the Public Service Ordinance that the Administration is referring to. I reserve the right to continue.

Mr. Fingland: Mr. Chairman, I would admit from the beginning that these should in fact, be regulations promulgated in the normal way and incorporated into the book. I don't think there is any question but what this iswhere these regulations should be. However, I think it also must be recognized that the Commissioner also is empowered under the Public Service Ordinance to control and direct the public servants. Section 3 of the present Ordinance and I believe it was Section 3 of the old Ordinance that specifically gave the Commissioner, management and direction of the public servants. These regulations originated because the Commissioner was being faced periodically with situations where employees have damaged government vehicles and it was necessary for them to decide how far the individual employee concerned should have to bear part or all of the cost of the damage incurred. I think this is perfectly normal sort of responsibility to impose on a person in his position. In order to assist him on this matter as well as on any other matter in the public service, the Commissioner is entitled to consult the officers of the Administration and to seek their advice. This in fact, is what he has done and he has finally decided in these regulations to set out the various rules by which this advice must be given and also in fairness to the employee, to set out certain limits to what any one employee will have to pay. As far as penalizing employees are concerned without giving them an opportunity to participate, I would like to know, Mr. Chairman, if I might counter a question with a question, if the Honourable Member for Whitehorse East, of any occasion where an employee has requested to appear before the Committee who has been refused, because I don't know of any.

Mr. Chamberlist: Mr. Chairman, the answer to the question is simple, the Heads of Department have been instructed to send in reports and the reports are dealt with by the Board of Adjudication and the Board of Adjudication do not call these people. These people do not know when the Board of Adjudication sits, they wait, Mr. Chairman, until they have about eight or ten of these specific cases to be dealt with. The individuals do not know when the Board sits or that they get this information that the Board has set and this is the decision. This is the reason why, Mr. Chairman.

Mr. Shaw: Mr. Chairman, I would like to ask a question. Has the Association of Public Employees....I don't know the name of.....what they call it, the union you might say of the Public Service employees, have they made any complaint or brief in the way that matters such as these are handled? Is there any complaint from them in formal manner? Could I ask that to Mr. Fingland?

Mr. Fingland: The answer is no, Mr. Chairman, there has been no complaint or representation received from the Public Service people.

Mr. Chairman: Anything further on this matter?

Mr. Chamberlist: Oh yes, lots, Mr. Chairman. Mr. Chairman, the question of whether the Public Service Association has commented on this matter or not is secondary at this time because now that it has been brought out into the open, I have no doubts that there will be lots of comments made. But there have and always has been a fear of brining certain things of this nature forward. To me it is so unjust and I just dislike completely any time where the individual is being treated in a very wrong manner that I bring this thing forward. It is to our judicial system absolutely forward and I would point this out if we refer to Section 3 of the Public Service Ordinance, Mr. Fingland, has made mention of, surely Mr. Chairman, Mr. Fingland is not suggesting that this phrase dispenses with the legislative authority to seek provision for setting up a Board of Adjudication. I also note, that of course there is reason at all times for the Commissioner to accept and seek advice of members of his Administration. I'm not suggesting that he shift but he certainly omitted when replying to me in the earlier instance, he omitted to say where the Board of Adjudication every Board has the power to be set up. He omitted this and I think quite he omitted to comment on it for the simple reason that there was very little comment that he could make on it, that the Administration know that they are in error in setting this up in this manner. I would think it would be a very satisfactory answer if the Administration would say that we are in error and that we will correct this error. That the Board of Adjudication without giving a hearing to an individual should act in that manner and I am leaving the door open so that the Administration will admitthey've already admitted to part of the error, with reference to the regulations all they need to do is admit to the rest of the errors that have been made and make an attempt to correct these errors. If they want power to set up a Board of Adjudication for control of the public service, I see no reason why it can't be given as long as those people who are brought before a Board of Adjudication, that although these people are going to be judged by a Board of Adjudication are given the opportunity to be heard. I don't think this is an unreasonable request and I wonder, Mr. Chairman, if Mr. Fingland would reply to that?

Mr. Fingland: Mr. Chairman, I would agree that the content of these regulations is not perfect. In fact, for the information of Members of Committee, these regulations were issued in 1961I'm sorry they were issued by Commissioner Collins in 1959. I'm sorry I had the wrong date. Now in the course of nine years these things have, in fact, become very much out of date, and I would concede on behalf of the Administration, Mr. Chairman, that it is a fundamental error not to have in here, a right of an employee to appear before this Committee. I think this is a

very sound piece of advice that we would move quickly to correct. I would also concede that there are other things in these regulations that needs revision and we will undertake as quickly as possible to revise them and promulgate them as proper regulations under the Ordinance. I hope that what we intend to do here would be satisfactory?

Mr. Chamberlist: I'm very thankful for Mr. Fingland's remarks and I'm pleased that he's brought these forward.

Mr. Chairman: Is Committee agreeable to this?

Mr. Shaw: Just one question to ask Mr. Fingland. From time to time that I have been in this Territory, I have noticed where from Dawson, that these people that have got into some problem or other do come to Whitehorse and they appear before a Board and they present their case. I know that for a fact. They must appear before the Board of Adjudication, a Board of Somebody? I refer the question to Mr. Fingland.

Mr. Fingland: Mr. Chairman, there may have been occasions when employees have been asked to come and appear before a Board of Adjudication but I think that the Board before which these people have appeared, in the cases the Honourable Member for Dawson refers to are in cases where the employee has been suspended, under another Section of the Ordinance. I think it's a different matter.

Mr. Chairman: Are you clear on this matter? Well at this time I'll declare Committee in recess until two o'clock this afternoon.

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Mr. Chairman: I will call Committee back to order. We were discussing Sessional Paper No. 63.

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NO. 63

Mr. Chamberlist: Mr. Legal Adviser might be able to answer my question, I think might be able to answer my question in this matter. Mr. Chairman, I ask this question because a number of people have been receiving summons, and I would like to stress this not specifically for parking meter alleged violations, but for other matters on the bylaws. These summons are being issued out of the City Solicitor's office. It would appear at this time - it seems to me most peculiar that bylaws where there are alleged infractions can be prosecuted by the Crown Prosecutors Court charged to the City of Whitehorse are now being put through the City Solicitor's office where the City have to pay out of the municipal funds for this service when they don't have to do it at all, it's another place where the waste of municipal taxpayers money continues. However, the point I am making is this, in reply to my question of December 2, read as follows: "Neither the Police Magistrate, the Police Magistrate's Court nor the Police Magistrate's Court Registry Office causes sommons to be prepared for issuing or serving. This is normally the responsibility of Counsel for the individual complainant or informant, as the case may be". With respect, Mr. Chairman, this is the most unadulterated piece of nonsense one could ever come across, because I am sure Mr. Legal Adviser will agree that a summons is issued from out of the Court, and here the answer is that the Police Magistrate's Court nor the Police Magistrate's Court Registry Office causes summons to be prepared for issuing, now it may be they don't cause it to be prepared, whether they have a responsibility to prepare it I don't know, but certainly they have a responsibility to issue a summons, because the summons is issued out of the Court. Now it's my contention, Mr. Chairman, the people of the Territory are not only talking about people of Whitehorse because some people from the constituencies are those that are represented here at this Council, or being served with these - what are purported to be summons, but they are not, in fact, summons, they are just pieces of documents, pieces of papers with a date left open and no signature of a Justice of Peace for the Yukon Territory signed there. I wonder, Mr. Chairman, if Mr. Legal Adviser will, or will not say at this time, that these summons or purported summons are, in fact, invalid.

Mr. Legal Adviser: They are not summons at all, Mr. Chairman, a summons is a document directed, as a rule, to a person to appear on a named day and time before Court. There are many Courts and there are many forms of summons, a subponena is a form of summons to bring documents with you, or to attend in person before any Court. The practice is correctly stated in the last paragraph of the Sessional Paper and this arises because on receipt of the question the House is aware no jurisdiction over the Magistrate's Court whatsoever directed a query to the Magistrate himself, or his office asking for sufficient information to enable to answer the question, and the reply came back as in the last paragraph that the Court is not responsible for preparing or issuing or serving summons. The practice is that the Counsel or the complainant, or the complainant himself can use a blank form in the form which is set out at the back of the Criminal Code, having filled in the requirements of the person he wants commanded to attend the Court and the time, he then should present himself to a Justice of the Peace, and ask the Justice to sign it, and that constitutes the issuing of the summons, signing and issuing it, then it's served by, or on behalf of the complainant. Now it's

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Mr. Legal Adviser continues:

not the business of the Police Court to check who, in fact, is handling documents that are in the Territory, if, in this particular case, mentioned the City Office is issuing summons, these are not summons at all. You correctly state they don't become a valid, enforceable document until a Court officer properly entitled and has appended his signature at the foot of the document.

Mr. Chamberlist: Mr. Chairman, can I take it then from Mr. Legal Adviser the documents that have served upon people without the signature of a Justice of the Peace are not a summons, therefore, can it be said that a person is not compelled by this type of document to appear before a Court.

Mr. Legal Adviser: Well, put it a different way. There are a few sections in the Criminal Code saying how a refusal to obey a summons can be dealt with, and one way is to have the person arrested on a bench warrant and brought before the Court. But before that bench warrant will be granted, the Court has to satisfy itself that, in fact, a correct summons issued and signed by a Court, or Justice of the Peace, was delivered to the person, served upon him and that he has failed to obey. This is the procedure that should be followed with these documents, a person can come to Court if he wishes, he knows the case has been called that day. In a sense he comes out of courtesy, but if he comes, then he's acknowledged the jurisdiction of the Court and is properly before the Court, if he fails to attend, it just means the following section of the Penal Code cannot be enforced against him.

Mr. Chamberlist: Mr. Chairman, I would bring to Committee's attention section 440 and section 441 of the Canadian Criminal Code, and in section 441 reads as follows: "A justice who receives an information shall (a) bear and consider, ex parte (i) the allegations of the informant, and (ii) the evidence of witnesses, where he considers it desirable or necessary to do so; and (b) issue, where he considers that a case for so doing is made out, a summons or warrant, as the case may be, to compel the accused to attend before him". Mr. Chairman, I have heard the Legal Adviser's comments on this and I agree his comments are properly paid place in a Legal Adviser's manner, but I would prefer that the public know in plain straight English, can it be said these documents that are issued are properly constituted summons, if they are not, Mr. Chairman, would Mr. Legal Adviser say so, so the public become aware they are not bound to attend Court just on the basis of these particular pieces of paper that are now being given out as a summons.

Mr. Legal Adviser: It's not a question - this is actually a long piece of legal advice to put to people who are accused of a crime. I could find myself saying this, when a summons is issued which purports to be issued under the Criminal Code and the sections referred to, and it does not fulfill the requirements that if that is so, that if a Justice of Peace has not signed it, then the person cannot be arrested for failing to attend Court as a result of the summons.

Mr. Chamberlist: In finality then, Mr. Chairman, would it not be correct to say, that unless a summons has a signature of a Justice of the Peace, it is not then issued out of the Court, and therefore, the Criminal Code has not properly been compiled with?

Mr. Legal Adviser: To this I can't say, because depending what you mean by signature, it has been held that a stamped signature is sufficient, so if the people issuing these summons had a speck of sense, they get a rubber stamp and they just stamp them all in bulk, but they would have to have the authority of a Justice of Peace, or he would have to do it himself to stamp the signature on it, it would save him time, but it could be a stamp signature, he wouldn't have to personally sign his warrant.

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Mr. Chamberlist: Mr. Chairman, then in the absence of a signature, or a facsimile, would it then be an improper document?

Mr. Legal Adviser: Not improper, just unenforceable.

Mr. Chamberlist: Right. Thank you very much, Mr. Chairman.

Mr. Chairman: Is there anything further on this paper? Clear?

All: Clear.

Mr. Chairman: This concludes our run through on Sessional Papers, the only remaining Sessional Paper at this moment is Sessional Paper No. 54, and the only other item of business we have at this time is Motion No. 24, which is now in Committee. Moved by Councillor Shaw, seconded by Councillor Dumas 'Be it resolved that Council discuss in Committee of the Whole the matter of changing Yukon licence plates wording from "Land of the Midnight Sun" to "Home of the Klondike"'. MOTION NO. 24

Mr. Shaw: Mr. Chairman, as mover of the Motion, Home of the Brave. The reason I brought this into Committee, Mr. Chairman, was to provide latitude of discussion. We do now have the insignia, or I don't know just what you would exactly call it, but it refers to the Yukon as the Land of the Midnight Sun, now this in itself is really a terrific piece of subtle advertising, put it that way, and it certainly was something the people thought of that going on the plates must be highly commended. However, we do have Alaska which does a great deal of advertising, and also calls itself Land of the Midnight Sun, the same reference is made to the Northwest Territories, and I believe you will find that sections of Europe, in Norway, also do use that to some extent, so when this comes up, although it does refer to the Yukon and the North and its most apt, it's still not one that would specifically refer to the Yukon Territory. That is the reason I have proposed this Motion, with Councillor Dumas as seconding it, that we pin point something that belongs here, that is here, that is extremely descriptive of the Yukon Territory, a name that is known far and wide all over the world, and whether this can be instituted for next year if Council would be so considerate as to accept the Motion, I don't know I'm not sure of that, that is academic because these things have to be done quite awhile ahead, and if it could not be done this year, if it were accepted, possibly it could be done next year. It's something also that will - these plates will travel all over the North American continent and particularly in the Province of Alberta, and I think myself it's something really and truly identifies the Yukon Territory, and I would certainly very much appreciate, Mr. Chairman, if this Committee support on this Motion.

Mr. Dumas: Mr. Chairman, as seconder of the Motion, there's not much I can add, except Klondike is and should be an exclusive Yukon item, and this would be one way of getting it across to all in sundry, particularly with people driving out of the Territory with Yukon plates on. It might help our battle with the forces

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Mr. Dumas continues:
in Edmonton, and while I think the present slogan we have is quite an attractive one, I believe it puts us in the same category as most countries around the world in the north of 60, they all claim the title and they all claim to be Lands of the Midnight Sun.

Mr. McKinnon: Mr. Chairman, I wonder if we go too far in this debate, the Commissioner imminented before he left that he would like to speak to Committee on this subject, the reason being that he has very good indication the moment Land of the Midnight Sun was dropped by the Yukon Territory, the Northwest Territories is just waiting for that moment to be able to grab it, and use it themselves on their plates.

Mr. Chamberlist: Mr. Chairman, I wonder if the Honourable Member from Whitehorse North is suggesting that we call it the Land of the Midnight Sun, and the Land of the Klondike. They're pretty big plates we could have on the back and front of the car, would that help.

Mr. McKinnon: If this were possible, this is what I would like to see 'Land of the Midnight Sun' 'Home of the Klondike', whether this is possible or not, I don't know. I don't think we should just drop this Land of the Midnight Sun without realizing everything we could be losing by taking it off the plate at this time, I think both of them are extremely attractive mottos, and that both of them should be kept for the Yukon Territory, if this is possible.

Mr. Shaw: Mr. Chairman, I have given consideration to this particular matter when I brought this Motion forth. If this can be done, as the Honourable Member - various Honourable Members have suggested, I think it is a tremendous idea although we do get to a point where you could clutter up something by having too much, however could it may be, it's possible you may have too much on one plate. If we recall this has the minor on the left hand side looking at it, The Land of the Midnight Sun is on the top of the plate and down at the bottom of the plate in between the numbers is the term Yukon, therefore, to put more on may possibly be too much, but if it is possible, Mr. Chairman, to also have The Land of the Midnight Sun on there, I think that would be terrific if we can work it out there. I don't know whether the plates must be a standard size, whether the numbers should be a standard size, there may be some means of devolving that we can get all these things, The Land of the Midnight Sun, Home of the Klondike, or vice versa, I think would be tremendous on these plates.

Mr. Dumas: I was just going to refer back to the Honourable Member from Whitehorse North remarks the Commissioner would like to speak on this. I suggest we leave it open until he returns.

Mr. Livesey: Mr. Chairman, I think I have a suggestion that will beat the whole thing right to where we need it. I would suggest to the Chairman to get around all these problems that we put Land of the Midnight Sun on the front plate, and Home of the Klondike on the rear plate. all it will need is half and half, you see you get two plates with one, with one on, the other, with the other on, and by so doing Solomon himself will be defeated.

Mr. Shaw: Mr. Chairman, that is a tremendous idea, I don't know how the inmates of the localities where these plates can work that out from a mechanical point of view, but it certainly has tremendous merits.

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Mr. Chairman: Will there be anything further on this Motion at this time?

Mr. Shaw: Just one question, Mr. Chairman. I would like to ask a question of the Clerk, if we could resolve this matter within the next few days, would it be possible if there were any changes accepted by this Council of Committee, would it be possible to have these changes instituted in sufficient time for the 1969 plates?

Mr. Clerk: No, Mr. Chairman, our '69 plates will be arriving here within the next few weeks, they have been ordered since last July and it will be necessary to order our '70 plates very very shortly, so this is certainly the time to decide this matter.

Mr. Chamberlist: Mr. Chairman, I have seen where there are separate small plates made which affix to the standard state plate, in the state. Now is there any chance to fit this idea, that the Honourable Member from Dawson has come with having an additional plate, it would certainly pay us to sell for .20¢ or so, to vehicles to have it affixed on the vehicle, using the same standard as we have now, then perhaps for another year alter that just to read Land of the Midnight Sun and the Klondike or something like that. Is this possible, Mr. Clerk?

Mr. Clerk: I don't know, Mr. Chairman, it would require complete punching by the people who make the plates, and then, of course, there is the problem of where we could fit it on, on our present plates. It could be looked into.

Mr. Shaw: Mr. Chairman, the Honourable Member from Whitehorse East, has a tremendous idea for 1969 anyway, that apart from the normal plate that a section was made for the bottom that could fix to the bottom and it could be sold to anybody that wished to purchase it, at whatever cost, we'll assume they are reasonable, you get two plates - I don't know what the cost of the plates are per plate, but this could be sold at cost for the first year and I'm sure that all loyal Yukoners would be pleased to purchase, possibly, two of these plates. Could the Clerk inform the Committee, Mr. Chairman, would he have the knowledge as to exactly what each set of plates do, in fact, cost?

Mr. Clerk: I can account for this figure, Mr. Chairman, but I don't know enough off the top of my head.

Mr. Chairman: Is it your wish this matter be deferred at this time. What is your pleasure?

All: Agreed.

Mr. Chairman: Gentlemen, you have now completed all the work before you in Committee at the moment until some action is taken by the Administration on these Bills. What is your pleasure at this time?

Mr. Shaw: Mr. Chairman, have we completed our labours for today, is there any other business at all we can handle at this time?

Mr. Chairman: There is nothing further in Committee, everything seems to be pending.

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

Mr. Chamberlist: I will second the Motion, Mr. Chairman.

Mr. Chairman: It was 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? Contrary?

MOTION
CARRIED

MOTION CARRIED

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

Mr. Chairman: Mr. Speaker, Committee convened at 10:30 a.m. to discuss Bills, Sessional Papers and Motions. It was moved by Councillor McKinnon, seconded by Councillor Dumas that Committee concurs with the contents of Sessional Paper No. 4 and this Motion carried. It was moved by Councillor McKinnon, seconded by Councillor Dumas that the Federal Government be approached with a view to raising the basic assets of exemption under which they will share the nursing care program under the Canada Assistance Plan and this Motion carried. Mr. Frank Fingland, Assistant Commissioner, attended Committee to discuss Sessional Papers 61 and 62. Committee recessed at 12:00 noon and reconvened at 2:10 p.m. Motion No. 24 was deferred in Committee for further consideration. I can report progress on Bills No. 1, 4, 5, 8, 19, 20, 27 and 30. It was moved by Councillor Shaw, seconded by Councillor Chamberlist that Mr. Speaker do now resume the Chair and this Motion carried.

Mr. Speaker: We have heard the report of the Chairman of Committee. Is the House prepared to adopt the report? Are we agreed?

All: Agreed.

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

Mr. Taylor: Mr. Speaker, several matters are pending in Committee, we have several Bills as enumerated in the Committee report and we have one Sessional Paper and one Motion still remaining in the Committee of the Whole. So I would suggest for tomorrow Bills, Sessional Papers and Motions.

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

Mr. Speaker: It has been moved that we call it 5:00 o'clock. Does the House agree?

All: Agreed.

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

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker; I have for your attention the tabling of Sessional Papers Nos. 68, 69 and 70. Are there any Reports of Committee?

Mr. Shaw: Mr. Speaker, may I rise on a point of privilege. I beg leave, Mr. Speaker of the House, to be absent this afternoon. I have quite a few important matters that I must attend to.

Mr. Speaker: Are we agreed?

All: Agreed.

Mr. Speaker: Introduction of Bills. Notices of Motion or Resolution.

Mrs. Gordon: Mr. Speaker, I would like to give Notice of Motion that this Council urges that consideration be given to involving the Council or the Committee thereof in the formulation of legislation before its presentation to this House. MOTION NO. 28 FORMATION TION

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion this morning that any discussion or negotiation relative to Federal-Territorial Fiscal Relations be considered and negotiated only by a select or special committee comprised of all Members of the House. MOTION NO.29

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

Mr. McKinnon: Mr. Speaker, I would like to give Notice of Motion that the Chairman of the Board of Transport Commissioners, Mr. Jack Pickersgill, be invited to the Yukon to investigate air facilities in the Yukon. MOTION NO. 30 AIR FACILITIES

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion that Sessional Papers Nos. 68 and 70 be discussed in Committee. MOTION NO. 31

Mr. Speaker: Are there further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? Under Orders of the Day, Motion No. 25: Moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Mayo that the Administration investigate the matter of reduced postal service to the Watson Lake area and make any representations necessary to fully restore normal postal service to this community. Would the Honourable Member for Watson Lake be prepared to discuss this Motion? MOTION NO. 25

Mr. Taylor: Yes, Mr. Speaker, there's no doubt all Members have heard there has been a curtailment of postal service

MOTION
NO.25

Mr. Taylor continues.....
in the Watson Lake area and it is creating a hardship upon the community and indeed is affecting, or I might say, seriously impairing the general commerce of Watson Lake and area. The situation is largely as a result of the change of the Canadian Pacific Airlines Schedule into the community of Watson Lake and I've been to see the Postmaster and the Postal Department have assured me that they will do everything they can to assist but it would appear that the only obvious possibility to reconcile this situation would be for C.P.A. to provide a daily northbound flight into Watson Lake and continue on this three times a week southbound. The people of Watson Lake have asked me as their representative to lay this before Council and the Motion has stated "would ask that the Administration bring to bear any representation or any assistance they can in an endeavour to restore such postal service! I would ask for support from the House on this matter.

Mr. Speaker: Is there any further discussion on the Motion of the Honourable Member for Watson Lake?

Mr. Shaw: Mr. Speaker, might I enquire as to what service now is provided northbound?

Mr. Taylor: Mr. Speaker, the way with this rescheduling we get three times a week mail, first class mail into Watson Lake and normally we got mail six days a week up until this change of schedule. I might also add that it's just not Watson Lake that's involved here but Canada Tungsten Mining Corporation, Cassiar Asbestos Corporation and all these operations relative to Watson Lake are involved.

Mr. Speaker: Is there any further discussion on Motion No. 25? Question has been called. Are we agreed? I will declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED.

MOTION
NO. 26

Mr. Speaker: Motion No. 26. Moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Whitehorse North that Sessional Paper No. 67 be passed into Committee for discussion. Will the Honourable Member for Whitehorse East be prepared to proceed with this Motion at this time? Are we agreed? I will declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

MOTION
NO. 27

Mr. Speaker: Motion No. 27; moved by the Honourable Member for Mayo, seconded by the Honourable Member for Whitehorse West "With reference to the Financial Advisory Committee that it is respectfully recommended that the Commissioner appoint as Members of the Financial Advisory Committee Councillors K. McKinnon, G. Shaw and J. Dumas". Would the Honourable Member for Mayo be prepared to discuss Motion No. 27 at this time?

Mrs. Gordon: Mr. Speaker, I would ask that discussion on this Motion be deferred till Monday.

Mr. Speaker: Is the House agreed?

All: Agreed.

Mr. Speaker: Mr. Clerk, I wonder if Mr. Fingland would be available for the House for question period? I will declare a short recess.

RECESS

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

Mr. Taylor: Mr. Speaker, I have a question of some importance to direct this morning to Mr. Assistant Commissioner. In light of the continuance of the wild-cat strike of the ironworkers at Anvil and in view of the delay in proceeding with this development, could Mr. Assistant Commissioner advise the House this morning if the Territorial Government is taking any action to assist in the furtherance of this development at this time? QUESTION RE ANVIL STRIKE

Mr. Fingland: No, Mr. Speaker, the answer on that is that we are not taking any action. We are aware of the situation and we are in contact with the Company and we are keeping ourselves closely informed of the circumstances but we are not taking any action at the present time.

Mr. Taylor: Supplementary to that question, Mr. Speaker; if the strike is allowed to continue for say another week or so, would the Administration then become involved in an effort to do something in order to alleviate the situation?

Mr. Fingland: Well, I think Mr. Speaker, that this would depend entirely on circumstances and we would have to await development.

Mr. Taylor: Thank you Mr. Speaker.

Mr. Speaker: Are there further questions? Mr. Shaw.

Mr. Shaw: Mr. Speaker, I would like to pose a question to the Assistant Commissioner in relation to C.B.C. frontier package television for Dawson and Clinton Creek. In view of the continual and regular postponement of the date at which it will be installed in those two areas, I wondered, Mr. Speaker, if Mr. Fingland could get some firm commitment from C.B.C. as to a date of installation? QUESTION RE FRONTIER PACKAGE FOR DAWSON & CLINTON CREEK

Mr. Fingland: Mr. Speaker, I'd be glad to see what can be done in that regard.

Mr. Shaw: A supplementary question, Mr. Speaker. I have had communications that it will be some time next summer but no firm date.

Mr. Taylor: Mr. Speaker, I have another question I would like to direct this morning to Mr. Assistant Commissioner. That is, I'm wondering if the Administration have given consideration to presenting at the next Session of Council legislation which would provide, under the Motor Vehicles Act, voluntary payment of minor traffic offences, thus reducing the load on the Courts at this time. QUESTION RE TRAFFIC FINES

Mr. Fingland: Mr. Speaker, I can say that this matter is presently under consideration but I would be a little reluctant to commit myself to actually being able to have the legislation ready for the next Session but certainly the

Mr. Fingland continues...
matter is under study at the present time.

QUESTION Mr. Chamberlist: Mr. **Speaker**, a question to Mr. Federal
FREE TRANS- Assistant Commissioner. Would Mr. Fingland say whether any
PORTATION consideration could be given to members of this Council
FOR having free transportation facilities such as are allocated
COUNCIL to Members of Council of the Northwest Territories?
MEMBERS

Mr. Fingland: Mr. Speaker, the amenities available to the Members of the Council of the Northwest Territories comes to me as much a surprise I think as it does to the Members of this Council and I think that the Administration would be pleased to look more closely into some of the prerequisites that are available across the line but how far it might be possible for us to go to follow suit, I don't know. But we would be certainly glad to have a look at their arrangement.

QUESTION Mr. Dumas: Mr. Speaker, in view of the fact that the
FEDERAL Federal-Provincial Conference is only ten days away, could
PROVINCIAL Administration tell us if any decision has been made on
CONFERENCE who is to attend?

Mr. Fingland: I'm sorry, Mr. Speaker, I have nothing further to add than what the Commissioner has already informed Council. I realize this is beginning to wear a bit thin but I genuinely have to admit that we just don't have any further information to give.

QUESTION REMr. Taylor: One further question, Mr. Speaker, for Mr.
NWT WINTER Assistant Commissioner. In view of the visit yesterday
GAMES of Commissioner Hodgson and his party from the Northwest
PARTICI- Territory, I am wondering if Administration could advise
PATION me as to whether or not there is any truth to the rumour that the Northwest Territories may withdraw for financial reasons from the Winter Games?

Mr. Fingland: To my knowledge, Mr. Speaker, there is no truth to this rumour and this is the first time it has even been suggested to me that this might in fact be a possibility.

Mr. McKinnon: Mr. Chairman, as President of the Arctic Winter Games, I certainly would like to know where this rumour emanated from - nothing could be further from the truth.

Mr. Speaker: Order please, I must remind the House that this is the question period, and there is no room for debate here in this period. Are there any further questions?

QUESTION Mrs. Gordon: Mr. Speaker, I wonder if Mr. Assistant
YUKON FLAG Commissioner could inform the House this morning if the
DISTRIBU- Yukon flag has been sent out to our various Territorial
TION buildings throughout the Territory?

Mr. Fingland: I wonder Mr. Speaker if I could take that as notice. I'll have to check on that.

QUESTION Mr. Chamberlist: Mr. Speaker, I wonder if I could address
WINTER a question to the Honourable Member for Whitehorse North?
GAMES TALK Would the Honourable Member for Whitehorse North, as Presi-
WITH NWT dent of the Arctic Winter Games be able to give any informa-
COMMISSION- tion as to the discussions with Commissioner Hodgson last
ER night?

Mr. McKinnon: Yes, Mr. Speaker, we discussed all aspects of the Arctic Winter Games thoroughly and it was decided that the Government of the Northwest Territories and the Government of the Yukon Territory, acting in concert, approach the Federal Government at a time that the two Commissioners are in the East attending the Constitutional Conference with a view to obtaining grants from the Federal Government to help finance the staging of the First Arctic Winter Games in Yellowknife. These grants would be in the same way as grants that come from the Department of National Health and Welfare for the Olympic teams of Canada and the same type of grants that from this Department that were forthcoming to the City of Winnipeg in the Province of Manitoba for staging the Pan American Games in Winnipeg.

Mr. Speaker: Are there any further questions?

Mr. Shaw: Mr. Speaker, I wondered if I might pose this question to the Assistant Commissioner. I wonder if we would have the opportunity of meeting with Commissioner Hodgson?
QUESTION RE COUNCIL & COMMISSIONER HODGSON MEETING

Mr. Fingland: Mr. Speaker, I'm sorry that this will not be possible in Whitehorse at the moment. Commissioner Hodgson left to return to Yellowknife last night.

Mr. Speaker: Are there any further questions.

Mr. McKinnon: Mr. Speaker, as we've received no answer from the Assistant Commissioner as to the attendance of elected representatives at the Constitutional Conference, I wonder if I could ask the question of the Honourable Member for Whitehorse East whether he has any information as to who, from among the elected representatives will be attending the Constitutional Conference?

Mr. Chamberlist: Mr. Speaker, in answer to that question I can only give the same answer that has been given by the Commissioner and his Assistant Commissioner - that there is no further information available.

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

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

Mr. Speaker: Is there a Seconder for the Honourable Member's Motion?

Mrs. Gordon: I second that Motion, Mr. Speaker.

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?

Mr. Chamberlist: Mr. Speaker, with respect, before the question is put, as a matter of privilege, I should draw Mr. Speaker's attention that in the House, in the Gallery there sits the Deputy Assistant to the Minister of Indian

DEPUTY

ASSISTANT Mr. Chamberlist continues....

TO MINISTER Affairs. I wonder if Mr. Speaker of the House could
IN GALLERY recognize him?

Mr. Speaker: I thank the Honourable Member for Whitehorse East and I certainly do welcome the Honourable gentleman from Ottawa here in the Gallery this morning and I do hope his stay in the Yukon is a happy and enjoyable one and I do feel that Council extends to him a most hearty welcome to the North, especially during this pre-Christmas season. 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 Lake will please take the Chair in Committee.

BILL
NO. 13.

Mr. Chairman: We have only two matters in Committee with which we can deal this morning. The first item would be Bill No. 13, An Ordinance to Amend the Loan Agreement Ordinance, 1962 No. 1. May I proceed with the reading of this Bill?(Reads Bill No. 13). Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I don't want to take up too much time of Committee on this Bill. I've spoken on this Low Cost Housing Ordinance time and time and time again in this House. I've passed Motions ad infinitum on how this Bill should be changed to make it more readily accessible in mortgage monies to the people of the Yukon Territory. As it now stands, Mr. Chairman, and all the House is aware, we borrow monies from the Federal Government which we raise through taxes here, to pay back to the Federal Government. However, they dictate absolutely as to how every cent of this money which we pay back to them, is going to be applied and going to be spent in this Low Cost House Program. We have said in this House unanimously time and time and time again that we believe the \$8,000.00 first mortgage and the \$1,000.00 second mortgage is completely unreasonable, taking into account the problems of building and the cost of building in the northern territories. Both the Northwest Territories and the Yukon Territory presented briefs before the Task Force on Housing, chaired by the Honourable Paul Hellyer, the Minister of Transport, both stating that the amount of the first mortgage and the second mortgage loans should be raised as they were completely unreasonable and unworkable in the Northwest Territories and the Yukon at this time. All these representations, Mr. Chairman, have gone completely unheeded and completely unheard up to this time. We must pass this Ordinance as the mortgage monies as it now stands are better than nothing. We at this table agree that we think we could make the mortgage monies a little better used if we were allowed to say how the money should be used in the Territories. However, the Federal Government at this time, in its wisdom, does not see fit to grant this privilege to the people of the Yukon and the Northwest Territories who certainly must be more aware of the conditions prevailing amongst their areas than the people 4,000 miles away. As I say, if we did not pass this Ordinance to allow us to borrow the money we would be working some hardship on people who do get some use out of this program we think and the people in the Northwest Territories think that we could make it much more beneficial if we were allowed to have a little more regulation over the stringent terms set down to us by the Federal Government. Thank you Mr. Chairman.

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

Mr. Shaw: Mr. Chairman, the Honourable Member from Whitehorse North has adequately covered this, I think. It has been covered not once but so many times that I would almost have to take off my shoes to count. I would, therefore move, Mr. Chairman, that this Bill be passed out of Committee without amendment.

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

Mr. Chairman: It has been moved by Councillor Shaw, seconded by Councillor McKinnon that Bill No. 13 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Any contrary? I will declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: I might direct a question to Mr. Clerk. Are there further amendments forthcoming today on other Bills?

Mr. Clerk: Yes, Mr. Chairman, there will be amendments here very, very shortly.

Mr. Chairman: Well, the only remaining item here is Sessional Paper No. 67. Councillor Chamberlist.

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Mr. Chamberlist: Mr. Chairman, there has been much controversy regarding artifacts which are of a Yukon historical nature being removed from the Territory. Now I have made my position clear that I am opposed to the Municipality of Whitehorse using Municipal funds for the purpose of purchasing these artifacts and more than opposed that they should use what was supposed to have been a separate account, a parking meter account, to use in the purchase of these particular artifacts. Now I am going to put it to Members of this Committee that we have a responsibility to see that the history of the Yukon is maintained. Now, when I say the history of the Yukon should be maintained I am referring to a continuous maintenance of historical objects, historical buildings and in fact the written history of the area. There was money set aside for the purchase of these things and for some reason or other the Administration saw fit to appoint a committee to look into their physical value. Now I think that was wrong, especially after this Council has approved that they be purchased for the Territory. Now I don't think that you can get hold of a piece of china plate, for supposition, and say that this piece of china plate, it's physical value is only worth five dollars. It may well be that the actual plate itself is invaluable in the amount of dollars. This is what I am suggesting with reference to these particular artifacts on which there has been so much discussion. I would say this that I, although in many ways I oppose the thinking of Councillor McKinnon, in this particular instance I cannot agree with all that he has said in relation to the historical value of these things. And I don't care who they come from, I don't care who owns them and quite frankly I don't care - I'm not at all interested in seeing a municipality pay for this. What I want to see is the Yukon Territory and the Yukon Territorial Administration, recognize its responsibility to maintaining the Yukon's history. If this Legislative Assembly had the executive and administrative powers that it should have, the very fact that it passed the money for the purchase of these artifacts, the deal would have

Mr. Chamberlist continues....

been done and completed. I would like this Committee to let the Administration know that we do not agree with the idea of setting up a separate Committee, that this Council had already passed this money, and that once again we ask the Committee - the Administration to reconsider and make provision for the purchase of these artifacts out of Territorial Government money for the Territory to maintain the history of the Territory. Thank you Mr. Chairman.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I was extremely disappointed to hear the Honourable Member for Whitehorse East and I disagree on so many subjects. I always thought that we agreed on the basic policies of government in trying to bring a better and more efficient system of government to the Yukon Territory, and I was very disappointed to hear that we disagreed so often. However, on the question of these artifacts, I've been two years now working on this collection from the time it first came to my attention. At that time I felt that perhaps major industrial concerns would, as a public relations gesture, want to purchase these artifacts and donate them to the City of Whitehorse or to the Government of the Yukon Territory and I tried this approach which was unsuccessful. I then tried the approach of getting local businessmen together and forming a group that would raise enough money that would be able to purchase these artifacts and keep them in Whitehorse or in Dawson or in the Yukon Territory. This didn't work either. I then went before the Budgetary Programming Committee of the Yukon Territorial Council and asked that a certain sum be set aside in the budget for the government to be allowed to purchase artifacts that would be lost to the Territory otherwise. And this seemed to work at one stage of the game and then in subsequent events it was turned down. So the last plan of attack that I possibly could have was to see if the City of Whitehorse were interested in purchasing these artifacts and it was a strange situation, Mr. Chairman, that right from the beginning my only concern in this was in making sure that part of the history of the Yukon remain in the Yukon Territory and not be lost forever to other places and it has been surrounded by a storm of controversy ever since I left the private sector of trying to purchase these artifacts into the public sector of the taxpayer's money. And, Mr. Chairman, at this time I still am completely convinced that these artifacts should remain in the Yukon Territory; that I've exhausted all my means of trying to see and trying to assure that they do remain here. If the Honourable Member can convince the rest of the Committee and the Government that money should be made available for the Government to purchase them I'm willing that this be so; if not there are other buyers and other interests and I think that the people who I have acted as agent to for these artifacts have suffered enough through the public controversy that has swelled around them because of my convincing them originally that we should get prior rights on these articles rather than be sold to Alaska and Edmonton interests and I feel sorry for them because of what has happened over these artifacts and I just can't maintain interest that I had originally when I see what has happened when all that I was trying to do and the people concerned was to keep part of the Yukon's history in the Yukon. It's been a very disappointing venture for me and I'm

Mr. McKinnon continues....

sure once bitten twice shy, that you won't find me in the nude painting games again for a long, long time.

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Mr. Livesey: I believe Mr. Chairman, that I warned the Honourable Member about this question of nude paintings.

Mr. Shaw: Mr. Chairman, I think that this is a very good time to review some of the actions in relation to these artifacts. Somehow or other it did come to the Government's attention, both Council and the Administration, that there were certain artifacts available for purchase within the Yukon Territory and if I am correct; I could be corrected on this particular point Mr. Chairman, but \$15,000.00 seemed to be a nice round figure as to the value of these particular artifacts. Council agreed that \$15,000.00 could be spent for these particular items. I do not recollect, Mr. Chairman, that at any time Council said that \$15,000.00 should be spent on any particular artifact. I must defend, Mr. Chairman, the government's action in appointing a Committee to look at this collection, to assess the value and to recommend to the Commissioner how they found the situation. This they did. They came up with a recommendation and apparently the amount of dollars involved was not accepted by the unknown seller. There's nothing wrong about this. I think that the move was very nice. It was very well handled because at no time, Mr. Chairman, do I recollect and I would certainly not have agreed to paying \$15,000.00 for any pig in the poke. First off you had to see it and I do not think, in fact I could almost be sure of saying that the Council itself never had an opportunity to see what this collection was and to place a value. Now, when we are viewing artifacts it's a most difficult thing to place a value on anything. How do you know what it's worth? Here is a painting. That painting may be worth a million dollars to one person and twenty-five cents to someone else. The difficulty in purchasing things such as this would evolve into various categories. In the first place, what authenticity would this particular article have? I can recollect, Mr. Chairman, in the past and I can prove it, that people had purchased articles from Victoria and British Columbia, and I think that all the Honourable Members will agree that Victoria is a treasure trove of items that might have been commonly used in the nineteenth century through these auctions. They have been brought up to the Yukon and they have been sold as authentic items of the early day. Well, that's quite right. It doesn't say where the early days were. We must remember that in Canada we had early days since it was formed and it has been equally distributed in every area of the country. The same would apply to any artifacts. We could say that this particular item belonged to Buzz Saw Jimmy or Diamond Tooth Lil although we don't know. So that when one has to evaluate articles such as this we run into an almost impossible situation because one person may think it has value and another person may think it has little value, or that we have a duplication, or we have an identical item in the two; I say two because I don't know of any more, of the two existing museums in the Territory. The Administration picked persons to be on this Committee who have amongst them well over a hundred years of experience, in voluntarily working. These are people who have given their time for years and years on this very very subject of collecting historical items, of preserving them and displaying them in the museums which we have in the Yukon. These are people who have been dedicated to this particular type of public service of their own free time - not free for them but it's

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Mr. Shaw continues....

free to posterity that they have gone to all this work over these many years to preserve for posterity what we have now. So, it was their opinion that the value they placed on these things was fair. So I don't know how one would try to judge anything; other than that it appears to me that, that was a very sensible way of going about it. Certainly when an answer is given to something such as that, one person on the street would say, poof, too much and the next person, too little. It's an extremely difficult commodity, if we can call it that, to arrive at a value. It's almost impossible. I do not think that ten people could every get together and give a value on a particular painting unless there was some yardstick, unless it were something like the Mona Lisa or something like that which has an established value where someone would be prepared to pay a half million, or a million dollars, or whatever value because there is competition for this particular item which establishes some type of value. I'm certain that I couldn't see how one could pay a million dollars for a painting but there are many other people that do. Of course they have the million dollars too that helps considerably. But I do not think that it would be fair at this time to criticize the action taken. Certainly, any person would have the right to say that I think they are worth this or they are worth that, or they are not worth this but the action taken in trying to establish the value I think was quite sensible and to conclude Mr. Chairman, at no time do I recollect that this \$15,000.00 was - that the Administration were obliged to spend the \$15,000.00 on this collection and if Council did agree to something like this without having first seen it I would say they were derelict in their duty in relation to the taxpayer's dollar.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I find it difficult to follow the thinking of the Honourable Member from Dawson in his particular remarks when I keep in mind the very often vociferous manner in which he has supported the Klondike theme. As near as yesterday his Motion to have the licence plates restamped to read "Land of the Klondike" or "Home of the Klondike" instead of "Land of the Midnight Sun" certainly shows that he had some ideas about maintaining the history of the Yukon. I also ask myself why does the Honourable Member talk against these - the possession for the Yukon of these artifacts. And then it suddenly dawned upon me that he was a Member of the Committee that turned them down so certainly he has to take some defensive action in this manner and say that I can't understand why there should be any criticism of what has taken place. Certainly he doesn't want Members of this Committee here today to show that the action of that Committee was subject to criticism; without mentioning the names of the other members when I look at the names of the other members, I perhaps understand that it is because they have gone beyond the years when they can appreciate the painting of a beautiful nude that they are opposed to.....and this also applies perhaps to the Honourable Member who has spoken so I cannot see how the remarks that have been made from the Honourable Member for Dawson can in any way justify the action that has been taken by this Committee to set an evaluation. He refers to the Mona Lisa as an example. I can assure Members of this Committee that if the Honourable Member's Committee was dealing with the Mona Lisa they wouldn't offer five dollars for it, for the

Mr. Chamberlist continues....
simple reason they wouldn't understand what value would be in that very simplicity, in that face and beauty that the Mona Lisa is. Now, I agree with the Honourable Member that the fifteen thousand dollars that was referred to was not that the whole of the fifteen thousand dollars be paid for it. I will go to this point. But I will say that there was fifteen thousand set aside for the purchase of them. Now it has been made clear now that the settlement offer is for eleven thousand five hundred and I would therefore suggest that this Committee put it to the Administration that eleven thousand five hundred be offered for these artifacts and certainly the Honourable Member for Dawson, cannot, if he is really sincere, and I stress this, that if he really is sincere about maintaining the history of the Klondike for the Yukon, certainly anything that devolves around the Klondike at the time of those grand days are worthwhile to maintain now, even for a few thousand dollars. He also suggests that in Victoria you could buy many valuable things. Let me say that it is quite often through the neglect of those people who are actually living in Dawson today that they allow most of the historical things pertaining to the Yukon to leave there. Now, perhaps the Honourable Member has got a somewhat of a guilt conscience in saying well we won't allow anything else to go out of the Yukon. So they offer a sum of money to try and satisfy different people. I would suggest, Mr. Chairman, that the Honourable Member for Dawson form together perhaps with his own Committee and then reassess the situation and advise the Administration to go ahead and purchase on the basis of eleven thousand five hundred and I want this Committee to agree that this be done. Thank you Mr. Chairman.

Mr. Chairman: Is there anything further on this Sessional Paper? Well at this time I'll call a brief recess and Councillor Shaw will have the floor after recess.

RECESS

RECESS

Mr. Chairman: At this time I will call Committee back to order. The Chair recognizes the Member from Dawson.

Mr. Shaw: Thank you Mr. Chairman. Very fortunate for this Committee, Mr. Chairman, that I lost my train of thought in respect of this, I have quite a number of matters to discuss. I managed to get a couple of the notes down. One of them were..... possibly we should have more, we should have one when the Honourable Member from Whitehorse East got up for this matter. It's been wonderful. There was a remark made by the Honourable Member that Dawson shouldn't allow these things to be taken from them. Well I can assure the Honourable Members that there are people in that area that have done their utmost, everything possible within their physical means and within their financial means to retain for the Yukon Territory, these various and sundry artefacts and memorabilia I think you call it, of history. There have been times, private organizations, Mr. Chairman, have offered an amount of \$2500 for a building, complete with artefacts, grand pianos, you name it, it was in there and the Public Administrator at the time said I will look over your bid and if no one bids higher well then, you will get it. The results of that, Mr. Chairman, were that a person came from Fairbanks, an American, he bought the whole kit and caboodle for, I don't know the price. He paid more than the money we had, which was \$2500 and he packed most of it on a DC3 and took it to Fairbanks. So the local people they, with a tremendous amount of work and the money they purchased the Palace Grand, they purchased a blacksmith complex, they purchased a post office, they purchased..... those are just buildings I'm referring to. There are limits to what money a small community has and when you consider this small population of about 600 people or 800 hundred people or whatever it may be, what they have done is fantastic but they can only purchase what is within their financial capabilities and they have done more than that. So that there were remarks made as to my insincerity, well that may be so but I think if one will look at the years that I have been working in this particular phase, a matter of at least 25 years that, that statement is extremely erroneous because I do not feel that there's anyone in the Yukon Territory who is more concerned and that has worked any harder to preserve what history we have and the bric-a-brac, artefacts and what not that goes with it. In relation, it is quite correct that I was a Member of this Committee. I am not necessarily endeavouring my defend myself in this particular matter, I always feel that any actions that I take in relation to my public duties in one form or another are open to the finest of scrutiny at all times and always have been, and I can assure the Honourable Members, they always will. In this particular instance, there is an amount of \$15,000, so how much is this worth. Well I say, people have different values on different things and the value came up, but the Committee came up with, what I thought was, reasonable and fair. A person may want a drink of water but just because you want a drink of water that doesn't mean that you say you want to get drowned. There's got to be reason to these things and that is how this was adjudicated and the Honourable Member has every right, the same as any citizen to agree or disagree with the findings but I certainly feel that when you do have a problem like this, that you get a local Committee and that they assess it. Now let us put it this way, Mr. Chairman, if this Committee feel that the Committee chosen to evaluate these artefacts did not do a good job, it would appear to me that it was this Committee's prerogative to appoint, through some means or other, another Committee to look it over. I don't at any time proclaim or try to intimate that I have the wisdom of Solomon. It may be possible that this Committee did not evaluate according to some people

in the way they thought it should be evaluated well, then I say if that's the case, well it won't hurt my feelings, Mr. Chairman, whatsoever if they wish to appoint another Committee but I do not think it advisable for this Council, in view of not having seen what is there to say we should spend this number of dollars of the public purse without knowing what we are doing. Now if you want to get some experts from outside, this has been mentioned or intimated in one of the local publications, maybe that is the answer, at the same time I would bring to the Honourable Members attention that we have, on many, many occasions, given our view of what we think of experts coming from outside to assess this. But if that is the wish of Committee, possibly that is the answer. That's about all I have to add to this, Mr. Chairman. I'm sorry that my train of thoughts were lost when the Honourable Chairman said there was a coffee break, I could have brought up more matters Members expressed at the time.

BILL # 4 Mr. Chairman: Anything further on this paper at this time? May
Amendments we then proceed to Bills? The first Bill is, we have amendments to Bill No. 4.

Mr. Legal Adviser: Mr. Chairman, these are amendments to Section 5, Subsection (2), to take account of the wish of the House to make an exception in the business licencing prospectors operating on their own account. There is also a change in Section 8, making a penalty \$500.

Mr. Chamberlist: Mr. Chairman, I would move that this Bill be left to die in Committee.

Mr. Chairman: Is there a seconder? Mr. Chamberlist will you take the Chair for a moment please?

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I will second the Motion.

Mr. McKinnon: Mr. Chairman, speaking on the Motion. I have stated before and I'm still of the opinion that I agree whole heartedly with the principle that the Administration is trying to initiate in a more equitable form of taxation throughout the Territory. I hope that this Bill dying in Committee at this time, will not preclude it's representation at a different time before this Council. I think that when tax dollars have to be raised by this Council in the distant future, I hope, that we can look to.....an equitable system of taxation as is possible amongst the people of the Yukon Territory and I think that with this type of formula that there may be a few ameliorations that have to be made on it but I think in the whole the most equitable form of taxation that I have come up at this time, that we are allowed... in the systems that we're allowed to put tax upon people.

Mr. Taylor: Mr. Chairman, yes I agree with the thoughts expressed by the Honourable Member from Whitehorse North and as I stated in the debate here the other day, I would really like to see the Administration contemplate and present possibly two or three alternatives and all Members of Council, I'm sure will give the matter some thought as well and possibly at the next Session we could come up with a more equitable means of licencing businesses in the Territory. Thank you Councillor Chamberlist I'll resume the Chair at this time.

Mr. Taylor resumes the Chair.

Mr. Chairman: Is there any further discussion. It has been moved by Councillor Chamberlist and seconded by Councillor Taylor that Bill No. 4 be left to die in Committee. Are you prepared for the question? Are you agreed? contrary? I'll declare the Motion carried. MOTION CARRIED

MOTION CARRIED

Mr. Chairman: Do you wish to deal with Bill No. 19 at this time?

Mr. Dumas: Mr. Chairman, I believe we have an amendment to Bill No. 5.

Mr. Chairman: I was just wondering at these Bill are co-related if you wish to deal with the other Bill at this time?

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 19 be left to die in Committee. BILL #19

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

Mr. Chairman: It has been moved by Councillor Chamberlist and seconded by Councillor McKinnon that Bill No. 19 be left to die in Committee. Are you prepared for the question? Are you agreed? Contrary? I will declare the Motion carried. MOTION CARRIED

MOTION CARRIED

Mr. Chairman: The next Bill is Bill No. 5. Mr. Legal Adviser. BILL #5

Mr. Legal Adviser: Mr. Chairman, the amendment proposed or drafted is in Section 8 the addition of a new paragraph (g) to the Section and I would express my thanks to the Honourable Member from Watson Lake in assisting me in the drafting of this particular paragraph.

Mr. Chairman: I will read you the amendment. Subsection(g) is the amended Subsection. "Take all reasonable precautions to insure the safety of guests and their property".

Mr. Chamberlist: Mr. Chairman, this does not, it helps, but it does not compel an establishment operator to have a man on duty. I cannot quite honestly, I cannot support this Bill because of that. There is just no possible way I can do it because I would be going against my own principle especially to what I know about the situation. I could not under any circumstances support this.

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

Mr. Shaw takes the Chair.

Mr. Taylor: Mr. Chairman, we debated long and hard in this Bill but it seems to me that it was the wish of not only Administration but of Council alike in dealing with this Bill that it not be too restrictive. I feel that as the Honourable Member from Whitehorse East does that it doesn't go as far as I would like but I think it's a compromise. It's a middle ground and we gain some ground in respect of an innkeeper having to reasonably, or within the bounds of reason, provide for the safety of his guests and their goods and I would most certainly like to see the Bill receive the support of Committee or this amendment receive the support of Committee as I feel it's at least a step forward. Thank you Councillor Shaw, I'll resume the Chair.

Mr. Taylor resumes the Chair.

Mr. McKinnon: Mr. Chairman, I.....if any conviction come out this Section 8, I certainly hope that we'll have the ability of seeing the...Mr. Legal Adviser in court to prove before the Court what "a clean and sanitary, in good order, capable of operating in such a manner and all reasonable precautions" means before the court because to me it's just the biggest miasm of generalities which are unenforceable that I have ever let pass before this House. Mr. Legal Adviser says that before a Court of Law that they all have meaning and he can prove what they mean at that time. Well I certainly hope we'll have a chance to see him prove this, to prove himself in action.

Mr. Legal Adviser: Mr. Chairman, I certainly would make the attempt but I hope none of the operators will offend so that the cause of prosecution to be laid.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser has got some hopes but wait....I only hope that there'll never be a death in a hotel establishment and somebody gets prosecuted and then they'll say, well I didn't have to do it and you'll say but yes under Section (g), you didn't take reasonable precautions. Then the argument comes as to what is reasonable precautions and they'll fall back on Section 8 (c) that says that I have somebody in attendance but he happened to be asleep in the second floor and he didn't know what was going on on the ground floor. I agree with Councillor McKinnon. It's going to be one helluva case to prove before a Court. No, I can'tI have to stay with my conviction on this and as far as I'm concerned, you're endangering the lives of people just by passing a piece of legislation like this that doesn't protect the people in a building.

Mr. Shaw: Mr. Chairman, if we are too stringent, I can assure the Honourable Members of this Council that if you start laying down too many rules and regulations you'll close many of these places on the highway and I can assure the Honourable Gentlemen here, that there's nothing more dangerous than getting out on these highways in 50 and 60 below without any accommodations or any place to stay. I've known not one but hundreds of cases where people are stranded on the highways in times like this and if it wasn't for these hotel operators, that try to scratch and eat out of living on some of these places on the highway, we would.....I just don't know how we would make out. I'm not being facetious I'm being very serious in these matters. I know because for these years I have travelled back, I've travelled on that road 40, 50 and 60 below and when you have problems with automobiles, which you have with any of them, and I assure you I have as few as any, but at the same time I do have them. Those places just look like heaven. Just look like heaven and I will admit that we've got to try and make them reasonably safe, as safe as possible but we can't start laying down hard and fast rules. It's just not practical, Mr. Chairman. It just doesn't work.

Mr. Chamberlist: Mr. Chairman, I don't think it can be said that I am asking for a hard and fast rule. I have said, and I would draw your attention to the remarks made by the Fire Marshal, when he was here as a witness before this Committee, I have said that any place that has fifteen or more rooms in operation. Now that is not being stringent because there are many places on the highway whose concern appears to be, as the Honourable Member is concerned, that most of them haven't got fifteen rooms available. But certainly where there is fifteen rooms, I am not going to jeopardize anybody's life just for the sake of making a few dollars and if a person operates a business, he should make sure that he

protects the lives of people and if he doesn't protect the lives of people then he just he should be shut down, never mind shutting it down himself.

Mr. Shaw: Mr. Chairman, may I ask the Honourable Member from Whitehorse East what is the difference in burning up one person and fifteen persons? Is it okay to burn up one person, two persons and not fifteen?

Mr. Chamberlist: It is not a jocular matter. I am not being stringent. I am saying that I understand the remarks that have been made by the Honourable Member from Dawson with reference to those small, very small operators who are barely eating out a living. Because of that I say fine, let there be some relaxation but where there are those areas that where a man is making a sufficient living to have ample protection, he should give that protection.

Mr. Shaw: Mr. Chairman, I would move that Bill No. 5, Hotels and Tourist Establishment Ordinance, be out of Committee as amended.

Mr. Chairman: Before there is seconder, are you agreed with the amendment?

Mr. Chamberlist: Opposed.

Mr. Chairman: I think we should determine whether the amendment will carry first, Councillor Shaw.

Mr. Shaw: I'm agreed with the amendment, Mr. Chairman.

Mr. Chairman: All agreed with the amendment? Contrary?

Mr. Chamberlist: Contrary.

Mr. Shaw: Mr. Chairman, I move that Bill No. 5, An Ordinance Respecting Hotels and Tourist Establishments out of Committee as amended.

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

Mr. Chairman: Moved by Councillor Shaw, seconded by Councillor Dumas that Bill No. 5 be reported out of Committee as amended. Are you prepared for the question? Are you agreed? Contrary?

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

Mr. Chairman: Gentlemen, I wonder if I might direct a question to Mr. Clerk. Are there any further amendments coming?

Mr. Clerk: Mr. Chairman, there are further amendments coming but we do not have them prepared as yet.

Mr. Chairman: Well we seemed to have run out of work. Is it anticipated that these amendments will be ready this afternoon.

Mr. Clerk: No sir, I don't believe that we can possibly get them out today.

Mr. Chairman: What is your pleasure?

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

Mr. Dumas: I will second the Motion.

MOTION
CARRIED

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

MOTION CARRIED

Mr. Speaker resumes the Chair.

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

Mr. Chairman: Mr. Speaker, Committee convened at 10:30 a.m. to discuss Bills, Sessional Papers and Motions. It was moved by Councillor Shaw and seconded by Councillor McKinnon that Bill 13 be reported out of Committee without amendment. This Motion carried. It was moved by Councillor Chamberlist seconded by Councillor Taylor that Bill No. 4 be left to die in Committee, this Motion carried. It was moved by Councillor Chamberlist seconded by Councillor McKinnon that Bill No. 19 be left to die in Committee and this Motion carried. It was moved by Councillor Shaw and seconded by Councillor Dumas that Bill No. 5 be reported out of Committee as amended and this Motion carried with Councillor Chamberlist opposed. It was moved by Councillor Chamberlist and seconded by Councillor Dumas that Mr. Speaker do now resume the Chair and this Motion carried.

Mr. Speaker: You have heard the report of Committee. Is the House prepared to adopt the report? May I have your further pleasure at this time?

Mr. Chairman: Mr. Speaker in respect of the agenda, we have concluded all the work before us in Committee and we have been informed by the Clerk of the House that further amendments will be forthcoming possibly on Monday.

Mr. Shaw: Mr. Speaker, I don't know if I am in order, but I would move that we call it 5:00.

Mr. Chamberlist: Mr. Speaker, before Mr. Speaker accepts this previous Motion, I would wonder if Mr. Speaker could say whether this House will be prorogued on Monday or not?

Mr. Speaker: Well for the information of the House, my estimate was last Wednesday but due to various delays in relation to amendments, Bills and work being required of the Administration the ...unfortunately it appears to be Monday. The day of prorogation would be Monday of next week, possible.

Mr. Chairman: Mr. Speaker, I just wish to add that it's possible that on Monday we will have sufficient business to carry us into the following day but I think this would have to be determined by the work we have on Monday morning.

Mr. Shaw: Mr. Speaker in view of the intervening conversation since the Motion I raised, would it be necessary to again restate the Motion?

MOTION
CARRIED

Mr. Speaker: A Motion has been raised by the Honourable Member from Dawson that we call it 5:00 o'clock. Is the House prepared to adopt the Motion? I will declare the Motion carried. The House now stands adjourned until 10:00 a.m. Monday morning.

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

MOTION
NO. 27

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I have for your attention and Tabling this morning, Sessional Papers No. 71, 72, 73, 74, 75 and 76. Are there any Reports of Committee?

Mr. Taylor: Mr. Speaker, as there is a possibility this may be our last sitting day, I could only report in relation to the Liquor Committee to call for hearings on the New Liquor Bill that advertisements have been issued asking for submissions of briefs and eight copies up to and including the 31st day of January, 1969. This is all we have to report at this time.

Mr. Speaker: Thank you, Mr. Taylor. Introduction of Bills? Notice of Motion or Resolution? Notices of Motion for the Production of Papers? Passing to Orders of the Day. We now move to Motion No. 27.

Mr. McKinnon: Question?

Mr. Speaker: Motion No. 27 reads, moved by the Honourable Member for Mayo, seconded by the Honourable Member for Whitehorse West, reference Financial Advisory Committee, 'it is respectfully recommended that the Commissioner appoint as members of the Financial Advisory Committee, Councillors K. McKinnon, G. Shaw and J. Dumas.' May I inquire if the Honourable Member for Mayo would be prepared to proceed with the Motion No. 27 at this time?

Mrs. Gordon: Yes, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, I rise on a point of order. Mr. Speaker, the Motion itself is out of order. I wonder if Mr. Legal Adviser could be asked to attend at this time, Mr. Speaker.

Mr. McKinnon: As we are still in the House, because I believe that all questions in the House should be resolved by Mr. Speaker, and not Mr. Legal Adviser.

Mr. Legal Adviser enters Chambers.

Mr. Chamberlist: Mr. Speaker, the Honourable Member from Whitehorse North, as in many instances, pre-supposes that I am depriving your Honour of your position in the Speaker's Chair. The request was made of you, Mr. Speaker, if the Legal Adviser could be here and Mr. Speaker, with respect, you asked for the Clerk of the House for the Legal Adviser to attend.

Mr. Speaker: You may proceed, Mr. Chamberlist.

Mr. Chamberlist: Mr. Speaker, my point of order is also a question of privilege as it relates to the fact that being a Chairman of the Financial Advisory Committee, which exists, I'm trying to be, in my opinion, the Motion is out of order, because the Motion suggests that a recommendation be made to

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Mr. Chamberlist continues:

the Commissioner that a Financial Advisory Committee be appointed. Now, Mr. Speaker, we cannot have no provisions in the Yukon Act for two Financial Advisory Committee's. I would refer, Mr. Speaker, to section 12 subsection (1) of the Yukon Act which reads as follows: 'there shall be an Advisory Committee on Finance consisting of three members of the Council to be appointed by the Commissioner upon the recommendation of the Council'. Mr. Speaker, this has been complied with, so if for any reason the House wish to show no confidence in the Financial Advisory Committee, it must be that the first vote on a non confidence motion on it, and have the Financial Advisory Committee as existing be defeated in this House before a further appointment, or further recommendation of appointment be made to the Commissioner. Section 9 to 12 of the Yukon Act clearly, it's my submission, gives the matters of appointing the Financial Advisory Committee. Section 9, subsection (2) reads, 'every Council shall continue for three years from the date of the returns of the writs for the general election and no longer, but the Governor in Council may at any time dissolve the Council and cause a new Council to be elected'. Mr. Speaker, when this Council first sat, prior to seating, Council had amongst themselves appointed and made recommendations to the Commissioner to accept the appointments of the Financial Advisory Committee, and this was concurred by all members of the House. There is no provision, Mr. Speaker, in any of the sections of the Yukon Act for the Financial Advisory Committee to be removed from office during that three year time, and in any event, if this House could by Notice of Motion of no confidence in the Financial Advisory Committee, it would have to do that, I submit, before it can support a further list of names to be submitted to the Commissioner for recommendation as a Financial Advisory Committee. This has not been done, I therefore, respectfully submit, Mr. Speaker, that the Motion is out of order and there cannot be a Motion passed recommending to the Commissioner that three members be appointed to the Financial Advisory Committee while the Financial Advisory Committee does exist. Thank you, Mr. Speaker.

Mr. McKinnon: Speaking on the point of order, Mr. Speaker, unlike the Honourable colleague and member from Whitehorse East I am not a constitutional purist. I believe that constitutions change and things happen much more through tradition than they do by formal constitutional change. It's been the tradition of this House every since the Financial Advisory Committee was formed by a simple resolution of this House to have them make up a back committee changed, if this Motion that has been presented before the House today is out of order, all the Motions previous to this one advising and requesting the Administration to change the make up of the Financial Advisory Committee were also out of order. If Mr. Speaker rules that this Motion is out of order then we will accept the direction of the House in preparing a new Motion that will meet the requirements of the House, and we await a ruling, Mr. Speaker, with anticipation.

Mr. Speaker: Well gentlemen, I would rule the Motion is in order for the simple reason the Chair must be guided by the usages of the House, and as this has been the usage of this House for many years to make appointments on this basis, I would rule the Motion is in order.

Mr. Dumas: Question.

Mr. Chamberlist: Mr. Speaker, I rise again. I hear a member calling question, he hasn't heard the Motion read yet.

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Mr. Speaker: The Motion has been read for the attention of the Honourable Member.

Mr. Chamberlist: Mr. Speaker, I would move that the Motion be passed into the Committee of the Whole for discussion.

Mrs. Gordon: Mr. Speaker, since there is no seconder to that Motion, I would ask the question be put.

Mr. Chamberlist: Mr. Speaker, with respect, it's for your honour to say whether there is no seconder to the Motion, not for a member from the House. There was insufficient time for a member to second.

Mr. Speaker: Is there any seconder for the Honourable Member's motion for Whitehorse East?

Mr. Taylor: I wonder, Mr. Speaker, before I may second the Motion, I would like to know, is it not the intention of the mover and seconder of this Motion to discuss it in Council at this time?

Mr. Speaker: Is that a question to the Chair?

Mr. Taylor: Yes, Mr. Speaker.

Mrs. Gordon: Mr. Speaker, I think there is sufficient information in the Motion itself, there is no need for me to enlighten or enlarge on it at any point.

Mr. Chamberlist: Mr. Speaker, surely --

Mr. Speaker: Order. I believe the Honourable Member has already risen at least once on this question.

Mr. Chamberlist: No, with respect, I did not rise on the question, I rose on the point of order and the question of privilege, I did not rise on the question itself.

Mr. Speaker: Is the Member now speaking to a point of order, or question of privilege?

Mr. Chamberlist: Is that what a question of privilege, Mr. Speaker? When I rose to say I did not previously speak on the question, I spoke on the question of privilege as Chairman of the Financial Advisory Committee, and I would ask Mr. Speaker to allow me to speak on the Motion.

Mr. Taylor: Mr. Speaker, obviously it would appear the Honourable Member is behind this Motion and not prepared to discuss it, so I will second the Motion by the Honourable Member from Whitehorse East which was moved

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Watson Lake that Motion No. 27 be passed into Committee of the Whole for discussion. Is the House prepared for the question on the Motion? Are we agreed?

Some: Disagreed.

MOTION
NO. 27

Mr. Taylor: Division.

Mr. Speaker: A division has been called. Mr. Clerk.

Mr. Clerk: Whitehorse North - Nay on the Motion, Mr. Clerk.
Whitehorse East - Yea.
Dawson - Nay.
Whitehorse West - Nay.
Mayo - Nay.
Watson Lake - Yea.

The count, Mr. Speaker, is four nay, two yea.

Mr. Speaker: I will declare the Motion lost.

Mr. Shaw: Mr. Speaker, speaking on the Motion, it shall be very short. Since the start of this Financial Advisory Committee there have been - it's been six years and I think you will find there were possibly - it has been seven years in fact, I think you will find there have been seven changes in this Financial Advisory Committee. Every year the Committee has changed its members in some form or other. There were two occasions where one member, I believe, stayed on for longer than the year, but in most cases, it has been changed around regularly, and I cannot for the life of me see why in view of this normal change there should be such gerfuffle and excitement about it, it's something, as you have ruled in the Motion, the precedents have been established, the usage is such, and it's just happened six or seven times, all of a sudden it becomes bad or objectionable for some reason or other, and the Honourable Member on my left, from Whitehorse East, objects to it, it's unconstitutional or it's out of order, some reason or other, I do not quite understand why there should be such a great exception to it in this particular case. It's just beyond me.

Mr. Speaker: The Honourable Member from Watson Lake.

Mr. Taylor: Mr. Speaker, I am somewhat surprised this morning to see the Honourable Members who placed such importance on this Motion being quite reluctant to discuss it. I haven't quite thought that the Honourable Members involved would do this. Now it was clearly stated by the Honourable Member from Whitehorse North, at our last spring sitting that he would be reintroducing this Bill this fall and really and truly what this Bill amounts to is dividing this legislative Council for the first time in 70 years, along political lines, partisan political lines. It's been clearly agreed by those concerned that this is what it would do. I think we are going to have a debate on this matter, or I hope so, they certainly don't want to discuss it, so if they don't want to discuss it, they have a lot to hide, otherwise I think this matter would be debated with great vigour, more particularly in Committee of the Whole. It is extremely unfortunate this has come at this time in this form, although it was not unexpected as I have stated, however, I think all members will agree that the new Minister, the Honourable Jean Chretien, is now contemplating ways and means to offer this House more responsibility in its conduct of business as it relates to people of the Yukon Territory and government. It seems to me premature to involve or to split the Council on partisan political lines until such time as we have had an opportunity to see what the Federal Government in Ottawa will have in store for us. I think it's also agreed we have a very unusual type of government here in the Yukon Territory, and indeed it's often hard to really understand why it functions

Mr. Taylor continues:
as it does, but it does. It seems to me that the electorate should have some opportunity of considering this point, this is why Council is to be divided on partisan political grounds, Mr. Speaker, along those lines, the electorate should first be given the opportunity of deciding whether or not this is in the best interests of the electorate. The Motion in itself on face value sounds simple enough, but it is loaded, and it would mean that virtually control over the preparation of budgets and the Yukon Territorial Council would be given over to someone outside this House, namely our Member of Parliament. Without beating around the bush, this is the simple case when you divide on partisan political lines you start getting your instructions, not from here in the Yukon Territory, but you get them from other places outside of this House, by people not elected by the people who elect members to this House, so consequently this is what it means, I find it very strange that these Honourable Members involved, the four members of that political affiliation why they do not wish to debate this Motion, and on the grounds I have suggested I do not feel this is in the best interests of the Territory, and I will oppose the Motion. It's as simple as that. Maybe the members might wish to debate now, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, may I speak on the Motion at this time. Thank you, Mr. Speaker. Mr. Speaker, to me it is obvious that what is being done is an attempt to give at least an appearance to the public there is a Torry majority in this House. Now the Honourable Member from Dawson suggested he doesn't know why I should be raising objections, to me it's quite clear why I raise objections because I do not like to see the Honourable Members from Whitehorse North, Whitehorse West, Mayo and Dawson become the Nielsen puppet show. This, in fact, is what is now happening, they have made it clear where they get the instructions and I have done some research, Mr. Speaker, and this may be of interest to the House, Mr. Speaker, that if the constituencies of the Yukon Territory took as a example, the votes in the last Federal election they would have found that only in Dawson was there a conservative majority of votes in the electoral district, so if the people were voting on political partisanship in this House, these people who now profess to attempt to rule this House were trying indeed that they did not have the voice of the people with them. Mr. Speaker, I point my finger specifically at the Honourable Member from Whitehorse West, who when he was elected in his advertising at election time, and when he went to visit people to get support for his election he clearly defined that he was not running as a political person, but purely in the interest of the Yukon Territory as a whole, this is what he said, this is what he told people. I would suggest -

Mr. McKinnon: Mr. Speaker, could I rise on the point of order at this time. Certainly the Honourable Member from Whitehorse East must know when he speaks to a Motion, his debate must be relative to the Motion. I don't see what the last Territorial election has to do with the Motion No. 27 before the House at this time. There's no connection whatsoever.

Mr. Speaker: Continue, Councillor Chamberlist.

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Mr. Chamberlist: Thank you, Mr. Speaker. That when the Honourable Member from Whitehorse West counteracted, he went to people of all political affiliations, pointing out to them that he was opposed to political partisanship, and he wanted the support because of what he could do for the Territory, or what he would try and do for the Territory. There can be no suggestion that this isn't a split on party matters, but Mr. Speaker will know, just as the Honourable Member from Watson Lake and myself are saying quite clearly, we don't want to split this party, this House, while the situation relative to the advancement of the Yukon Territory is now in the polish. The Honourable Member from Watson Lake and myself are quite clear that first comes the Yukon Territory, then we'll think about political partisanship, and Mr. Speaker, I will not flinch from political partisanship, and every member of this House knows that. But when I refer, Mr. Speaker, to the second session of 1968, when this Motion was put previously, and the Honourable Member from Whitehorse West said this, "Mr. Speaker, I may as well take the raps of this conversation, we are breaking with the tradition in this Motion, what we are doing here is a definite move towards responsible government in the Yukon Territory that were made at this time, those Councillors more than myself, fully aware of what the undertaking is here, we asked for the backing of the majority of the Council in this, it has been said politics is the art of governing and only if we have a viable group to govern with. I believe that as elected politicians and elected officials we would be lax in our duty if we didn't take any and every opportunity for.... govern to the best of our ability for all the people of the Territory and areas which we represent. This I am suggesting we intend to do and this is what we shall do", but he didn't go and tell his constituents that at the time he ran for electorate. When people get elected by a method of almost tantamount to fraud, it is questionable whether the people of the Territory would be with him. Mr. Speaker, at this time the Honourable Member from Whitehorse West, sure has already stood and raised and objected and not allowed himself to vote in any particular Motion where there is a pecuniary interest, seems to forget that on our standing order No. 6, and I refer to that, and the interpretation of that, I would suggest no member is entitled to vote upon any question in which he has a direct pecuniary interest and the vote of any member so interested will be disallowed. I would suggest, Mr. Speaker, that the three persons named would automatically have a pecuniary interest, because under our particular system there is a money amount attached to it. Now we were put --

Mr. Speaker: Order please, I must remind the Honourable gentlemen.

Mr. Chamberlist: Mr. Speaker, the existing Financial Advisory Committee were appointed by all Members of Council, they didn't have to vote on it, they were appointed and recommended, the question now arises as to whether they can vote on this particular item. The Honourable Member from Watson Lake has made it clear, Mr. Speaker, for this House there is very great concern in the part of the group that have put this Motion forth, that it not be fully debated. I can only ask that the people of this Territory look quite closely into what is being attempted by this group, the disruption of this House, the disruption of the Yukon Territory, an attempt to have this House controlled by the present elected member for Parliament. Now I would ask, Mr. Speaker,

Mr. Chamberlist continues

I know it's going to be not much use because I will have to attempt to appeal to the individual. It is unfortunate the Honourable Member from Mayo has allowed herself to be placed in the position that she has been placed in now. Thank you, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, since 1961 when I was first elected to this House I have never changed my resolution in actively supporting effective change of government in this House. I have spoken on it, I have written on it, all of my efforts have been directed to that time when we would have a more democratic and a more responsible membership and a more responsible government for the Yukon Territory. Mr. Speaker, this is the first time in the history of the Yukon Territory that members have been able to resolve their individual differences, their petty vendettas, their picayune political argumentation and come together to form a majority in this House for the benefit of the Government of the Yukon Territory. Mr. Speaker, what we are attempting to do is bring more effective, more viable, more democratic and more responsible government to the Yukon Territory. The Honourable Member from Whitehorse East could raise all the red herrings in this House if he wants, but this is the truth of the matter. The Honourable Member from Whitehorse East accuses us of dividing on political partisan lines under the direct dictatorship of the Honourable Member in the Federal House for the Yukon Territory. Mr. Speaker, he is mistaken. It is very interesting, Mr. Speaker, that he is probably forcing members of the same Federal political fate as him, away from him because of these accusations that he is making. The truth is there is a coalition of members who can agree with a like policy to get things done in this House, and Mr. Speaker, if the Honourable Member thinks differently than this, then I am for him, but he is mistaken, and if he thinks for one minute that this group is going to try and form a viable government to provide responsible government for the Yukon Territory it's under the direct control of the Honourable Member sitting in Ottawa, then Mr. Speaker, I could only say that he is also mistaken in this fact. Both the Honourable Member from Watson Lake and the Honourable Member from Whitehorse East have said the timing is wrong. Mr. Speaker, how can the timing ever be wrong to bring democratic institution to a government that has suffered under a colonialistic system of government for the past 70 years. We have been led to believe, every member of this House has been led to believe, Mr. Speaker, that the Federal Government in Ottawa will not look unkindly on the type of thing that we are trying to do. I have never made any bones about the philosophy that I represent federally, philosophically, and I think it is a credit to the present Federal Government that they have finally seen the present system of government in the Yukon Territory is completely unworkable, and have agreed with members of Council that it is time for a change, and the time for change is now, and never, Mr. Speaker, in the history of this House has a Motion, that before the House . . . gone through the Territorial Administration, gone through the Federal Government, and every member has been aware of it, and it has received almost universal approval from all areas of government. Now, Mr. Speaker, these are the two arguments that I see the Honourable Member from Watson Lake and the Honourable Member from Whitehorse East using in this debate; 1. that is a direct division along old line party partisan politics. I say, incorrect. Secondly, the timing is wrong, I say, never is the timing wrong when you are moving towards

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Mr. McKinnon continues:
democratic and responsible systems of government. He says, we were elected to serve the people of the Yukon, Mr. Speaker, I couldn't agree more, we were elected to serve the people of the Yukon in the best way capable at any time we were capable of governing. I have run always on a platform of change, of a change in this system of government, and all my efforts have been directed in this manner, and this is the time, Mr. Speaker, and this is the place, and I would only ask that the Honourable Members be big enough to accept this change so that all the people of the Yukon will benefit from a new, viable, effective, democratic, responsible system of government for the Yukon Territory. —

Mr. Shaw: Mr. Speaker, may I rise on the point of privilege. The Honourable Member from Whitehorse East has made certain accusations, among them that I belong to a political party, and that I am a puppet of the Member of Parliament. I would say, Mr. Speaker, the Honourable Member has accused me so many times of sitting on a fence, that parts of my anatomy have slivers on them. I would say at this time I belong to no political party in the Yukon, and I would also ask anyone if they can to come forth with proof that I have joined, or belong to any political party. Thank you, Mr. Speaker,

Mr. Speaker: I see no question of privilege here, it's no point in debate with reference to a member's opinion is usually a matter of privilege. The Chair recognizes the Honourable Member for Whitehorse West.

Mr. Dumas: Yes, Mr. Speaker, I'll be brave. One of the Honourable Members suggested that a near fraud was committed during the last campaign in Whitehorse West. I ran on a ticket of doing the best for the people that I represent, and the best for the people of the Yukon. I think the move we are making here today will be in the best interests of all the people in the Yukon. At that time I said I was under nobody's thumb, politics, politicians, business men or anybody else. I say the same thing today, what I am doing, I believe very firmly in it is in the best interests of the people of Whitehorse West, the best interests of the people of the Yukon. Time and time alone will judge whether what we are doing here is right or wrong.

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

Some: Question.

Mr. Taylor: Point of order, Mr. Speaker. It is my desire at this time to move a procedure of Motion. Mr. Speaker, in view of the fact that the matters now under consideration or under debate are being discussed and resolved in Ottawa, I would move that the question do not now be put, but be considered six months hence.

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

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Whitehorse East, that this question be not now put.

Mr. Chamberlist: Mr. Speaker, I would like to speak on this Motion.

Mr. Speaker: I don't believe—is it a point of order that you raise to amend the question?

Mr. Taylor: The procedure of Motion, Mr. Speaker, that the question be not now put but be considered six months hence, commonly referred to a six months hoist.

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Mr. Speaker: Is the House prepared for the question on the Motion be not now put? Question? Are we agreed?

Some: Disagreed.

Mr. Taylor: Division.

Mr. Speaker: Mr. Clerk.

Mr. Clerk:	Whitehorse North	-	Nay
	Whitehorse East	-	Yea
	Dawson	-	Nay
	Whitehorse West	-	Nay
	Mayo	-	Nay
	Watson Lake	-	Yea

The count, Mr. Speaker, is 2 Yea, 4 Nay.

Mr. Speaker: I will declare the Motion lost. Is the House prepared for the question on Motion No. 27. Question? Are we agreed?

MOTION LOST

Some: Agreed.

Some: Contrary.

Mr. Taylor: Division.

Mr. Speaker: Mr. Clerk.

Mr. Clerk:	Whitehorse North	-	Yea
	Whitehorse East	-	Nay
	Dawson	-	Yea
	Whitehorse West	-	Yea
	Mayo	-	Yea
	Watson Lake	-	Nay

The count, Mr. Speaker, is 4 Yea, 2 Nay.

Mr. Speaker: I will declare the Motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Chamberlist: Mr. Speaker, I rise on the question of privilege. Mr. Speaker, as Chairman of the Financial Advisory Committee, I would ask, Mr. Speaker, that question be put as to the confidence of this House in the Financial Advisory Committee.

Mr. Speaker: I will rule that question out of order.

Mr. Chamberlist: With respect, Mr. Speaker, could Mr. Speaker, give the reason why the question is ruled out of order.

Mr. Speaker: I do not believe it is within the competence of the House to make any declaration of that type in view of the Motion already before the House.

Mr. Chamberlist: Mr. Speaker, with respect I would remind, Mr. Speaker, that the Financial Advisory Committee was appointed by the House and, as Chairman, it is my wish to find out whether in fact the House that appointed the

MOTION NO. 27 Mr. Chamberlist continues
Financial Advisory Committee has the confidence - has given and continues to give the confidence to that Financial Advisory Committee.

Mr. Speaker: I believe if the Honourable Member would reflect, I believe it is within the competence of the House to make such a decision, and when such a decision is made by the House, I will be more than pleased to bring it to the attention of all members concerned.

Mr. Chamberlist: Mr. Speaker, would it be in order for me to move a Motion at this time, does this House maintain its competence in the Financial Advisory Committee?

Mr. Speaker: I believe the proper procedure for a Motion of that nature for the attention of the Honourable Member that he follow Rule 41 and he provide the House with proper notice.

Some: Agreed.

MOTION NO. 28 Mr. Speaker: May we proceed to Motion No. 28. Motion No. 28 moved by the Honourable Member for Mayo, seconded by the Honourable Member for Whitehorse West, that this Council urges that consideration be given to involving the Council or a Committee thereof in a formulation of legislation before its presentation to this House. Would the Honourable Member from Mayo be prepared to discuss the Motion at this time?

Mrs. Gordon: Yes, Mr. Speaker. I think this Motion carries in it sufficient information, it is something that has been covered very fully in this House on various occasions and there is no need for me to add more to it.

Mr. Taylor: Before discussing this matter in debate, as I can only speak once, might I direct a question to the Honourable Member from Whitehorse North, Mr. Speaker?

Mr. McKinnon: I would be happy to answer any question the Honourable Member from Watson Lake would like to direct to me, Mr. Speaker.

Mr. Speaker: I believe questions of this nature before a member has risen should properly be confined to the question period.

Mr. Taylor: Well, Mr. Speaker, I'll await the member's address and then following this, I'll ask the question.

Mr. McKinnon: Mr. Speaker, in speaking on Motion No. 28 it is, of course, very closely parallel with Motion No. 27. The reason why members of this House felt that both these Motions should be placed at this time because the two gave every effort of being accepted by the powers that be at this time. Mr. Speaker, the proof of the effectiveness of the Financial Advisory Committee sitting with the Administration to form the Budgetary Programming Committee is well known by every member of this House. Where we used to take two to three weeks in preparing the main estimates, of arguing and debating the main estimates of this House they took a maximum of two to three days debate at the last session. Where supplementary estimates used to take two to three days to go through this House, they took approximately two hours at this

Mr. McKinnon continues session, and the reason, Mr. Speaker, is obvious. For the first time in the history of the Yukon, the people, the elected representatives of the people of the Yukon Territory were sitting with Administration and having a direct say in how the budget was to be prepared and how the monies were to be spent. Now as I have stated many times in this House before I am not a constitutional purist, and though a section of the Yukon Act precludes members of this Council making any recommendation as to the expenditure of money in the Yukon Territory the effectiveness of this Committee actually got around that constitutional prohibition very effectively. Now, Mr. Speaker, the concept behind this Motion is that if this works so effectively in the area of budgeting, why couldn't the same type of procedure work as effectively in the area of legislation. Now as it is, Mr. Speaker, the priority and the philosophy of legislation is not from the elected representatives of the people, it is from an absentee landlord four thousand miles away and from appointed civil servants of the Government of the Yukon Territory. Mr. Speaker, I said this before, and I'll say it again, this is a very denial of the basis on which democratic government is founded. Certainly, Mr. Speaker, legislation to be effective must flow from the people, certainly the elected members must set priority on what the Yukon Territory needs, and what the philosophy of government is going to be for the people of the Territory now, and for the people of the Territory in generations to come. We have been told by the Honourable Jean Chretien, the present minister of Indian Affairs and Northern Development, that he agrees with this philosophy in this making of this House, that it is time the elected representatives of the people had some say in the legislative programming of this Territory, and as I see it, Mr. Speaker, and I would suggest to the Federal Government, that the same three members who have been appointed by this House to the Financial Advisory Committee should also be appointed to the Legislative Programming Committee. The reason, Mr. Speaker, I would think, would be obvious, that then these members would have a background in every area of government in the Yukon Territory, not only would they be in on the preparation of the budget, but they would also be in on the preparation of legislation. Mr. Speaker, what could be more effective than if we came to this House, and the majority of the House agreed to the philosophy of legislation, were knowledgeable of the legislation, knew what was contained within the legislation, and the reason behind it, the legislation would pass this House as quickly and as effectively as the budget now passes this House, because the people are involved for the first time in the make-up of the legislation. Mr. Speaker, as I say, this concept has been accepted by the Minister, and also I feel, has been accepted by the Territorial Administration. I think the next Territorial election will be fought under a new expanded Yukon Act stating where the the new powers of the people will lie. However, Mr. Speaker, I think there is a transitional period necessary to allow for this formal constitutional change, and where members of the Administration, and members of this Council were continuously at each other's throat in Committee, accusing one another of not having the best interests of the people of the Yukon Territory at heart, this has been almost completely resolved in the meetings of the Budgetary Programming Committee, where we have found the senior administrative staff are every bit as interested in providing good government for the residents of this Territory as the elected representatives of the Yukon Territory are, and if this same trust and same

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Mr. McKinnon continues confidence, and same relationship can be brought to bear in the working of the Legislative Programing Committee, then I think, Mr. Speaker, that the areas distrust which has been built up by the Government of the Yukon Territory at the legislative level acting as the official opposition to the Administration, that this distrust will have passed far into the past by the time of the next Territorial election. I think, Mr. Speaker, we will see a smooth transitory system of government with no rankor, with no bitterness, and just flowing as the viable, democratic system of government under the well defined lines of British Constitutional practice. Thank you, Mr. Speaker.

Mr. Speaker: Thank you, Mr. McKinnon. I will now call a ten minute recess.

RECESS

RECESS

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Monday, December 9, 1968.
11:00 o'clock a.m.

Mr. Speaker: I will now call Council to order, and when we rose for recess this morning, we were in discussion of Motion No. 28. MOTION NO. 28

Mr. Taylor: Mr. Speaker, the Honourable Member has answered my question which was in relation to whether it was his intention, when he mentions it, in this Motion that a committee thereof be considered for the Budget Review Committee, and if this Committee was to indeed be composed of the same Members as the Financial Advisory Committee. Now, this is not stated in this Motion. This is just another one of these loaded motions, and.....

Mr. Speaker: I wonder if I may interrupt? Has the Honourable Member already spoken on this Motion?

Mr. Taylor: Yes, Mr. Speaker. And I think it is generally agreed that always the House, in discussing this matter, has agreed that some participation should be taken by Members of the Council in the budget preparation - pardon me, in the legislative preparation, namely in the Legislative Programming Committee of government. Now, we've always unanimously supported this position and indeed I still support the position. However, in light of the events of the morning, I feel that not necessarily do the Financial Advisory Committee form the Members, if it so be that we do have the opportunity to participate in the preparation of legislation. I can only concluded that again with the Minister now giving consideration to changes in respect of this Legislative Body - changes which would give it more effectual control, that this would be taken, by myself at least, to mean that possibly it is the intention of the Honourable Members to embarrass the Minister in some manner or another. Certainly all Members have participated in discussion - preliminary discussion - putting forth ideas to the Minister. The Minister has made a visit or two here to discuss it, and indeed has sent his representatives to discuss matters related to more responsibility for the Council. If they are permitted to go through with the instruction to the Administration that the Financial Advisory Committee, as newly composed, form part of this Committee, it would mean almost a complete political take-over of yet another function, and I feel that Members of the House - which there are seven - there are four other Members in the House who are not actively engaged in financial matters - that possibly two or three - it doesn't say how many Members really - two or three of the other Members be given the chore of participating in legislative programming. That is why it is difficult to decide how to vote on this Motion. I feel, certainly as the Motion states, that a Committee of the House should well be considered, but not necessarily the Financial Advisory Committee, and if it is to be understood - I don't really know how the Administration are going to accept this - if it is to be understood that it just be a Committee of the House and not necessarily the Financial Advisory Committee that are involved in this Motion, I would certainly agree with the Motion. If it is the intention that this Motion be taken to involve the Financial Advisory Committee, then I am contrary to the Motion, and this is why I rose earlier to ask this question of the Honourable Member from Whitehorse North, because obviously this is his Motion. I don't know why he did not state it himself - what his intentions were, and he has clearly stated that they are to involve his majority

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in this Committee, and so if that position remains, then I will vote contrary to the Motion unless the Member would indicate that he agrees that other Members of Council could be considered here. So I will listen to further debate on the matter and will decide when the time comes. I just would like to direct a question back to the Honourable Member for Whitehorse North. Is it to be taken that he intends that not just any committee be considered - but he intends that it be the Financial Advisory Committee?

Mr. McKinnon: I suggest that the Honourable Member from Watson Lake vote against the Motion, Mr. Speaker.

Mr. Speaker: Is there any further discussion?

Mr. Chamberlist: Mr. Speaker, the very first - one of the earliest remarks made when discussing this Motion, by the Honourable Member from Whitehorse North, that his remark with reference to the effectiveness and the work of the Financial Advisory Committee in itself showing the confidence that he himself had had in the membership of that Committee. It should be noted that, notwithstanding the fact that he recognizes the capabilities of those other two Members besides himself on that Committee, he would still be prepared to upset and weaken the Financial Advisory Committee by adding or attempting to add in their place those inexperienced Members of Council to the Financial Advisory Committee. When I say inexperienced Members of Council, Mr. Speaker, I make reference to that from a financial point of view. Now, Mr. Speaker, the area of distrust that the Honourable Member from Whitehorse North spoke about is even much greater now than there ever was for the very, very obvious reason that an attempt has been made, and it was picked up by the Honourable Member from Watson Lake, that an attempt has been made, obviously on the instructions of the Honourable Member from Whitehorse North's leader in the House at Ottawa to embarrass the Federal Government in the affairs of this Yukon Territory.

Mr. McKinnon: Mr. Speaker, could I rise on a point of privilege? I have already said to the House that the Member from the Yukon in the Federal House is not in any way, shape or form any part of this Motion. I have said this to the House and I believe that when a Member states this before the House that the House has to accept his motives and cannot impugn other motives after a Member has cleared a point like this.

Mr. Speaker: You may proceed, Mr. Chamberlist.

Mr. Chamberlist: Thank you. Mr. Speaker, I am becoming more and more worried about the sensitivities of those people who wish to control this House. If they are unable to accept the criticism that is warranted, I wonder how they will be able to stand on firm legs at later days. Mr. Speaker, there's no doubt in my mind, at least, that the Honourable Member from Whitehorse North is out to embarrass the Minister of Indian Affairs and Northern Development. There's no doubt in my mind whatever, and of course,.....

Mr. McKinnon: Mr. Speaker, on a question of privilege. I have already stated that this is not my intention, and now the Honourable Member from Whitehorse East is saying it is. Certainly Members in the House have the duty not to impugn motives on a person when he has already declared that the opposite - is that it is just not true. This is a long standing privilege of any House, Mr. Speaker.

Mr. Speaker: Yes, I must advise the Honourable Member that under MOTION
ramification 155 of Beauchesne's Rules - the first one is that you NO. 28
must not create imputations of false or.....motives. It's
unparliamentary.

Mr. Chamberlist: Yes, Mr. Speaker, I'm just expressing my personal
opinion, of course. Mr. Speaker, the Minister of Indian Affairs
and Northern Development has made it clear, and has the Prime
Minister of Canada, that the manner of government under which the
Yukon operates purely as an agency of the Federal Government is
certainly not very satisfactory. Now, when I read in this Motion
that this Council urges that consideration be given to involving
the Council or Committee thereof. Consideration is one point, and
I am not opposed to consideration, but when it has been made obvious
by the Honourable Member from Whitehorse North what his attempt is,
then I would suggest that the Administration do not give considera-
tion because it is there simply to damage the structure of this
Council, and for no other reason. I am going to vote against it
because, if, as my colleague from Watson Lake has already pointed
out, that if this Motion was put in such a manner that it would in
fact give the opportunity of perhaps all Members of Council, or
those Members of Council who are not connected with finance, and
I would still remind the Honourable Member, Mr. Speaker, from
Whitehorse North that I am still the Chairman of the Financial
Advisory Committee, notwithstanding the Motion that has been
moved earlier, that I would vote for it, but it is obvious that
the attempt is to turn this Council and the Yukon Territory into
a forum for, and I repeat, notwithstanding that the Honourable
Member from Whitehorse North has said a forum for a Member from
the other place. Now, I would suggest, Mr. Speaker, that the
mover of this Motion, before the second time in motions today, has
said 'The Motion speaks for itself. There's no need to discuss
it at all. There's nothing further warranted about it. It doesn't
matter. It's quite clear. Everything is all clear because I have
received instructions so to do.' This is what would appear to me,
and it would appear to me that the instructions he received this
time were from the Honourable Member from Whitehorse North, who in
turn had it from somebody else. Thank you, Mr. Speaker.

Mr. Speaker: Is there any further discussion on Motion No. 28?

Mr. Shaw: Mr. Speaker, I rise as an inexperienced Member of this
Council. I have no knowledge of financial affairs. I've only been
in business about thirty years in the Yukon. I have been involved
as the Chairman of Finance of the City of Dawson for about eight
years. I have been involved - Mr. Chairman, I think if we look
back in the term of office in which I was the Chairman of Finance,
you'll see that that was the most efficiently run organization
that this Territory ever had, including the Territorial Government,
and that is on the record and I would be pleased at any time to
show that to any of the Honourable Members as to the way that the
finances were conducted. I just use that as a self-reference.
Now, in my term that I have been here in this Council, I have
had the honour, Mr. Speaker, to represent the Dawson area and the
Yukon on the whole, and I assure you that I have been extremely
concerned with the development in this Territory. I have seen
continually seven Members of Council - it was five at first - each
with their own political philosophy. Two might agree on this and
three would be against it, and this would go on continuously till
the Council sessions got longer and longer and longer because no
one could get together. The results of this, in my estimation,
Mr. Speaker, cost a great deal of money to have Council go on for
two months, three months and four months in each year. This last

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number of years, too, and I'm sure through the efforts of the present Commissioner, he put the duties of the Financial Advisory Committee into, what I consider, proper perspective. In other words, it wasn't just a case of saying here is the budget. Rubber stamp it. He came and said, what are your opinions, and between the Financial Advisory Committee and the members of the Administration, I think they did a tremendous job, and I must compliment the Members who have been on that Committee for the good work they have done. At the same time, we must also consider that in the past, there have been changes on this Financial Advisory Committee. It isn't something that is a permanent position. A person wasn't elected to become a Member of the Financial Advisory Committee. A person on the Financial Advisory Committee is there solely and purely because the Members recommended the appointment, so when we see where there is a change, I don't think that is anything to get terribly emphatic about. There have been accusations, Mr. Speaker, that I belong to a political party; insinuations that I might be a tool of certain political people in this Territory. I can assure you, Mr. Speaker, that I belong to no political party, none whatsoever, be it Conservative, Liberal, NDP, Social Credit, and that is my feelings right now. As a Member of this Council, my interests are solely with the progress of the Yukon Territory. They are consistent with my thinking over the years that it is desirable, it is necessary that the Council of this Territory try to gain more say in government on behalf of the people. If we are continually going to be seven people that have to disagree personally on every issue, so that we get a kind of a Tower of Babel attitude, we never will get any place. This session, Mr. Speaker, has shown very much what happens to Bills. The Motion is a request only, and let's face it, this is a request that will go directly to the Minister of Indian Affairs and Northern Development. He is the big boss man and he will decide, through his own wisdom, or through the Cabinet's, or however it's done, whether Council will be able to get into the matter of the making of legislation, or the discussion with the Legislative Programming Committee. Believe me, this session we had thirty bills, and by cracky most of them have got thrown out and been given the six-month hoist. Now, isn't it about time we got down to having something presented that all Members of Council - not all, we don't expect all Members - but at least that we do not continually give them the six-month hoist. We have spent days, Mr. Speaker, going through these Bills. Don't like this. Don't like that. One Member doesn't like this. One Member doesn't like that. So, what happens? It gets thrown in the ashcan. Now, we have spent days, and I mean days, and possibly weeks, going through Bills, wasting so much time, and then throw them in the garbage bucket. Now, anyone, however we might want to do it, Mr. Speaker, we surely must evolve a different system. I, at no time, objected to any Members of the Council going on and helping to create legislation so that it would be a smooth flow when it came to this Table. So that what we are discussing is actually, although some Members seem to seriously object because they don't happen to be on that Committee, we are discussing a more efficient manner of carrying out the duties of this Council. I, at no time, and I say at no time, Mr. Speaker, have I ever cast any public aspersions against the Minister of Indian Affairs or the previous Minister, Mr. Laing. I had my arguments, disagreements, as far as some of the rulings that he might have given, but no one ever heard me say anything that could create any personal embarrassment, and all I would say at this time, in conclusion, Mr. Speaker, that there is nothing more permanent than change, and I think that this is the time to start making some type of a change to what has gone on in the past.

Mr. Speaker: Is there any further discussion on Motion No. 28?

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Mrs. Gordon: Mr. Speaker, in closing the debate on this Motion, I think it would be wise of me to refute some of the remarks that have been made around this Table. One, that I am a fuddle-headed female and have no mind of my own. When I was elected to Territorial Council, I came up here with views and ideas that a non-partisan Territorial Council was a good thing. I have gone through five sessions of Territorial Council. I've had very little to say, but I can see that if it continues in this way, it is a complete exercise in frustration, with seven people going seven different ways. It has been implied that I am a political animal, which is something which I have never been in my life and I never will be. I admire anyone who wants to stand up and be counted in any political party, but for my own views and feelings, where I put my mark on any ballot is no one's business but my own. Eight months ago I proposed a Motion in this Chamber and now Motion No. 28 - they are definitely related, I agree. It has taken me over a year to assess the Members in this Council and I feel that as a group, we will have our differences but when we come to this Council Chamber, we will be a resolved group to work for the betterment and benefit of the Yukon Territory as a group, not as individuals going each our own ways. Thank you, Mr. Speaker.

Mr. Speaker: Is the House prepared for the question? Are we agreed.

Some Members: Agreed.

Some Members: Contrary.

Mr. Chamberlist: Division.

Mr. Speaker: Mr. Clerk.

Mr. Clerk: Whitehorse North.

Mr. McKinnon: Yea, Mr. Speaker,

Mr. Clerk: Whitehorse East.

Mr. Chamberlist: Nay.

Mr. Clerk: Dawson.

Mr. Shaw: Yea.

Mr. Clerk: Whitehorse West.

Mr. Dumas: Yea.

Mr. Clerk: Mayo.

Mrs. Gordon: Yea.

Mr. Clerk: Watson Lake.

Mr. Taylor: Nay.

Mr. Clerk: The count, Mr. Speaker, is four Yea, two Nay.

MOTION CARRIED

MOTION
CARRIED

MOTION
NO. 29

Mr. Speaker: Motion No. 29. Moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Whitehorse East, that any discussion or negotiation relative to the Federal-Territorial fiscal relations be considered and negotiated only by a Select or Special Committee comprised of all Members of the House. Would the Honourable Member for Watson Lake be prepared to discuss Motion No. 29 at this time?

Mr. Taylor: Yes, Mr. Speaker. In anticipation of the so-called changes that have been effected here this morning, I proposed this Motion, a very important Motion. The Financial Advisory Committee, of course, are appointed by the Commissioner to advise and participate in the preparation of the budget and the supplements appended thereto, but when you consider the matter of committing the Territory to one, two, three or five years of fiscal agreement, then I feel that it is the business and duty of the whole House to participate in those negotiations as a whole House. I, personally, have been involved in at least two periods of negotiation respecting past and current fiscal agreements, and have found them most rewarding, both in education and in the sense that we have an opportunity on occasion to meet with the various departmental heads in Ottawa, who, apparently make many of the decisions effecting the Yukon and its progress. We have an opportunity to get down and talk with these people and lay forth our ideas and hear their ideas at a time when we negotiate such important matters as fiscal agreements. The benefit certainly accrues to the Territory in as much as with all Members involved in these negotiations, we get the maximum amount of ideas and arguments when we're talking in terms of eighteen or twenty million dollars and the future of the Territory, we get the opinions from each area in the Yukon, and I'm certain that other Members who are presently in this Council who have been engaged in these affairs would agree. Too much would be lost by committing matters of Federal-Territorial fiscal relationship to only a segment of the whole House, and therefore my Motion No. 29 would ask that Members of Council agree to total involvement in respect of the next Territorial fiscal negotiation.

Mr. Chamberlist: Mr. Speaker, as seconder of the Motion, I cannot but agree with the Honourable Member who has just spoken. If I had not of seconded this Motion, and if I had of been in the opposite camp, I could not but express that I would have to comply, in any event, with the Motion. I must remind Members of Council, Mr. Speaker, that in two years time there will be another Territorial election. Some of the Members that are here now, if they think of running again, may well be defeated, and if they allow to conduct and enter into a fiscal agreement for the next five years, it would be because of their incompetence that those that follow would have to carry on with a fiscal agreement that may well, I'm sure, not be very satisfactory, and the Members must therefore recognize that there is a need - all Members should recognize that there is a need for all Members of Council to participate in any negotiations relative to Federal-Territorial fiscal relations. I think that because there are seven of us and because those people who are on the Financial Advisory Committee at the moment are necessarily - have already carried out certain work and have certain knowledge of certain matters, they should continue to do this. As a matter of fact, as Chairman of the Financial Advisory Committee, I would even recommend this myself, that Councillor McKinnon be included in these arrangements, so that we can all work together. Thank you, Mr. Speaker.

Mr. McKinnon: Well, Mr. Chairman, it is a well accepted fact of politics that governments are continuously blaming the prior government when they get elected for the mess that they find themselves in. I don't think with the natural evolution in Territorial Government politics that things will be any different than they are anywhere else in the country. Mr. Chairman, the Honourable Member from Whitehorse East pointed something out that I agree with wholeheartedly, and that is that the present Financial Advisory Committee, under the very capable and competent chairmanship of the Honourable Member for Whitehorse East, have background information on the next fiscal agreement that other Members of the House do not have. I think it would completely silly and a wasted exercise for this knowledge and this background that they have not to be taken and the Territory have full advantage of. However, I don't think at this time that this Council can commit itself to the whole of the seven Councillors in perpetuity acting as a Committee as a whole on finances, and because of this, Mr. Chairman, I would - or Mr. Speaker, I would move an amendment to Motion No. 29 and it would read that Motion No. 29 be amended by replacing the words following 'that' with 'discussions or negotiations with the Federal Government relative to the Federal-Territorial financial agreement for the fiscal year April 1, 1969 to March 31, 1970, be negotiated and considered by a Select or Special Committee comprised of all Members of the House'.

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NO. 29

Mr. Speaker: I wonder if the Honourable Member would provide the Chair with a copy of the Motion.

Mr. Shaw: Mr. Speaker, I would second that Motion. I should say, I would second the amendment to the Motion.

Mr. Taylor: Could we have the Motion read from the Chair, Mr. Speaker.

Mr. Speaker: The amendment is moved by the Honourable Member for Whitehorse North, seconded by the Honourable Member for Dawson, that Motion 29 be amended by replacing the words following 'that' with discussions or negotiations with the Federal Government relative to the Federal-Territorial financial agreement for the fiscal year April 1, 1969 to March 31, 1970 be negotiated and considered by a Select or Special Committee comprised of all Members of the House. That is the amendment to Motion No. 29.

Mr. Taylor: Well, Mr. Speaker, speaking to the amendment, we talk about negotiating the next fiscal agreement, but we only include the period of the next fiscal agreement from April 1969 to 1970. Possibly the agreement might be a three-year agreement or a five-year agreement, and it is just beyond me why the Members wish to tie and bind this Legislative Body with such amendments and such Motions. It's just a virtue of complete take-over by a political party. This is all it could amount to. I feel that the Motion, as it stands, unamended, provides the opportunity for all elected Members in this House to participate. The amendment would certainly carry us to 1970, but I feel that we should carry on. As I say, we have a five-year agreement - it should be the same party who negotiate that part or the entire part of the whole agreement rather than one year of, say, a four-year agreement. It seems illogical. Here again, the Honourable Member has proposed a Motion which curtails anything. It's got us strapped down for one year, and I can't necessarily agree that this is a good idea. I'll go along for the year, if the Members so choose, and now that we seem to have this Council divided on partisan political lines, I guess the other Members have no option but to

MOTION
NO. 29

vote for anything that the Honourable Member puts forth, but I don't feel, again, that it's in the best interest of the Territory. I think this should have been given a little more consideration before this amendment was put.

Mr. Chamberlist: Mr. Speaker, the pied piper of the Territorial Council in the guise of the Honourable Member from Whitehorse North, having now blown his trumpet, we know that from now on in the followers will be there right behind his tail. You know the Pied Piper of Hamelin. You know the story of that. Mr. Speaker, what the Honourable Member from Watson Lake has said cannot be denied by any Member of this Council, even though they say that they are not any part of any political party and they don't belong to any organization, and they just are sitting on the fence, in fact, they know full well what is behind even amending; this Motion - the idea being not to give what they think are the opposition a clear Motion. They have not got the gentlemanliness about them to admit that a proper Motion being in the interest of the whole of the Territory completely has been put forward. The Honourable Member from Whitehorse North and his group, which I will continue to refer to now, they want to play in the political field; well, then, we'll play the game, and the game has been quite clear, that this is an attempt to take control even over the minds of the weaker members of their own group. It's unfortunate that this must take place, but it's tending to lead to this direction. I am prepared, Mr. Speaker, to ask that the Governor in Council and this Council, and let the people of the Yukon Territory vote, and I am prepared to put my seat up for it. That's what I am prepared to do. Now, let me hear these other people stand up and say I'm prepared to go before the people and be re-elected. They want to play partisan politics; I'm prepared to do the same. I'm prepared to say to the Honourable Member from Whitehorse North, you got a big majority last time, but you didn't get it on a political basis because if the political area and the political votes in the area that you represent were counted as in the Federal election, you would learn that you would have no seat either. I certainly say that to the Member for Whitehorse West. There's no doubt about that at all.

Mr. Speaker: Order. I must remind the Honourable Member he must not impute anything against a Member's election. It is contrary to Parliamentary practice. Order, please.

Mr. Chamberlist: I apologize. I ran away here.

Mr. McKinnon: The apology is accepted, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, I wish to continue at some length and I wonder if Mr. Speaker would allow me to continue after we recess for lunch, if we recess for lunch at this time.

Mr. Speaker: It's not twelve yet, Mr. Chamberlist.

Mr. Chamberlist: Thank you, Mr. Speaker. Now, Mr. Speaker, there is no doubt that the admission by the Honourable Member for Whitehorse North that the knowledge that has been obtained from other Members of the Financial Advisory Committee is so valuable and that indeed it will be a waste of the time of this Council and of the elected Members if we do not take advantage of the knowledge that we all have in relation to any Federal-Territorial fiscal agreement. The suggestion the Honourable Member from Whitehorse North has made that it be for just one year may be satisfactory, but he knows full well that the Federal Government are not going

to be thinking of one year alone, unless that there was an extension of the existing agreement for one year - if this came about. The Honourable Member for Whitehorse North is also fully aware that because of the changes that have been contemplated in the very, very near future, it may well be that the need for Federal-Territorial fiscal relations may well rely on the Financial Advisory Committee alone. This may happen, but before that happens, and I repeat, I call again on the Governor in Council to end this Council - to end this Territorial Council so that the Members of this Council can go before the people and get the authority of the people to act in the manner that the present group, under the pseudo-leadership of the Honourable Member from Whitehorse North.

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Mr. Speaker: If I may interrupt the Honourable Member, under Standing Order 2, the House now stands adjourned until 2:00 o'clock p.m. this afternoon.

Mr. Speaker: I will now call the House to Order and when we adjourned at twelve noon the Honourable Member for Whitehorse East was speaking in the debate on the amendment to Motion No. 29. MOTION #29

Mr. Chamberlist: This morning when I suggested that the Honourable Member from Whitehorse North was acting like the Pied Piper of Hamelin. I heard him say "tell the story". I don't want really to tell the story because, you know, because the man played the pipe and the rats followed him out of town. I don't think I should really continue with that story. But Mr. Speaker, I think that Members of this Council carry on on the manner that they intend to carry on; those groups that, those groups of people that are going to be following the Honourable Member from Whitehorse North's lead, I fear for the eventual benefits that were going to be obtained in the very, very near future through the statement that will be forthcoming from the Minister of Indian Affairs and Northern Development. During lunch time, Mr. Speaker, I telephoned a number of people in the Mayo constituency, Whitehorse West constituency and the Whitehorse North constituency and I found that in these constituencies those people, especially in Mayo, who were staunch supporters of the Honourable Member for Mayo, suggest that they are not prepared as electors, to have a political partisanship acted upon in Council without them having the right to vote on that particular thing. Now I have already expressed myself that I am prepared, if the Governor-in-Council.

Mrs. Gordon: Mr. Speaker, point of privilege? I think that the Honourable Member from Whitehorse East has belaboured his point just a bit too long and perhaps I better get up here and state in no uncertain terms that when this group was born last spring it was clearly understood that there were no political affiliations attached to it from my point of view and I would never be a part of any group that had a political affiliation of any sort.

Mr. Speaker: The Chair sees no question of privilege at this point.

Mr. Chamberlist: To continue; therefore I am quite prepared, as I have already intimated, should the Governor-in-Council decide to dissolve this Council and allow Members to, and allow a new general election for the Territorial Council to allow the electorate of the various constituencies to run on a, to run and vote on a political basis. I, at this time, in closing, I would at this time challenge the Honourable Member from Whitehorse North and from Whitehorse West and from Mayo and from Dawson to resign their seats so that the Governor-in-Council can order a new election.

Mr. Dumas: Mr. Speaker, I find it rather interesting that the Honourable Member went to so much trouble over the noon hour to call all these people. I'm sure that he gave the people that he talked to a very objective view of what was happening - yes I'm pretty certain of that, but if he suggests for one minute that we're supposed to be cowards by the information that he has garnered over the last hour or so; even he must have more sense than that! What I have done in running for office is offer myself to the people of the Yukon for their betterment. I had no ulterior motives in being a Councillor; no ego maniacal urge for power, or to dictate to the people of the Yukon, simply to do a job. I feel that that job can best be done in a manner that we are now pursuing. There is no great desire for personal glory, indeed in politics

MOTION #5

Mr. Dumas continues.....
 there is seldom any personal glory that can be accrued to people.
 What we do here is done in the best interests of this Council
 and of the people of the Territory.

Mr. McKinnon: Mr. Speaker, it seems very strange to me that the Honourable Member from Whitehorse East actually seems to be speaking against continuing as part of the body involved in matters fiscal for the next financial year. And, Mr. Speaker, it is because this House would feel themselves at a loss with the background and the information and the knowledge that they have obtained in forming the next fiscal agreement for the Territory that we present this Motion, so that they can be evolved and be a part of it. Now, Mr. Speaker, certainly they must realize that this House at this time cannot bind itself in perpetuity that all Members of this House always be a Select Committee of the Whole to discuss with Ottawa financial arrangements. This would defeat the very purpose of the exercise that was done in the House this morning. And, Mr. Speaker, conditions being what they are in the Yukon at this present time, I think it would be folly of us not to rely on the knowledge and the work and the dedication that they have performed in their functions as Members of the Financial Advisory Committee to this time. And certainly, Mr. Speaker, if they vote against the Motion, they are voting against themselves as continuing to help the Yukon in the forthcoming financial year. And how the Honourable Members can speak against themselves playing a part and voting against themselves playing a part in the next financial arrangement with the Federal Government is very difficult, Mr. Speaker, for me to see.

Mr. Shaw: Mr. Speaker, this particular Motion is asking that all Members of Council participate in a certain matter of meeting with, or discussing matters of the Yukon. Now if the Honourable Members do not wish to be a part of this I would be pleased to vote against the Motion. This is bringing everybody into it. I cannot see how that can possibly be wrong. Now, another thing the Honourable Member from Whitehorse East has said that I should resign because I **have** joined up with a political party and that wasn't part of my platform. Well, if he is absolutely correct, I did not have a platform in the last election so therefore I'm pretty well a free agent, if I should want to, which I am not. Accusations, Mr. Chairman, should have some basis in fact. All I've asked for throughout this discussion is to say, if he intimates how I belong to any political party, I do not. I've said that once and I say it again. I have no allegiance to any political party. I have just allegiance to people of the Yukon Territory and this particular Council Chamber, and anywhere else I happen to be. As for the Honourable Member from Whitehorse North being a Pied Piper, that I follow him as the children did, and as for the four legged creatures intimated, also did, I do not take that too seriously. I would look at that as more of a term of endearment from the Honourable Member for Whitehorse East and proceed along. I just wish to give the reasons why I feel that it is not incumbent upon me in any manner, shape or form to tender my resignation. When I take on a job, Mr. Speaker, I stay with it. Sometimes it is a pretty tough road to travel and one often feels I think, as most politicians feel at certain times, how come they got so involved but nonetheless the facts are they did become involved and to resign because of some disagreement I think is certainly not to the interests of the people. A person is in here because the people had confidence in him in one form or another and if at the next election this confidence has not produced the results which were expected, then, swish, out you go and somebody else comes in. That happens periodically and is a very good thing and I would say that whatever

Mr. Shaw continues.....

I should do in this particular Council then when the time comes around that is the time that the people can kick me out if they don't like what I've done. But certainly I've never quit a job yet in my life and I don't intend to start at this present moment.

Mr. Taylor: Mr. Speaker, I assume that the debate is still open?

Mr. Speaker: I believe the Honourable Member for Watson Lake has already spoken on the amendment.

Mr. Taylor: I believe the Mover of the Amendment has already closed the debate by speaking. I just assumed that the debate is now reopened. Is this correct?

Mr. Speaker: The day to day debate is no longer in operation. This is the end of it, yes. Is the House prepared for the question on the amendment? Are we agreed? I only heard two or three voices, and I am unable to decide at this moment how this question has been settled. Are we agreed? Are there any contrary? I'll declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: I now have for your attention Motion No. 30. Moved by the Honourable Member for Whitehorse North, seconded by the Honourable Member for Dawson that the Chairman of the Board of Transport Commissioners, Mr. Jack Pickersgill be invited to the Yukon to investigate air facilities in the Yukon. Would the Honourable Member be prepared to discuss this question at this time?

MOTION NO.
30

Mr. McKinnon: Yes, Mr. Speaker. Mr. Speaker, one of the advantages of having an East-West relationship now with the government of the Northwest Territories is that we can meet on occasion to discuss matters of interest to both jurisdictions. When the Commissioner of the Northwest Territories, Stewart Hodgson was in the Yukon the other day, we were discussing the problem of air facilities throughout the Yukon Territory. Mr. Hodgson informed me that it had been a motion of the Northwest Territorial Council that the Chairman of the Board of Transport Commissioners, Mr. Jack Pickersgill, be invited to the Northwest Territories to view the air facilities firsthand. This he did and along with the Board of Transport Commissioners he held hearings in both Frobisher and Yellowknife. As a result of these hearings, Mr. Speaker, there were immediate upgrading of services in the Northwest Territories and a comprehensive plan as to the upgrading of facilities throughout the whole of the Northwest Territories was submitted by the Board of Transport Commissioners. Mr. Speaker, I think that the Yukon Legislative Council should invite the Board of Transport Commissioners and its Chairman, Mr. Jack Pickersgill, to view the air facilities in the Yukon Territory as the problems that were in the Northwest Territories are extremely similar to those in the Yukon. As Mr. Speaker and all Members of the House know, there have been Motions on the floor of this House for at least eleven years that I know of asking the Department of Transport to upgrade air facilities throughout the Yukon. To date this has had no effect whatsoever. If there's another way that we can go about this, of upgrading these facilities, then I think that all Councillors will agree that this method should be sought. This method seemed to work for the Northwest Territories, Mr. Speaker, and I only hope that it can work for us also.

MOTION NO.
30.

Mr. Shaw: Mr. Speaker, as seconder of this Motion, this is an admirable Motion. As the Honourable Member for Whitehorse North has mentioned, for eleven years I, together with the Member for Mayo have continually and repeatedly asked for improved airport facilities. This has been received by Council in a manner which I always appreciated; a hundred percent agreement. We have to consider that we must do something about these facilities. If we do not have facilities for landing aircraft - the aircraft that is economical to operate in today's age, we can't have these facilities made available to the people of the Yukon. I think that all Members will agree, Mr. Speaker, that when we talk about looking north we don't stop right at the Whitehorse Airport. We go further afield into the north where the facilities have remained unchanged for possibly twenty years. It's certainly something that has got to be attended to sooner or later because it is just retarding transport as it is today from getting up there. The largest aircraft that can land is a DC3 with a restricted load. Now that is something out of this world. I think you can go pretty well to most places in Canada and find better facilities than this. In this particular Motion, Mr. Speaker, it is not laid out specifically, but I would request that when the Administration do make this invitation, that they could point out how informative it would be if the Chairman of the Board, with whatever members he may bring, would also travel beyond this point and into the hinterland to actually see at firsthand the conditions that exist, to see that when any plane that comes in from Alaska, that the people, if it should happen to be raining, well then they have to have customs clearance and what not out in the rain; and of course any other business would have to be transacted out in the rain. So I would very much press this particular point - that the Chairman do travel to other parts of the Yukon. In Old Crow one of these days I'm just fearful that there is going to be a bad accident. DC3s are landing on gravel bars which are always a hazard. When the planes take off, Mr. Speaker, they have to make a turn in order to take off because there isn't sufficient runway. So that these are the conditions which one of these days will possibly make for a bad accident and then of course, maybe something will be done. This is not only servicing the village of Old Crow; this is servicing the whole north end of the Yukon Territory which extends for another two or three hundred miles north. I would ask, Mr. Speaker, that Council approve this resolution.

Mr. Chamberlist: Mr. Speaker, I support the Motion. More than anything I support the Motion for the simple reason that the need for the Yukon is to open air transportation facilities. I also support it because I recognize - perhaps the Honourable Member from Whitehorse North has already recognized that Mr. Jack Pickersgill is one of the former Cabinet Members of the present Administration in Ottawa and has always shown in his capabilities as a person who looks towards the expansion, expanding the needs of the air transport system in Canada. Of course he will, I feel, do the right thing. I am sure he will come up here and investigate the air facilities in the Yukon. It is necessary that he does because for certain years between 1958 and 1963 there was enough neglect on this particular subject. Thank you Mr. Speaker.

Mr. Speaker: Is there any 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

Mr. Speaker: Motion No. 31, moved by the Honourable Member for Watson Lake, seconded by the Hon. Member for Mayo that Sessional Papers No. 68 and 70 be discussed in Committee. Would the Honourable Member be prepared to discuss this question at this time? The Honourable Member for Watson Lake. Question has been called? Are we agreed? I will declare the Motion carried.

MOTION NO.
31.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Are there any questions?

Mr. Taylor: Mr. Speaker, I would like to direct a question to Mr. Commissioner this afternoon. In view of the labour strike in the Anvil camp, I am wondering if Mr. Commissioner could inform me this afternoon as to what effect this may have on the development of the property, i.e., are they going to shut it down for a while or will this development, this vastly important development continue?

QUESTION RE
ANVIL
STRIKE

Mr. Commissioner: Mr. Speaker, I was hopeful that I would have something definitive to give to Council on this question if it were asked but the principals of the Anvil Group have not been available for me to speak with so far today. I understand that Mr. Jim Olk is due to arrive in town almost at any moment and until I was able to speak directly with these people, Mr. Speaker, to have really up-to-date information, I'm not in too good a position to give any definitive answers. All I could say is that any work stoppage of any kind at this particular time of the year, no matter what the project is, is bound to have a retarding effect and I would be very hopeful that the whole matter will be resolved by the parties concerned just as quickly as possible. I will bring forward information as it is available to me on this matter.

Mr. Speaker: Are there further questions?

Mr. Taylor: I have a further question. I am wondering now, since Commissioner Hodgson has been to the Territory, if he related any information as to whether or not we'll have a Task Force on Communication as suggested by the Commissioner some time ago in the Northwest Territory?

QUESTION RE
TASK FORCE
ON COMMUNI-
CATION

Mr. Commissioner: Mr. Speaker, I must admit that I haven't had an opportunity to appraise myself yet of the conversations that took place here when Mr. Hodgson was in the Territory but I do believe I am committed to bringing forth an answer on this subject on the basis of a prior question which was asked by the Member from Watson Lake, Mr. Speaker. This will be forthcoming irrespective of whether Council is in Session when the information is available, or whether it isn't.

Mr. Taylor: And a third question, Mr. Speaker, is the daily question. Have we anything new to report in relation to the Conference?

QUESTION RE
OTTAWA
CONFERENCE

Mr. Commissioner. Mr. Speaker, nothing has been conveyed to me until now concerning the announcement that prompts this question concerning the possible attendance of a Member of Members of Council at the Constitutional Conference next week in Ottawa.

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

QUESTION
RE BILL
NO. 5

Mr. Shaw: Mr. Speaker: I have a notation here that Bill No. 5 was passed out of Committee as amended on December 5th. I note on the Order Paper that it states Bill No. 5, Third Reading. Would it not require the amendment to be read the first and second time?

Mr. Speaker: Mr. Clerk, I wonder if you could explain the exact position to the House on this Bill, Bill No. 5?

Mr. Clerk: Mr. Speaker, the amendment to Bill No. 5 requires first and second reading prior to third reading being given to the Bill.

THIRD READ-
ING BILL
NO. 5

Third Reading to Bill No. 5, The Hotels and Tourists Establishment Ordinance.

Mr. Speaker: May I have your further pleasure?

THIRD
READING
BILL #13.

Third Reading to Bill No. 13, An Ordinance to Amend the Loan Agreement Ordinance, 1962 (First).

Mr. Shaw: Mr. Speaker, I 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 Motion?

Mrs. Gordon: I will second that Motion, Mr. Speaker.

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 and the Honourable Member for Watson Lake will please take the Chair.

SESSIONAL
PAPER #54
SESSIONAL
PAPER #68

Mr. Chairman: The first Sessional Paper is one I noted here which I believe you wished the Commissioner here for; Sessional Paper No. 54 on Emergency Measures. Is there anything further on this Paper? The next one is Sessional Paper No. 68, Councillor Chamberlist, would you take the Chair a moment.

Mr. Taylor: Mr. Chairman, I asked that this particular Paper be moved into Committee in order to bring to the attention of Committee the case as it sits at Upper Liard at the present time. I don't think since power was first applied to that Village that they've ever had a rate reduction and indeed they've been saddled with a five dollar residential minimum where all other communities in the Yukon have only been charged a \$2.50 minimum. As it's stated in here, most of the native people are not on the power any more. Most of them were cut off this summer; indeed when we went to have a meeting in their Community Hall this fall on school integration in that community, it was impossible to do so because the power was off and Indian Affairs wouldn't turn it on and nobody seemed to want to turn it on. Now, I think it's generally agreed that power and water are two essential utilities, more particularly for our native people, and that somehow Indian Affairs, I would think, should be able to

Mr. Taylor continues.....

assist in this endeavour. I think in the case of Liard they have agreed to rent part of the Hall from the Indian people for the operation of a kindergarten but it is still difficult for these school children when they go home at night to have to do their studies by candle light or by means of a little kerosene lamp when power is available in the Village. Now this five dollars demand charge charged against these people I think is grossly unfair mainly because everybody seems to have forgotten that the Indians went and cut the poles for that power line to go down there in the first place. They were never given any credit for this. Yukon Electrical didn't do this; this is something the Indian people did themselves to get power into that area. This has not been taken into consideration whatsoever and I feel it should be and I feel that the rate being charged at Upper Liard in this respect is grossly unfair. I don't know how the Electrical Company involved go about writing off that power line. It's been in existence for some time and I don't know whether they have or they haven't but it seems to me that a rate revision is necessary and it was my hope that the Administration would look into this matter and see if they couldn't have a change effected. As I stated, the whole Village needs power and there's just no other way that they can get by without it. The little shower facility that runs for the native children in the Community Hall; even this can't function without power to provide hot water and this sort of thing. And it's to be recognized that there are about sixteen hours of darkness during the peak of winter and even more reason why we should have the shower. So this is why I ask that the matter be referred to Committee; it was in order to point out to the Honourable Members just what is really going on down there.

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

Mr. Chamberlist: Mr. Chairman, it surprises me the show of lack of interest by some Members of Council in not making any reference to the situation there amongst the Indian population. It appears to me that Yukon Electrical have profitted in many areas in the Yukon - should certainly be able to reduce the structure here to adjust to the same as the others; \$2.50 minimum, the local people here may well be able to afford to keep their electricity on. Of course if they haven't paid their bills they have to have their power cut off but they should be encouraged to pay their bills and although we haven't got the rate structure, the kilowatt rate structure here in this Sessional Paper; they only have two figures, that is the difference between the \$2.50 minimum at other communities and \$5.00 minimum that exists now. I wonder if Mr. Commissioner would not be able to consult with Yukon Electrical to make an arrangement to have the minimum brought down to \$2.50 and at least have some power donated in some way to the community hall so that some effort could be made to give these Indian people the opportunity to take a shower when they want to.

Mr. Commissioner: Well, Mr. Chairman, with respect, I mean Council killed the very Ordinance here that would give us the opportunity to deal with these things. You want a Public Utilities Commission and this is the very thing that they would be empowered to do. To my knowledge, Mr. Chairman, the electricity is on in the Community Hall. We're operating a

SESSIONAL
PAPER NO.
68.

Mr. Commissioner continues.....

kindergarten there and I'm quite confident that it's not being done without electricity. And subject to any terms or conditions which may exist in a franchise agreement in the Watson Lake area, if indeed one does exist; I'm sorry I would have to take a look at this to see if one does exist, and subject to any terms and conditions that might prevail in this particular agreement, Mr. Chairman, really all that we have is simply the ability to apply moral persuasion to the situation which has already been done on two occasions and you may say that this is the third time and the answer that is given here is the answer that we have received from the power company that does the supplying of the power. But, I'm quite confident that the electricity is indeed on in the Community Hall and the monies that are paid - Council knows what the policy paper is - with regard to the kindergarten we pay certain basic rental to the Community for the use of this as a kindergarten facility. I'm quite confident that a portion of this is used for heating and electricity purposes in the Community Hall.

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

Mr. Taylor: I'm sorry to be passing the Chair but it is rather difficult to debate from the Chair. In the case of the Liard, I'm very pleased to hear that the power has been turned on because up to the time I had left it had not been turned on. That was sometime ago, that was when this Session started. Now, on the question of rates; this is an agreement between the Commissioner and the Yukon Electrical Company franchise. It has nothing to do with the people. We were told some time ago by the Commissioner and by the Minister of the day that the people were not permitted to be part of the franchise agreement. Indeed when we tried to write Commissioner-in-Council into the Ordinances and pass them they were refused assent. So, consequently the only person now who can help us is the Commissioner in consultation with the Yukon Electrical people and I don't think whether or not we have a Public Utilities Commission really has any bearing on this subject. The agreement is between the Commissioner and the private corporation and that's where it has got to be settled. There's no one else who can do it, not myself, nobody. I'm just wondering if the Commissioner will be looking into this matter or not?

Mr. Commissioner: Mr. Chairman, I'm certainly quite prepared to. I've asked the Legal Adviser if he would be kind enough to get a copy of this franchise out and let's take a look at it. Just off-hand I would venture to say that until such time as this franchise has expired and comes up for renewal that the powers that we have are very limited. Now it will be limited by the wording of the agreement and I've asked Mr. Clerk if he would be kind enough to check immediately to see whether or not the power in the Community Hall has indeed been turned on or if it is still off.

Mr. Taylor: Yes, it should be because by now - because they intended to hold a kindergarten unless they've moved the kindergarten. I did have a copy of that Bill and I believe it is a twenty-year franchise but I'm not too clear on that. I just might point out to that in discussing this matter with the

Mr. Taylor continues.....

Yukon Electrical people, it should be well to bear in mind that to my knowledge this is probably the only community who put up the poles to get their own power and it's noted that they are the only community in the Yukon that is paying a double demand charge compared to anywhere else in the Territory. This is grossly unfair and we ask that it be changed, and amended.

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PAPER NO.
68.

Mr. Commissioner: Excuse my ignorance on this, but do I not understand from this - when you say that this demand charge of five dollars - this is not over and above their normal bill. This is simply that you either use up the five dollars' worth or you are required to pay five dollars in any event - is this not the case?

Mr. Taylor: Yes, Mr. Chairman, some of these people have nothing more than one light bulb in the place but they pay five dollars minimum rather than the two dollars and fifty cents that everyone else in the Yukon has to pay.

Mr. Shaw: Mr. Chairman, in Dawson it's a four dollar demand charge, I believe. And then on top of that it's fifty per cent more than what you pay in Upper Liard. But I agree very much with the rates for electricity are just - that's a commodity that is absolutely and vitally necessary and we should keep it as low as possible but in this particular instance where we have thirty-six customers total, it wouldn't appear that the Company is making a very fat profit on the thing. I mean looking at it from the point of saying, look you are making too much money and let's get this down. It would appear they are certainly not making money at it. We have no utility commission now, this is what you might term, possibly term the chickens coming home to roost. All we can do is ask them to lower it and from there on well, that is as far as we can go.

Mr. Taylor: Mr. Chairman if the City of Dawson so chose to grant a franchise to somebody to buy power at those rates that is no concern of mine and it's to be noted that the demand charge is still a dollar cheaper than for Liard and I just wish to make that point clear.

Mr. Commissioner: Mr. Chairman, I want to give you my assurance that we will do anything that is within our power to try to bring some kind of equity into this particular situation and while we have made representations previously to the Yukon Electrical Company, are quite prepared to make them again. However, there is something that I want to make very clear to you. At some point in time we have got to equate the value of a dollar bill as far as public utility services are concerned and heating fuel costs throughout the Yukon Territory. And there is one group of people to do it and that is the Government of the Yukon. We can't blame the Government of Alaska or the Government of B.C., or the Federal Government in Ottawa. And the only way that you can possibly do this is to bring these companies under some kind of regulatory body and this legislature has the authority to create this regulatory body. I'm quite prepared to keep on writing letters and I'll do everything that I possibly can in the meantime but until that regulatory body is created by this Legislative body here, we cannot bring this equity that is absolutely vital. Now I travelled to every settled community in this Territory and if there is anything that is completely inequitable it is the difference that the people are called upon to pay for the vital necessities of life, namely energy and heating fuel. And if you can show me how in the name of goodness

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Mr. Commissioner continues.....

we can waste our time arguing back and forth about a thousand and one other things when people are being called upon in some parts of the Territory to pay a dollar and eighty cents for a gallon of gasoline to get an outboard motor to run why I just can't see it and I can assure you that anything that I can do personally or have my Administration do to bring any kind of equity into these particular kind of costs, I'm behind it one hundred percent and we'll do our very, very utmost.

Mr. Taylor: Mr. Chairman, I agree with Mr. Commissioner and as soon as the Federal Government or the Federal Civil Service, or whoever is involved here will give permission to give assent to a Bill which would allow the people to be part of the legislation they create, then I am sure we will have a Public Utilities Board.

Mr. Commissioner: Mr. Chairman, in answer to the question about the Upper Liard Community Hall, the Upper Liard Community Hall was reconnected on September 10th, 1968 and has been on since that time. This is current information that has been given to us from the Yukon Electrical office here. The power was originally cut off for non-payment on July 17th of this year.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask the Honourable Member for Watson Lake a question and that is whether Indian Affairs contributes anything to the payment of electricity in the Community Hall in Upper Liard?

Mr. Taylor: No, Mr. Chairman, the Indian Affairs did agree - they won't pay anything of it but they did agree to rent the premises for a kindergarten for the winter which would give them a little rent money with which to pay for the power. But it's grossly unfair - why should these people - if a white man got an unfair light bill he would go to the ends of the earth to fight for it but when an Indian gets an unfair light bill he doesn't know what position he's in and gives up. That is what has happened at Liard. I'll resume the Chair.

Mr. Taylor resumes the Chair.

QUESTION
RE FRANC-
HISES

Mr. Chamberlist: Mr. Chairman while Mr. Commissioner is asking Mr. Legal Adviser to look into one particular aspect, I would ask the Commissioner if he could also ask Mr. Legal Adviser to look into the aspect of where the Yukon Territorial Government has in fact the power to grant franchises? Now there is no legal authority to do so unless we go ahead and do it. Perhaps Mr. Legal Adviser, Mr. Commissioner could - perhaps Mr. Commissioner could ask Mr. Legal Adviser to bring it forward to us next time around?

Mr. Legal Adviser: Mr. Chairman, next Session, I hope.

SESSIONAL
PAPER #70.

Mr. Chairman: Are we clear? The next Sessional Paper is Sessional Paper No. 70. Councillor Chamberlist.

Mr. Commissioner: Mr. Chairman, could I ask a question in case it gets lost in the shuffle here? I wasn't paying too much attention as we went along on Sessional Paper No. 54 but is Council to advise me if they wish someone to go to this Emergency Measures, and would they be kind enough to give me

Mr. Commissioner continues....

their nominee's name before Council disbands so that I can advise the Organization?

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Mr. Chairman: I think one of the questions was whether or not any one would be able to go because we don't know when you are going to call Council back to order again. If there is to be a Session during this period a member could not very well go.

Mr. Commissioner. Mr. Chairman, I don't want to belabour the point because I know Council wants to get on with other work here but would it be possible that I could have Council's nominee and forward this nominee's name on the understanding that it would be subject to Council being in Session at that time because I'm in no more of a position than any Member of Council is to say that we would in fact be in Session during these particular dates.

Mr. Chamberlist: Mr. Chairman, isn't this a matter for the imprudent four to deal with?

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I think one of the imprudent too made the Motion that the Honourable Member from Carmacks-Kluane should attend the Conference and me, sitting on the fence, seconded the Motion. I think we were a little bit premature, possibly in assuming that the Honourable Member from Carmacks-Kluane would be able to, or would wish to attend the Conference. At this time though, now that the Commissioner has brought up the matter and explained what would happen in the event a meeting or other urgent business of Council, I would still hope that the Honourable Member from Carmacks-Kluane would attend this Conference. He has taken a great deal of interest in matters of Emergency Measures Organization and I think he is extremely well qualified to be the representative of Council at this meeting.

Mr. Livesey: Mr. Chairman, I certainly do thank the Honourable Member for Dawson for his confidence and for all his kind words. However, the Honourable Member for Carmacks-Kluane Lake also has a tremendous interest in Constitutional matters and I didn't want to say this but as long as I'm forced to say it I might as well get it over with. I didn't feel, like all other Members around here, I think just about every one of us would like to go to this Conference and I taped the last one and I got quite a kick out of it. It was really an interesting discussion on the problems of Constitutional Affairs in Canada and I have been interested in Constitutional matters I think, since I was fifteen years old and am deeply interested in this and I didn't feel that it would be fair for me to accept this with an idea that I would also at the same time accept the other post if and when, or if it was possible that I was one of the chosen Members to go there. However, as far as the Committee is concerned, I make my position clear, of the two I would of course much prefer the trip to the Constitutional Conference naturally, but, however, if this is not to be, why I would be quite prepared to go to the Emergency Measures course.

Mr. Chairman: Are you clear on this matter?

All: Clear.

SESSIONAL PAPER NO. 70. Mr. Chairman: Next is Sessional Paper No. 70.

Mr. Chamberlist: Mr. Chairman, I'm surprised to read the reply that the Administration came forward with in this. It appears that the money that has been made.....is going into a general N.C.P.C. fund and that instead of using this money to reduce the capital amount owing on the original grant and reducing the costs of energy to the distributor, this in fact is going to be used elsewhere and outside of the Yukon. I wonder, Mr. Chairman, whether the Commissioner has had any discussions with N.C.P.C. on this particular subject. Of course I did have a question to be answered by the Administration with regard to a question... N.C.P.C. but that is academic now and I no longer require the answer for that particular question. I think this should be in the record but I would wonder if Mr. Commissioner could answer on this particular score - whether there has been any request or discussion about the profit that has been made in this area reducing the cost of energy in the greater Whitehorse area?

Mr. Commissioner: Mr. Chairman, if you take a look at this answer that is given here, the information that is tabled here is the information that has been supplied to us by the Northern Canada Power Commission on this particular question and I think that it places the N.C.P.C. position very clearly inasmuch as while there was a profit picture as of last year's operations, it would appear that this is something that cannot be looked upon as if it is going to be on a continuing basis due to the fact that diesel generation is going to have to be used to supplement the basic hydro supply. Now to answer directly the question that has been asked; there has been no discussion between Northern Canada Power Commission and my Administration on this particular item here of potential profit of one hundred and thirty thousand odd dollars. The reason for this being that we were just made knowledgeable of this, I would suggest, within the last two or three weeks and there has been no opportunity of discussing it with them. However, I would say that it should be a matter of discussion here in the very near future to see just what the general policy is going to be in the provision of power in this area as apparently we are starting out on some type of a power grid arrangement where the power is going to be generated at different points in the Territory and moved to other points on an as and when required basis. It would almost indicate to me that there has to be some understanding in the near future from N.C.P.C. as to just what indeed is to be their pricing policy on the basis of a power grid throughout the Territory.

Mr. Chamberlist: Mr. Chairman, I do not understand how this Paper can say that the wholesale cost of electricity in this area is one and a quarter cents a kilowatt when the scale that is being charged now in this area ranges down to a minimum of about three cents a kilowatt. I think that there is a necessity to review the charges both from the supply at the N.C.P.C. hydro plant to Yukon Electrical and the charges from Yukon Electrical to the consumer because there is, without doubt, a vast difference in price structure and although I support the private enterprise system, when I see that the tri-structure between the manufacture of energy and the distribution of energy comes to over one hundred percent gross, there is something radically wrong. This doesn't occur in any part of the Country, in any part of Canada. And I think we should for next Session

Mr. Chamberlist continues.....
have details for Members of Council to see exactly what the
different price structure is between what is being purchased
and what is being sold.

Mr. Commissioner: Mr. Chairman, again I must answer, with
respect, that the very thing that would make it possible to
do, this Council has not seen fit to go along with! We have
no ability, we have no authority to demand this type of
information and this wholesale cost of a cent and a quarter
per kilowatt of electricity - I believe that this is delivered
from some point close to the hydro plant's operation. I could
be wrong on this but this is not anything new. This has been
in effect for some time, in fact I'm quite confident that this
has been public knowledge for a long time into the past, Mr.
Chairman.

Mr. Chairman: Councillor Dumas.

Mr. Chamberlist: Mr. Chairman, I had been under the impression
that it was one point seven two after that means after the
lines leave the distribution transformer - then it's metered
from there. Now I didn't know it was reduced to this amount
because this amount hasn't been passed on to the consumer. Mr. Commis-
sioner Mr. Chairman, says that there's no way without the Public
Utilities Commission, of looking into this but if your franchises
are any good it's in your franchises but I know that they are no
good. I know they are just pieces of paper.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, one of the things that strikes me on
this, and I realize it comes from N.C.P.C. and not from the
Commissioner, is this red herring that they've introduced
about how much it's going to cost to supply Anvil and Venice
Mines and these other places. The people in Whitehorse aren't
particularly interested in subsidizing the Anvil power operation-
the power supplied to Anvil. These excuses or suggestions
that they use for not passing on this great big profit and
saving to the people of Whitehorse just doesn't hold water. If
they want to supply Anvil from our power plant, or from the
power plant here adjacent to Whitehorse, surely N.C.P.C. must
bear the cost, or Anvil, and not the people of Whitehorse.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, we're right back here to the
particular situation that we're talking about and that is
having an authority created by this Legislature that will bring
this under purview. And I am quite confident that the people
of Whitehorse could care less what Anvil pays for power. I'm
absolutely certain and I couldn't agree with you more but I
also want to make it abundantly clear to you that at the present
time this is beyond the purview of my Administration to demand
from the authorities that are involved here a complete and thorough
vetting of this by experts who know how to read these type of
statements and assess and analyse them in a proper professional
and confident manner so that in fact something may conceivably
be imposed upon these authorities that are in a monopoly
situation here to do anything at all about it.

SESSIONAL
PAPER NO.

70.

Mr. Chairman: Are you clear on this item? Just before recess I want to ask the Legal Adviser if we'll have amendments to these other Bills.

Mr. Legal Adviser: I don't know how to answer that question, Mr. Chairman, but shall I say the answer is "no".

Mr. Chairman: It would then appear that following recess we can deal with these Bills as they are and no doubt can prorogue this afternoon. I'll declare Committee in recess for fifteen minutes.

RECESS.

RECESS

3:30 p.m. Monday

December 9, 1968

Mr. Chairman: At this time I will call Council back to order. BILLS #
We have been informed by the Legal Adviser that there will be no 1,8,20,27
amendments forthcoming as requested for several Bills. The Bills &30'
remaining in Committee are the Plebecite, Bill No. 1, The Plebecite
Bill, Bill No. 8, The Public Inquiry Bill, Bill No. 20, The
Expropriation Bill, Bill No. 27, the Fire Prevention Bill, and
Bill No. 30, The Liquor Tax Bill. Is it your intention that
these Bills be left to die in Committee?

Mr. McKinnon: Mr. Chairman, these four Bills, 1,8,20 & 27, were
all dependent and this Committee was unanimous in their decision
in this area that somewhere, somehow, the people of the Yukon
Territory were going to have to be written into these Bills. Mr.
Chairman at this time it seems that the Honourable Minister of
Indian Affairs and Northern Development, Mr. Chretien, is antici-
pating changes so that it may, in the future, be possible for
such amendments to be workable and Mr. Chairman, seeing that
amendments to these Bills are not forthcoming at this moment,
which would allow for somehow for Members of this Council to be
in on the actual process in these Bills, I think it would be
best to leave these Bills die in Committee at this time.

Mr. Chairman: Are you all agreed?

Mr. Chamberlist: Mr. Chairman, I would also like to comment.
I don't want to leave it at any time, Mr. Chairman, that the
Honourable Member from Whitehorse North is the only person that
will comment on this type of thing. The recognition that the
Honourable Member from Whitehorse North has made to the statement
by the Minister of Indian Affairs and Northern Development that
there are to be some changes has been referred to about five
hours later than it should have done. The Honourable Member now
swishes around the stand he took this morning. Mr. Chairman,
the Honourable Member from Whitehorse North apparently considers
that we don't have to go through anything that he doesn't
approve of. Well this is not going to be the case. We should
leave these Bills die in Committee because, not because of what
the Honourable Member from Whitehorse North has to say, not
because of what I say or of what the echo sitting across from
the Honourable Member from Whitehorse North has to say either.
It is because there is a need to let them die until such time
that Members from Council can get responsible people to
participate in the legislative form that must be taken before
Bills should be presented. Now before, until a short while ago
I was quite prepared at any time to make it quite clear that the
Commissioner without the words, "Commissioner in Council",
would not be sufficient but I am wondering when there is immaturity
and lack of political acumen, I am in error in allowing Members
of Council who have now apparently consider themselves to have
taken over reins of government to have the right to speak for
the Council. I am coming to the opinion that it is perhaps to be
better for certain things to remain in an administrative matter in
the Administration as it is today than let it go into the hands
of an irresponsible group which might do more damage to the Yukon
generally. However, I agree that the Bills should die.

Mr. Chairman: Are we agreed that these Bills be left to die in
Committee?

All Members: Agreed.

Mr. Chairman: The Chair will now entertain a Motion that Mr. Speaker do now resume the Chair.

BILL # 30

Mr. Shaw: Mr. Chairman, we have a Bill here in respect of a Tax on Liquor. It appears to me that this is a non-political, non-religious, non-just about anything that you can think of and it just straightens up the matter of.....the procedure in which the tax is collected on liquor. It is alcoholic. I would wonder should there be any reason that we should postpone this particular Bill, Mr. Chairman?

Mr. Chairman: The information,...order please.....the information of the Chair that this was related to the new Liquor Ordinance which now remains to die in Committee for further consideration. Is this correct, Mr. Legal Adviser?

Mr. Legal Adviser: Correct, Mr. Chairman.

Mr. Shaw: Well Mr. Chairman, I thank you very much for your information. Unlike the Honourable Member on my left, I'm not one of those persons that knows everything. Occasionally I make mistakes and this appears to be one that I have made. In which case, I'm sure he will have a tremendous amount of satisfaction in the fact that I do admit when I do make mistakes.

Mr. Chairman: Would somebody kindly make a Motion?

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

Mr. McKinnon: It would give me great pleasure to second the Motion of my Honourable colleague from Whitehorse East, Mr. Chairman.

MOTION
CARRIED

Mr. Chairman: It has been moved by Councillor Chamberlist and 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

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

Mr. Chairman: Mr. Speaker, Committee convened at 2:45 p.m. to discuss Bills, Sessional Papers and Motions. All remaining Bills in Committee have been left to die in Committee. It was moved by Councillor Chamberlist and seconded by Councillor McKinnon that Mr. Speaker do now resume the Chair. This Motion carried.

Mr. Speaker: Are we agreed with the report of Chairman of Committee? Is there any further business?

Mr. Chairman: Mr. Speaker, in respect of the agenda we can report that all matters before Committee have now been dealt with.

Mr. Speaker: What is your pleasure at this time? Is it your pleasure at this time to proceed with the closing addresses?

All Members: Agreed.

Mr. McKinnon: Mr. Speaker, Members of Council. It is traditional when replying to the Commissioner's address to thank him and his staff for their co-operation and assistance. This I do, Mr. Speaker, but I would like to single out and especially thank the members of the stenographic staff who have served us so well this Session, as they have always done in the past. I think that this must be the smallest legislative assembly in the world where Hansard unfailing appears the following day. It is a tremendous undertaking by the girls and their constant good humour under duress is a virtue which we could all well follow. Mr. Speaker, the Yukon Territory is losing one of its finest friends at a time it can ill afford to do so. Over the seven years, it has been a pleasure for me to be associated with Frank Fingland. I have never found a more dedicated, knowledgeable and concerned public servant than he. He leaves when he can see the beginning of democratic, responsible institutions of government that he worked so hard for and articulated so well to any and all who would care to listen. I thank him, Mr. Speaker, for all the citizens of the Yukon Territory. The only advantage to his leaving is that we know that the North has yet another friend in the Senior Administration in Ottawa. In closing, Mr. Speaker, I would like to wish all my friends and acquaintances throughout the Yukon the Merriest of Christmases and all prosperity and happiness in the New Year. Thank you, Mr. Speaker.

Mr. Speaker: Thank you, Mr. McKinnon. The Honourable Member for Whitehorse East.

Mr. Chamberlist: Mr. Speaker, Members of Council. This past Session has been, I feel, one of the most advantageous of any of the Sessions in the past seventy years. I say this because, in my opinion, what has occurred, Mr. Speaker, is the attempt, whether it was agreed with or not, to promote what we all are seeking to obtain. That is a form of autonomous government by Members of this Council. I think that in many ways it was premature in what was being done although it was premeditated that it would be done. I feel, Mr. Speaker, that some of the elected Members of Council, have forgotten that they were elected as individuals and not as party politicians and that the voice of the people are only heard when the party that they wish to support is given the opportunity to put forward a Member for a seat in the Territorial Legislature. I think that it may well be, and I hope sincerely that I am wrong, it may well be, that what occurred today was an act detrimental to the Territorial Council and its future because we did not recognize that self-government only comes from the people. We do not give self-government to the people. I think, Mr. Speaker, that it's necessary always for the electorate to acquiesce and agree in the political atmosphere of an area and the area of the Yukon is burgeoning to such an extent both economically and politically that it is necessary that the people of the Yukon have their voice heard. I have already indicated that I am prepared to accept at any time that the Governor in Council may wish to do, to dissolve the existing Council and have all Members be elected on a party political basis. Mr. Speaker, these are the remarks I wish to make with reference to our last day in Council in this Session. Now I must agree with the Honourable Member from Whitehorse North, with reference to his remarks of the support and consideration given to this Council, and yourself Mr. Speaker, by the staff of the Administration and I also concur with him in his remarks with reference to Mr. Frank Fingland. We will miss him, we will miss his guidance and his capable administrative capabilities. Mr. Speaker, it is my hope that at the Federal Provincial Conference to come there will be a Member or Members

of this Council there and although we haven't received any official news to this effect, I hope that, as I say, there will be an appearance put in. Mr. Speaker, I would like to take this opportunity to thank you for your patience in some very trying times and I might say that I know I have helped to make them trying for you and also all Members of Council, even though at times I am absolutely opposed to their thinking for the simple reason they're not thinking right in my considered opinion, but however it is necessary to thank them for their participation. Mr. Speaker I extend to yourself and the families of all Members of Council and the Council Members themselves, greetings for a happy and prosperous New Year and a very Merry Christmas. Thank you, Mr. Speaker.

Mr. Speaker: Thank you, Mr. Chamberlist. The Honourable Member for Dawson.

Mr. Shaw: Mr. Speaker, Members of Council. My remarks at the close of this Session will be the shortest since I have been a Member of this Council. I note all the smiles of the Honourable Members as I have but three subjects to discuss. One is the new Liquor Control Bill and more particularly the possible change in respect of the age at which it is legal to drink alcoholic beverage. In most cases, I do not have difficulty in making decisions based on what I consider, rational thinking. To decide on what the majority of Yukoners consider a responsible age that people should legally be allowed to drink beer, wine or liquor is, in my opinion, too emotional question for me to decide, even though I might have my own personal opinion to lower the drinking age to nineteen years of age. What this Council has done in respect of setting up a Committee to consider briefs on this subject is a good move but in my opinion will mainly produce submissions from organized groups and will not present a true picture of the Yukon as a whole. My understanding is that all Provinces with, perhaps the possible exception of one, will not permit legal drinking until the age of 21 years. This means that if we did lower the drinking age, it would almost be in the nature of an experiment. In this case, I would say that before any change is made, it must surely be a decision made by all Yukoners in a form of a plebescite. Any other method of deciding this question would, in my opinion, be wrong. If there ever was a subject which required an expression of all the people and more particularly the parents, it must surely be this matter of what age constitutes responsibility of a person to consume liquor, a matter in which tremendous far reaching social implications are involved. My number two subject, Mr. Speaker, would be to state my disappointment in seeing the Bill regarding Public Utilities go down the drain. I am not opposed to any of the suppliers of communication, transportation or electrical energy in the Yukon. Generally speaking, I think they are doing a good job, sometimes under extreme harsh conditions, but the Territory is growing fast and will require more legislation such as this, rather than less. It is a matter of principle with me that whenever a private or public enterprise is given exclusive rights by the government to sell their products without competition, that in order to balance the scales, there must be this feature of control to assure that the public is protected. I know that Crown Corporations would not have come under the control of this Bill at the present time but I would feel that with it's passage it would only be a matter of time before this situation could have been changed by an Act of Parliament. I just hope that a similar Bill to the one now rejected can be introduced and passed at the next Session of Council. My last subject, Mr. Speaker,

is a matter that I have mulled over for quite some years. This is the matter of equalization payments. My belief is that some of the basic and necessary costs of living should be enjoyed equally by all Yukoners, regardless of where they reside. An important step towards fairness to all could well be a common rate for power all over the Yukon. Cheap power in some areas of the Yukon has been made possible by public money being spent in the construction of hydro power plants. This in turn has benefited only those in the locality of the project. If general taxation has been used to build these projects, which is the case, then in my opinion it is only logical and fair that general rates should follow all over the areas of the Yukon. I realize this presents a difficult decision before this Council as the majority of the Members constituents enjoy the benefits of this cheaper hydro power. In the meantime, the balance of the Yukon in the far flung regions of this Territory have to pay three to five times as much for the same products, even though their tax dollars have contributed to the amenities of the areas receiving these benefits. I would hope that in all fairness, at a future date, all Members of Council will see the justice of my proposal which I will raise at some future date. All in all, Mr. Speaker, I think this has been a most productive Session, at times quite lively and emotional, but I think we have accomplished the purpose that we were here for. I would like to thank you, Mr. Speaker and all Members for your courtesy and co-operation with me at all times. I would also like to thank the Commissioner and his staff for the excellent assistance which they have given in providing information and in many other matters which they are called upon to do. I would join with the other Speakers, Mr. Speaker, in saying how I, also, am very sorry to see Mr. Frank Fingland leave this Yukon Territory. He has done a remarkably good job and all I can say is that I'm sorry that's he's leaving and wish him the best of luck in his new position. In conclusion, I would wish you Mr. Speaker, Members of Council and all people of the Yukon a very Merry Christmas.

Mr. Speaker: Thank you, Mr. Shaw. The Honourable Member for Mayo.

Mrs. Gordon: Mr. Speaker, fellow Councillors. Today marks the close of another Session of the 21st wholly elected Yukon Council. To my mind it closes out an old era and opens a new and exciting one in the lives of all of us. For the first time in the history of the Territory, a group of Council, who have been elected for their integrity by the people of the Yukon, have banded together to form a coalition to work toward a definite objective. It has been said in this Chamber that the formation of this group is a political plot. I want to take this opportunity to remind every member of the group just formed, to inform other Members of Council, the people in the Mayo electoral district and the people of Yukon as a whole, that over eight months ago when the idea of a coalition was being born, I stated then and I state now publicly, that I would not and will not be a member of any political group which holds any political affiliation with any political party found anywhere in Canada. I do not believe that, at this time, the people of the Yukon should be divided in any political way associated with old line party politics. In our evolution toward more autonomy in Yukon, I believe we can use political philosophy from many sources, adapt them to our own needs, create our own Yukon politics. We should remain at all times apart from any outside political affiliation until that day in the future arrives when this becomes another Province in this Dominion of Canada. I would be remiss if I did not express my thanks to the Commissioner and the members of his Administration for their forbearance and helpful assistance

during our deliberations. I would express every good wish to Mr. Fingland and his family on their departure from the Territory, hoping that they will someday return to the Yukon. In closing, I wish to extend to you, Mr. Speaker, to my fellow Councillors and to all the people of Yukon by sincere best wishes for the Christmas season and to express the hope that 1969 will see a continuation and extension of the prosperity and progress we have witnessed during 1968. Thank you, Mr. Speaker.

Mr. Speaker: Thank you Mrs. Gordon. The Honourable Member for Whitehorse West.

Mr. Dumas: Mr. Speaker, fellow Councillors. It is my sincere opinion and hope that this past Session of Council has been one of the most interesting and progressive in the history of this House. Each of us, I truly believe, acts in only the best interest of Yukon and people of Yukon. In no way do any of us, I feel, have any ulterior motives whether they be for power, for financial gain or any other type of gain. Whatever stand we may take, I believe it is taken in the best interest of this Territory. I say, you may question my judgement but don't question my sincerity, you may question my capabilities but don't question my integrity, you may question my methods but don't question my motives. I think that this can apply equally well to all here, Mr. Speaker. I have said over the past fifteen months since I have been a Councillor, and indeed before, that there are no outside pressures on me, no individual, no political party, no business, no labor organizations, none. I have acted, I believe, always in the best interests of the people of Whitehorse West, I'll continue to do so until the next election whenever that may be. At that time the people of Whitehorse West will decide on my actions. It is their inalienable right to do so, that is what democracy is all about. I would like to take this opportunity, Mr. Speaker, to thank the Clerk of the Council and his staff, the Administration, particularly mentioning Frank Fingland, whom we are losing, and to thank yourself and all my fellow Councillors. I wish you all a sincere Merry Christmas and Happy New Year.

Mr. Speaker: Thank you, Mr. Dumas. The Honourable Member for Watson Lake.

Mr. Taylor: Mr. Speaker, Honourable Members. Now that we have reached the end of our deliberations, I would like to pass comment on a few significant matters reviewed in the past several days. Firstly it is noted that although this Session was forecast to run way beyond the Christmas season, we have by streamlining our proceedings to some extent, completed this volume of business in less than three weeks of actual sitting days. This I feel is largely due, Mr. Speaker, to the closer relationship between the legislative and administrative levels of government that is presently being experienced by Council. It is hoped that in the new year the Minister will bring forth even greater measures of responsibilities for the Territory and its people. The final acceptance of control over the fresh water fishery here in the Yukon marks yet another major milestone in the development of our Territory and of course our firm desire to control our own destiny. This now means that we can develop to the fullest the sport fishing industry, which to date has been largely unexploited. But even more encouraging, Mr. Speaker, are the exciting possibilities that this industry will hold for our native citizens who understandably have a very difficult time in adjusting to the white man's ways in industry. For instance,

we are now in a position to establish standards here at home right at the Territorial level, which would permit the creation of an A.B.C. type guiding system, in which our native citizens can participate to the fullest as private entrepreneurs in what could well be a vastly productive industry. Furthermore, Mr. Speaker, now is the opportune time to set up our game department along the lines of provincial experience and to get conservation officers out in the field where they are greatly needed. During the debate regarding the Public Utilities Bill, we arrived at a very important constitutional stalemate and as a result when it was determined that the Commissioner was not able to allow the elected representatives of the people to participate in the formation of this most important Board, the Bill was rejected. As in the case of other Bills involving the creation of Advisory Boards to the Commissioner, we were asked to relinquish more and more of our legislative control to the Administration, which is a clear cut erosion of our responsibility to the people of the Yukon Territory. For instance, in the case of the Liquor Control Board, the existing Ordinance would virtually disappear. Control would then be in the hands of the Board who would function under the complete and utter control of the Commissioner and who would write by regulation new liquor laws and the existing controls would effectively transfer from the people to the government. It would be unthinkable to allow this to happen, Mr. Speaker. Another more equitable solution must be found which would not detract from the democratic process in which the people are to retain the right through the representatives they elect to determine their own destiny. Most significant of all, Mr. Speaker, was the untimely decision by some Honourable Members present to arbitrarily divide the Council on partisan and political lines. The Honourable Member from Whitehorse North served notice last spring that he would do this at the Fall Session and indeed, has now done so. The Council has to date always functioned in a non-partisan basis, each Member being elected on his or her own merits, thus permitting free and unbiased representation for our people. Should this move have been desirable the time to proceed in this direction would have been only after the Minister had brought down his decision as to the future constitutional development of the Territory, now under act of consideration, both here and Ottawa. Further, the time to implement such a scheme would not have been in mid-stream but after the electorate had been apprised to the situation. Coming as it does, Mr. Speaker, this move at this time is most certainly not in the best interest of the Yukon and its people. It should weigh heavily on the conscience of the Members involved for they alone are responsible. Now that that partisan troika, so to speak, Mr. Speaker has been established it is most interesting in these Throne speech reply to hear the Members involved fleeing like lemming to the sea. Once again, Mr. Speaker, the matter of the Ross River Nursing Station has come up for discussion, funds were provided in the existing Federal Territorial Fiscal Agreement for the construction for the much needed facility for the community of Ross River. But now that the townsite of Faro has come into being, it would appear that Health & Welfare want this nursing station at Faro. I submit, Mr. Speaker, that the Federal Government in Ottawa are still hanging onto the pipe dream that all the people of Ross River will be moving to the mining townsite at Faro when it's completed and nothing could be further from the truth. Ross River is still and will remain the central supply and communications centre for the central area of the Yukon and indeed, this community is growing at a very rapid rate. Medical facilities have been required here for many years now and this need must be fulfilled and in the very near future. How can we expect people to settle in these areas in a permanent basis with-

out offering the most elementary recourse to reasonable medical aid within the community. This problem must be resolved and very soon. Although it was my intention to comment on other areas of discussion, Mr. Speaker, I feel that I shall cut short this reply by expressing my gratitude and appreciation for the assistance all Honourable Members have given me both in relation to the representation of my district and in the conduct of my duties as Deputy-Speaker and Chairman of Committee. In closing may I take this opportunity on behalf of all our people in the Watson Lake electoral district to extend to all members of both the Administration and Council alike, our very best wishes for an enjoyable festive season and a rewarding and bountiful New Year. Thank you Mr. Speaker.

Mr. Speaker: Thank you Mr. Taylor. Would the Honourable Member for Watson Lake please take the Chair?

Mr. Taylor takes the Chair.

Mr. Speaker: Councillor Livesey.

Mr. Livesey: Mr. Speaker, Honourable Members. The Fall Session for 1968 is just about over and it is perhaps worthy of note that for some of us it marks the tenth anniversary of our original attack on the established form of secondary government in the Yukon, and the beginning of a realistic search for a better formula, more in keeping with the ideals of a democratic country and democratic society. For some it has been nothing short of a labour of love and for others a search for the elusive Pimpernel, always just around the corner and out of reach, never within the real grasp of the elected representatives of the people so vitally interested in the every day needs of living and the common problems of all those who chose this part of the north as their home. Of the Members of Council for the year 1958, only two of us remain, the Honourable Member for Dawson, Mr. George Shaw and myself as Member for Carmacks Kluane lake. We still have with us, of course our noteworthy Commissioner, Mr. James Smith, who was also a Member of the Council of 1958. From the handwriting on the wall and other obscure means of communication it now looks as though some sort of breakthrough is about to take place and although the exact formula is not on paper the air seems to crackle with a sense of impending change, and not before time, Mr. Speaker. One thing seems more than obvious, the present formula which creates the style of government in this north country is obsolete and too old fashioned to provide the remedies required. We need changes which will provide the electorate with a choice of government policy and to do this successfully it means that a place must be made for the people to become involved in their own government. In all other areas in Canada this means party control of government. The political thinking of groups of individuals joined together through common purpose and for a common cause, in the general sense. When this takes place the people have a voice in their own government and a voice in the choice of policy to govern the area in which they live. This has not been possible over the years where the people's elected representatives had to live within the narrow confines of the Yukon Act, nor does it seem that the change altogether may come about within the next immediate year or two but the direction is clear. At the moment we have regional government whereas we need government for the entire territory, a formula which will bring cohesion to the present seven individual areas, which for years have elected individuals on a more or less independent basis. At election time the people

have been given seven different versions of policy to provide one representative body which in itself contributed to a fragmentation of representation rather than a formula to create sound thinking for the whole of the Territory. The party system is not immediately available but the people of the Yukon should be thinking about it now as a means toward better government for the future. For the immediate future and for the next two years at least, a simple majority in the House may be the answer, to commence the work of providing the interest of the people in the cost of running the government and the legislation required to satisfy the needs of the electorate. The raising of taxes is another item which should be controlled by majority thinking, and although, this is something which seldom brings joy to any astute politician it is nevertheless a necessity if the formulas for good living are to be supported. However, this is where the people once again should be in control of how much government they require and in control of the call on their pocket books to support the policies of that government. The fragmentation of elected government destroys this principle and allows too much control to evolve to appointed government which the people neither hire nor fire, nor at the moment do their representatives have any say in this field, nor are they concerned in a responsible way in the real creation of circumstances which make demands on the public purse. Sir Erskine May describing the origins of the modern parliament says that authoritative arguments have been adduced to show that it was above all the need for getting the consent of the Commons to taxation which initially led the monarchy to develop the representative system and that modern scholarship has formulated the doctrine that representation and consent, especially to taxation, form the basis of the power of the Commons, and that this representative function was fully as important as the judicial function in shaping the development of parliament. Which means to my way of thinking that the people of the Yukon should be allowed to control the spending as well as the raising of their own local taxes at the level of secondary government. By so doing the people's representatives would become responsible and their election as public representatives would be of more concern to the voting public with a resultant upward trend in quality and fabric. As our Federal Statute stands today, without provision for responsible representation, candidates for election may win election to office through the promise of pink elephant absurdities or playing the field for all it is worth without any legal requirement to produce. If the powers that be are sincere in their desire to obtain the best in the land to perform the functions of legislative government there would seem to be little or no reason why they enact legislation which allows Territorial elections to provide representative choice on such a hit and miss basis. Surely we have emerged out the colonial quagmire to the extent that we are deserving of better Federal legislation and the type which allows for the election of responsible representatives. We are not ready as yet for fully responsible government but we are ready now for a move in that direction. We are not at the point where we may feel independent of the Federal Government nor as yet in a position where we may take over control of our own resources. However it seems to me that we can take financial assistance from the Federal Government at this point with a clear enough conscience. If the Federal Government feels that they should continue to hold the key to our treasure chest on the grounds that they are more financially capable of development in this field, then the cost of secondary government should be their responsibility also to a large extent as their contributions would seem to me to be in lieu of rent or of control over

our storehouse of raw materials and land. One cannot have one's cake and eat it too, as the old saying goes, which could raise the argument that the Territorial legislature could take a greater interest in all the financial expenditures which occur in the Yukon, with certain exceptions, irrespective of the source. It is getting mighty close to Christmas, Mr. Speaker, and we may as well inform Santa of the presents we are expecting. We could also remind the powers to the east that the mere extraction of raw materials from the Territory is a small bite in the economy because we could and should be entertaining ideas about the production of a smelter, and the possible manufacture of our processed raw materials into saleable goods and merchandise. By so doing, no end of new possibilities present themselves which would more than triple capital interest in this area. The tourist industry also appears to be ready now for expansion and development and this one has the added advantage that it is a renewable resource, the more energy exerted toward its development the more it can be expected to produce. For our part here we can do all in our power to keep the Yukon a clean and healthy place in which to live, free from pollution, debris and waste and with attention to the constant summer threat of unnecessary waste from the results of preventative fires in forest areas and surrounding country. In summary, Mr. Speaker, I feel that we have had a most rewarding Session, our attention to duty has kept the length of the Session at a reasonable level in time expended, we encountered some difficulties with legislation placed before us but we were able to resolve most of them amicably and in the very best of spirits. I would like at this time to thank all my fellow colleagues for their generous and friendly co-operation, the Commissioner and entire Administration together with all staff Members of the House for all their very kind efforts in our behalf. May I extend at this time to you all the greetings of the season and to all friends and neighbors in the Electoral District of Carmacks-Kluane Lake all the joys and blessings of Christmas. Thank you, Mr. Speaker.

Mr. Livesey resumes the Chair.

Mr. Speaker: Mr. Clerk, would you please ask the Commissioner to attend the House for his closing address? I will call a brief recess.

RECESS

Mr. Speaker: I will now call Council to order. Mr. Commissioner the Council of the Yukon Territory has at its present sitting thereof passed a number of Bills to which in the name of and on behalf of the said Council, I respectfully request your assent.

Mr. Clerk: An Ordinance Respecting the Imposition and Collection of Tax on Fuel Oil, An Ordinance To Establish the Historical Sites and Monuments Board for the Yukon Territory, An Ordinance Respecting Hotels and Tourist Establishments, An Ordinance to Amend the Mining Safety Ordinance, An Ordinance to Amend the Interpretation Ordinance, An Ordinance to Amend the Police Magistrate's Court Ordinance, An Ordinance to Amend the Judicature Ordinance, An Ordinance to Amend the Loan Agreement Ordinance, 1962 No. 1, An Ordinance Respecting Adjusters and Keeper's of Livery, Boarding and Sales Stables, An Ordinance to Facilitate the Division of Property into Parts that are to be Owned Individually and Parts to be Owned in Common and to Provide for Use and Management of Such Property, An Ordinance to Provide for the Vocational Rehabilitation of Disabled Persons, An Ordinance

to Amend the Motor Vehicles Ordinance, An Ordinance Respecting Notaries, An Ordinance to Amend the Evidence Ordinance, An Ordinance to Amend the Gaols Ordinance, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, An Ordinance to Amend the Legal Profession's Ordinance and An Ordinance to Amend the Municipal Ordinance.

Mr. Speaker: The House now stands adjourned to hear the Commissioner's Closing Address.

Mr. Commissioner: Mr. Speaker, Members of Council. The immediacy of prorogation this afternoon has not made it possible for me to have a formal address for you at this time and I think it suffice for me to say that the last four or five weeks of deliberations of Council have culminated in eighteen Ordinances being passed and to these I am happy to give my assent. I'm sure that all of you are most anxious to get back to your homes and I would like at this time to thank you for the courtesies extended to myself and the members of my Administration during this Session of Council and trust that you and your immediate families will have a very pleasant and happy Christmas. I look forward to being in constant communication with you in the course of the next few weeks on matters of utmost importance to all of us here in the Territory such as the next Fiscal Agreement, the hearings that your Select Committee is lining up in connection with the Liquor Ordinance and other matters that no doubt will be coming up. It is rather indefinite at this time to when the next Session of Council will be called but I would like to assure all Members of Council that it will be called at a time that will suit the best convenience of all concerned, Members of Council and members of my Administration. Thank you very much Mr. Speaker and Members of this Council.

Mr. Speaker: I will now call Council to order. I would like to thank the Commissioner, the Legal Adviser, the Clerk of the House and entire staff of the House and Administration for their untiring efforts during the course of this Session. I would also like to wish each and every one of them a very Merry Christmas and all the good tidings of this festive season.

Mr. Clerk: It is the Commissioner's will and pleasure that this Council be now prorogued and this Council is accordingly prorogued.