

Property of Office of Clerk of Council

1971

1st Session

Vol. 1

2nd Session of
22nd Wholly Elected
Council of the
Yukon Territory

I N D E X

1971 (First Session)

Volume 1 - Pages 1 - 403
 Volume 2 - Pages 404 - 817 Sessional Papers and
 Legislative Returns

Session Dates - Monday, February 8th, 1971 to Friday, February 26th, 1971
 and Monday, March 22nd, 1971 to Monday, April 5th, 1971.

<u>BILLS</u>	<u>1st & 2nd READING</u>	<u>DISCUSSED</u>	<u>3rd READING</u>	<u>ASSENTED TO</u>
1. An Ordinance to Amend the Liquor Ordinance	9	14-43, 544-559, 613-624, 714-715, 730-737.	750	816
2. An Ordinance Respecting a Financial Agreement Between the Government of the Yukon Territory and the Government of Canada	11	43-44, 301-302.	311	403
3. An Ordinance to Amend Certain Ordinances Res- pecting Fees and Licences	12	204-216	231	403
4. An Ordinance to Amend the Fuel Oil Tax Ordi- nance	50	217-222	232	728
5. An Ordinance to Authorize the Commissioner to Lend Money to the Village of Faro for Various Purposes	50	222-225	232	403
6. An Ordinance to Repeal the Amusement Tax Ordi- nance	50	225	232	728
7. An Ordinance to Amend the Yukon Loan Ordinance, 1955	50	225-226	232	403
8. An Ordinance to Amend the Fur Export Ordinance	82	226	232	728
9. An Ordinance to Amend the Taxation Ordinance	83	234, 351-360, 366-387, 394-402.	402	403
10. An Ordinance to Authorize the Commissioner to Bor- row a Sum Not Exceeding One Hundred and Fifty Thousand Dollars from the Government of Canada for the Purpose of Mak- ing a Loan to the City of Whitehorse and to Authorize the Commissioner to Enter Into an Agree- ment Relating Thereto	83	234	269	403
11. An Ordinance to Authorize the Commissioner to Lend Money to the City of Whitehorse For the Up- dating and Upgrading of Whitehorse Water and Sewer System	83	234	269	403

<u>BILLS</u>	<u>1st & 2nd READING</u>	<u>DISCUSSED</u>	<u>3rd READING</u>	<u>ASSENTED TO</u>
12. An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory (First Appropriation, 1971/72)	14	44, 51-52, 54-77, 91-130, 138-182, 186-203, 235, 240-248, 269-276.	276	403
13. An Ordinance to Amend the Companies Ordinance	83	235	278	403
14. An Ordinance to Amend the Elections Ordinance	83	236-239, 361, 407-408.	443	728
15. An Ordinance to Amend the Labour Standards Ordinance	84	248-250, 559-562, 573-581, 715-725, 787-788.	805	Assent Pending
16. An Ordinance to Amend the Workmen's Compensation Ordinance	133	337-338.	345	403
17. An Ordinance to Establish a Transport Public Utilities Board in the Yukon Territory	133	252-264, 278-301, 446-478, 483-517, 757-780.	786	816
18. An Ordinance to Amend the Motor Vehicles Ordinance	133	250-251, 302-308, 313-318.	345	403
19. An Ordinance to Constitute the Territorial Court of the Yukon Territory	231	320-329.	346	403
20. An Ordinance to Constitute the Magistrate's Court of the Yukon Territory	231	329-334.	346	403
21. An Ordinance to Constitute a Court of Appeal for the Yukon Territory	231	334-336.	346	403
22. An Ordinance Respecting Justices of the Peace	231	336-337.	346	403
23. An Ordinance Respecting Elevators and Other Fixed Conveyer Systems	231	347-349.	365	403
24. An Ordinance Respecting the Yukon Health Care Insurance Plan	311	562-564, 638-681, 691-714, 751-755, 788, 806-808.	808	816
25. An Ordinance to Amend the Game Ordinance	364	409-437, 625-630.	637	728
26. An Ordinance Respecting the Preservation of Archives of the Yukon Territory	365	388	402	403
27. An Ordinance for the Protection of Consumers	365	630-633.	638	728
28. An Ordinance Respecting Mentally Disordered Persons	444	526-528.	534	728

<u>BILLS</u>	<u>1st & 2nd READING</u>	<u>DISCUSSED</u>	<u>3rd READING</u>	<u>ASSENTED TO</u>
29. An Ordinance Respecting the Expropriation of Lands and the Determination of Compensation for the Expropriation or Injurious Affection of Lands	444	586-607.	611	728
30. An Ordinance to Amend the Evidence Ordinance	444	525-526.	534	728
31. An Ordinance to Amend the Municipal Ordinance	444	517-524, 544.	568	728
32. An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory (Fourth Appropriation, 1970/71)	482	535-543.	568	612
33. An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory (Second Appropriation, 1971/72)	568	581-586.	612	728
34. An Ordinance to Amend the Taxation Ordinance	569	569-573.	Six Month Hoist	
35. An Ordinance to Amend the Public Health Ordinance	728	738-745.	750	816
36. An Ordinance to Amend the Taxation Ordinance	786	789.	809	816
37. An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory (Fifth Appropriation, 1970/71)	787	789.	809	816

<u>SESSIONAL PAPERS</u>	<u>TABLED</u>	<u>DISCUSSED</u>
1. Workmen's Compensation - Federal Employees	3	
2. Bank Exchange Charges	3	
3. Yukon Minerals Act	3	
4. Question Re: Dawson City Sidewalk Construction Grant	3	
5. Amusement Tax	3	
6. Garbage Dumps - Highway Lodges	3	338-339.
7. Commissioner's Opening Address	3	
8. Visit of Assistant Deputy Minister	3	
9. Question #1 - Painting Contracts, Dawson City	89	
10. Grant for T.E.S.T.	89	318-320.
11. Administration of Justice - Yukon Act Repeals	184	339-341.
12. Yukon Minerals Act (Bill C-187), N.C.P.C. Amendments Act (Bill C-193), Northern Land Use Regulations	228	

<u>SESSIONAL PAPERS</u>	<u>TABLED</u>	<u>DISCUSSED</u>
13. Municipal Ordinance	404	
14. Unemployment in the Yukon	530	
15. Question #9 - Financial & Legal Advisors	609	

<u>LEGISLATIVE RETURNS</u>	<u>TABLED</u>	<u>DISCUSSED</u>
1. Health Inspectors	184	184
2. Campground Firewood for Haines Junction Area	266	
3. Question #4 - Child Welfare Services	310	
4. Campground Expansion	310	
5. Social Welfare Budget	310	
6. Question Re: Corrections Budget	343	
7. Question Re: Library Services Branch, Territorial Archives	343	
8. Library Services Branch, Grant to Boreal Institute	343	
9. Question #6 - Old Age Security	392	
10. Y.V.T.T.C. - Heavy Equipment Operators' Training Course, Work Experience Projects	404	
11. Question #7 - Dempster Highway	404	
12. Audio Visual Equipment	404	
13. Question Re: Refinery, Haines Junction	404	
14. Question #8 - L.P.R.T. & Frontier Package Television	404	
15. Question #2 - C.N.T. Commitments	404	
16. Question Re: Employment Liaison Officer	404	
17. Car Pool	404	
18. Family Planning Programme	404	
19. Question Re: Classified Operators' Licences	636	
20. Question Re: Trailer Assessments	683	
21. Pollution - Venus Mines Ltd.	683	
22. Projected Classroom Requirements, Yukon Schools	727	
23. Road Equipment Replacement - Special Account	727	
24. Consumers' Association of Canada, Whitehorse Branch	727	794-803.
25. Question Re: Operation of Motor Vehicles and Fuel Oil Tax Ordinance	747	
26. Question #10 - Sewage Treatment Plants	747	
27. Motion for the Production of Papers No.1	809	

<u>CORRESPONDENCE and DOCUMENTS</u>	<u>TABLED</u>
Territorial Accounts, March 31st, 1970	3
Land Transactions	3
Regulations, Interpretation Ordinance	3
Commissioner's Annual Report, March 31st, 1970	3
Mid-Canada Report	136
Preliminary Evaluation of the Direction for Tourist and Recreation Development in the Tagish, Bennett, Atlin and Marsh Lake Area of the Yukon	136
Letter from the City of Whitehorse	184
Annual Report for 1970 of the Yukon Hospital Insurance Services	480
Canada North, Man and the Land	727

<u>MOTIONS</u>	<u>MOVED</u>	<u>DISCUSSED</u>	<u>RESULTS</u>
1. Special Committee on the Yukon Quartz Mining Act, the N.C.P.C. Act and Land Use Regulations	46	46-47	Carried
2. Sessional Papers No. 3 & 6	79		Carried
3. Sessional Papers No. 10 & 11	266		Carried
4. Family Planning Programme	266	266-267, 755-756.	Withdrawn
5. Administration of Justice - Yukon Act Repeals	363	363	Carried
6. Representative at the Pave the Alaska Highway Conference	392	392	Withdrawn
7. Subscription to the Journals of the Northwest Territories	609	609	Carried
8. Liquor Ordinance to be moved back to Committee of the Whole	683	683-685.	Carried
9. Community Development Grant Fund	686	686-688, 789-793.	Withdrawn
10. Dr. Horwood to attend Committee	782	782-783.	Withdrawn
11. Legislative Return No. 24	783	783-784	Carried

<u>MOTIONS FOR THE PRODUCTION OF PAPERS</u>	<u>MOVED</u>	<u>DISCUSSED</u>	<u>RESULTS</u>
1. Pollution Report	782	782	Carried

<u>QUESTIONS</u>	<u>ASKED</u>	<u>DISCUSSED</u>	<u>ANSWERED</u>
1. Painting D.O.T. Housing Units, Dawson City	7		S.P. 9
2. C.N.T. Telephone Service in Greater Metropolitan Area	47		L.R. 15
3. Health Inspectors	48		L.R. 1
4. Child Welfare Services	185		L.R. 3
5. Campground Firewood for Haines Junction Area	185, 786.		L.R. 2
6. Old Age Security in Yukon	229		L.R. 9
7. Dempster Highway	229		L.R. 11
8. L.P.R.T. - Ross River and Frontier Package Television - Teslin and Faro	310		L.R. 14
9. Cost of Financial Adviser and Legal Adviser for Yukon Legislative Council	406		S.P. 15
10. Funds for Sewage Treatment Plants in the Yukon	568		L.R. 26

MISCELLANEOUS

<u>Reports of Committees</u>	<u>Page</u>
Special Committee on Resource, Environmental Control and Land Use Legislation	85, 136.

<u>Oral Questions</u>	<u>Page</u>
Yukon Minerals Act (Bill C-187)	7, 728
Land Use Regulations	7, 728
N.C.P.C. Act (Bill C-193)	7
Representations to Federal Government	7
Yukon Builders' Exchange and Contractors' Association	7
Shopping Centre Complex	7
School Bus Contract	8, 49, 79, 80, 81, 88
Licence Plates	8
Taxation	8, 133, 185
Pipelines	8, 229, 393, 532, 609
Constitutional Conference	47
Takeover of Alaska Highway	47, 230, 482, 610
Office Space	48
Mayo Hospital	48, 406
Dempster Highway Contract Tenders	82
Rental of Community Clubs	82
Deputy Minister	85, 310
Yukon Transportation Association Brief	86, 91
Negotiations with Chamber of Mines	90
Transfer of Fisheries and Setting of Angling Fees	90, 480
P.S.V. Licences	132, 567
Transfer of Lands	132
L.P.R.T. and Frontier Package Television	133
Timber Harvesting	137
School Ordinance	137
Joint Meeting of Territorial Councils	228, 267, 345, 440
Water Export Proposals	228
Area Superintendent of C.N.T.	229
Minister's Visit	230, 344, 364, 392
Grant to City of Whitehorse	230, 310
Low Cost Housing	267
Time Zone, Dawson	267, 343
Metropolitan Area Boundaries	268
C.B.C. Officials	268
Employment Liaison Officer	311
T.E.S.T. Grant	345
Refinery, Haines Junction	345
Trailer Court Site, Whitehorse	364, 393
Appeal from Medical Referee	364
Faro School	393
Tourist Booth, Watson Lake	393
Operation of Motor Vehicles and Fuel Oil Tax Ordinance	404
Area Development Regulations	404, 482
Protection of Labour Force	405, 440, 480, 609
Classified Operators' Licences	405
C.N.T. Relay Station	405
Beer Prices	405
Rate Equalization, Yukon Electric	441
Rate Equalization Fund Interest	441
Sewage Treatment Plant	441
Sumner Transients	441
Pollution - Venus Mines	442
Payment Delays	442
Trailer Assessments	442
Housing Rental Policy	481
Pollution	531, 567, 637, 728
Dawson Dump	531, 785
Corridor Carpeting	531
Wildlife Exhibits	532
Fire Insurance	533
Executive Committee	533
Land Purchase Policy	610
Administrator	610

Oral Questions (cont'd)

	<u>Page</u>
Yukon Consumers' Association Brief	610, 689
Legislative Building Site	636
Litter Legislation	637
Superintendent of Education	688
Liquor Inspectors	688
Narcotics Education in Schools	727
Treatment of Drug Abusers	727
Wishart Report	748
Legicare System for Department of Justice	784
Road between Alaska and Yukon	785
Bridge at Dawson City	785
Paving of Highway, Watson Lake	785

WITNESSES

	<u>Page</u>
Bill No. 1	Inspector G. Marcoux Staff Sergeant Johnson Mayor A.J. Wybrew 34-40 34-40 548-553
Bill No. 9	Mr. R.A. Williams Mr. W.A. Bilawich 366-370 366-370
Bill No. 12	Mr. M.E. Miller Mr. C.B. Murphy Mr. V. Ogison Mr. K.J. Baker Mr. J.B. Fitzgerald Mr. G.K. Fleming, M.E.C. 54-77 145-153 154-160 170-179 240-247 54-77, 170-179
Bill No. 15	Mr. H.J. Taylor 573-581
Bill No. 17	Mr. Gordon Gee Mr. H.J. Taylor 278-301, 446-478, 483-517 285-301, 446-478, 483-517 757-780
Bill No. 18	Mr. H.J. Taylor 313-318
Bill No. 24	Dr. R.A. Armstrong Dr. W.R. Buchan 638-681, 691-701 638-681, 691-701
Bill No. 25	Mr. S. Reynolds Mr. J.B. Fitzgerald Mr. R.A. Hodgkinson, M.E.C. 421-437 409-437 409-437
Bill No. 32	Mr. M.E. Miller Mr. G.K. Fleming, M.E.C. 535-543 535-543
Legislative Return No. 24	Mrs. Christensen Mrs. L. Lane 794-803 794-803

ERRATA

Page 124	Marginal Note should read "Bill #12, Vote 20"
Page 343	Date should read "Wednesday, February 24th, 1971"
Page 535	Marginal Note should read "Bill #32"
Page 573	Line 27, should read "minimum wage to \$1.75..."
Page 673	Line 53, speaker should be "Mr. Taylor"
Pages 674 & 675	Should be pages 675 and 674 respectively
Page 728	Marginal note should read "Bills No. 4, 6, 8, 14, 25, 27, 28, 29, 30, 31, 33 Assented To"
L.R. No. 21	Page 1, paragraph 3, line 1 should read "Department of Indian Affairs and Northern Development"

VOTES AND PROCEEDINGS
OF THE
COUNCIL OF THE YUKON TERRITORY

Page 1.
Monday, February 8th, 1971.
3:00 p.m.

The First Session of the Council for the year 1971, being the Second Session of the Twenty-Second Wholly Elective Council of the Yukon Territory, was convened in the Council Chambers at 3:00 p.m. on Monday, February 8th, 1971.

The Members present were:

Mr. Norman S. Chamberlist, Whitehorse East
Mr. J. Kenneth McKinnon, Whitehorse West
Mr. Ronald A. Rivett, Mayo
Mr. Michael G. Stutter, Dawson
Mr. Clive Tanner, Whitehorse North
Mr. Donald E. Taylor, Watson Lake
Mrs. Hilda P. Watson, Carmacks-Kluane Lake

The Clerk read the Proclamation.

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The Second Session of the Twenty-Second Wholly Elective Council of the Yukon Territory will now come to order. Mr. Clerk, will you please ascertain when the Commissioner might be available to give his Opening Address to Council?

Mr. Clerk leaves the Chambers to confer with the Commissioner and returns.

Mr. Clerk: Mr. Speaker, the Commissioner will give his Opening Address in ten minutes in the Territorial Court Room.

Mr. Speaker: The Council now stands adjourned to hear the Commissioner's Opening Address in the Territorial Court Room.

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

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

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

Mr. Speaker and the Councillors returned to the Council Chambers.

Mr. Speaker: I now call Council back to order, and wish to advise you that I have a copy of the Commissioner's Opening Address. What is your pleasure at this time?

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

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

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Dawson City, that the Opening Address of the Commissioner be taken into consideration on a day following. Are you prepared for the question? Are you agreed? I will declare the motion carried.

*MOTION
CARRIED*

MOTION CARRIED

BILL #1

Mr. Chamberlist: Mr. Speaker, I beg to move, seconded by Councillor Watson, for leave to introduce Bill No. 1, entitled An Ordinance to Amend the Liquor Ordinance.

Mr. Speaker: Are you prepared for the question? Are you agreed? I will declare the motion carried.

*MOTION
CARRIED*

MOTION CARRIED

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

Mr. Taylor: I would second the motion.

Mr. Speaker: It has been moved by the Honourable Member for Dawson City, seconded by the Honourable Member for Watson Lake, that we now call it five o'clock. Are you prepared for the question? Are you agreed? I will declare the motion carried.

*MOTION
CARRIED*

MOTION CARRIED

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

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

Mr. Chamberlist: Mr. Speaker, at this time I rise on a point of privilege....

Mr. Speaker: Point of order. Mr. Clerk, is there a quorum?

Mr. Clerk: There is Mr. Speaker.

Mr. Speaker: I will now call the House to order.

Mr. Chamberlist: My apologies for my exuberance, Mr. Speaker; I rise on a point of privilege. Mr. Speaker, I feel that as we are now venturing on to a new stage of governmental procedure in the Yukon, each time before the Council Session is called, I will be presenting to Members of Council a short report on the work of the Executive Committee. Mr. Speaker, the members of the Executive Committee, the elected members, have been spending considerable time during the few months that we have been in this office in learning much about the administrative operations of the Territorial Government. The time that has been spent has been very long--long hours, weekends, Saturdays and Sundays. We found that there has been great communication between Territorial Council Members and the members of the Executive Committee in discussions, as and when required, and the functions that have been performed have been performed with the help of those appointed members of the Executive Committee. We have found complete co-operation, and speaking for Councillor Watson and myself, it is our hope that all Council Members will take the opportunity to consult with us at any time. The doors of the Committee members are open to them at any time; and, likewise to any member of the public. Thank you, Mr. Speaker.

Mr. Speaker: Are there any Documents or Correspondence to be tabled?

Mr. Chamberlist: Yes, Mr. Speaker. The Government has the following for tabling: Sessional Papers Nos. 1 to 8 inclusive; and, pursuant to the Financial Administration Ordinance, the Territorial Accounts for the fiscal year ending March 31st, 1970; pursuant to the Yukon Lands Ordinance, those land transactions that have taken place since the last Session of Council; pursuant to the Interpretation Ordinance, the regulations of the Yukon Territory; and, the Commissioner's Annual Report for the fiscal year ending March 31st, 1970. Thank you, Mr. Speaker.

Mr. Speaker: Are there any further Documents or Correspondence to be tabled? Are there any reports from the various committees? Are there any bills to be introduced?

Mr. Chamberlist: Yes, Mr. Speaker. We are now prepared to introduce Bills No. 2 to No. 12 inclusive. I will introduce the bills individually and give a succinct explanation, as is required and can be made in accordance with Beauchesne's Rules.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 2, An Ordinance Respecting a Financial Agreement Between the Government of the Yukon Territory and the Government of Canada, be introduced.

MOTION CARRIED

BILL #2
INTRODUCED

MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 3, An Ordinance to Amend Certain Ordinances Respecting Fees and Licences, be introduced.

MOTION CARRIED

BILL #3
INTRODUCED

MOTION
CARRIED

BILL #4 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
INTRODUCED Bill No. 4, An Ordinance to Amend the Fuel Oil Tax Ordinance, be introduced.

MOTION MOTION CARRIED
CARRIED

BILL #5 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
INTRODUCED Bill No. 5, An Ordinance to Authorize the Commissioner to Lend Money to the Village of Faro for Various Purposes, be introduced.

MOTION MOTION CARRIED
CARRIED

BILL #6 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
INTRODUCED Bill No. 6, An Ordinance to Repeal the Amusement Tax Ordinance be introduced.

MOTION MOTION CARRIED
CARRIED

BILL #7 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
INTRODUCED Bill No. 7, An Ordinance to Amend the Yukon Loan Ordinance 1955, be introduced.

MOTION MOTION CARRIED
CARRIED

BILL #8 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
INTRODUCED Bill No. 8, An Ordinance to Amend the Fur Export Ordinance, be introduced.

MOTION MOTION CARRIED
CARRIED

BILL #9 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
INTRODUCED Bill No. 9, An Ordinance to Amend the Taxation Ordinance, be introduced.

MOTION MOTION CARRIED
CARRIED

BILL #10 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
INTRODUCED Bill No. 10, An Ordinance to Authorize the Commissioner to Borrow a Sum Not Exceeding One Hundred and Fifty Thousand Dollars from the Government of Canada for the Purpose of Making a Loan to the City of Whitehorse and to Authorize the Commissioner to Enter Into an Agreement Relating Thereto, be introduced.

MOTION MOTION CARRIED
CARRIED

BILL #11 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
INTRODUCED Bill No. 11, An Ordinance to Authorize the Commissioner to Lend Money to the City of Whitehorse for the Updating and Upgrading of Whitehorse Water and Sewer Systems, be introduced.

MOTION MOTION CARRIED
CARRIED

BILL #12 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
INTRODUCED Bill No. 12, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be introduced.

MOTION MOTION CARRIED
CARRIED

Mr. Chamberlist: There are no further bills to be introduced, Mr. Speaker.

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

Mr. McKinnon: Mr. Speaker, I think it incumbent upon me to rise on a question of personal privilege at this time. I think it is a right that

Mr. McKinnon continued....

affects very deeply every and all Members of this House. It is, Mr. Speaker, the travesty that we have just gone through on the introduction of bills. It has always been the tradition of this House, Mr. Speaker, that bills were made available to the Members prior to the Session of Council opening. This has always aided and abetted the Council, Mr. Speaker, in bringing about the efficient, effective and quick dispatch of business. I see no reason, Mr. Speaker, why this tradition should be changed at this time. I know the Honourable Member from Whitehorse East was the one who appreciated this courtesy more than anybody else because he assiduously studied all these matters of legislation prior to House commencing, and, of course, was a very effective Member because of his ability to see these pieces of legislation prior to the House commencing. If we are going to play all these archaic little political games in the Yukon because of the change in the system of government, I think the Yukon is going to be the loser for it. I can't go along if the argument is used that the timing was not there to be able to have parts of this legislation presented to Members prior to Council sitting. Indeed, I received a letter from the Commissioner possibly a week to ten days prior to Council, saying that legislation which was ready would be forwarded to Members for their perusal. I find it impossible, Mr. Speaker, to be able to effectively represent my constituents at this time having just seen this legislation cold, and then being asked to make decisions on it immediately. I think that it is a responsibility of those members in charge of the government to give the courtesy and the rights and privileges that were extended to all Members of this House prior. I think it is an extremely sad day for the Yukon; I think it is a breach of the privileges of this House which was always traditional, for these bills not to be made available to the Members prior to the Legislature Sitting.

Mr. Chamberlist: Now, Mr. Speaker, speaking on the Honourable Member's point of privilege, I find this most difficult to understand and reconcile these statements that have just been made, with the everlasting and ever-increasing strength of the Honourable Member's wording in calling and screaming for more responsible government. Mr. Speaker, it has been a practice in every legislature in Canada, for both Provincial and Federal, for bills to be introduced in the House in the manner that they were introduced today. There has been in the past, and there was a reason, of course, and I participated most strongly in asking for legislation to be given to Members of Council prior to the opening of Council. The reason at that time was obvious, Mr. Speaker. There were no elected Members of Council in the Executive Committee position. The difference is here today. I feel that it is necessary to support the Honourable Member's from Whitehorse West claim that we go toward responsible government as quickly as possible, that the evolution from colonial type government to proper parliamentary procedure in government should be maintained and should be turned to as quickly as possible. I supported him. I support him now in that, and I have always supported him. It is because of his strong wishes that the Executive Committee has gone toward the procedure that we are now using. Mr. Speaker, I would ask Members of Council to look at Standing Orders, and if they refer to Beauchesne's Standing Order No. 71, which has long been in effect, going back to December 20th, 1867, "Every bill is introduced upon motion for leave, specifying the title of the bill; or upon motion to appoint a committee to prepare and bring it in." and "A motion for leave to introduce a bill shall be decided without debate or amendment, provided that any member moving for such leave may be permitted to give a succinct explanation of the provisions of the said bill." Now, Mr. Speaker, we have simply followed a long standing recognized principle of parliamentary process and I cannot really agree that there is indeed, a point of privilege at all in what the Honourable Member has now said. It is the clean, clear objective of the Executive Members of the Committee to allow Members of Council

Mr. Chamberlist continued....

all considered time that they require to study the bills and the legislation, that there would be no objection at all to Members maintaining their right to study the bills before they make any decisions on behalf of their constituents. I can assure the Honourable Member that I will and, I am sure, the Honourable Member from Carmacks-Kluane will, do everything possible to maintain for his constituents that right that they have that their representative be in a position to discuss the legislation that comes before this House. I give him that assurance. I will see, to the best of my power, that that assurance will be maintained. Thank you, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, when the traditions of this House are changed, I would say that that is a breach of rights and the privileges of Members, and is a bona fide question of privilege. The Honourable Member from Whitehorse East gave me the assurance last fall that there would be office space available so that Members would be able to work for their constituents and be able to have a place where they could study. I'm carrying a portable library around, Mr. Speaker, because that has not come to pass. There is no place where a Member can study legislation, where he can work on legislation, where he can work for his constituents. If that is the same kind of assurance and promises I am going to receive from the Honourable Member with the same degree of success, then I am doubly worried and I think that the question of privilege is twice as valid. Now, Mr. Speaker, the Honourable Member from Whitehorse East made an apology for all that is sick, all that is wrong, all that is archaic, all that is objectionable in democracies today, and why democracies all over the world are crumbling. There is no reason why we can't bring a fresh and a vital and a new approach to democracy in the Yukon. One of those areas where we can be different is that all Members of the House are concerned and all Members of the House are made aware of what is happening. This may sound like I may be saying it because it is an easy thing to say at this time, but, I can assure Mr. Speaker and all Honourable Members that if the roles were reversed there would have been absolutely no objection on my behalf in making all Members of Council receive and be aware of legislation as soon as it was made available and processed through the Legislative Programming Committee. I think this is one area where we could bring efficiency and dispatch to the House. It is one area where we used to have these rights and privileges; they have now been taken away. I think, Mr. Speaker, that you should rule on them and rule that it should still be the tradition of this House to continue as they did in the past, that legislation be made available to Members at the earliest possible opportunity.

Mr. Speaker: I will take the matter under advisement. Are there any Notices of Motion or Resolution?

MOTION # 1

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion this morning, moved by myself, seconded by Councillor McKinnon, that a special committee consisting of all Members of the whole House be now appointed to consider proposed changes to: (1) The Yukon Quartz Mining Act, (2) The N.C.P.C. Act, (3) Proposed Land Use Regulations and all matters pertaining thereto, such committee to be titled "The Special Committee on Resources, Environmental Control and Land Use Legislation".

Mr. Speaker: Are there any further Notices of Motion? Are there any Notices of Motion for the Production of Papers? As there are no Notices of Motion for the Production of Papers, we now come to Questions. Mr. Clerk, will you see if the Commissioner is available? We will now have a short recess.

RECESS

RECESS

Mr. Speaker: The House will now come to order. Are there any questions?

Mr. Stutter: Mr. Speaker, I have a question here for the Commissioner. This is a question arising out of the interior painting now being done in the D.O.T. housing units in Dawson City. What is the maximum value of work that can be undertaken without calling for public tenders? What companies were contacted for quotations for this job? What were the quotations from these companies? And, why was the only registered painter in Dawson not invited to participate? I would like a written answer to that, if possible.

*QUESTION RE
PAINTING OF
D.O.T. HOUSES
IN DAWSON.*

Mr. McKinnon: Mr. Speaker, I would like to know whether the Commissioner being the Chief Executive Officer of the Yukon Territory, has made representation to the Government of Canada concerning Bill C-187.

*QUESTION RE
BILL C-187*

Mr. Commissioner: The answer is in the affirmative.

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner whether he has made representation to the Government concerning the Territorial Land Use Regulations.

*QUESTION RE
LAND USE
REGULATIONS*

Mr. Commissioner: Mr. Speaker, the answer is in the affirmative, but they are not in the Government's hands yet. I have just had copies of this made available to me here, just a few day ago. I am in the process now of making these representations, but as yet, they are not in the Government's hands, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, I would like to know whether Mr. Commissioner has made representation to the Government of Canada concerning the N.C.P.C. Act.

*QUESTION RE
N.C.P.C.
ACT*

Mr. Commissioner: The answer is in the affirmative.

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner whether these representations will be made public or be given to Members of the Council of the Yukon Territory, that we may know what the Chief Executive Officer of the Yukon Territory is doing on behalf of the Yukon and on behalf of the people of the Yukon.

*QUESTION RE
REPRESENTA-
TIONS TO
FEDERAL
GOVERNMENT*

Mr. Commissioner: Mr. Speaker, I would be quite prepared to make a precis or make a statement to Council in connection with these things, but I would not be able to table the actual correspondence itself. But, I am certainly prepared to table extracts from it, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner whether he has received a petition from the Yukon Builders' Exchange and Contractors' Association asking for a preferential bid differential of 10% on all contracts let by the Government of the Yukon Territory in favour of resident contractors, and whether he has a statement to issue whether his government supports this petition or not.

*QUESTION RE
YUKON
BUILDERS'
EXCHANGE AND
CONTRACTORS'
ASSOCIATION*

Mr. Commissioner: Mr. Speaker, this was delivered to my desk yesterday afternoon and I have, this morning, asked my officers to examine this petition and we will be in a position to make a statement concerning the content of the request that has been made here in the course of the next few days.

Mr. McKinnon: Mr. Speaker, I wonder if Mr. Commissioner would be willing to table the bids and table the requirements of the successful bidder for the shopping centre complex over in the Riverdale subdivision. What were the terms and conditions of the contract, and is the successful bidder living up to those terms of contract?

*QUESTION RE
SHOPPING
CENTRE
COMPLEX*

Mr. Commissioner: Mr. Speaker, there was no bid. There is no bid to table. The shopping centre complex that I believe the Honourable Member is referring to is that portion of land that is located in Riverdale that

Mr. Commissioner continued....
was zoned for shopping centre purposes. There was a bid called on it originally when it was first made available. I'm sorry, I can't, off the top of my hat, give you the exact situation that occurred at that time. If my memory serves me correctly, I do not believe that any bids were received. As a consequence, that parcel of property along with any other property then became available for purchase from the Lands Department under the same terms and conditions as any other property in Riverdale could be purchased. Those are the terms and conditions under which it has been sold. Those are the terms and conditions that apply in the Lands Disposition Regulations that are in effect at this time.

QUESTION RE
SCHOOL BUS
CONTRACT

Mr. McKinnon: Mr. Speaker, I see that Mr. Commissioner has been advertising via the press that there will be a statement concerning the school bus contract issued by his office on Wednesday or Thursday. I wonder if it is the intention of the Commissioner to also release this, or perhaps, maybe even have the courtesy of releasing this to the Council prior to it being released publicly.

Mr. Commissioner: Well, Mr. Speaker, there are many things that I read in the press that I find out about what I am to do in this matter. I can assure you that whatever has to be said or is going to be said about this, there is no reason why it cannot be made available here in the Council as the information to the public.

QUESTION RE
LICENCE
PLATES

Mr. Taylor: Mr. Speaker, I have a question to direct to Mr. Commissioner this morning. I'm wondering, Mr. Speaker, if I could find out from Mr. Commissioner why these licence plates are not on sale and when they will be on sale.

Mr. McKinnon: Because they're going up, baby.

Mr. Commissioner: Mr. Speaker, there is legislation that will be introduced in the course of this Session that has a bearing on this situation and until that is tabled and dealt with here by Council, I am unable to answer the Honourable Member's question.

QUESTION RE
TAXATION

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner a final question. In the Commissioner's Opening Address, he said that a sense of uncertainty about the immediate future is prevalent here in Yukon these days. Mr. Speaker, I couldn't agree with the Commissioner more on this statement that he makes. I would like to ask Mr. Commissioner whether he feels that the imposition of new taxation at this time is going to change this air of uncertainty which both he and I admit is prevalent and present in the Yukon at this time.

Mr. Commissioner: Mr. Speaker, it is up to this House to make that decision. I certainly feel it to be inappropriate to comment on that at this time.

QUESTION RE
PIPELINES

Mr. Stutter: Mr. Speaker, I have a question for the Commissioner. I wonder if he could tell us whether any commitments have been made by the government for pipeline routes through the Yukon, and also, will extensive ecological surveys be made or undertaken along proposed routes before the commitments are made?

Mr. Commissioner: Mr. Speaker, the first part of the Honourable Member's question I can answer and the answer is in the negative. There has been no commitment made by my Minister to any company concerning the route of a pipeline. Now, the second part of the Honourable Member's question, I think is very all-encompassing Mr. Speaker, and there will be, subject to Council's acceptance of this offer, senior officers of the department available here to discuss with Council land use regulations and similar matters. I wonder if the Honourable Member would take that question up at the time with these people in the department. I'm sure he would get

Mr. Commissioner continued....

a much better and a clearer and more definitive answer than what I am able to give him at this time.

Mr. Speaker: Are there any further questions? We wish to thank the Commissioner for his attendance at Council. We will now have a short recess.

RECESS

RECESS

Mr. Speaker: The House will come to order. Are there any Private Bills? Are there any Public Bills and Orders?

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

*BILL #1
FIRST READING*

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chamberlist: Mr. Speaker, I beg leave that Second Reading be given, seconded by Councillor Watson, to Bill No. 1, An Ordinance to Amend the Liquor Ordinance.

*BILL #1
SECOND
READING*

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that Bill No. 1, An Ordinance to Amend the Liquor Ordinance, be given Second Reading at this time. Are you prepared for the question?

Mr. McKinnon: Before the question is called, Mr. Speaker, I would like to make some comments on what I consider the principle behind the reason for the introduction of this Bill and First and Second Reading at this time. I disagree with the Bill being brought before the House at this time. I think that the Honourable Members of the Executive Committee are "running scared" and I don't think that is the fault of the Ordinance in any way, shape or form. I don't think that there has been a piece of legislation that has passed this House that has won the unanimous approval of the public in more ways than the Liquor Ordinance that was passed by the last Council. I think that the members of the public, at large, in the Yukon Territory have proved themselves to be mature, sensible and responsible in their new-found liberalized liquor regulations and privileges. I think any fault that has accrued out of the Ordinance has been strictly a matter of non-enforcement of that Ordinance. I think members of the public have lost the very valid point that it is against the law for people to be found intoxicated in a public place. Now, all the complaints that you hear considering the Liquor Ordinance, Mr. Speaker, are those complaints about people who are drunk, drinking on the streets, and people who are drunk, smashing bottles on the streets. The majority of the public, for whom legislation should be made, are not drunk on the streets and are not smashing bottles on the streets. Because of the very, very infinitesimal group in the Yukon who are not mature enough to accept the privileges that the liberalized drinking laws brought about, the rest of the public is to be penalized because of it. Mr. Speaker, I know where the problem arises. The problem arises at two-thirty in the morning when the bars close and the bar owners are attempting to get these people out of the bar establishment. Those people take the drinks off the table and the bottles of beer off the table, which is illegal in the first place, then go out on the street, finish what they are drinking, and smash the container, the can or the bottle onto the streets, which is also illegal. The enforcement is minimal at this time, and Mr. Speaker, I can say with no qualms whatsoever, that if there were religious enforcement of this Ordinance at this time of the morning for a period of about two weeks, and convictions brought in the Territorial Court on this problem, the problem would cease and there would be no reason in any way to amend the Ordinance at this time. I say, Mr. Speaker, I don't think the Ordinance was given a fair chance to work, I don't think the enforcement of the Ordinance was good enough, and I'm sure that if the enforcement had been

Mr. McKinnon continued....

there, because the law is there that does not allow people to do these things, then there would be no reason for the Legislature to be "running scared" because of a minority of people who are abusing the privileges that were granted them. I don't think that legislation should be brought in for those 1 or 2 percent of people who do not know how to live by the Ordinance. I think that they should be prosecuted and this was not done. I don't think that we should penalize those 98 percent of people.....

Mr. Speaker: I suggest that the Honourable Member make his comments later.

Mr. McKinnon: Mr. Speaker, if you will study any of the traditions of the House you will know that a Member is allowed to speak on principle on Second Reading of a bill. The principle of the Bill is to change those privileges that were accorded under the last changes to the Liquor Ordinance. I am against those changes of principle, and that is exactly what I am speaking of at this time. I'm positive that if you will check the House records, you will find that this is perfectly my prerogative to do so. I was just about to conclude my remarks. I don't believe that this Bill should be changed at this time, and, as I say, Mr. Speaker, I think that if we had had the proper enforcement of the Ordinance, there would be no reason to bring this amendment to the Ordinance before the House.

Mr. Chamberlist: Mr. Speaker, I want to assure the Honourable Member in the House that the Executive Committee members--all Executive Committee members--do not "run scared", as he will no doubt learn in the very near future. We don't intend to "run scared", as he puts it. The principle involved in presenting this amendment at this time is simply that as a result of public representations that have been made to the Government of the Yukon Territory, this piece of legislation has been forthcoming. I trust after it has gone into Committee of the Whole, and been discussed thoroughly, that the Honourable Member who has just spoken will then be able to view quite objectively why the legislation is necessary. Thank you, Mr. Speaker.

Mr. Speaker: The motion before the House reads, "It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that Bill No. 1, An Ordinance to Amend the Liquor Ordinance, be given Second Reading at this time." Are you prepared for the question? Agreed?

*MOTION
CARRIED*

MOTION CARRIED

Mr. Taylor: Mr. Speaker, in order that we can proceed with work today and also in view of the fact that we have only one bill for discussion today, I would like to move at this time that Standing Order No. 41 be suspended, and that we revert to Orders of the Day in order to further process bills.

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

Mr. Speaker: It has been moved by the Member from Watson Lake, seconded by the Member from Whitehorse East, that Standing Order No. 41 be suspended for the purpose of giving First and Second Reading to these Bills. Are you prepared for the question?

Mr. McKinnon: Mr. Speaker, I have no objection at all in giving unanimous consent, or giving consent, if we are going to bring these Bills up to the point where they can be studied. I would find it impossible to give consent if we were going to further process these Bills today, in going through a clause by clause examination. As I said this morning, we have just received these Bills, cold, this morning. I don't think that there is a Member of Council, other than those on the Executive Committee, who could intelligently discuss the clauses of any of these Bills without first being given an

Mr. McKinnon continued....

opportunity to sit down, look at the legislation, and examine it. If we are intending to start going through clause by clause examination of Bills today, then I will not be able, in conscience, to give unanimous consent of the House so that we can process these Bills further. It would just be impossible and a sham for the Members of this House to try to attempt to go into legislation at this moment without having had an opportunity to study it beforehand.

Mr. Chamberlist: Well, Mr. Speaker, I respect the Honourable Member's comments and I would like to assure him at this time that there are other matters besides Bills, such as Sessional Papers, that can be taken into consideration in Committee of the Whole. Obviously, if he doesn't give his acquiescence to the Motion that has been made, then we are put off with our work a further 24 hours and the Bills will not be forthcoming for a further 24 hours. I think that I can assure the Honourable Member that if he does agree to the Motion, so that we have unanimous consent, it will surely be up to the discussion with the Chairman of Committee which will decide the routine that will be adopted from then on.

Mr. McKinnon: Well, if I can receive that assurance....

Mr. Taylor: Mr. Speaker, the only purpose in moving the Motion that I have moved, to suspend Standing Order No. 41, is that so we might get on with the work of the Territory. It requires unanimous consent. If any Member at all votes against it, it leaves us with one piece of work to do. There are no Sessional Papers in Committee at this time, and until some Member, in the proper manner, moves these into Committee, we have one piece of work and that is Bill No. 1 which is now in Committee. I would ask for the total support of all Members in order that we may get on with the business of the Territory.

Mr. Speaker: Are you prepared for the question? Agreed?

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chamberlist: Mr. Speaker, at this time, I beg leave to give First Reading, seconded by Councillor Watson, to Bill No. 2, An Ordinance Respecting a Financial Agreement Between the Government of the Yukon Territory and the Government of Canada.

*BILL #2
FIRST
READING*

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that Bill No. 2, An Ordinance Respecting a Financial Agreement Between the Government of the Yukon Territory and the Government of Canada be given Second Reading at this time. Are you prepared for the question? Agreed?

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: That should be First Reading rather than Second Reading. When shall the Bill be read for a second time?

Mr. Chamberlist: Mr. Speaker, I beg leave to give Second Reading, seconded by Councillor Watson, to Bill No. 2, An Ordinance Respecting a Financial Agreement Between the Government of the Yukon Territory and the Government of Canada.

*BILL #2
SECOND
READING*

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that Bill No. 2, An Ordinance Respecting a Financial Agreement Between the Government of the Yukon Territory and the Government of Canada, be given Second Reading at this time. Are you prepared....

Mr. McKinnon: Mr. Speaker, before question is called, this just shows the ridiculousness of this situation. On Second Reading, all Members agree to

Mr. McKinnon continued....

the principle of a Bill. Now, if any of the Members know the principle and the contents of any of these Bills, other than the title of them, at this time, then they are much more informed than I am. So, here we are, giving agreement in principle to these Bills that have just been presented on our desks this morning, and none of us, except those members of the Executive Committee know the contents of those Bills or what is contained within them. This is the point where Members are supposed to stand and make objections on principles of that legislation which has been given Second Reading. When you accept the point in principle, you have completely lost the effectiveness of being a Member of the Legislature of the Council of the Yukon Territory. I am going to vote against the Second Reading of all these Bills, because I haven't got a clue as to what they contain; I haven't got a clue as to what the principle is behind them or what the Bill is all about.

Mr. Taylor: Mr. Speaker, I would just like to comment on the remarks, again, made when discussing the principle of this Bill by the Honourable Member, and state that when we give Second Reading to a bill, by giving Second Reading to it, or agreeing to it, we do not necessarily accept the principle of the bill. It is given Second Reading to be put to Committee so that it may be discussed; so that we may learn about the bill, why it was created, what it is all about and what effect it may have on the public whom we serve. I think it would be very wrong to lead people to feel that by giving Second Reading to a bill, that they are in fact agreeing with the bill. I just wish to make that point quite clear. If it be the wish of the Honourable Member to impede the progress of these Bill, that is his prerogative but I suggest that we get on with the job.

Mr. McKinnon: Mr. Speaker, all I can say is the Honourable Member from Watson Lake did not agree to the introduction of the Bills for the very same reason that I am giving now, because he didn't know the contents of the Bills. Now he will agree to them in principle.

Mr. Chamberlist: Mr. Speaker, I must rise here because it seems fairly obvious that the Honourable Member from Whitehorse West is determined to restrict the operation of this Assembly. I think that he knows full well that the intent of this Assembly is to get on with the business of the House as has been indicated by the Honourable Member from Watson Lake. I ask the Honourable Member, Mr. Speaker, to make it quite clear to the rest of the Members of this House that he is a Member of this House and has a responsible position and a responsibility to the people of the Territory that he doesn't appear to be fulfilling at this time. I hope that he doesn't continue in this manner for evermore.

Mr. McKinnon: Mr. Speaker, the rights and the privileges of this House are being completed trodden over and over-ridden, and that is the only point that I am making. I think that it is a sham for people to agree in principle on bills that they have had no chance to study nor know the contents of. All I am saying is that this has not been done in the past. It looks like it is going to be in the future and I say that it is a sad day for the Yukon. That is all I say.

Mr. Speaker: Are you prepared for the question? Agreed?

*MOTION
CARRIED*

MOTION CARRIED

*BILL #3
FIRST
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 3, An Ordinance to Amend Certain Ordinances Respecting Fees and Licences, be given First Reading.

*MOTION
CARRIED*

MOTION CARRIED.

*BILL #3
SECOND
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 3, An Ordinance to Amend Certain Ordinances Respecting Fees and Licences, be given Second Reading.

*MOTION
CARRIED*

MOTION CARRIED

Mr. Chamberlist: Mr. Speaker, I wonder if we could have a short adjournment at this time.

Mr. Speaker: We will now have a short recess.

RECESS

RECESS

Mr. Speaker: The House will now come to order.

Mr. Chamberlist: Mr. Speaker, I beg leave to give First Reading, seconded by Councillor Watson to Bill No. 12, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that Bill No. 12, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be given First Reading at this time. Are you prepared for the question? Are you agreed? Motion carried.

*BILL #12
FIRST
READING*

MOTION CARRIED

*MOTION
CARRIED*

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

Mr. Chamberlist: I beg leave to give Second Reading, seconded by Councillor Watson, to Bill No. 12, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that Bill No. 12, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be given Second Reading at this time. Are you prepared for the question? Are you agreed? Motion carried.

*BILL #12
SECOND
READING*

MOTION CARRIED

*MOTION
CARRIED*

Mr. Taylor: Mr. Speaker, at this time I would like to move that Mr. Speaker do now leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing Public Bills.

Mr. Chamberlist: I second the motion.

Mr. Speaker: It has been moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Whitehorse East, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss bills. Is the House prepared for the question? Are you agreed? Motion carried.

MOTION CARRIED

*MOTION
CARRIED*

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

Mr. Taylor takes the Chair.

Mr. Chairman: The first item of business in Committee this morning is Bill No. 1. Do you require any witnesses other than Mr. Legal Adviser and the Commissioner?

BILL #1

Mr. Chamberlist: Mr. Chairman, I would like to give the Explanatory Note which has been printed on the inside of the front page. The purpose of this bill is to improve the existing legislation by:

- (a) increasing the powers of the inspectors;
- (b) tightening

BILL #1

Mr. Chamberlist continued ...
up the rules on minors drinking; and (c) providing for control of drinking on streets and lanes within municipalities. Provision is made for appeals from orders of the inspector similar to the method already in the Ordinance. The provisions concerning minors arise from a recent court decision. The provisions for the control in municipalities is necessary because of abuses of the drinking privilege which have caused public scandal. For an explanation, I wonder if Mr. Legal Advisor will give the explanation of the court decision that has been given this.

Mr. Legal Adviser: Mr. Chairman, there was a court decision in Manitoba. As a result of which, in a court decision here, when a minor was found to be intoxicated, the Magistrate found that on the wording of the section as it was, there was no proof that the minor had in fact obtained any liquor. So it was necessary to redraft the particular section to make it clear that a minor is guilty of an offence, that is a person under the age of nineteen, if they consume liquor illegally apart from purchasing or attempting to purchase.

Mr. Chairman: May I proceed with the reading of the bill? This is An Ordinance to Amend the Liquor Ordinance. (Reads Section 75 (1) to (8) inclusive.)

Councillor McKinnon: Mr. Chairman, I would like to ask Mr. Legal Adviser how many inspectors are now appointed under the terms of the Liquor Ordinance, and what their qualifications are?

Mr. Legal Adviser: Mr. Chairman, I couldn't say what their qualifications are but I think the Honourable Member is aware that the practice is to try and concentrate the inspectors under the various Territorial Ordinances insofar as it is possible in the Territorial Secretary's Office. There are at present, I think three inspectors who have got powers of inspection under this Ordinance. Their work under this Ordinance is part of their general duty in relation to Ordinances for which they have control.

Mr. McKinnon: This is, I think a very valid point, Mr. Chairman, I don't think there is a provincial liquor authority that doesn't have in full time employ people who work on inspecting the regulations made under the Liquor Ordinance totally. The Liquor Ordinance is always and particularly in the Yukon a very political piece of legislation. I don't think there is any doubt about it, and I feel that liquor inspection is a highly specialized field and there is no doubt about it. Here we have an increase, a huge increase in the powers of the inspector, the ability to suspend the license at any given moment when he feels that certain infractions are being made under the Liquor Ordinance. That person has no more qualifications than an inspector for all the general purposes of inspection under the terms and conditions of all the Territorial Ordinances, and I think that it behooves the Government of the Yukon Territory, if we are going to make inspections tough, and I don't disagree with the section of the Ordinance making it tough. This entails a heck of a lot of other inspections that are really highly specialized and quite technical and should be under the Liquor Ordinance. Certainly if we are going to make the inspection tough, then we have to have an inspector whose sole duty is looking after the regulations of the Liquor Ordinance, and in inspecting premises. One who is highly skilled and highly technical. Other than this I don't think the licensee or the public

Mr. McKinnon continued ...
are being given the protection that they deserve when we are tightening up the Liquor Ordinance to the point where we are giving the inspector powers to suspend. When you give a man the powers to suspend a license, and to take away from the livelihood of operators in the Territory, you had better be darn sure that that man knows what he is doing and that the complaints are valid before he lifts that license. I personally don't think that this person is on the employ of the staff of the Territorial Government at this time. I would be a little leery about giving such powers to the inspectors that are now in the Territorial Secretary's Office, until you can assure me that these qualifications that are highly skilled and highly technical can be met by a person within the Territorial Government's employ.

Mr. Tanner: Would the Legal Advisor define the word "bona fide meals" and also "unsanitary conditions". I think this ties in with Councillor McKinnon's question, insofar as how far can these inspectors go.

Mr. Legal Advisor: Mr. Chairman, it is very difficult to define "bona fide meals", and that is why this particular phrase is put in because Courts in relation to Ordinances such as this, have over a long period of years found a meaning for "bona fide" and in general terms it would say that it must be a meal which is a genuine meal and it is given in good faith as a meal and is not a sham or a Quebec plastic sandwich. Sofar as "unsanitary conditions" are concerned, the inspector will be able to see what they can see but in regard to general unsanitary conditions, they will be subject to inspection by the inspectors in the Health Department who would make reports. The purpose of this is basically to give an inspector on his tour of duty the power to see whether or not the recommendations of the Board in relation to health matters on the advice of the Health Department has in fact been carried out or not. Cases have occurred from time to time where undertakings have been given by licensees that they will comply with certain orders to put in a certain number of toilets, a certain number of sinks, a certain number of fresh water outlets, and so on. They haven't complied with them, and on an inspection by the inspector, it is considered desirable that he should be able to check these physical items and then make a report and if the thing isn't done, then possibly consider suspension.

Mr. Chamberlist: Mr. Chairman, I might add that I took part in the -- Members of Council will recognize that I took part bringing this piece of legislation forward and I would normally agree with the remarks that the Honourable Member from Whitehorse West has made, except that there is a protection subclause in there. That is subclause 7, which is an appeal clause. Now without that clause in there, I would without doubt agree with the representations that have been made in Council today. If that clause wasn't there I would have had to support the thinking of the Honourable Member, but there is an appeal clause in there. There is a necessity for an inspector under certain circumstances to act promptly. I don't think that there is the necessity to have any specific qualifications to enforce regulations. You might ask what a policeman is for, what are his qualifications? His qualification is to be a policeman; his qualification is to enforce. We look at it from the point of view that people who are paid as Territorial Inspectors and have been examined before they have been employed as Territorial Inspectors, have the common sense required and it must be prevalent before a

BILL #1

Mr. Chamberlist continued ...

person in that particular position can undertake and fulfil the job of inspector. I am sure that all Members of Council will agree that there is a necessity for inspection and enforcement, the Honourable Member from Whitehorse West, Mr. Chairman, has agreed to this as well. I would ask him to consider the fact, that there are appeal provisions, and this is a very very important factor involved here. Thank you.

Mr. Tanner: Question, Mr. Chairman. Question addressed to the last speaker. He says that there is an appeal in section 7, and the appeal is to the Commissioner and previous to that is that the order of suspension can be at the discretion of the Board, I guess that is the Liquor Board. Why is in one case the order extended by the Board and in the next section to the Commissioner? Why isn't the appeal addressed to the Board in section 7?

Mr. Chamberlist: Mr. Legal Adviser, Mr. Chairman, I am sure can answer the reason for that.

Mr. Legal Adviser: The purpose is to square up the appeal provisions so that the appeal provisions throughout the Ordinance are similar. Might I draw the attention of the House to the fact that in the first line of subsection 7, it should have been typed "Notwithstanding subsection 5" not "Notwithstanding section 5". We want uniform appeal provisions for the Ordinance.

Mr. McKinnon: Mr. Chairman, I have no objection to the Ordinance being passed as it is in the powers of the inspector, if I could be assured that there was a qualified inspector on staff. Now, I have been around as part of the bar business long enough to know the very real things that bar owners have been and are doing in the bars in the Yukon Territory. Now, I tell you here that I know of instances where the V.O. has been --- when bar whiskey has been put in the V.O. and the C.C. bottles and sold as bar liquor. I am telling you the truth when I tell you that there are instances where in mixed drinks there is often occasions where less than one ounce as required by the Ordinance is put into those drinks, I'm telling you fact. These things have never been checked by a liquor inspector in the Yukon Territory because there is no one who has the qualifications of being able to run the machine that they have available in all provinces that shows whether the whiskey is being sold is the whiskey it represents that shows that the customer is getting the full satisfaction for the amount of liquor that he is being charged for in the drink. This takes a skilled person and it takes a person who is able to run certain equipment that is available to all the provincial liquor controls throughout the country. What I am saying is you are giving an inspector the right to suspend a license on the value judgement of whether a bona fide meal is being served. Maybe to me it is a wedge of pizza, maybe that guy doesn't like pizza or doesn't figure that that is a bona fide meal in his estimation. You are giving him the right to suspend a license for at least fourteen days, before or during the course of which time a writ of appeal may be heard. Now I say that these are sweeping powers, I say they are broad powers. I also say to you, Mr. Chairman, that the field of liquor inspection is a highly sophisticated and a technical field and we haven't got the personnel in the Yukon Territory who are capable of doing it at this time. When that person is available I have no problem in giving him such powers under the Ordinance that he needs to do his business in a manner that is going to be to the benefit of the Territory. When that person -- I can be

Mr. McKinnon continued ...
given the assurance that this person with these qualifications is available, then I think is the time that this Ordinance will get no objection whatsoever from myself at any rate.

Mr. Chamberlist: Mr. Chairman, I really regret that the Honourable Member has indicated that he was associated with the bars -- with people who were concerned with giving ...

Mr. McKinnon: On a question of personal privilege, Mr. Chairman, in any bar that I was associated with, a person got a full shot for his money.

Mr. Chamberlist: However, there is no doubt that there is some merit, Mr. Chairman, in what the Honourable Member has said, but however, surely the Honourable Member is not suggesting that we get an employee and then we make legislation surrounding the employee. The legislation certainly comes first and then of course everything follows which is an administrative matter. However, we have inspectors. I am not in the position to answer whether they are specifically qualified as sound drinkers, or whether they are qualified as liquor tasters but certainly there is a necessity to recognize the fact that there are employees who are inspectors, there is a necessity for the legislation there, there is a necessity for that section, so that we can be tough. I would ask that Honourable Members approve that particular section.

Mrs. Watson: Mr. Chairman, the Government of the Yukon Territory has now availed themselves of equipment that is capable of testing the strength of drinks, and this equipment is now being tried out and will soon be used by the inspectors.

Mr. Chairman: Clear on this section? Yes, it is noted that in this subsection 7, the second word "notwithstanding section 5" should read "notwithstanding subsection 5". (Reads section 83, 1 (a) and (b)).

Mr. Stutter: Question, Mr. Chairman.

Mr. Chairman: Councillor Stutter.

Mr. Stutter: Under the Explanatory Note (b), one of the reasons for this amendment or suggested amendment is to tighten up rules of minor drinking. Now I see that under 83 (b) that it is suggested, that those under nineteen be permitted to drink in private residence, club, licensed dining room, restaurant or at a reception. Coming from a rural area where licensed dining rooms become nothing but glorified beer parlours on the weekend, I question the wisdom of this section for the simple reason, in the summertime and indeed at all times of the year these restaurants are used by everybody, including visitors. I question the wisdom as to whether we should permit even with the consent of parents, grandparents or legal guardian, the right to allow your children to drink no matter what their age. It seems to me that if we permit this there isn't much point in using the nineteen year old age limit at all.

Mr. Chamberlist: I am sure the Honourable Member's from Dawson attitude towards this particular area is wrong, because if he will think back he will know that in other countries people younger than nineteen do drink and of course they drink without the control

BILL #1

Mr. Chamberlist continued ...

of their parents or guardians. I think we cannot -- if we don't have this in here, then certainly youngsters will be drinking without the control of their parents. At least this way it is tightening it up inasmuch as there must be parental consent or consent by guardian. I think this is what we are trying to do and succeed at. I am not arguing with the area that perhaps a person shouldn't be permitted to drink under nineteen, but surely if he has got the consent of his parents so to do -- there doesn't appear to be Mr. Chairman, any strong -- if the parent didn't want the child to drink then don't give him permission.

Mr. Stutter: Mr. Chairman, I have no objection at all to parents having control over their children and giving them the right to drink in private, my objection here is permitting it in absolute open. I don't think the same conditions prevail in areas such as Whitehorse as they do in rural areas. This whole Bill, as a matter of fact I would have preferred to have seen it held off until you have had the Rendezvous here. Anybody that was in the Dawson area during the Discovery Day celebration will realize that under the Liquor Ordinance as it now stands, it may well be as the Member from Whitehorse West has pointed out that there are quite a few instances where the law has not been enforced in the terms of the Ordinance, but at the same time, I think that if we allow the same sort of conditions to prevail as prevailed in Dawson over the celebrations that it may change your thinking in this regard, and as I say for one I would have liked to have seen this brought up after the Rendezvous for the simple reason you may run into the same problems here.

Mr. Tanner: Mr. Chairman, I wonder if the Councillor from Dawson would be happy with paragraph (b) if it said instead of "... with the consent of a parent, grandparent or legal guardian" it should be -- I feel that it should be "when accompanied by". I think the idea here is basically that children in certain circumstances should be able to drink when with their parents. I can think of a certain circumstance where I would permit my children to drink. As it says here, perhaps from an enforcement point of view it would be very difficult to enforce. Every child in the restaurant, are you going to walk up to him and say where is your piece of paper, where is your note. If they are accompanied by their legal guardian, parent or grandparent, I think you could probably help Councillor Stutter to overcome his objection to that paragraph.

Mr. Legal Advisor: I have just been whispering behind my hand to the Commissioner, but that is not to say that what I am saying is the policy of the Commissioner.

Mr. McKinnon: What are you saying?

Mr. Legal Advisor: The point has been expressed not a thousand miles away from me that the section is wide, and that there is common sense in what the Honourable Member has suggested. As I recollect from the drafting meetings where this was produced, the reason for the section was basically because very many requests were made to the Liquor Department as to what exactly were the rights of minors when they went into a dining room and so forth. Now, they have the right to go in, and the original section 83 has a subsection still in it which says "... no person under the age of nineteen years shall enter, be in or remain in any tavern or cocktail lounge." This impliedly gave them the right to be in the places which are listed in the new 81 (b), and my recollection of the intention of the meeting was to make it clear to the people who are constantly ringing up the Liquor Department what minors' rights were. The drafting does make it possible as the Member points out to -- the drafting does make it possible for a reading and an interpretation be put on this that the minors can go in and produce some kind of a chit or note that they have permission from their parents to drink, and I don't think that was the intention of the drafting of this. So, it is quite right that this section exactly as drafted here may be a fraction

Mr. Legal Adviser continued ...
wide, and it might be possible -- no doubt the Executive Members will consider over lunch whether or not they can produce a draft which would meet with the wishes of the House now that they are expressed in this matter.

Mr. Chairman: Would the answer not be in changing the word "or" in line 4 of that section to "and".

Mr. Legal Adviser: This may very well be the answer, but I just wouldn't like to draft an important subsection like this in that kind of a hurry. If the House would pass onto something else, having expressed its opinion, I think that the Administration will be able to meet with the wishes of all the Members who expressed themselves at this particular session.

Mr. Chairman: Does the Committee agree to further review.

Mr. Commissioner: Mr. Chairman, could I ask if there could be an expression around the Committee at this time, concerning whether or not the Members feel that the licensed premises here is -- are too wide or whether they will wish to see that narrowed down under the section that says "... private residence, club, licensed dining room, restaurant or at a reception." Do they feel that this is going too wide as well, or should this be narrowed down.

Mr. Chairman: Does the Committee agree with the general intent of (b) 83 and the scope of it.

Mr. Stutter: I can't agree to it, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, I wonder if the Honourable Member from Dawson would make clear what the disagreement is, to say whether his disagreement is with no person under the age of nineteen drinking in a public place, whether accompanied by parents or not. Is this his intention?

Mr. Stutter: Mr. Chairman, that is exactly it. I find -- that really is my objection, that people under nineteen be permitted to drink either with or without their parents consent in a public place. A private place is completely different, but if you allow this to be put in here you are virtually wiping out the age limit of nineteen for drinking now. To my way of thinking, again getting back to a rural area, I have seen instances where children have been left at the theaters on Saturday afternoon matinees in order for the parents to go drinking. Now if you permit this clause to remain, instead of this children going to shows they will be accompanied by these parents to some of these drinking establishments. It states right here a licensed dining room, and as I say on a Sunday, or in many instances, these licensed dining rooms in rural areas become nothing but bars. I can see where it doesn't happen in an urban area but it certainly happens in rural areas.

Mr. Legal Adviser: Mr. Chairman, I'll just point out to the Honourable Member that this section represents the law as it is. At the moment it is legal for a person under nineteen to go to a licensed dining room with his parent, if the drink is provided by the parent, he can drink it. The problem that we were getting was, the barman would say I cannot give him a drink, I've got to give it to the father to give it to him. An odd little technicality there, because in the Yukon we have got not 20,000 citizens, we have 20,000 lawyers.

Mr. Stutter: Mr. Chairman, I must admit my ignorance, I didn't realize that this portion was already in existence, and I am thankful that there are many people in my area that aren't aware of it. I am sure that the very points -- the very facts that I have mentioned would be prevalent in the area particularly on weekends.

BILL #1

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

Mr. Chamberlist: Yes.

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I can only say that I concur with the section, subsection (b) more particularly. I think that it should be possible within a private residence, clubs, licensed dining rooms, restaurant or at a reception to provide your children with a sip of wine, which of course is liquor, and I think that you would be very foolish to restrict this thing any further than it already is and I would suggest that we retain it. I would suggest that the matter of line four be straightened around. I am surprised to find that this is a problem in Dawson, because it must be a problem in Dawson. I know of no other place in the Territory where this -- where the Sunday beer parlours are feeding liquor to children. I have never seen this before, and there is Sunday beer parlours all over the Yukon. I might say, Mr. Chairman, that these will remain as such until this Legislative Council opens up the liquor on Sunday, and opens up all the cocktail lounges on Sundays. I see no problem with it, and I support the position in subsection (b).

Mr. Taylor resumes the Chair.

Mr. Chairman: Is there anything further at this time on 2? Mr. Commissioner are you clear on this.

Mr. Commissioner: Well, Mr. Chairman, as far as I understand it here, that the Committee's wishes are that the consent should be complemented by being accompanied as well by the parent or guardian at the time the consent is given. Is this correct?

Mr. Chairman: I believe, does Committee agree?

Mr. Chamberlist: Well, Mr. Chairman, I suggest that we allow this to stand until after lunch, and during the lunch session the Legislative Programming Committee will just discuss what we can bring forward.

Mr. Chairman: May we move along to section 3?

Mr. McKinnon: Mr. Chairman, I wonder if it would be possible -- I would like to do some study on this over the noon hour. As you well know we did not get this bill until last night, and I haven't had time to examine it thoroughly and I have some comments to make on this section 4 of this bill. I would like to be able to do some work over the noon hour on it.

Mr. Chairman: Well in light of the time, would the Committee agree to a recess at this time.

Mr. Chamberlist: Mr. Chairman, we can proceed with section 3, as the Member made a request in regards to section 4.

Mr. Chairman: Okay, section 3. (Reads section 3)

Mr. Stutter: Mr. Chairman, I have a question to ask the Legal Adviser. Perhaps he could explain to us exactly what this proof of consumption means?

Mr. Legal Adviser: Mr. Chairman, the difficulty arises because of the technicalities of court procedure more than anything else, and this section is an attempt to reproduce the type of proof that is required when a person is charged with driving without a driving license. When a person is charged with driving without a license, the policeman gives evidence that this person was driving an automobile on the street. The person has then got the onus to go into court and say "sure I drove it, but here is my license", he can prove it and then that is the end of the charge. So of course going back to the first principle, the policeman will always say to the driver, have you got a license or will you produce it to the police station within the next few days. In this section it is proposed that the policeman will have the right to say to minor whom he finds intoxicated or semi-intoxicated in the street, where did you get the drink or did you get drink. If the person doesn't cooperate, then they can be charged with consuming drink illegally. The onus is on him then to say, sure I was a little bit tipsy but my father gave me the drink, and then the father can be produced. Otherwise it is almost impossible to prove facts under the Ordinance. Several cases have occurred of teenagers being intoxicated, caught in a group sitting in an automobile with three or four of them half canned and the policeman says where did you get the drink and they may or may not say, but when they get to court the policeman has no method of proving that it was got illegally because he would have to produce all the children's parents, and all the children's grandparents and all the children's legal guardians to prove the reverse situation that they had not got it legally. So this is just a simple method of bringing the normal standard of proof that is in very many minor cases. It is not a tremendous burden on the accused to answer where he got the drink.

Mr. Chairman: Anything further on section 3? I think in view of the time then we will stand Committee in recess until 2:00 o'clock this afternoon.

RECESS

Mr. Chairman: We will now call Committee back to order and we are discussing Bill No. 1, amendments to the Liquor Ordinance. Do you have anything further on Section 3? The next section is Section 4. The said Ordinance is further amended by adding the following section thereto, immediately after Section 102: (Reads Sec. 102A, subsection (a), (b) and (c).) Councillor McKinnon.

BILL #1

Mr. McKinnon: Mr. Chairman, I spoke on this at Second Reading and the principle of it, and I would like to make some further arguments at this time. I think the amending of this Ordinance is premature, because I don't think that it has been given the time for it to have a proper test as to whether or not it can work properly. I think, as I said this morning, the biggest problem in the abuse of this Ordinance is, where people, at bar-closing time, are taking drinks, that were purchased in the premises, outside. Now under section 69, subsection 1 of this Ordinance, that is illegal and against the Ordinance. Liquor purchased from any licensed premises shall not be consumed elsewhere than in that part of the licensed premises where liquor is permitted to be sold and of course it is allowed in some instances for people to purchase liquor for consumption elsewhere. I tell you, and I tell you this is factual, a true factuality and this is where the problem arises, the bar-owners wanting to clear their premises as quickly as possible are looking the other way at closing time and the people who have been enjoying the hospitality of the bars are sneaking the glasses and the bottles and taking them outside where they finish consuming the liquid in them. Then the problem arises of the bottles and glasses and the cans being discarded and broken on the street. I don't think there has been one prosecution under the Ordinance yet, (a) for bars allowing this to be done, although it is full well and knowledgeable that this is going on and secondly I don't think a charge has been laid against people who go out and willfully damage the bottles. You can go out at 2:30 on any morning and find prosecutions that could be laid under this Ordinance in these respects. Now the second part of this is where people are not going to be allowed to consume liquor on the street. Section 84, subsection 2 of the Ordinance cannot be cleared. It states specifically that no person shall be in an intoxicated position in a public place; now this is the problem. The problem is not people drinking on the street, the problem is drunks, being in an intoxicated condition and drinking on the street and this section of the Ordinance also is not being enforced to the ability that it should be enforced. Perhaps I don't want to go into this at this moment, but I don't think the Ordinance has been given a chance and a chance to work properly and I think we are amending what is an enforceable piece of legislation that has been in existence since April. I would like to ask Committee to see their way clear to whether or not we could meet in caucus or in public with Inspector Marcoux if he is willing and able to discuss the merit or the problems that have been brought about by the passing of this Ordinance. I do think that if there were proper enforcements of the Ordinance and I am positive that if I were in a law enforcing position that I can clear up any of the bad effects that this Ordinance has brought about within two weeks by proper enforcement and by proper prosecution.

BILL #1

Mr. McKinnon continued.....

The prosecutions are there, yet not being enforced. I don't think that we should go about changing a good piece of legislation for that very, very small segment and the minority of the society that are abusing it, because the majority of the public are treating the liberization of the laws in a mature and sensible manner. Let's not panic about the small percentage of the public who are going to abuse the law anyway. Let's enforce the law, let's prosecute them. The prosecution sections are there and they are available. We can run into difficult situations in the other areas, where the people can stand at the limits of the municipalities where the police can't come and arrest them, because on the other end of the sign of the municipality they are perfectly allowed to drink on the street. Let's not be forced into this, let's meet with the Inspector, let's mull it over and I am positive that we can come up with a solution for enforcement. I admit, that there have been abuses by small minorities and only small minorities in this instance. Let's talk it over and find out if we can possibly enforce the terms and conditions of the Ordinance as it now stands and let's make it work, because it is a workable piece of legislation and it is a good piece of legislation.

Mr. Chamberlist: Mr. Chairman, I think that one of the areas that has been omitted by the Honourable Member from Whitehorse West is a very critical area. It is the area where people are able to purchase their liquor in the liquor store and their wine and their beer and walk down the street at any time of the day, drinking from their bottles. This is an entire different angle that has been submitted, although I take note of what the Honourable Member said in relation to people coming out of the drinking establishments and taking bottles out, which is against the law. This is quite true. When making reference to Section 84, it should be pointed out, that although subsection 2 says "no person shall be in an intoxicated condition in a public place", you must also read subsection 3, which reads: "that no prosecution shall be taken against any person pursuant to subsection 2 under this section, except with the permission of the Commissioner or an officer authorized by him on his behalf". Now, because there is a---has been a clear understanding that the liquor laws were liberalized to such an extent, the Commissioner then has been placed in the position of working under very, very exceptional circumstances to give the authority to prosecute. I believe there have been two occasions where in fact that authority has been given, one day very recently, and there was a prosecution, because of a hassle of a person being picked up and lodged in a cell 20 or 22 times and then released the following morning.

Mr. Tanner: It was 25 times.

Mr. Chamberlist: The Honourable Member from Whitehorse North tells me 25 times. Well, the Commissioner has taken the stand, well, upon the advice that he has received to begin prosecution in this instance and he has proceeded to give that authority, and there was a prosecution of course and there was a sentence being given to the person.

Mr. Chamberlist continued.....

BILL #1

I know that the Honourable Member from Whitehorse West has made it a point that wherever possible local power should be given to local government. Now I see no objection and I am sure the Members of the Executive Committee are bound to support wherever necessary, good legislation and also show the very practicability in their thinking towards the amendment of Territorial Council and I am sure that the Members of the Executive Committee will be quite pleased to assist in satisfying in this area, quite pleased to provide an additional section which would give the power of local government municipalities to, by by-law, provide for this type of requirement. Now, I wonder, Mr. Chairman, if the Honourable Member from Whitehorse West, when he became---if there was power given on a local level to the municipalities to put this section into effect, whether this would satisfy the objections that he now has.

Mr. McKinnon: I have no objections whatsoever to the local government being able to have happen on their streets and lanes what that local authority wants to happen. If they want to order that it shall not be legal for people on the streets and lanes of their municipality to have liquor or consume liquor, then I am in full agreement with them making that kind of ruling and that type of by-law. The one thing that really surprises me, Mr. Chairman, is...I'll never forget this, I heard it so many times in the course of the argument on the Liquor Ordinance, the Honourable Member from Whitehorse East, standing up and saying: "why in England you can walk down Trafalgar Square and Picadilly Circus with a bottle in your hand, as long as you are not bothering anybody, it does not matter at all". Now he turns a complete circle and says, it is a public scandal for people to be drinking liquor on the street. I don't agree with it. I think it is a scandal and I don't think it is proper for drunks to be consuming liquor on the street and I have no objections whatsoever on a hot summer day or a cold winter day for people to take a flask of rum out and have a shot in the street or stand around shooting the breeze with a bottle of beer. It is no public scandal to me. I have no objections, if that person is not bothering anybody. If he deposits the bottle or the can in the proper receptacle, it doesn't create, I don't think a public scandal to the people of the Yukon Territory. I think they are much broader than that and they are much more liberal than that and the objection is for people to be harassed by drunks walking down the street and drinking and harassing people and there are no prosecutions being made under the Ordinance and there is room for prosecutions to be made under the Ordinance. Let's give the Ordinance a better chance to work. Let's try and see if we can get prosecutions under these two sections, which aren't being enforced. Let's see if we can have a meeting with the Inspector and see if we can come up with some measure of enforcing these provisions which have been abused in the Ordinance. If the Honourable Member wants to give the power to the municipalities to control their streets and lanes and what is done on them, then I am in agreement with that too. But I am just saying, that I don't think that there is a piece of legislation that is more universally accepted by the public of the Yukon than the Liquor Ordinance.

BILL #1

Mr. McKinnon continued ...

I don't think that it is a matter of changing the Ordinance at this time; I think it is a matter of enforcement which is not being done and I am sure that almost 98 or 99 percent of the people are responsible and mature enough to accept the liberalization of the drinking laws and I don't think that we should make it onerous because of a certain fraction of the population that are never going to be able to accept the responsibility of adulthood.

Mr. Tanner: Mr. Chairman, I wonder if I could ask the Councillor from Whitehorse East what is the difference between walking down the street, whether it would be in Whitehorse or anywhere else, and drinking a bottle of coke or a bottle of beer. Before I ask the question, there are a couple of things --- I have been looking through the Votes and Proceedings from the last Council, and page after page of debate by this Council, by all Councillors, discussing this very issue, and I believe the intent of that 1970 Ordinance was to liberalize the consumption of liquor in the Yukon. I think if we go along with Amendment No. 4, section 102A, I think you are negating what decisions you made at that time and I think that the decision you made at that time was a good one. As Councillor McKinnon pointed out, you can sit on the City boundary and I am wondering if people do sit on the City boundary, if they are not going to make Porter Creek the garbage dump for the City of Whitehorse. I don't think there has been sufficient time to see the overall effect of a good decision made a year ago, or nine months ago. I think you should give it a little more time before you make any radical decisions like this. I think the City would alleviate a lot of their problems if they enforce their by-law regarding litter. They do a fine job now in front of the establishment I am connected with. They tidy up the street for three or four days of the week, and I think they should continue that, and enforce the by-law which says littering is an offence. I think they could clean up a lot of troubles there. One more thing I would like to point out, this is in regards to what Councillor McKinnon said as far as enforcing it. As I understand it, it is some time around April 1st, or sometime in the very near future, we will be having the Justice Department in the Territory, which I think will have more authority over the people who should be enforcing this law and make them enforce the law in regards to the Ordinance as it now stands.

Mr. Chamberlist: Mr. Chairman, I think that the main point in dealing with legislation which is of a type to amend existing legislation, it is usually that this legislation is brought forward as a result of public requests and public needs. The Liquor Board has indicated to the government that as a result of the request made to them and specifically by very new organizations, what should I say, the Branch of the Hotelkeepers' Association, who have specifically requested that there should be provisions made for this to protect them as well from the abuse, as the Honourable Member from Whitehorse West has shown does take place.

Mr. Chamberlist continued.....

And this is one of the reasons as to why, and I know that the Honourable Members of all the Constituencies will agree that there have been abuses in all instances in relation to the conduct in which people have conducted themselves when drinking. I am sure our Honourable Member from Dawson will be able to clearly advise Members of this Committee of the conditions that existed in the Dawson area at the time of Discovery Day and the day before and immediately after of last year. So that we must keep in mind that there are areas of necessity. I do not like to restrict, but I think that we must also keep in mind the requirements of the public and I would suggest also, Mr. Chairman, that when it is said, that we are legislating against 98% of the people, because of the conduct of 2%, I would perhaps say it would be far better, if it was referred to in the reverse that indeed we are legislating on behalf of the 98%, on behalf of the majority of the people who have become so appalled of the situation that has developed as the result of the 2% and this is the group that we are really legislating for, the majority. I know, it would be very, very dissatisfactory if we were to legislate in such a manner that would remove from the Liquor Ordinance the intent of liberality in the conduct of the average person. But, when the public is abused, when the tourist industry, which is our second industry, becomes damaged, the atmosphere of the area becomes damaged by tourists moving into the area and seeing the battles that take place, time and time again, when in actual fact there isn't the authority and power to enforce in those particular areas that have been suggested by the Honourable Members. Surely, if the Honourable Member would suggest that we should prosecute at all times, without leaving the discretion in the Commissioner's hand and if you will recall, I have always objected to the discretion being given to the Commissioner and I maintain this position. The discretion now in most areas, because of the effect that the Commissioner has had on the Minister of Indian Affairs and Northern Development, now he has lost much of the discretion, because of the fact that the Executive Committee, which was made up of some of the Members of this House, now help him to use that discretion more discreetly and this is important. So, you must understand that there is an improvement taking place all the time in the situation. Now, I don't know quite frankly, Mr. Chairman, whether the argument that has been put up and the question that has been raised, which really entails a very simple answer, what is the difference between a bottle of coke and a bottle of beer, I assume the Honourable Member has had the experience to know what is the difference between a bottle of coke and a bottle of beer, but the thing is this, I see no objection for anyone walking down the street with a bottle of coke and quite frankly, I agree with the Honourable Member of Whitehorse West, that I see no objections with anyone walking down the street with a bottle of beer, but how do you overcome the obvious abuses that are continuously taking place unless one - we either take away the discretion in that area of section 84, where there cannot be a prosecution without his permission and then by that token we will be leaving in subsection 1 and 2, which will allow for prosecutions,

or with the suggestion that is now being made that is to give the responsibility to the Municipal Government and put this section in there.

BILL #1

Mr. Chamberlist continued ...

If they feel, if the Municipal Government feels that it is not required, we have conducted ourselves in the proper manner by listening to the many requests that have been made by the public to make legislative amendments to this effect. Now, I am sure that in many areas the Member from Whitehorse West is flexible and here is an opportunity to show that flexibility and at the same time be satisfied with the suggestion that this matter be dealt with by the local government. I would be all in favour of leaving this additive but making provision so that the decision should be made on a local level. I think that this has been made clear and this is the position I will support if the Honourable Member is inclined to think the same way. Thank you, Mr. Chairman.

Mr. Chairman: Mr. Stutter, will you please take the Chair?

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, of course there are, I suppose, five of us now who are involved with municipalities. We also now have the Municipality of Faro to consider when we consider this piece of legislation. This is certainly very restricted in respect with that particular municipality. Obviously, there has been some trouble in Whitehorse and Dawson. When you look at this piece of legislation, "no person may consume liquor on a street or lane within the municipalities", and it has been brought to my attention, that indeed you can have an open bottle of whiskey, all you have to do is run into someone's cafe or washroom and take a great big slug of it and then carry it back out onto the street and that is quite legal. As long as you don't consume it on the street, you can walk around with it. You can walk around with cans of beer sticking out of your pocket. This wouldn't solve this. This means you can't consume it, liquor, on the street. It is inconsistent with the rest of the Territory if we permit throughout the Yukon Territory the privilege of drinking in a public place or in a motor vehicle, then it is very inconsistent with the rest of the Territory if you say, get rid of your beer, throw it in the ditch, leave it in Porter Creek, make a garbage dump out of Porter Creek, as has been suggested, as if you cross that City boundary into the City of Whitehorse, you could be subject to prosecution. This doesn't work. You should have one law for all the people. You say that no person may loiter in a street or lane in a municipality for the purpose or with the intention of consuming liquor. This would infer that you cannot stand outside the licensed premises to wait for your pal to arrive as this would be considered loitering, so you can all go in together and have a drink. If this law was to be brought into force, "no person may consume liquor in a motor vehicle in a street or land within a municipality", well, it comes back to my original argument. Take the matter of speed zones. When you change the speed limit, there is a big sign up there saying your speed is no longer 40 miles per hour, you entered the City, it is now 25 miles per hour. But, if you enforce something like this, I am afraid you have to sign every municipality or town as a dry area, no drinking in the streets, to let people know. How many tourists know what they can do and what they can't do when they come to town, which is some expense to the City and some inconvenience to the travelling public. I think if you enforce the law, as it has been suggested by Councillor McKinnon, enforce the laws that do now exist, and give it a chance to run for another period of time, see if you can get rid of this undesirable problem, enforce our Litter Ordinance where people are throwing beer bottles and cans into the street, this, I think, can be done by

Mr. Taylor continued ...

BILL #1

Municipal by-law. If this is a problem, people taking liquor from licensed premises, we must just enforce it. It's against our Ordinance, it's against the law. If we can't enforce it, it has no business being there. I personally, at this point in time, with the argument I have heard, would support the position of throwing out section 4 at this time and leaving it.

Mr. McKinnon: Mr. Chairman, I think before we go any further on this debate, I think that all Honourable Members know wherein I speak when the nonenforcement of this Ordinance came after its initiation on the statutes of the Yukon Territory. I think that it would be an interesting meeting and a very profitable one to meet with the Inspector of the R.C.M.P., and ask him whether he feels that the sections of the Ordinance as they now stand are enforceable. We could resolve the difficulties which I admit are there, but I still maintain that they're there not because of the Ordinance, but because of the non-enforcement of the Ordinance as it now stands. I think that it could be an extremely satisfactory meeting and one that would be very profitable to both Members of Council and to the Inspector of the R.C.M.P., Inspector Marcoux. Perhaps we could leave the debate on this and perhaps somebody in a position of power could arrange for such a meeting to take place between the Council and the Inspector. As far as I understand, he is very willing and most amenable to meet with Council at a time as you so ask.

Mr. Chamberlist: Mr. Chairman, I wonder when specifically the Honourable Member from Whitehorse West made reference to Section 84, and this is really the area that I am concentrating on. I was wondering, Mr. Chairman, if he would suggest whether he means to withdraw subsection 3 from Section 84, because that area remains at the moment in the hands of the Commissioner. Now should this particular subsection be removed.

Mr. McKinnon: We are looking at Section 84, Mr. Chairman, through completely different eyes. I didn't ever see Section 84 as going to eliminate drunkenness from the street and with respect, Mr. Chairman, the prosecution of drunks prior to this new legislation removes any more drunks from the street in the new legislation. I don't believe that this is true in this kind of frontier type of community with a booming economy, you are going to have the problem and we are all aware of the statistics of people drinking and people drinking to excess. Now our concept of the new Ordinance was rather then, waste the time of the Court and waste the taxpayers' money by incorporating people time after time, after time, to the hundredth time, when actually it was drunkenness to my estimation is not a crime. And I thought that this was the concept that we are getting away from. That drunkenness is not a crime, that there is no purpose served, in any shape or form, either to the person who is drunk, or to society by incarcerating the and it is not going to get the drunks off the street by making a person go to jail every time that he is being picked up. Now, I don't think that Section 84 can be used to eliminate drunkenness. I think that the Section should be used and should be used harshly in eliminating the drunks from drinking on the street, which is really what the public is concerned with. Now the Yukon Development Board in their provocation came across as if they were objecting against the Ordinance. When I spoke to members of the Development Board and explained to them the enforcing section of the Ordinance, they agreed wholeheartedly that really what they wanted was the enforcement of the present Ordinance, not changes in the Ordinance and I think because of the non-enforcement of the

BILL #1

Mr. McKinnon continued.....

legislation since this deception, that the public is not aware that these sections are in there, that these things are against the law, the only thing is that there are no prosecutions being made for them. I say, if I had the power of enforcing this legislation, knowing what I do know what goes on, that I can clear up this whole situation in a couple of weeks by prosecution, and by enforcing this Ordinance, and the people will then be aware that they couldn't do these things, that they are going to be prosecuted if they did do them and that they will get hit stiffly if they kept on doing these things. The provisions for enforcing this Ordinance are in the Ordinance, it's a matter of non-enforcement of the legislation that is there. I think that we should, one, look to the possibility of trying to get the enforcement, and if this doesn't work, I'll agree with the Honourable Member from Whitehorse East that I'll then be willing to go along with him in changing the Ordinance, but I don't think we've had an honest try in enforcing the provisions of this Ordinance as it now stands and let's not change the Ordinance until we give that chance and really see if the Ordinance can work as it stands with proper enforcement. I think it can. I don't think it has been given a proper chance. I think it will work and we will think that the Ordinance just works dandy.

Mr. Chamberlist: Mr. Chairman, I still will have to come back to this Section 84, because the Honourable Member is stressing the point about the enforcement of the Ordinance. Now, he has not brought forward an area, where other than what is Section 84, "no person shall be in an intoxicated condition in a liquor store or licensed premises and no person shall be in an intoxicated condition in a public place". Now, the point that I am making, and this should be quite clear under the existing legislation of Section 84, but notwithstanding, these two subsections, which clearly state that no person shall be in an intoxicated state in licensed premises or public place, but there is no rule for prosecution unless the Commissioner gives that leave to prosecute. Now, I want to ascertain from the Honourable Member and I cannot appear to get that answer from him, as to whether or not, in the fulfilling of those particular sections in those areas of enforcement, does he wish that subsection (3) be amended or withdrawn. Now, I want to know in that particular area, so that--you know, my thinking can adjust, so that we are not looking at this section in two different ways. Now, I know the reference is already made in other areas, about the conduct of people who are taking glasses or drinks outside of licensed premises. I got that, I got that, but he hasn't come up yet with that particular area. If a person was intoxicated, in an intoxicated condition, in a public place, how do you prosecute under this Ordinance unless the Commissioner gives leave as such. Now, this is why, if he can enlighten on this occasion on what he has indicated.

Mr. McKinnon: You don't prosecute, Mr. Chairman, I don't consider drunkenness to be a crime, or being drunk in a public place, is against the Ordinance, that that person should not be charged the next morning, except to the desire of the Commissioner. I don't think that the public of the Yukon Territory, this is were we differ, has any objection, maybe we don't differ, to a person walking down the street who is in a sober condition and sucking on a flask, when it is 40° below, full of rum, or having a drink of beer, as long as he doesn't bother anybody, as long as he does not disobey the

Mr. McKinnon continued.....

law in any way, shape or form. The public did agree and I am in full agreement with the public, when people are drunk and are drinking in a public place, that is enforcing the Ordinance and they can be taken off the street, as no person shall be in an intoxicated condition in a public place. The people of the Yukon Territory are objecting to people who are intoxicated, drinking on the street, and drinking in public places. They should be under the terms of the Ordinance, removed from the premises, or removed from the street, locked in cells, and if they are continuously making a habit of making a nuisance of themselves, they are charged by expressed consent of the Commissioner. I think that is the proper way to go about enforcing this Ordinance and I think it can work.

Mr. Chamberlist: Mr. Chairman, this is what has been taking place and I am sure the Honourable Member will recall that the C.O. of the R.C.M.P. at that time, just 3 or 4 months after the Bill was put into force, came at the request I think of the Honourable Member, and met with him on the basis that gave the numbers clearly and distinctive of the numbers of people that were placed in the cells and they were doing it, but now I think it is going beyond that and this is why the Legislation is this. Now, the thing is this, it is not people who drink that make complaints to the public, because, Mr. Chairman, the Honourable Member and myself, we drink, we don't necessarily make the complaints, but there are many people who are non-drinkers, who find that the abuse that is taking place is something that is publicly a scandal in the manner that it is continuing to go on. I think that we have a duty to stop this from happening. Now the Commissioner has used his prerogative and has prosecuted on a couple of occasions. After 20 or 25 times a person has been incarcerated and put in jail. But, I don't want to go any further, Mr. Chairman, quite frankly, if it makes the Honourable Member feel any better, I have no objections to recommending that the Inspector from the R.C.M.P. come forward and give his opinion on the matter. I have no objection.

Mr. Taylor resumes the Chair.

Mr. Tanner: Forgive me for correcting two well versed Members, who have been in the House much longer than I have, but I think you have probably both missed a point. Surely an intoxicated person isn't guilty, it's the offence that he commits when he is intoxicated that is the problem. You can pick up a man that is drunk and disturbing somebody or obstructing somebody, but when a man is just drunk he is not causing anyone any trouble and is not committing an offence and he shouldn't be picked up. A man can be drunk and walk down the street and then eventually get to his house; there is no offence in that, but if he walks down the street and falls in the gutter, that's an offence and he should be charged on that offence, obstruction or disorderly conduct. If he is molesting somebody on the street, he should be charged with that. The point is surely that we should not charge him if he is just drunk and it doesn't really come under this section 84.

Mr. Stutter: Mr. Chairman, bearing in mind what happened in Dawson on August 17th, and not wanting to see a repetition of this again, it has been suggested by the Honourable Member from Whitehorse West that the only reason that this amendment now---that we are now discussing has been brought about is in all probability because the original Ordinance was not properly enforced. So it seems to me that we now have three courses of action here. Even though as I say I don't want it to happen again and I am sure a lot of people don't, perhaps why we are considering this also is why we should have this suggested meeting with Inspector Marcoux and if it appears that it is really a lack of enforcement of the original Order, than perhaps it can be enforced. If, however, it is not a lack of enforcement,

BILL #1

Mr. Stutter continued.....

than I think the next step is, to delegate this authority to the Municipalities, because I am quite sure that I and many people from my area don't want to impose our wishes on the rest of the people of the Territory. I enjoy having a beer on the street as much as anybody else and I can see where we bring in that section now, that there will be some very definitive points that are hard to get across, particularly this "no person may consume liquor on a street or lane". This doesn't stop anyone from stepping off the sidewalk and consume all the liquor they want on a vacant lot and carrying on in such a manner as we had in Dawson before. So really, that wouldn't change anything much. And then the third and final alternative we have, of course, is to change the Ordinance if the first two don't work, namely the meeting with Marcoux and possibly the municipalities, thirdly, changing the Ordinance.

Mr. Stutter takes the Chair.

Mr. Taylor: It seems to me, that in any event, an offence under the Criminal Code in many of the areas we have been discussing, if section 160 remains unamended -- and my Code is 1965, it may have been amended, but it states that "Everyone who (a) not being in a dwelling house, causes a disturbance in or near a public place (1) by fighting, screaming, swearing, singing or being insulting or using obscene language, (2) by being drunk, (3) by impeding or molesting other persons, is guilty of an offence punishable upon summary conviction." Also, everyone who loiters in a public place and in any way obstructs persons who are there, is guilty of an offence punishable by law. This has not been amended. This has not been amended so it is already covered the best it could.

Mr. Legal Adviser: No, Mr. Chairman, the section is unamended in the Criminal Code, but to allow the proposed amendment of section 102A is a machinery section, not because the Administration is deliberately not enforcing it, but because the mechanics of enforcing the Ordinance as it stands at the moment are quite difficult. If a crowd of people at two or three in the morning sing, you don't necessarily want to charge them with the Criminal Code, you don't necessarily want to prove they were intoxicated, because contrary to what people want to believe, it is a difficult thing to do to prove that a person is intoxicated. The legal definition of intoxication is that a person is not intoxicated when the same two legs that took him into a house are the same two legs that took him out. But if you have some technical sections, then you can bring some order into the chaos by picking up people who are consuming liquor on a street. If at the moment you are attempting to charge a person under some of the sections mentioned by some of the Honourable Members you are in the difficulty of having to prove where the liquor came from and that is almost impossible to prove. A person is walking along the street late at night threatening to throw a beerbottle through a merchant's shop window and he has a beer in his hand on Main street, and he has a beer in his hand. It's impossible to prove that he got that beer unlawfully. He can legally bring it from his own house. What are you to do. So, I would think that the Council would be very wise to arrange a meeting with Mr. Marcoux. He is in town at the moment, he is not on a long tour inspection. I would make an attempt to the wishes of the House, as I know he was at my office shortly before we came into House and asking when do you think the House is prepared to meet with him and that he would like some idea what questions the House would be asking him. I am sure he will only be too happy to do this.

Some Members: No objections.

Mr. Taylor: I will again resume the Chair.

BILL #1

Mr. Taylor resumes the Chair.

Mr. Chairman: Is this agreeable?

Some Members: Agreed.

Mr. Chairman: Then at this time we will recess for coffee.

RECESS

RECESS

Mr. Chairman: I will now call Council to order and we have with us Inspector Marcoux to discuss with us the matters relative to Bill No. 1 namely the Liquor Ordinance.

BILL #1

Mr. McKinnon: Inspector Marcoux, we have an amendment to the Liquor Ordinance before us, I don't know whether you have it or whether you are familiar with the contents of the bill to amend the Liquor Ordinance. At any rate I would like to give a little bit of background on this. As you well know when the new Liquor Ordinance came into effect on April the 1st the philosophy behind it was much of the philosophy that is going on in legislatures throughout North America and indeed, I would be safely saying throughout the world that the incarceration and the prosecution of people who are drunk is just not serving any useful purpose either in the courts or either incarcerating this person at the taxpayers expense in the jails. Now since the liberalized drinking law has come into effect there have been certain problems that have arisen in the Yukon Territory and I would be the first to admit that these problems are real and they do exist. The problems generally are that after the bars are closed that people are taking open liquor from the bars and are smashing the bottles that the liquor is contained in and the glasses that the liquor is contained in on the city streets and making quite a mess. The second area is that people in an intoxicated condition are drinking on the city streets and this is causing some public discord also. Now I make the point that in the Liquor Ordinance under 69 (1) that the biggest problem is where people are taking the bottles and the glass from the bar after the bar is closed. The bar owner is looking the other way because he wants to clear the premises as quickly as possible and even though it is against the law under the Ordinance these are the people who in an intoxicated condition are removing the vessels that the liquor is contained in which is illegal and smashing them after the bar is closed. I make a point that I see this time and time again and if it were possible to enforce 69 (1) either through a Territorial Liquor Inspector, through more enforcing or through the enforcing powers of a municipality having some police protection that this problem could be solved without changing the Ordinance. The second part is that I don't really have that much of the problem and I don't think that the people of the Yukon have that much of the problem with a person who is completely sober if he were standing at the street corner consuming a beer and deposited that vessel in a receptacle and wasn't bothering anybody with that person doing it. The problem is with people who are obviously in an intoxicated condition who are drinking on the city streets and I think that people are quite upset and rightly so. I have a problem thinking that perhaps the enforcement of people who are in an intoxicated position and drinking along with section 69 subsection (1) with the people who are taking liquor illegally out of the tavern that if these were enforced to a great extent that the problem of the Liquor Ordinance that the public sees would be solved without amending the Ordinance. The amendments as they stand, 102A would say that "no person may consume liquor on a street or lane within a municipality and no person may loiter in a street or lane in a municipality for the purpose or with the intention of consuming liquor and no person may consume liquor in a motor vehicle in a street or lane within a municipality." When we discussed the Liquor Ordinance it was the feeling of members that once you start restricting and once you make definitions of where people may consume or not that that is where you are running into a real hodge-podge because it is so difficult to define or so difficult to put areas where people may or may not drink that the restrictions cause much more problem in the regulations than trying to leave it liberal. And just looking at this amendment you could see where a person would be

BILL #1

Mr. McKinnon continues

consuming on a street or a lane and I could give an example of this vacant lot right on main street beside the Whitehorse Star and the cab stand where he could just step off the street as soon as a person came out and challenge the police and say ha ha you can't get me now because I am not in a public place any longer. We also had the other suggestion which was originally raised at noon by Councillor Tanner that if there weren't extensions of city boundaries that it is possible for people to line up on the border of the City of Whitehorse sign and be able to drink on the street and on the highway on the other side of the sign of course not being able to drink on this side of the sign. I think that this is the type of thing that I personally don't want to see come about where you have such a hodge-podge of legislation and regulation that it even makes it more unenforceable than it now is and I would like your comments on the Ordinance, on the enforceability of the Ordinance and if it were possible through some method of strict enforcement of the legislation as it now stands whether more constabulary are needed to enforce the legislation as it now stands, whether you feel that the City perhaps should be sharing in the policing of these things of which we know are not in the public interest and the public does not except or whether you feel that the only way of making the Ordinance work is by making amendments to the Ordinance to ease those problems of which I speak.

Inspector Marcoux: Thank you Mr. McKinnon. If you don't mind ladies and gentlemen, I will remain seated so I can refer to my notes. It is quite a long question that you ask me to answer Mr. McKinnon. I saw the copy of the proposed Ordinance submitted by the Legal Adviser and I must say that we would be quite happy to see it adopted by the Council. Of course, it is none of my business, it is up to you ladies and gentlemen to do that but I would be very happy along with the members of the force if you did pass this new legislation. Your first point that you took Mr. McKinnon concerning the enforcement of the public throwing the bottles on the street I think your point is well taken. We could do that you know, as you say, go out to the public places and arrest people throwing bottles but it is very difficult for all the Mounted Police in the Yukon Territory not to stand around but to be checking all our premises waiting for someone who is drinking a beer to throw it against a public place and break a window. That is my first answer. I would prefer to see the law amended to prohibit any person from drinking liquor in a public place, a public street, within a municipality, within areas of the Yukon and to define it in the Act for instance Dawson City, Watson Lake, Haines Junction, Whitehorse here in the streets, in the public places, anywhere, we should prohibit drinking this way and it would make it much easier for the policeman to enforce your Liquor Ordinance. That is my answer to your question about the persons that are throwing a bottle of beer, the complaints that we get from the public of the willful damage that ensued from people coming out of your bars in the City of Whitehorse and other municipalities. That would solve the problem and make it much easier on the policeman to enforce it if you would make it illegal to consume liquor in a public place and if you define it properly I see no difficulty with the public because if I want to go camping outside of Whitehorse, outside of Watson Lake I could go to a camp and it would not be illegal for me to drink a bottle of beer there with my family or any type of intoxicant but if your Act is quite clear and you make it against the law to drink on the street in a public place within your municipality I don't see any problems with the policeman to enforce this particular Ordinance. As for the rest of the Ordinance about your authority you want to give to the Liquor Inspector we are a hundred percent behind this proposed amendment. It would solve a lot of complaints that we get from the public in the Yukon Territory because there are certain hotel operators in the Yukon who are taking advantage of their license privileges. I don't know what else I could add to these comments. I have Stan Johnson here, Mr. McKinnon who also is quite experienced in enforcement of the Liquor Ordinance in the City of Whitehorse. Perhaps too he might add some comments to our problems in the enforcement of this Ordinance.

Mr. McKinnon: How about the answer to the question where a person could just step off the sidewalk or off the street into such a place as a

Mr. McKinnon continues

vacant lot and defy the police because it wasn't a street or a lane as the Ordinance now stands at. He has no right to either arrest or incarcerate that person.

Inspector Marcoux: Well why don't we make it that way, that when, as I said Mr. McKinnon, in answer to your question why don't we make it illegal for anybody to drink liquor outside the hotels in the City of Whitehorse? That should be a public place I think. Why should it be because the same gentleman that's in the vacant lot is going to take that bottle and he could throw it just as well against a window in a garage somewhere.

Mr. McKinnon: Then of course Inspector we have the problem of people going on a picnic to Robert Service Park within the municipality and not be allowed to, unless we make a further amendment, that this restriction does not follow in a park within a municipality area. This is the area that we were scared of in the first place in making so many definitions that it became unenforceable and also that the public no longer understood just what the rights and the privileges and the prohibitions were under the Ordinance because as you say and I agree with you wholeheartedly that I have no objection to people going out to Robert Service Park and barbecuing hamburgers and having a bottle of wine or a case of beer with that dinner. Of course these people are liable for prosecution if we make it anywhere within a municipality so we do have a problem there also.

Inspector Marcoux: Yes, but I think that we should reach a happy medium in this case. We should forget about these parks and these areas because I am the first one, I don't want to restrict this Liquor Ordinance to all the places, merely to the City to the big municipalities such as Watson Lake, and Haines Junction and Dawson City. I think that all your parks I don't think we should include them in it because as I said we can police those much easier then we can in a big municipality such as Whitehorse. It seems to me that it shouldn't be difficult to restrict drinking in public in the City of Whitehorse we just say that it's contrary to the Liquor Ordinance to drink or consume liquor outside your premises in the public places which should be defined clearly. That includes anywhere in the City of Whitehorse except in the legal place such as the dwelling house, your licensed premises and that's it the rest of them should be illegal, you shouldn't be able to drink in your car or in the public places in the City of Whitehorse and any other area you people suggest. I don't know, my friend, you can ask Staff Johnson if he agrees with me but that is my own opinion of the matter.

Mr. McKinnon: Inspector, have you any statistics on the amount of people that you have arrested for being drunk for the year prior to the new Ordinance and since the new Ordinance came into effect on April 1st of this last year?

Inspector Marcoux: I have some statistics here Mr. McKinnon. I don't know if they are going to satisfy your queries but the arrests between the first of April 1970 to December the thirty-first 1970 amount to 976 arrests. Those were the general arrests under the Act, now I said total arrests.

Mr. Chamberlist: In Whitehorse?

Mr. Tanner: What was the last date please again please Inspector?

Inspector Marcoux: Between the first of April 1970 to the 31st of December 1970, 976 total arrests for any charges that you want, any offences.

Mr. Tanner: Under the Liquor Ordinance in particular?

Inspector Marcoux: Under the Liquor Ordinance.

Mr. Chamberlist: Is this in the Yukon or in Whitehorse?

Inspector Marcoux: In the Yukon.

BILL #1

Mr. Chamberlist: Could you break it down to the Whitehorse area please?

Inspector Marcoux: Unfortunately I have it broken down to only three areas. I have it broken down now in 1969 for Whitehorse, Watson Lake and Dawson for the same period in 1969 to the 1st of April to the 31st of December we arrested 926 people, that was for intoxication. In 1970 for the same amount again, for the same offence intoxication, we arrested 911 people that being the total for these three areas, Whitehorse, Watson Lake and Dawson.

Mr. McKimmon: There is not any significant difference before or after with considering normal growth rate.

Mr. Chamberlist: And how many prosecutions?

Inspector Marcoux: The prosecutions for the same period mainly in relation to minors and supplying, 58 of them.

Mr. Chamberlist: That is within 1970.

Inspector Marcoux: That is in 1970. I haven't got the figures for 1969.

Mr. Chamberlist: And all the others I take it Mr. Chairman, to the witness, all the others were where you had released the people after they had been put in jail to work it off. Now how many of those people, if you have the statistics, how many of those people were repeat performers?

Inspector Marcoux: I don't think I can answer this question. Perhaps Staff Johnson could answer this question.

Staff Sergeant Johnson: Well I can't answer the question offhand because I didn't know I was coming to this meeting in the first place when I got over to the office but during the first six months after the new Ordinance came into effect we did make some statistics and I have these over at the office and there was about twenty-five chronic offenders that were repeatedly being locked up and several of these people were incarcerated ten to twenty times during the first six months after the new Ordinance came into effect. We compared these people with their arrest total for the comparable six month period the year before and these same people had not been arrested as many times which indicated to us that they were abusing the new Liquor Ordinance as hard core offenders, probably too, of course, the year before they probably spent some of that time incarcerated but I think that there is a hard core of chronic offenders that are constantly being picked up and these people certainly give the impression that there is a lot of intoxication on the streets in Whitehorse. I think there is more intoxication now possibly one of the reasons is that generally the accused person is drunker now before he is picked up than previously. Quite often we act on complaints and quite often the person we do pick up is passed right out. In Whitehorse itself we arrested more people under the new Liquor Ordinance than we had for comparable period, I think it was about 200 more for intoxication. So actually there are more arrests being made in Whitehorse for intoxication than there was previously and this is continuing on into this year also being quite noticeable. On the enforcement of people who bring bottles out of bars I don't think it can, easily because of problems of proof and I feel that, at least I certainly agree with Inspector Marcoux that the only way is to prohibit drinking in public in Whitehorse and I am sure that this will result in less glass being on the street and less broken windows and less damaged property. I don't think it looks too good for tourists either to see people around the Whitehorse Inn or various hotels, standing around, there are always various people standing around there anytime of the day or night and sometimes they have bottles in their hands and are drinking, and of course they are usually the same people but these tourists don't know that. I think there are enough places for people to drink that they don't have to drink on the streets or in a motor vehicle.

Mr. Chamberlist: I wonder Inspector Marcoux if there is any way to your mind where there is a lack of enforcement in the Liquor Ordinance as it is

Mr. Chamberlist continues

now and where in fact that there can be greater enforcement without the amendments that are being proposed to improve the situation as it is now.

Inspector Marcoux: Well, I must say first, that there is always the lack of enforcement on the part of my policemen, the policemen that are working for me. There is always in a group of policemen some that are not doing their job properly and I readily admit this that perhaps we could have less drunken people on the streets and I don't particular aim at Whitehorse, if you talk about Dawson City or Watson Lake they could be more vigilant, more patrol on the part of the policeman that might prevent willful damage, throwing bottles and the same thing applies to Whitehorse. I suppose if we had more policemen on the streets at all times we might not have that problem. Lack of enforcement I think perhaps is, pertaining to our bar operators, I think there is a lack of enforcement on our part, perhaps on the part of the policeman, perhaps on the part of the Liquor Board and Liquor Inspector. Perhaps the both of us are not doing our job properly because I feel that some of the bar operators are serving people that are already intoxicated and are abusing the privilege of their license. So those are the two areas perhaps that there has been a lack of enforcement in.

Mr. Chamberlist: Mr. Chairman, I wonder if Inspector Marcoux could indicate 1. what the cost of incarcerating a person overnight is if there is any cost figure on that and who is it that pays? Does it come out of direct federal funds or allocation of funds that you have in your own administration of your precinct?

Inspector Marcoux: I think, Mr. Chamberlist, if you have no objection I will let Staff Johnson answer that because he hires the guards and he should be able to answer this question properly.

Staff Sergeant Johnson: Yes, the persons who are arrested for intoxication are released first thing in the morning and they are not given any breakfast. They are released at approximately 6 a.m. in the morning or 7 a.m. to go to work or wherever they go. The only charge is the hiring of guards and we have special constables who are employed full time as provost guards and we hire civilians as relief guards at \$2.37 an hour and this money, these accounts are sent down to Ottawa and paid from, I am quite sure from federal funds.

Mr. Tanner: Mr. Chairman may I ask Staff Sergeant Johnson whether he has any idea what it cost before when you were prosecuted? When they could have been prosecuted for being drunk?

Mr. Commissioner: Mr. Chairman, the cost of maintaining the guard room here was made available to Council just prior to us opening our own Correctional Institute in the neighborhood of, I believe, of around about \$16.00 an individual a day was the figure given to us here at that time.

Mr. McKinnon: I would like to say Inspector that there is rank discrimination in the guard house down there if you are arrested on a charge against the Criminal Code you get breakfast the next morning. I would like to ask Inspector Marcoux how many men does he have on patrol in the Whitehorse Metropolitan area at 3:00 on any given morning during the week.

Inspector Marcoux: Well, again if you don't mind Mr. McKinnon I will let Staff Johnson who has complete detail of the shifts answer this question. He will be able to tell you.

Staff Sergeant Johnson: At 3:00 a.m. we have for five nights a week we have one right now he is a sergeant, but two constables from Whitehorse detachment patrolling up until 3:00 a.m. and there is an overlapping of shifts between 12 and 1:00. For a period of one hour we have four constables and one N.C.O. on, between 3 a.m. and

BILL #1

Staff Sergeant Johnson continues

8 a.m. when the day shift starts we have two members on regular patrol. The strength of the detachment is 12 constables and 2 corporals, 2 sergeants and one staff sergeant plus the special constables and stenographic help so we have 12 constables to rotate on shift and that is a 24 hour operation, 7 days a week.

Mr. McKinnon: Would there be two cars patrolling up to 3 a.m., that is, would one of these people be stationary at the detachment and one car only patrolling?

Staff Sergeant Johnson: It would depend. Many of our duties of course are responding to complaints and investigating accidents. We, last year our detachment had pretty near 6,000 complaints which have to be answered and some nights the entire time is spent responding to complaints.

Mr. McKinnon: At certain nights there isn't a time when people can be on patrol around the areas where the bars are closing at the time that they are closing?

Staff Sergeant Johnson: It is not guaranteed. We check property at regular intervals but we couldn't guarantee to be at a certain place at a certain time with our present manpower because our members may be up at Hillcrest or Porter Creek investigating an offence there or an accident. We do as many foot patrols as possible which is very effective as a means of preventing crime but there again our manpower is sometimes not adequate to really patrol effectively.

Mr. McKinnon: Other than the sections of drinking in the public within the boundaries of the municipality are there any other changes that the members of the R.C.M.P. would like to see in the liquor enforcement for the easy enforcement of the law as it now stands or is that the general attitude of the constabulary that they feel that if this were rectified that there wouldn't be too many problems enforcing law?

Inspector Marcoux: Definitely so Mr. McKinnon. And one question that I did not properly reply to of Mr. Chamberlist and perhaps I could cover that. Another problem we have in the bars is the number of minors in the bars and I might mention that we had a meeting recently with the Liquor Board Members and the Inspector and we are taking steps to do something about this.

Mr. McKinnon: Under nineteen?

Inspector Marcoux: Right. And as I said perhaps it is a lack of enforcement on our part and on the part of the Liquor Inspector but we have had a lot of complaints about minors being in the bar. And I think as a matter of policy the R.C.M.P. does not consider that it is their police function to have to go into the bar to police the licenses. We have offered our cooperation to the Liquor Inspector and the Liquor Board and we hope to remedy that. I think that if you pass all this Legislation that should solve a lot of problems, especially when you gave more power and authority to the Liquor Inspector. That should solve a lot of problems.

Mr. Chairman: Any further questions? I just have one question from the Chair if I might ask. In relation to enforcing the law would there be any difference as far as the R.C.M.P. are concerned in enforcing a city by-law to this effect as opposed to a section of this Ordinance?

Inspector Marcoux: It would make no difference if we have authority to enforce a by-law in the City of Whitehorse, I don't think, but I don't think we can enforce the by-law unless we sign the contract with the City of Whitehorse.

Staff Sergeant Johnson: I think there is an Agreement that we are limited to traffic by-law and one or two other by-laws like the by-law.

Inspector Marcoux: So it would make no difference then?

Staff Sergeant Johnson: Well, I think we could enforce it if we had the authority from Ottawa. I think it requires, I don't know just what it is whether an Order in Council or what it would be but I think it would be required to give us the authority to enforce the by-law.

Mr. Commissioner: Mr. Chairman, with respect to this matter, there has been a considerable amount of work being done from my office in the last few months concerning a Police Service Agreement, something which we haven't had here in the Yukon for some years and there is very specific reference in the forms of the Agreement that we have seen and I am assuming that these are agreements that exist between the R.C.M.P. and other provincial authorities and it excludes very definitely all city by-laws except -- one of the exceptions is traffic and one or two others and then it goes on to state specifically that the force will not be called upon to handle other types of City by-laws so I would like to suggest Mr. Chairman that there might be very great difficulty involved in so far as the R.C.M.P. and the Police Service Agreement that we are coming up here with in the not-too-distant future if indeed part of our Liquor Laws were to become Municipal by-laws.

Inspector Marcoux: If I am right, Mr. Commissioner, I think the only time we enforce a by-law on the outside is when we do specifically enter into a contract with a certain municipality, otherwise we don't touch the by-laws.

Mr. Commissioner: This would appear to be the case from what we have been told.

Mr. McKinnon: Would it be a cost per man to a municipality or to a territory for ...

Inspector Marcoux: You know it changes from year to year but I think it is between eight and ten thousand dollars per man and I am sorry to say that I haven't got the figure here but I can send them up. It varies, it seems to increase from year to year Mr. McKinnon so I am sorry that I cannot give you the exact figure but I could get it for you and forward it to the Legal Adviser if you are interested, by sending a telex to Ottawa and getting the exact figure.

Mr. McKinnon: Fine, thank you very much. I would appreciate it. I have no further questions Mr. Chairman. I would like to thank the Inspector very much for coming.

Mr. Chairman: Have any of the members of Committee any further questions? I would like to thank both the Inspector and Staff Johnson for coming here today. They've been a great help to us.

Inspector Marcoux: Thank you, gentlemen.

Mr. Chairman: I will declare a short recess.

RECESS

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

Mr. McKinnon: You can go onto a vacant lot and drink and go to sleep and defy the police; you can go to the boundaries of the municipality and do the same thing. The only thing that would make me go along with the Ordinance as it now stands is because of the Inspector's appearance before Council and the obvious fact that they just haven't got the constabulary in the field that is able to enforce the Ordinance at those times when the infringement of the Ordinance are taking place and I don't see how it is humanly possible for one patrol car which is

BILL #1

Mr. McKinnon continues

sometimes and sometimes not patrolling the municipality at the time when these infractions to the Ordinance are taking place and is not available to be able to arrest and to be able to see the infractions that are going on. As I say I have very real problem in assenting to either the Inspection clauses within this without knowing that the Inspectors are qualified, that they are prepared to do their job at all hours of the day and night and are not prepared to only work a eight to five type of shift which I think the Inspectorial staff is largely and mainly upon at this point in the Yukon's history and also I will never be convinced as long as I remain in this Council that the original Ordinance was not a good Ordinance, that if it had been enforced properly that none of these problems that we are faced with at this time would've come to pass and it is going to be with rather a mixed feeling that I support this Legislation.

Mr. Chamberlist: Mr. Chairman, I hope the Honorable Member will support the Legislation. There is one point that I would like to make clear with him and I am sure that he will agree. That the qualification of a Liquor Inspector is not a legislative matter. This is purely an administrative matter and I feel sure that the administration will see that the people who are going to enforce the legislation will be qualified and will be taught to be qualified if they haven't the qualifications already to conduct themselves in the manner which is required to fulfill the requirements of the Ordinance. In regards to the other points that have been raised, I think that we have to have a change; I think that in view of what the Inspector of the R.C.M.P. has said, it is a help to the police enforcement of the Territory if these amendments are made. The Honorable Member did want the Inspector to be here so that he could hear him talk out. We have all heard him out and I think on the basis of that that we should accept this particular section as it is written.

Mr. Tanner: Mr. Chairman, one of the conclusions I came to from listening to the Inspector that the hard core drinking is done by a small number of people. The number of arrests after the Ordinance came in is very little different than before the Ordinance and I was wondering as a suggestion to the Committee to consider whether or not we could amend the Ordinance, not as it reads in 4. but when somebody is arrested four, five or ten times then we can take action against them. This is going to remove what the tourist eyesore is of which apparently everyone is complaining of to a certain extent. If we incarcerate somebody after twenty-five offences, why wait that long, why not find some other alternative earlier than that. I don't like it but if that is the main bug there in the present Ordinance seems to be 1. enforcement and I think you are getting over some of that by section 1 of the amendment; 2. section 2 I go along with and section 3 is okay but section 4 I don't think that I could support this entire amendment with section 4 in there and as an alternative I am suggesting that perhaps we should look at the Ordinance in relation to the repeat drinker, the one who actually is causing the greater number of arrests.

Mr. Legal Adviser: As a result of the laughter at the Administration at setting in motion some kind of review to see what can be done with repeat drunks. Now this is in its very early stages but I don't think it would be a wise thing to say that a man is going to be arrested after ten or twenty arrests. I think that this is a programme which is maybe a costly one that has to be really thoroughly examined by the Administration to see what is possible.

Mr. Chairman: Councillor Stutter would you take the Chair.

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I can't agree with this section. The deeper we get into it the more I find it repugnant. We endeavored when we constructed a new Liquor Ordinance to take a very contemporary look at this problem and effect some real good legislation throughout the Territory.

Mr. Taylor continues

In my opinion it has worked and is working and I think that it is working reasonably well. It was pointed out as Councillor Tanner just noted that there seems to be a hard core of about twenty-five to thirty people who are constant offenders. This is in areas within the City of Whitehorse, and I understand that there might be a small problem in Dawson. I would by no stretch of the imagination approve this section as it would relate to Faro in the Yukon Territory which again is another situation. I feel that we should reject section 4 of this bill as being unnecessary at this time, I think it very unwise to put it in. I think that prior to any such consideration being given in the future that we should have a direct request from the municipalities involved and if the municipality of Whitehorse, and if the municipality of Dawson and if the municipality of Faro decide by direct request that it is in the best interest of the Administration of the municipality to have such legislation as this, fine, I will buy it. But I think that requests should come directly from the, without any qualification whatsoever, from the municipality to the Council and until such time as that request is given by those municipalities, that we should not change the legislation which is now in effect. Consequently, I would have to vote against the bill or we propose an amendment eventually for the deletion of section 4 as it presently stands.

Mr. Chamberlist: Mr. Chairman, I think that the Honourable Member from Watson Lake has brought another thought forward that it should be a request from a particular municipality by direct request. I think that that has quite a lot of merit. I wonder if members of Committee would push this particular thought around now for discussion that I would like to bring forward in view of the remarks that Councillor Tanner said. In section 84 of course the Commissioner can make a prosecution -- there can be a prosecution when the consent of the Commissioner is given. Supposing we were able to include a summary where a person has been arrested and lodged for intoxication four times in sixty days. There is a possibility of everybody trying to work out something. The Honourable Member from Whitehorse West now gives a big hee-haw but he hasn't come up with anything constructive. Now it is alright to be critical at any piece of legislation where there is an attempt being made to correct a fault and satisfy the interest of public citizens who perhaps have a different concept of drinking than the Honourable Member from Whitehorse West. Now for the time we must try and compromise to give satisfaction to the public and I am concerned that the public is satisfied. I wonder if there can be any thought given to this latter suggestion.

Mr. Taylor: Mr. Chairman, I would like to hear what other members feel about the suggestion I make that no change be made as proposed in section 4 of this Ordinance until such time that we have a direct request from the municipality because these are the people presumably who would have the problem and if they come to us and they say really we have no problem here in Faro or we have no - in our opinion as the elected representatives of the municipality of Dawson, or the elected representatives of the municipality of Whitehorse, this is what we are elected for, to run the City, and they feel that there is a problem, fine, it is then our duty as Territorial Councillors to see to their requests if those requests be reasonable. But if they feel no, we feel that for the best interests of the City that we carry on in the manner that we are now doing and the other areas of the Yukon are now doing then fine. This is for us to consider. But I think that we should give these municipalities the opportunity of through the elected Councils to make representation here before imposing this upon the municipality.

Mr. Chamberlist: Mr. Chairman, I wonder if Councillor Taylor would indicate whether his intention is that if a request of this nature was made it would not be by by-law but would still be in the Liquor Ordinance itself, that it would say that in the municipality of the City of Whitehorse there shall be ... then put that section in then according to each municipality that asks. Is this the intention?

BILL #1

Mr. Taylor: Yes, Mr. Chairman. It is not the intention at this time to consider the by-law of the situation for one very good and just reason and that was the reason explained in respect of police agreement that possibly it wouldn't work. So if it means that it must remain in the Liquor Ordinance, fine, that we would say "within the municipality of Dawson or within the municipality of Faro or Whitehorse" spell them out but I think that you will find that if you really get down to the meat of this thing that there isn't a municipality in the Territory that wants this type of legislation on the books in respect of their municipality. That is my suspicion and I think that it is only fair to people living in the municipality to find out what they think. Send a letter. We are going to have this bill before us for some time in abeyance during the course of this Session which I understand may be fairly lengthy and it would be no problem as I can see it in setting it aside and giving us time to collect this information from the municipalities and ask them what they think.

Mr. Chairman: Would Councillor Taylor take the Chair again.

Mr. Taylor: I will now resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Stutter: Mr. Chairman, in view of the fact that three of the members have already stated that they will oppose the bill with No. 4 in it I have got to go along with your suggestion that this particular part be left up to the municipalities involved if this can be worked out. Just going back for one minute to some of the arrests that Inspector Marcoux mentioned, the figures that he mentioned, and the talk of prosecuting the person that has been picked up after X number of times. I would like to point out that the police, again I am talking about Dawson, the police during the cold spell, the extremely cold spell, in many instances picked up people which were drunk but absolutely harmlessly drunk. They picked these people up and locked them up for the night purely for the reason that if they hadn't have done, the chances are that we would have been reading about these people in the obituary column. There are quite a few not just in Dawson, but there are quite a few cases in the Territory where drunks are quite harmless but have been a nights lodging to protect their own selves and I think that these figures if they were called out you would see a large difference in the figures that are now before you.

Mr. Chamberlist: Mr. Chairman, I wonder if we could now report progress on this bill so that the Government might consider its situation and bring forward any further suggestions to the Committee as a whole in relation to it.

Mr. Chairman: I am at the direction of Committee whatever Committee feels they might wish to do. Is it your wish to defer this matter at this time?

Mr. McKinnon: In section 2 is it the feeling of Council that in subsection (b) that this should be with the accompaniment of a parent, grandparent or legal guardian? is this understood?

Mr. Legal Adviser: Yes, this is understood. Subsection (7) is to have a typing change.

Mr. Chairman: Then this means that section 2 is standing for amendment and section 4 is still under review. I shall report progress on this matter. Do you wish to proceed to Bill No. 2 at this time?

BILL #2

Mr. Chamberlist: Mr. Chairman, just to present the explanatory note "The purpose of this bill is to enable the Commissioner to enter into and execute on behalf of the Government of the Yukon Territory an agreement with Canada for finances for the fiscal year 1971-72."

Mr. Chairman: Reads Bill No. 2.

Mr. McKinnon: Mr. Chairman, I am going to make an argument at this time and I think it is a valid argument and I think all Honorable Members should be prepared to look at it quite seriously. When we agreed to Bill No. 2, to Bill No. 3 and to Bill No. 4 we have in essence agreed to terms and conditions of the budget without ever examining the budget and without going into the budget in any way, shape or form for detail. I make the point Mr. Chairman, that we are going about it completely the wrong way that we have to examine Bill No. 12 first the terms and conditions and the agreement or disagreement of the budgetary requirement and then if that bill is accepted by the majority of Council the other bills just naturally follow that they will be accepted. So I think Mr. Chairman to go about the business in the proper way of the House that our next order of business should be to get into the budget material and Bill No. 12 rather than take these bills which will be reflected in the budget and approve them or disapprove them prior to examination of the budget proper. BILL #2

Mr. Chamberlist: Mr. Chairman, I see no objection to allowing the wish of the member and as I have already indicated that the Executive is very flexible and is only too prepared to give all the consideration possible to the Honorable Member and I would suggest that we report progress because we have read it and we will proceed with Bill No. 12.

Mr. McKinnon: Mr. Chairman, I have seen people who looked like a cat who swallowed a canary before but this is the first time that I have seen a member who looks like he has swallowed ten canaries.

Mr. Chairman: Do you wish to move to Bill No. 12 at this time? BILL #12

Mr. Chamberlist: Mr. Chairman, the explanatory note is very brief "the purpose of this bill is to provide funds for the fiscal year 1971-72." I am sure the Honorable Member from Whitehorse West will not want to object to us providing funds.

Mr. McKinnon: I object, Mr. Chairman, to the Honorable Member of Whitehorse East reading it because the Honorable Chairman of Committee used to do a much better job of reading the explanatory notes.

Mr. Chairman: Reads Bill No. 12.

Mr. Commissioner: Excuse me, Mr. Chairman, before you go any further I must rise to advise that the Schedule, the total shown in the Schedule and the total shown under Item 2 of the Ordinance here are not in accord with the budget book here. Certain changes had to be made in the budget book as a consequence of advice particularly with regard to the Police Services Agreement Mr. Chairman, and I see that they have not been made in the Ordinance. It will not materially affect the content of the Ordinance as far as what you are doing at the moment, Mr. Chairman, but I would not want you to proceed thinking that these totals were correct when they are incorrect, Mr. Chairman.

Mr. Chairman: Would it be possible to have the amended bill here by morning?

Mr. Commissioner: Yes, Mr. Chairman.

Mr. Chairman: Is it your wish to proceed at this time or wait until morning?

Mr. McKinnon: Mr. Chairman, I for one would like the opportunity of collecting my books and papers from last year in order to be able to pursue the budget in a proper manner because my books and material are not available. I made the point before that this is the first time that we have seen this budget, being this morning, and I would like at least overnight to be able to collect my material and be ready to go tomorrow.

Mr. Chamberlist: Once more Mr. Chairman, I agree. I think that we should give every latitude to the Honorable Member. I would move that Mr. Speaker now resume the Chair.

Mr. Chairman: It has been moved by Councillor Chamberlist and seconded by Councillor Stutter that Mr. Speaker will now resume the Chair and prepare for the questions. Are you agreed? I will declare the Motion carried.

*MOTION
CARRIED*

MOTION CARRIED

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

Mr. Chairman: Yes, Mr. Speaker. Committee convened at 11:15 a.m. this morning to discuss public bills. Committee recessed at 12 noon and reconvened at 2 p.m. Inspector Marcoux and Staff Sergeant Johnson of the R.C.M.P. attended Committee to discuss matters relevant to Bill No. 1. I can report progress on Bills No. 1, No. 2 and No. 12. It was moved by Councillor Chamberlist and seconded by Councillor Stutter that Mr. Speaker do now resume the Chair and this motion carried.

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

Mr. Taylor: Mr. Speaker, in respect of the agenda for tomorrow we have in Committee some bills and I do believe some further bills will be introduced tomorrow morning to Committee and so I imagine tomorrow we will be dealing primarily with bills.

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

Mr. Speaker: It is moved by the member from Dawson City and seconded by the member from Whitehorse North that we now call it five o'clock. Are you prepared for the question? Agreed? The Council stands adjourned until 10:00 a.m. tomorrow morning.

ADJOURNED

ADJOURNED

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. Are there any Documents or Correspondence to be tabled?

Mr. Chamberlist: Mr. Speaker, this morning there are no Correspondence or Documents to be tabled

Mr. Speaker: Are there any Reports of Committee? Are there any bills to be introduced?

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 13, An Ordinance to Amend the Companies Ordinance, be introduced.

*BILL #13
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 14, An Ordinance to Amend the Elections Ordinance, be introduced.

*BILL #14
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 15, An Ordinance to Amend the Labour Standards Ordinance, be introduced.

*BILL #15
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

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

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion respecting Sessional Papers No. 3 and No. 6.

MOTION #2

Mr. Speaker: Are there any further Notices of Motion? Are there any Notices of Motion for the Production of Papers? As there are no Motions for the Production of Papers, we will now proceed to Motions. Motion No. 1, it has been moved by Councillor Taylor, seconded by Councillor McKinnon that a special committee consisting of all Members of the whole House be now appointed to consider proposed changes to: (1) Yukon Quartz Mining Act; (2) N.C.P.C. Act; and (3) Proposed Land Use Regulations and all matters pertaining thereto, such committee to be titled "The Special Committee on Resource, Environmental Control and Land Use Legislation". Councillor Taylor, are you prepared to proceed with this motion at this time?

MOTION #1

Mr. Taylor: Yes, Mr. Speaker. The matters contained in the motion are I think, known to all Members, as to, indeed, all people of the Yukon. We understand that we will be having with us to discuss these matters, several members of the Economic Development Branch in Ottawa during the course of the next few days. There are also other parties, who I am sure, may wish to contribute to general discussion in respect of these matters. When we, in the past, have dealt with such items as Liquor Control, other items of great importance to all people of the Yukon, it has been the practice of Council to establish a special committee consisting of Members of the whole House to review and look into these matters, and, it is, therefore that I bring the motion to you today. It is sufficient to say, Mr. Speaker, that the matter contained here is presenting a problem which is probably among the more serious problems

Mr. Taylor continued....

MOTION #1

that we have had to face in the Yukon today. I also state that the end results of discussions surrounding these three areas, the Yukon Quartz Mining Act, the N.C.P.C. Act, and the Proposed Land Use Regulations, will largely determine the future course, both economically and constitutionally of the Yukon Territory. So, I would ask for support in the motion, in order that this committee can be constituted and proceed to deal with this most important matter.

Mr. Speaker: Are you prepared for the question? Agreed?

*MOTION
CARRIED*

MOTION CARRIED

Mr. Speaker: Mr. Clerk, will you see if the Commissioner is available for the Question Period? We will now have a short recess.

RECESS

RECESS

Mr. Speaker: The House will now come to order.

*QUESTION RE
CONSTITU-
TIONAL
CONFERENCE*

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to the Commissioner this morning and it has to do with the current Constitutional Conference now taking place in Ottawa. I would like to ask Mr. Commissioner, firstly, if there have been any invitations extended by the Federal Government to the Yukon Territory for participation in this conference, and, the second portion of my question would be to Mr. Commissioner, had the Government of the Yukon Territory asked at any time to participate in this most important Conference on the Constitution of Canada?

Mr. Commissioner: Mr. Speaker, there are two types of conferences that are held in connection with constitutional matters in the series that is now going on. One is the open type conferences and the other are closed. We have had invitations to the open type conferences and have been part of the Federal delegation at all of the open conferences.

Mr. McKinnon: All of them? Uh-uh.

Mr. Commissioner: I thought all the open ones, Mr. Speaker,-- well I stand to be corrected then, but such invitations that have been extended to us have been for the open type conferences and we have participated as members of the Federal delegation. The closed type conferences, we have never had any invitations to them, and this is the kind of conference that has just completed in Ottawa. It was held Monday and Tuesday of this week. We were not made aware of the dates of the conference. We were in touch with the Deputy Minister in connection with it. We were told that the conference was to be held this last Monday and Tuesday, and that inquiry from the Privy Council indicated that we would not be invited. The matter has been discussed in the Executive Committee and I will be taking the matter of invitations to the Territorial Government to all Constitutional Conferences up with the Deputy Minister at the first opportunity.

Mr. Taylor: A further tightening of the noose.

QUESTION #2

Mr. Tanner: Mr. Speaker, I have a number of questions for the Commissioner this morning. The first one is a written question. Has the Commissioner or his Administration taken any steps to bring pressure to bear on C.N.T. to fulfil their commitments to bring a reasonable telephone service to the residents of the Greater Metropolitan Area, and, in particular, the residents of Porter Creek?

*QUESTION RE
TAKEOVER OF
ALASKA
HIGHWAY*

Mr. Taylor: Mr. Speaker, I have a further question to direct to Mr. Commissioner this morning, having reference to a statement he made in his Opening Address, also related to the takeover of the Alaska Highway.

Mr. Taylor continued....

He stated "Subject to a final affirmative decision by the Federal Cabinet, I expect to be putting a proposal before you for Yukon to enter into such an agreement with Canada." I wonder, Mr. Speaker, if Mr. Commissioner could tell me just what the anticipated target date would be if Cabinet does get its approval to this takeover and the Yukon gets its approval.

Mr. Commissioner: Mr. Speaker, the target date remains unchanged at April 1st. The possibilities of meeting this target date are diminishing by the day, but should we say that while the target date remains as April 1st, it will be either that day or a day as soon thereafter as is practical and possible, dependant upon the two items that the Honourable Member...

Mr. Tanner: Mr. Speaker, I have a second written question for the Commissioner. Is it the intention of the Health Inspectors to continue to inspect commercial premises for health purposes only, and in any correspondence with the proprietor subsequent to the inspection, use an implied threat, vis-a-vis a Liquor Control Board? I have another question for the Commissioner. Has the Commissioner considered finding alternate office space for the only Federal Agency on the Third Floor of this building, namely, the Superintendent of Lands, and thereby affording the Members of this House a caucus and library office space?

QUESTION #3

*QUESTION RE
OFFICE SPACE*

Mr. Commissioner: Mr. Speaker, the answer to this is no, because there is no other office space available in the building. We have it all occupied by the bureaucrats and those who wish to be bureaucrats, and the line-up is getting longer all the time. The ultimate answer is a proper Territorial Office, an Administration and Legislative Building. It is towards this end that we are working.

Mr. Tanner: A supplementary question to my last question. Is the Commissioner saying that we should expect a complete office building which will house this House and which we are talking about five or ten years away?

*SUPPLEMENTAR
QUESTION RE
OFFICE SPACE*

Mr. Commissioner: Mr. Speaker, I am afraid that we will have to talk in something closer than five or ten years because some of the office space that we are presently occupying is leased space and our lease will not last that long, so we will have to do it a little bit quicker than this.

Mr. Speaker: Would the Member for Watson Lake please take the Chair?

Mr. Taylor takes the Chair.

Mr. Speaker: The Honourable Member from Mayo.

Mr. Rivett: Mr. Speaker, I have a question for the Minister of Health. Would he please indicate what steps have been taken to clarify the unpleasant situation at the Mayo General Hospital.

*QUESTION RE
MAYO HOSPITAL*

Mr. Chamberlist: Mr. Speaker, there has been a little difficulty and perhaps misunderstanding at the Mayo General Hospital, and under the auspices of the Northern Health Services, an investigation of some nature will be undertaken. The investigating team will consist of a lawyer, a doctor and a nurse, all of these people from outside of the Territory, so an unbiased investigation can be made. A report on the matter will be given to Members of the House after the investigation has been completed. Thank you, Mr. Speaker.

Mr. Rivett resumes the Chair.

Mr. Speaker: Are there any further questions?

QUESTION RE
SCHOOL BUS
CONTRACT
TENDERS

Mr. McKinnon: Mr. Speaker, I would like to ask the Honourable Member from Carmacks-Kluane if she is aware that officials in her Administrative Department have refused to make public the tenders for the supply of school bus service in the Whitehorse area, and, that these tenders, once they are opened are public information and knowledge and should be made public, to members of the public?

Mrs. Watson: Mr. Speaker, I am well aware that when tenders are opened, members of the public are allowed to be present and representatives of companies who are tendering bids are also allowed to be present. These people have the information that is being demanded at the present time, and until the school bus contract is finalized, I will not be prepared to make a statement.

Mr. McKinnon: Mr. Speaker, another question to the Honourable Member. Would she make available to members of the public the tender bids for the provision of school bus service in the Whitehorse area?

Mrs. Watson: Mr. Speaker, to answer your question, Councillor, when the contract is finalized, and we expect that within the next day or two, we will make public all the details of the tender and the contract. I believe also, we will have a piece prepared to present to Council at that time.

Mr. McKinnon: Mr. Speaker, I'm going to have to follow this up. Is the Honourable Member aware that members of the press have gone to administrative officers in her department and have been refused the bid tenders for the supply of school bus service in the Whitehorse area? This is public knowledge and it should be made available to members of the press who ask for this information, and, if this has not been made available, then it is a definite breach of knowledge that has always been made public in the Territory before.

Mrs. Watson: Mr. Speaker, with your permission, Honourable Member from Whitehorse West, I will investigate it.

Mr. McKinnon: Mr. Speaker, that leaves me no recourse but for me to make available to members of the press the details of the contract bid for tenders.

Mr. Speaker: Are there any further questions? We wish to thank the Commissioner for his attendance. Are there any Private Bills and Orders? Public Bills and Orders?

Mr. Chamberlist: Mr. Speaker, at this time and prior to the asking for First and Second Reading of a number of bills, I would like to give the following statement to the House relating to Public Bills. Mr. Speaker, as I indicated yesterday, the question of providing Honourable Members with advance copies of the bills has been considered by the Government. I agree that the custom of privilege which has prevailed in this House of giving advance copies of all legislation as far as possible in advance, has much recommendation. This, however, is not now the practice in so far as our researching has shown in any other legislature in Canada. It may be that bills involving taxation or proposals for money expenditure should be placed in a separate category from legislation of general import or amending bills of a housekeeping nature. I am happy to be able to inform the House, therefore, that whenever it is possible to do so, the Government will supply the Members in advance with copies of the bills in final form in sufficient time to enable them to study the legislation. How soon in advance of a bill's introduction it can be supplied to the Members will vary from time to time, but it is my hope, that, as a rule of practice, they will be supplied not less than seven days in advance of their introduction. Money bills will not usually be tabled in advance of their introduction to the House. I hope that this compromise will go a good deal of the way to meeting the wishes

Mr. Chamberlist continued....
of the Honourable Members. Thank you, Mr. Speaker.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that
Bill No. 4, An Ordinance to Amend the Fuel Oil Tax Ordinance, be given
First Reading.

*BILL #4
FIRST
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that
Bill No. 4, An Ordinance to Amend the Fuel Oil Tax Ordinance, be given
Second Reading.

*BILL #4
SECOND
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that
Bill No. 5, An Ordinance to Authorize the Commissioner to Lend Money
to the Village of Faro for Various Purposes, be given First Reading.

*BILL #5
FIRST
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that
Bill No. 5, An Ordinance to Authorize the Commissioner to Lend Money
to the Village of Faro for Various Purposes, be given Second Reading.

*BILL #5
SECOND
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that
Bill No. 6, An Ordinance to Repeal the Amusement Tax Ordinance, be
given First Reading.

*BILL #6
FIRST
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that
Bill No. 6, An Ordinance to Repeal the Amusement Tax Ordinance, be
given Second Reading.

*BILL #6
SECOND
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that
Bill No. 7, An Ordinance to Amend the Yukon Loan Ordinance, 1955, be
given First Reading.

*BILL #7
FIRST
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that
Bill No. 7, An Ordinance to Amend the Yukon Loan Ordinance, 1955, be
given Second Reading.

*BILL #7
SECOND
READING*

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chamberlist: That is all the bills for First and Second Reading for
today, Mr. Speaker.

Mr. Taylor: Mr. Speaker, I would move at this time that Mr. Speaker do
now leave the Chair and Council resolve in Committee of the Whole for the
purpose of discussing Public Bills.

Mr. Chamberlist: I will second that.

Mr. Speaker: Moved by the Honourable Member for Watson Lake, 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 dis-
cuss bills. Is the House prepared for the question? Agreed?

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: The Honourable Member for Watson Lake will please take the Chair in Committee of the Whole. We will now have a short recess.

RECESS

RECESS

BILL #12

Mr. Chairman: I now call Committee to order. We are dealing with Bill No. 12. I will read the amended figure -- the amended bill, section 2. (Reads section 2, Bill No. 12)

You will find in Schedule A, the first item is Administrative and Legislative Support Services, in the amount of \$809,004 and we will look first at the Project and Loan side of this department. You will find this under Vote 20 in your books, right near the back. Project and Loan Capital, page 20/2, you will find Administrative Services, Establishment 2002. The first item is furniture and office equipment, all departments, in the amount of \$50,418.

Mr. McKinnon: Where do we find the break down of the furniture and office equipment, Mr. Chairman?

Mr. Chairman: I believe that the.....

Mr. Chamberlist: May I interrupt for a moment, Mr. Chairman? This is a estimated sum for all departments. The idea is so that we don't get bogged down with departmental items if we have one bulk figure for the expenditures in that area.

Mr. McKinnon: Mr. Chairman, as a radical departure, what you are saying is that we have no break down of any of the furniture or office equipment for any of the departments of Government of the Yukon Territory. We just accept, on block, a vote of \$50,418 without looking at departments which we did before, and the equipment that they were purchasing for the efficient or inefficient running of their departments. The Members of the Council don't get a chance to look at these break downs any longer. We vote on block for a sum of \$50,418 and any department head could be buying any type of equipment that they want without the knowledge of the Council.

Mr. Chamberlist: Mr. Chairman, this is not the intention at all. The obvious intention is to make it as efficiently as possible and expeditiously as possible, the requirements of the government so that they don't have to count the number of pencils each department uses, but, however, the government has no objection if any Honourable Members want a specific break down of the number of pencils, sheets of paper, etc. required for equipment to supply them with it.

Mr. McKinnon: Mr. Chairman, we have gone through this budget in a matter of two days when all of that information was available to Council at their fingertips and the only thing it took was a Member looking at the different departments and the break down of furniture and equipment before each said yea or nay to the vote in the total block. I don't think that this information which -- so much information seems for some reason not to be forthcoming to the public and to Council these days. There is just no reason for it not to be in and it's when Councillors are going to start getting suspicious and wondering whether perhaps the Executive Committee has something to hide, if this information isn't available at that Councillor's fingertips. Now, certainly I agree with the most expeditious way of running Council as possible and if I had the figures and break downs at my fingertips so I could run down them and make sure that there was nothing that was galling to me in expenditure and I'd be willing to accept the total figure. But, to come here and say carte blanche, here is a figure of \$100,000 and nobody knows what it contains but vote for it or against it. My goodness, you are certainly presuming on our trust of the Executive Committee, just a little bit too much.

Mr. Chamberlist: Well, Mr. Chairman, there is not going to be any objection to making this information available. Nobody's assuming on anybody's trust. Apparently, the Honourable Member from Whitehorse West thinks there is something untrustworthy about the whole complex of the Executive Committee.

BILL #12

Mr. McKinnon: Not only the Member for Whitehorse West.

Mr. Chamberlist: We will just give him the information. We have no objection. There is nothing to hide. We just wanted to save the Council time. If the Honourable Member wishes to extend it like this, go ahead. We will have that information available.

Mr. Chairman: Well, then I take it that this matter is not yet cleared.

Mr. McKinnon: Certainly not, Mr. Chairman. No way.

Mr. Chairman: Well, I think, possibly, at this time we will declare a recess then and we'll resolve this problem.

RECESS

RECESS

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

Mr. Chamberlist: Mr. Chairman, at this time I would ask, Mr. Chairman, to adjourn Committee for the following reasons: the information that has been requested, quite properly by the Honourable Member from Whitehorse West, will be made available and that it will take a few hours to get this information available; and another discussion that Council can deal with in caucus. I wonder if arrangements can be made for adjournment to 2:00 o'clock this afternoon.

Mr. Tanner: Mr. Chairman, could I ask the Chair -- could I make a suggestion to the Chair for the benefit of the newer Members of Council, whether we could call on the Territorial Treasury or somebody from his department to sit in this afternoon to assist with our deliberations.

Mr. Chairman: Is Committee agreed with this?

Mr. Chamberlist: Yes, for this afternoon, but I trust that it will not be necessary for the Treasury Officer to sit in continuously because there is work that is required to be done on behalf of the Territorial Government by the Treasury Officer, and they will both not be able to attend every day. I think that the suggestion that has been requested by the Honourable Member should be agreed to at this time.

Mr. Chairman: Are you agreed?

Mr. Chairman: Well, in light of the remarks, I would then stand Committee in recess until 2:00 o'clock this afternoon.

RECESS

RECESS

Wednesday, February 10th, 1971
2:00 p.m.

Mr. Chairman: At this time we will call Committee to order. We are dealing with Bill No. 12. We have with us Mr. Miller (Chief Territorial Accountant) and Mr. Fleming (Assistant Commissioner(Administrative)), to assist us in our deliberations and I believe that you have all been circulated with a copy, as far as we have been able to go, of the capital side of the budget. The first item will be found under Project and Loan Capital, back to page 20/2. The first item is furniture and office equipment - all departments in the amount of \$50,418.00 as outlined on your sheet.

*BILL #12
VOTE 20*

Mr. McKinnon: Mr. Chairman, I would be extremely interested to find out, as we have been told that there is no office space available for any Councillors other than those holding executive positions, where the Council caucus room is going to be located as we have an item of expenditure of \$2,000. to furnish that room.

Mr. Chamberlist: Mr. Chairman, I am sure the Honourable Member realizes full well that where there is a possibility that this very important factor will take place, that budget requirements made for -- also be put into the budget. It is insistent really, that we have available a place for caucus that we are making arrangements for this to take place. I am sure that he shouldn't object to that.

Mr. McKinnon: Mr. Chairman, if all the furniture positions will only be purchased providing office space is available, because my understanding from questioning the Commissioner this morning is that they are lined up a mile deep, bureaucrats to move into new office space, and I see that we have got, 7 desks and chairs for the Territorial Secretary. I would like to know if these are replacements, or if they are for new personnel? We have also got 3 desks and chairs for Department of Corrections, 1 desk and chair for Highways and Public Works, 4 desks and chairs for the Personnel Office, and 2 steno desks and chairs for the Clerk of Council, 5 desks and chairs for the Welfare Department. Now, are all these increased personnel? My goodness where are we ever going to put this type of staff, if we can't even find an office for the Territorial Councillors to be able to sit in.

Mr. Chamberlist: Mr. Chairman, the press have already been given the details, so they are well aware of it -- so for the Honourable Member's benefit. It is obvious that these areas of furniture may be also towards new desks where they are needed and when they are needed. Mr. Chairman, the Honourable Member knows full well that just simply because an item is in the budget -- and surely he has spoken of his experience, where an item is in a budget it does not necessarily mean that the money will be used for those specific purposes or number of desks, but we must protect the needs of the public service.

Mr. McKinnon: Mr. Chairman, let's put it this way then, is there any arrangements anywhere to provide more office space for Territorial Government, because my addition roughly sees that there are 20 new places where desks are to be put in the next budgetary year? Certainly, knowing the intelligence of the Honourable Members of the Executive Committee, they would never have put that many desks, that many chairs for that much space in, if there wasn't some space going to be made available so the Public Service can increase. Because, that is taking up alot of room when you are talking about 20 desks and chairs.

Mr. Chairman: Mr. Commissioner

Mr. Commissioner: Mr. Chairman, the answer is in the affirmative. I am not prepared to say that it is a certainty that we can make more space available, but we are definitely going to try. There is very definite need for space and some of it will accrue to us as a con-

BILL #12
VOTE 20

Mr. Commissioner continued ...

sequence of the takeover of the Administration of Justice, and we also have thoughts in mind concerning putting to use other than housing use the old T.C. Richards residence here next to the Lynn Building. There are other possibilities as well, but these are the immediate ones that are on the horizon.

Mr. Chairman: Thank you Mr. Commissioner.

Mr. McKinnon: A simple man, a simple question and I just need a simple answer.

Mr. Chamberlist: The question came from a simple person too.

Mr. McKinnon: Right, I agree with you.

Mr. Chairman: Order please. Are you clear then on \$50,418.00? Clear? The next item is Community Development Grant in the amount of \$56,000.00.

Mr. McKinnon: Well, Mr. Chairman, I am not going to use this time and space to make my annual plea against probably the most insidious type of grant on the statute books anywhere on the North American continent. But, as all Members know I've made a plea for this to be put out of the hands of the politician and into the hands of the people in the community who are interested in community development not from a political basis but from a community basis first, and I think that certainly there will be motions on this before the Council adjourns and I hope that this new Council will see fit to do away with this political pork-barreling that we have suffered under for too many years in the Yukon Territory, and it would be the finest act of the government at this time to show that they really are responsible and have accepted the new responsibilities that have been granted to them by putting this on a basis that is finally and forever non-political, and take the slush fund taint completely away from this grant, because no matter how you slice it, gentlemen, that is exactly what it is.

Mr. Chairman: Councillor Tanner will you take the Chair for a minute.

Mr. Taylor: Well, Mr. Chairman, I am very, very pleased to hear the great words of wisdom from the Honourable Member from Whitehorse West, and though I am not a part of the government, I am a Member of the Financial Advisory Committee and consequently

Mr. McKinnon: Ah, you are not a part of the government.

Mr. Taylor: I am very -- as much concerned as all Members are in this matter, but I can say this much. This matter has been under discussion and I have a suggestion which I did make to the Committee, and I intend on raising it here -- intended on raising it at this time. It will come by formal motion at another time during Orders of the Day, but it goes as follows. This is only a suggestion.

Mr. McKinnon: You can't do that.

Mr. Taylor: I feel I can do it, and I am going to do it when all the levity is over, Mr. Chairman. It is a suggestion: 1. That all grants must be used for capital purposes only, and for the purpose outlined in the budget. 2. That the applicants must be registered under the Societies Ordinance, and produce an annual audited financial statement for the year prior to the year the approved funds are to be expended. This is in the same manner as we now deal with the Community Development Grant. 3. That all projects must be cleared through the various inspection services prior to construction, that is to say that they would be cleared through the electrical, fire inspector, the plumbing inspector, and I believe we have inspectors for just about everything except for breathing air in the Territory now. 4. Applicants must deliver submissions to the Financial

Mr. Taylor continued ...

Advisory Committee of Council, that is through their Members or by any other source directly from the associations as -- prior to September 1st of the year prior to the year the approved funds are to be expended. That is to say that they can be received in order to have time to go in the budget where the Honourable Member always felt these matters should be. 5. That the Financial Advisory Committee shall deliver the submissions to the Budget Programming Committee for discussion and possible introduction into the budget. I think that this follows the line that the Honourable Member has felt it should for sometime. It is only a suggestion. It is a matter that must be determined by Council but it is a suggestion. I only rise at this time to indicate that, certainly myself and others involved have given the matter a great deal of consideration in anticipation of this momentous session at which time maybe we can change this policy.

BILL #12
VOTE 20

Mr. Chairman: Now, Mr. Taylor, would you like to resume the Chair?

Mr. Chamberlist: Mr. Chairman, the policy of the government in relation to grants is under continuous review at all times, and the review of the subject matter is continuing and when the time has come for a policy statement to be made, the Honourable Member from Whitehorse West especially, will be appraised of the policy and that was a policy of which he participated in 1961 in relation to Community Grants. Let me assure the Honourable Member that every consideration is being given to the request that he has made.

Mr. Taylor resumes the Chair.

Mr. Chairman: Councillor Tanner.

Mr. Tanner: I just want to get back to the business at hand.

Mr. Chairman: Oh. Is there anything further on Community Developments then? Clear?

Mr. McKinnon: Not clear.

Mr. Chamberlist: What do you want clarified?

Mr. McKinnon: Well, Mr. Chairman, I would certainly like to know, whether the suggestion of the Honourable Member from Watson Lake, meets or has the disapproval of the Honourable Member of Whitehorse East sitting as a Member of the Executive Committee? Is this the program that is going to be outlined that is coming from the government, or is he speaking as an individual Member at this time? I must -- I have to be honest, I don't understand a word that the Honourable Member stated when he rose to explain the issue clearly. If that was -- I think it is a martyrism, that is exactly what it was. He went around and around and told the Honourable Members of Council absolutely nothing.

Mr. Chamberlist: Mr. Chairman, it is most difficult to explain to a person that can't be explained to a particular area. I find -- I regret very much that the Honourable Member from Whitehorse West isn't cognizant of the English language. I thought I made the position of the government quite clear, that the matter of grants is under discussion and as soon as a policy relating to grants is available, Members of Council will be advised.

Mr. McKinnon: Mr. Chairman, one final question. Let us try it this way. Was the Honourable Member from Watson Lake stating government policy when he rose to give his suggestions of how Community Development Grants should be allocated.

Mr. Chamberlist: It is obvious, Mr. Chairman, that the Honourable Member who spoke is not a member of the government, and therefore he cannot give government policy. Thank you.

BILL #12
VOTE 20

Mr. Chairman: Councillor Stutter will you take the Chair.

Councillor Stutter takes the Chair.

Mr. Taylor: This is the difficult part about being in the Chair, this is why I passed the Chair to speak on this matter. I am not stating government policy, I am stating, and I have stated it, or I didn't make myself clear to the Honourable Member that I will be proposing those items that I have just enumerated to you under Orders of the Day, as a solution -- a possible solution for Council to consider in getting ourselves out of this dilemma in which we have so long been. Thank you.

Mr. Watson: Mr. Chairman, I would like to concur with the Councillor from Watson Lake. I think he has some very fine suggestions, and I would also like to say that I am sure that Councillor Taylor's suggestions will be the nucleus for the policy that is brought down by the government for the Council to review regarding the Community Development funds.

Mr. Taylor: Yes, as I have stated I will be bringing this forward under Orders of the Day. Thank you.

Mr. Taylor resumes the Chair.

Mr. Chairman: The next item is Education.

Mr. Chamberlist: Have we got the

Mr. Chairman: The first item I have here is \$39,570. I believe there is something coming on this, yes ...

Mr. Chamberlist: Can we revert to Operation and Maintenance of Administrative Services?

Mr. Chairman: I am wondering if we couldn't continue -- well alright if you so wish.

Mr. McKinnon: Mr. Chairman, before we can go any further, I would like to say that in the breakdown I have been handed on these photostatic sheets, the equipment -- the miscellaneous equipment total is \$37,570 and in the estimates it is \$39,570. I wonder if there is just a misprint of \$2,000 somewhere along the line, and also I am sure that we will be given an Appendix A to follow this which -- what equipment is being ...

Mrs. Watson: I think it is an error, a typing error.

Mr. Chairman: Yes, I have just been informed that it should read \$39,570, and the Appendix A is on its way virtually, they are just gathering this information together. Can we then -- what is your wish? Do you wish to proceed to the Operation and Maintenance side?

BILL #12
VOTE 1

Mr. Chamberlist: Yes, to the Operation and Maintenance side of Administrative Services.

Mr. Chairman: Can we proceed with capital through the Capital Budget?

Mr. Chamberlist: Except that we haven't got the breakdown that has been requested available.

Mr. Chairman: We will then go to the Operation and Maintenance side of Administrative Services Vote 1, page 1/2. The first item on 1 -- page 1/2, the total is in the amount of \$179,035. The first item is advertising \$150. Clear? Next is travel and living expenses \$16,781.

Mr. Chamberlist: Mr. Chairman, I wonder if the Honourable Member from Whitehorse West would indicate whether he is clear on these things, so that we can be well aware that at least he is in agreement with somethings.

Mr. McKinnon: I'm just making some additions and subtractions trying to find \$500,000 and I think I've found it right in this vote.

BILL #12
VOTE 1

Mr. Chairman: Are we clear? The next item is Primary 63, on the next page 1/3 is \$98,214, special services. Clear? The next item materials and supplies \$53,500. Just as question 1 is it anticipated that we are going to start on this consolidation?

Mr. Commissioner: Well, Mr. Chairman, it has been under way now for the best part of two years, and really what you are looking at here now is not the cost of the consolidation as such, but the cost of printing the consolidation, Mr. Chairman and we certainly anticipate when we have it in the estimates that it will become a fact before the close of the physical year end.

Mr. Chairman: Clear? The next is 1/4. Utility services \$340.00.

Mr. Tanner: Mr. Chairman, what telephone are they referring to in Council Chambers.

Mr. Chairman: I believe this refers to the calls made by Councillors long distance.

Mr. Tanner: I don't think that should be charged, Mr. Chairman, to us. I think that it should be charged to the general public because everyone else uses it but us.

Mr. Chairman: I believe these calls are chargeable to the office of Clerk of Council. The next is repairs and maintenance \$400. Rentals \$950, giving us a total appropriation - Establishment No. 100 of a \$179,035. Next page 1/5, the first item is salaries and wages \$121,124. 1/7 is the breakdown of salaries. Clear? Next item, travel and living expense \$16,000. Clear? Consultant services \$15,000, the second is \$20,000.

Mr. Stutter: Mr. Chairman, I have a question on that, the 63(2) provision for payment of consultant fees for unspecified studies, does this mean perhaps studies that haven't as yet been planned?

Mr. Commissioner: This is quite correct, Mr. Chairman, we are finding an increasing need for specialized people from time to time, and this is the budgetary provision that will take care that if the requirement comes up.

Mr. Chairman: Clear? Next is material and supplies \$3,000. Utility services \$13,679, repairs and maintenance \$300, rentals \$1,600 second part, provision for rental of office space \$10,408.

Mr. Tanner: Could I ask, is it the general system within the Territorial Government to rent equipment? If so, why? Why are we renting it when we could be buying it?

Mr. Commissioner: Mr. Chairman, this was agreed to with Budget Programming Committee and Council approximately two years ago. I believe at the time we undertook to put in a test period of at least two or three years with the regards to the rental of all office equipment, and this matter is under review at the present time. I cannot assure you that we will continue to rent office equipment nor can I assure you that we will suddenly convert to be buyers of office equipment. We have enough experience with the purchasing of it for many, many years, and now we are gaining experience in the rental of it. We should be able to make a proper and valued assessment of what is the right course to follow, sometime in the course of this coming year, Mr. Chairman.

Mr. Chairman: The next item is, miscellaneous \$24,800, the other item \$15,000 Commissioner's entertainment.

BILL #12
VOTE 1

Mr. McKinnon: Mr. Chairman, I have quite a few questions that come to rise over this vote. Originally, when we started talking about the increase in Councillors' indemnities, I worked it out in the actual cash figure and it was going to approximately cost the Yukon Territory some \$350,000 more over the course of the four year period. Now, in this first vote, we find out that the formation of the Executive Committee is going to cost the Yukon Territory almost one quarter of a million dollars in its first year of operation, a total of \$225,911 under Establishment No. 120. This has provision of funds for the operation of the offices of the Commissioner, two Assistant Commissioners and two Executive Committee elected members, Financial Adviser and Statistical and Planning Adviser. Now, I am willing to be shown if I am wrong -- I would just like to ask some questions.

1. I would like to ask where the salaries of the Commissioner, and his executive assistants have formerly been paid by the government in Ottawa, does this now mean by this vote that these salaries are now to be paid by the Government of the Yukon Territory?

Mr. Chamberlist: The one fear that I have always had, is the misunderstanding of the general public as a result of -- certainly, it would be most unparliamentary for me to say false matters that have been brought before Council and before the public -- certainly misleading information, because it is quite clear that if we read what it says, "provision of funds for the operation of the offices of the Commissioner, two Assistant Commissioner, and two Executive Committee elected members, Financial Adviser, and Statistical and Planning Adviser". Mr. Chairman, I want it made clear that this is for the operation, now previously the one Assistant Commissioner, of course, is paid out of federal funds, and this is not an operative amount that is included here, nor is the pay of the Commissioner, who is a federal officer and who receives his money direct from the Department in Ottawa. The other areas of -- and in any event you must keep in mind that the one Assistant Commissioner who was paid by the Territorial Government in previous years, was a different vote in a different area of the Executive Committee, and also the Financial Adviser, and the Statistical and Planning Adviser. They are all people who were here before, so therefore, the suggestion that is being made or attempted to be made, I think is very wrong and I think that the Honourable Member from Whitehorse West must appreciate that he doesn't have to be shown things that he already knows. I think that it is most improper under any circumstances for any misleading statement to be made in this House. Thank you, Mr. Chairman.

Mr. McKinnon: Mr. Chairman, I am sorry. Now I am really confused more than ever because now you are telling me that it is going to cost the Executive Committee \$225,911 to operate without the salaries of the Commissioner and the executive assistants being included. So without those two Members it is still going to cost that amount of money to operate the office of the Executive Committee. Am I correct in this assumption? As all I see is the Executive Committee provision of funds for the operation of the offices, \$225,911, now is that the cost it is going to be to run the offices of the Executive Committee, yes or no?

Mr. Commissioner: Mr. Chairman, I wonder if I could refer the Honourable Members to page 1/1 under this vote, and I think that if you take a look at item 120, you will see that there has been an increase of \$137,746 in this vote. This is basically, if you want to take the \$137,746 and deduct from that the salary of the Financial Adviser and the Statistical Adviser and you will then have basically speaking a net increase in the cost of the operation as a consequence of adding to the Executive Committee two elected members.

Mr. Chairman: I declare a short recess.

RECESS

RECESS

Page 60.
Wednesday, February 10th, 1971.
3:00 p.m.

BILL #12
VOTE 1

Mr. Chairman: We will now call Committee back to order again. Do you have anything further on this item? The next item is found on page 1/8, Clerk of Council, salaries and benefits in the amount of \$49,000.00. Are you clear? Clear on this item. Next is advertising, \$600.00; travel and living expenses, \$3,000.00.

Mr. Tanner: Mr. Chairman, could I ask if the travel and living expenses is inclusive of a trip which was proposed in the Commissioner's Opening Address and also is it the intention of the Executive to move the House from place to place, as they did last year, from Watson Lake to Dawson, etc.?

Mr. Commissioner: Well, Mr. Chairman, in answer to the second part of the question, this will be the prerogative of Council. In answer to the first part of the question, it will not be our intention to use this money as the funding for the proposed trip; this will be charged initially back here to the Commissioner's entertainment.

Mr. Chairman: Next is materials and supplies, \$4,000.00; utility services, \$2,320.00; repairs and maintenance, \$250.00; rentals, \$4,857.00. This gives us a total appropriation of \$64,049.00. Clear.

Mr. McKinnon: Well, Mr. Chairman, I can see the breakdown on 1/7 of one Assistant Commissioner. Now, Mr. Chairman, is there a breakdown of the salary of the secretarial staff of the two Executive Committee Members of Council in this Vote? Would I be correct, Mr. Chairman, in saying that these secretaries are lumped together in the \$41,700.00 and why are they not broken down -- what is the reason that the salaries of the secretarial staff of the elected Executive Committee members is not broken down, like the salaries of the secretarial staff of the appointed members of the Executive Committee?

Mr. Chamberlist: Five secretaries.

Mr. McKinnon: I will put it this way, secretarial staff of the Council is broken down; the secretarial staff of the Executive Committee is not broken down.

Mr. Chamberlist: It is broken down to five secretarial positions, that makes up a total of \$41,700.00

Mr. Chairman: The next item is found on page 1/11, Personnel Services, salaries and wages, \$129,550.00. Clear on this item. Training, \$20,000.00. Next is advertising, \$39,000.00; travel and living expenses, \$29,000.00; relocation, \$84,000.00.

Mr. Stutter: Mr. Chairman, I have a question on that. Do we have any breakdowns for that particular figure, or is that figure based on past actual expenses?

Mr. Miller: That figure is based on a combination of past history and turnover plus new positions, that are also included in this budget. It is relocation of bringing people into the Territory and a certain amount that are moving around within the Territory itself.

Mr. Stutter: Another question, Mr. Chairman. I wonder, if I could ask, Mr. Chairman, if that is considerably higher than the past year's figures, or is that in line?

Mr. Chairman: I think it is very close to this year's actual expenditure. Clear. Next is special services, \$13,500.00.

BILL #12
VOTE 1

Mr. Tanner: Mr. Chairman, what negotiated this, is it the school teachers?

Mr. Commissioner: School teachers are public service staff.

Mr. Chairman: Next is materials and supplies, \$5,000.00; utility services, \$5,226.00; repairs and maintenance, \$800.00; rentals, \$5,933.00; miscellaneous, long service awards, \$7,000.00, which gives us a total appropriation of \$340,009.00.

Mr. McKinnon: Mr. Chairman, I want to profit by my remark, to ensure the Honourable Member from Whitehorse East, that I am not trying to set up any red herrings, that I am really confused, that I as a member of the general public am confused and I like to be straightened out and I hope that he doesn't mind if I ask the Commissioner a few questions, so that I can hopefully get some answers. Now, Mr. Chairman, if the Council of the Yukon Territory, had not been said to raise their indemnity, if the Executive Committee and all the support services had not been added as a burden to the taxpayer of the Yukon Territory, would the increase from \$364,627.00 to \$809,004.00, an increase in one year in administrative services of \$444,377.00 taken place or could it have remained at the same level as the previous year's expenditures?

Mr. Commissioner: Mr. Chairman, it would have taken place. The situation is roughly that at the administrative level of government, at the senior administrative level of government, that if we do not have two people coming in to that area with as being elected members, we would have to hire two more civil servants. We are supplementing things that are going along with it and there is just no way that this could have been avoided. The workload at the administrative level has increased fantastically in the course of the past couple years and I want to assure you, Mr. Chairman, that there was no way out of filling those two positions plus the secretarial services, plus the accompanying office costs that are involved. Now, I am not talking about Councillors' indemnities, Mr. Chairman. I am talking about the physical positions that are filled by two Members of Council.

Mr. McKinnon: The senior civil servants would they have been hired from.....

Mr. Commissioner: Mr. Chairman, I would have been here, seeking the money for permission to hire them and I would have to make the case that they were absolutely necessary.

Mr. McKinnon: Mr. Chairman, the only remark that I would like to make is that in one vote we are drawing on an increase of \$444,377.00. This is over double the expenditure of one vote of the year previous for purely administrative personnel. In the Commissioner's Opening Address he made the remark, that we are going to run at a deficit of some \$65,000.00 and if we need it, some \$500,000.00 of the surplus to operate our sound fiscal policies. Well, Mr. Chairman, I can only say, that in front of me I see \$444,377.00 and I find it hard to believe that Council would have accepted as an administrative increase in that first vote of administrative personnel in one year's time.

Mr. Chamberlist: Well, Mr. Chairman, I simply have one remark to make, it appears to me, Mr. Chairman, that the move we know, has a very dark side. We have heard about that. It is very obvious from what the Honourable Member has said, that the bright side of the moon would only ever exist when he participates in the very area of government which he has so hard fought for, because he wanted, I am sure an Executive Committee be held and the very statement that he has made will probably coincide with me. But the Executive Committee

Mr. Chamberlist continued.....

in Government must work in -- I hope that during the balance of this debate we will have him recognize the fact, that we are going forward to responsible government, and he shouldn't try to tear us to pieces. Those very areas will need his support, as well as everybody else's support to get to the people of the Yukon what is just.

BILL #12
VOTE 1

Mr. Commissioner: Mr. Chairman, in all fairness, there are several other items that are included in this administrative and legislative support services that have been extracted from other votes and I think that this has to be borne in mind as well, when one is comparing last years figures to this years figures. With due respect, Mr. Chairman, I would think that it is almost comparing apples and oranges. I simply say this, simply to bring it to the Member's attention that it is not all one particular item.

Mr. McKinnon: Mr. Chairman, one final remark, I don't see how anybody can be accused of arguing of an increased expenditure of \$444,377.00. This is a large increase and, Mr. Chairman, if the Executive Committee Members pull up their socks and prove that increase, which they have not done at this time, perhaps I will be very pleased to change my assessment of the increase in the administrative services in the months to follow and I certainly hope that they will prove themselves in the future worthy of this substantial increase in the cost of administration of the government of the Yukon Territory.

Mr. Tanner: Mr. Chairman, I think if the Honourable Member from Whitehorse West would refer to the Territorial Secretary, that he will see a decrease there, which has come about because some services rendered under that department come within the budget that we are looking at. This is the first thing. The second thing is, that I would like to endorse what Councillor Chamberlist said insofar that I am personally aware how hard the Member from Whitehorse West worked to establish an Executive Council and I find it hard to believe that having this established and being very good at having this established, you don't think anybody would have to pay for it.

Mr. McKinnon: Mr. Chairman, I don't know if I would have been that excited about establishing an Executive Committee, if I had known it was going to cost an extra \$444,000.00 a year.

Mr. Chairman: That brings us to a total appropriation under administrative services of \$809,004.00. I think at this time we will break for tea.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order and the next item is the Operation and Maintenance side of Vote 2, treasury, there is nothing under capital, so we go to the operation and maintenance side of Vote 2, on page 2. The first item, salaries and wages, \$281,000.00. Mr. McKinnon.

BILL #12
VOTE 2

Mr. McKinnon: Mr. Chairman, I wonder, is it the intention of the Members of the Executive Committee to no longer put a breakdown in the budget of the Territorial staff employed with their wage and salary classification following. The position, it was always done prior in the budget and made available to all Members of Council and this was done, as far as I know, on a strictly confidential basis amongst all Members of Council in past years.

Mr. Commissioner: Mr. Chairman, there is no particular reason for not doing this. I think that the information that is before you now says exactly what the position is at this time and if it is the wish of Council that it -- you know, be expanded to include the incumbents

BILL #12
VOTE 2

Mr. Commissioner continued.....
of the time of making up the budget and putting in the particular classification as they appear in, this is certainly acceptable, Mr. Chairman. No preference whatsoever one way or another, insofar as the administration is concerned. We will gladly put it forward as you wish.

Mr. McKinnon: Mr. Chairman, it is done in some votes and not in others and I was wondering if it could be made available in all votes.

Mr. Commissioner: Oh yes, certainly, it can be made available, Mr. Chairman, and I think that you will find that in some of the votes it is done on a kind of a scale basis and this will be the format in all instances and certainly this information can be made available and will be made available.

Mr. Chairman: Next, travel and living expense, \$4,000.00; special services, \$2,800.00; advertising, \$500.00;

Mr. Tanner: Mr. Chairman, I am sorry, can I go back to the particulars on the wages and salaries again, just one second, the item of wages and salaries and including fringe benefits in brackets and then at the bottom it says provision to add fringe benefits 7%. Can I have that explained please?

Mr. Chamberlist: Yes there may be Mr. Chairman, a possibility of increase as a result of negotiation with the public service. This is not necessarily the total of that. This is just the total of the public service. There is also of course besides that the negotiations that are going on now with the Teachers' Association as well.

Mr. Tanner: Mr. Chairman, excuse me, I stand to be corrected, but I understood that negotiations as far as the Civil Service is concerned have already taken place and it's 6 1/4.

Mr. Chamberlist: Although negotiations have taken place, this part was prepared before the negotiations were completed and the 7% is an estimated amount.

Mr. Commissioner: Mr. Chairman, with respect, that is not quite the case. The situation on the page before you indicates that the salary range for the individual that is involved or the grouping that is involved and the total annual cost at the time of the budget preparation. At the bottom of that annual increment a nominal sum of that, I believe that we have a percentage figure that is added here, i.e. these people if they continue to hold these positions and they are not at the top of their salary range according to the pattern on which our salaries are based, they are entitled to a certain income in the course of the year. This will come to about \$3,000.00. Now the fringe benefit on top of that 7% figure, this is to take care of such identifiable things that are added to their payroll such as, the Canada Pension Plan, Unemployment Insurance, G.S.M.I.P. and super annuation. There may possibly be others. The situation here 51-56 opposite their wages including fringe benefits, such things are not identifiable by money, sickleave, holidays, all these things are wrapped up in the salary.

Mr. Chairman: Next item, materials and supplies, \$21,500.00; utility services, \$2,729.00;

Mr. McKinnon: Almost double, Mr. Chairman.

Mr. Fleming: Yes, this is the first time that telephone service, exchange service has been included in the vote. In other years it had been included in the general vote.

Mr. McKinnon: So, each department has their portion of the exchange included in their....

BILL #12
VOTE 2

Mr. Fleming: Right.

Mr. Commissioner: Mr. Chairman, with respect here, I would like to also explain to the Honourable Members another item that used to appear in the general vote, but now appears in the departmental allotment, and that is the rental of office space. Now this is part of the programming planning technique and budgeting and as we get more sophisticated in this line, you will see more things on a continuous basis identifying that along with the department to whom the actual requirement relates. We have made several steps in this regard in the course of this past year and there will be more in future budgets, but those two identifiable things...

Mr. Chairman: The next item is repairs and maintenance, \$3,000.00; rentals, \$26,823.00; contracts, \$20,000.00.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask the Commissioner, I think it might be the only time during the Session, how the change-over to I.B.M. is working out in the Treasury Department and in the payroll department, whether he finds that it is an efficient and effective method in computing the payroll and whether there has been a decrease in staff because of the installation of the I.B.M. service?

Mr. Commissioner: Mr. Chairman, up to this point, I have not been terribly impressed with the operation of the I.B.M. payroll and as we are making allowances and are still trying to find out what use we can get economically from computerizing and this will be under way in the course of two or three weeks. At that point of time, we will have a bit better idea just what it will be like. All I can say is this, it has negated the requirements for more staff in the payroll section, beyond that report, I could not be any more explicit, Mr. Chairman.

Mr. Chairman: The next item is grants, \$143,850.00. One question that I would like to ask directed to Mr. Commissioner, from the Chair, in relation to Item No. 2, the payment to the Northern Canada Power Commission, re: Equalization of Rates. Are negotiations still under way with them?

Mr. Commissioner: Mr. Chairman, there is no optimism here. Mr. Chairman, the best I can hope for is to try and make them into a taxpayer. I am well on my way at that and, if I can overcome that hurdle, we will tackle the next one. We continue to press for it, Mr. Chairman, but I don't want to necessarily say that I am optimistic in this regard. No.

Mr. Chairman: The next item is insurance, \$48,120.00; it is enumerated, the first is general insurance, \$8,770.00; equipment insurance, \$20,800.00.

Mr. Stutter: Mr. Chairman, I would not normally question such a large decrease, but I noticed on the third page there is a decrease in insurance of \$129,000.00. Are we not as well insured, or what is this?

Mr. Commissioner: Mr. Chairman, I would like to refer you to my opening remarks, where I indicated that the Yukon Territorial Council has become a self-insurer, as far as Workmen's Compensation and Insurance coverage as such. We are at the moment, negotiating and are optimistic that this negotiation will be concluded in our favour with the Federal Government, so that we will be financing fire losses in excess of the amount of \$75,000.00 in any one fiscal year. That's allowing us to become self-insurers leaning on the Federal Government.

BILL #12
VOTE 2

Mr. Tanner: Mr. Chairman, this is a question to the Commissioner in regards to insurance. Is it the policy that the government places with local insurance agents?

Mr. Commissioner: Mr. Chairman, it is placed through the local agents, through an arrangement that was arrived at here in the Council Chamber many years ago and I believe that one agent that deals with us, shares the premiums with the other agents.

Mr. McKinnon: Mr. Chairman, I would like to ask several questions that I have had on my mind. Now, I believe that the Yukon Territory was the only government remaining in Canada, that insured through an insurance company in the Workmen's Compensation area and the Northwest Territory perhaps. This was the Prudential Insurance Co. that was quite a healthy premium that was \$74,000.00 in last years budget. Now I am not really up on insurance, but I would very much be interested to hear what a self-insuring basis means to the Government of the Yukon Territory. What liabilities they have because of being a self-insurer, what cost could be borne by the Territory by being a self-insurer.

Mr. Commissioner: Mr. Chairman, this was presented to me on the basis of a historical situation that has been accumulated in the Territory and I believe in the course of the last 12 years if my memory serves me correctly, we have been buyers of insurance and it was pointed out on a historical basis, that we had a potential cost, I believe in the neighbourhood of about \$8,000.00 a year, Mr. Miller, is that correct? Yes, potential, i.e. our historical claim pattern established over a period of 10-12 years indicated that we could come under cost of appriximately \$8,000.00 a year and it was on that historial basis and with this nominal cost available to us, that made the decision that we were certainly financially solvent enough to become self-insurers. We took the matter up with the Federal authorities to check to see whether they felt that our calculations were done on a proper basis and they agreed with us and the step was taken on that basis. I.e. it is based on our own experience over the years that we have been buying insurance.

Mr. McKinnon: Now, Mr. Chairman, what if we have a disaster in the Yukon Territory, like a mine disaster and there is going to be an extensive amount of claims to be dealt with.

Mr. Commissioner: Mr. Chairman, I am sorry, we are self-insurers for our own employees only, Mr. Chairman. I am sorry, if I have given the impression that we have covered the Yukon on a blanket insurance. It is on behalf of Yukon Territorial Government employees only, that we have become self-insurers.

Mr. McKinnon: Mr. Chairman, as far as I understand, that in all other jurisdictions the government is the insurer of companies within the provincial jurisdiction and this is a real -- in effect a real saving to the employers throughout that jurisdiction, because it is much more expensive to have to buy insurance from an agent. Now is there any possibility that in the future the government can be the insurer of the companies of within -- operating within the boundaries of the Territory and affect savings to those people who have to take unemployment insurance.

Mr. Commissioner: Mr. Chairman, we are working on this at the present time. There has been a certain move that we have made with regard to getting the proper information made available to us and we have asked certain federal departments for actuarial assistance in this regard and I believe they have indicated to us that they will give us that certain information and then at that point in time we will have to hire an actuary on our own to tell us how this can be done and I am very hopeful that in the course of this calendar year that we will be able to come forward to this Council with a proposal that will have the effect of putting us in the same position

Mr. Commissioner continued.....

as other type provincial jurisdictions concerning the funding of Workmen's Compensation Insurance on behalf of employees.

I am sorry, if I have confused the two before Members of the Committee. They are two separate items.

BILL #12
VOTE 2

Mr. Chamberlist: Mr. Chairman, I think perhaps members who were on last Council, will recall that the bringing of administration of the Workmen's Compensation was referred in that direction and these Members will recall that we did get some figures where -- something like 1.2 million dollars a year that was being paid out in premiums to insurance companies and only just under \$200,000.00 a year that included the cost of administration and the claims that were continuing claims for a number of years, so I think on that basis, we have been taking a look at the whole situation and I think it can be referred to in the Vote of Proceedings and the debate that will be taking place when the time comes.

Mr. Chairman: The next item is page 6, workmen's compensation and accident insurance, \$48,120.00.

Mr. McKinnon: Sorry, Mr. Chairman, maybe I jumped the gun in the last question. I would like to go back to the general insurance policy, now the big rate that we have to pay for the required protection to the companies that we are insuring our buildings, now I wonder, Mr. Commissioner, if you would be good enough to explain how the funding works through the federal government and how we are protected through taking insurance through the federal government.

Mr. Commissioner: Mr. Chairman, it will work roughly in this manner and I say "will", because I hope I have made my answer clear to Members of the Committee that we are negotiating at the present time, although we have been told that we have no reason to believe that our negotiation will not be successful. Basically speaking the Yukon Territorial Government will become self-insured for the first \$75,000.00 on any losses in any one calendar year. Now these may be accumulated losses, but for \$75,000.00 which we will have to fund from our own resources. At that point in time the federal government will then step in and fund the balance of any losses that may occur in that fiscal year. There will be arrangements made on the understanding with the Treasury Board that will say if we have our financial agreement put together for this year and the budget has been put together and we suffer a major fire loss, there will be arrangements for us to be able to go to the federal government with a special appropriation in the course of that fiscal year and outside our fiscal agreement, in excess of the first \$75,000.00 in any one fiscal year.

Mr. Chairman: We will now call a short break.

RECESS

RECESS

Wednesday, February 10th, 1971.
3:30 p.m.

Mr. Chairman: At this time I will call Committee back to order, and we will go to Vote 20, Project and Loan, education. You have just been provided with breakdowns on the first item of education, miscellaneous equipment. Under Appendix A....

BILL #12
VOTE 20

Mr. Tanner: Back to where we were this morning?

Mr. Chairman: Yes, right. We go into capital and you will find on your initial two sheets here, first breakdown on capital, you will find on item 2301, miscellaneous equipment -- you have a breakdown of those items of equipment. Cleared on this item.

Mr. Tanner: Mr. Chairman, it is sort of a small question but I was just wondering why we are carpeting the entrances; this seems to me to be the place where the carpeting takes the roughest wear. It seems to me that it would be simple to put rubber matting there, or something, rather than carpeting. That's ten auxiliary rooms.

Mrs. Watson: Mr. Chairman, I don't think this particularly means carpeting. It could mean rubber matting. It is just covering for the entrance to the school. I would like to point out that the Department of Education is endeavoring to establish a basic equipment standard for all elementary, junior secondary, and senior secondary schools in the Territory, and this is the second year of a three year plan. If you will notice, last year the expenditure was \$199,000.00, and this year the expenditure is only \$39,000.00. That means that we have just about completed equipping our schools to a basic standard and we are using standardized equipment so that we can, if necessary,-- the maintenance is much simpler and also if you have to move equipment from one school to another, you would be able to do it.

Mr. Chairman: Clear on this item. The next item is the Elementary School, Whitehorse Area, \$855,040.00.

Mr. Tanner: Could I ask the Minister of Education where this is going to be located please?

Mrs. Watson: I was just going to stand up to give the information. We haven't definitely decided at this time. We are surveying the situation in the Greater Whitehorse Area. We are throwing ideas around; should it be a junior secondary school, should it be at Porter Creek, should it be in central Whitehorse, and when we have all our information compiled on the projected enrolment for next year, where the need is greater, this is where we will put our school. At the present time it is for ten classrooms, a library and a gymnasium.

Mr. Tanner: Mr. Chairman, could I as a note to the Minister of Education, put in a word for consideration of Porter Creek? I think the need out there is very great. Greater probably than anywhere else. The community is growing much faster than anywhere else. They have suffered under many other impositions which the other residents of Whitehorse haven't.

Mr. Chamberlist: Here, here, Mr. Chairman.

Mr. Tanner: I would ask that the Minister of Education give a very strong consideration to planning that school in the Porter Creek area. Thank you.

Mrs. Watson: I will note Mr. Tanner's request and I will assure you that we will give all areas the utmost consideration.

Mr. McKinnon: I am just wondering, Mr. Chairman, whether it is realistic to look at a plant in the next year which will be a ten room school plus

BILL #12
Vote 20

Mr. McKinnon continues
library and gymnasium for anything under a million dollars. I am just wondering what the policy is of the Department of Education in regard to gymnasiums. It has always been my feeling, anyway, that making these playrooms in the schools that are built are just a waste of time and money. They are just not good for anything and spending extra monies on a fully equipped and full sized gymnasium with locker and shower facilities is a real saving of money in the long run and you will see in the estimates of previous years and this year that money is now being allocated to provide locker and dressing room facilities which should have been there in the communities in the first place. Now, I doubt whether a plant of this nature can be built for under a million dollars at this time and I am just wondering whether the policy of the Department of Education is the same, that in the schools that are built there will be full sized gymnasiums rather than the glorified playrooms which so many of our communities suffer under because of a lack of foresight in planning.

Mrs. Watson: Mr. Chairman, when we state gymnasiums we do mean gymnasiums. Your playrooms, we would call activity rooms and we realize that we are now expending quite large sums of money to put shower facilities into the schools and they will be part of our gymnasium in this new school.

Mr. Commissioner: Mr. Chairman, just a supplementary to what the Honourable Member has said. I think the question that is really raised here in the Honourable Member's mind is, is \$855,000.00. going to be sufficient money to provide for the school. We are of the opinion that it will be because in the first instance, we do not feel that there will be any very costly land acquisition involved in this. The land will be already government owned land. Servicing will, no doubt, be very economical and we have no reason to believe based on the history of the construction of the ten room school at Faro here last year, that we cannot do the job here in Whitehorse in the course of this coming construction year for the figures set up. I would like to also assure the Honourable Members, Mr. Chairman, that this does not include equipping that school. We are only talking about building the school for this money.

Mr. Tanner: Mr. Chairman, I am sorry. One further thing on this is that the experience we have had in Porter Creek is that they built a school, I don't know at what cost, but within the first year they had to expand it and within the second year they had expanded again, and now we are in a position where we are looking at a second school now. I am wondering with ten rooms whether this is going to be sufficient. Is the Department of Education not looking far enough ahead to the great number of elementary school children which will be coming to the school. I would like to hear the Minister of Education on that point please.

Mrs. Watson: Mr. Chairman, that is why we are taking so long to determine where our school is going to be. This is why we are looking at enrolment. It is very difficult to predict the population in various areas and this is the problem we are faced with. However, on the other hand, we do want to put our school in the Whitehorse area so that we are not faced with such a great bussing problem. At the present time we are bussing people from all over the area. Does that answer your question Councillor Tanner?

Mr. Chairman: The next item is the vocational school equipment - \$45,956.00. You will find this under Appendix A.

Mr. McKinnon: There is a lot of the items I don't understand, Mr. Chairman, but I do understand that an ice maker and a butter cutter -- I mean have we come to the point where the people in the Vocational School have to have an ice maker and butter cutter in order to be

Mr. McKinnon continues

able to In vocational training all that an ice maker does is just sit there and spit out ice. I don't know whether that is educational in any way, shape or form, or whether it is needed for the cafeteria and whether the people who work in the cafeteria can no longer wield a knife and be able to cut butter.

BILL #12
VOTE 20

Mrs. Watson: Mr. Chairman, I was just going to rise when Councillor McKinnon beat me to it. I ask you to accept in principal the \$1,100. I can assure you that we won't be purchasing an ice maker or a butter cutter.

Mr. McKinnon: You won't be?

Mrs. Watson: We won't be. We need capital funds for a possible future programme that we would like to bring in which haven't been planned at the present time or that are just in the planning stages, so, if we completely cut out that \$1,100 we are cutting ourselves down.

Mr. McKinnon: I would much rather see, personally, a contingency expense of \$1,100 for equipment needed in the Vocational School then be faced with an item for an ice maker and a butter cutter. For a thousand dollars you get the type of an ice maker which is used in restaurants and cocktail lounges and you are not going to be able to convince me that that type of ice machine is needed in the Vocational School so that the students can have mixed drinks or have ice in cold water with their meals. I can't see any educational value at all in watching an ice maker make ice because I have watched them for many years and there just is none.

Mrs. Watson: You don't have to convince

Mr. Chamberlist: When we refer, Mr. Chairman, to capital surely the Honourable Member from Whitehorse West knows full well that this equipment for the establishment of the Vocational School does not necessarily mean that, you know, you are going to use it in manufacturing or in a training course. Certainly, I agree that we don't need training to make ice, nor do you need a desk for vocational training unless you are going to sit at the particular one. I think that the Honourable Member does know what is being referred to and I am sure his sense of humour has been quite nice in this particular instance.

Mr. Chairman: The next item is relocatable classrooms and equipment.- \$198,000.00.

Mr. Tanner: Mr. Chairman, could I ask the Minister of Education whether this is what Porter Creek can expect instead of a school are relocatable classrooms and how long is this policy going to continue?

Mrs. Watson: The policy behind relocatable classrooms is so that we have classrooms on hand if we have expansion of population in schools and as I have indicated before I cannot answer your question until it is determined where our school will be. This capital item is for nine relocatable classrooms.

Mr. Tanner: Mr. Chairman, how many relocatable classrooms does the Department of Education presently own?

Mrs. Watson: We have ten now, and with this nine we will have nineteen.

Mr. McKinnon: I wonder if I could follow this up Mr. Chairman. I believe in the concept of relocatable classrooms to the extent that if there is a instance where an instant town springs up, which is not unlikely in the Yukon, that the Department of Education does have provision to be able to put classrooms on site and in as efficient time as possible. But when we are getting to the point of nineteen relocatable classrooms, are we reaching a point where these relocatable classrooms become a permanent school? We have ten of them now in different areas throughout the Territory and I was wondering whether there

BILL #12
VOTE 20

Mr. McKinnon continues

is a policy and a plan or paper from the Department of Education as to where these nine new single classrooms are expected to be needed and, also, at one time in the history where relocatable classrooms now are that additional classroom space, which is permanent, will be needed on those buildings which are now using relocatable classrooms and whether, when we have some twenty relocatable classrooms within the Yukon Territory, whether we won't just be sitting them down as permanent sites and using them as permanent schoolrooms?

Mrs. Watson: Mr. Chairman, no, to your one basic question Councillor McKinnon. We are not looking at relocatable classrooms as permanent structures for educational facilities in the Yukon Territory. When we have permanent classrooms in an area, say for four to five years, and we have reason to feel that we have to continue having them there or that we may even have to add more then we will certainly know that it would warrant building a permanent structure, a school, at that location. You also asked me where we thought we would place these relocatable classrooms. I believe two are to go to Carmacks, one or two are to go to Teslin, Selkirk Street has two now I believe, and they may have another depending on where the school will go. There is a possibility that Destruction Bay may have one. We have to have them ready so that we can use them if we find the school population in a certain area has increased so that we can't handle the people in the school. But as far as looking on them as permanent structures for educational facilities in the Territory, definitely not. I would also like to add that we feel that the life of a relocatable classroom is approximately four to five years.

Mr. McKinnon: I am just wondering what the criteria is for permanent installation when we are talking about three classrooms as Selkirk, on a relocatable basis. What do we look at when four classrooms are necessary that we go to a permanent construction or do we keep adding module upon module until we may have ten relocatable classrooms at a site without any permanent addition. Certainly when we get up to a figure of three relocatable classrooms at one site we must be thinking pretty seriously about the need for building additional permanent classroom space.

Mrs. Watson: You are very right Councillor McKinnon. This is one reason why we are considering that area over there as a possible place for a new school this year too. It may be that we might even have to go for an additional school. Last year the projected enrolment increase was 13%, this year it may be 15% and it may drop to 10%. We do have the one classroom in the budget at the present time. We may just have to put it at Selkirk or we may have to put it out at Jack Hlland. If a trailer court goes in over in Riverdale it would have to go into the Selkirk area.

Mr. McKinnon: Mr. Chairman, the Honourable Member has promised Members of Council that she will be issuing a paper on the reasons and the whys and the wherefores were the school should be placed. I wonder if she could expand on this because this is an area of great public concern as she well knows in every vicinity of the Yukon and whether she could project the figures of where relocatable classrooms now are. I would certainly be very happy to have a paper in this respect. Where future relocatables will be located and where the projection seems to warrant that there will be schools, permanent classrooms, built in the next few years and if these projections could be given to Members of Council, and they were given a Sessional Paper in this regard I am sure that it would answer many questions that they will be meeting on their return to their constituencies and also from members and parents within their constituency. The parents I speak to do not like the concept of relocatable classrooms

Mr. McKinnon continues

on a permanent basis and if we could put their mind at ease that this wasn't the philosophy of the Territorial Government I am sure that it would be of benefit for all Members of Council.

Mr. Commissioner: Mr. Chairman, supplementary to Councillor Watson's remark it was agreed approximately three years ago with Council's concurrence that where we have a permanent insulated full facility that portable classrooms would be adequate until such period of time that we could justify a permanent school population to warrant permanent additional school facilities which are already there. This only applied in areas where we already have a basic school namely such things as either activity rooms or gymnasiums as a basic nucleus. This is still the philosophy and still the programme that is going on and I think that the question as asked of the Department of Education has been answered. It will help to satisfy everyone in this regard. This will be the basis on which we are presently operating and the basis on which we presently have to operate because there are so many unknowns concerning our school population particularly in the smaller communities in the area.

Mrs. Watson: Mr. Chairman, I would be pleased to prepare a paper for Council. I just don't want it interpreted as though it is a definite commitment when this paper is brought down. These are projected.

Mr. McKinnon: Thank you.

Mr. Chairman: Clear on this item. Next, is the F.H. Collins cafeteria extension - \$85,000.00.

Mr. McKinnon: I wonder, Mr. Chairman, just on a point whether anybody has ever looked into the heating conditions of the F.H. Collins gymnasium. When it gets under 30 below, the dressing room facilities in the gymnasium are unusual because there just isn't enough B.T.U's being thrown into the dressing room or gymnasium facilities for them to be used.

Mr. Commissioner: Mr. Chairman, the Engineering Department has a man, I don't know whether to use the present or past tense, he may still be here but he at least was here and in the course of the last couple of weeks went over all the heating plants in Territorial Government buildings throughout the whole Territory with this particular situation in mind. It is not only the F.H. Collins School gymnasium that doesn't have adequate heat and so forth. The whole situation is presently under review and hopefully we are going to be able to cure it.

Mr. McKinnon: Can we expect this from Administration to Council the results of this study that have been made by this expert.

Mr. Commissioner: Mr. Chairman, I can't promise to have these available for you at this Session of Council but I simply rose to assure you that we are aware of the problem and are trying to do something about it and as soon as there is a report I would be only too happy to make this available to Council if it is in Session and if it is not the individual Councillors.

Mr. Chairman: Clear. The next item is Dawson City, shower and dressing facilities - \$62,940.00.

Mr. Tanner: Mr. Chairman, I wonder whether we could have some, in respect of the Member from Dawson, I was going to say justification, but a better word might be, I wonder if we might have an explanation for the need for shower and dressing facilities in Dawson Creek, Dawson City, beg you pardon, Dawson City. I would make the point that if there is anywhere that is growing up in the Yukon it is Porter Creek

BILL #12
VOTE 20

Mr. Tanner continues
and that area and if there is anywhere an area that is becoming, that isn't growing, it has got to be Dawson. Now I am wondering whether money spent on Dawson on this particular case is warranted as opposed to where the population is expanding.

Mr. Stutter: Mr. Chairman, I just have to stand on a point here. The Member from Whitehorse North is confusing Dawson with Dawson Creek as he just pointed out. I would be glad to take him on a guided tour and show him some of our difficulties in Dawson. It may be at my expense.

Mrs. Watson: Mr. Chairman, this is part of a three year programme where we are endeavouring to instal shower facilities in all schools in the outlying areas. Now I think you realize that in a lot of these areas the children have no shower facilities in their homes and Dawson is the last one, Haines Junction, Carmacks, and Watson Lake have had them installed. Dawson is the last one.

Mr. Stutter: Mr. Chairman, I would just like to point out that at the moment there isn't even a single shower in the school at Dawson. The only shower that is in the Dawson School is in conjunction with the Public Health area. There is a small gymnasium there and people having had activity in the gymnasium don't have access to any changing rooms or showers there at the moment.

Mr. Tanner: Mr. Chairman, the Minister of Education mentioned that this is a three year programme, well are we looking at \$180,000 over three years?

Mr. Commissioner: Mr. Chairman, it is much more than that. I don't want to depend too much on my memory but it seems to me that we were planning about \$220,000.00 over approximately three years. As this is part of our basic hygiene programme in the schools we have simply got to proceed with this, Mr. Chairman. If there is any place where these things are necessary, it is in the rural schools where we have been endeavouring to get them located. I would point out that they are not specifically used in conjunction with gymnasium activity. They are used in conjunction with the whole total hygiene programme of the school and the community.

Mr. Chairman: Clear. The next item is Kluane Lake School basement - \$7,500.00.

Mr. Tanner: Could the Minister of Education give me some indication of what this place is going to be used for besides, as I understand,

Mr. McKinnon: Activities.

Mr. Tanner: What activities? As I understand in the past it was mostly used for stuffing ducks.

Mrs. Watson: Was used for what?

Mr. Chamberlist: Stuffing ducks.

Mr. McKinnon: That is what they do in Whitehorse, they shoot them up there.

Mrs. Watson: Mr. Chairman, actually it is an activity room. It is just an extra room for the school. It has been a bare basement up to the present time. They have their kindergarten classes down there.

Mrs. Watson continued

BILL #12
VOTE 20

For painting activities -- . In Destruction Bay school you have multi grade classrooms. You have four or five grades and for the children to carry on any activity in a small classroom is almost impossible, such as painting and social studies programme and it is very convenient to have a room such as an activity room in the basement where they will have the sink and the water for their painting programme.

Mr. Tanner: Mr. Chairman, I do not want to belabour this point but something has come to my attention that in my ignorance I should have known, I suppose, but am I to understand that as far as kindergartens are concerned that outside of the Whitehorse area they are within the school buildings themselves and, if so, why should I be so intimately familiar with kindergartens in Porter Creek which is outside the Whitehorse area and the people in Porter Creek had to wait so long to get a kindergarten. Could you define the Kindergarten Policy please?

Mrs. Watson: Councillor Tanner, just a few minutes ago you were saying how crowded your school at Porter Creek is at the present time that you need relocatable classrooms. Do you think it would be possible to even put a kindergarten in a spare corner in your school?

Mr. Tanner: That is not the question I asked. Where is the boundary where you can have a kindergarten in the school or out?

Mr. Commissioner: Mr. Chairman, this is part of the policy that was adopted here by Council as a consequence of discussion around the table and that is the policy that has been followed.

Mr. Chamberlist: Perhaps, Mr. Chairman, for the benefit of the new Members, the policy paper on kindergarten should be re-presented for the Members benefit.

Mr. Commissioner: Could we circulate it for information only and not as a Sessional Paper?

Mr. Chamberlist: For information only.

Mr. McKinnon: I would like to say on the subject, Mr. Chairman, that exactly the point that Councillor Tanner made was the point that I made at this Council table, that I considered Porter Creek above and beyond the policy that was put in for the Municipality of Whitehorse and I can assure him that I met with quite an administrative roadblock when I tried to get the Porter Creek kindergarten installed in the Jack Hulland School. This was the reason that we had to look for other facilities because there was just no way that it was going to be made available.

Mr. Stutter: Mr. Chairman, I would just like to comment to Councillor Tanner that it isn't just an urban problem, it is rural too. At the moment there is no kindergarten being held in Dawson. There are no facilities in the school for kindergarten in Dawson, in fact, there isn't even an available building yet. We have been unable to locate one for holding kindergarten. So it isn't just an urban problem.

Mr. Chairman: We have no kindergarten in Watson Lake, if I might say from the Chair, I guess this is about the only school that does have a kindergarten in it, is it?

Mr. Commissioner: Mr. Chairman, you have kindergarten in Watson Lake being held in your Community Hall.

BILL #12
VOTE 20

Mr. Chairman: In the Community Hall, I am saying in the schools.

Mr. Chamberlist: In the school facility.

Mr. Commissioner: You have it in the Community Hall in Upper Liard.

Mr. Chairman: I realize this, but, I was just amazed to hear that there was a kindergarten in a Territorial School.

Mr. Tanner: I am sorry. I am still not clear on this. There seems to be two or three policies floating around here. One of them is that the kindergartens can be in the school in Haines Junction or Dawson, up at Beaver Creek and in Porter Creek we can't have it within the school system and in Watson Lake it isn't within the school system. In Dawson there is no kindergarten at all.

Mr. Chamberlist: Mr. Chairman, I would like to clarify. There is no suggestion that the kindergartens are being held anywhere within the school system, but, the paper that was prepared on it was to permit wherever there are schools and there are not facilities for kindergarten to be held that the existing facilities in those areas outside of the Metropolitan Area and this was the basis, the Metropolitan Area, that the decision was made. Now, certainly, in some areas like Watson Lake the kindergarten is being held in the Community Hall and this I am sure, Councillor Taylor will agree, was towards helping the Community Hall to have a revenue from that and to provide for the children, but, at the same time the revenue was there instead of going into the school. Now, I think that there are some other in schools, I think it is in Mayo, that they hold their kindergarten in their school sometimes. I am not absolutely sure about that. Isn't that so? Yes, in Mayo. And I think that if I recall that in Elsa, as well, that kindergarten is held in the school in a special area.

Mr. Commissioner: Mr. Chairman, it is very difficult without having the paper in front of us because it covers a very wide spectrum, but I would bring it to the attention of Honourable Members that in some of the schools where the kindergartens are being held in conjunction with the school itself, as part of the school's activity, this was done so that we could supplement the teaching staff and permit release of some of the better qualified teachers to teach higher grades in some of the schools. This was really the modis operandi of this type of thing and this was why it was brought in.

Mr. Chairman: Anything further on this item? The next item is recreation and amateur sport - \$21,000.00.

Mr. McKinnon: Mr. Chairman, last year the proposal was for the 1971-72 fiscal year that the portable swimming pools went to Teslin, Carcross, Elsa, Haines Junction, Clinton Creek, I now see that that has been changed to read three unspecified communities. I wonder if there is any reason why the second year of the three year programme with the four schools that were outlined for the 1971-72 fiscal year has been changed?

Mrs. Watson: Mr. Chairman, the four schools that you outlined, what were they again?

Mr. McKinnon: Teslin, Carcross, Elsa, Haines Junction and Clinton Creek for 1971-72.

Mrs. Watson: 1971-72.

Mr. McKinnon: This is the last year's budget which is the second year of a three year programme.

Mrs. Watson: Teslin now has the portable swimming pool. Mayo has one and Watson Lake.

BILL #12
VOTE 20

Mr. McKinnon: Old Crow didn't get one.

Mrs. Watson: It was also offered to Haines Junction, but, Haines Junction turned it down because they felt that they could not bear the cost of maintaining the swimming pool and I have heard that this is why the question has been just opened in the budget this year, where if they feel they can afford two swimming instructors and maintenance of their pool, they will probably be given the opportunity to have a swimming pool.

Mr. McKinnon: Two of the portable pools were put in the Watson Lake District. I wonder if the Honourable Member can tell me how the programmes worked out. Whether they were successful and whether the portable pool is a successful programme.

Mr. Chairman: Councillor Stutter will you take the Chair.

Councillor Stutter takes the Chair.

Mr. Taylor: Yes, Mr. Chairman, we have had one pool installed in Watson Lake and the other installed in Teslin. We had our problems with them, first of all in the actual construction of putting these pools together, we were short of some equipment. Nobody seemed to be too clear on how the thing worked and getting people out for work parties was another problem. It took a little while to get both pools up and going but once they were installed they were just used constantly right through the season. They were very well received and you could always find little heads all through the pool. The kids were having a ball and the adults enjoyed it. Unfortunately, though these pools must be taken down in the fall or else you sacrifice your skating in the winter and I don't know how many times you can take these down and put them up but it is a great deal of work and a great deal of expense. I believe Teslin is contemplating now building a building to put theirs in. They have had to give up their skating and all winter skating activities this winter, they just didn't have the heart to take this thing down. They gave that up for the winter in order to have the pool ready to go again in the spring. It is in their skating rink. The one in Watson Lake we did take down and we will put it up next year. It was put up on the curling rink, or the hockey rink section of the hall. They are trying to figure out how they can raise enough money to house that, too. Also, I understand, that recently I learned that the life of these pools is only five years or something taking them down and putting them up. As the member from Carmacks-Kluane has stated that these communities are apparently going to have an opportunity to say whether they want them or not and it is quite an expense to the community and I relate this back to Community Development Funds, being \$8,000 a year, there is no way you can do anything to assist this problem. The communities have no means of getting sufficient funds to cover this pool or in some cases to afford the instructors, people to build the showers and other facilities. That is our experience as far as we have gone with the pool but for the usefulness of it the kids just get 100% charge out of it so, as I say, all summer long the pools in our area were just chuck full of kids having a ball and learning how to swim. It is really something to see.

Mr. Commissioner: Mr. Chairman, something I would like to say is that two of the pools that were installed last year were indoors, the one at Teslin at Watson Lake, and one was outdoors at Mayo. Certainly our advice is going to be to any community that wants to install them in the future that they put them indoors because the cost of heating the water for the pool at Mayo was just absolutely out of this world. Something that I would like to bring to your attention, there has not been any

BILL #12
VOTE 20

Mr. Commissioner continues
progress made on this, but I am hopeful that we can do something, I won't promise this in the course of the next few months but certainly over a longer period of time and that is coming up with a design of a building that we can prefabricate as part of the vocational training programme here at the Vocational Technical Training Institute and then as part of the rehabilitation programmes at the Correctional Institute have them erected in the community. Now, I say this to simply let you know that we are not without some idea of the problem that is involved here and the amount of work that has been done on this up to now has not been very great due to a certain amount of staff changes in connection with the vocational training programme. I am very hopeful that we will be able to come up with something here that possibly for simply the cost of the material, that the community involved will be able to provide those communities that can't do anything on their own with some kind of a shelter that will be satisfactory for summertime use of their pool. I recognize Councillor Taylor that the continued erection and dismantling of these pools is going to shorten their life considerably, but, I will also bring to your attention that there are constant improvements being made in the manufacture and quality of material being used so, I believe, we are on an improving scale as far as the actual pools themselves are concerned and I am very hopeful that we are going to be able to come up with something that will tend to at least alleviate to a degree the building problem connected with them.

Mr. Tanner: Mr. Chairman, am I correct that last year there were three pools. This year there are three again. Last year they cost \$5,300 and this year they are costing \$7,000. That is quite an increase.

Mr. Commissioner: That is not quite right. Mr. Chairman, we had to transfer some money by allotment to the pool programme because the money that is requested here now is the true cost of them, the money that was requested in last year's estimates proved to be an underestimated cost.

Mr. Taylor: Yes, I would just like to thank Mr. Commissioner for his remarks and compliment the Administration on their foresight on coming up with this potential idea and wish them every success in the possibility of constructing prefabricated buildings in the manner that he suggests. I couldn't sit down without mentioning that I think that this programme is very closely linked with the problems inherent in the Community Development Grant as we suggested earlier today. An expansion of allotment in this area may be, possibly through the adoption of a new policy, may make it possible to assist these communities to build the other facilities such as the shower you must have, all these other facilities that are required apart from the operation and maintenance considerations. I can say on behalf of our people down there that we are very pleased with the pools and we would like to see them covered and proper accommodations and everything else.

Mr. Chairman: Councillor Taylor would you please resume the Chair?

Mr. Taylor resumes the Chair.

Mr. Stutter: Mr. Chairman, I would like to as the Minister of Education, there was some talk a year or so ago of a pool going to Old Crow, do I take it that this has now been shelved?

Mrs. Watson: I am not certain of this, but I said before that I think Old Crow turned down the pool last year. I will check this out for you.

Mr. Stutter: When you say Old Crow turned it down you mean the Department of Education or the School Board in Old Crow?

Mr. McKinnon: Mr. Chairman, there is a further policy paper on this that I think should be given to Members because the community has to enter into so much of the arrangement of the funding of the building of the portable pool. This was by some communities accepted and not by others. So I think that it is another policy paper that we should all have in our possession.

Mr. Chairman: Mr. Clerk, do you suppose you could dig out that paper and get copies for the new Members? Not right now but at your convenience. Have you anything further on the recreation and amateur sport - \$21,000.00. This gives us a total capital position in the Department of Education of \$1,315,006.00. Is it your wish to proceed into operation and maintenance? I think some Members want to get away at 4:30 p.m.

Mr. McKinnon: This is a very historic occasion, Mr. Chairman, in in the annals of the Yukon's history and I feel very, very offended in not being able to take part in it, namely, the arrival of three of the great white fathers from down East who are going to be met at the airport with some members of the Yukon's populace who do not feel their policy is in the best interest of the Yukon Territory. I am one of those members who agree with the public of the Yukon Territory and would like to make my wishes known also.

Mr. Chamberlist: Mr. Chairman, in view of the request that has been made I would move that Mr. Speaker now resume the Chair.

Mr. Commissioner: These men tomorrow, what are we talking to them about?

Mr. Chairman: Mr. Commissioner, from the Chair, the programme tomorrow will be to discuss matters relevant to the Quartz Mining Act and the Land Use Regulations which will take us through the day. We will be in a state not of Council with the Committee as a whole but in our select Committee, our special Committee on Environmental Control and Land Use Legislation. It is not expected that we will be back on the budget until Monday, next. Friday we meet with Mr. Digby Hunt and any balance of the time on Friday we can possibly spend on other bills or other items. This will give the department time to compile the rest of the background data on the capital side of the budget.

Mr. Commissioner: Mr. Chairman, do I understand that tomorrow is a kind of dress rehearsal for the next day? Is that the idea? We are going to be talking about the same thing to Mr. Hunt on Friday as what we are going to be talking about to Mr. Reeve and cohorts tomorrow. Is this correct?

Mr. Chairman: I gather from Committee that this is a possibility.

Mr. Chamberlist: I think that the Commissioner should know that the brief, the Committee that hosts the different groups of people will cut their own throats, by telling us different stories. We hope this is what happens.

Mr. Chairman: Is it your wish that I report progress on Bill No. 12?

Mr. Tanner: I second the Motion, Mr. Chairman.

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

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: I will now call Council to order. May we have a

Mr. Speaker continues
report from the Chairman of Committees?

Mr. Chairman: Mr. Speaker, Committee convened at 10:40 a.m. this morning to discuss public bills. Committee recessed at 11:20 a.m. this morning and reconvened at 2 p.m. Mr. Miller and Mr. Fleming attended Committee to assist in discussions relative to Bill No. 12 and I can report progress on Bill No. 12. It was then moved by Councillor Chamberlist and seconded by Councillor Tanner that Mr. Speaker do now resume the Chair and this Motion carried.

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

Mr. Taylor: Mr. Speaker, in respect of the agenda from tomorrow it has been indicated that Members following Orders of the Day, that Honourable Members would wish to beg leave to adjourn in order that they may sit in special Committee during the balance of tomorrow's activities.

Mr. Speaker: What is your further pleasure?

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

Mr. Speaker: It was moved by the Member from Dawson City and seconded by the Member from Whitehorse North that we now call it five o'clock. Are you prepared for the question?

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

ADJOURNED

ADJOURNED

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order.

Mr. McKinnon: Mr. Speaker, may I rise on a question of privilege, at this time? I do this with no other motive in mind than to allow a clarification, if any misinformation has been placed before this House, because I think that would probably be a dangerous precedent, if there were misinformation placed before the House from one of the members of the Executive Committee. On page 49 of the Votes and Proceedings, lines 10, 11 and 12, the Honourable Member from Carmacks-Kluane makes this statement: "These people have the information that is being demanded at the present time and until the school bus contract is finalized...". Following, Mr. Speaker, lines 16, 17, 18 and 19, "when the contract is finalized, and we expect that within the next day or two...". Mr. Speaker, I have made public to the public of the Yukon Territory, a letter from Mr. Ferguson, the Acting Superintendent of Education, which states that "It will, however, be only fair to inform you that poor quality of the service during the period of the signing of the contract played a big part in the decision to accept the tender of Diversified Transportation Ltd. and reject that of Yellow Cabs (Y.T.) Ltd. Yours truly, William Ferguson, Acting Superintendent of Education." Mr. Speaker, the point of privilege that I make is that the Honourable Member from Carmacks-Kluane and the Acting Superintendent of Education -- one says that the contract is not finalized, and the other says that the acceptance of the tender from Diversified Transportation has been effected. I wonder whether the Honourable Member would like to clarify this situation, so that there is no misinformation, there is no -- misinformation is not the word I want, but that there is clarification to the public on this issue.

Mrs. Watson: Mr. Speaker, accepting a tender bid and finalizing the signing of the contract are two different areas completely.

Mr. McKinnon: Well, I will wait for the Question Period then.

Mr. Speaker: Are there any Documents or Correspondence to be tabled? As there are no Reports of Committees, we will go to the introduction of bills. Are there any bills to be introduced?

Mr. Chamberlist: There are no bills to be introduced today, Mr. Speaker.

Mr. Speaker: Are there any Notices of Motion or Resolution? Any Notices of Motion for the Production of Papers? As there are no Notices of Motion for the Production of Papers, we will proceed to Motion No. 2. It was moved by Councillor Taylor, seconded by Councillor Tanner, that Sessional Papers No. 3 and No. 6 be discussed in Committee of the Whole. Councillor Taylor, are you prepared to proceed with this motion? Are you prepared for the question? Agreed?

MOTION #2

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: We now come to the Question Period.

Mr. McKinnon: Mr. Speaker, I wonder if I could ask the Honourable Member for Carmacks-Kluane, as per the letter from the Acting Superintendent of Education, whether the government has accepted the tender

*QUESTION RE
SCHOOL BUS
CONTRACT
TENDERS*

QUESTION RE
SCHOOL BUS
CONTRACT
TENDERS

Mr. McKinnon continued....
of Diversified Transportation Ltd. for school bussing service in the area?

Mrs. Watson: Mr. Speaker, the Government of the Yukon Territory, Department of Education, has accepted the tender submitted by Diversified Transport and a contract was signed yesterday afternoon at 4:30 p.m. It has been finalized.

Mr. McKinnon: Supplementary question, Mr. Speaker, is it the intention of the Government of the Yukon Territory then, to accept bids on a higher basis than the lower, as has always been the practice in the past?

Mr. Chamberlist: Well, Mr. Speaker,

Mr. McKinnon: I asked the chief executive officer of the Yukon Territory, who I consider to be the government, under the terms of section 16 of the Yukon Act to answer this question?

Mr. Chamberlist: I rise on a point of privilege at this time, Mr. Speaker. I think that the time has come along now, it should be clearly indicated to the Honourable Member from Whitehorse West that he in his previous years as a Member of the Territorial Council, has indicated that the questioning should be to heads of departments when ministers have been indicated. Now, I would ask, Mr. Speaker, that when a Member stands up to ask a question, and refers the question to the government, this requires an answer that any member of the government should be able to give to him. Now that he has clarified his question by saying that it is to the Commissioner, I think then, this is satisfactory.

Mr. McKinnon: What about the question of privilege?

Mr. Commissioner: Mr. Speaker, very clearly, in the tender calls that come from the Territorial Government, the privilege of the government to accept or reject based on other than prices is very clearly indicated. We do not have to accept any tenders and it is this privilege that has been exercised in this instance, as it has been over the years in many, many others.

Mr. McKinnon: Mr. Speaker, is it no longer the concept of the Government of the Yukon Territory, and I ask this question of the Commissioner, all things being equal, to give preference to local bidders rather than to bidders outside the Territory?

Mr. Commissioner: Mr. Speaker, there is no way that you can define a local bidder as opposed to a bidder from outside of the Territory. There has not been any practice, that I am aware of, to differentiate between bidders as to where their location is. If there was, why, there would be very many things that we would never get any competitive bids, Mr. Speaker. The situation is that the government has certain privileges under the tender regulations and they are very clearly indicated to the public in the bids, that the lowest or any tender is not necessarily accepted. I may say, that in this tender call that is particularly in question here, it is open to our interpretation as to the arithmetic or the methods of calculating the arithmetic to determine the potential usage of the buses and come up with what we determine to be, in effect, the lowest monetary bid.

Mr. McKinnon: Mr. Speaker, from the Commissioner's answer, can we expect that the Yukon Builders' Exchange, who have asked for a 10 percent preferential differential, because they are licensed locally, will meet with no success with the Government of the Yukon Territory?

Mr. Commissioner: Mr. Speaker, the answer is in the affirmative. There is absolutely no way that the public funds of Canada, which are made available to for capital purposes, can not -- or that any Canadian company can be denied the opportunity of bidding on these kind of contracts. There is no way that this can be done.

QUESTION RI
SCHOOL BUS
CONTRACT
TENDERS

Mr. McKinnon: Mr. Speaker, is Mr. Commissioner aware that the preferential bid differentials are in effect in certain provinces of Canada?

Mr. Commissioner: Mr. Speaker, I am well aware of the fact that there are tariff barriers erected even around cities in the provinces of Canada, the municipalities, this is going on everywhere. It just so happens that these jurisdictions have the ability and the concept of raising the money to pay for these contracts within their own jurisdictions and from local sources. They have much more flexibility in the manner in which they are going to do these things. I am quite confident, however, that if we attempted to adopt any kind of a policy that had any kind of restrictiveness with regard to the letting of contracts and make them specifically local, particularly with capital projects where money is supplied 100 percent to us by the Federal Government, we would find ourselves being, I won't say being denied these funds denied the opportunity of being the sole disperser of them.

Mr. McKinnon: Mr. Speaker, may I ask the Honourable Member from Car-macks-Kluane when we may expect a statement on the awarding of the school bus contract?

Mr. Chamberlist: This statement has been made.

Mr. McKinnon: Let's hear it.

Mrs. Watson: Mr. Speaker, I believe there was information being compiled to present to Council and as soon as it is completed, we will give it to the Members of Council. They will have all the information.

Mr. Taylor: I just have one further supplementary question in relation to this subject, Mr. Speaker. In view of certain news reports of last evening, I would like to clarify a point, and I'm wondering if Mr. Commissioner could advise me as to whether or not the press are entitled to be present at tender openings?

Mr. Commissioner: Mr. Speaker, tender openings are public ceremonies, if you wish to put it this way. I don't know of any better terminology. The time of the opening is indicated in the tender calls, and the place at which the tender calls are opened is stated as well. I am not aware of anyone of the general public, whether he wishes to use the terminology of himself as being associated with the press or any other particular calling, that is excluded from these tender openings.

Mr. Taylor: I have a question I would like to direct to Mr. Commissioner this morning, having reference to the weigh scales on top of Two-Mile Hill. I would like to ask Mr. Commissioner if these scales have, indeed, been inspected by the weights and measures people in Ottawa to assure their accuracy?

Mr. Commissioner: Mr. Speaker, these scales bear the stamp of the Department of Trade and Commerce, which the Measures Branch comes under. I believe the original permit was issued for periods of either three or six months. I'm sorry, I can't remember exactly the time that is on them, but after that time is over with, they will be again inspected and the Weights and Measures Branch will put their approval or otherwise on them. We have their approval at this time.

Mr. Stutter: I have a question here, Mr. Speaker, for the Commissioner.

Mr. Stutter continued....

*QUESTION RE
DEMPSTER
HIGHWAY
TENDERS*

Invitation to tender bids for the continuation of the Dempster Highway have been published now for some time. In view of the fact that such a construction project could be governed by the confidential Land Use Regulations, I am wondering how contractors were able to bid without this knowledge, or are we to think government projects would not be subject to these regulations, particularly, within one of the proposed land use zones?

Mr. Commissioner: Mr. Speaker, I am not aware of the potential difficulties that could be arrived at, but, you know, as a consequence of the Land Use Regulations that are referred to by the Honourable Member. However, I would say this, Mr. Speaker, that the bidders would be bidding on the basis of the contract document and the tender specifications that were issued by the Department of Public Works, and it would be up to the Federal Department of Public Works to make their peace with such other departments of government as they have to. As far as the bidders were concerned, it would be of no consequence to them to know what transpired inter-departmentally. They would be bidding on the basis of the tender specifications that are set out in those tender documents.

Mr. Stutter: I have a supplementary, Mr. Speaker. I believe yesterday was actually the final day for those bids to be submitted. I'm wondering if the Commissioner could yet tell us who the successful bidder was and give us the approximate amount of that bid?

Mr. Commissioner: Mr. Speaker, I could determine for the benefit of Council as a matter of information, what the bids were and who did the bidding. But, as far as saying who would be awarded the contract and who would be the successful bidder, I am afraid that this would take some time. The value of the contract involved is such that, I believe, Treasury Board approval is required before an award can be made. But certainly, I can get the information as to who the bidders were and what the bids were.

*QUESTION RE
RENT OF
COMMUNITY
CLUBS*

Mr. Taylor: I have a question I would like to direct to the Legal Adviser, who serves also as Director of Legal Affairs. I would like to ask him if he has any idea when the community clubs in the Territory might be paid their rent money for rental services by the Department of Justice?

Mr. Legal Adviser: Mr. Speaker, that is still a federal matter at the moment. I'm not in a position to say. All I can say is that the Commissioner has the matter under advisement and there will be conversations taking place today or tomorrow concerning a method of obtaining payment, not necessarily in the form asked for, but in some form.

Mr. Speaker: Are there any further questions? As there are no Private Bills and Orders, we will proceed to Public Bills and Orders.

*BILL #8
FIRST
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 8, An Ordinance to Amend the Fur Export Ordinance, be given First Reading.

*MOTION
CARRIED*

MOTION CARRIED

*BILL #8
SECOND
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 8, An Ordinance to Amend the Fur Export Ordinance, be given Second Reading.

*MOTION
CARRIED*

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that

Bill No. 9, An Ordinance to Amend the Taxation Ordinance, be given First Reading.

BILL #9
FIRST
READING

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 9, An Ordinance to Amend the Taxation Ordinance, be given Second Reading.

BILL #9
SECOND
READING

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 10, An Ordinance to Authorize the Commissioner to Borrow a Sum Not Exceeding One Hundred and Fifty Thousand Dollars from the Government of Canada for the Purpose of Making a Loan to the City of Whitehorse and to Authorize the Commissioner to Enter Into an Agreement Relating Thereto, be given First Reading.

BILL #10
FIRST
READING

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 10, An Ordinance to Authorize the Commissioner to Borrow a Sum Not Exceeding One Hundred and Fifty Thousand Dollars from the Government of Canada for the Purpose of Making a Loan to the City of Whitehorse and to Authorize the Commissioner to Enter Into an Agreement Relating Thereto, be given Second Reading.

BILL #10
SECOND
READING

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 11, An Ordinance to Authorize the Commissioner to Lend Money to the City of Whitehorse for the Updating and the Upgrading of Whitehorse Water and Sewer System, be given First Reading.

BILL #11
FIRST
READING

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 11, An Ordinance to Authorize the Commissioner to Lend Money to the City of Whitehorse for the Updating and the Upgrading of Whitehorse Water and Sewer System, be given Second Reading.

BILL #11
SECOND
READING

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 13, An Ordinance to Amend the Companies Ordinance, be given First Reading.

BILL #13
FIRST
READING

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 13, An Ordinance to Amend the Companies Ordinance, be given Second Reading.

BILL #13
SECOND
READING

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 14, An Ordinance to Amend the Elections Ordinance, be given First Reading.

BILL #14
FIRST
READING

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 14, An Ordinance to Amend the Elections Ordinance, be given Second Reading.

BILL #14
SECOND
READING

MOTION CARRIED

MOTION
CARRIED

BILL #15 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
FIRST Bill No. 15, An Ordinance to Amend the Labour Standards Ordinance, be
READING given First Reading.

MOTION
CARRIED

MOTION CARRIED

BILL #15 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
SECOND Bill No. 15, An Ordinance to Amend the Labour Standards Ordinance, be
READING given Second Reading.

MOTION
CARRIED

MOTION CARRIED

Mr. Chamberlist: Mr. Speaker, there are no further Public Bills for First and Second Reading.

Mr. Taylor: Mr. Speaker, in view of the agenda showing today that the Special Committee on Resource, Environmental Control and Land Use Legislation wishes to sit, I would move that we adjourn to the call of the Chair.

Mr. Tanner: I'll second that motion.

Mr. Speaker: It has been moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Whitehorse North, that Council be adjourned until further notice. Are you prepared for the question? Agreed?

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I now declare Council adjourned.

ADJOURNED

ADJOURNED.

Page 85.

Friday, February 12th, 1971.

10:00 a.m.

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. Are there any Documents or Correspondence to be tabled?

Mr. Chamberlist: Nothing at all, this morning, Mr. Speaker.

Mr. Speaker: Are there any Reports of Committees?

Mr. Taylor: Yes, Mr. Speaker. I would like, this morning, to table the first report of the Special Committee on Resource, Environmental Control and Land Use Legislation. The Committee convened at 10:45 a.m. on the 11th of February. Messers. A. Reeve, B. Trevor, W. Armstrong of the Economic Development Branch of the Department of Indian Affairs and Northern Development; and, Mr. R. E. Van Tassell of the Yukon Chamber of Mines attended as witnesses to discuss the Yukon Minerals Act and Land Use Regulations, as appended to the Territorial Lands Act. Mr. Reeve pointed out that, effective this date, the draft Land Use Regulations could be considered a public document. A general discussion ensued relative to policy, following which, a more detailed section by section perusal was undertaken. Committee recessed at 12:00 noon, and reconvened at 2:00 p.m. Discussions continued during the afternoon and, on motion, Committee recessed at 4:05 p.m. Your Committee, Mr. Speaker, would beg leave to sit again.

Mr. Speaker: Are there any Bills to be introduced?

Mr. Chamberlist: There are none this morning, Mr. Speaker.

Mr. Taylor: Mr. Speaker, I wonder if we could have the direction of the House as to whether the Committee could, having begged leave to sit again, if we could?

Mr. Speaker: Agreed? Are there any Notices of Motion or Resolution? Any Notices of Motion for the Production of Papers? As there are no Motions for the Production of Papers, or Motions, we now come to the Question Period. Mr. Clerk, will you see if the Commissioner is available. We will now recess for a few minutes.

RECESS

RECESS

Mr. Speaker: The House will now come to order.

Mr. Taylor: Mr. Speaker, in the interest of good communication between the Federal Government, Department of Indian Affairs and Northern Development, I wonder if anyone can inform me the name of the Deputy Minister of Northern Affairs.

QUESTION RE
DEPUTY
MINISTER

Mr. McKinnon: There are twenty of them. There's one for each department.

Mr. Commissioner: Mr. Speaker, with respect, could I have the question repeated, please?

Mr. Chamberlist: What's the name of the Deputy Minister.

Mr. Taylor: Mr. Speaker, I'm wondering if I could have the name of the Deputy Minister of Northern Affairs.

Mr. Commissioner: It's Mr. Basil Robinson.

Mr. Taylor: A supplementary question, is there any indication, Mr. Speaker, could Mr. Commissioner tell me, if this gentleman will be visiting the Territory in the near future?

Mr. Commissioner: Mr. Speaker, I have extended an invitation to Mr. Robinson of several months standing, and I am very hopeful that sometime in the course of the next couple months that he will be able to find time to be able to partake of this invitation, and make a visit to Yukon.

Mr. Chamberlist: If he doesn't get transferred to another department.

Mr. Taylor: Thank you, Mr. Speaker.

QUESTION RE
BRIEF FROM
YUKON TRANS-
PORTATION
ASSOCIATION

Mr. McKinnon: Mr. Speaker, I would like to ask the Commissioner a question. In view of his remarks yesterday that the Territorial Government will not be protecting Yukon businesses in any way, I wonder if he would be prepared to say whether the brief prepared by the Yukon Transportation Association asking for a review of the P.S.V. Licences granted in the past twelve months, will be ignored.

Mr. Commissioner: Mr. Speaker, the Honourable Member is referring to a document that I don't believe I have seen.

Mr. McKinnon: The document, Mr. Speaker, for clarification, was sent to all Members of Territorial Council plus the Territorial Secretary. It was a brief from the Yukon Transportation Association asking for the review of P.S.V. Licences with the ultimate purpose of some of them being cancelled because of non-use. I think that they have some very valid arguments that were presented in the brief. I am surprised that the Territorial Secretary's Office has not forwarded it to the Commissioner for his perusal. It was dated December 11th, 1970, Mr. Speaker.

Mr. Commissioner: Mr. Speaker, I am sorry that I am not in a position to comment on this document at this time, but, if the Honourable Member would raise the question some day next week, I will be in a position to have some comment to make with regard to this.

Mr. Speaker: Are there any further questions?

Mr. Taylor: Mr. Speaker, I would like to direct this question to Mr. Clerk, to ask him if copies of the Standing Committee Report on Resource, Environmental Control and Land Use Legislation will be made available to the public, and where may they be obtained?

Mr. Clerk: Yes, Mr. Speaker, we have additional copies of the report printed. They can be picked up from the Queen's Printer in the Lynn Building.

Mr. Speaker: Are there any further questions?

Mr. Chamberlist: Everything's been going smoothly, obviously.

Mr. McKinnon: Don't get too smug, fella.

Mr. Speaker: We would like to thank the Commissioner for his attendance. Are there any Private Bills and Orders?

Mr. Chamberlist: No, Mr. Speaker, there are no -- oh, I beg your pardon, there are no Public Bills at all.

Mr. Taylor: I got you this time, Norman. Mr. Speaker, I believe that it is the intention of Council to sit in Select Committee or Special Committee this morning. I would therefore, move that we adjourn to the call of the Chair.

Mr. Chamberlist: I will second that.

Mr. Speaker: It has been moved by the Member from Watson Lake, seconded by the Member from Whitehorse East, that Council stands adjourned until further notice. Agreed?

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: I declare the Council adjourned.

ADJOURNED

ADJOURNED

Page 88.

Monday, February 15th, 1971.

10:00 a.m.

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The Council will now come to order.

Mrs. Watson: Mr. Speaker, a point of privilege. I have a prepared statement regarding the School Bus Contract that I submitted to the Commissioner for his signature. "Mr. Speaker, Members of Council, School Bus Contract - Whitehorse Area. On Tuesday, February the 9th, I informed Council that I would make available a press release respecting the school bus contract prior to it being made public. A press release, as such, has not been prepared, however, this paper will detail the problems associated with the present contract and the reasons behind the calling for new tenders by the Yukon Territorial Government. When tenders for school bus services for the school year 1970-71 for the Whitehorse area were called for in the summer of 1970-71, one tender only from Yellow Cabs was received. The contract was therefore duly awarded to Yellow Cabs for \$143,000.00. Almost immediately from the beginning of the school year, the Department of Education had to point out to the contractor that the service being provided was not of an acceptable standard, nor was the equipment being used in a satisfactory and safe condition. At first, the observations about the service were brought to the attention of the contractor by telephone and personal interview. The service, however, did not noticeably improve and therefore on October the 7th, 1970, the Acting Superintendent of Education wrote to the Company pointing out that despite repeated complaints being made to the contractor, the bus service had continued to deteriorate. The contractor was duly warned that he was in danger of having the contract terminated because of the unsatisfactory service he was providing. Complaints received during the fall months were received not only from parents of children who were being bussed to school in Whitehorse, but from principals as well who found that the poor service was disrupting the orderly administration of the schools. An analysis of the complaints indicates that drivers were making unscheduled stops; drivers were leaving schools before all the students had been embarked; bus drivers were not following proper schedules so that children, and parents, could not rely on buses leaving scheduled stops at certain times; and buses were frequently breaking down, and on one occasion, students were taken home in a bus which had inoperative brakes. As well as the numerous complaints being received about the quality of the service, two separate inspections carried out on the buses operated by the contractor, Yellow Cabs Ltd., made during the fall months, indicated that generally speaking, all buses in use were suffering from various types of mechanical defaults, some major and some minor. The inspections, incidentally, were carried out on two occasions, the first being in the period of the last week of September and the first two weeks of October and the second inspection in the period December 18th to December 21st, 1970. During the first inspection, 14 buses were examined. Of these, nine had inoperative speedometers, eight had faulty exhaust systems in need of repair, eleven had broken or cracked windshields and eight had broken windows, some replaced with tin. Other defects included emergency doors either not working at all or not working properly, dirty interiors, no frost shields, broken passenger seats, lights not working properly, inoperative heaters and some buses had no front licence plates affixed. The second inspection showed little or no improvement. Again faulty exhaust systems were noted, windshields were broken or cracked, windows were broken and replaced with tin sheets, some steering wheels had play up to six inches in them, emergency doors were difficult to open and, in some cases, manual emergency brakes were not working. Generally speaking, therefore, there was no decided improvement in mechanical condition of the

STATEMENT
RE SCHOOL
BUS
CONTRACT

Mrs. Watson continued

buses when inspected the second time. The inspections referred to above were carried out by the driver examiner for the Territorial Government, a mechanic of the Department of Highways and Public Works and a field inspector from the Territorial Secretary's Department. By letter dated December the 21st, 1970, Yellow Cabs Ltd. was notified that because of continuous poor service being provided by the Company, as well as consistently poor mechanical condition of equipment in use, the school bus contract in the Whitehorse area would be cancelled with the cancellation taking effect Thursday, April the 8th. Tenders accordingly were advertised for the supply of bus services for the remainder of the 1970-71 school year and the 1971-72 school year. Two tenders were accordingly received, one from Yellow Cabs Ltd. and the other from Diversified Transportation Ltd. The basic tender submitted by Yellow Cabs Ltd. was in the amount of \$198,949.00 and was for the provision of buses to serve seven schools. Should additional buses be added to the school runs, the extra cost from Yellow Cabs would be \$1,450.00 each per month. Moreover, should the buses be required on runs outside the designated regular bus area, the cost by Yellow Cabs would be \$.50 per mile and \$16.00 per hour for waiting time. The basic price tendered by Diversified Transportation Ltd. was \$199,750.00. The additional bus charge by Diversified Transportation was \$1,300.00 each per month. Moreover, the highway rate per mile for runs outside the designated regular bus area was \$.75 per mile with waiting time at \$9.00 per hour. Diversified Transportation Ltd. is the company which is the holder of the contract for provision of school bus services in the outside areas of the Territory and the service provided is completely satisfactory. I might also mention that the company is registered under the Companies Ordinance in the Yukon Territory. The company, moreover, not only employs Yukon residents to fulfill the terms of its present contract but it has also indicated to us it intends to hire locally all employees with the exception of a maintenance supervisor familiar with the maintenance policy and requirements of the company. When tenders are called, it is clearly stated in the tender call that the lowest tender is not necessarily acceptable. This is a condition that is included in all tender calls made both by the Federal and the Territorial Governments and one of the reasons it is included is to be able to reject those tenders submitted by contractors or other providers of service who have not performed in an acceptable manner on previous contracts. For the reasons already outlined in the paper, I feel it is completely justifiable to award the new bus contract to Diversified Transportation Ltd. However, there is another principle at stake which should be brought to the attention of Council Members, namely, that the safety of the children riding our school buses must be of paramount importance. The education system is part of this government's services. Yukon parents send their children to our schools and they have a right to expect that the safety of their children going to and from school in a service contracted by the government is not at any time jeopardized; and as Chief Executive Officer of the Yukon Government I must bear the responsibility of ensuring the safety of those children. In discharging that responsibility I must heed the advice of my officers and take such steps as may be necessary to terminate an arrangement that is obviously unsatisfactory. I have, therefore, had no alternative but to award the contract to Diversified Transportation Ltd.

Mr. Speaker: Are there any Documents or Correspondence to be tabled?

Mr. Chamberlist: Yes, Mr. Speaker. I have Sessional Papers No. 9 and 10 for tabling this morning.

Mr. Speaker: Are there any Reports of Committee?

Mr. Taylor: Mr. Speaker, I have this morning the Second Report of the Special Committee on Resource, Environmental Control and Land Use Legislation. The Committee convened at 10:30 a.m. on the 12th of February. Messrs. Hunt, Reeve, Trevor, Armstrong attended Committee on behalf of the Economic Development Branch of the Indian Affairs and Northern Development, Mr. Mike Philips on behalf of the Yukon Chamber

Mr. Taylor continued
of Mines and Mr. John Lammers on behalf of the Yukon Conservation Society. A general discussion ensued covering all aspects of the enquiry. Committee recessed at 12 noon and reconvened at 2 p.m. and further general discussion on Bill C-187 and Land Use Regulations. Committee agreed to consider official recommendations over the weekend and discussion moved to Bill C-193 respecting the Northern Canada Power Commission. Upon motion Committee recessed at 4:45 p.m. and your Committee would beg leave to sit again.

Mr. Speaker: Agreed. Leave granted. Are there any bills to be introduced?

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 16, An Ordinance to Amend the Workmen's Compensation Ordinance, be introduced.

*BILL #16
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 17, An Ordinance to Establish a Transport Public Utilities Board in the Yukon Territory, be introduced.

*BILL #17
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 18, An Ordinance to Amend the Motor Vehicles Ordinance, be introduced.

*BILL #18
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: Are there any Notices of Motion or Resolution?
Are there any Notices of Motion for the Production of Papers? As there are no Motions for the Production of Paper and Motions we now come to Questions. Mr. Clerk, will you see if the Commissioner is available for the Question Period? We will now recess for a few minutes.

RECESS

RECESS

Mr. Speaker: The House will now come to order. Are there any Questions?

Mr. McKinnon: Yes, Mr. Speaker, I would like to ask Mr. Commissioner whether he has been in touch with Mr. Hunt and Mr. Reeve prior to their departure from Whitehorse and whether they had successful negotiations with the people from the Yukon Chamber of Mines?

*QUESTION RE
NEGOTIATIONS
WITH CHAMBER
OF MINES*

Mr. Commissioner: Mr. Speaker, I can answer in the affirmative and in the conversations with Mr. Hunt he intimated that they had spent a very profitable day on Saturday with the Members of the Yukon Chamber of Mines and I believe other groups had made presentations to them as well, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner whether there has been any indication that the Department of Fisheries will be transferred to local administration and whether or not the license fees will remain at the same level this year as they were last year or whether representation from the Members of the Yukon Territorial Council will have any effect in lowering the angling licenses which are still too high in the Yukon Territory?

*QUESTION RE
TRANSFER OF
FISHERIES &
SETTING OF
ANGLING FEES*

Mr. Commissioner: Mr. Speaker, with regard to the first part of the Honourable Member's question I can offer no optimism at all concerning the transfer of the administration of the Freshwater Fisheries to the Government of the Yukon Territory from the Federal Government. With regard to the second part of the question I would say that there would be every reason to believe that the Federal Department of Fisheries would take very cognizance of any representations that came from the

Mr. Commissioner continued
Territorial Council with regard to licensing fees that are established
by that Department for freshwater angling here in the Yukon Territory.

Mr. Speaker: Are there any further questions?

RIEF BY
YUKON TRANS-
PORTATION
SOCIETY

Mr. McKinnon: Mr. Speaker, I wonder if Mr. Commissioner has had a
chance this time to study the brief submitted to one of his officers
from the Yukon Transportation Society?

Mr. Commissioner: Mr. Speaker, the answer is in the negative. If
the Honourable Member would care to bring this question up tomorrow
I would be prepared to answer at that time.

Mr. Speaker: Are there any further questions? We wish to thank the
Commissioner for his attendance. As there are no Private Bills and
Orders and Public Bills and Orders, what is your further pleasure?

Mr. Taylor: Mr. Speaker, I would move that Mr. Speaker now leave
the Chair and that Council resolve in Committee of the Whole for
the purpose of discussing Public Bills and Sessional Papers.

Mr. Chamberlist: I second the motion.

Mr. Speaker: Moved by the Member for Watson Lake, seconded by the
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 and Sessional Papers. Are you prepared for the question?
Agreed?

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: The Honourable Member for Watson Lake will please take
the Chair in Committee of the Whole. We will now have a short recess.

RECESS

RECESS

ROLL #12
OTE 3

Mr. Chairman: I will call Committee to order at this time. We will
proceed to Bill No. 12, the Budget. We are at Vote 3, Education,
Operation and Maintenance, Page 3/2. The first item is Administration -
Education - \$230,882.00. 3/8 I am informed is for detail.

Mr. McKinnon: Mr. Chairman, just cursorily looking at the figures it
appears to me that there is an increase of \$129,073.00 in a twelve
month period. I wonder if there could be some succinct explanation
for an increase of this nature in the Administration under the Department
of Education?

Mr. Commissioner: Mr. Chairman, basically speaking, to attempt to bring
more supervisory personnel available in the field as far as the schools
of Whitehorse are concerned and this is a very great lack at the
administrative level of the Education system and this is the major
point of increase in this.

Mr. McKinnon: Could I ask Mr. Commissioner, the staff that will be
in the field, what their duties will be and where there were short-
comings in the field of inspection in the Department of Education
prior to this year's budget.

Mr. Commissioner: Mr. Chairman, I wouldn't attempt to get into the
professional details of this. This is the explanation that was accepted
by the Budgeting Committee with regard to this and I am sure that it was
well explained at that time. I could for further explanation say, Mr.
Chairman, that the type of teacher specialization that we are requiring
in the school system now just simply cannot be made available on a con-
tinuing basis in the smaller schools. The idea will be to have the

Mr. Commissioner continued

teacher-specialist attached to the headquarters staff and have them available, practically on a continuing travelling basis throughout the school system. I think that you will see that there was a very heavy commitment in so far as the travel allowance for teacher-specialist is concerned and that they will number, in actuality, five individuals, I believe at the present time they actually number two but out on the field I think the number is actually only one, Mr. Chairman. BILL #12
PAGE 3

Mr. Tanner: Could I ask how many supervisors of instruction we have presently and if there are to be any more this year?

Mr. Commissioner: I am sure that Councillor Watson could answer.

Mrs. Watson: Mr. Chairman, at the present we have two. A supervisor of elementary instruction and a specialist in the science field. Actually she is supposed to be in science in the secondary schools but she does double as science specialist for the elementary grades also.

Mr. Tanner: Mr. Chairman, what's the new supervisor of instruction going to do and also would you illustrate what the native curriculum supervisor is going to do? Is this a new position?

Mrs. Watson: Yes, Mr. Chairman, this is a new position and this supervisor will work with the Department and try to integrate, particularly at the pre-school kindergarten-grade 1 level, native children, try to overcome some of the problems they have when they go into our school system in the Yukon. The other supervisor's position is at the intermediate grade level, particularly, in the English area. We feel that we should have someone in this area to closely watch the standards of our students at the Grade VII, VIII and IX level before they go into secondary schools. Mr. Chairman, another specialist would be in the reading area, at all levels. This specialist, in particular, would travel throughout the Territory and remain for a week or two weeks if necessary in the schools to diagnose the reading problems of children in the schools and to arrange a programme that the teacher could carry on, get it going and then leave for another school.

Mr. Tanner: I understand we now, presently, Mr. Chairman, have a supervisor of kindergarten, or there has been in the past. Is this second person an addition to this?

Mrs. Watson: Mr. Chairman, we don't have a supervisor of kindergarten. Miss Bell, the elementary supervisor does this at the present time and she will continue to do this.

Mr. Commissioner: Mr. Chairman, I would say that so far as native curriculum supervisor is concerned this is a commitment that was made to the previous Council that there would be a provision established that would indeed help to develop a native curriculum. I was going to say that the question had been put by either Councillor McKinnon or Councillor Chamberlist at the previous time. This was a commitment that was made that there would be an individual brought into the Department of Education whose job it would be to develop a native curriculum and supervise the same throughout the school system.

Mr. Chairman: Are we clear on this item of Administration?

Mr. McKinnon: Mr. Chairman, I can only see what is in front of me and I see an increase of \$129,073.00. Now, nobody to my satisfaction has explained to me why there is an increase of \$129,000.00. I was told that there are going to be two more people working out of Whitehorse, one in the field of native curriculum programmes and one in a kindergarten supervisory position. But certainly it is encumbant upon the Executive Committee, the Minister of Education, the Chief

BILL #12
VOTE 3

Mr. McKinnon continued

Executive's Officer to be able to explain to Members of Council concisely where a \$129,000.00 in increase in running the Department of Administration is forthcoming. Honestly, Mr. Chairman, up to this point nobody has showed me where \$129,000.00 of the taxpayer's money is being wisely spent in added cost in the Administration arm of the Department of Education. I am not trying to be difficult, I just wish that someone would let me know where the money is going.

Mr. Chamberlist: Where do you get the figure of \$129,000.00.

Mr. McKinnon: Mr. Chairman, it is in the Honourable Member's budget, Administration - Education 1971-72 is \$341,296.00, last year it was \$212,223.00 for an increase of \$129,073.00 in the course of a year. I am asking to my thinking what is a legitimate question. Where is \$129,000.00 going? I am just saying that I haven't had the answer up to this point.

Mr. Chamberlist: Mr. Chairman, first of all we are dealing with an item dealing with salaries and wages. This has already been explained quite clearly between the Vote of 1970-71 where there was a \$130,264 for that particular item and the \$230,000.00. Now if the Honourable Member would just take his time and wait until we go through the Budget and deal with each item he would get the explanation as we go along. He wants to get all the explanations at one time without giving anybody the opportunity to explain to him. Not very constructive but just be patient with him.

Mr. McKinnon: Come on. Mr. Chairman, it would be so much simpler if the Member at the beginning of the vote stood up and explained to Council and the Members of Council why the increase in the Budget was coming about, what new programmes, what new policies have been instituted in the Department at the beginning, it would save all this trouble. I am honestly trying to tell, Honourable Member, I am not trying to slow down. When you see an increase like this and all you hear from Honourable Members is that well there is an increase this way and that way, no explanation at all with these huge sums of money, certainly it is a right and a legitimate right for a Member just to ask for an explanation and Mr. Chairman these explanations with respect are just not forthcoming and haven't been forthcoming since the beginning of this Session.

Mr. Chamberlist: You are talking so much

Mr. Chairman: Order please.

Mr. Commissioner: Mr. Chairman, with respect to the Honourable Member's question the increase is very, very obviously with regard to the number of bodies and they are listed on page 3/8 not only to the numbers but this reflects the increases and salaries on the course of the current fiscal year not future fiscal years, but the current fiscal year and is mainly involved with an increase from two to five as so far as curriculum inspector supervisors are concerned. Also, you will notice that the audio-visual technician has been moved from the establishment of the high school to the headquarters establishment and I do believe that there may be one or two other of the lesser positions that have likewise been moved in a similar manner. That is the reason and along with expansion of programmes and enriched programmes which are as a consequence of the commitments to Council, Mr. Chairman, and likewise an anticipated increase in school enrolment. I believe next year that we are anticipating something in the neighborhood of 5,400 students. Is this correct Councillor Watson? as opposed to the 4,400 that we anticipated for the current year and wound up with 4,700, Mr. Chairman. This is the basic information with regard to this special item.

Mr. McKinnon: Thank you. See how simple it is?

Mr. Chamberlist: You got it before.

BILL #12
VOTE 3

Mr. Chairman: Order please. Have you anything further on Salaries and Wages - \$238,082.00? Next is Advertising - \$1500.00. Travel and Living Expenses - \$29,160.00. Clear. Next item is Special Services - \$19,100.00, on page 3/4. Next item - Materials and Supplies - \$16,000.00, page 3/5.

Mr. McKinnon: Mr. Chairman, I would like to ask who is doing the feasibility study for the Northern College and when it will take place?

Mrs. Watson: Mr. Chairman, we haven't made a decision on this yet. The members of the administrative staff are doing some research on it themselves and until they can definitely ascertain what type of study they want to have and in what direction they want this study to go, they feel that they would be ill-advised to hire the services of some specialist until they themselves have decided upon the direction that we feel the post secondary education in the Yukon Territory should go.

Mr. McKinnon: I would like to ask, Mr. Chairman, if the Honourable Member is working in conjunction with the programme for the University of the North or whether this is a completely independent study outside of it?

Mrs. Watson: Mr. Chairman, the University of the North is completely independent from our study. In fact, when they were up in the Yukon Territory they never at any time consulted with the Department of Education.

Mr. McKinnon: I would like to follow this line of questioning a little further, Mr. Chairman, and ask the Commissioner whether he has had any correspondence with those people who are presently engaged in the University of the North programme and what these have been?

Mr. Commissioner: Mr. Chairman, our total involvement in this I believe, consists of a exchange of letters between the group headed by Mr. Rohmer and my own office and it was indicating the outline of what they had proposed to do and asking either directly, or indirectly as to whether or not we supported this kind of concept. Our reply was in the vein that we are very much interested in what they are doing and asked to be kept informed but we couldn't give any valued judgment on it until we had far more detail in which to guide ourselves by. Supplementary to that I was personally asked by people who are involved locally in support of this if I was prepared to sign something along the lines of a petition to the group in support of their activities. This I declined and I said that it was not a matter of government policy at this time to give such support but that I was prepared to write as a private citizen and indicated my own interest in seeing the matter further investigated. That has been our total involvement up to this time that I am aware of on this matter, Mr. Chairman.

Mr. Chairman: Clear? Next item is Utility Services - \$8,384.00. Page 3/5. Next is Primary 68 - Rentals - \$16,640.00.

Mr. Stutter: I have a question here. The item under provision of rental of office space, was it in a different vote in previous years or is this in conjunction with the new administrative practise.

Mr. Commissioner: Mr. Chairman, you will find that this item now appearing in each vote. In previous years it was included in the Vote 8 General and, as part of our programme budgeting technique we are using, you will find where we have attempted to identify the costs as they relate to all things for the department for which they are attributed. This did not appear in this vote prior to this Budget.

Mr. Chairman: Next is Primary 70 - Grants (Yukon Federation of Home & School Association) - \$530.00. Primary 71 - Miscellaneous - Staff Upgrading - \$19,100.00. This gives us a total appropriation under

BILL #12
VOTE 3

Mr. Chairman continued
Administration of \$341,296.00. Next item is found on page 3/9.
First item is Salaries and Wages as attached - \$83,297.00.

Mr. Tanner: Mr. Chairman, is it the policy I believe, of the current year, and I assume it is from what I see here for the next year, not to have school librarians. Please correct me if I am wrong. If that is so, do these clerk typists also double as a librarian in the outlying schools?

Mr. Commissioner: Mr. Chairman, you have to examine each school. It depends on the size of the school and what the programme is of that particular school. Some of the areas have teachers who carry other teaching assignments and deal with the library situations. In some instances stenographic help are trained and deal with this, in other residences professionals are hired. It depends on the school. There isn't really a yes or no answer to the Honourable Member's question, Mr. Chairman.

Mr. Tanner: Mr. Chairman, I don't see a librarian in here at all, anywhere.

Mr. Commissioner: Mr. Chairman, in the school establishment itself -- for example the F.H. Collins School will have a librarian but you have to look at each particular school then to see.

Mr. McKinnon: Mr. Chairman, I think what the Honourable Member is getting at is a straight statement of policy, whether it was the policy of the Department of Education to replace the library-music specialist we lost last year because of lack of money.

Mr. Commissioner: Mr. Chairman, I wonder if we could deal with one thing as separate from the other. The general policy with regard to librarians at the schools is only to retain professionally qualified librarians where there is a library activity that calls for such. I believe that this is very limited. Perhaps the Honourable Member from Carmacks-Kluane would like to go on with this further but, I believe, that there are only two or possibly three schools where this professional qualification is called for. Now on the other side of the situation concerning the music teacher situation: as far as I know the policy instituted last year will be the policy that will be carried on.

Mr. Tanner: Mr. Chairman, I would like to suggest for the attention of the Department of Education that particularly in the Jack Hulland School in Porter Creek where you have an open area school with the children always being asked to refer to a book, they have to find their own material, a different way of teaching, I think an important way of teaching, it makes them more self-reliant but I think there is a very definite need for a librarian in the Jack Hulland School.

Mrs. Watson: Mr. Chairman, I think the librarians and music teachers would be included in the new teachers that are being hired. I don't think that they have been separated so to say that we are hiring two librarians and three music teachers. They are in the package and that is on page 3/11. We are providing for forty-three new positions, I believe. These would be included in that. Page 3/11, Provisions for Salaries and Wages - it would be in that lump sum.

Mr. Tanner: Mr. Chairman, I am sorry, I am still not clear. Is there going to be a librarian in the Jack Hulland School?

Mr. Commissioner: Doing nothing else, no.

Mr. Tanner: Let me go further to explain the present situation. We have a clerk working in the Jack Hulland School who is employed to look after some 300 children, when it first opened, we now have 400 and some

Mr. Tanner continued

children and she is now supposed to look after the clerical duties and also the library duties. I don't think that is possible. I think that school needs either another clerk typist or some help in the library area.

BILL #12
VOTE 3

Mrs. Watson: I will get that information, Mr. Chairman, for the Honourable Member from Porter Creek. I would also like to point out that quite often teachers perform as a librarian in a lot of the open area schools in the outside. This is becoming the custom with the teachers, as they take their classes down and perform the task and they don't hire extra librarians for the school. This is quite common now.

Mr. Chairman: Any further on Administration - Schools - \$83,297.00. The next item is Special Services - \$10,000.00. Primary 64 - Material and Supplies - \$2,750.00. Giving a total appropriation of \$96,047.00. The next item is found on page 3/11 - Schools - Salaries and Wages - \$2,797,649.00.

Mr. McKinnon: Mr. Chairman, I would like to point out again that this is the area where I think it would be very helpful if the Council would have a short explanation. We see a salary increase of over one-half a million dollars, how many teachers are being hired, what are the results between the negotiations between the Yukon Teachers Association and the Government of the Yukon Territory. What is this going to mean in salary increases over the course of the next year and I think that there is nobody objecting to education costs going up which we know they are going to go up. If we could have explanations when these large amounts of taxpayers' money are being spent. It would certainly aid me as a Member of Council anyway.

Mr. Chamberlist: Mr. Chairman, if the Honourable Member will not jump up immediately when the item is read out it would at least give the opportunity of somebody to stand up and give an explanation then the Honourable Member wouldn't have to ask for it.

Mrs. Watson: I have the information, Mr. Chairman, but unfortunately this morning I brought the wrong book in with me so I will have to excuse myself and go get the other one with my notes on it.

Mr. Chairman: I think it is just about time for a short break so we will call a recess at this time while you get that information.

RECESS

Monday, February 15th, 1971.

11:00 a.m.

Mr. Chairman: At this time, I call Committee back to order, and I wonder if there is some additional information in respect to the question asked by Councillor Tanner.

BILL #12
VOTE 3

Mrs. Watson: Mr. Chairman, I would like to answer that question. In the 1971-72 budget, we are allowing for four fulltime -- four librarians, one at Collins, one at Whitehorse Elementary School, one at Jack Hulland, and one that gives her services between two or three schools.

Mr. Tanner: Mr. Chairman, may I thank the Honourable Member from Carmacks-Kluane for her very distinct description of what is happening.

Mr. Chairman: Anything further on schools in the amount of \$2,797,649.00?

Mr. McKinnon: Mr. Chairman, I would still like a breakdown in the increase of teachers from last year to this year, and also the results of the negotiations that have been carried out between the Yukon Teachers Association and the government of the Yukon Territory, respecting salaries, so that we may know why the increase of \$500,000.00 in salaries between last year's and this year's budget.

Mrs. Watson: We are providing for 23 more teachers.

Mr. McKinnon: Reasons?

Mrs. Watson: I would like to point out to you, the 1970-71 school population increased by 600, and yet the staff was cut by 3, the teaching staff was cut by 3. So in 1971-72 at present we have 400 in our kindergarten classes, and we feel this only represents 65% of the beginners, and as you will notice in the enrolment sheet that I gave you, we have 107 in F.H. Collins in grade 12. That means we will lose 107 and likely gain 600.

Mr. Commissioner: Mr. Chairman, as an overall criteria the attempts and budgeting for the O. & M. side of the vocational school system, to hold for the per pupil cost as close as possible to \$1,000.00 per pupil, and anticipating somewhere in the neighbourhood of 5000 pupils on the average in our school system during the fiscal year that you have before you. If you would be kind enough to look at the 3/1 page, you will see that the subtotal for the O. & M. of the academical school system comes to \$5,078,323.00. This is as close to the target figure as we had any hope of coming.

Mr. McKinnon: Mr. Chairman, I wonder if somebody can enlighten me, as to what the children-teacher ratio is in Yukon schools and whether it has been able to remain consistent with prior years, whether it is the intention of the Department of Education to keep it within the same ratio as has been advised by the Yukon Teachers Association.

Mrs. Watson: The present ratio is 1-20.

Mr. McKinnon: That is what it is holding at?

Mrs. Watson: Pretty well, yes.

Mr. McKinnon: I wonder if I can have an answer to the other question, whether negotiations have been conducted with the Yukon Teachers Association under the terms of the Education Ordinance, what has been negotiated up to this point in time and what is expected to be the salary increase over the next year?

Mr. Commissioner: Mr. Chairman, with respect, we have been carrying on negotiations as per the instructions and requirements of the Ordinance, but until such times as we go a little bit further, I would feel that it would not be the proper thing for us to be answering any questions here, other than to say that negotiations are progressing favourably,

BILL #12
VOTE 3

Mr. Commissioner continued.....
and we hopefully have a settlement, but this depends on two things,
one the acceptance by the teachers, secondly the acceptance by the
Financial Advisory Committee.

Mr. Chairman: May I proceed?

Mr. Stutter: Mr. Chairman, I wonder if I may backtrack, just for
one minute please, to 3/9, the item (63) there. The \$10,000.00 item
has provisions to cover converting attendance and report card
writing to a data processing operation. Is this an upgrading process,
and if it is an upgrading process, has it in any way cut down on any
clerical staff in any other department?

Mrs. Watson: No, this is the first time that this has been in the
budget, Councillor Stutter, and the \$10,000.00 is to make provision
for computers to convert attendance and report card writing to a data
processing operation and is being used to making up timetables and
credentials that the students carry on their report cards. This is
just a move.

Mr. Stutter: Mr. Chairman, my question really is, will the intro-
duction of this new processing operation -- will it in any way
cut down any staff, i.e. is it just an added \$10,000.00 expense, or
is it an inductance of some kind. Are we just spending another
\$10,000.00, or is this a process that will eliminate perhaps some
clerical work along the line somewhere?

Mrs. Watson: Mr. Chairman, this will eliminate some of the clerical
work that is involved with this, and it will also raise the standard
of quality. There will be certainly in timetabling -- we have duplication
of courses and if 1000 people are trying to set up a timetable and
a schedule, the efficiency will be so much greater at the Collins
School due to the purchase of this.

Mr. Chairman: The next item is 3/12 - curriculum supplies, \$242,253.00.
Clear? Next is sports and recreation - \$6,775.00. The next item is
library supplies in the amount of \$7,472.00. This gives us a total
appropriation of \$3,054,149.00. Are you clear? Next item is on page
3/16 - schools, custodial, \$460,840.00.

Mr. Tanner: Mr. Chairman, that is quite an increase from last year.
Could we have some explanation on this, please?

Mrs. Watson: Mr. Chairman, I think I can answer that. The custodial
workers received an increase in salary of 50%, and I think this is
some of it.

Mr. Tanner: Mr. Chairman, even a 50% increase from last year's figures
should not bring it up to \$120,000.00.

Mr. Commissioner: Mr. Chairman, the point in fact is the increased size
of the school system. We have the Faro school, we have a 12-14 room
addition to the highschool here, we have various other additions to the
schools, something of a magnitude, outside of increased rates.

Mr. Chairman: Clear? The next item is custodial supplies - \$36,000.00.
This gives us a total appropriation under custodial supplies of
\$496,840.00.

Mr. Tanner: Mr. Chairman, I am sorry, can I go back to the --
what we discussed -- has government ever considered subcontracting
this out on a bid basis, rather than employing it themselves?

Mr. Commissioner: Mr. Chairman, I can reply on the affirmative. I be-
lieve the matter is being conducted right now. We have one of the

Mr. Commissioner continued.....

national cleaning companies, I am sorry, I cannot remember the name of which one it is that has been in here -- and this is exactly what we have brought them here for, to take a look at this whole situation, not only with regards to the schools, but in regards to other territorial public buildings, particularly the ones situated here in the metropolitan area, Mr. Chairman.

BILL #12
VOTE 3

Mr. McKinnon: Mr. Chairman, just for advice to the Executive Committee, one of the systems that really impressed me on my trip to Japan was that different students are appointed every week to do custodial work in the schools, but if anyone wants to save half a million dollars a year, I think this might be a policy that can be worked into by the Minister of Education.

Mr. Chamberlist: I am sure, I will take it under advisement, Mr. Chairman.

Mr. Chairman: The next item is page 3/20 - schools, services. And this is in a total amount of \$610,228.00, as enumerated. Clear on this item?

Mr. McKinnon: We've had these arguments before, Mr. Chairman, in budget programming, and nothing has ever been resolved on them; the concept of the cost of renting vehicles to move school equipment, when there is a supply of territorial vehicles around the country. Also, the other item which has always appalled me is having -- when you pay custodial workers in the vicinity of \$9,500.00 now, which is what a Custodial Worker I is getting, that we still have to let other contracts out to keep the lawns and grounds in repair. And it seems to me that these are two areas where the Territorial Government could well be using their own vehicles to be able to transfer and move school equipment around, and also using the custodial worker that is on staff, or use kids on detention, to be able to keep the grounds of the school in repair. These just seem to me costs that are just beyond what is really sound planning -- these are just little fillers that are not really needed in the budget.

Mr. Commissioner: Mr. Chairman, as much as I have to agree with the questions of the Honourable Member, from a practical point of view, I would like to answer on behalf of the custodial services, certain points. With the type of leave arrangements that are now available, I refer to a continuously employed worker in the service, we are very fortunate to be able, if we can indeed, get the extra cleaning required done during the school holidays, and get the people away on their leave and have the whole staff back for the beginning of the fall term. An attempt was made last year with some of the schoolgrounds to have the custodial worker to take care of them, it has some degree of success, I am sure that it will be continued to be pursued. As to how much success we will have with it depends on just what I have mentioned, the leave positions that are available to people in our continuous service. With regards to the use of territorial government vehicles for the moving of school equipment. Where it is useful and practical to do so, this is done, but let me assure you, Mr. Chairman, that the very day or the hour you want something moved with regards to a school, or a school function, that is the very time when we simply cannot find a free territorial government vehicle to do it, and we certainly have provisions for it, but there are other availabilities in getting it done in the manner that the Honourable Member has outlined. It is certainly my desire as well, and I am sure the desire of everyone connected with the department. As to the possibilities and the practicalities of it, all I can say is that there has been an honest attempt and I am sure.....

Mr. Chairman: May we proceed? Next item is student accommodation, Tagish House, \$25,431.00.

BILL #12
VOTE 3

Mr. McKinnon: To go back, Mr. Chairman, the estimate on the school bus contract, are far below that contract which was actually signed. I wonder, how this is going to be reflected in the budget. Are we -- can we expect supplementary estimates immediately to cover the difference in the estimate and the actual schoolbus contract awarding?

Mr. Commissioner: Mr. Chairman, supplementary estimates will be brought forth at this Session, and as I indicated in my opening remarks, we will hold them as long as this is practical to do so, so that the monies that we asked to be voted in such will be a truer reflection of what our actual requirements are as is possible.

Mr. Chairman: Are we clear now on this item? Next item is student accommodation, Tagish House on page 3/25 in the amount of \$25,431.00.

Mr. McKinnon: Mr. Chairman, evidently we went from running the Tagish House from \$10,653.00 last year to -- Oh no, I see, to \$11,966.00. Right.

Mr. Commissioner: We simply have to establish, Mr. Chairman -- there is no way out.

Mr. McKinnon: I wonder, Mr. Chairman, if I could ask how it is established, whether a parent is unable to provide accommodation for a child or not, and what type of a means test is taken for those parents who the government considers unable to provide accommodation for their children?

Mr. Commissioner: Mr. Chairman, I am afraid that you will have to leave this up to the good judgment of the administrative staff. I am sure that there will be no attempt to create any kind of hardship as far as parents or boys and girls are concerned, but we certainly do want to reserve the right not to have to pay out anymore of the taxpayers' money than what is necessary under the circumstances, and this is basically why it is stated in this manner. I can assure you that good judgment will be made here.

Mr. Stutter: Mr. Chairman, before we leave this item, I wonder if I could ask if the accommodation has been cut down at Tagish House. I see the salaries and wages have been increased by about \$1,300.00, and yet the supplies and materials are down \$2,000.00.

Mr. Commissioner: As far as I know this may be an indication that more monies than required were voted in the past, or it may also be an indication of centralized purchasing of certain things. There has been no curtailment of the number of spaces available, etc.

Mr. Chairman: The next item is on page 3/29, classes - handicapped and/or retarded children, \$12,000.00.

Mr. Tanner: Mr. Chairman, can I ask what happened to 3/12 that all the immigrants learn to speak english, last year?

Mr. Commissioner: I think it is part of the vocational training agreement between ourselves and the Canada Department of Manpower, Mr. Chairman. It has not been eliminated, Mr. Chairman.

Mr. Chairman: The next item is post secondary training, \$172,935.00.

Mr. McKinnon: Mr. Chairman, I wonder if I could have a statement, as to whether the concept of the post secondary training grant and bursary remains as it was prior to this budget. Whether the grants that are given universally and whether the bursaries are given when a certain mark is attained by the student attending university.

Mr. Commissioner: We have this available, Mr. Chairman.

Mr. Chairman: Clear?

Mr. McKinnon: We have gone from \$93,675.00 to \$131,000.00. How many more students do we expect in the current fiscal year, rather than last year that will be taking advantage of these grants?

BILL #12
VOTE 3

Mrs. Watson: Mr. Chairman, I believe last year 80 some took advantage of this, and you will see that in grade 12 we have 107, and the drop-out now is less than 5%. You can count on at least 100 of these students applying for post secondary grants. And I also like to point out that, post secondary drop-outs, people who are taking advantage of these grants and bursaries, that drop-out rate is less than 4%, so actually this is a very good indication that this money is being used rightly by the students.

Mr. McKinnon: An interesting figure, Mr. Chairman, if we could have it, is how many students who apply for the grant are able through their marks, to be able to get the bursary? Do most of the students who are getting the grant also qualify for the bursary provisions?

Mr. Chamberlist: Most of them.

Mr. Chairman: Clear?

Mr. Commissioner: Mr. Chairman, just to supplement to this, I would like to say, that if there ever is any programme that is conducted by the Territorial Government on behalf of the people who are residents of the Territory, this is the lot, and it continues to serve a tremendously important part of it, the equivalent of a \$1,000.00 a year increase of salaries of the mothers and dads concerned, without any income tax to pay on it, and it continues to be one of the finest programmes that was ever instituted. Mr. Chairman, I am speaking on one programme at the moment.

Mr. Chairman: The next item is kindergarten salaries, \$88,551.00.

Mr. Tanner: Mr. Chairman, I noticed it was cut down by \$24,000.00 from the kindergarten programme from last year. Can we have some explanation on that, please?

Mrs. Watson: Mr. Chairman, it just indicates that they didn't feel that they needed the amount they had budgeted for last year.

Mr. Chamberlist: In fact, they hadn't used it, what they had budgeted for last year. That is why it was brought down.

Mr. Tanner: Mr. Chairman, I know by the Kindergarten Ordinance, that we are not allowed to pay the teachers more than there is already set out in that Ordinance, but it seems to me, that this is an area that the Department of Education should very quickly look to. It might be too late now, but it should definitely be in the next estimate. Right now by ordinance, we can only pay kindergarten teachers \$200.00, and this doesn't really seem enough.

Mrs. Watson: Mr. Chairman, the kindergarten salaries for the kindergarten instructor is being reviewed at the present time.

Mr. McKinnon: I wonder, Mr. Chairman, if I could ask, when the kindergarten programme will become an integral part of the Department of Education's programme.

Mr. Commissioner: Mr. Chairman, it is a integral part of the Department of Education's programme, but it is operated as a separate programme, and it is operated under the terms and conditions and the policies that are laid down by this Council.

Mr. McKinnon: Is there any idea at all being given to change the philosophy that the kindergarten programme was started under and moved completely and totally as an operation of the Department of Education?

BILL #12
VOTE 3

Mr. Chamberlist: It is Council's recommendation.

Mr. Commissioner: Mr. Chairman, the answer is in the negative. There is no policy change being contemplated at this time. That doesn't mean to say that it will not happen sometime in the future, but not at this time.

Mr. Tanner: Mr. Chairman, perhaps the Minister of Education can tell me under 64, 29 kindergarten class sessions now operating; instructional materials and supplies at \$250.00 each. It was \$200.00 last year. Why the increase?

Mr. Chairman: Anything further on kindergarten? Next item is recreation, \$122,746.00.

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, under this vote you'll find Physical Fitness and Amateur Sports Grant, and I would like to have the assurance from the Administration, that in Primary 70, under Grants and Bursaries, the amount of \$68,270,00 will be administered by the Physical Fitness and Amateur Sports Committee; that is those first three items, (1) training, (2) local programs and (3) special events.

Mr. Commissioner: Mr. Chairman, we cannot delegate our administrative authority to any committee that is not an unaccountable organization. It is my understanding, and I am subject to correction on this, Mr. Chairman, that the Committee that the Honourable Member referred to, is an Advisory Committee. Now if the Honourable Member's question is, will the advice of this Committee be given full grievance in the reimbursement of these funds, I am quite confident the answer will be in the affirmative, but to transfer these funds to the administration of the Committee, Mr. Chairman, and that is the Honourable Member's question, the answer is absolutely no.

Mr. Taylor: Mr. Chairman, I think this is has to be spelled out as to where these funds are spent; this is an annual proposition. We do have a Committee -- an Advisory Committee. The purpose of this Committee is to get together and determine where best these funds can be spent in the area of physical fitness and amateur sports, and it probably has been the opinion of Council that emphasis should be placed on youth programs as much as possible, but I don't want to see these funds going out to other things, say, to buy a band instrument, or for painting classes, or anything like this. I would like to see these funds expanded in the areas especially where youth programmes are going on in the area of physical fitness and amateur sports, and of course this is what it was designed to be.

Mr. Commissioner: Mr. Chairman, with respect, I cannot announce this word for word, but there are only certain things that we can secure federal participating money under, and this is the basic guideline under which we must operate. I am quite confident that when I say that such things as band instruments, they simply don't qualify for participating funds under this programme.

Mrs. Watson: Mr. Chairman, I have a breakdown of the suggested cost of the physical fitness and amateur sports programme, and the Director of Recreation has indicated that the discussion and decision of the Advisory Committee on Physical Fitness and Amateur Sports will be sought in the disbursement of \$19,000.00 to Yukon-wide programmes and projects, and I will hand these out for your information.

Mr. Chairman: Councillor Tanner.

Mr. Tanner: Mr. Chairman, could somebody tell me when fitness and amateur sports was moved into the Department of Education, and the reason for it?

Mr. Commissioner: Mr. Chairman, this was by prior assistance of the Council at the time that the agreement was first signed with Canada, and it was accomplished approximately May of 1970. I could be wrong by a month one way or another, Mr. Chairman, but this was roughly the time. BILL #12
VOTE 3

Mr. Tanner: Mr. Chairman, could the Minister of Education, or maybe the Commissioner give us the results of that amalgamation that we worked out between the Department of Education and Amateur Sports.

Mr. Commissioner: Mr. Chairman, there is a lot to be desired with regards to the administration of this programme, and I would say, that a year hence we will be able to better answer the Honourable Member's question. One of the problems that we are faced with right at the moment, is that the Federal Government is fading itself right out of this programme. We don't know -- we are kind of left holding the bag on the situation. We don't know where we stand on it, and I am sorry, that I cannot give a better answer, but I would like to say, from an administrative point of view, Mr. Chairman, that the move is a proper and a correct one, and had beneficial results in that regard. To say, that this is the ultimate answer to a very marked degree, depending on the amount of funds for the whole programme, in fact it is very indifferent right at this very moment.

Mrs. Watson: Mr. Chairman, I would like to indicate to the Members of Council, Primary 70, \$105,000.00. In 1970-71, it was \$84,000.00. There is a marked increase, or so it appears. However, item (4), (5), (6), (7) and (8) in 1970-71 appeared in Vote 8. It did not appear in the Education Vote. So, actually there has been a cut, the Physical Fitness Grant in 1970-71 was \$35,000.00 and this year is \$25,000.00.

Mr. Tanner: Mr. Chairman, that brings the item of \$30,000.00 for the Friendship Centres. I know one of these is Skookum Jim Hall, what is the other one?

Mr. Commissioner: Mr. Chairman, the establishment of Friendship Centres is under a policy direct from the Secretary of States office. To the best of my knowledge, the only organization that qualifies for grants under the terms that are laid down, is the Skookum Jim Hall. Other Friendship Centres could qualify, but I am not aware of any that either have done, or are in the process of doing so at this time. It is a participating sum of money, Mr. Chairman, \$15,000.00 or 50% of the \$30,000.00 is a direct recovery from the Secretary of State. It has nothing at all to do with our financial agreement with Ottawa. It is a separate item all together.

Mr. Taylor resumes the Chair.

Mr. Stutter: I wonder if the Commissioner was aware that we are looking into the possibility of being eligible for this grant in the Dawson Friendship Centre there, and what this will actually do to this item. Will it cut down the

Mr. Commissioner: Mr. Chairman, the absolute dollars that are available are \$30,000.00, and if there are other Friendship Centres, that qualify, the portion of these funds will be a decision of a committee which is set up for this explicit reason.

Mr. Chairman: Anything further on this item? Next is Administration - Vocational Training, \$34,926.00. Clear? The next item is Yukon Vocational & Technical Training Centre, \$754,147.00.

Mr. McKinnon: Mr. Chairman, it always has been a policy of the Director of Vocational Training to present a paper to Council considering the past year's activities, particularly in the field of graduates and placements from the Yukon Vocational Training Centre.

BILL #12
VOTE 3

Mr. McKinnon continued.....

I have always found it a most worthwhile and educational document, and I was wondering if it would be available this year also.

Mr. Commissioner: Mr. Chairman, I don't know exactly about the planning of this, but the document will be made available as part of the normal reporting from that section of the Department of Education, and as soon as it is available, it will be distributed to the Members of Council. I agree very much with what the Honourable Members' question is all about, and I think that the Members will be very pleased with what they see with regards particularly with the extra courses that we have been putting on at this institution.

Mr. Chairman: Clear? The next item is page 3/50, Adult Education - Night Classes, \$37,170.00. Clear? Next is Apprenticeship Training, \$37,350.00, page 3/53, and the final item is Rehabilitation Services, in the amount of \$7,000.00.

Mr. Commissioner: Mr. Chairman, this is a completely new item, and is a result of a ordinance that was passed and enables the Government of Yukon to enter into an agreement with the Government of Canada for the rehabilitation of disabled persons, and I am very pleased to say that we have been able to set up, on a very small scale at this time, such a program, and I am hopeful that it is going to have beneficial effect.

Mr. Chairman: This concludes our first round at Vote 3, Education. Councillor Stutter.

Mr. Stutter: Before we leave Education, I wonder -- I noticed in the capital expense, we had an item of \$855,000.00, which was for the provision of a new school in the Whitehorse area, but we were told, at that time, that it was without furniture. Where would the furniture appear -- the cost of furniture appear?

Mr. Commissioner: Mr. Chairman, the lee-time that is involved here, would take us into the next fiscal year, even if it was ready during the school year, the end of the next fiscal year.....

Mr. Chairman: Are there any other questions at this time relative to Education? I might just point out to you, for the edification of the newer Members on the Committee, that we in the past -- have been in the practice of going through the Budget in the manner that we are now doing, but however, should at any time prior to the clearing of this Budget, should any Member have any question relevant to it, why, he is perfectly at liberty to bring up any section he likes, if he so desires, at any time. The next item is the Territorial Secretary, Vote 4, and I believe there is something in Capital on this.

Mr. McKinnon: Mr. Chairman, before we go on with this, there are a couple of policy questions that I would like to direct, on the Education Budget. Perhaps -- I was wondering, if there was any thought given to the motion asked by the Yukon Social Services Society about adding -- some sort of a school board system set up, whereby a Member from each constituency would be chosen to meet with the Department of Education, so that some kind of parental influence can be put into the Education Department. I think this is always been a real whack in the Yukon educational policy -- there seems to be a real no-man's land between the Department of Education and the parents in the Yukon Territory, and with the Yukon Social Services Society thought that perhaps through this way, there could be some contact made between the Department of Education and the parents of the Yukon. I was wondering if there was ever any thought given to this.

Mr. Commissioner: Mr. Chairman, this matter came up with considerable discussion with the Executive Committee, because I am sure very obviously there is a very, very great matter of policy involved here.

Mr. Commissioner continued.....

BILL #12
VOTE 3

This was looked after -- there was a considerable amount of correspondence entered into, and the final decision was, that, as it stands at this time, there is no thought of the government being given, to the furtherance of the idea as put forth, and the organization has been so appraised, I cannot say they are running actual meetings, but they have been so appraised along these lines. It was generally felt, that the infusion of another organization at this point in time, would not particularly serve any purpose unless it was going to be a fact a true school board that would have financial accountability, as well as policy accountability, and it was for this reason, that it is not government policy to proceed with this suggestion at this time.

Mr. McKinnon: Mr. Chairman, I was wondering, whether it has been given any thought, and what progress is being made, in the schools, on the subjects of environmental education (1), and also on the subject of teaching Indian history and culture. It would be very interesting to learn of how these programs are proceeding in the schools, what the policy is of the Educational Department in the future of advancing of both these types of programs in the Yukon schools?

Mrs. Watson: Mr. Chairman, the policy of the native culture in our schools -- the, -- at the roster of our schools, instructions are given in the native language, both within the school program, and without. At Old Crow, the same procedure is carried out, and also instruction is given in native culture, such as trapping of animals, and skinning of animals. They take a great number of field trips. They have a skidoo to their disposal. They go out into the country, they have a boat that the people of Old Crow have constructed. They go out with their instructor, and they do quite a bit along these lines. In the Whitehorse area, at the present time, the W.T.A. have a sub-committee that is working with the Native Brotherhood, and they are now at the present time, working on a filmstrip, that they are creating. The Department of Education audio-visual man is going to do the tapes. The Native Brotherhood will give the information, and we hope to use the filmstrip in the schools in the Territory. A contribution of the native people to the culture of the Yukon.

Mr. McKinnon: Environmental education.

Mr. Commissioner: Mr. Chairman, I am not fully aware of the detail of this, but possibly the Honourable Member who looks after this, can take this, but I would like to say this, that as a subject, I am not aware of this being done specifically in our schools, but if the Honourable Member is asking are the students aware, of the importance of environmental consideration in their daily life, I would simply use my own two students as an example, and they must be getting it pounded into them in a pretty successful manner.

Mr. Chairman: I think in view of the time, we will now recess until 2:00 o'clock.

RECESS

Page 106.
Monday, February 15th, 1971
2:00 p.m.

Mr. Chairman: At this time we will call Committee to order. We have *BILL #12*
under Vote 20, under the Secretary and Registrar General in capital, in *VOTE 20*
the amount of \$39,500. Watson Lake Weigh Station, weigh scales and paving.
Details are on this additional sheet you have on the breakdown of Capital.

Mr. Tanner: What page are we on?

Mr. Chairman: This would be under Vote 20, Project and Loan Capital. More
particularly page 20/2 under Secretary and Registrar General. Any questions
on this item? Clear on this item?

Mr. Tanner: No, Mr. Chairman, I was wondering what the cost of the weigh
scale we had last year in Whitehorse, and how does it compare to this one?

Mr. Chairman: Mr. Commissioner, we are dealing now at Secretary and Regis-
trar General.

Mr. Commissioner: Yes.

Mr. Chairman: Capital 24 -- establishment 2402, Watson Lake Weigh Station.

Mr. Commissioner: This is in the Capital section?

Mr. Chairman: Right, this is correct. Page 20/2.

Mr. Commissioner: Yes.

Mr. Chairman: Councillor Tanner could you repeat the question, please.

Mr. Tanner: I wanted the figure for the weigh scale that was built in
Whitehorse in last year -- in this current year's budget, and how does it
compare to this weigh scale?

Mr. Commissioner: Mr. Chairman, I will have to bring that information
forward. I have an approximate figure but we can give it to you right
to the dollar, and if the Clerk would be kind enough to make a note of
that, we will table that information for Council.

Mr. Chairman: So note, Mr. Clerk. This is the only item in Capital under
Vote 4. We will turn now to Vote 4, Operation and Maintenance. Under Vote *VOTE 4*
4, you will find your breakdown starting on page 4/2. The first item is
Salaries and Benefits - \$213,301, as per your attached appendix. I have
a question from the Chair that I might direct to Mr. Commissioner. In
relation to our discussion some days ago regarding the Liquor Inspector,
would the Liquor Inspector come under this establishment, or would it
come under the liquor control area?

Mr. Commissioner: The inspection services are a consolidated service, Mr.
Chairman, and is reflected here in this format that is attached. I don't
see a page number on it, but this is the format, I am sure that Councillors
want to see, and this will -- if it isn't already available, it will be
forthcoming in the next day or so for all departments in the manner in which
the Territorial Secretary's is listed here at this time.

Mr. Chairman: Is there anything further on Salaries and Benefits? Next
item is Advertising - \$1,350; Travel and Living Expenses - \$8,100; Special
Services - \$3,100.

Mr. Tanner: Mr. Chairman, I don't want to spend the Government's money
unnecessarily, but can somebody live in Ottawa for -- on \$25 a day?

Mr. Chamberlist: By the way it is \$35 a day living allowance with meals
in Ottawa.

Mr. Commissioner: Mr. Chairman, this is covered in our Travel Regulations

BILL #12
VOTE 4

Mr. Commissioner continued ...
and remember that you are dealing with estimates here. The Travel Regulations delineate very clearly what is allowable expenditures.

Mr. Chairman: The next item is 64 -- Primary 64, Material and Supplies - \$24,000; Utility Services - \$5,555; Repairs and Maintenance \$1,200; Rentals - \$26,389. Gives us a total appropriation of \$282,995 in this department.

Mr. Stutter: Mr. Chairman, I have a question on that Rentals, general office equipment - \$8,000. Do we have any further breakdown of that at all?

Mr. Commissioner: Mr. Chairman, it could be made available, but it is not here at the present time. This is specifically what it refers to, typewriters, adding machines, calculators, copying machines and those things which are a necessary complement of office equipment.

Mr. Tanner: Mr. Chairman, I notice there is a decrease of \$62,653, I take it that is because the Council's secretary is in administrative, and accounts for part of the increase in that department?

Mr. Commissioner: Yes, that is quite correct.

Mr. Chairman: Are you clear on Vote 4.

Mr. McKinnon: No, Mr. Chairman. I have asked questions every year, and I have never received a satisfactory answer for it. Why aren't contracts put out for the advertising of Yukon Government Regulations and notices for one paper or the other? Why does it have to be in -- why does the Territorial Government have to duplicate everything they put in print in every paper?

Mr. Commissioner: Mr. Chairman, this I think is a good opportunity to answer this question. I think that there have been some very positive strides taken to clear up to what I would personally refer to as simply an advertising morass. The provision of advertising for the Territorial Government has now been broken into two very clearly defined areas, (1) as they apply to what is termed the Yukon Gazette, and by statute this is the responsibility of the Territorial Secretary to see to the publishing -- as the Queen's Printer of the Yukon Gazette, it is the option of the advertiser who pays for the advertisement as to which of the two local newspapers that he uses. All other advertising for the Territorial Government, and the placement of it is in the hands of the Central Purchasing operation and it is their duty and responsibility to see that advertising is done in a manner which does not cause undue or unnecessary duplication and to see that it is placed to the best of advantage as far as the taxpayers' dollars are concerned.

Mr. McKinnon: Well, are notices and advertisements from the Government that have to be published, are they being published in all Yukon newspapers or just one?

Mr. Commissioner: No, Mr. Chairman, each advertisement is analysed on the basis of what its contents are, and is published on that basis. You may find some advertisements that will be getting published in more than one newspaper in the Territory, but the vast majority of them, you will only find in one. It depends upon what the advertisement is all about.

Mr. Chairman: Any further questions on Vote 4? There being no further questions, we will move now to Vote 5 and again to Vote 20, Project and Loan Capital under the Health Department, Establishment 2502. This is found under Vote 20 page 20/2. The item of consideration here, is the Y.T.G. portion of National Health and Welfare Capital Expenditures -\$22,693 as enumerated.

Mr. Commissioner: It is anyway, Mr. Chairman, on page 3 of the supplementary attachment that was given to us this morning.

VOTE 20

Mr. Chairman: Are you clear?

Mr. McKinnon: Mr. Chairman, I notice that in the field of the Federal Government that we are going to contribute something for the landscaping of the various health facilities around the Territory. I was wondering how we can afford to do this under a federal contract, and we don't seem to be able to ever find the money to be able to do it territorially.

Mr. Commissioner: Mr. Chairman, could I refer the Honourable Member to page 20/4 and the item is 2911, and it is listed as ground improvement various locations - \$100,000.

Mr. Chamberlist: That's in Engineering isn't it?

Mr. Tanner: Highways and Public Works.

Mr. Commissioner: It is under Highways and Public Works, Mr. Chairman.

Mr. Chairman: It can be found on page 8 of your supplement on capital.

Mr. Rivett: Mr. Chairman, would the Minister please explain the items 2533 and 2534.

Mr. Chairman: I am wondering, possibly -- I am just wondering if we could deal with the health section first, and then move onto welfare following that. We appear to have just the one capital item in health.

Mr. Rivett: I see, I am in the wrong section.

Mr. Chairman: Under health, we come back to page 5/3, and that is Vote 5, VOTE 5 Health, Welfare and Rehabilitation. We will take the health section first. The first item of consideration on page 5/3 is Venereal Disease Control - \$10,000. Clear? Tuberculosis Control - \$43,180; next is Cancer Control - \$26,000; the next is Mental Health Services \$105,470. Are you clear? Next is General Health Services - I am just wondering is this -- am I right that the figure here would be \$361,610 or is this covered elsewhere?

Mr. Chamberlist: That's right, that's the Territorial share, you see on the next page, Mr. Chairman, it shows both the -- there is a net cost and the Territorial share of that cost. That is on 5/9.

Mr. Chairman: Oh, I see. Yes, I have 5/9 but I have the \$361,610 as being our Territorial share. Are we clear on this?

Mr. McKinnon: Has there been any attempt made to update the percentage figures between the Territorial and Federal cost sharing? We have been through this again and again.

Mr. Chamberlist: I can assure, Mr. Chairman, the Honourable Member that the whole situation with reference to the General Health Services is under review at this time. The Honourable Member's question is rightly put. It has been a great concern to the previous Council as well, and we hope that in the not too distant future that the Government will be able to bring forward some recommendations.

Mr. McKinnon: Before we get to far, Mr. Chairman, I was wondering if I could question the increase from \$84,715 to \$105,470 in Mental Health Services? Is there any particular reason for quite a jump in the years?

Mr. Chamberlist: The rates in various institutions, both in our own institutions and those other institutions where we have to send people to, have increased. We, of course, have to make provisions for those increased rates.

Mr. McKinnon: It's about time to build a nuthouse.

Mr. Chamberlist: Without being disrespectful, do you know who would be

BILL #12
VOTE 5

Mr. Chamberlist continued ...
the first one beside yourself?

Mr. McKinnon: This whole Council.

Mr. Chairman: Have you any further questions on General Health Services?

Mr. McKimmon: Mr. Chairman, I was just wondering how long we are going to be able to take this increase in General Health Services, from 1966-67 of \$144,440 to 1971-72 of \$361,610? This really goes up by leaps and bounds in the area of \$70,000 and \$80,000 a year, and is there any control whatsoever, or are we just -- or just lead the whirlwind and just stuck with it?

Mr. Chamberlist: Well, unfortunately, Mr. Chairman, until such time we can bring forward the complete review that the Government is going into, I can't give very much more information on that particular point.

Mr. Chairman: Are we clear on General Health Services? The next item is Child Welfare Services - \$12,400.

Mr. Chamberlist: This incidentally is part of those Child Welfare Services that the Health Department have in their particular budget.

Mr. Chairman: The next item is Social Assistance - \$47,300; Whitehorse General Hospital - \$20,000; Subsidization of Travel - Medical Necessity - \$20,000. Just from the Chair, I wonder if I might direct a question on this. I am wondering if there are any talks underway or if there has been any suggestion that the Administration will look into this, so that policies in relation to this assistance can be reformulated?

Mr. McKimmon: There is a whole two pages of policy.

Mr. Commissioner: Mr. Chairman, this has been the subject of certain amount of gnashing of teeth internally in the Administration for sometime, and there has been new policies formulated with regard to it. They will be getting tabled, I am sure that the Honourable Member who has this in his care will be doing so at the appropriate time. It is like everything else, the thing escalating out of complete and utter control, and the very areas that we want to provide this type of thing for are being starved while we are looking after areas that we had no intentions of doing anything at all about. I would like to assure the Honourable Members that this has been receiving our fullest consideration at recent times, and will continue to do so until we have it under some kind of control. Mr. Chairman, while I am on my feet, I am sure that the Honourable Member will want me to say this, that there are some things here, that if it does become the decision of this Council to institute a Medical Care Plan, that some of the things that are in this page here will become chargeable to such a plan. I simply say that because I am being asked about the escalating cost -- I simply say that this would be reflected in this particular page here, if such a plan did come into affect.

Mr. Chairman: Anything further on this item? This brings this to a total Operation and Maintenance appropriation of \$1,456,349. All agreed?

Mr. McKinnon: Where are you? You are on welfare.

Mr. Chairman: Pardon me, yes, I moved up one, I am sorry. That brings us to a total expenditure of \$645,960. Have you anything further on health? The next item then is, Capital and Welfare, and we go back to Vote 20 again. The first item we find is, MacCauley Lodge, Riverdale - \$8,000, page 3 of your supplement. Are you clear on this item? Next is Garage for area office - Dawson - \$3,000; next item is on page 4 of your supplement, Furnishings, welfare staff residences - \$1,000.

VOTE 20

Mr. Chamberlist: You will notice that this is considerably reduced, Mr. Chairman.

Mr. Chairman: The next item is the Public Housing Programme - \$50,000. *BILL #12*
VOTE 20

Mr. McKinnon: How many and when?

Mr. Chamberlist: Well, this is just an estimate, there are no fixed areas, yet.

Mr. McKinnon: How many houses?

Mr. Chamberlist: According to what the houses can be purchased for. It might be quite a number -- well sometimes, Mr. Chairman, there has been a case of being able to purchase a house for \$4,500 and put it on a lot. Other times we have to pay \$6,000. Yes, the Commissioner reminds me that the Vocational School, also as a part of their in-training course, is building one or two of these houses, and there is one available from there as well.

Mr. McKinnon: Mr. Chairman, the answers have always been forthcoming prior as to how many houses that was estimated would be needed, and would be being built and the locations they would be built in the ensuing year under the Public Housing Programme. I think it is a legitimate question?

Mr. Chamberlist: There is nothing wrong with the question, it is legitimate, but we have set this amount of money aside, Mr. Chairman, and wherever we could use it to the best of our ability, we will do that. Certainly there is a need for public housing in various areas, and if we can encourage the Vocational School to build more than one, we will build more than one, two or three. We won't spend the money unless we have got the need for it, that's obvious.

Mr. Chairman: Any further questions on this item? Next item is Receiving Home, northern area - \$53,000.

Mr. McKinnon: I take it, that the decision hasn't been made as to the location of either Dawson or Mayo?

Mr. Tanner: Mr. Chairman, can I ask where -- has that got a lot of special equipment, that receiving home? Why would a four bedroom house cost \$53,000?

Mr. McKinnon: The government is building it.

Mr. Chamberlist: In a northern area, the cost of construction is much higher than that in a southern area. I think that most people would agree to that. You will notice that the home is broken down itself. The house - \$36,000; the basement - \$5,500; basement finish - \$4,500; landscaping and fencing \$12,000; furnishing and equipment - \$5,000. When one is talking about \$53,000, we are talking about a complete home ready to go into.

Mr. Chairman: Are you clear? Next is the Group Home for Multi-handicapped - \$6,000; Furnishings, various homes and institutions - \$6,000. Now, we will return to Operation and Maintenance, back to Vote 5. The breakdown *VOTE 5* starts in Welfare on page 5/18. The first item is Administration - \$182,182 as per the attached appendix sheet. Clear on this item? The next item is Child Welfare Services - \$623,012.

Mr. McKinnon: What page?

Mr. Chairman: Page 5/23. Clear? The next item is Social Assistance page 5/28 - \$275,617.

Mr. Tanner: Mr. Chairman, I don't know if I have missed something here, but why is the administration of this department gone down by \$38,000 when the rest of the budget, for example Child Welfare has gone up by \$400,000, the next one has gone up \$200,000 or \$180,000? Yet the administration of it has gone down.

BILL #12
VOTE 5

Mr. Chamberlist: Mr. Chairman, if the Honourable Member will take a look he will see that there is a movement of staff from different sub-departments within the department that have taken place. You will find that as a result of that, the amounts that are expended or are estimated are put in different sub-departments.

Mr. Tanner: Oh, I see. I am sorry, Mr. Chairman, just to go back again to ask the Minister of Health, if I may. Why -- I haven't had time to read all this either -- I would like to do that or I would like a brief of an increase from \$220,000 to \$623,00 in Child Welfare?

Mr. Commissioner: Mr. Chairman, we have at the present time something in the neighbourhood of 400 children in the care of this particular branch of the Department of Health, Welfare and Rehabilitation. The cost of maintaining these children as per our agreement with Council here last year at budget time has increased dramatically. To reflect increased living costs, the numbers as I have stated have risen very, very greatly. In other words you are seeing before you a reflection of increased numbers and increased costs. It is just that simple, and I don't want to give any kind of an optimistic statement to Members of Committee that there is any possibility of any levelling off in sight of these kinds of costs, either in the magnitude of costs or in the magnitude of numbers.

Mr. Chamberlist: I would, Mr. Chairman, refer Members who have any doubt as to what is taking place in welfare, indeed across Canada and across the North American Continent, to read the various articles that have -- that are right now being written as a result of the ever increasing cost of welfare. It is not something that is simply happening in the Yukon, it is happening everywhere. We have a moral responsibility to take care of these children that are unable to be taken care of otherwise.

Mr. Stutter: Mr. Chairman, I wonder if I could ask the Commissioner a question here. you just stated a second ago, Mr. Commissioner, that there are approximately 400 children, is that in the 70-71 season?

Mr. Commissioner: Mr. Chairman, this is the figures that we are using at the present time. Mr. Chairman, this is from the latest reports that I have, in fact I think there was an item in my budget section of my opening address to Council, which elucidates the numbers and you know the tremendous increase in numbers of children that are coming under care at this time.

Mr. Stutter: I notice though that on 5/23 under 64 there is a figure used there of 300 children in 71-72.

Mr. Commissioner: Mr. Chairman, it is unfortunate that we have sadly underestimated, and unless things take a dramatic turn, I can't see it. Mind you these figures were made up a long time ago, but certainly the figures that I gave to Council are accurate and up to date in my opening remarks, and this is the net effect.

Mr. Chamberlist: With respect, Mr. Chairman, the item that Councillor Stutter is looking at is with reference to school supplies as required by children in care -- 300 children at \$6.50. Keep in mind there are many children who are prior to school age and don't require the books that are also in here. I can present -- I have some breakdown that -- if Council is interested of the various space numbers that are being handled by the department, and I am quite prepared to present for -- this information to Council for their information.

Mr. Tanner: Mr. Chairman, in round figures -- the amount of children that we are talking about is practically 10% of the whole school population. Is this true across the country? Between 8 and 10% of the children we have, go to school on welfare.

Mr. Commissioner: Mr. Chairman, with respect if Members have available page 24 of my opening address to Council. It will give you the situation

Mr. Commissioner continued ...

-- there is -- the active cases for family -- this includes family and child welfare services as of March 31st, 1970 was 581 active cases. It shows here that active cases under child care as 300, and child protection as 99. There you are, you have your 400 figure.

BILL #12
VOTE 5

Mr. Tanner: I'm ...

Mr. Commissioner: Excuse me, Mr. Chairman, I don't want to interrupt the Honourable Member but we have a statutory requirement in this regard. This is not optional as far as government if concerned.

Mr. Chairman: Any further ...

Mr. Tanner: My question is an observation as much as anything directed to the Commissioner. Is it generally acceptable across the country, or are we in an unusual situation here where approximately 10% of our school population is on welfare? Would it be the same for example in B.C. or Ontario? Or have you any idea?

Mr. Commissioner: I am sorry, Mr. Chairman, I simply don't -- all I am saying is that we do not have any option as government as to what has to be done here. We have a statutory requirement under the provisions of the Canada Assistance Plan that these things are to be done and they are shareable with Canada. As a consequence, the idea of the Canada Assistance Plan is to provide an equitable standard of care under the items listed all across the country. As to whether or not 10% of the school population -- you know the question that is asked, whether this will be applicable in the province of British Columbia or not, I am sorry, Mr. Chairman, I just do not have this information. I am sure that it could be found, but I don't ...

Mr. Chairman: I think this involves pre-schoolers too.

Mr. McKinnon: I would really like the Commissioner's estimate on how long the person who pays for all this is going to take it? I mean we have gone from an increase in the Welfare Services from \$2,936,575 in one year to \$4,521,559. A million and a half dollars in one year, and it is the same person who always gets stuck for the cost of it. It is the ones who are hard working, mortgage on his house, raising a wife and family in the Yukon. You can see the backlash happening all over the North American Continent where people will refuse money by-laws on anything to do with building new schools, building new welfare institutions, it has got to happen here too, there is no way that the public can keep getting it socked to them in the field of providing these type of services for this amount of money, year after year, after year. It is eventually going to hit the Yukon, the same way that it is hitting everyone else. A person is only going to stand for so much for so long, and then he is going to say no more. I have been milked, and I have been bled to the bone, and I just can't pay any longer. I am sure, the Commissioner as a family man, will realize the way that a person's pocketbook is just being picked at every opportunity and everytime he turns around by government. How can we keep going? A million and a half dollars type of increase in a year, in one vote. Where is the end of it? When is a person going to stand up and say no more, I can't stand it? That is the point the public is coming to.

Mr. Chamberlist: Mr. Chairman, I take it that the Honourable Member is taking about ...

Mr. McKinnon: I was addressing a specific question to the Commissioner, and I would sure like him to be able to answer it.

Mr. Chamberlist: I am sorry I didn't realize.

Mr. Commissioner: Mr. Chairman, I share the concern of the Honourable Member in this regard, in fact I have shared it not just in the face of the current

BILL #12
VOTE 5

Mr. Commissioner continued ...

budget that is before you now, but the anticipated cost in years to come. Never mind what is before us right now, and all I can say to you is this, that so long as society wishes to take this kind of an attitude, we are going to be faced with the bill. The whole philosophy of Government in Canada will have to change before there is going to be any decrease in the cost of this type of service. I just happened to be reading an article in the U.S. News and World Report over the weekend that applies to the United States and their particular problems with regard to welfare costs. I am sure that they are basically no different -- all they are are simply magnified by the numbers of individuals that they happen to have, their two hundred million compared to our twenty million. Literally speaking, welfare costs are bankrupting the cities and the states in the United States. There is just absolutely no end in sight anywhere at all. Might I suggest that if, Mr. Chairman, that we are at the present time working on estimates for the next fiscal year and beyond this one. Believe you me, if this scale -- the rise continues, I just have no idea what is going to happen, Mr. Chairman. Quite frankly I agree very very much with the taxpayer, who is the guy who winds up paying, says how much longer am I going to be able to stand this. When the questions are being asked as to why we are raising taxes and what we need the money for, certainly in the first two votes in your estimates here, is a pretty fair answer as to where the vast majority of these increased costs are applicable -- in the education and the health, welfare and rehabilitation.

Mr. McKimmon: Certainly, Mr. Chairman, a person can see the results of an educational programme. He sees new buildings, he sees more students, he sees more teachers, he sees new communities. In welfare he sees nothing and no success at all with the programmes except just a fantastic escalation of cost. We are going to find that the escalation of cost in welfare in five years time, that we completely outstripped our educational budget, putting into welfare where nobody can see any of the results. You can't explain to the public what is happening in the field of welfare. All they know, is that they are just getting picked out of pocket an enormous amount of money. You can explain the schools to them, you can show them the plans, you can show them the facilities, you can show them the teaching methods and you can show them the results which are good. But, welfare is going to outstrip all these costs with no results whatsoever. Boy, I don't know whether -- maybe Members are getting abit away from the consensus of the public thinking, but I am telling you that the public in the Yukon is getting hot and they are getting damn good and mad about costs and the cost of welfare are one of the things that are really getting to them. When they see a million and a half increase in the course of one year, and the Commissioner's statement that there is no possible way that he can -- he would just be leading us down the garden path for us to realize that it is not going to keep escalating like this every year. Where do we stop or where are we going to answer to the public eventually on the cost of welfare? It maybe -- maybe it is time for the philosophy of the people in the Yukon who would like to see some difference in the welfare cost and some results for the programmes that they are putting in. Maybe it should be our -- in order for us to be thinking differently to -- in advance to the rest of the country and try to bring a thinking down to a more realistic level. Because, I am telling you that we are just not going to be able to answer to this type of rising costs year after year after year to the public with absolutely showing no results, just showing more problems every year, and that is exactly what is happening now. The public is getting hostile about it. I kid you not.

Mr. Chamberlist: Mr. Chairman, the gentlemen recognize full well all that has been said by the Honourable Member, because he knows the difficulties that are involved in welfare. After all he was Financial Advisory Committee Chairman, and he was also responsible for helping to place before Council matters of the budget, and he participated in them. At least he must be very sympathetic towards the cause of attempting to keep the welfare bills down as much as possible. I can assure you, Mr. Chairman, that everything is being done to have a real close look at what is taking place in the welfare department of the Territorial Government. Just to give you a little

Mr. Chamberlist continued ...
bit of information. Between -- from 1969 to 1970, there was a 50% increase in case loads, in one year, in one year alone. This will give you -- the total accumulative case load from April 1st, 1969 to December 30th, 1969 was 502 cases including -- added to it rather 938 recipients. From April 1st, 1970 to December 30th, 1970 there were 752 cases and 1,443 recipients. So this is how -- this is just expanding all the time.

BILL #1
VOTE 5

Mr. McKinnon: How many recipients?

Mr. Chamberlist: 1,443.

Mr. McKinnon: Whew

Mr. Chamberlist: Of course this is why they are really taking a look at the situation and the government is very, very concerned with what is taking place, and we are going to make sure that those people who are getting welfare money are not just getting it out of the heart of the taxpayer but because of the absolute need. I am sure, Mr. Chairman, that no Member of this Council wants to deprive those people who deserve and need welfare help. You know, it is a matter of where we have to do something to support some people, but there are other areas where there is perhaps questionable whether or not funds should be made available. Now, we are looking into this and I can assure Members of Council, Mr. Chairman, that by the time the next Council sitting comes about, that I am going to be participating in making sure that the money that is being spent by the Government on welfare areas is going to be well spent, and we are not going to dwindle any of the taxpayers money. This I can give my personal absolute assurance, and I know that all Members of the Executive Committee are equally as concerned as to what is taking place in welfare.

Mr. Chairman: Councillor Stutter.

Mr. Stutter: My question was subsequently answered.

Mr. Tanner: Mr. Chairman, since I percipated this particular conversation I would like to have one final word on it. One of the things that concerns me here is the fact that we are spending money on child welfare, and where does child welfare lead to? Councillor McKinnon said about -- what results are we seeing. The results that we are seeing here could very well be an enlargement of the problem that we have got with the children. They could become adults on welfare.

Mr. Chamberlist: That is the problem. They graduate from one step to another.

Mr. Tanner: Well, I think it's -- I feel very keenly that the New Minister of Health has an extremely strong responsibility to, as he says to look into these, and we will be looking at the next Council to see some results. I personally will.

Mr. Chairman: The next item is found on page 5/32. Blind Persons Allowance - \$5,400; these are all cost shared items are they not? The next item is the Disabled Persons Allowance - \$4,500; Child Care Centre - \$7,000.

Mr. McKinnon: What page is that on?

Mr. Chairman: Page 5/34.

Mr. Tanner: It seems to me, that this is one area where again -- I am not questioning the actual figure except that it seems low to me. If we were spending more money on child care in this particular instance, Child Care Centres, then mothers could get out to work, we might be able to save some money further down here on child welfare.

Mr. McKinnon: Keep the mothers in the home.

BILL #12
NOTE 5

Mr. Tanner: What I am suggesting is that I think that this Child Care Programme should -- take another look at, and maybe we should spend some more money here.

Mr. Chairman: Anything further on this item? Next item is Training Grants and Scholarships - \$13,000; the next item is the Alexander McDonald Lodge - Dawson City - \$144,205.

Mr. Commissioner: Mr. Chairman, I think that the Honourable Member whose responsibility is this would agree with me when I say that the tremendous change with the regard to the operation of this establishment is due to the difference in the type of care that is provided. Council voted funds here approximately two years ago for the extension of this home to provide nursing home care and this is now reflected in the Operating and Maintenance budget of this institution. I am sorry that I don't have right off hand the number of beds that are provided, but it is the nursing home care section of it that accounts for the increase. It is not the other side of it -- of the institution where the people look after themselves.

Mr. Chairman: Clear on this item? Next is the Norman D. MacCauley Lodge - \$87,904.

Mr. Chamberlist: This is the Riverdale senior citizens home.

Mr. Chairman: The next item is the Senior Citizen's Home Alexander Street, Whitehorse - \$18,344; next item is the Children's Group Home #1 Hanson Street - \$39,122; the next item is New Group Homes #2, #3, #4, Whitehorse - \$20,182; next Home for Multi-Handicapped Children - Whitehorse - \$4,030; Department of Social Welfare Office Residence - Dawson City - \$1,950; next is the Staff Residence For Area Social Worker - Watson Lake - \$6,700. I believe we were looking at this to see if this can be included in the Territorial building, are we not, this office.

Mr. Commissioner: Not immediately, Mr. Chairman, ultimately yes. We don't feel that there is any particular pressure on this situation. We seem to be quite content, and as far as we know the landlord is not about to remove us.

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

RECESS

RECESS

Page 116.

Monday, February 15th, 1971.

3:30 p.m.

Mr. Chairman: At this time I will call Committee back to order. The next item is on page 5/51, Children's Receiving Home, Dawson City, in the amount of \$4,950. The next item is a grant to the Yukon Family Counselling Service, \$9,000.

BILL #12
VOTE 5

Mr. Tanner: Mr. Chairman, did we use the whole grant of \$12,000 last year?

Mr. Chamberlist: Not necessarily so. If it wasn't used, it doesn't meant that it is going to be used this year either. However, the money is put in there in case of need.

Mr. Tanner: I'm asking if we used the \$12,000. Why are we coming down to \$9,000 if they didn't use it? Well, that's why they've cut it down to \$9,000. But, if they did use it, why have we cut it down to \$9,000 this time?

Mr. Chamberlist: Obviously, the need appears to be for \$9,000, and was for \$12,000.

Mr. Chairman: Anything further on this item? The next item is the Proposed Children's Receiving Home, Northern Area, \$5,500.

Mr. Stutter: Mr. Chairman, I have a question on this proposed receiving home. Perhaps the Minister of Education -- I don't know whether it's her department -- no, the Minister of Health could tell us how many people will this receiving home, this proposed receiving home, accommodate.

Mr. Chamberlist: Well, I will bring that information forward. I haven't got it at the moment, but I'll see that you get that information.

Mr. Chairman: Is there anything further on the Proposed Children's Receiving Home, Northern Area? Next is the Proposed Office and Residence, Carmacks/Faro Area, \$3,700. Have you any further questions on Welfare? I will move now into Corrections. We have, under Vote 20, Project and Loan Capital, one item; Radio Equipment in the amount of \$4,000. You will find the breakdown on your capital sheet on page 4.

VOTE 20

Mr. Stutter: Mr. Chairman, I wonder if we could have this particular item explained a little. What, exactly, are these three V.H.F. radio sets for?

Mr. Chamberlist: Well, these are to keep in touch with the head office of the Corrections Branch while the inmates are out on various work projects away from the Institution itself. These are to be installed in vehicles.

Mr. Chairman: This, I believe, forms a part of security under the Corrections programme. Clear on this item? Then, we return to Vote 5, page 5/57. Under Corrections, Administration, General, \$43,300.

VOTE 5

Mr. Tanner: Mr. Chairman, could I ask the Minister of Corrections what the turnover is at the gaol in staff in the last year?

Mr. Chamberlist: I haven't got the figures here, but, from memory, there has been a turnover of about 16 changes in staff in the last year.

Mr. Tanner: What percentage is that, the total staff, of turnover? I think the school's last year was 17 percent. What was Corrections'?

Mr. Chamberlist: Well, it's a little bit different from schools, because school people are under a year's contract. There are quite a number of the same positions that were changed two or three times in the Corrections branch, so I couldn't give you a percentage on that, Mr. Chairman. However, I can

BILL #12
NOTE 5

Mr. Chamberlist continued.....
bring forward, for Council's edification, the number of changes that have been made, if it is necessary, if anybody specifically wants it.

Mr. Chairman: Clear on this item, \$43,300? The next item is Adult and Juvenile Probation Services, \$49,584. The next item is the Medium Security Institution, \$424,548. Is it anticipated that some of these Medium Security work crews will be engaged in projects throughout the Territory, other than in Whitehorse or the immediate area?

Mr. Chamberlist: Yes, Mr. Chairman. There is now a detailed works project being submitted by the Director of Corrections for work to be taken outside of the Whitehorse Metropolitan Area, including those within the Whitehorse Metropolitan Area. It is quite possible that there may be a works project of quite a large nature being carried out in the Carcross area for clean-up purposes.

Mr. Tanner: I see we have a -- what do they call it -- a cook instructor at the university -- at the Institution, rather. I was wondering why we are paying a cooking instructor up there when we have a cooking instructor at the Vocational School. Wouldn't it be cheaper to have these people who are interested in learning to cook go down to the Vocational School, rather than duplicating facilities, and salaries in this case?

Mr. Chamberlist: The cook instructor is also the cook in the Institution, and he instructs inmates while he is carrying out his normal chores of being a cook.

Mr. Tanner: I see we have two other cooks. It seems that they must be eating pretty well. Can we afford to let them eat that well, or do we need three cooks in that case?

Mr. Chamberlist: In seven days, there's shift work involved, Mr. Chairman. We have to feed the inmates seven days a week.

Mr. McKinnon: Have you ever been up for lunch? Terrific.

Mr. Chamberlist: Perhaps, Mr. Chairman, at this time, Mr. Commissioner might be able to indicate that a trip to the Correctional Institution for the Members of Territorial Council could be arranged to view the operation of the Institution, and have a meal there. I can assure you that the meals that are being prepared for the inmates will be exactly the same meals that we will eat. I'm sure that none of us can ever need to complain about the quality of the feeding that inmates are getting. That is why many of them don't want to leave.

Mr. Chairman: Are there any further questions on the Medium Security Institution?

Mr. McKinnon: Have they finished that new part, yet?

Mr. Commissioner: Mr. Chairman, I think that, as the Honourable Member has suggested, it would be appropriate to arrange for a tour of some of the institutions; not only the Correctional Institution, but several of the other institutions that are located within close proximity, for Council Members. I'll see what can be put together here in the course of the next week or ten days that would permit us to visit them as a group and see just exactly what is transpiring here, particularly for the benefit of new Members of Council.

Mr. Chairman: Are there any further questions on the Medium Security Institution? Next item is the Juvenile Training Home, \$126,477.

Mr. Chamberlist: You'll note, Mr. Chairman, the note at the bottom of

Mr. Chamberlist continued.....

page 5/67, salaries and wages estimates have been calculated from known salary scales; any increase granted from the result of collective bargaining will have to be added to these figures. I draw Council's attention to this.

BILL #12
VOTE 5

Mr. Tanner: Mr. Chairman, why is that figure so much larger than last year's? The figure \$124,000 -- Juvenile Training Home, this year, estimated \$126,000; last year, unless I've got the wrong printing, I've got \$2,100.

Mr. Chamberlist: Last year, the Wolf Creek Camp was not being used as a Juvenile Training Home. It's only in this year that it has been used as such. It was during this past existing year that this took place, the change took place.

Mr. Commissioner: Mr. Chairman, with respect, on this matter; in last year's establishment, Corrections was broken down into a medium security operation, a minimum security operation, and probation services. This year, you have a medium security operation, a juvenile training situation and probation services. It's a different mix to accommodate the juvenile offender.

Mr. Chairman: Have we anything further on Corrections? The last item in Vote 5 is the Yukon Hospital Insurance Service. That is 5/70 -- pardon me, 5/71. The first item is Administration, \$35,737. Under Insured Services, \$1,739,604.

Mr. McKinnon: Oh, unreal. From \$943,975 to \$1,739,604? In one year, an increase of \$795,729? Mr. Chairman, can we have some explanation? Yow.

Mr. Chairman: Diagnostic services is now a part.

Mr. Chamberlist: First of all, the cost of services has gone up. Then, you've got to keep in mind that diagnostic treatment which was not included last time, but is included this time is a considerable amount. You've got, I think it was about, a 30 percent increase in the cost of operation, plus another \$150,000 on top of that for diagnostic treatment, and there you have the money. It's just there; you can't help it.

Mr. McKinnon: How realistic are these figures this year? We had two supplementaries last year, I believe, because of the original estimates being under. Is this a realistic estimate that is in the budget now, or are we going to have supplementaries again this year?

Mr. Chamberlist: I shouldn't think so. What is submitted now, Mr. Chairman, is submitted taking into consideration those supplementaries that were asked for during the last year as a result of the increases in cost and the diagnostic treatment. This figure that we are presenting now is merely a realistic figure of what will be required to operate the Y.H.I.S. this year. This is another important point why we can say that it is realistic. As the Commissioner has indicated, the hospital in-patients are levelling off to a fairly even level right through the year.

Mr. Stutter: Mr. Chairman, I wonder if I could ask the Minister of Health just exactly what constitutes a Yukon resident when it comes to the time of paying out benefits out of the Territory?

Mr. Chamberlist: Three months, it's in the Ordinance. It is three months prior to the receipt of the treatment.

Mr. Stutter: Just another question. Is this the same as it's always been, or has it been changed just recently?

Mr. Chamberlist: No, no, this is the same. No different, Mr. Chairman.

Mr. Commissioner: Mr. Chairman, it works at the other end of the scale, too. The individual is the responsibility of the Yukon Territory for the

BILL #12

Mr. Commissioner continued.....
three months while he is acquiring resident's rights in any of the provinces of Canada. This is by an arrangement that is entered into among all the provinces and the Federal Government. It works at both ends of the scale, Mr. Chairman.

VOTE 20

Mr. Chairman: Can we move now to Vote 6. Under Project and Loan Capital, Vote 20, page 20/3, we have the first item, Fire Halls and Fire Fighting Equipment, \$73,000. You will find details on page 4 of your report sheet. Clear? Next is Road and Sidewalk Construction Grants, \$108,000. Are you clear? Next item is Connecting Road, Whitehorse, \$250,000.

Mr. McKinnon: Explain.

Mr. Chamberlist: It's not my department.

Mr. Commissioner: The requirement to service the Industrial Area of another connector road as opposed to the one Two Mile Hill turnoff, is becoming very obvious. This is the money that we are asking for to provide this connection. It will be, basically speaking, an extension of Second Avenue. This is basically what it will be, into the services.

Mr. McKinnon: Paved?

Mr. Commissioner: I'm sorry, Mr. Chairman, I can't answer that question. I would venture to say that from the kind of money that is being asked for here, I would infer from it that paving is supposed.

Mr. Tanner: Mr. Chairman, where the road curves now to go up the bottom of Two Mile Hill, I assume, then, that the bend will go straight through that property, will it?

Mr. Chamberlist: You'd have two exits....

Mr. Commissioner: It goes along Second Avenue, right along Second Avenue.

Mr. Chamberlist: There will be two exits, Mr. Chairman, from the Second Avenue. One will remain where it is now, and come out on Fourth Avenue. The other will go straight through into the Industrial Area, from Second Avenue.

Mr. Tanner: Well, Mr. Chairman, is the Government going to expropriate land? That's all privately owned land there.

Mr. Chamberlist: Negotiations are now going on with the White Pass and Yukon Route.

Mr. McKinnon: Very interesting.

Mr. Chairman: Are you clear on this item? Next item is Local Services, \$50,000.

Mr. Tanner: Mr. Chairman, could I go back to the last one, the road? Where do you intend that road to come out? Where's it going to connect? At the other end? Not this end. Is it contingent on that road going through if the City is amalgamated? Or, is it going to go through anyway?

Mr. Commissioner: Mr. Chairman, I'm not aware of any requirement of inclusion of the City boundaries as far as the road is concerned. As far as the installation of sewer and water is concerned, that's another set of rules altogether. I'm, certainly, not aware of any prior condition about it being part of the City before this road will be put in.

Mr. Chairman: Next item is Water System, Porter Creek, \$150,000.

BILL #12
VOTE 20

Mr. Chamberlist: This item, I believe, Mr. Chairman, is contingent upon the Metropolitan Area being effected.

Mr. Chairman: The next item is the Sewer Extension, Watson Lake, \$200,000.

Mr. Tanner: I'm sorry, Mr. Chairman. I missed that last -- what are we at now? Water System, Porter Creek?

Mr. Chairman; Sewer Extension, Watson Lake, \$200,000.

Mr. Tanner: You mean we've passed up the Water System, Porter Creek?

Mr. Chairman: No, you didn't; we did.

Mr. Tanner: Well, I very definitely haven't passed up the Water System in Porter Creek. I'd like to know who's going to pay for it and if it is going to be the same method as paid for last time.

Mr. Chamberlist: Mr. Chairman, this only deals with the connection from - - it's the provision for connection of the Porter Creek Water System to the Takhini Water System, after the Takhini is connected to the City of Whitehorse water supply; so that, obviously, it is as contingent upon something happening. That something happening is the incorporation of Porter Creek and Takhini into the Whitehorse Metropolitan Area.

Mr. Tanner: Well, Mr. Chairman, I'll have further to say on this in the near future. I'll let it go for now. I would just mention, in passing, that we don't want the water they have in Takhini because I hear that it's poison, and we've got the best water system in the Greater Metropolitan Area in Porter Creek. We'd like to see it continue that way.

Mr. Commissioner: There's only one small problem, Mr. Chairman, and that is that there's no more water.

Mr. Tanner: Yes, we've run out.

Mr. Chairman: Are we clear on that item? The Sewer Extension, Watson Lake is contingent on a plebiscite being held because I don't think that anybody down there will ever be able to afford it.

Mr. Commissioner: This is quite correct, Mr. Chairman. These local improvement items that are to be financed under the Sewer/Water Policy are strictly contingent upon a favourable plebiscite.

Mr. Chairman: You just saved two hundred thousand bucks.

Mr. Commissioner: Well, Mr. Chairman, some of it may have to be spent in any event.

Mr. Chairman: Next, Staff Housing, \$278,250. Under the case of Watson Lake, again, this office, might it not be located in the Administration Building, rather than building a separate office?

Mr. Commissioner: Where is this, Mr. Chairman?

Mr. Chairman: Under Staff Housing, we have an office, 12 by 30 feet in Watson Lake.

Mr. Chamberlist: Administrative offices in the Watson Lake area are under review at the moment, but this is a sum that is being set aside for that purpose.

BILL #12
VOTE 20

Mr. Tanner: Mr. Chairman, I'd like to ask, again, the same as I did with the other house we were going to build as a receiving home. These five houses, if that's the full price there, plus all the other odds and ends that they're going to throw in, are going to cost something like \$27,000 apiece. I was wondering who the Territorial Government gets to bid on these. They all seem very high to me.

Mr. Chamberlist: Cost of construction, Mr. Chairman, is exceedingly high, and, it is going up each year. These bids have been requested and if the Honourable Member thinks that he can make money being in the construction business, well,..... But, this is the true fact of what is happening in the construction industry today. The prices, Mr. Chairman, have gone very, very high and money has to be set aside for it; keeping in mind, of course, that money for the complete housing unit is included here.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Just while we are on this particular subject of Staff Housing, Mr. Chairman, we have included here five houses for what you call the Watross Grader Station, which, indeed, is the Tuchitua Grader Station; I'm wondering, while we're on the subject, if we can, within government, get this name changed to the proper name of the place. Tuchitua is the name of the camp. I don't know; every year you come up with this Watross sort of thing. It's not known as that anywhere else, other than just in your own administration. The real name of this camp is the Tuchitua Grader Station.

Mr. McKinnon: Beautiful name, nicest name in the Yukon.

Mr. Taylor: In any event, we have five houses intended for here. These people, though indeed they'd sure like to live in houses, can't afford them. They can't afford to live in them. They now live in trailers, as they have for some time, and, unless there can be a rental policy, accommodation policy, for these remote camps, isolated camps, throughout the Yukon Territory, outside of Whitehorse here, I'm not so sure that we should build these houses. Their paycheques may not cover the rents, and already, these people are subject to high costs of groceries, and living in general. If it means that they must live in trailers, well, they're more prepared to live in trailers than to take a try at the houses. I'm wondering, has a policy change been made in respect of the rent to these people in these outlying, remote camps? Is there a policy forthcoming on this?

Mr. Commissioner: Mr. Chairman, I can state to you very, very clearly that the policy with regard to rental of this housing has been established and has been laid on and, the situation is already reflected in the percentage reduction per miles away from Whitehorse with regard to staff accommodation. There is just no further alleviation that can be given. If these people want to continue to live in trailers, all I say is, well, I guess we'll leave them alone to live in trailers and not build the houses. That's the only solace that I can give the Honourable Member in this particular regard. There has just been a negotiated wage increase by their union for these people, and I am quite confident that, in the course of this, certainly, adequate salaries have been provided so that adequate rentals can be recovered. You know, we can't have it both ways. So, it's either build the houses and get the rentals out of them that are part of the rental policy, or, we simply leave the trailers there and let the people stay in the trailers. But, I am told, and I think rightfully so, and representations have been made to the Administration, both at the administrative level and the Budget Programming Committee level, by the department heads involved that they want to get better housing for these people who live in these areas.

Mr. Taylor: Well, Mr. Chairman, this is a big problem in the hinterland, in the outlying districts and, well, particularly at these camps. I'm

*Memo to M,
16/2/71*

- 122 -

Mr. Taylor continued.....

BILL #12
VOTE 20

wondering if Mr. Commissioner could provide me with a copy of this policy in respect of rents charged in these camps, because, if they could afford it, they'd love to live in houses. If they can't afford it, however, it's kind of pointless for us to build the houses and leave them to live in those little tin boxes they live in they call trailers. That's all they can do. It's just a matter of what you can afford. I would like to see this policy before these buildings are built. How about a school? When you build five houses, how about one of these relocatable schools, so, at least they can send their kids to school. At this particular Tuchtua camp, they have to pay double. First, they pay to have their kids looked after in Watson Lake and to go to school in Watson Lake, and they're seventy miles out in the bush.

Mr. Commissioner: Mr. Chairman, with respect, I think that we should do everything that is within reason to recruit and retain personnel in these isolated camps. These people qualify for the same subsidy for the maintenance of their children in Watson Lake as do other residents of the Territory. You just passed that in the Operation and Maintenance. This is correct. This goes quite a ways towards keeping those boys and girls. Sooner or later, if you want to sky-rocket the road maintenance costs completely out of sight, why, this is the way to do it. I mean, there's only so much that can be done, and I sympathize with the Honourable Member on the point that he is making here, but, let us be honest about it. If a house is going to cost something in the neighbourhood of \$30,000 to \$35,000 to build, I think that the taxpayer who put up the \$35,000 is entitled to some reasonable amount of rental out of that to help to liquidate that cost. This is the way the rental system is set in these smaller communities. I'm sorry, I don't know them right off hand but we'll table them for you. There are no secrets about what they are, and it is a matter where there has to be some basic recovery.

Mr. Taylor: This is agreed. I whole-heartedly agree with Mr. Commissioner except that it works the other way too. If you can't retain staff in these outlying camps, these remote camps, you are forever retraining new staff. It's costing the taxpayer one devil of a lot more by retraining staff than in turnover. Rather than trying to retain a real good solid employee, many of these people in these remote areas within our Administration have been out there for years, and anything we can do to retain them and make their standard of living at least comparable to more urban areas in the Yukon, I think that we should be heading down that general direction. It's a matter of dollars and cents as far as his ability to pay this rent is concerned. He's not asking for the houses; the houses are being offered to him, I suppose, but, the idea is, can we not effect a policy whereby he can, like all other people, live in a house?

Mr. Commissioner: Mr. Chairman, this is exactly what we have done. We have set rents, based in Whitehorse. I'm sorry, I don't know these quotations right off hand so I'm not going to give them. In round figures, I believe we are talking about a three bedroom home in Whitehorse, having a basic rental of somewhere in the neighbourhood of \$235 or \$240 a month. It is scaled down from that point, depending upon the distance away from this area. I believe the kind of rentals that we will be looking for at this Tuchtua Camp would be something similar to what is presently being asked for in the Ross River Camp. I'm sorry, I don't know what these are, but we can get this information. This is, roughly, what we are talking about.

Mr. Taylor: This is fine, Mr. Chairman. I'll take it up a little later on, but, I'm wondering if I could be provided with a copy of this policy?

Mr. Commissioner: Mr. Chairman, we will table a copy of the actual rentals. The policy that went into making the rentals is simply an internal, administrative matter. The end result of it, we will table.

Mr. Taylor: Am I to take it, Mr. Chairman, that there is no distinct

BILL #12
VOTE 20

Mr. Taylor continued.....

policy where you can make a policy decree on a piece of paper and say that, this having been accomplished, that this is what the results shall be. We have no written, hard, firm policy on paper?

Mr. Commissioner: I don't think that we want to disillusion the Honourable Member that we have gotten sophisticated to the point in our government where we have fourteen page theories on everything we do, but, certainly, with regard to the rental of housing accommodation, we have an internal means of calculating. This could be construed as a policy, and this, we are very happy to provide to Members of Council.

Mr. Taylor: Well, if this can only be construed as being a policy, then I revert back to my original question which I stated quite some time ago. Should we not sit down and formulate a firm policy in this area?

Mr. Commissioner: Mr. Chairman, I can assure it is firm. As far as the Administration is concerned, this is the policy. This is what we have been doing, and this is how we calculate the rent.

Mr. Taylor: Now I'm more confused than I ever was. One minute there's a policy, and then, two seconds later, there isn't one, but there's one that could be purported to be one. I'd like to see a copy of this anyway. We'll build up from there. Crazy.

Mr. Chairman: I wonder, Councillor Taylor, if you would resume the Chair.

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

Mr. Taylor resumes the Chair.

Mr. Stutter: I would like to question that \$45,000 item at the bottom of that page, the House, Garage, Storage, Dawson City. I'm not against having money spent in Dawson, but, at least, I'd like to know what it is being spent for and why.

Mr. Commissioner: I believe, Mr. Chairman, that this is basically to house the game officer that is now resident in Dawson City. I'm sorry, I can't guarantee that, but, I do believe that that is the requirement for house, garage and storage facilities; they're for the game operation in Dawson.

Mr. Stutter: Mr. Chairman, does the game operation come under Municipal Affairs, or the Department of Local Government?

Mr. Commissioner: All housing comes under Municipal Affairs.

Mr. Chairman: Is there anything further on this item? The next item is the Public Housing Project, \$75,000.

Mr. Chamberlist: This, as you are aware, Mr. Chairman, is the amount of money that is being set aside as the Territorial Government's portion of the Public Housing Project, which is divided by municipality, Federal Government and the Territorial Government. Whether or not the Municipality of Whitehorse is going to take advantage of this public housing scheme is not known at the moment to the Government of the Yukon Territory, but, wherever the scheme is to be used, that would be our portion of the funds that would be made available.

Mr. Chairman: Is there anything further on Public Housing Projects?

Mr. McKinnon: I think that former Councillor Dumas wants to speak on it.

Mr. Tanner: I've got two questions concerning last year. The next two items, Fire Breaks, \$175,000, I wonder whether....

Mr. Chamberlist: What are we dealing with?

Mr. Tanner: I'm dealing with last year, over here.

Mr. Chamberlist: We're on capital.

Mr. Tanner: Yes, we're on capital, Local Government. Last year we had \$175,000 spent in fire breaks. I wonder whether I might, at this time, ask the Commissioner where the fire breaks were put and, secondly, this \$290,000 appropriated, the biggest item in the Local Government budget, for water and sewer system in Crestview, I haven't yet seen any water and sewer system in Crestview. I was just wondering whether that money was put aside and whether the people in Crestview can expect to pick up the interest for it in the meantime? Secondly, when can they expect a water system in Crestview?

Mr. Commissioner: Mr. Chairman, with regard to fire breaks, last year's budget will give you the information. I'm sure there are some copies around here somewhere. This project was a one-year project, and, I believe, has been satisfactorily completed as far as I know. With regard to the Crestview sewer and water, there were a multitude of reasons. The most important one was the absolutely impossible standard of costs or magnitude of costs that would have gone to the individual in order to provide this system in Crestview. As a consequence, it was not proceeded with, on this basis.

Mr. Tanner: Mr. Chairman, that \$290,000 that you appropriated last year, was it utilized for something else, or is it -- can we pick it up this year? Where is it?

Mr. Commissioner: The unexpended portion has been brought forward and will form part of the capital funds that are available for expenditure in the course of this or any other fiscal year, Mr. Chairman..

Mr. Chairman: The next item is Road Construction, Whitehorse General Hospital, \$150,000.

Mr. Chamberlist: Mr. Chairman, this is for the cost of constructing a new road from behind the Vocational School through on to the Long Lake Road, to stop the traffic going through the hospital area.

Mr. Chairman: Is there anything further on this item? Next is the Water and Sewer Extension, Mayo, \$100,000. That being all the items in Capital, we'll return now to Vote 6.

Mr. Commissioner: Mr. Chairman, just before you leave that, I realize that we have passed the Vote, but, I was asked a question earlier in the day about the capital cost of the present Whitehorse Weigh Scale. If it is appropriate, I could answer it now. \$36,066.97

Mr. McKinnon: Mr. Chairman, I realize the sad facts of political life. I think the Honourable Members should note that in Local Government services, there is not one penny for the Whitehorse West district in any way, shape or form. I was just wondering, Mr. Chairman, if it would be possible to have one thing, the last Honourable Member for Whitehorse West fought for three years trying to get one small capital project. That was the cleaning up of the cemetery in downtown Whitehorse, Whitehorse West. Mr. Chairman, I was wondering whether a further improvement programme of this cemetery could continue over the next four-year period, so that, at least, there will be some expenditure of capital funds in, at least, the cemetery in the Whitehorse West constituency.

Mr. Chamberlist: Mr. Chairman, the matter is not dead. We have every intention of using the Correctional Branch; one of their work projects will be for the cleaning up of that particular area.

BILL #12
NOTE 6

Mr. Chairman: The first item is on page 6/2, Administration, \$128,347. Is there anything on this item of Administration, \$128,347?

Mr. Tanner: Mr. Chairman, in that figure, are there, again, departmental changes because we have a third increase over last year for administration in this department? Since you took out the Crestview water system appropriation for last year and never put it in, I'm just wondering how much of that \$91,000 is worth spending if they had so little to administrate? In this case, why is it up a third?

Mr. Commissioner: Mr. Chairman, basically, a realignment of items right off the -- one immediate item here is \$11,000 for office rental and also the realignment of certain items within the Vote. As far as total staff is concerned, I don't think that there has been any appreciable increase in staff. The inspection service, I believe, was added to as a consequence of last year's budget, and, there may be a certain amount of clerical assistance. Therein lies the increase that is referred to, Mr. Chairman.

Mr. Chairman: Is there anything further on Administration in the amount of \$128,347? The next item is Beaver Creek Services, \$7,043.

Mr. McKinnon: Where is that?

Mr. Chairman: That's page 6/3. Next is Burwash Landing Services, \$3,271. Carcross Services, \$6,895.

Mr. McKinnon: Mr. Chairman, I noted something very interesting here. For the first time that I am aware of, the Territorial Government is paying for the power to light the skating rink. I think, perhaps, Members from outside the area of Whitehorse should be extremely interested if this is a new precedent by the Government. They can now get some of their recreational services provided for them by the Territorial Government. I don't disagree with the philosophy at all. If this is a new precedent by the Territorial Government, I congratulate them for it. Is this to be expected in the future?

Mr. Chamberlist: We will make a general allowance of \$32 for things like this. I think we can find the money. No problem.

Mr. Commissioner: I believe, Mr. Chairman, with respect, that this has to do with the pumping situation there and is involved through the Fire Department.

Mr. Chairman: Carmacks Services, \$5,813. Crestview and Porter Creek Services, \$26,326.

Mr. Tanner: Mr. Chairman, I have a number of questions here. In the breakdown of that \$26,326, Primary 65, Utility Services - Street Lights, 20 new ones, who's paying for the electricity on the old ones? If it's not in this department, where does it come in?

Mr. Commissioner: Mr. Chairman, this provision includes twenty new street lights, that is, the total of \$6,200 includes twenty new street lights.

Mr. Tanner: Mr. Chairman, What is the \$1,500 spent in Fire Department for under Utility Services? Strictly heating and lighting?

Mr. Commissioner: As far as I am aware, that is the situation, Mr. Chairman.

Mr. Tanner: One last question, Mr. Chairman. \$500, Fire Department, at the bottom there. Is that for the water truck which sits in Porter Creek? Is it charged against us as being used once in the past year?

Mr. Chamberlist: You have to have it there, though.

Mr. Commissioner: Well, I'm sorry, I'm in no position to answer that in detail, but, we can get an answer to this question, Mr. Chairman.

BILL #12
VOTE 6

Mr. Chairman: The next item is the Crestview Water and Sewer Service, \$6,000.

Mr. Tanner: Mr. Chairman, I'm sorry, I'm not finished with that department yet. The Fire Department is costing us \$1,400 a month for light and heat. I can't understand why it should. The building is not even as big as a normal house. Oh, I beg your pardon. I withdraw that question.

Mr. Chairman: The next item is the Dawson City Water and Sewer Services, \$70,000.

Mr. McKinnon: Mr. Chairman, I don't understand the Crestview Water and Sewer Service. Previous year's expenditure, nil; this year's expenditure, \$6,000 for operation and maintenance of system by Porter Creek employees. There is no water system in the Crestview area. It is a water truck service that in last year's showed as nil expenditure. Certainly, that's incorrect because they abolished that truck water service to Crestview.

Mr. Chamberlist: You should have looked at it when you were Chairman of the Financial Advisory Committee.

Mr. Commissioner: Mr. Chairman, we are, once again, attempting to identify the things to where the service is provided. This was, I'm sorry, I can't tell you where it was buried in past time, buried and has very obviously been brought to the surface here and now. This is exactly what we are identifying.

Mr. Stutter: Mr. Chairman, I wonder if I could ask if this \$70,000 takes into consideration that the new rates have now been put into effect in Dawson where it should add a further \$25,000 a year to the treasury?

Mr. Commissioner: Mr. Chairman, we are simply voting expenditure. We are not talking about recoveries.

Mr. Chairman: Next is Destruction Bay Services, \$4,879. The next item is Grants in the total of \$512,000, as enumerated. I'm wondering, Mr. Commissioner if it would be possible to get the past two years' budgets where this money was spent in these Improvements Districts?

Mr. Commissioner: You mean a financial statement for these districts?

Mr. Chairman: A breakdown, yes, showing where the capital and operation and maintenance....

Mr. Commissioner: It seems to me that we have these published in the Public Accounts, do we not? I'm sure it is, Mr. Chairman. If the Clerk would be good enough to make a note of this. The information is available and if it isn't put out in the Public Accounts in sufficient detail, Mr. Chairman, we will simply supply them.

Mr. Chairman: Anything further on Grants? The next item is Hillcrest Services, \$17,250. Hillcrest Sewer and Water Services, \$25,000. Keno Services, \$7,415.

Mr. Rivett: Yes, Mr. Chairman, what is this item marked Water Delivery Service, \$1,200?

Mr. Commissioner: Mr. Chairman, we pay the community club, or someone designated by the community club, \$100 a month towards the, should I say as a subsidy, towards the cost of delivering water in the area.

BILL #12
VOTE 6

Mr. Chairman: The next item is Municipal Services, General, \$10,700. Next is Municipal Services, Various Locations, \$8,844. I wonder if it would be possible to get this road at Upper Liard finished this year. It seems that each year we attempt to get these culverts put in the road finished. They will hire somebody, a contractor, who never does the work.

Mr. Commissioner: Well, Mr. Chairman, this is the difficulty that we're up against in several of the smaller communities. The policy is to try to have local contractors do the job and it may well be that in some of these spots where we are having difficulty, we'll simply have to assign our own equipment to do it. As you know, it is not our policy to do this if anyone else can be found to do the job.

Mr. Chairman: Possibly by not accepting the lowest tender, we might get the job done.

Mr. Commissioner: Well, now, Mr. Chairman, you're talking down to earth. You're getting to be a business man now. If we ever started to run government like a business, why maybe we would get something done and get a lot more value for our money. I think that you have a very good point. I would be very happy to follow up along these lines.

Mr. Stutter: I wonder if I could ask the Commissioner if, under Primary 65, Utility Services, Mr. Chairman, it says street lights for Old Crow. I'm wondering if that's a typographical error or if the government intends to put streets in Old Crow.

Mr. Commissioner: Mr. Chairman, this is not a typographical error and it is not our policy to actually construct the streets for a village, but, we have equipment there in connection with the airport construction. I do believe that at the request of the village council, or the band council, that certain rights of way have been established in the community and this is where the lighting will be provided. There is some lighting provided there now. The rights of way, although, I suppose, that you couldn't call them survey roads, do exist and they have been improved upon by the community using the equipment for the airport construction.

Mr. Chairman: Next item is the Porter Creek Water Services, \$37,593.

Mr. Tanner: I would just point out for the whole of Committee that the citizens who recieved that water paid it completely back, to the penny.

Mr. Chairman: Next item is Ross River Services, \$5,624. Ross River Water Services, \$1,700. Teslin Services, \$11,435. Trucked Water and Sewer Services, \$63,000. All these trucks are in the Whitehorse area, are they? Whitehorse Industrial Area Services, \$4,820. Next is Dust Control, a total of \$36,000. Insect Control, \$40,000. Next is Protection Services, \$66,580. Assessment and Land Sale Services, \$35,046.

Mr. Tanner: Mr. Chairman, could I ask one question here on Protection Services? If one wanted to estimate the cost, this is a hypothetical question to the Commissioner, of running Porter Creek, would it be appropriate to take each one of these, the Fire Marshal, the building inspector, the electrical inspector, and divide the total by the number of municipalities or any areas receiving these services to find a reasonable figure of what it is costing the Department of Local Affairs to run, for example, Porter Creek? In other words, could you divide all these figures, this \$66,580, by, for example, five or six different areas?

Mr. Commissioner: Well, I hesitate to give a clear-cut answer to this because I think that there would be some calculation that would be applicable, Mr. Chairman. I would, however, hesitate to commit myself firmly on this. I'm sure there is some way of doing it but how you would go about it would be a very difficult thing to determine. For example,

Mr. Commissioner continued.....

BILL #12

carrying on down the line here, Special Services, Investigation of Fires; VOTE 6 well, in reality, they should only be charged against the actual fire situation itself, which may or may not occur in the new areas of the Territory. The Emergency Measures Organization would be properly applicable across the whole 207,000 square miles of the Territory. It's not an easy thing to assess these various things, but, on the other hand, if the Honourable Member's question is, if Porter Creek was not an unorganized area, what would the cost to it be of seeing that it got these various services, this might be a lot easier to calculate. In other words, the converse of what the Honourable Member has asked.

Mr. Stutter: I just wanted to question why this particular item was almost 50 percent higher than before. I notice the wages, or the salaries, themselves are higher than the 1970-71 Vote. Are those building inspectors or electrical inspectors extra?

Mr. Commissioner: I'm sorry, Mr. Chairman. I didn't get the first part of the Honourable Member's question. I wonder if he would be kind enough to repeat it.

Mr. Stutter: I was just questioning why this particular item was almost 50 percent higher than the 1970-71 Vote.

Mr. Commissioner: This is the Protection Services?

Mr. Stutter: That's right.

Mr. Commissioner: For one thing, there is a -- the position of Deputy Fire Marshal is a new position. As to whether it is to be filled or not, this is a decision that will be made. The electrical inspector was not there for the full time of the last fiscal year. He was there only for part of the time. Likewise there is a considerable increase in the potential travel costs for these people. Also, I believe that the Emergency Measures Organization, total of \$4,000, was shown in the general vote, Vote 8, last year.

Mr. Chairman: The next item is Office and Housing Accommodations, \$317,611.

Mr. Tanner: Mr. Chairman, that decrease this year is that another departmental move? Was that money in another budget last time, or have we saved that much in management this past year?

Mr. Commissioner: Mr. Chairman, I don't want to mislead Council. There has been no money saved. There is actually more money being spent. It is simply a matter of where it has been allocated, Mr. Chairman.

Mr. Chairman: That concludes Vote 6. Have you any further questions on Vote 6? Next vote is Vote 7. Mr. Clerk has provided us now with the background material on salaries that you were interested in earlier, which I believe, is confidential information. All Members should note. The first item under Tourism and Information, under 2701, is Historic Sites Development Programme, \$25,000. Under Project and Loan Capital, page 3 -- 20/3. VOTE 20 The next item is Campground and Picnic Area Development, \$30,000.

Mr. Tanner: Mr. Chairman, could I ask whether Historic Sites Development Programme, \$25,000, is that matched by the Federal Government in this case or is that a straight grant from the Territorial Government? That \$25,000, could it, for example, be spent on such ventures as restoration of two boats that reside presently in the City of Whitehorse?

Mr. Commissioner: Mr. Chairman, that is not the policy of the present government, to perpetuate the two boats in question, but, I believe recommendations have been made to us by the Historic Sites and Monument Board that the preservation of the steamer, Tutshi, at Carcross should be a project that would fall under the aegis of the money that we are asking for here at this time.

BILL #12
VOTE 20

Mr. Chairman: Anything further on Historic Site and Campground and Picnic Development Areas?

Mr. McKinnon: Mr. Chairman, I'd be very interested to find out which campgrounds are going to be enlarged and whether -- what areas will be utilized for new campgrounds.

Mr. Commissioner: Mr. Chairman, we will table that information for all Honourable Members. I'm sure that the programme has been developed to the point where that information can be given.

Mr. Chairman: Does the Administration still have a Campground Development Committee, as such?

Mr. Commissioner: This is correct, Mr. Chairman. It consists of representatives from Forestry, from the Travel and Information section. It's an internal committee of the government.

Mr. Chairman: I thought possibly some of the newer Members would not be aware of this.

Mr. Commissioner: Mr. Chairman, it was in existence a long time before I became Commissioner, so there's nothing new about it.

Mr. Chairman: I spent nine years feeding information and requests at that Committee and never got anything out of it, but, I've known of its existence.

Mr. Commissioner: Mr. Chairman, I believe it holds an annual bottle hash. Some fairly sensible things come from it. While I'm on my feet, could I say a word about the programme, Mr. Chairman. The maintenance of the campgrounds has been a cost shared item, but, has been under the administration of the Federal Forestry Branch. With the transfer of the Alaska Highway, the transfer of campground maintenance to Y.T.G. will be effected at the same time, and the programme department will be the Department of Travel and Information. The action department will be the Department of Highways and Public Works. As a consequence, it will be a totally Territorial programme, and we feel that even the good standards that have been maintained up to this point will even possibly be improved upon as greater usage is made of these campgrounds. Of course, now that we are on the verge of having the whole highway system come under our control, it will be much easier for us to direct the road maintenance in and out of these campgrounds and so on, from our own Department of Highways and Public Works, Mr. Chairman.

Mr. Tanner: Mr. Chairman, in view of what the Commissioner has just said, and the fact that we will probably need a greater budget because of the handover of the Alaska Highway, why have we then reduced it by \$15,000 from last year?

Mr. Commissioner: It is a re-apportionment of funds between Capital and Operations and Maintenance to reflect a truer picture of what the actual costs are, Mr. Chairman.

Mr. Chairman: Is there anything else on Capital in relation to Tourism and Information? The next item is found back on page 7/2. We have an amount of \$343,875.

Mr. Stutter: Question, Mr. Chairman. I'm wondering how in view of the fact that Tourism, Travel and Information, is the second industry in the Territory, how come there's a cut in the wages given; \$10,000 less than in the last year.

Mr. Chamberlist: More efficiency.

Mr. Stutter: I wonder if we can get the same efficiency in other departments.

Mr. Commissioner: I think, Mr. Chairman, that what has transpired here is simply that the amount of money that was voted last year was found to be in excess of needs. I wouldn't care to indicate that there has been any, what shall we say, increase in efficiency or anything of this particular nature. It's simply the fact that we don't have the ability to spend any more money in this field than what we are showing.

Mr. McKinnon: Mr. Chairman, I would certainly like to have Mr. Harvey Dryden before Committee to go through his Vote. It's not particularly important at the time of this Vote, but, I would be most interested in hearing what the plans and projects in his department for tourist promotion in the future, what he feels he has accomplished since he's come to the Yukon, how the information house in Vancouver is going over; these types of things, I think, are extremely important to the Yukon and to the representatives of the Yukon. I, for one, would really like to have an analysis of how he feels his department is doing and how things are going.

Mr. Commissioner: Mr. Chairman, I would be very, very pleased to arrange for this, and if the Honourable Members would give Mr. Dryden a day or two to prepare himself for this, he will be available for Council. May I suggest any time after Wednesday of this week? Is that a reasonable situation?

Mr. Chamberlist: I wonder, the Honourable Member doesn't intend to wait to go through this part of the budget until he attends.

Mr. McKinnon: No, we can go through the budget, Mr. Chairman. I'd like to ask him specific questions on budgetary items as we go. It would be advantageous to have him here, asking him questions on how he feels the advertising money is best allocated, whether he feels that there is enough, how he feels that we could use the advertising dollar differently. These are the questions that I would like to be posing to Mr. Dryden, if he were available.

Mr. Commissioner: Well, Mr. Chairman, there are two ways of doing it. I took the Honourable Member to mean that he would like to see Mr. Dryden to give (a) a review of his department's progress, and (b) an outline of how he sees the use to which he will put next year's allocation of money. I would like to suggest that this could best be done as a separate exercise. We would proceed with the budget in the meantime, if that is agreeable with Honourable Members, Mr. Chairman.

Mr. Tanner: Mr. Chairman, could we have a breakdown of what Yukon House in Vancouver has cost us so far? Or what is it costing us presently?

Mr. Commissioner: Mr. Chairman, this would be something that Mr. Dryden would be equipped to give as part of his briefing to Council on the department's progress.

Mr. Chairman: We have one additional item here. We have Campground Maintenance, \$60,000. That, at the moment, brings us to the end of Tourism and Information.

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

Mrs. Watson: Mr. Chairman, I second the motion.

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

MOTION CARRIED

MOTION
CARRIED

Mr. Rivett takes the Chair.

Mr. Speaker: Council will now come 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 Public Bills and Sessional Papers. Committee firstly considered Bill No. 12, the main estimates, Committee recessed at 12:00 noon and reconvened at 2:00 p.m. I can report progress on Bill No. 12. It was moved by Councillor Chamberlist, seconded by Councillor Watson that Mr. Speaker do now resume the Chair. This motion carried.

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

Mr. Taylor: In respect of the agenda, Mr. Speaker, I believe it is the intention of Committee to deal, tomorrow, with Public Bills and Sessional Papers, more particularly to the supply bill, Bill No. 12.

Mr. Chamberlist: Mr. Speaker, I move that we call it 5:00 o'clock.

Mr. Tanner: I second that motion.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Whitehorse North, that we now call it 5:00 o'clock. Are you prepared for the question? Agreed?

*MOTION
CARRIED*

MOTION CARRIED.

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

ADJOURNED

ADJOURNED

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. Are there any Documents or Correspondence to be tabled?

Mr. Chamberlist: Nothing this morning, Mr. Speaker.

Mr. Speaker: Are there any Reports of Committee? Are there any bills to be introduce?

Mr. Chamberlist: No bills this morning, Mr. Speaker.

Mr. Speaker: Are there any Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? As there are no Motions for the Production of Papers, and Motions, we now come to the Question Period. Are there any Questions?

Mr. Commissioner: Mr. Speaker, may I reply to a question that has been asked twice by the Honourable Member from Whitehorse West. This has to do, Mr. Speaker, with a question that was asked by Councillor McKinnon regarding a request that had been made to the government by the Yukon Transportation Association. It concerned the number of Public Service Vehicle Licences being granted to outside carriers. Concern was expressed by the Association that too many of these licences had been granted, and the Association wishes to have all licences issued within the last twelve months reviewed and those not in use, cancelled. The Honourable Member wanted to know if the brief which had been received in the form of a letter was being considered. At the time the letter or brief was received the Sub-committee on Legislation was preparing the legislation to be presented to this Session of Council, and one of the bills to be tabled was An Ordinance to Establish a Transport Public Utilities Board in the Yukon Territory. Therefore, a detailed reply could not be given to the Association at that time. This bill was introduced into the Council on Monday, February 15th. In that the present Public Service Vehicle Board holds hearings and recommends the granting of P.S.V. Licences, this Board, or it's successor, the Transport Public Utilities Board, should this bill receive your approval, would be the body to examine the P.S.V. Licences in effect and recommend the cancellation or otherwise of those not in use. If Council so desires, I shall ask the Public Utilities Board, once it takes office, to review all P.S.V. Licences to determine whether or not some cancellations are in order. Moreover, I shall refer to letter from the Yukon Transportation Association to the Board so that the other recommendations that they have made can also be considered. This, of course, Mr. Speaker, being contingent on the approving of the legislation that could give effect to what I have intimated.

*QUESTION RE
P.S.V.
LICENCES*

Mr. Speaker: Are there any further questions?

Mr. Tanner: Mr. Speaker, I have a question for the Commissioner. In June, during the conversation that the Standing Committee on Indian Affairs, Mr. Chretien made this statement: "I am now in the process of transferring the land within municipalities and settlements to the Territorial Governments." He goes on a little further, "I want to transfer the land within municipalities to the Territorial Government." Could you tell us, Mr. Commissioner, if this has actually been done?

*QUESTION RE
TRANSFER OF
LAND*

Mr. Commissioner: Mr. Speaker, certain of these lands have been transferred to the control of the Government of the Yukon. I am sorry, I cannot elucidate these in detail and I would ask the House's permission to bring forward a written statement concerning the land that has been transferred from Federal to Territorial control. This way it will be available for all Members to see what has transpired.

*QUESTION RE
TAXATION*

Mr. McKinnon: Mr. Speaker, I would like Mr. Commissioner to answer a question for me. If, in the review of the Budget, Members of Council were able to find \$500,000 in projects that could be eliminated or put off for a year, would the Territory then have to raise taxation in any way, shape or form for the fiscal year 1971-72?

Mr. Commissioner: Mr. Speaker, the Budget and accompanying Ordinances with it to give effect to the total Budget are a budget package. They are a finance package, and if any changes are going to be effected to one part of the package the whole package would then have to come under review, Mr. Speaker. I could give no encouragement as to the question that has been asked by the Honourable Member, that a simple removal of a one-half a million dollars worth of expenditures would automatically result in the removal of a half a million dollars worth of local taxation. This I could not give any encouragement to. The whole package would have to be exempt, Mr. Speaker.

Mr. Speaker: Are there any further questions?

*QUESTION RE
L.P.R.T. AND
FRONTIER
PACKAGE
TELEVISION*

Mr. Taylor: Mr. Speaker, I have a question that I would like to direct to Mr. Commissioner. I am wondering if in the intervening period between the election of this Council and now, has the Administration received any indication from Ottawa from CBC as to the installation of L.P.R.T. or Frontier Package Television in any of the Yukon communities?

Mr. Commissioner: Mr. Taylor, I am not aware of any changes in the programming of these installations, anything different from the last information that was given to this House.

Mr. Speaker: Any further questions? We thank the Commissioner for his attendance. We now come to Private Bills and Orders, as there are none we will proceed to Public Bills and Orders.

*BILL #16
FIRST
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill. No. 16, An Ordinance to Amend the Workmen's Compensation Ordinance, be given First Reading.

*MOTION
CARRIED*

MOTION CARRIED

*BILL #16
SECOND
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 16, An Ordinance to Amend the Workmen's Compensation Ordinance, be given Second Reading.

*MOTION
CARRIED*

MOTION CARRIED

*BILL #17
FIRST
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 17, An Ordinance to Establish a Transport Public Utilities Board in the Yukon Territory, be given First Reading.

*MOTION
CARRIED*

MOTION CARRIED

*BILL #17
SECOND
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 17, An Ordinance to Establish a Transport Public Utilities Board in the Yukon Territory, be given Second Reading.

*MOTION
CARRIED*

MOTION CARRIED

*BILL #18
FIRST
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 18, An Ordinance to Amend the Motor Vehicles Ordinance, be given First Reading.

*MOTION
CARRIED*

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 18, An Ordinance to Amend the Motor Vehicles Ordinance, be given Second Reading.

*BILL #18
SECOND
READING*

MOTION CARRIED

*MOTION
CARRIED*

Mr. Taylor: Mr. Speaker, I believe it is the intention of Members of the House to hold a brief Caucus this morning, and I think in view of the noise out in the street that possibly this would be a good time to call a recess for this purpose.

Mr. Speaker: The House will recess for a few minutes.

RECESS

RECESS

Page 135.

Tuesday, February 16th, 1971.

5:00 p.m.

Mr. Speaker: Council will now come to order. What is your further pleasure?

Mr. Taylor: Mr. Speaker, in view of the time, I would move that we now adjourn.

Mr. Chamberlist: I second that motion.

Mr. Speaker: It has been moved by the Member from Watson Lake, seconded by the Member from Whitehorse East, that Council do now adjourn. Are you prepared for the question? Agreed?

MOTION CARRIED

*MOTION
CARRIED*

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

ADJOURNED

ADJOURNED

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order.

Mr. Stutter: Mr. Speaker, rising on a point of privilege, page 132 of Votes and Proceedings, last paragraph in the Question Period, question re transfer of land in Yukon was asked by myself and not Councillor Tanner.

Mr. Speaker: Will Mr. Clerk so note?

Mr. Clerk: Yes, sir.

Mr. Speaker: Are there any Documents or Correspondence to be tabled?

Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker, I have for tabling this morning the Mid-Canada Report and also the Preliminary Evaluation of the Direction for Tourist and Recreation Development in the Tagish, Bennett, Atlin and Marsh Lake Area of the Yukon.

Mr. Speaker: Are there any Reports of Committee?

Mr. Taylor: Yes, Mr. Speaker, the Special Committee on Resource, Environmental Control and Land Use Legislation wishes this morning to give a report. Committee convened in caucus, following Orders of the Day yesterday, and recessed at 4:45 p.m. yesterday afternoon. The following resolutions were unanimously approved by your Committee. "Whereas the Yukon Legislative Council has met with Mr. Digby Hunt and officers of the Economic Development Branch of the Department of Indian Affairs and Northern Development to discuss the provisions of Bill C 187, An Act Respecting Minerals in the Yukon Territory; and whereas we believe that certain sections of Bill C 187, if passed in their present form, will be detrimental to the economy of the Yukon; therefore be it resolved that the leasing, royalty, appeal and regulatory sections of Bill C 187 be amended as follows before the bill is given Second Reading: 1. Leasing sections be amended so that investment capital under section 73(2) of the Act will not be restricted. 2. Royalty sections be amended so that incentives continue for investment capital to be attracted to the Yukon. 3. Appeal provisions throughout the Act be reviewed in order to provide for judicial process. 4. Regulations under section 102, specifically subsections (f), (g), (h) and (i) be incorporated in the legislation." Mr. Speaker, we have a further resolution: "Whereas the Yukon Legislative Council recognizes as a primary concern the protection and preservation of the environment; and whereas the fragile nature of the land north of the 65th parallel requires stringent land use management; and whereas section 3(a) and 3(b) of the Territorial Lands Act provides for consultation between the Governor-in-Council and the Council of the Yukon Territory; therefore be it resolved that the Yukon Legislative Council recommends: 1. The area north of the 65th parallel be designated as a Yukon Land Management Zone. 2. That the Yukon Legislative Council determine other areas as Yukon Land Management Zones. 3. That the General Regulations with the following revisions be enforced in the Yukon Territory: Section 2 under Land Use Operation - Item (a) be deleted; Item (b) - the weight limit be revised upwards; Item (f) - delete the word "road"; section 6 is impracticable as presently drafted; section 7 - Item (c) after the word "remove" add "as far as practicable"; section 9 - delete the word "road" throughout; section 12 is impracticable as presently drafted. 4. That the Yukon Legislative Council desires further consultation with the Government of Canada on these proposed amendments to the General Regulations and any subsequent amendments or additions." Your Committee, Mr. Speaker, asks that these resolutions be forwarded to Ottawa at the earliest possible moment, and your Committee begs leave to sit again.

*REPORT OF
SPECIAL
COMMITTEE*

Mr. Speaker: Agreed? Are there any Bills to be introduced?

Mr. Chamberlist: No, Mr. Speaker, no Bills to be introduced.

Mr. Speaker: Any Notices of Motion or Resolution? Any Notices of Motion for the Production of Paper? As there are no Motions for the Production of Paper or Motions at the present time we come to the Question Period.
Mr. Clerk, would you see if the Commissioner is available?

Mr. Clerk: Yes sir.

Mr. Speaker: We will now have a short recess.

RECESS

RECESS

Mr. Speaker: Council will now come to order. Are there any questions?

QUESTION RE TIMBER HARVESTING Mr. McKinnon: Mr. Speaker, I have rather a lengthy question that I need to press to some extent. I would like to put it to Mr. Commissioner.
Mr. Commissioner, now the experts are saying exactly what Yukoners have been saying for years, mainly, that the intimately related mountain lake and river complex that forms a distinct natural component of the headwaters of the Yukon River situated within the Territory and northern British Columbia, and includes such major water bodies as Atlin, Tagish, Bennett and Marsh Lake together with their appendages, and questionably representing one of the most unique tourist and recreation resource potentials of the North American Continent and particularly of its northwestern portion, can the Commissioner assure that there will be absolutely no timber harvesting on these waters in the foreseeable future?

Mr. Commissioner: Mr. Speaker, the individual is not born who can give absolute assurances of anything. However, I will say in answer to the Honourable Member's question that he is directing his question to the converted, and I have never at any time encouraged my Minister to consider any kind of timber harvesting in the area referred to until there is a lot more information known concerning what its effects might be, not only on the tourist potential but on the whole natural basis of the area. It is on that basis that my personal advice has been tendered to my Minister and it has been the basic content of the information that has been forwarded from this Council. I am quite confident that my Minister is not about to do anything rash or pre-emptive in this regard. I am sure that he will be paying great attention to what has been said around this table, and also, the contents of a special report that was made at Council's request with regards to the recreational potential of the area referred to.

Mr. Speaker: Are there any further questions?

QUESTION RE SCHOOLS ORDINANCE Mr. McKinnon: I would like to, Mr. Speaker, ask the Honourable Member from Carmacks-Kluane whether there is any plans at all to update the School Ordinance, which was last given overhaul in 1962? I feel it is woefully out-of-date considering the present situation in the Yukon Territory.

Mrs. Watson: Mr. Speaker, I can assure the Honourable Member from Whitehorse West that we are certainly looking in this direction and hopefully within the year we will be able to submit some legislation to amend the present School Ordinance.

Mr. Speaker: Are there any further questions? We wish to thank the Commissioner for his attendance. As there are no Private Bills and Orders or Public Bills and Orders, what is your further pleasure?

Mr. Taylor: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and Council resolve in Committee of the Whole for the purpose of discussing Bills and Sessional Papers.

Mr. Chamberlist: I second the motion.

Mr. Speaker: It has been moved by the Member for Watson Lake, seconded by the 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 and Sessional Papers. Is the House prepared for the question? Agreed? I declare the motion carried and the Member for Watson Lake will please take the Chair in Committee of the Whole.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chairman: We proceed this morning with Bill No. 12 and we go to Game Department next, I believe.

*BILL #12
VOTE 5*

Mr. Tanner: Mr. Chairman, in view of the information that has been given us by the Minister of Health, Welfare and Rehabilitation, and in view of the fact that the cost of this department has almost doubled in the last year, I would like to ask the Committee's permission to call witnesses on that vote to further discuss Vote No. 5. I would like to ask that the heads of the Departments of Welfare and Corrections be called in front of this Committee as witnesses to further discuss Health, Welfare and Rehabilitation.

Mr. Chairman: Welfare and Corrections?

Mr. Chamberlist: Mr. Chairman, I am here for that purpose and if the Honourable Member wishes to question me on any matter relating to the information that has been provided in the Budget, I am prepared to answer the questions on that matter.

Mr. Tanner: Mr. Chairman, in deference to the newly appointed Minister of Health, Welfare and Rehabilitation, there are probably, I understand, some thirty pieces of legislation have been considered since the Member was appointed to that position and I would estimate that it has probably taken many months to prepare this Budget and I would ask that witnesses be called to get the further detail, specific detail on any area which I might like to question or any other Member might like to question in that Vote.

Mr. Chamberlist: Mr. Chairman, there is no objection, but, if the Honourable Member would just put forward the particular area and if I am unable to answer his questions, then perhaps it would be necessary to have them call other witnesses, but I am prepared to answer any question related to any matter that is in the Budget.

Mr. Tanner: Mr. Chairman, while I understand the Honourable Member's from Whitehorse East reluctance to call these witnesses, I feel there are many specific areas that the people of the Yukon deserve to have a greater explanation of why this Budget doubled and I personally feel that we have been going through the Budget so quickly that I haven't had time to absorb it, and I either want to go back over it and call witnesses or go back over it and discuss with the Minister of Health, Welfare and Rehabilitation any particular areas and then if he can't answer them, then we call witnesses.

Mr. Chamberlist: I would suggest, Mr. Chairman, with respect to the Honourable Member, that he bring forward the particular area that he has any doubt upon and if I am unable to give him satisfactory answers then he can ask the Committee for further help, but in the meantime at least he should proceed by asking about matters in relation to the Budget as it is before us.

Mr. Chairman: Order please. If it is necessary to call witnesses at this level I believe that we should be able to give these people notice of the time to come in order that they might get their papers together, and also give them some guideline as to what they are to be asked. In other words, what areas are they going to have to answer questions in.

Mr. Stutter: Mr. Chairman, I go along with Councillor Tanner's feeling on this. There are a number of questions and a number of areas too, I can't

BILL #12
NOTE 5

Mr. Stutter continued

be exactly specific at this point, but during questioning periods there are many things that are brought to various Member's attention. We have the same thing happening now, I think that Mr. Dryden is going to be with us from the Department of Travel and Publicity and I don't think there were any specific areas to question him, it is just a question of giving notice that we may want to call witnesses.

Mr. Chairman: Would Committee agree to the suggestion that has been made that ...

Mr. Chamberlist: Mr. Chairman, it is obvious that both elected Members to the Executive Committee must be given the consideration by Members of the Council that our positions now do merit, that is to allow ourselves the right to answer questions relative to our department. Now, Mr. Chairman, I do not show any reluctance at all of allowing witnesses to appear before Committee, but surely, the question should be asked of us first. It may be that as a result of our inability or lack of knowledge in a particular sphere that it might be necessary perhaps to expand the information that we wish to give, in reply to the Honourable Member's questions, and the perhaps, it may be necessary for us to invite the various officers in our department. But to just simply say that -- to call them here without being specific as to what particular questions they wish to ask seems to be an error. I would suggest, Mr. Chairman, that any Honourable Member that wishes to ask questions should put the question forward to either Councillor Watson or myself where they deal with our particular portfolio.

Mr. Stutter: Mr. Chairman, being a little more specific now, there are one or two questions that I personally would like to ask Judge Varcoe in relation to the Wolf Creek Institution. I don't know if ...

Mr. McKinnon: Mr. Chairman, it is with real great pleasure that I rise to support the Honourable Member from Whitehorse North and the Honourable Member from Dawson in their request and if there is anybody that hates to be patronizing towards a person who is at first term of Council, it is myself. I think that once you are at this Council you are all equal and all level, but I think that they finally twigged that the Budget is by far the most important item that they are going to discuss and they are going to see at this table. All the policies of government standing, all the philosophies behind government programmes is entailed in that book that Members are now studying. Now particularly, for Members who are for the first time at this table, to be able to question the department head on the background of government standing, on the philosophy of the programmes that are in existence and are continuing in the Budget, on the new programmes that are going into effect, there could be no greater experience and value to a new Member than at least at the first budget presentation, to have these people here to be able to answer these questions. I know that it was always the tradition of the House that at least for the first budget the departments were always here, questions were put and there was no greater education to Members at that time than finding out just how the department works in having the department heads here. I don't think that there is anything uncomplimentary about the Members that are in the Executive Committee in any way, shape or form, it is just that the department heads have been at that department for years and years and years and would be very helpful and valuable to Members of Committee at this time. I think there should be no -- it should just be accepted without any discussion, whatsoever, as it always has been in the past, that when witnesses are requested and required to come before Committee that the House has always given that consent to any Honourable Member. I think that this would be another tradition that would be wrong to be changed in this House, the one that I would hate to see changed.

Mr. Chamberlist: Mr. Chairman, I listened to the last remarks of the Honourable Member from Whitehorse West with a little bit of sorrow really, regretfulness that he should now have changed from the principle that

Mr. Chamberlist continued

has been imbued in him in regard to Responsible Government in the Yukon Territory. I recall the Honourable Member indicating that the time will come around when those people who are responsible for certain departments should have to be called upon to answer for their departments. He now says no, we will change it. Now this is a ...

BILL #12
VOTE 5

Mr. McKinnon: I rise on a point of order because the Honourable Member knows my philosophy behind the emergence of Responsible Government has always been a transitional period. I have never said that there is going to be an abrupt change from one government to another. If he goes back on any speeches that I have ever made in the area of Responsible Government I have said that eventually this would happen, that there would be a transitional period when the Elected Members and Administrative Members would be working together and that is exactly what I am proposing at this time. I am not changing one iota and that is a fact.

Mr. Chamberlist: Mr. Chairman, this seems to be a little bit different now to what was the intent. The intent was quite clear. I say this much, Mr. Chairman, that I think that Members of this Committee would be doing harm unto themselves now if they asked, prior to giving the Executive Members the opportunity to answer their questions, they ask the heads of departments, Civil Service heads of departments to answer the questions in deference to elected people who are heads of those departments. In exactly the same way, Mr. Chairman, it would be really something if the Deputy Ministers were called into Parliament when the Cabinet Ministers were sitting in the House prepared to answer questions on behalf of the government. As I have indicated, Mr. Chairman, I think that it is wrong for Members to press this particular issue, but, I would like to give the assurance that, if as the result of any questions that are asked, that I am unable, and I am sure that the Honourable Member from Carmacks-Kluane will agreed with me, that if she is unable as well to answer specifically or with sufficient information because of the newness of the situation, the answers to the questions that would be asked, there would be no objection to having further witnesses brought in to give any information and help the Committee Members in their deliberations over this Budget. But, I would ask all Members, Mr. Chairman, to help us and help everybody to make this new scheme work, and the only way I suggest it can work is by some of you, all of you in fact, putting your confidence in your Executive Elected Member so that we are in a position to answer any questions put to us.

Mr. McKinnon: Mr. Chairman, this is where the Honourable Member from Whitehorse East is making such a big mistake. He believes that because two Members of the Executive Committee from the elected representatives sit down regularly, that we come a Responsible Parliament overnight. He has got to shake that fact from his head or the system is completely unworkable. We are still a representative irresponsible government the only difference has been that we now have two Members who through the grace of the Minister of Indian Affairs and Northern Development are allowed to sit in with three of the officers of the Indian Affairs Department and put some political input into it. Nothing else. You can't become, and you can't start using all the traditions and all of the forms of a responsibly elected parliament overnight just because that thing has happened. The only way that it can happen is through the co-operation and the consultation between elected and appointed Members to the point where finally the elected Members are able to through their abilities, and -- through their proven ability to get things done and take over the direction of the Executive Committee. Until that point in time happens and until that point in time when the Minister is willing to admit that that point in time has come, and is happening, then, we still have to have the co-operation and we still have to have the ability, and we still have to have the direction of people who are the superintendents of departments and people that we are able to ask questions, and get some direction and answers from as to the background of their departments, and as to the direction of their department. I think, Mr. Chairman, that the Honourable Member from Whitehorse East is taking it as some kind of a personal umbridge that Members ask that they be allowed to question the superintendent of his department on policies of that department. I don't think that it has to be taken this way. I don't think that there is any reason why we can't see the

BILL #12
VOTE 5

Mr. McKinnon continued
superintendent of the Department of Welfare, the Department of Corrections answering questions that Honourable Members want to put to them, is in any way taking away from the input that certainly the Executive Committee Members are making to government. Just because of a slight change in government you don't have a parliamentary responsible body overnight and if the Honourable Member loses sight of that fact then the fact of the Executive Committee is not going to work at the present time.

Mr. Chamberlist: Mr. Chairman, there can be no dispute, not even by the Honourable Member that has just spoken, as to my personal feelings about Responsible Government. Certainly, there is a responsibility on all Members of Council to attempt to proceed toward Responsible Government. In the process of proceeding towards Responsible Government is by recognizing the fact that Executive Members who now are working in conjunction with appointed administrative people, are in fact those people who can reply to questions relating to specific departments that form part of the Executive's portfolio. Now when the Honourable Member from Whitehorse West suggests that it is necessary to question the superintendents of departments with reference to policies, I think that goes into the area of ludicrous questioning, because, the policy of any particular department are policies that were laid down by the Executive Committee. Therefore, it would be very easy to recognize the fact that the elected Executive Members of the Executive Committee are aware of the policies relating to the departments. So therefore, they are in a position to answer those questions. Mr. Chairman, there is no reluctance to supply or allow witnesses that any particular Member of Council wants but surely, there is a responsibility of Members of Council to at least let on as to what the questions are to be. If the questions are such that the Executive Members in Council can answer, why use the time of people in the Civil Service who have their work to carry on with. Now, isn't this a waste of time? Certainly, there is no objection, as I repeat, to these people coming but why not allow the Members to be asked the questions and then if the questions are unanswerable it would be the onus upon the Executive Members themselves to call in their officers of their department. I hope Members of Committee will reconsider the request that was made.

Mr. McKinnon: Just one final comment, Mr. Chairman, the mistake that the Honourable Member makes again, is that the prime responsibility of the Members of this House is not to make the Executive Committee work, the prime responsibility of each and every Member of this House is to the constituents and the people who put them in the seats that are here, and, if they feel that they have to have department heads to be able to answer questions so that they can satisfy themselves to responsibly represent the people that they put here, that is their prime function and their first function and their first duty, not to have to make the Executive Committee work.

Mr. Chamberlist: Mr. Chairman, let me say this. It is fairly obvious too, in reply to the last remark that the Honourable Member from Whitehorse West wants Members of this House to ~~diverse~~ divest themselves of the Executive Members so that I would say quite bluntly, the political expediency bypass the Executive Members. Now, there is no doubt in my mind what the game of the Honourable Member is, and let me make it quite clear that this is going to be a continuing thing for some years. I say it is improper, Mr. Chairman, of the Honourable Member to take that attitude that he should participate in helping the Executive Committee Members from fulfilling the function that we must fulfill so that eventually we can have that responsibility of government that the Honourable Member from Whitehorse West has been seeking for himself and for the people of the Territory for so long, in which I have been supporting him as well.

Mr. McKinnon: Mr. Chairman, I don't need superintendents here to realize what a botch that the Executive Committee has made of the Budget, I have been on the Budget long enough, and been around long enough so see that. Of course, I will have much to say on it in future, and I hope that I will be able to show where there has been very basic mistakes made in the formation of this Budget. How am I expected to support an Executive Committee

Mr. McKinnon continued

BILL #12
VOTE 5

when after my experience in budget making and thinking that I know the public of the Yukon Territory, I see this document that is placed before me as a budget for 1971-72, which I disagree with. Certainly, I have made up my mind and I know through my experience of going through this, that I am saying, that other Members and the new Members of Council certainly deserve the right and the ability to be able to question and to be able to probe that this is the primary function, prime responsibility for being here, and they shouldn't be refused the ability to do this. If they ask for witnesses to appear before this Committee, then, that right should be given to those people asking for those witnesses. I am saying nothing else. I will support them in their desire when they ask for witnesses to appear before this Committee. It is as simple as that.

Mr. Chamberlist: Mr. Chairman, they haven't asked for witnesses yet. They have asked if witnesses could attend. The answer is yes, they can, but, that I would suggest that they put their questions to the Executive Members first, and if the questions cannot be answered, by all means, every facility will be given so that the witnesses do attend.

Mr. Chairman: Just in speaking from the Chair on this matter, I think, we have had sufficient debate. It is generally the policy of Committee, more particularly in the area of the Budget, to permit witnesses to come at the request of Committee under certain rules, the rules being that we give notice to these people and generally advise them what the line of questioning may follow. Also, insuring that these people can get here that they are not tied up in other areas. The Chair would agree that if the position of discussion was to ensue in relation to Welfare or Corrections that the director of those departments should be here to assist the Minister in any discussion along this line. The Chair also notes as well that this is a new venture for many Members and it is a very good thing if they can become acquainted with all the little administrative problems that exist in this area or in any area. It is also well to recognize that we will also ask the Director of Travel and Publicity on the same basis. In view of the fact that at least three Members have expressed the desire in this direction, the Chair would agree, and if Committee would leave it with me, possibly, between myself and the Minister we can arrange the time and place. Agreed? We will proceed then to Vote -- we have something in Capital first, if you will go to your support sheets on page 6, under Game 2723 - \$6,250. That is under Vote 20, Project and Loan Capital, itemized on your support sheet on page 6 under Game. Are we cleared on this Item?

Mr. Commissioner: Mr. Chairman, basically replacement of normal equipment in the department and a certain amount of new equipment concerning expanded duties of the game guardian and the game officer.

Mr. Chairman: Any further questions on this item? Then we move to Vote 7. The first item we have is under Salaries and Wages - \$78,487.

VOTE 7

Mr. Commissioner: Details of that are in 7/9.

Mr. Chairman: Have you any further questions on Primary 51, Salaries and Wages?

Mr. Tanner: Mr. Chairman, I have one question. If the Land Use Regulations as we have seen in the past few days are implemented, is there any way within this department that a number of people will be involved, will they be increased because of that or is it strictly always enforced by Federal officers?

Mr. Commissioner: Mr. Chairman, I would be very hopeful that at least in the first instance it would be by Federal officers, because we simply do not have the capability or manpower or, we just simply don't have that kind of confidence, Mr. Chairman. I am not aware of any negotiations or any conversations that would infer that the administration of these Land Use Regulations would be anything other than a Federal responsibility.

BILL #12
VOTE 7

Mr. Chairman: The next item is Training - \$2,000. Advertising - \$1,200. Travel and Living Expense - \$13,500. Special Services - \$4,000.

Mr. Tanner: Mr. Chairman, is it the policy -- is it going to be the policy of this government to continue the wolf bounty? It is obvious next year, they have put it in the estimates for next year, but, is it going to be a continuing policy and could I have some enlightenment as to the reason why we have got to have a wolf bounty?

Mr. Commissioner: Mr. Chairman, this has been going on since roughly the Year 1 and I can assure you that our life would be imperilled if Members of this Council decided to suggest that the wolf bounty be removed in the foreseeable future.

Mr. Tanner: Mr. Chairman, I am not completely happy. In Year 1 Phaneuf was sitting watching the waves rush over his feet, I can't see what that has to do with it at all. Secondly, I don't know why our lives will be imperilled if they cut out the wolf bounty. I am not an expert on wildlife, but as I understand, by shooting wolves you are breaking up the natural evolution of animals, predatory animals, in the Territory. I would really like to have further justification why we have a wolf bounty, particularly, when it is costing the taxpayers of the Yukon \$4,000.

Mr. Commissioner: Mr. Chairman, it is at the insistence of prior Councils, and I would refer you to the Votes and Proceedings starting particularly about 1957.

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

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, the wolf bounty was designed for two reasons. One was to attempt to exercise some control on wolves in the Territory, because, when you talk about upsetting the balance of nature, also we are shooting game in the Territory as well and we are, man is, upsetting that other side of the fence. Wolves do get too populous; as a matter of fact, right now in the cold weather with this crust on the lakes the wolves will be killing much, much game because, they can run on top of the crust. It is pretty hard to describe the mess that they make and amount of game they kill. The other reason was to offer to the trapper a means of -- an incentive to go and shoot a wolf and it also makes it possible for him to pick up a few dollars on what is a very oppressed living in the Territory. I have no doubt in my mind that we are buying a lot of B.C. wolves, that part of it I don't buy, and indeed, Northwest Territories wolves. All in all, I think, that this is a programme that is not doing any harm and for the amount of money, \$4,000, I think, it is a useful programme and it should be continued during this next budget year.

Mr. Taylor resumes the Chair.

Mr. Chairman: Anything further on the wolf bounty?

Mr. McKinnon: Is there a baiting programme in operation also for next year's budget, Mr. Chairman?

Mr. Commissioner: Mr. Chairman, item 64 includes the provision for poison baits etc. used for predator control.

Mr. Chairman: Materials and Supplies - \$5,200.

Mr. Commissioner: Primary 64.

Mr. Stutter: This same programme has been carried on in some of the other provinces for some time and I know, of at least two provinces that have decided that it is detrimental and have cut it out completely. I wonder if there has been much thought given to the possibility of changing the policy in this respect. There has been a lot of information come to light

Mr. Stutter continued

in the last few years, perhaps, we should really reconsider the programme.

BILL #12
VOTE 7

Mr. Commissioner: Mr. Chairman, the problem is involved in our scientific study which comes under the terminology of game biology, and the provision of a person which has scientific knowledge in the Game Department in the Territory is under consideration at this time, and if provisions, I don't believe it has been requested in this year's but certainly will be, I am quite confident, requested in next year's budget, to have such an individual with these kinds of capabilities. Then the very questions that are asked here will be answered on a proper scientific basis and not on an emotional basis. The use of Canada Wildlife Services in this regard, while it has been very useful up to this point, is just no longer adequate for the management of our game resource, as this is a resource which is proving to be of more value as time goes on, adequate protection on a scientific basis is absolutely necessary. The required professional people will be getting requested in the near future of this Council. Then such questions as have been asked by the Honourable Members at this time will be based on proper scientific knowledge of the Yukon Territory, not whatever is going on in Manitoba.

Mr. McKinnon: Mr. Chairman, I think that these answers are probably pretty well available if we had the services of Dr. Pearson, the resident mammalogist and Mr. Fitzgerald, the Game Director. I think that these are an excellent area to hear the pros and cons of a predator and of wolf bounty control. From what I have read recently on wolves, I am realizing the danger of the upsetting of the balance of nature. My first instance would be to be on the side of the wolf at this moment, until somebody can prove me different. That is that where predator control and baiting control is being proven in most other jurisdictions is not the answer to the killing of wildlife and it does more damage than it helps. I think that the experience of these two men in the Yukon, the years of experience they have had in the Yukon, would be a great help and if Mr. Chairman could set up and other Members would agree a meeting between Council and Dr. Pearson and Mr. Fitzgerald, I think it would be a very helpful exercise. I would be willing to suggest that if Council would agree.

Mr. Chamberlist: There should be no objection to this, as long as this isn't a condition precedent to this policy item which would make the whole budget extend on for another three months before we could get it completed. Certainly, we have no objections to having meetings with these people.

Mr. Commissioner: Mr. Chairman, these men are readily available.

Mr. McKinnon: Mr. Chairman, we are talking about \$6,000 of money. Now is it a worthwhile expenditure or is it not. I think we should find this out at the Territorial level without having to wait a year so we shall bring these people before Council as I have suggested.

Mrs. Watson: Mr. Chairman, I don't think that we are looking at \$6,000, Councillor McKinnon, it is only one part of the provision, one of four or five items.

Mr. Chairman: If Committee would agree I will attempt to set up a time. At this time we can meet with Dr. Pearson and Mr. Fitzgerald. Agreed? At this time I declare a recess.

RECESS

RECESS

Page 145.

Wednesday, February 17, 1971.
11:00 a.m.

Mr. Chairman: At this time we will call Committee back to order, and we have with us at this moment, Mr. Murphy, who is the Director of the Department of Health, Welfare and Rehabilitation. You may proceed.

BILL #12
VOTE 5

Mr. Tanner: Mr. Chairman, are we going to have the other gentleman here as well?

Mr. Chairman: Well, I believe this will come at the point of Corrections. I believe you want to discuss Welfare and Corrections.

Mr. Stutter: Mr. Chairman, I particularly would like to have had Judge Varcoe answer the question of policy more than anything else. In no way am I suggesting that -- Councillor Chamberlist, it is just some of the questions that I would like to ask in the presence of Judge Varcoe, if possible. If it is not possible, I realize that he is not obligated to come.

Mr. Chamberlist: Mr. Chairman, Magistrate Varcoe does not, at this point form any part of the Yukon Territory.

Mr. Chairman: Any questions relevant to Welfare?

Mr. Tanner: Mr. Chairman, if I might ask, we have an item on Vote 5, 5/3, Venereal Disease Control.

Mr. Chairman: That is the next question, Councillor Tanner.

Mr. Tanner: Oh, I am sorry.

Mr. Stutter: I do have a question regarding receiving homes, Mr. Chairman. Am I in the right department for that? Now, regarding receiving homes, I am wondering if the possibility of putting these children in private homes has been explored thoroughly. I realize that with the construction in the budget, under Capital, we have an amount of \$50,000.00 roughly for the construction of a new receiving home. Now, once we built this receiving home and are committed to the use of it, from there on, costs each year, I am guessing here, will be in the neighbourhood of about \$10,000.00 to \$12,000.00. In a question that I asked Councillor Chamberlist yesterday, or while we were on the budget, I was given to understand that there would be from 8 - 10 children in this receiving home. So the cost of operating the home alone is in excess of \$1,000.00 per child. I am wondering, if the possibility of private homes has been explored.

Mr. Murphy: Mr. Chairman, yes it has, and in the northern area there is a great shortage of private foster homes, and the object of a receiving home of course is to have a receiving unit for the children who are apprehended for neglect, sometimes whole families can be placed, and to give the social worker and the Department the time that is needed to assess these children's problems, or to decide whether there is an application going to be made to court for their courtship; or whether they are going to be returned to their parents. It is a temporary type of home. It is also used to keep siblings together as a family unit if they are going to be in care let's say for a period of 4 - 6 months. It is not a long term placement facility by any means, but in the northern area we have had to use the Receiving Home in Dawson City for this purpose because of the shortage of private foster homes, and the cost of operating the receiving home, if a child would be placed in a private foster home, it would amount to approximately \$1,200.00 a year for maintenance only. The rate is approximately \$90 - \$100 per month per child in a private foster home, depending on the age of the child, of course.

BILL #12
VOTE 5

Mr. Stutter: Mr. Chairman, do you have any breakdowns of -- perhaps they are even in here, perhaps I have overlooked them. Do you have any breakdowns of what it is costing per child in some of the other receiving homes, or have you made an estimate to this particular receiving home that is being planned.

Mr. Murphy: Yes, the receiving home that we are operating in Dawson at this present time, the Department owns the house -- or the government owns the house, I should say. We are paying, I believe it is, \$5.50 or \$6.00 a day per child to the house parents. It is a privately operated home, and they are not on staff. Also we have homes in the Whitehorse area. It depends of course on the number of children in each home, and the number of days that care is provided. Some homes are family group homes and will accommodate 10 children, and others are larger facilities that can accommodate 20 - 25 children. It will depend on the number of days of care that can be provided within the facilities. Our rates in Whitehorse vary from \$4.75 a day to \$6.00 a day. For the children in the handicapped home, of course they require very specialized care. The rate that we are paying there is \$9.00 per day, per child.

Mr. Stutter: Mr. Chairman, this receiving home -- it is operated on a year-round basis, am I right there, or is it just during the school period?

Mr. Murphy: Year round.

Mr. Stutter: Then even at \$5.00 a day, 365 days per year, this comes to \$1,800.00 per child, at \$5.00, and you say that in some instances it is as high as \$9.00, which will put it well in excess of \$3,000.00. I am wondering, in looking into the possibility of private foster homes, have the people that have been contacted been assured that this is on a year-round basis. I can understand why perhaps individuals would not be willing to take a foster child if it was just for a period of a few days at a time, and I know of some instances where this has happened.

Mr. Murphy: It is not the matter of that we wouldn't like to place some of these children in private homes. It is the shortage of these homes and the increasing number of children coming into our care. There are a large number of foster homes -- private foster homes, which have children of ours that have been there for quite a length of time. These are long term foster homes, and they more or less have these children on a permanent foster home basis. At least there are a number of foster homes that we have which we call group foster homes, and these homes will accommodate, we'll take for instance 6 - 8 children. We have a number of these foster homes, and where the number of children exceeds say 5 or 6 children, we pay these foster homes a special rate because of the number of children they are caring for. But there are very few of these as far as group foster homes in the Yukon, and many reasons for this of course, in the outlying area the lack of accommodation is not large enough, or where they have families of their own, but we have been more or less forced into the development of our own child care facilities because of the increasing number of children coming into our care, and the lack of private foster homes, because there are many children that are coming into our care that have special problems that private foster homes can't cope with. The rate, as I said, for these child care facilities varies according to the type of these facilities, and the number of children in their care.

Mr. Chamberlist: Basically in the northern area, the requirements for a receiving home, and it has not been indicated, whether this receiving home would go into the Mayo district or the Dawson City district, but basically the requirements for a receiving home in the northern area is because there are more children coming into the care of the Department than there are people who are willing to take foster children

Mr. Chamberlist continued.....

available, and this is the reasoning behind the needs to construct a home of this description.

BILL #12
VOTE 5

Mr. Tanner: As a supplementary to the question that Councillor Stutter is asking, what actual programme has the Department undertaken to ascertain whether there are enough adoptive or foster parents? Have you advertised? On what basis do you reject them? What criteria are you looking for in this type of form?

Mr. Murphy: We are always looking for foster homes and adopting homes. Also we have had a number of campaigns, adoption home campaigns, not recently though. We have advertised in various church bulletins. We've had our social workers and supervisors speaking to various groups around the community, and in the outlying communities, as well. I spoke in Mayo a few months ago, and our social workers in the area also make this need known in various ways to the community. The criteria of course is the policy that has been set down in the Welfare Department's Programme Policy Manual. Certain criteria has to be met, but it is not very rigid by any means. We look mainly for good people who are able to give affection and love and understanding to a child. We don't mind if they live in a trailer, or whether they don't have a separate bedroom for the child. We assess the people themselves as to their potential for looking after children, and our criteria is not rigid by any means.

Mr. Tanner: Mr. Chairman, what financial responsibility would you expect in a foster or adoptive home?

Mr. Murphy: Just that the adoptive father has a job. There is no set amount of money that he should earn, there is no criteria to what kind of home he must have.

Mr. Stutter: Would your Department, Mr. Murphy, prefer that these children be placed in private homes, or in actual fact, would you prefer that they are in receiving homes, and maybe you can enlarge on whatever your answer is.

Mr. Murphy: No, it would depend on the area -- the type of child that comes into care, Mr. Chairman. We, of course prefer foster homes, private homes for the normal child that is not handicapped in any way, but as you probably appreciate, there are a variety of problems that accompany a child that comes into our care. A child may be blind, partly paralyzed, severely retarded, severely emotionally disturbed, and private foster homes, as I said, simply can't handle a child of this kind. This is why we need our specialized child care facilities. We do prefer to use private foster homes for the child without any special problems, and we are using -- at the moment our foster homes are used right to the limit, full capacity right now. In fact, some of them are really overcrowded. The people are so good-hearted that they will take the extra child into their care, and we do have more foster homes than we do have any other type of home.

Mr. Stutter: One more question, Mr. Chairman. You used the word a minute ago of "adopt". Is this a requirement of a foster home, is adoption -- you also mentioned that in the case of the Dawson Receiving Home that the couple looking after the home are not staff members. They are just, well, we should say -- I suppose, they are casual. Now if they're on a casual basis, and they are not staff members, how do you consider that this care is specialized?

Mr. Murphy: They are house parents, we consider them house parents. There are a group of children that need a mother and a father -- substitute mother and father, and this is the role that these house parents fulfil.

Mr. Stutter: But had these house parents any specialized training in the care of these children?

BILL #12
VOTE 5

Mr. Murphy: The ones in Dawson you're referring to?

Mr. Stutter: Specifically yes.

Mr. Murphy: Well, I don't suppose they have. They are a fairly young couple. I don't find any fault with them. They are a grand couple. We do know some of the social worker's assessment of them. They were assigned to this role and we do know that the assessment was a good one and they have very good potential to carry out this job, but in certain other homes we do have trained -- in the Multi-Handicapped Home in Riverdale -- the people running this home have had training with children and a lot of experience with handicapped children.

Mr. Tanner: Mr. Murphy said, that because of the increasing number of children that are coming into his care. How do you account -- I mean apart from the natural rise in population, how do you account for the increasing number of children coming into your care? I may also ask you, how many are the same children coming back, going from one place to another, being shuttled between one institution and another? And why are they coming back? And would you also comment on the fact, that your Department has

Mr. Chairman: I wonder if you could just keep it down to one question, please. It will be pretty hard to remember, just keep it down to one at a time.

Mr. Chamberlist: That is a general expression by Mr. Murphy, as to the manner in which children are taken care off and when they are brought into the various institutions, etc., and placed in the various foster homes. It might give you the general answer.

Mr. Tanner: With respect, Mr. Chairman, does the Department have any figures of the children that are continuously in your care. Do you have any figures -- does Committee have figures of how many children have been put up for adoption, without breaking any privacy of the adoptive parents, or the natural parents. Just one further thing on numbers and figures. Have you got figures on the increase of children which are new this year, not a carry-over of last year, or the year before last; new children within your care.

Mr. Murphy: I might say, Mr. Chairman, this is a lot of statistics to present at the moment. We could submit these statistics by means of a Sessional Paper. This is an awful lot of ground to cover, what you have asked me, Councillor Tanner. I can tell you now -- I do know, that we have doubled our adoption placements this current year, right to day. We've made -- I think it is about 35 adoption placements, as compared with 18 for the whole of last year. Now for a small territory, that is quite a number of adoptions, when you consider that the province of British Columbia will make 1,200 in the whole year. The reasons for children coming into our care, many -- part of the problems of course are the problems within society itself, the fabric of society, the family breakdowns that occur, the high incidents of alcoholism amongst the people -- the parents of the children coming into our care. I believe we can say, that approximately 80% of the children coming into care, come into care because of excessive drinking, or alcoholism, or undisciplined drinking on account of the parents. That is one answer. The other answer of course is the increasing number of unmarried mothers. This of course is no fault of our department; it is the fault of society, and although I looked at our social workers, they said a few pregnancies are going on here, but however there are a vast number of reasons for the children coming into care. I might say that the children are of the racial minority. The majority of children coming into our care, and I suppose you are aware of the cultural problems amongst these native people.

Mr. Stutter: I wonder, Mr. Murphy, if you have any figures at all that will indicate, how many of these child welfare cases later become adult welfare cases. I mean, it would seem to me that if these children

Mr. Stutter continued.....

were in private homes as against an organized home, or receiving home, that the chances are that they wouldn't go beyond a child welfare case. But once they had become adopted, we'll hope that they will be adopted, the problem then would gradually get out off your hands rather than becoming another statistic later on.

BILL #12
VOTE 5

Mr. Chamberlist: They would come under Public Assistance then.

Mr. Stutter: I realize this is true, but not to such a great extent.

Mr. Murphy: Well, this would mean a tremendous review of our case files. We do have an awful lot of children coming into our care. I could tell you how many children have been placed for adoption over a specific period of time. I could tell you how many children have gone on, you know, to further their education, how many children have gone back to their families. I can't tell you what they have done after they reach the age of maturity. We lose track of a lot of these children. I know that a number of the children we have had in care, at the time that we got them into care, the damage was done, and I know a lot of them are patrons of the institution up on the hill. Not a very large number, but a number of these. I wouldn't say, that our child welfare cases become adult welfare cases. I would reject this outright, and would be prepared to defend this. If I had to spend a week digging out the statistics, I would do it. But I know from my experience this is not so. There is more positive work done with these children, then there is -- they do not become the burden of society, and I think our child welfare programme is more positive than that.

Mr. Tanner: Mr. Chairman, you used a few examples of why you are getting more children on to the Welfare, that I have to pay for. It concerns me that I have to pay for them, but what concerns me more, is the fact that you say "alcohol". The gentleman that we had in charge of alcohol is no longer with us. I don't see anything in your programme to combat alcohol. That concerns me. Unmarried mothers. If we are getting more unmarried mothers, what is your Department doing -- I mean apart from the obvious. What is your Department doing to stop the unmarried mothers -- what education are you giving them? Why this year do we have twice as many children on the welfare roll, and why is your problem not basically the fact -- that you are keeping money out, or maybe even inducing a worse problem by not getting the -- to the root of the problem.

Mr. Murphy: Well, Mr. Chairman, all I can say, is that Welfare is blamed for "damned if we do, and damned if we don't". So, this problem of family planning or sex education is not in our domain at all. We are set up to provide certain statutory functions and this is what we do. I.e. we are picking up the mistakes of other agencies, of other people, of other groups. Unmarried mothers -- I can't say how we are going to reduce the amount of unmarried mothers, when 85% of them come here from the provinces. You know, they come here to visit their relatives and they meet some daring Yukoner when they get here, and these are problems outside of our jurisdiction.

Mr. Tanner: Mr. Chairman, let me maybe give you one illustration of where you are not attacking the problem -- I don't mean, maybe your Department might refuse this. Presently you have 16 people on your administrative staff and 14 people in the field, if we can believe these figures here. If there were 10 people on the administrative staff and 20 people out in the field, I think you have some of your problems solved. I think we are spending our money in the wrong areas. I don't think these kids want to be administered to, I think they want to be helped physically. Would you comment on that please?

Mr. Murphy: Well, Mr. Chairman, I agree, we should have more social workers. Any director or officer would support you in that respect.

BILL #12
VOTE 5

Mr. Murphy continued.....

You never have enough. All I can say again is that the people in the community are not seeing the work that is being done and the preventive work that is being done. Now the Child Protective Services, for instance, you see -- a couple of hundred cases a year. Now these are all cases that have been worked with by social workers providing intensive counselling to prevent the children from dealing with the family problems, to prevent the children from coming into care, which will then cost the taxpayer more money. We can't stop all of this. The administrative staff, we must have certain administrative staff to carry out the programme, certain statutory responsibilities, certain cost sharing agreements, certain statistics that are requested from time to time by the Legislative Council or by members of the public. You've got to have administrative staff to produce these statistics. I know there is always one complaint -- being a taxpayer myself, I am aware of it -- there is more administration cost than there is programme cost. I think that is your point, but I think that in this budget, more programme cost -- you'll look at the percentage of the budget that is allocated for the aged, the services for the aged, for the children in care, for public assistance, and to administration. I think, you will find it is very small.

Mr. Stutter: Mr. Murphy, perhaps this is rather an obvious question, but in your adult part of welfare, do you have an active birth control programme? Now I am not suggesting that just because somebody is on welfare, they don't have the right to have children, but in many instances they -- or rather, these people don't even know what birth control is. Do you have an active birth control programme?

Mr. Murphy: No we don't.

Mr. Stutter: Why not?

Mr. Chamberlist: It is not the function, Mr. Chairman, of the Department of Welfare to have a birth control programme. Certainly if another agency wishes to put on a programme of advising the public on birth control and that maybe is that, but it is certainly not within our jurisdiction to supply birth control procedures and advice to people.

Mr. Stutter: Maybe I should rephrase that question. If one of your adult charges comes to you, asks for specific information regarding birth control, will you give it to them?

Mr. Murphy: No, Mr. Chairman, we will refer them to the Public Health Department or to the medical practitioner, and I might say that our social workers have been carrying out this referral service for some years, particularly with our protection cases.

Mr. McKinnon: Does the Public Health Service have an active birth control programme?

Mr. Chamberlist: The Public Health Service will advise at any time any person that goes there requesting advice on birth control procedures.

Mr. McKinnon: If these people are on welfare, will they provide them with contraceptive devices free of charge?

Mr. Chamberlist: Well, I don't know if we got into that particular sphere, but perhaps that can be taken under consideration. I think that should be checked, and it might be a worthwhile project to look at. And perhaps if Mr. Clerk will take a note of that, we will get some information forward on that.

Mr. Stutter: I have just one further question. Mr. Murphy, if you had more field workers, could you see a possible reduction in the number of welfare cases, and I would have asked the question if Mr. Ogison had been here; I would have asked in his case, if there were more

Mr. Stutter continued.....
probation officers, would there be a chance of less welfare cases?

BILL #12
VOTE 5

Mr. Chamberlist: I would like to answer that. With reference to probation officers, I will have Mr. Ogison here this afternoon, and I would ask, Mr. Chairman, the Honourable Member to put his question forward at that time. With reference to the prior question that was asked, if more welfare workers went out into the field, I am sure that there would be more work found quite easily for the welfare workers and there would be more welfare children as a result, because there are only so many children that the workers can handle. That's the situation as it is now.

Mr. Murphy: One last observation, Mr. Chairman, I think perhaps this is what happens when we build new homes and build new institutes. Just because the institute is there, we have to keep them full.

Mr. Chamberlist: No, not necessarily.

Mr. Chairman: One question from the Chair just before we continue. I know we don't have much time left, but when I first became a Councillor, some nine years ago, it was indicated to me that there were many people who really should be on welfare, children who should be in care and custody in the Territory at that time, but due to the lack of personnel to find these children, they didn't come into the care. Is this still the situation now, or is it changed?

Mr. Murphy: No, I think we pretty well have the situation covered. We are proposing extending our field staff in the new fiscal year. I think the case loads that the social workers are carrying now are quite satisfactory. No, I think we have -- a few years back, 8, 9 or 10 years ago, I would say yes. We only had two or three social workers then. This is the result of a lot of children who came into care later on. The damage was done at that time, but I think as far as child welfare is concerned, the programme is a very effective programme.

Mr. Tanner: Mr. Chairman, could I ask two questions here. First of all, you used the expression "racial minority". Are we talking about non-status Indians? Well, Indians don't come within your jurisdiction.

Mr. Murphy: Oh yes indeed, under child welfare. Child welfare is a legislation that was put into effect by the Council and it covers all children in the Yukon Territory.

Mr. Tanner: Do you recover your cost from the Department of Indian Affairs?

Mr. Murphy: Yes, 100%.

Mr. Tanner: Have you ever thought of having an Indian social worker out in the field?

Mr. Murphy: Yes.

Mr. Tanner: Have you got any?

Mr. Murphy: No. We are proposing for case aids -- we are proposing in the budget -- we have already contacted the Vancouver City College, who -- this College provides a non-professional welfare course, and there are two Indians, one young Indian fellow, and a young girl, they are willing to come to the Yukon, providing this is approved. Our plan is to hire Indian people as case aids and put them out in the community.

Mr. Tanner: Mr. Chairman, just as a thought, and I am throwing this out just for what it is worth, have you ever thought of using some of the people who are on welfare as case workers? Why do they have to

BILL #12
NOTE 5

Mr. Tanner continued.....

have a degree from Vancouver or some sort of training from Vancouver. I admit they need some kind of training, but if they are working with a social worker out in the field? Would you not have somebody in the Yukon employed who is presently on welfare and doing probably a more reasonable and understanding job than somebody brought in from outside? Why do we have to bring people in from outside in this case? You might have rules and criteria set up, but sometimes the rules and criteria are not in the best interest of these people you are trying to help.

Mr. Murphy: When you are working with children, or child welfare, in the field of protection services, you usually need someone with some kind of training or experience. To my knowledge there is no one on our welfare case load that could fulfil a role like this. We have one volunteer case who assists us during the winter months, who happens to be a member -- a highly respected member of the community. He volunteers his time during four months out of the season when his business slows down. He does this to help us out, and this reduces the need for additional case workers.

Mr. Tanner: Just one other thought. I don't think we want a highly respected member of the community. I think we want the people who are in trouble, helping the people who are in trouble.

Mr. Chamberlist: With respect, Mr. Chairman, Mr. Murphy did not indicate that it must be a highly respectable person, he was just indicating that there was one person who is on a volunteer basis, and he is highly respected in the community. He did not say that they have to be a highly respected person in the community.

Mr. Murphy: I probably should have said, the only one that volunteered to give his services to us free of charge, and we appreciate it very much.

Mr. Commissioner: Mr. Chairman, I think that the whole question of -- what the overlapping of the questioning this morning has been all about really gets down to the policy that the community is looking for, and that is concerning rising expectations at the level of social services that are provided. Now what was an acceptable level of social service, and I use this across the spectrum of Mr. Murphy's responsibilities here, what was accepted within the community 10 years ago is not accepted today, and there was no use of trying to identify on an individual item basis. Where the costs of social welfare are rising, is a question as to what the total community expects, and with respect, Mr. Chairman, last year at some point in the Council Session, I believe it was during budget discussion, there was considerable chagrin expressed by the Councillors as a consequence of a petition that was presented to Council or to individual Councillors by a group of people who were foster home parents, and the question of the rates paid to these people. It was at that point that Council was -- asked us to review these on the light of the standards of service, or the standards of living that were expected to be maintained in these homes. Another area in which the Council asked that the Administration partake a very liberal view, with regards to assisting in the financing of the local Family Counselling Service, and I think that you will still see an item in your Budget, I believe \$9,000.00, if my memory serves me correctly. I think this has come down from an original item of I believe \$15,000.00, then to \$12,000.00, then to \$9,000.00, on some kind of participating basis. Another area in which the Council asked the Administration to take a very close look at their programme was with regards to the subsidization of the parents whose children are using the day-care center here in Whitehorse. Now, what I am getting at is, this is the level that the public are looking for these services to be provided at. Now, the provisions of the services, and the level at which they are to be provided, is really the total criteria, Mr. Chairman, and I simply suggest, that it is not a matter of

Mr. Commissioner continued ... *BILL #12*
providing or not providing a service. I don't think it is any question *VOTE 5*
about this at all. It is of what level the services are to be provided.
This is where the escalation of these costs, to a very marked degree,
are coming in. I may say also, Mr. Chairman, that it is not a fair
statement to say that the Welfare budget has doubled from last year. I
told Council at the opening of the last Session that there would have to
be a supplementary estimate tabled during this Session that should take
into account the extra costs that have accrued, particularly with regard
to child welfare. After this has been taken into account in last year's
budget, it starts to put a little bit different aspect on as far as the
escalation is concerned. I simply say this, Mr. Chairman, so Members will
understand that the budget is bigger than last year, therefore, it has to
be supplemented by -- right at the moment, I don't know the exact amount
of money, but that which had to be applied under the statutory requirements ...

Mr. Chairman: I wonder if you have at this time, in light of the time,
have any further questions so that Mr. Murphy could be excused?

Mr. Tanner: As far as I am concerned, Mr. Chairman, Mr. Murphy can be
excused.

Mr. Chairman: Thank you, Mr. Murphy, for attending this Session. I am
wondering -- may I direct a question to Councillor Chamberlist? Will Mr.
Ogison be here at 2:00 o'clock? We will recess until 2:00 o'clock.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee to order. We have with us, Mr. V. Ogison, Director of Corrections who will assist our Minister in any discussion we might have on this subject.

BILL #12
VOTE 5

Mr. Stutter: Mr. Chairman, I have a question to direct to the Minister to begin with. Referring to -- under the Corrections Department referring to 5/66, under the Operating and Maintenance section. Is there any other area within the budget that would reflect more of the operating and maintenance of the Wolf Creek Home or Institute?

Mr. Chamberlist: Such as what in particular did you have in mind.

Mr. Stutter: Well, I have in mind -- if you look through this, we have got an item here, \$121,000 roughly for wages, with the total operation \$126,000. This only leaves \$5,000 for other operating and maintenance. I presume that their meals and everything are served here. There is nothing in this part of the budget, at all, that shows any provisions for meals. There is nothing in the salaries that shows a cook or anything like that. Is there some other area in the budget where this will be taken up?

Mr. Ogison: There is, Mr. Chairman, this is not hidden but it is taken into account in the main institution. All the supplies of food and cleaning materials are made from the institution itself. They are included in 1702 Budget.

Mr. Stutter: I see. Other than this, what connection is there between Wolf Creek and the medium institution?

Mr. Ogison: If I can expand on this, originally, you are possibly aware Wolf Creek was a satellite of the Correctional Institution, and we used to have adult inmates on work crews. When it was taken over for juvenile training, it was thought more expedient to keep the administration in one institution. The man who has direct control of, the Superintendent at Whitehorse Correctional Institution still does this, so that the Assistant Superintendent of the training home reports through the Superintendent to me.

Mr. Stutter: Is there anyway we can get one look at the total operating and maintenance cost of Wolf Creek? I mean, it looks now that we have to keep jumping back and forth through the budget. Do you have any figures other than those shown in 5/66, showing the total operating and maintenance of Wolf Creek.

Mr. Ogison: Not at this time, I am afraid I cannot do this. We have had only one year's operation and haven't come up with any figures. At the end of this financial year, we should be able to give you a breakdown on this. If this is the point that you are trying to make?

Mr. Stutter: Well, actually I wasn't looking for actual figures, but for purposes of this budget in 71-72, I am wondering why in just about all other areas, we have a breakdown of the operating and maintenance ...

Mr. Ogison: Yes, yes.

Mr. Stutter: of anyone particular instance -- or one particular home, and here we don't have it. I am just wondering why?

Mr. Ogison: I think here that originally the budget was shown from the Correctional Institution. When last year we opened it up as a juvenile training home, there were certain other expenses that we had to incur which were not consistent with the normal type of budget for the adult institution. We have shown exactly the something here, and just kept

BILL #12
VOTE 5

Mr. Ogison continued
the cost of operating it, from the point of view of food and other supplies with the institution's. This is for use of administration only, rather than duplicating.

Mr. Stutter: So, in actual fact we are getting quite a false picture when we look at the medium security institution. There are a lot of the costs in -- within that part of the budget that should in reality be part of the Wolf Creek budget?

Mr. Ogison: It does give a false impression of the actual cost, that is right, only as far as food is concerned.

Mr. Tanner: Mr. Chairman, I expect that it also refers to heat, light and water as well. The only basic cost that is shown as far as the juvenile training is concerned is \$126,477 of which \$121,592 is Salaries and Wages, leaving approximately five to six thousand dollars. There must be a lot more costs within the medium security prison which are not shown here in the -- right -- is that correct?

Mr. Chamberlist: Yes, there is one cost for Correction -- there is one cost for Corrections, but in the Corrections Institute are included over-all heating, lighting for both institutions, feeding for both institutions. But, the area of salaries and wages are separated, as to what members of staff are employed in the Wolf Creek Institution and what members of staff are employed in the Correctional Institution. But, the Superintendent of the Correctional Institution is also the Superintendent of the Wolf Creek Institution, but has his administration office in the Correctional Institution.

Mr. Tanner: Mr. Chairman, this is a question directed to the Minister. Could in future, we have that breakdown more distinct, well not this time, I understand not this time but next year could that breakdown be more complete as to both institutions?

Mr. Chamberlist: I think it is a proper request to make, and Mr. Ogison will do that for future, but you will appreciate that the Wolf Creek as has been explained -- the Wolf Creek Camp only went into existence as a juvenile establishment just from last year, so that they weren't able to have a complete breakdown as it was not a full year either, you see. But, they will this year -- it will be a full year -- rather they will be able to bring all these details forward, you see.

Mr. Tanner: Mr. Chairman, I have 6 statistical questions to ask Mr. Ogison. Two of them I think he can probably answer now, and the four I don't expect an answer now, but I would be interested in getting the information. What is the present number of inmates of Wolf Creek?

Mr. Ogison: At Wolf Creek, 13.

Mr. Tanner: What is the present number of inmates at the medium security prison?

Mr. Ogison: As of seven o'clock this morning, 50.

Mr. Tanner: What is the repeater rate at the juvenile training centre?

Mr. Ogison: The repeater rate, I cannot give you a figure yet, because most of the boys who have been in have been committed to their sixteenth birthday, and having been put in only in the last year; they haven't yet reached that age. Some have been released before the age of sixteen and they have graduated as we put it to adults since leaving. Again, we think that we haven't had sufficient time to work with these boys who have been put in after their fifteenth birthday.

Mr. Tanner: In the same context, what is the repeater rate of the

Mr. Tanner continued ...
national juvenile repeater?

BILL #12
VOTE 5

Mr. Ogison: I couldn't tell you that.

Mr. Tanner: At the same time could you give me the repeater rate in the medium security institution and the national medium security -- and the national repeater rate for that?

Mr. Ogison: I can accommodate you in certain areas on that, Mr. Tanner, but I think that the national rate -- it is beyond those published on repeater rates. It depends upon the jurisdiction in which the institution is operating.

Mr. Tanner: Perhaps then you can give us some illustration so that we can make a judgement?

Mr. Stutter: Just going back to the budget a minute, I could ask this one of the Minister. I noticed under the salaries for the juvenile training home, there is no provision for any salaries for a cook or anything like this. Is this again also in the medium security? I see we have three cooks in the medium security.

Mr. Chamberlist: The matron cooks in the juvenile training home.

Mr. Ogison: Yes, what in actual fact we do have is one and a half cooks, if you can put it that way, at the institution. Half the time he spends there and the other half the time he is at Wolf Creek. Of course the cooking instructor is on the other days covering shifts, and the half day that the other cook is not at Wolf Creek his duties are covered by the matron. So, we do have, I think the juvenile training home -- you are quite right, they do not show the cook there, for the sake of convenience the whole cook is charged against the institution.

Mr. Tanner: Could I -- admittedly we understand that this Wolf Creek Institution has only been in operation a year, could Mr. Ogison give us some idea just -- without having the actual figures could you give us some idea of what would you say it is costing per child to keep them in Wolf Creek?

Mr. Ogison: I think that if I talked off the top of my head right now, I would be in danger of doing just that. Because, with the costs presently combined, especially with feeding and other supplies coming from the main institution, we have lumped the total cost of inmate days including juveniles into an accumulative figure which was in excess of \$25 per day per inmate, and that was for the whole of the institution. So, if we were to break this down on a matter of cost basis, it could be higher. Because, these young fellows eat more out there, so the food costs could be higher, the heating costs might be higher. I cannot give you a figure right now, Mr. Chairman, I will try my best to do so.

Mr. Chamberlist: We will bring forward sufficient statistical information to give the Members of Committee an idea of what is going on in the Correctional area of Government, and let you have an idea of the cost of operating it.

Mr. Chairman: Any further questions?

Mr. Tanner: Mr. Chairman, I've got another one. In the staff of the juvenile training centre, I don't see anyone in academic instruction or any sort of training? Is that again included in the medium security institution?

Mr. Ogison: Yes, on that sheet you will see the academic instructor, name of Mr. Drummond. He is the academic instructor for the department. He spends his time between the two institutions. He goes out to Wolf

BILL #12
VOTE 5

Mr. Ogison ...

Creek in the morning and instructs the young fellows there and sets up their homework. He then comes back to the institution to look after adults who are taking training, and correspondence courses and upgrading and this kind of thing. He is part of both institutions.

Mr. Tanner: In the opinion of Mr. Ogison, has he got sufficient -- do you feel -- maybe this is not a fair question but I am -- please, if I am embarrassing you, don't answer the question, but do you feel there's sufficient instructors for both institutions?

Mr. Ogison: I know by answering this, I could maybe leave myself open to ask for more staff. I am not doing this, I feel Mr. Drummond is perfectly qualified, and we are extremely fortunate in having a man of his experience and calibre. What he is putting across right now, has been shown by results that in the courses that these young fellows at Wolf Creek took at F.H. Collins, attending there each morning, five of the top seven places were boys from Wolf Creek. I think this maybe indicates what concentrated instruction can do. They are getting more attention than they possibly would do at school, they are fortunate in that respect. So, your question does not embarrass me. I am happy to pay Mr. Drummond this compliment, and say that he is on top of his job and he is doing a fine job.

Mr. Commissioner: Mr. Chairman, just as an item of background here, it has been the wishes of Council of the past that where possible and practical that people who are in either of the institutions, where we were able to do so, they have been permitted to attend -- particularly the Vocational School as day students or as ordinary students in that institution. It is towards those lines and along those lines that the major educational direction for the people who are in -- particularly the adults has been directed in this past year or eighteen months. In fact we have had a certain amount of courses particularly put on to accommodate the people who were in the Correctional Institution by the Vocational School. I refer particularly I think to the first two courses, Mr. Ogison, that were done with regard to the Basic Miners Course.

Mr. Ogison: That is right, sir.

Mr. Commissioner: It is this type of thing, so that when the Honourable Members see only one individual who is directly responsible for education or instruction in the institution, as they are questioning now, I think that it must be borne in mind that this is not the only source of educational opportunity or instructional opportunity that is made available to the inmates.

Mr. Ogison: By way of expansion on Mr. Tanner's question and the Commissioner's remarks, it might be of interest to Council to know that this Basic Mining Course which was put on here in the Yukon, was very much an experiment, and I was told by Mr. Roddis the other day, that Canada Manpower Offices across the country have taken this up. We set the pattern for what is going on in other Correctional Institutions across Canada. It is point of interest that I thought you just might like to hear.

Mr. Tanner: Mr. Chairman, I have got a couple of other questions. But, there is one, why -- at what stage was a decision made that children had to be taken out of the juvenile detention home at the age of 16? Why this arbitrary chronological decision? Why not when in the wisdom of the department, that they are taken out when they should be? Why at 16.

Mr. Chamberlist: It is whatever the courts sentence the person to. That is the jurisdiction of the court.

Mr. Ogison: I think that Mr. Tanner has here a question here which has -- some more depth to it. The majority of boys so sentenced to Wolf

Mr. Ogison continued ...

Creek have been committed until their sixteenth birthday by the courts or unless otherwise ordered by the court. Now, we have released three boys already prior to their sixteenth birthdays, because once these children are placed in my care, they cannot be released before their birthday unless I recommend it. It is our aim wherever possible to get these young fellows back into society. We have released three already this way, before their sixteenth birthdays. So it is not arbitrary really. We can keep them longer, if the courts say longer, we can keep them up until they are 21, if need be.

BILL #12
VOTE 5

Mr. McKinnon: Have they, in any instances?

Mr. Ogison: Not yet, we haven't reached this age, because we have only been open a year. If anyone has reached the age of 21, he must have been sentenced as an adult, and an adult is 20.

Mr. Stutter: My particular question was just answered by Councillor McKinnon's question, but I do have one question here. Inasmuch as some of the boys from Wolf Creek are going down to the Vocational School, I take it then that they are very minimum security risks? If this is so, would you feel that with an increase in the number of probation officers that in fact, some of these boys wouldn't need to be in Wolf Creek at all?

Mr. Ogison: I am afraid that is a question I would be out of order in answering, because it is up to the court to decide, and apart from the probation officers reports, I have no say in any adjudication. If you try to theorize on this, it might well be that an increase in probation officers would do this, but I know that our adult case load is higher than the juvenile case load in probation. So it wouldn't be bona fide figures, that the probation officers would have longer time or more time to work with juveniles than they have with adults, it just isn't working out that way.

Mr. Commissioner: Mr. Chairman, supplementary to the question that was asked by the Honourable Member. My last visit to the institution in question, I believe there was only two boys of the eleven that were there at that time, that even had homes that they could have been sent back to, had the court ordered. It isn't just simply a question of probation officers, it is a question of homes. I mean families and physical buildings. There were nine out of the eleven, I believe I am correct on this, that simply do not have any home, and of those nine -- I was told the figure, don't even have any family, and I am sorry I just can't remember at the moment, but maybe Mr. Ogison does?

Mr. Chamberlist: Some of them are put in the Wolf Creek Juvenile Training Home simply because they have no homes, not for any criminal activity, but because they have to have a place to be taken care of.

Mr. Stutter: This is a point that I was just about to make, Mr. Chairman, are we given to understand then that this is taken into consideration when they are incarcerated in Wolf Creek Home that one of the reasons is possibly because they don't have another home.

Mr. Ogison: No, let me clear up this misconception, please. All the boys out there, and every boy is committed by order of the court. We are trying so hard, the probation officer is trying with some of these young fellows who are on the wrong street right now, to have the magistrate commit them there, because they are committing further offences night after night and getting picked up and sent home, to their so called homes with a warning. They are back in trouble the next day. This is not one of the prerequisites for being admitted to Wolf Creek. They have committed an offence, and usually two or three offences on a continuing basis. The boys have been on probations and will still not conform. So, this is not a prerequisite for admission to Wolf Creek.

Mr. Stutter: Now, this brings me back to a question that I asked you

BILL # 12
VOTE: 5

Mr. Stutter continued ...
awhile ago is, do you feel, I know it is a hypothetical question, but if there were more probation officers, I mean now you only have two probation officers and the case load is something around 400 ...

Mr. Ogison: No, it is 158.

Mr. Stutter: 158, well even so that is close to 80 per probation officer. In the case of juvenile probation, this is totally inadequate, it would have to be probably much less than this. So, if there were more probation officers, is it possible that some of these boys would not need to be there? I mean if it has been taken into consideration that they don't have a home?

Mr. Ogison: I can't answer this positively. I can see the theory behind this. It should work in theory but it doesn't work in practice. The probation officers themselves can only spend so much time with these young fellows. Possibly a more experienced probation officer, yet who was conned right out of his skin by a young fellow he trusted implicitly, and this will happen every day. Now these young fellows are pass marked as addicts and he can look at you with open blue eyes, and butter wouldn't melt in their mouths, and yet they still get away with murder, not literal but figuratively. These young fellows are just hanging around town raising the devil. I don't think that an increase in probation officers would prevent the young fellows from coming into Wolf Creek. I can agree with you that if we had more probation officers, or in fact if we had less people going to jail, this is one thing that we strive for. We have similar figures in the adult institution from what we had last year, with an increased probation officer. But, the increase in case loads has been over a hundred percent. If they had not been placed on probation, we could have really been jammed tight in the institution with people who had been sent to jail. Don't forget again that the Liquor Ordinance amendments kept an awful lot out who would have been in there short periods of time.

Mr. Stutter: I have just one other question then. Councillor Tanner has already asked you to come up with a few statistics regarding the provinces. I wonder if you could add to that, what is the general case load that a probation officer would be expected to handle in the provinces, both in the adult case and in the juvenile case?

Mr. Ogison: May I give you that in urban areas as well as urban and combined rural areas?

Mr. Stutter: Yes, that would be fine.

Mr. Chairman: Is there any further questions, respecting Corrections?

Mr. Tanner: Mr. Chairman, just to sort of close off this area of the budget, I think something has happened in the past year that is excellent. Nobody can deny the fact that Health, Welfare and Rehabilitation should be in one group, but I am wondering whether -- this isn't to Mr. Ogison, it is to the Minister of Health, Welfare and Rehabilitation. I am wondering if because of the separate jurisdiction, you sometimes get overlapping of authority, and consequently it isn't -- it's not only the money that is spent, but it is the person involved who suffers. In this case, it is a child. It seems to me, the statement was made around here today that people are put into prison, or they end up in prison for one reason -- one basic reason, or one of the reasons is because they have got no where else to go. Now, Welfare should be looking after them -- that is what they should be looking after -- they are the people who are in charge. There is no way a child should be put into any institution, particularly a so called boys prison or a detention home because he has got nowhere to go. If he has committed a criminal act, maybe, and I even doubt then that he should be incarcerated. But, there is no way a child should go into that institution because we don't know what to do with him. It is our problem, the adults of this Territory to solve the problem of the blue eyed boys looking at us

Mr. Tanner continued ...

in the face and picking our pocket at the same time. That's our problem, it is not the problem of the children. And to follow it on, it is the taxpayer who is paying to maintain an institution, which I submit should not be there in the first place. **BILL #12**
VOTE 5

Mr. Chamberlist: Mr. Chairman, I think that the Honourable Member is correct in suggesting that the overall responsibility, and this is an overall responsibility upon me, and I accept that responsibility to make sure that the taxpayer is not, first of all, duplicated in taxes for services in three different departments where they can be set together in one. The problem that is facing every government is that in relation to Welfare Rehabilitation and the Health of young people is a problem that is being dealt with now. I hope that before next -- I have already indicated this that by the time next session of Council, there will be some recommendations made to the Commissioner and the Executive Committee in relation to some certain areas of my department. Now, I would ask that Members of Committee bear with me for these months, because it's a department that is very intricate really in it's dealings, because it is dealing with people more than fixed things and buildings and the like. It is people that matter there. Because I am concerned too, and I agree with what the Honourable Member has said, and I ask again that Members bear with me. We have had just about two and a half months in this position, and it takes a lot of work, a lot of time and a lot of study to get a picture of what has been going on, and what has been expanded in an area of Welfare and Rehabilitation over a number of years. I agree that something must be done, and I hope I will be able to come up with something substantial by the period -- of next Council.

Mr. Tanner: I'm, I'm ...

Mr. Chairman: Any further questions on Corrections? I wonder if Mr. Ogison can be excused at this time? Agreed? Thank you very much for your assistance, Mr. Ogison. The next item of consideration is back to the Game estimates. Page 7/7 Vote 7. I am informed that Doctor Pearson is not in Whitehorse at this particular time, and so therefore is unable to join with us today. Is there anything further on Primary 64 - Materials and Supplies - \$5,200; the next item is Utility Services - \$3,718; Repair and Maintenance - \$1,000; Rentals - \$19,165; Miscellaneous - \$700.00; giving us a total expenditure of \$128,970. **VOTE 7**

Mr. McKinnon: Mr. Chairman, I would like to have the right to ask some questions of these expenditures when Mr. Fitzgerald does appear before Council.

Mr. Chairman: Agreed? Are we clear on Vote 7? The next item is Vote 8, Legal Affairs.

Mr. Tanner: What about Libraries, Mr. Chairman?

Mr. Chairman: Oh, pardon me. This is under Tourism, Conservation and Information.

Mr. Tanner: Mr. Chairman, could I just ask -- this is just sheer ignorance on my part, and I would like somebody to tell me why the Library Services are in this department? It seems to me more logical in the Education Department?

Mr. McKinnon: A good question. We went around, and around this last year, and I couldn't figure out why we did it.

Mr. Chamberlist: But, you put it in there.

Mr. Commissioner: Mr. Chairman, I think you could make a good case for the Library Services to go under the Department of Health, Welfare and

BILL #12
VOTE 7

Mr. Commissioner contined ...

Rehabilitation. I mean you could make a good case for it being anywhere, from the point of view of the type of work the library does, it extends its services into the education field, it extends its services into health operation, it extends services into many facets of the Government, and will soon, I trust include archives which are into another area altogether, which includes records management which will include every peice of paper that ever flowed through the Government. So, quite frankly, Mr. Chairman, I can assure you that I can make a case for the Library Services being in almost any department of the government. In fact, I would say this, if you want to use a true and pure governmental approach to what the Library Services should associated with, you would take them and put them under the Territorial Secretary. This is where they -- the Provincial Secretary in most provincial jurisdictions handles the Provincial Librarian and the Provincial Archivist -- under the rovincial ecretary's offices. This is where it happens in most instances , so quite frankly, Mr. Chairman, the place, the departmental designation is of very minor importance. The quality of the service that the library gives to the community and to the other areas in which it is called upon to give service, is entirely related to the quality of the people that you have got running it, that is exactly what it is.

Mr. Chamberlist: I can't help -- but I must remark, Mr. Chairman, that I remember -- I asked exactly the same question last year, and the Honourable Member from Whitehorse West sitting here on this side at the time, sitting in -- I remember, from Whitehorse North said, well it is because we have got the film services that the tourist people use most of the time for Travel and Information. That is why it was easy. Remember?

Mr. McKinnon: That sounds like a pretty good answer; that's what I said.

VOTE 20

Mr. Chairman: We go now to Vote 20, and under Library Services on page 20/3, bottom of the page we have Library Equipment - \$3,000, and this support information is on your appended sheet on pages 6 and eventually on page 7.

Mr. McKinnon: How about -- there must be capital on this for archives.

Mr. Chamberlist: Page 7 of your sheet.

Mr. Chairman: This is Establishment No. 2741, Library Equipment - \$3,000. Clear on this item? The next item

Mr. McKinnon: Hold it, Mr. Chairman, we are going into two areas of audio visual equipment, and this is where there is duplication if the Library Service and the Education Service are both going into the field of audio visual equipment. This is duplication, it should be checked because this should be under either the Library Services or under the Department of Education. One or the other, they shouldn't be duplicated.

Mr. Commissioner: Mr. Chairman, I agree very, very much with what has been said here. This has been the subject of -- I would suggest a couple of files of memorandum back and forth between the Library and the Department of Education already. Approximately of three years standing, Mrs. Watson is this close enough? I can -- I would give you this -- I would say this right now Mr. Chairman, that there will be no duplication of services in this area. We cannot afford the luxury of this type of duplication. The only thing that I would say, is that we may have to have some of this equipment not pried loose from the school system, we may have to have some of it permanently assigned to the Library and some of it permanently assigned to the schools. But, insofar as the duplication of the actual, or should I say, purchasing equipment which would be nothing but a complete and utter duplication, will not be done. Most importantly, Mr. Chairman, really the supplies to go along with the equipment, which I think is really the costly thing over a long period of time, this will definitely not.

Mr. Tanner: Mr. Chairman, could I ask the Executive Committee to next year if possible, put the Library Services back in the Department of Education?

BILL #12
VOTE 20

Mr. Commissioner: I am sorry, Mr. Chairman.

Mr. McKinnon: There is a very close affiliation with the Educational Library Department, in fact the Library department is now buying all the books for the Department of Education. When there was the re-establishment of the Government Departments, we had both Dr. Shields and the Regional Librarian before Committee, explaining how it would work, and it did end up after all was said and done, that having them in the Department of Information, the Library was the most efficient and the most economical way of getting the service throughout the Territory and also getting the books purchased for the Department of Education through the Library Services under Information. We did go -- it was the subject of quite a debate before Committee -- if the Honourable Member looks it up, we made the decision after hearing all sides of the question, that that was the proper place for this department to be in.

Mr. Tanner: I don't know why that couldn't have been said five minutes ago.

Mr. Chairman: The next item is the Territorial Archives -- \$75,000.

Mr. Commissioner: The provision of this is a consequence of prior agreement with Council, and this will mean that subject to the budget being approved, we will be able to proceed with this project, and upon its completion, the Federal Archivist will be returning to the Yukon all the present Territorial Archives, and at the sametime will be instituted a proper records management program within the Territorial Government that will assure the proper handling and the proper assignment ultimately to the archives of all relevant and governmental material.

Mr. Chairman: Clear on this item?

Mr. Commissioner: This will be an addition to the present library building on second avenue.

Mr. McKinnon: Mr. Chairman, this has always been a subject that has been dear to my heart. I have spoken on it on many occasions how I have always wanted to be able to see the money in the budget to be able to bring the archives to the Yukon and domiciled where they belong. However, because of priorities that the government set, we have been unable up to this point in time to provide the capital money to start on the archives. I would be extremely interested to see the plans if they are available or if the program, it looks like it will be approximately a four year programme? Is this the type we are talking about -- a total cost of \$370,000, what the stages will be, and how the building will actually look and the actual plans that the government feels will be used for the archives section of the library? If this information was available, I think -- anyway as an individual Member of Committee, I would be most interested in having it made available to Committee?

Mr. Commissioner: Mr. Chairman, I can't say how much detailed information is presently available, but certainly there are sketches, and if the Clerk would make note of this, we will see that they are posted here in the Council Chambers for the information of all Councillors. Hopefully the basic building will then be completed sometime in 1972, and I believe that it is estimated that it will take something between a year and eighteen months after that for the proper transferral of records from Ottawa and the proper functioning of our own records disposal programme.

Mr. Chairman: The next item is Branch Libraries - \$2,000. Are you clear on capital? We then return to Vote 7, page 7/10. The first item is under Library Services, Salaries and Wages - \$119,254.

VOTE 7

Mr. Commissioner: Details on 7/15.

BILL #12
VOTE 7

Mr. Chairman: Correct.

Mr. Tanner: Mr. Chairman, that overtime at 4%, is that for hourly paid employees only?

Mr. Commissioner: Not necessarily. The nonsupervisory help whether they are hourly, monthly, annual.

Mr. Chairman: Clear on this item? The next item is Advertising - \$300; Travel and Living Expenses \$6,620.

Mr. Stutter: I would like to point out that throughout this vote, there is a mathematical error -- I hope that it doesn't go all through the budget. Travelling expense, 6,000 miles at 17¢, they have used 12¢. They have in every instance through that particular vote. I hope that isn't all the way through the whole budget.

Mr. Commissioner: Mr. Chairman, the dollar figure -- the extended dollar figure is the correct figure, \$720. The 17¢ a mile is the correct mileage, and the amount of money that they are estimating is truly \$720. The original calculations in some departments were done at an old rate of 12¢ a mile, and some were done at 17¢ a mile. In order to bring uniformity throughout the budget, we asked them to substitute the 17¢ per mile because this is the figure that is in the Travel Regulations, Mr. Chairman. The absolute dollars of \$720 are the correct ones.

Mr. Chairman: The next item is Materials and Supplies - \$12,600; the next item is Utility Services - \$8,908; Repairs and Maintenance - \$8,930; Rentals - \$2,920. In fact this should be \$13,289, is that correct, under Rentals, because we have added the rent for the Watson Lake Library?

Mr. Commissioner: The item, Mr. Chairman, as to whether or not that item has been added into the total is immaterial. The total amount of money that we are asking you to vote with regard to the Library Establishment No. 740 is \$259,491, and within that total the Director has got to find the necessary funds of \$10,369 to pay for the rental of the Watson Lake Library.

Mr. Chairman: The next item is Grants and Bursaries - \$16,100.

Mr. McKinnon: You're counting bibliographies? \$4,000, Grant to Boreal Institute, University of Alberta.

Mr. Commissioner: Is the information to be tabled on this satisfactory, Mr. Chairman?

Mr. Chairman: So note, Mr. Clerk. The next item is Purchase - Library Books - \$73,490. Which gives us a total appropriation of \$259,491.

Mr. McKinnon: I don't remember, Mr. Chairman, if the Education Vote under Supplies and Equipment, there was provision made for audio visual materials also, but I think that this is something that should be checked into. I am a little disturbed that the Library Director goes to 1,2,3,4,5 conferences and the Assistant Librarian also attends a conference, which is a total of 6 conferences during the course of the year. I am always a little concerned about the number of conferences that people in government go to. I've been to quite a few in my life, and I have never found any that are really that educational to the discipline that you are following. I know that in our trade, we are continuously being asked to go to conferences at different centres for the different type of audio visual techniques, the different communications-type of conferences for different engineering conferences in our trade. A person would just spend all of his time attending conferences, and never really getting anything accomplished. I think that governments are prone to do a heck of a lot more travelling at conferences than people in private enterprise are. I wonder whether the taxpayer is

Mr. McKinnon continued ...

really getting a real benefit from the value that these conferences are supposed to give to the person attending them. Because, I am sure that Mr. Commissioner, in the course of his duties has attended conference after conference after conference. I am sure that he can count on one hand any of them that were any real and substantial value either to himself or to the Yukon Territory. We looked at this pretty hard last year, and I remember in the Education Budget particularly, we really chopped the heck out of the conferences that people were running around attending. We started figuring out the man-hours, and the money lost to the taxpayers of the Yukon Territory by government officials running around the country attending various conferences, and it was staggering. I think that I have been watching it very closely, and it seems that in the Library Vote that they are sneaking in there quite a few trips at the taxpayers' expense.

BILL #12
VOTE 7

Mr. Commissioner: Mr. Chairman, you are talking to the converted. As far as I am concerned there isn't one conference in this book that is worth the time of day to attend on behalf of any of our employees. You can read the whole darn thing in the minutes. Now, I have had my say privately and my say at this table before about these things, and we have set up on an internal basis now, where I would like to give Councillors assurance, Mr. Chairman, that there will be none of our officers attending conferences unless we are absolutely satisfied at the Executive Committee level that there is going to be some value to Yukon coming out of these things. Now, we have certain meetings that are not classified as conferences that we have representation on, that our senior officers attend and they relate to things that do have to do with the Yukon. It is in these areas that we want our officers to attend, but as far as going to the vast majority of these conferences, they are simply a complete and utter waste of time. In fact if you go to enough of them, you will meet the same people going the circuit. I know I got into great disrepute with certain people at high levels of government when I gave them my opinion of this at the Transportation Conference that was held in Yellowknife, here -- I don't know, was it Transportation or -- I've forgotten, but it was a farce, an absolute joke. If they would have given me the money that was spent on that conference, I could have built five brand new airfields around the Yukon Territory, and had something worthwhile for the taxpayers' dollar. As far as what has been reiterated by the Honourable Member at this time, I want to give Members my assurance that this has been one of the number one items of consideration by the Executive Committee, and we have no intention of being sucked into this continued role of having people absent from their desks at conference after conference. If there is something to Yukon to be obtained, we are most anxious that we have funds so that they can do so, but it has got to be of value to Yukon and it has got to be exhibited prior to the event.

Mr. McKinnon: In the same vein, Mr. Chairman, in Primary 61 of the -- the amounts are minimal, but I can't see what good it is to bring branch librarians in for a one day workshop. Now, certainly by the time they have travelled for the whole day from the area they are coming, they get organized, and they get settled, and how much can be done with these people in a one day workshop and then leave them for another day -- another full day to go back to the community from which they came. It seems to me that if any value were to be gained out of a comprehensive workshop, that certainly a minimum amount of time would be two days to orient the persons to the work that was involved. One day seems just like a waste of time, energy, money to bring a person in from these outlying communities, and then ship them home. You have lost three days anyway by the time he gets in, one day of comprehensive work, and then ship him home the following day. What can you really accomplish in the course of one day amidst all the travelling and the rest of it? I admit it is a minimal amount of money, but are we accomplishing anything through this type of travel -- through this type of a workshop?

BILL #12
VOTE 7

Mr. Commissioner: Mr. Chairman, first I wonder if I could go back to the prior question. I have been reminded that we have already issued a directive internally with regard to conference travel. So, I trust that this sets the Member's mind at ease on this. I have had the opportunity with regard to this next question that the Honourable Member asked, to see what may or may not be accomplished with such things as these one day type workshops or seminars. Quite frankly, I am convinced of their value, Mr. Chairman. The people that do handle the library work in the outlying communities, their total exposure to what goes on here, where the books are generally speaking made available to them, what the materials are, and how to go about it comes from that one day. Now, it may be argued that it would be better to have them in here, we will say, on almost an individual basis, you know, so that say the branch librarian or director could have them available say just in ones and twos for one day. This does not always serve the purpose because then they don't get exposed to the problems that their counterparts in other communities are having. I would tend to uphold the value of these one day seminars even if they are at a cost of basically three days and time. The observations that I have been able to make of them up until now would satisfy me, Mr. Chairman, that they do in fact serve a worthwhile purpose, even although they are limited to the one day. I appreciate the Member's concern, but I would be prepared to uphold this one.

Mr. McKinnon: Mr. Chairman, I see the Library Services going more and more into the area of audio visual techniques. Now, I know that you could spend the whole of a day from seven in the morning to ten at night just on the equipment that the Department of Education and the Library Services have available. I don't know if Honourable Members are aware of the value that this type of equipment could have, particularly in the smaller communities. We have seen some results through our co-operation with the Department of Education of the results of the work that is being done from the Department of Education in the audio visual field already. Now, I think that this is the type of area these branch librarians should be made aware of what is happening in these types of techniques, and also aware of what could happen in their communities if they -- through the knowledge that they could gain at the use of these types of techniques. But, I say that this is just in this one field, and not even touching the other areas of Library Service, so certainly, I would think that a two day workshop or conference would be of much more value to these people in the communities once those librarians return, and that one day workshops, I can't see that much being accomplished, is the point that I am trying to make to the Commissioner.

Mr. Commissioner: I agree very much, Mr. Chairman, with what the Honourable Member has to say, but I would point out to him, that the people that we are talking about in this instance are not people who in very many instances would become exposed to the use in their community of the audio visual equipment that we are speaking of. This falls more into the category of seeing that there are people in the school system who are educated in this. Now, insofar as towards the use of the equipment certainly and what it can do in the community, the librarian should be aware of this so that they can recommend it and so on. But, insofar as its actual use is concerned, we will depend and continue to depend upon people who are in our direct employ for sometime into the future in this regard. I -- the point is very very well taken, Mr. Chairman, and I certainly go very much along the lines that the Honourable Member has questioned.

Mr. Chairman: Anything further on Libraries? The next item is Legal Affairs. There is nothing in capital so we go over to Vote 8, page 8/2.

Mr. Tanner: Mr. Chairman, could I just ask one further question on people travelling to conferences, directors and so forth. Will we beto any of them this year?

Mr. Commissioner: Conference on uniformity of legislation, Mr. Chairman.

Mr. Tanner: Can we assume by the Commissioner's remarks that we can wipe out all the travelling expenses for all the conferences in the budget? BILL #12
VOTE 8

Mr. Commissioner: No way, Mr. Chairman, you are going to have a certain amount of these things which I pointed out to you here in the category that was mentioned, we want to be able to attend them. But, we are certainly not about to embark on a mass exodus all over North America to wave the flag at these various conferences.

Mr. Chairman: The first item is Salaries and Wages - \$195,740.

Mr. Chamberlist: You will note, Mr. Chairman, that this includes the staff for the proposed takeover of the administration of Justice.

Mr. McKinnon: Mr. Commissioner made some remarks in his opening address how this was going to be financed. I wonder if he could reiterate them?

Mr. Commissioner: Mr. Chairman, you will find that this is 100% -- I don't know whether we should say a recovery, whether that is the right terminology -- I think it's the terminology that we were using in the budget. But it is a 100% cleanly financed situation from the Federal Government to us.

Mr. Chairman: The next item is Travel and Living expense - \$11,470.

Mr. Chamberlist: This is of course mostly travel and living within the Territory where court sits in different locations in the Territory.

Mr. Chairman: The next item is Special Services - \$149,000; Material and Supplies - \$6,000; Utility Services \$7,278; Rentals - \$80,400. Councillor Stutter will you take the Chair a minute.

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I would just like to direct a question to Mr. Commissioner, and ask him if we have made any gain -- gained any ground in the paying of all these back rents to these community clubs throughout the Yukon, and where monies will be made available for the future rental? I don't see them here.

Mr. Commissioner: Mr. Chairman, I am assured, and I would like the Honourable Members to pass on the assurances to the various community clubs that I believe are involved, that Justice has, at least verbally, assured us that they are prepared to accept responsibility for these rentals. One of the offices in the court locally here at the present time is working on this, and one of Mr. Bideau's superiors in Ottawa has given these verbal assurances. For me to say exactly when these monies will change hands, Mr. Chairman, I am afraid I can't commit myself to this. But, we have gone at least as far as we can, and I think that it is a reasonable assumption that these matters will be cleared up as soon as possible.

Mr. Taylor resumes the Chair.

Mr. Chairman: Anything more on Rentals? The next item is Miscellaneous - \$13,000; Library -- for the law library - \$2,000. This gives us a total appropriation of \$464,888 in Legal Affairs.

Mr. McKinnon: Mr. Chairman, the questions that arise at this moment from the takeover of these aspects of Justice under Territorial jurisdiction are many in my mind at any rate, and I don't know whether this is the place to start shooting the questions or not, or whether we are going to have a Sessional Paper on the takeover of Justice from the administration and leave it for that time, or is there one in our ...

Mr. Chamberlist: Mr. Chairman, tomorrow morning, it is hoped to present to -- introduce a number of bills which will be a package deal -- which will be packaged for the takeover of the administration of Justice.

BILL #12
VOTE 8

Mr. Tanner: Mr. Chairman, referring to the minutes of the Standing Committee on Indian Affairs and Northern Development, there is quite a debate in that Committee about problems which in the past -- the Commissioner had -- the Commissioner in Council had with negotiations with the R.C.M.P. as to who they work for. Is this involved in this particular vote at all?

Mr. Commissioner: Mr. Chairman, it is not involved in this particular vote. But, Honourable Members will remember that it is part of the Justice package, that there will be a police services agreement. We are working on this agreement at the present time. I am hopeful that there is going to be a satisfactory package available for presentation to Council in this regard. But, the monetary means for this police service agreement will be funded by the R.C.M.P. in this fiscal year that we are dealing with before us now. Their votes had already been dealt with so that there will not be any movement of funds in front of us for the fiscal year that is here.

Mr. Tanner: Mr. Chairman, I don't want to pursue this because obviously we can discuss this and debate when that legislation is presented. But, just for my information, in future years will that be included in that budget?

Mr. Commissioner: Mr. Chairman, it will be correct to say that it will be in our total budget; as to whether it will properly find its home under Legal Affairs or not, I cannot say at this time. But, it will be in our budget.

Mr. McKinnon: This is the debate. If it was in our budget we couldn't reply, we could pay but would have no control.

Mr. Chairman: Is there anything further at this time on Legal Affairs? I think at this time we will declare a recess.

RECESS

RECESS

Page 168.

Wednesday, February 17th, 1971.

3:30 p.m.

Mr. Chairman: I will now call Committee back to order. We move now to Vote 20, Project and Loan Capital. Under Highways and Public Works, which you will find on page 7 of your support sheet, and which you will find on page 20/4 in your budget under Project and Loan Capital, the first item is Road Equipment in the amount of \$131,500. I might also add that Mr. Baker is now on his way down, and will be joining us shortly.

*BILL #12
VOTE 20*

Mr. Commissioner: This, Mr. Chairman, is road equipment that is related to new mileage of highway that we have either taken over in the past few months, or will be taking over in the course of the next fiscal year. There will be another budgetary item coming forward as a supplementary estimate which will have the net effect of setting up a revolving type fund from the machinery rental account. This will permit us to replace machinery. I simply rise on this point so that the Members will understand that this has to do with certain things that are underway right now, with regards to roads or to such things as the vehicle pool and things of this nature. There will be another, entirely separate, item coming up with regard to the replacement of present equipment that is amortized with rental figures.

Mr. Stutter: I think, actually, the Commissioner has answered my question, and, it may be a pretty obvious one. I notice, in some of this equipment that has been bought for specific departments, is it, actually, rented then to those departments?

Mr. Commissioner: It is not rented in that sense of the word, but there is an internal transaction involved here. They come under the jurisdiction of the vehicle pool so that maintenance records and things of this nature are centralized. You will see, for example, I am sure, that under the Welfare Vote, the figures which involve the interdepartmental transfer of funds to permit the operation costs of their vehicles.

Mr. Chairman: Anything further on this item?

Mr. McKinnon: Can I take it to understand, Mr. Chairman, that the five car pool replacements are the total number of cars now in the pool? Or, is that just replacing cars that are worn out? I wonder if I could have a total of how many cars are presently in service in the car pool, how many cars are directly given to staff members, for what departments and for what reasons do they need individual vehicles; and, how is the car pool system working out. It went into operation over the protestations of many members of the Territorial Government.

Mr. Commissioner: Mr. Chairman, we're very proud of our car pool operation, and I would be very pleased to see that the information that has been requested by the Honourable Member is tabled for Council.

Mr. Chamberlist: I think it should help to say -- really, it's the same information that was available last year during the budgetary requirements.

Mr. Chairman: The next item is Sundry Engineering Equipment, \$86,200.

Mr. Stutter: I notice here, the first item, three 5,000 gallon tankers, I wonder if we could have some explanation of why, actually, the Territorial Government uses tankers.

Mr. Commissioner: Well, Mr. Chairman, without Mr. Baker being here, all I can give you is a layman's answer to this. Basically speaking, they are used as part of the calcium chloride and the dust suppression, for water hauling purposes, and, also, for servicing camps in remote areas. Now,

BILL #12
VOTE 20

Mr. Commissioner continued.....

there may be further supplementary information to this, but, basically, this is the task that is allotted to them.

Mr. Stutter: I was thinking more along terms of oil tankers, I'm sorry.

Mr. Commissioner: Well, to the best of my knowlegde, we are not seeking oil tankers, here, Mr. Chairman. That, however, is a possible potential use. I'm certainly not aware of it.

Mr. Chairman: Anything further on Sundry Engineering Equipment? The next item is Communications Equipment, \$15,000.

Mr. McKinnon: If I understand correctly, Mr. Chairman, I think there is extensive upgrading of the communications system for the Yukon Territorial Government, primarily the Department of Public Works. I wonder if the Commissioner has any information as to what equipment is going to be made available and what they expect in the area of service from the equipment that is going to be purchased and whether or not that represents quite an upgrading of the communications network for the Yukon Territorial Government.

Mr. Commissioner: The communications equipment that is referred to in this vote is strictly for the use of the Department of Highways and Public Works, Mr. Chairman. It is my understanding that the establishment of this further base station is the upgrading that the Honourable Member refers to. To the best of my knowledge and information, it is complementary to all the other equipment that the Department of Highways and Public Works presently has. It simply will permit them to extend the network in line with the extensions to the road network that their responsibilities take them on to.

Mr. McKinnon: Mr. Chairman, then, I take it, there is no equipment purchased in this budget for the formation of what has -- some thought has been given to the concept of a communications grid system with both Territorial and some Federal departments all feeding through a central location base.

Mr. Commissioner: Mr. Chairman, the exercise has been gone through on at least two occasions, that I am aware of, and the needs of the various agencies are so diverse that it has not been found practical or possible up to this point, to provide one single communications system for all these various departments. I think that the Honourable Members know that there are communications involved with regard to the Corrections programme, with regard to the Game Department, Forestry, Highways and Public Works, that we have before us at the moment, and, no doubt, there are others, Mr. Chairman.

Mr. Chairman: The next item is Garage Tools and Equipment, \$8,000. Next is the Building Contingency Fund, \$20,000. Next is Pre-engineering, Territorial Projects, \$60,000.

Mr. Tanner: Mr. Chairman, did I understand you to say earlier that Mr. Baker is on his way down here? Could I, when he comes up, ask him?

Mr. Chairman: Yes, if Members would just make a note of any questions that they might wish to ask Mr. Baker on any of these items, why, they may do so as soon as Mr. Baker arrives. Next is Ground Improvements, Various Locations, \$100,000.

Mr. Tanner: Make note of that one, too. I'd like to ask him where we are beautifying the buildings to that extent.

Mr. Chairman: I'm wondering if, maybe, I didn't make myself clear. If Members would kindly make a note on their notepads of questions they wish

Mr. Chairman continued.....

to ask, they will have the opportunity to do so when Mr. Baker arrives.

*BILL #12
VOTE 20*

Mr. McKinnon: I've got a question mark beside every one, Mr. Chairman. Shall we wait for Mr. Baker?

Mr. Commissioner: Well, he might be a half hour yet.

Mr. Chairman: Next item, Territorial Road Improvement, \$100,000. Next item is the Drury Creek Grader Station, \$60,000. Next is the Ogilvie Maintenance Camp, \$185,000.

Mr. Commissioner: This, Mr. Chairman, is in connection with the Dempster Highway, and it will be the location of a permanent maintenance camp.

Mr. Chairman: Next is Recreational Roads, Marinas, Airstrips, \$69,600.

Mr. Commissioner: You will see here, Mr. Chairman, that we have been able to get funds allotted here, subject to Council's approval, in the question of marinas and, also, the airstrip upgrading at Carmacks. Both were items we committed ourselves in prior Councils to do something constructive about them.

Mr. Chairman: Next item is the Boundary Road Grader Station, \$80,000.

Mr. Commissioner: This also applies to extra demands upon our equipment for the maintenance of this road; heavier traffic, and the necessity of keeping equipment there on a permanent basis.

Mr. Chairman: Next item is the Sheldon Lake Grader Station, \$70,000. Next, over on page 9 of your support data, Ambulance Service, Klondyke Highway, \$6,500.

Mr. McKinnon: Mr. Chairman, are all items from Establishment 2900 to Establishment 2932 recoverable? Are some of them recoverable? Which ones are 100 percent recoverable, and which ones are Territorial responsibility?

Mr. Commissioner: Mr. Chairman, all the funds that are available to us, right up to 2932, are made available under the Fiscal Agreement and are capital project funds for which the Federal Government gives us the money to repay.

Mr. Chairman: Clear on this item? I think we'll call a brief recess here. I believe Mr. Baker has arrived.

RECESS

RECESS

Mr. K. J. Baker, Territorial Engineer, and Mr. G. K. Fleming, Assistant Commissioner, Administrative, in attendance.

Mr. Chairman: At this time, I call Committee back to order. We have with us Mr. Baker and Mr. Fleming to answer any questions you may have to date. I'm wondering if we could -- if you have any questions at this time, if you could proceed with them. We have gone as far, in Capital, as Establishment 2932, Ambulance Service, Klondyke Highway.

Mr. Tanner: Item 2910, Pre-engineering Territorial Projects, \$60,000; could you give us a little more information on that item, please.

Mr. Baker: Well, Councillor Tanner, it's to cover pre-engineering for Territorial building projects, pre-engineering for Territorial road projects, airport construction, municipal work, things of this sort.

Mr. Tanner: Mr. Chairman, do I understand that these are feasibility studies, whether this work is available, or, -- exactly what do you mean by pre-engineering?

BILL #12
VOTE 20

Mr. Baker: It's the collections of data which will lead to the finalization of designs for construction projects.

Mr. Tanner: Not decisions then. The decisions have been made.

Mr. Baker: That is correct.

Mr. Tanner: Thank you.

Mr. Chairman: Any further questions at this time?

Mr. McKinnon: Mr. Chairman, I wonder if I could ask Mr. Baker about the absence of actual road building equipment under Establishment 2900 this year. I thought that we were on a programme of attempting to replace out-worn equipment on a yearly basis and retire it over the normal span of its existence, so that it doesn't become so decrepit and so out of date that it is really unusable. I see no major new equipment in Votes 2900 to 2932 for actual road building equipment for 1971.

Mr. Baker: As of April 1st, 1971, Mr. Chairman, we will be replacing equipment out of the revolving replacement fund. This fund, of course, is built up through the acquisition of money from rental rates that we charge ourselves.

Mr. McKinnon: So this will no longer appear in any way, shape or form in this budget? This provides for the adequate and sensible replacement of equipment as it deteriorates over its normal life span. We won't have to worry about funding of equipment which was always a problem in the Main Estimates, prior to the revolving fund being set up.

Mr. Baker: That is correct, Mr. Chairman.

Mr. Chairman: Are there any further questions up to this point?

Mr. Tanner: Mr. Chairman, under item 2911, Ground Improvements, Various Locations, I'd like some further explanation of this.

Mr. Baker: We have a schedule, Mr. Chairman, prepared, showing which way this money is to be spent. I don't have that detail with me today, but, it is available. The Commissioner has it.

Mr. McKinnon: I was wondering, Mr. Chairman, if I could ask Mr. Baker what seems to be -- I notice under Communications Equipment, that this is just equipment for extending the Territorial Department of Public Works closed communications system. I'd like to know what snags they've hit in trying to find a common system for all government agencies in the Yukon Territory.

Mr. Baker: Well, Mr. Chairman, this coming year, of course, the Game Department will be operating on the frequency which we now have. So, this is a means of sort of consolidating all radio use within the Y.T.G.

Mr. McKinnon: Has there been any indication that it would be possible for Forestry to get on the system?

Mr. Baker: I don't think so. They have quite a lot of traffic, and I don't believe it would be compatible with our system.

Mr. McKinnon: Can you work Corrections in mobile camps with this same system that you are working Game?

Mr. Baker: Well, our system, of course, Mr. Chairman, is an S.S.B. System, which is relatively a long range thing. Corrections, of course, are dealing in short range radio communications, and the two systems are not compatible.

Mr. Chairman: Any further questions?

BILL #12
VOTE 20

Mr. McKinnon: Yes, I wonder, Mr. Chairman, whether the schedule for the ground improvements can be made available to all Councillors.

Mr. Chamberlist: I have it. Do you want them read out?

Mr. McKinnon: No, just as long as it's appended to the estimates.

Mr. Tanner: Mr. Chairman, do you want me to comment on this, or do you want to wait until everybody has a copy?

Mr. Chamberlist: If you wish to comment, go ahead.

Mr. Tanner: Well, just one comment. Looking through these, the ground improvements are virtually all schools, Mr. Baker, just about all schools. Yes, it is all schools. I don't see any in the Whitehorse area, and in particular, Porter Creek. Is there any particular reason why you can't do a little work out there?

Mr. Baker: You're referring to the Porter Creek School?

Mr. Tanner: Yes.

Mr. Baker: Well, this building, you know, is by no means complete, and, I don't think we should finalize landscaping until all the building construction is finished.

Mr. Chairman: Anything else, at this time?

Mr. McKinnon: Yes, Mr. Chairman, I wonder, on the Range Road and the South Access Road, just what the \$6,000 and \$8,000 of improvements constitute.

Mr. Baker: Mr. Chairman, on the South Access Road, we intend to widen the road out to provide a 32 foot top which will give us a 4 foot shoulder on each side as is required.

Mr. McKinnon: Paved shoulder?

Mr. Baker: No, it'll be a gravel shoulder. We need this, of course, to provide safety for parking in case of vehicle breakdowns. In the case of Range Road, it is for an upgrading of the surface and the drainage, and this sort of thing that we have in mind.

Mr. McKinnon: How about the paved surface, Mr. Chairman, on the South Access Road? It seems to be deteriorating at a rather rapid rate.

Mr. Baker: There are certain sections; I must agree. This is because of sub-surface problems, water problems, particularly in the vicinity of the dam. Part of the money that we have established here in the estimates is for correcting that particular problem this coming year.

Mr. Tanner: Mr. Chairman, going back to Councillor McKinnon's question on Range Road; at another Committee there was a recommendation that a second access into Porter Creek, I'm not sure if this is entirely your responsibility, has been abandoned. There was talk a year or so ago of bringing another access around the Kopper King, I think.

Mr. Commissioner: The McKinnon Highway; that's the McKinnon Highway you're referring to.

Mr. McKinnon: A change in political fortunes...

Mr. Baker: Mr. Chairman, this is still on the books. The Corrections people, of course, have been involved in clearing the project and it's our

BILL #12
VOTE 20

Mr. Baker continued.....
intention to have the Trade School take it on as a school undertaking.

Mr. Tanner: Well, assuming that I am correct, would you not think then in that case, the people in that area should warrant another road. In other words, you should be spending more money on the Range Road now? That road, I would describe, is dangerous in certain parts right now.

Mr. Baker: The Range Road? Oh, it was never designed as a highway, Mr. Chairman. It's always been just an access road to the dump.

Mr. Chamberlist: Mr. Chairman, as a courtesy to the Honourable Member from Whitehorse West, I see no objection to the road being named still the McKinnon Highway. I have no objections.

Mr. McKinnon: No, I refuse to be named as a memorial project.

Mr. Chairman: I wonder if I can proceed at this point? The next item, Whitehorse-Keno Road, \$513,000.

Mr. Tanner: Mr. Chairman, I'm sorry; I just want one more thing on the McKinnon Highway. Would Mr. Baker comment, please, on the advisability of having another access on the Alaska Highway between Porter Creek and Whitehorse.

Mr. Baker: Mr. Chairman, am I to understand that Mr. Tanner wishes me to determine whether or not another access is needed?

Mr. Tanner: No, the advisability -- we've got five accesses between Porter Creek and Whitehorse, one way or another. There are five accesses on the Alaska Highway. In your opinion, what would happen if we added a sixth? Would it be detrimental or would it be beneficial?

Mr. Baker: Well, it's bound to be of some benefit to some people, of course, living in the eastern end of the subdivision, or the south end of the subdivision. Mind you, all entrances onto main highways should be kept to an absolute minimum so that you minimize traffic problems. From the town planning point of view, I would say that it's not necessary.

Mr. McKinnon: Mr. Chairman, I'd like some details on the Establishment 2921, Recreations Roads, Marinas and Airstrips. What is intended to be done on the Miles Canyon, Fish Lake and Annie Lake Roads? Also, what is the policy behind marinas, at this time?

Mr. Baker: On the Miles Canyon Road, Mr. Chairman, we intend to re-surface five and a half miles and plan to undertake oiling of the parking area.

Mr. McKinnon: No grade work at all?

Mr. Baker: Just the re-surfacing. There will be some subgrade work involved as part of that, of course. We intend to install a guard rail at the bridge parking area and other viewpoints. On the Fish Lake Road, we intend to eliminate some bad curves at various locations to provide a greater degree of safety. On the Annie Lake Road, we intend to spend money there in the first year of a two-year programme for re-construction to provide adequate drainage. Under marinas, we have set aside \$10,000 for the construction of marinas at various locations. These locations have yet to be decided upon.

Mr. McKinnon: You're open to suggestions?

Mr. Baker: Right. Under the airstrips part of it, we intend to upgrade the Carmacks airstrip to DC 3 standards.

Mr. McKinnon: I was wondering, Mr. Chairman, on Recreational Roads, what is the policy for keeping recreational roads open in the winter, particularly in the Whitehorse Metropolitan Area where they could be used to a great extent in snowmobiling. I'm thinking of the Fish Lake Road in particular. BILL #12
VOTE 20

Mr. Baker: Mr. Chairman, we have no policy at the moment, except, when we run out of money, we just don't do any more work. If it was Council's intention that we should maintain the Fish Lake Road, for instance, then, more funds would have to be made available for that particular purpose.

Mr. McKinnon: Have there been any winters when it has been open?

Mr. Baker: Not by Government.

Mr. McKinnon: It's open now by private enterprise to the -- as far as the dam, I would imagine.

Mr. Stutter: Mr. Chairman, I notice on very nearly all of the items of a capital nature here, that there is an extremely round figure used. In most instances, it seems to be in multiples of 10,000. Now, I assume that, in order to arrive at this figure, you have some sort of detail, and then, is it rounded off to the next 10,000? Could you explain this or is it just coincidence?

Mr. Baker: Well, Mr. Chairman, our difficulty is that we are preparing estimates always two years in advance of when they are actually presented to Council. We have no way of determining to the last dollar exactly what the project will cost. It's impossible. So, we have to end up rounding off.

Mr. Stutter: To the nearest \$10,000, roughly?

Mr. Baker: No, not necessarily to the nearest \$10,000. For instance, in the case of the Miles Canyon Road, here where we intend to re-surface and oil, it is \$9,000; the guard rail is \$3,600. So there is some measure of estimating involved but there's a limit as to how accurate a person can be.

Mr. Chairman: May we proceed? The Whitehorse-Keno Road, \$513,000. Are you clear on that item? Stewart Crossing-Dawson Road, \$629,000. Watson Lake-Ross River Road, \$160,000. Pre-engineering, Federal Projects, \$50,000. Miscellaneous Minor Projects under \$50,000, \$47,000. Old Crow Airport, \$200,000. Now we return to Highways and Public Works, Vote 9. The page number is 9/3.

Mr. McKinnon: I wonder if I could ask this general question, Mr. Chairman. When the work on the Whitehorse-Keno Road, the Stewart Crossing-Dawson Road, the Watson Lake-Ross River Road, is completed this year, how far will each of these roads be to completion as a 32 foot road?

Mr. Baker: On the Whitehorse-Keno Road, there will remain approximately 30 miles.

Mr. McKinnon: What areas?

Mr. Baker: Between Pelly and Stewart. On the Stewart Crossing-Dawson Road, of course, from Mile 0 to Mile 58, I think it is.

Mr. McKinnon: Oh, Watson Lake-Ross River is repair of bridges. Is it the intention, under the Engineering Services Agreement, that this, Whitehorse-Keno, Stewart Crossing-Dawson, will be finished as of 1972?

Mr. Baker: It's unlikely, Mr. Chairman. It will be probably two years hence.

Mr. Chairman: Just a question from the Chair. Is there consideration

BILL #12
VOTE 20

Mr. Chairman continued.....
being given to the widening of the road from Watson Lake to Ross River?

Mr. Baker: Yes, Mr. Chairman, we have this scheduled to begin in 1972; whether or not the Federal people will agree with it, we don't know.

Mr. McKinnon: Mr. Chairman, every spring, as Mr. Baker is even more aware than I am, the problem of break-up in the Yukon Territory on Federal Government roads is quite extreme. I was wondering, with the implementation of the new weigh scale stations, whether it is going to be the intention of the Territorial Government to impose weight restrictions during the break-up period of this year.

Mr. Baker: If it becomes necessary, Mr. Chairman, we will be doing this. We will be undertaking a Benkleman Beam Survey commencing sometime in April which will give us an indication of what parts of the road have a weak base or sub-grade. With this scientific information, we intend to impose restrictions.

VOTE 9

Mr. Chairman: We now proceed to Operation and Maintenance, page 9/3. The first item is Administration, Salaries and Wages, \$242,445.

Mr. McKinnon: I wonder, Mr. Chairman, could I ask a general question? I know that in the last several years the additional amount of road mileage that the Yukon Engineering Department has been taking on, there was a very difficult programme or problem in finding the suitable staff in the year that these takeovers of roads were. The Administrative staff, and particularly the heads of departments in Engineering were overworked to quite an extreme degree. I'm wondering whether this has now levelled off and whether they are finding that, with the additional help that they have, the Department is being able to function at suitable efficiency?

Mr. Baker: This is correct, Mr. Chairman. We are at the point now, where we have, if not a large staff by any stretch of the imagination, adequate people to look after our departmental programmes in Head Office.

Mr. Chairman: The next item is Training, \$2,000; Advertising, \$850; and Travel and Living Expenses, \$16,000. Materials and Supplies, \$13,000; Utility Services, \$18,808; Repairs and Maintenance, \$1,000; and, Rentals, \$39,218. This gives us a total appropriation for Establishment 900 of \$333,311.

Mr. Tanner: Mr. Chairman, could I ask one question. I'm going back to the Salaries and Wages. I notice there are three engineering inspectors; two for two months, and one for six months. Are these people who were hired to supervise work in the summer?

Mr. Baker: No, actually they're employees with continuing service, Mr. Chairman; but, for instance, Mr. Pete Gillis here who is shown on our schedule for two months has been charged to Head Office. The other ten months would be charged to Projects. If this gentleman, for instance, went down to Watson Lake to supervise the installation of the sewer system this coming summer, his time would be charged to that particular project. Of course, this individual is required to do some work in the Head Office in the way of drawing preparations or specifications for work of this type, and this is where the two month charge comes in.

Mr. Chairman: The next item is on page 9/7, Territorial Building Maintenance, \$463,655.

Mr. McKinnon: Mr. Chairman, a rather substantial jump in the course of a year. I was wondering, I've always been amazed at the efficiency of the crews that the Territorial Government sends out on the road from the base to get work done. I'm wondering whether, with the provision of a ten man staff, we might not find this efficiency rather waning in the future. Just

Mr. McKinnon continued.....

how does the engineer propose to set this up, and will there be different crews being able to go to different locations at different times to provide services?

BILL #12
VOTE 9

Mr. Baker: Mr. Chairman, what Councillor McKinnon mentioned there towards the last is exactly what we are trying to achieve. We are besieged with complaints all the time, you know, for not providing service when people demand it. It's quite simple. If we want to eliminate these complaints to the user departments, then we have to have more men so that we can provide quicker service. We would like, of course, to get some additional people. This would include two foremen so that we could split people down into crews that we could quickly send around the Territory and try to achieve a better standard of maintenance than we are now presenting.

Mr. McKinnon: It always seemed to me, Mr. Chairman, in any travels that I have done around the Territory, that one thing about Territorial employees, if they were at a station rather than have to perpetually cry to Head Office, to get a pipe fixed or something, they had enough common sense to be able to fix it themselves. Now, is this coming to a termination amongst Territorial employees at these camps where they are situated? Every time something does happen of a minor nature, they have to radio in to Whitehorse and get a plumber or an electrician or a carpenter sent out to do this work?

Mr. Baker: Not correct, Mr. Chairman. As far as our own establishments are concerned, that is Engineering Department establishments, grader stations, and this sort of thing, our own people are competent to look after these minor repairs. Where we get the complaints, of course, is from the Department of Education, Department of Welfare, you know, people of this sort who -- some of these teachers and principals don't know one end from the other. They require, they think, assistance from us in Whitehorse.

Mr. McKinnon: Well, Mr. Chairman, I look at the increase in all departments for janitorial provisions over the course of the next year, and they're all -- these costs have been substantially increased. On top of it, we find another \$212,720 for further maintenance of Territorial institutions. I think that, by the time that we're finished, without a doubt, these are going to have to be the best maintained buildings and institutions in the whole of the North American continent.

Mr. Commissioner: Mr. Chairman, relative to the dollars that are being asked for here, I think one must bear in mind that we are voting capital funds at a very great rate and have done so over the past three years. These things are now coming home to roost. These buildings have to be looked after on a daily basis by the janitorial staff; they have to be looked after on a maintenance basis by the maintenance staff. The standards of maintenance, contrary to what the Honourable Member has intimated, have not been up to that, I personally consider, and Mr. Baker agrees with me on this, standard that we would like to have seen. This is one of the reasons why we are seeking further substantial increase in this money at this time; not only for the numbers of buildings involved. We feel that the capital investment in these buildings is such that they have to be looked after and maintained. The replacement of some of these buildings now, a building that say cost us a million dollars five years ago would cost two and a half or three million dollars to replace today. It is worthy of the best maintenance effort that we can put forward. This is the underlying basis; not only the growth in numbers of buildings, but, the age of some of them, and, likewise, the standards we feel that have to be maintained.

Mr. Chairman: The next item, then, is the Atlin Road, \$31,100. The Tagish Road, \$38,530. The Duncan Creek Road, \$4,980. The Cowlie Lake Road, \$430. Tote Trail Assistance, \$100,000. The Faro Access Road, \$6,750. The Range Road, \$4,000. The Sawmill Road, Mile 3, \$600. Third Party Services, \$100,000.

BILL #12
VOTE 9

Mr. Chamberlist: How can you get 110 percent recoverable. I think there is a typographical error.

Mr. Commissioner: We're supposed to, you know.

Mr. Chairman: Are you clear on Third Party Services? Next is Administration, Dawson Area, \$35,983. This is broken down on page 9/10 and concludes on 9/11. The next item is the Takhini Hotsprings Road, \$5,940.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask Mr. Commissioner, the Territorial Government has maintained this road for private enterprise for quite some years, and I don't really have any objection to it. I've always felt, and always had this philosophy that when there is a natural phenomenon within a government jurisdiction, like the Yukon Territory, it is much better for the government to own and to operate that natural resource, rather than private enterprise. I think they do a better job of it, generally speaking. I look to B.C.; some of the resources that they have developed on campground sites. I was wondering, as a benefit to all the people of the Yukon, whether there has ever been any thought given to negotiating with the owners of the Takhini Hotsprings to bring this resource, which I consider a natural resource in the Yukon, under the control and operation of the Territorial Government. We spend a substantial amount over the years in maintaining the road to that resource.

Mr. Commissioner: Mr. Chairman, not during the course of my tenure has there been any actual negotiations, but, I do believe, that there were conversations carried on between the present owners and some of my predecessors in this regard. I don't think there were any particularly encouraging results. Quite frankly, I tend to agree with the Honourable Member in this regard and if, at any time, Council so felt that they wished to see such conversations get under way, I think that with a little encouragement from Council we would certainly be pleased to look into it. However, I would like to add to this, Mr. Chairman, that it not only services the private enterprise who own the hotsprings, but there is getting to be a considerable number of private holdings along this road and they are likewise serviced as well. I may also say Amusement Tax has been collected from the admissions that have been charged to the Takhini Hotsprings over the year. I don't know what portion of this road maintenance would have been recovered from this source. I simply bring this to the Member's attention. This has not been entirely a free donation to the private entrepreneur.

Mr. Tanner: Mr. Chairman, I think, just for Councillor McKinnon, there are eighteen families on that road.

Mr. Chairman: Are we clear on the Hotsprings Road? The next item is Recreation Roads, \$81,045. The Robert Service Road, \$4,200. The South Access Road, Whitehorse, \$9,700. The Dawson Airport, \$5,300. The Mayo Airport, \$5,100.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask the Commissioner, what is the criterion for having expenses on an airport recoverable from D.O.T.? In some instances we pay the shot, such as the Carmacks airstrip, and in other areas, we refuse to takeover airstrips because we know darn well that the costs are going to be on the Territorial taxpayers' shoulders. Now, how do you go about getting an airstrip and the maintenance work you do on it being recoverable, those monies, from the Department of Transport?

Mr. Commissioner: This is by some underhanded method that we haven't quite mastered, Mr. Chairman. We're working on it. There is an Airport Policy which is administered by the Department of Northern Affairs. It is very obvious that this Airport Policy does not include the provisions for maintenance funds in certain of these areas. We have asked, here, that Council give us roughly \$37,000, and, we have indicated that the means of getting this money will be a tax on aviation fuel. I believe we are

Mr. Commissioner continued.....

proposing two cents, three cents a gallon. This is the means of getting this, because Council has been continuously asking us to provide maintenance on these airstrips, and, we find it absolutely impossible through any means open to us, to get money from the Department of Transport or from the Department of Indian Affairs and Northern Development for this. This means that if we are going to maintain them, we're going to have to raise the money ourselves, and this relates directly to that tax on the aviation fuel.

BILL #12
VOTE 9

Mr. Chairman: The next item is Airstrips, and Seaplane Docks, \$36,960.

Mr. McKinnon: There are no recoveries on any of these?

Mr. Commissioner: I'm sorry, Mr. Chairman.

Mr. McKinnon: Establishment 1018, there's no recovery on any of these strips or docks?

Mr. Commissioner: No, Mr. Chairman. Perhaps you might want to ask Mr. Baker more about this policy. I've read the thing several times and Mr. Baker had the opportunity of sitting on a Federal Government Committee that deals with this. It is a most weird situation. I'm sure that he would be the first to agree with me on it, but, let him go ahead.

Mr. Baker: As the Councillor pointed out, Mr. Chairman, it is impossible for the Territory to get maintenance money for airports. It is possible to get construction funds, of course, under the remote airport policy, as we are now doing in the case of Old Crow. Once this project is completed, of course, it means that the Territory will have to find the money to maintain it. It won't fit into the main line category of the M.O.T. because of the lack of scheduled service; that's one of the requirements. In the case of Dawson and Mayo, of course, they do have the traffic to have the airports classified as main line airports, and, therefore, M.O.T. pick up the tab.

Mr. McKinnon: I know, Mr. Chairman, that Mr. Baker meets with members of the Northwest Territories Engineering staff on this. I wonder if they are under the same guide lines and rules as far as -- a remote policy for airports rather than a remote airport policy, would be more like it.

Mr. Baker: Exactly.

Mr. Chairman: The next item is the Aishihik Airport Guarding, \$1.00. The Second Avenue Exit, Whitehorse, \$3,000. The Stewart Crossing- Dawson Road, \$304,272. The Dawson Boundary Road, \$163,900.

Mr. McKinnon: 1130 is 85 percent recoverable of the total cost?

Mr. Commissioner: Yes, all of that listing, all of the 11's are.

Mr. Chairman: Next is the Ferry on the Dawson Boundary Road, \$97,400. The Whitehorse-Keno Road, \$1,103,560.

Mr. Commissioner: Mr. Chairman, I don't wish to interrupt here, but, I think that it might be a question that would assist Honourable Members here. Would it be a fair statement, Mr. Baker, to say that the majority of the money that is represented here in increases represents a greater calcium chloride programme to a very great extent?

Mr. Baker: A majority of the increase is applicable to that, yes.

Mr. Chairman: Next is the Two Mile Hill, Whitehorse, \$16,200. The Canol Road, \$215,130. The Dempster Highway, \$134,640.

BILL #12
VOTE 9

Mr. McKinnon: I'm a little confused on this, Mr. Chairman. I see that the additional 45 miles under Operation and Maintenance will be an 85 percent recoverable item. That would seem to indicate to me that that 45 miles will both be finished and turned over to the Territorial Government within the course of the next year's budget. I would think, that for at least the next year's budget, that would be 100 percent recoverable item.

Mr. Baker: Mr. Chairman, there is no provision in the 1971 budget for any maintenance work beyond the Ogilvie bridge. This 45 miles referred to here is to cover that section from roughly Mile 78 to Mile 123, which is Ogilvie bridge. This winter we are maintaining this section, it being 100 percent recoverable from the Federal Government, but, commencing April, 1971, it will become 85 - 15 for year-round maintenance. Of course, we won't take take over the next section, from Mile 123 to Mile 166, until two or three years hence.

Mr. McKinnon: Yes, I thought this was Mile 123 on that you were talking about.

Mr. Chairman: The next item, then, is the Campbell Highway, \$830,440. Next is Carcross Road, \$74,240. Next is the Nahini Range Road, \$37,600. The Sky-line Operation, Dawson Boundary Road, \$31,100. That brings us to a total expenditure of \$4,319,067 in the Department of Highways and Public Works Operation and Maintenance. I wonder if you have any further questions relative to Highways and Public Works for Mr. Baker. We would like to thank you for attending with us, gentlemen....

Mr. McKinnon: Mr. Chairman, one question for Mr. Baker before he leaves; I know that he has had people in the Yukon Territory looking at the various heating plants in government institutions. I was wondering, particularly concerning the F.H. Collins school, which I am quite aware of, is there any indication that the heating equipment -- it just doesn't throw out enough BTU's to be able to heat the gymnasium there when the temperature drops below 30 below.

Mr. Baker: In speaking with the consultant, Mr. Chairman, that we had up here, he found that there were certain faults in the air supply system. If we correct these faults, there should be adequate heat to the gymnasium. It has to do with the coil and filter systems in the air supply.

Mr. Chairman: Any further questions?

Exit Mr. Baker and Mr. Fleming.

Mr. Chairman: This has concluded our Project and Loan, as well, has it not? We'll go back to Capital, Vote 20, page 20/4. Under Liquor Control, New Outlets and Conversion of One Store, \$53,000. Councillor Stutter, would you take the Chair, please.

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, as long as I've been in Council, I've made representations on behalf of my district for the installation of a liquor store and a Territorial Agent in the community of Teslin on the Alaska Highway. I've pointed out time and time again that this would serve a great need in that particular area. When you consider new outlets, or at least, one, not two, I would think, in light of the need in that community for these services, this is where that liquor store should be placed. I would ask that the Administration give very careful consideration to this. I submit that there is no need to construct a liquor store in this community because there is already a building available for this purpose, and entirely suited for this purpose. It needs only to be remodelled to accept the Territorial Agent and the liquor supplies and so forth. I rise only, Mr.

VOTE 20

Mr. Taylor continued.....

Chairman, to ask that the Executive Committee, or the Administration give very careful consideration to this. This has been about nine years in the asking. I will resume the Chair.

BILL #12
VOTE 20

Mr. Taylor resumes the Chair.

Mr. McKinnon: Do you know what they are going to call it, Don? The Don Taylor Memorial Liquor Store.

Mr. Chairman: Are we clear on Liquor Control?

Mr. Tanner: Mr. Chairman, did I miss liquor?

Mr. Chairman: Now, where do we go from here? To Loans for Third Parties? I think I could use a little guidance from the Treasury Department at this time as we proceed into an area with loans and mortgages and amortizations.

Mr. Chamberlist: Have we done the Operation and Maintenance for Liquor?

Mr. Chairman: There is no Operation and Maintenance under Liquor.

Mr. Commissioner: It's entirely up to yourself, Mr. Chairman. Vote 25 is the Operating Revenue and Recoveries; Vote 19 is the Loan Amortization monies; and, Vote 26 is the Loan Amortization Recoveries. Vote 19 and Vote 26 are the formalizing of the authorization for us to handle the monies that are given to us for various purposes. Likewise, with regard to Loans to Third Parties, such as the City of Whitehorse, this is where these items appear, Mr. Chairman.

Mr. Chairman: I thought that possibly we might be able to clear the Project and Loan Capital section of the budget. The first is Loans on Second Mortgage....

Mr. Chamberlist: Mr. Chairman, with respect, before we go any further, we have to read through the details on sheet 5/15. There's no difference in the amount of money involved, but, it re-indicates the Medical Evacuation Plans to various points outside the Territory and the reasons under which a medical evacuation plan is effected. That replaces 5/16.

Mr. Chairman: Are you prepared to complete the Projects and Loan at this time? If anyone wishes to raise anything on this, I imagine it will be over the evening before one can absorb all this, they can do so either tomorrow or whenever we next deal with the budget. The first item is Loans on Second Mortgages, C.M.H.C., \$50,000; page 10 of your support sheet and page 20/4 of Vote 20. Clear? Next is Low Cost Housing, First Mortgage Loans, \$260,000.

Mr. Tanner: Mr. Chairman, could I ask somebody from the Financial Advisory Committee what the thinking was in cutting this down by \$90,000 from last year? I'd have liked to see that increased this year. The need for this money is so obvious that this amount should have been increased rather than decreased.

Mr. Commissioner: Mr. Chairman, this is the balance of the original \$2,000,000 that was lent to us and we cannot -- that is the statutory limit imposed by the Federal Government. We do not have any more funds available under this programme. We are at the moment working with the Federal Government people and the Central Mortgage and Housing people to come up with what we hope will be an acceptable scheme to take the place of this situation. I have no idea when we will be in any position to bring this forward, but, all I can say is that we are working on it at the present time, and recognize, as do all Members of Council, the dire necessity of some means of funding home construction in areas other than

BILL # 12
VOTE 20

Mr. Commissioner continued.....

those portions of the Territory where C.M.H.C. is presently active.

Mr. Tanner: Mr. Chairman, just for the edification of the new Members, or myself anyway, the loan originally wasn't a revolving loan? The amount of money recovered doesn't go back in?

Mr. Commissioner: No, it doesn't.

Mr. Tanner: Thank you.

Mr. McKinnon: Mr. Chairman, I would like to ask the Commissioner a question. With the use of the \$260,000 in this fiscal year and no other programme being initiated by the C.M.H.C. or the Territorial Government, that will be the end of Low Cost Housing Loans in the Yukon Territory, as of this fiscal year?

Mr. Commissioner: Mr. Chairman, unless the Federal Government, in their wisdom, in lieu of the adoption of any other programme, has decided to raise the statutory limitation, that is the finish of it. This just comes up to the \$2,000,000 which was authorized by an Act of Parliament in 1962, I believe.

Mr. McKinnon: Mr. Chairman, the only observation I will make at this time is that last year, with this same amount of money for, I think, approximately twenty loans, the applications for loans were already in prior to the money being approved. Almost the day that the money was approved, the loan cut-off date came into being. When you see the results and when you see the need of such a programme, and the money still not forthcoming from the Federal Government, even on repeated and repeated requests from the Territorial Government, you really wonder whether we're making any headway in any way, shape or form whatsoever. We keep trying to tell the Federal people what we know is effective in the Yukon Territory and meet again and again and again with the same results, "No, we still know here, what's better for you people in the Yukon". This is one area where I've been, for at least ten years, making the same statements every year around the Council table. I've never been proven wrong in one of the statements that I have made about the need for lots of low cost monies available throughout the Yukon. Every year I've been told that I am wrong and they, living in Ottawa, know what is best for the public of the Yukon Territory. Really, I'm almost out of fight on this one. I've been told again and again and again that this is the way it is going to be and that's it. I've made so many representations that I don't even know if I have enough life in me to make another formal motion going to Ottawa. It's always unanimously approved by Council and always unanimously rejected by those in the seat of power in Ottawa.

Mr. Commissioner: Well, Mr. Chairman, perhaps the Honourable Member is running out of fight but I haven't. I want to say this to you, and I say this with all sincerity, Mr. Chairman. The Yukon Territory, at the present time, is going absolutely nowhere until we can make it possible for people in areas other than Whitehorse to get some of an acceptable and decent roof over their heads within their means of financing that roof. It is all very well for the Metropolitan Area to build up very rapidly here, and, we're getting a great concentration of population. Generally speaking, the quality of housing in the Metropolitan Area is fair. The Honourable Members, if we are fortunate enough to make the projected tour around the Territory, those who haven't already seen it, will have the opportunity of seeing what I consider to be some of the most deplorable housing conditions that must be left on the face of North America. It is an absolute crime when we are voting, I don't know how many thousands or millions of dollars here, to Welfare, that provides just about everything but a roof over people's heads. The people who want to provide that roof over their heads are not necessarily recipients of welfare, but, if we continue to keep them living in housing that they are in now, they are not only going to be recipients of welfare, but

Mr. Commissioner continued.....

--these are simply propogating places for people who will be coming under the aegis of our Corrections programme. The Honourable Member is talking to the converted when he is talking to the Administration on this matter. We are working at this very minute with Central Mortgage and Housing people and representatives from the Department in Ottawa on some means of getting a programme to take the place of this one.

BILL #12
VOTE 20

Mr. Chamberlist: I agree with our well converted Commissioner.

Mr. Chairman: The next item is Low Cost Housing, Second Mortgage Loans, \$40,000. Loans to Municipalities, City of Whitehorse, \$920,000. Finally, the Loan to Faro, \$100,000

Mr. McKinnon: Mr. Chairman, I wonder if Mr. Commissioner could tell me whether the loans to the City of Whitehorse, particularly the Whitehorse Industrial Area sewer and water installation, is contingent on the expansion of City boundaries.

Mr. Commissioner: Mr. Chairman, the answer is in the affirmative because the City of Whitehorse owns the sewer and water system and it is their prerogative as to whether or not they service any area outside their boundaries. Their policy has been that they will not service any area outside their boundaries with their sewer and water system.

Mr. McKinnon: Mr. Chairman, the concept of equipment purchased, this is what the City of Whitehorse would like to borrow from the Territorial Government for equipment purchases to serve the municipality. Now, this \$250,000 would still be contingent, even if the Territorial Government has the money available to lend to the Municipality, on the passage of the plebiscite under the Territorial Ordinance for them to put the enabling municipal money by-law into action.

Mr. Commissioner: I believe so, Mr. Chairman. I'm quite confident that that is what it is contingent upon.

Mr. Chairman: I'm wondering, in view of the time, if it is your desire to deal with the balance of matters related to Revenues and Loan Amortization when we sit again tomorrow.

Mr. McKinnon: Agreed.

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

Mr. Stutter: I second that motion.

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

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker resumes the Chair.

Mr. Speaker: Council will now come to order. May we have a Report from the Chairman of Committee?

Mr. Chairman: Yes, Mr. Speaker. Committee convened at 10:25 a.m. to discuss Bills and Sessional Papers. Mr. Murphy, Director of Welfare, attended Committee to discuss matters related to Welfare Services. Committee recessed at 12:00 noon and reconvened at 2:00 p.m. Mr. Ogison, Director of Corrections, attended Committee to discuss Corrections. Mr. Ken Baker, Territorial Engineer and Mr. Keith Fleming attended Committee to discuss Bill No. 12. I can report progress on Bill No. 12. It was

Mr. Chairman continued.....
moved by Councillor Chamberlist, seconded by Councillor Stutter 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, in relation to the agenda for tomorrow, I believe
that it is the intention of Committee to continue work on the budget and
other bills.

Mr. Stutter: Mr. Speaker, I would like to move that we call it 5:00 o'clock.

Mrs. Watson: I second that motion.

Mr. Speaker: It has been moved by the Member from Dawson City, seconded
by the Member from Carmacks-Kluane, that we now call it 5:00 o'clock.
Are you prepared for the question? Agreed?

MOTION CARRIED

MOTION
CARRIED

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

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. Are there any Documents or Correspondence to be tabled?

Mr. Chamberlist: Mr. Speaker, this morning I have for tabling Sessional Paper No. 11, Legislative Return No. 1 and a letter from the City of Whitehorse.

Mr. Speaker: Are there any Reports of Committee? Are there any Bills to be introduced?

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 19, An Ordinance to Constitute the Territorial Court of the Yukon Territory, be introduced.

*BILL #19
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 20, An Ordinance to Constitute the Magistrate's Court of the Yukon Territory, be introduced.

*BILL #20
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 21, An Ordinance to Constitute a Court of Appeal for the Yukon Territory, be introduced.

*BILL #21
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 22, An Ordinance Respecting Justices of the Peace, be introduced.

*BILL #22
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 23, An Ordinance Respecting Elevators and Other Fixed Conveyer Systems, be introduced.

*BILL #23
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: Are there any Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? As there are no Motions for the Production of Paper or Motions we now come to the Question Period. Mr. Clerk, will you see if the Commissioner is available. We will now recess for a few minutes.

RECESS

RECESS

Mr. Speaker: The House will now come to order. Are there any Questions?

Mr. Taylor: Yes, Mr. Speaker. I have a question. This morning we received a Document Sessional Paper which was not marked a Sessional Paper, but, marked a Legislative Return No. 1, over the signature of one of our elected Members on the Executive Committee and I am wondering if someone would enlighten me as to what this means, and if it means that the Commissioner has no confidence in the edicts or replies of the elected Members, not sufficient to call it a Sessional Paper?

*QUESTION RE
LEGISLATIVE
RETURN #1*

Mr. Commissioner: Mr. Speaker, questions that are asked on the Floor of the House that call for written answers, will in the future, be handled on the basis of Legislative Returns and they will appear over the signature of the Member of the Executive Committee, under whose aegis the departments involved in the question are their responsibility.

Mr. McKinnon: Mr. Speaker, will the Commissioner provide us with another file folder so that we can keep our Legislative Returns separate from our Sessional Papers?

Mr. Commissioner: There is no problem at all, Mr. Speaker, to provide this type of service to the Honourable Members. We would be only too pleased to see that this is done.

Mr. Taylor: Mr. Speaker, I am wondering if it is the intention in the future of the Administration of the Executive Committee to inform Members of Council or involve them in change of procedure in this House. I am quite sure that Mr. Speaker and other Members would be interested in being involved in the planning and programming of these things, without having to come here and see the changes. I wonder if I could have an answer, Mr. Speaker?

Mr. Commissioner: Mr. Speaker, this is the day and age of participatory democracy and I am sure that consultation on all these matters is the name of the game. I can only speak for myself on this matter, but, I am sure that any and all Members of the Executive Committee would be happy to have the comments concerning how these things should be done. If we wait until we consult on everything, I am afraid, Mr. Speaker, we will never do anything.

*QUESTION RE
TAXATION*

Mr. Tanner: Mr. Speaker, I have a question for the Commissioner this morning. Could the Commissioner inform the House whether the Administration has withdrawn the 5% inducement to taxpayers to make early payment of taxes?

Mr. Commissioner: Mr. Speaker, we haven't withdrawn it, we just never brought it forward this year.

Mr. Tanner: Mr. Speaker, as a supplementary to that question, whether or not it hasn't been brought forward this year, in the past it has been there. Would the Commissioner say whether it has been withdrawn as a policy decision or whether it was an oversight?

Mr. Commissioner: Mr. Speaker, it is a policy decision. The taxation schedule drawn up on the basis of 100% of the figures that are attested to with this 5% discount, is to be indeed, put into effect. We would have to increase the taxation by another 5% and I don't think that the Honourable Members would like to see this. The matter is not an oversight, it is a policy decision.

Mr. Speaker: Are there any further questions?

QUESTION #4

Mr. McKinnon: Mr. Speaker, I have several written questions that I would like written answers to. First one being, "How many children are presently available for adoption in the Yukon? What is the average time lapse between the time the child is placed for adoption, and the time the legalities are completed? How many applications from parents wanting to adopt has the Welfare Department on hand? How many children are presently available for foster homes in the Yukon? How many applications from people wanting foster children has the Welfare Department on hand? Have any applications been received from single people wishing to adopt and if so, were the applicants successful?" A further question, Mr. Speaker, to the Commissioner. Would the Commissioner provide me with details of the tender in contract for the provision of firewood to Territorial campgrounds? Thank you, Mr. Speaker.

QUESTION #5

Mr. Speaker: Any further questions? We wish to thank the Commissioner for his attendance.

Mr. Commissioner: Mr. Speaker, I wonder if just before you close off the Question Period, if I could have the opportunity of answering a question that was asked by Councillor Stutter a day or two ago. It was asked on February the 16th, made reference to a statement by the Minister of Indian Affairs and Northern Development of the Standing Committee regarding the transfer of lands within municipalities and settlements to the Territorial Government, and asked whether this had actually been done. I have been advised by the Regional Director of Resources, that since the 1950's lands in the municipalities and subdivisions in Yukon, have in fact, been transferred to the control of the Commissioner. The reference made by the Minister relates only to those lands within municipalities and settlements in the Northwest Territories.

Mr. Speaker: Are there any further questions? As there are no Private Bills and Orders and Public Bills and Orders, what is your further pleasure?

Mr. Taylor: Mr. Speaker, I would move that Mr. Speaker now leave the Chair and that Council resolve in Committee of the Whole for the purpose of discussing Public Bills and Sessional Papers.

Mr. McKinnon: And Legislative Returns?

Mr. Taylor: Yes, Mr. Speaker, I would have to amend that and include Legislative Return.

Mr. Speaker: Is there a seconder?

Mr. Chamberlist: I second the motion.

Mr. Speaker: Moved by the Member for Watson Lake, seconded by the 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 and Sessional Papers and Legislative Returns. Are you prepared for the question? Agreed?

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: Will the Honourable Member from Watson Lake please take the Chair in Committee of the Whole.

Mr. Chairman: We will proceed to Loan Amortization, Vote 19.

*BILL #12
VOTE 19*

Mr. Tanner: Mr. Chairman, I wonder whether the Chairman could instruct me at what stage I could introduce a motion to change payment of taxes. Are we proceeding today and in what area should I do this?

Mr. Chairman: We will be dealing with matters of revenue including taxation later on today as soon as we have cleared Loan Amortization. I don't know how you wish to proceed through this.

Mr. Commissioner: Mr. Chairman, this is a delineation of the Capital Loans that have been negotiated with the Government of Yukon and the Government of Canada and indicating the scheduling of them and you will find that the necessary funds to make these repayments possible are provided for as were in the Budget. This is the formalizing of our ability to pay out this money back to the Government of Canada.

Mr. Chairman: We have a repayment figure, pardon me, an interest figure of one million seven, yet it doesn't tally.

Mr. Commissioner: Mr. Chairman, I would clarify this by saying, this is a similar item as appears in the Budget each year, the totals being different each year, Mr. Chairman, for the very obvious reason that some

Mr. Commissioner continued
new loans are being negotiated and some are being liquidated. There is no change from the format of prior times.

Mr. Chairman: Are there any questions on Loan Amortization?
We seem to have a figure of \$2,878,476.02. We will now go to Operating Revenue and Recoveries, Vote 25. You will be on page 25/3. First item under Revenue is Tax Revenue - Property Tax, Territorial -\$182,201.

BILL #12
VOTE 25

Mr. McKinnon: I have much more to say on that, Mr. Chairman. Not at this time.

Mr. Chamberlist: When would the Honourable Member like to speak about it, if he disagrees?

Mr. McKinnon: Not at the present, Mr. Chairman.

Mr. Chairman: I would like to know if you are clear on this item? Committee clear?

Mr. Tanner: Disagree.

Mr. Chamberlist: When would this Honourable Member like to have something to say about this.

Mr. Tanner: When I have had time to think about it. Mr. Chairman, we are going through this thing so damn fast that I would like time to sit down and discuss this particular area.

Mr. Chairman: Gentlemen, it is apparently necessary that we deal with this matter. The Chair assumes that everyone was prepared to discuss the matter of revenues today. This is the last item in our Budget.

Mr. McKinnon: Mr. Chairman, the Revenue Section of this Budget reflects on so many ordinances and so many different areas within the Budget that it is going to take a Notice of Motion of this House to be able to discuss it clearly and discuss it properly, being able to tie in all the corresponding pieces of legislation and the budgetary items that I take exception to at the present time. This is going to be a major job and I am not prepared to do it at this moment. There is no way I agree seeing the Budget with the Revenue Section of this Budget. I am just saying that I disagree with the Revenue Section of it and I will be willing to agree to it after a Notice of Motion which I file in Council at the time of my choosing.

Mr. Chamberlist: Surely the Honourable Member, Mr. Chairman, must recognize that he can now show us his objections to, let's say an area of property tax, if he shows where his objections are, certainly, then he could suggest that we should be discussing it. The Honourable Member is well aware of that. He speaks often of the fact that he was Chairman of the Financial Advisory Committee and we are using the same procedure here that was used when he was the Chairman of the Financial Advisory Committee. I object very strongly to turning these Chambers into a vineyard with so many sour grapes emanating from the Honourable Member at this time.

Mr. McKinnon: Mr. Chairman, it is my prerogative to disagree that the Honourable Members on the Executive Council saw fit to raise the tax mill within the metropolitan areas of Whitehorse from 6 mills to 12 mills. I disagree with this point. I stated that before in the House and I will state it again. At this point in time that is as far as I am prepared to go and I have said nothing new on this. The Honourable Member knows full well that I object to the raising of that taxation. I made my stand perfectly clear on it, and I am going to have further to say on it at another time. Simple as that.

Mr. Chamberlist: Mr. Chairman, this is fine, he has now said at least why the Honourable Member is objecting to it. This is what I was trying to ascertain from him. How much is he objecting to, could he go along and say that now?

*BILL #12
VOTE 25*

Mr. McKinnon: Mr. Chairman, as we go through the Revenue Section I would be more than happy to stand up and state the sections that I object to,

Mr. Chamberlist: Alright, let's deal with that, Mr. Chairman. We should go one piece at a time.

Mr. Chairman: Are there any other Members that have objections to this particular area.

Mr. Tanner: Mr. Chairman, one objection I have to the 12 mills outside of the City Proper, is the fact that the services within that area are not the same and the taxes levied should not be equal. I can give you a number of examples. The services received in Hillcrest are not the same services that are received in Porter Creek, but, we are both paying the same amount of tax. The services received in Porter Creek are not the same services as those received up to the bridge on the Mayo road but we are both paying the same tax. I would like to hear the thinking for the reason that the tax was levied across the board like this.

Mr. Commissioner: Mr. Chairman, there is more to the mill rate and the tax imposed than what the Honourable Member is prepared to apparently state in his question and that is that the base of assessment is modified by means of various allowances. As a consequence, although the mill rate in the metropolitan area outside the City of Whitehorse has been equalized, certainly, the assessment has been modified in all these areas to take into account the general factor of evaluation on the buildings on the properties. Taxation is the result of the combined assessment and the mill rate, it is not confined to one thing, Mr. Chairman. It is in this combined situation that the Budget Programming Committee's recommendation to me was based. It is on that that we are prepared to state that in the Administration's eyes this is indeed a fair and reasonable and equitable method of taxation on property and improvements in the metro area but outside the municipal boundaries.

Mr. Tanner: Mr. Chairman, I am sorry, I will have to disagree. I am aware that there is a 5% hamlet allowance in Kopper King area, 6% hamlet allowance in Porter Creek area and a 7% hamlet allowance in the Crestview area. I am saying, I don't think first of all those allowances are valid. I think that they should be higher as you go out further and secondly, within those allowable areas there are different — the people living beyond Crestview and on the Mayo road and up to the Takhini River bridge are not receiving the same service as the people in Crestview and they should have another allowance made for them. The people who are living in the Marwell area are getting no allowance at all and they are not receiving the services that other people in this area outside of the city are being taxed for. I think the Budget Financing Committee didn't look close enough at the areas that they were going to give allowances to. I would like some further justification to why I should vote yes for increase of taxes where there are inequities within that tax.

Mr. Commissioner: Mr. Chairman, I have to agree to a point with what the Honourable Member says. You can't repute this. On the other hand, Mr. Chairman, I question very, very much the advisability of attempting in a kind of a government set-up that we have to provide in the way of services outside of the Municipality of Whitehorse, if indeed, you can come up with an identifiable mill rate for each and every particular location. I would like to suggest that if you use this same argumentation, you could well use it if you wish to, that you would then say that the mill rate that is being charged across the Territory outside of the metro area, no matter what it be, should be modified for each and every household or parcel of property throughout the Territory.

BILL #12
NOTE 25

Mr. Commissioner continued ,...

Because I am quite confident that there must be many parcels of property in certain remote sections of the Territory, where the amount of direct services that that property gets must be very, very minimal. On the other hand, there is the overriding consideration of providing the necessary funds for the administrative activities and the detailed activities of Government and those things accrue generally speaking to all residents of the Territory. Some to a greater, and some to a lesser degree. While I go back and say that I feel that there is a certain amount of merit in what the Honourable Member has said, this argumentation that he is putting up now has been getting used throughout taxation areas since day 1 and no one until now has found any answer to it. Maybe, if there is an answer at this time, why this is something that we do not know about. This is the dilemma that we are faced with, Mr. Chairman, there are certain monies that are required for the financing of the Government, and there are certain standards of services that are available to all, but, who only a very small portion in many instances get the benefit of. I think that we have spoken of these areas, particularly when we were talking yesterday about Health, Welfare and Rehabilitation. It is on that basis that we have seen fit to come forth with this manner of taxation and we feel that the provision of general services of government is such, that this is as fair and equitable a means as we know how to do it. You could carry the argument further if you wish to Mr. Chairman, by stating that the item that we refer to as School Tax, that the people that live in certain areas of the Territory are called upon to pay the 16 mills based upon their assessment and although the assessment has been equalized on the basis of services and other things available, certainly, I don't think that anyone would in their strongest argumentation indicate that school facilities are equal throughout the Yukon Territory. This is just not possible. I am afraid that while I personally agree very much with what the Honourable Member says, the practical application of what he is talking about is simply not possible to bring about.

Mr. Chamberlist: Mr. Chairman, I think the Honourable Member has raised an objection on the basis of the number of mills and is not looking further then what is meant by a mill. A mill is based on the assessment of property in a particular area. Now to break it down into actual dollars and cents for purpose of taxation, and let's deal firstly with education, 16 mills in Crestview for school purposes is \$153.60.

Mr. Tanner: Would you repeat this figure again, Mr. Chairman, if we can't have copies of this.

Mr. Chamberlist: I will give you all these figures. We can make available to you these figures for a reference, if you wish. Would you note that please, Mr. Clerk.

Mr. Clerk: So noted.

Mr. Chamberlist: Now Crestview, 16 mills for school purposes is \$153.60. I am just going to give you the areas immediately around the Whitehorse Area. In Hillcrest, 16 mills for school purposes is \$187.20, these are actual amounts of dollars in taxes, of dollars and cents in taxes. In Porter Creek, it is \$158.40. So you have, in Crestview and Porter Creek, you have distinct amounts right across the road. As I say, this is based on assessment. In Whitehorse, it is \$198.40 and also in the Riverdale Area it is \$198.40. Now let's go to general taxes. Twelve mills in Crestview is \$115.20. I wonder if the Honourable Member from Whitehorse North would listen. It is very important for him to know. In Crestview, I repeat, 12 mills, actual dollars and cents in taxes, \$115.20. In Hillcrest, the same 12 mills in taxes is \$140.20. In Porter Creek, the same 12 mills is \$118.80. In Whitehorse, \$186.00. If you want to know whether there is a difference or whether you are paying the same, it shows up in the actual dollars and cents that the taxpayer is paying on his property. Obviously, from this information alone, let it be recognized that there was a method in obtaining the mill rate. The mill rate is obtained from the assessable value of the property. All these

Mr. Chamberlist continued

BILL #12
VOTE 25

taxes have been taken on face improvement of \$10,000 all the way down the line and this also includes hamlet allowances. So, everything is taken into consideration. I really cannot see, although I would like to agree with the Honourable Member from Whitehorse North, that there is a difference being made as far as the taxation is concerned but, there isn't because of the fact that the assessments are carried out based on property values in their given area and the mill rate is based on those assessment values. The taxes are based on the assessment again so that quite frankly, I think that it is a very fair and equitable manner in which the monies that we need to raise for the services that must be given. We must consider this; we can't isolate ourselves and regionalize ourselves. It is the money that we need to operate for the Territorial Government. We must accept these things. They are the facts of life and we have got to accept it.

Mr. Tanner: Mr. Chairman, first of all, I don't know why we have to go this far before these figures were produced. I would like to see a copy of those figures, I would like to sit down and think about those figures, before I comment on those particular figures. I am saying something quite different here. I am saying that within the districts, you have your various allowances and equities, the Commissioner has spoken on that and he has made a good point for the fact that it is probably administratively impossible to make more distinction. Okay, I go along with that. What I am saying is how do you go to a taxpayer living in Crestview and explain to him that he is paying 7% less than taxpayers in Hillcrest. Which is basically the difference. Look what the taxpayer in Crestview is getting and the taxpayer in Hillcrest is getting. Admittedly the assessments are higher, but I don't think that the allowances are sufficient. Mr. Chairman, I didn't realize I so stunned my fellow Members. My logic has obviously confused them.

Mr. Chamberlist: I agree.

Mr. Tanner: Mr. Chairman, at this time I would like to make another suggestion. I think it is most unfortunate when the year that you raise taxes that you also take away the 5% inducement for people who pay their taxes earlier. I think that is a psychological and tactical error. I have a suggestion, maybe it is too late to introduce it this year, but I think it should definitely be incorporated next year in the taxes. People who pay their taxes early, albeit as much as a year early, which it could be done, should get a discount of for example 10%, and a decreasing discount as they get closer to the tax date when taxes are due. People who pay their taxes late should have an increasing penalty levied against them. In other words, if they are a month late, they pay for example, 1% and if they are 12 months late they might pay for example 12%. The idea being, and I am an example unfortunately, that if you haven't paid your taxes by the day after the due date you might just as well wait a year, leave your money in the bank and collect 7% interest, because it is not costing you any more money. Whereas, if you paid one month late you would pay a certain penalty, but, two months late you would pay a greater penalty. If you could use it on a penalty angle for late payment and an inducement angle on earlier payment you would offset a great deal of the hardship that might be caused in this case by the raise in taxes. One further thing; as I said at the beginning I think it is a mistake to take away that 5% allowance now. I don't know and am not aware of how many people made use of it, but I think the Administration would be very wise to make a public announcement -- that is for the balance of the time left to pay taxes, that if they pay them before the due date they should get 5% off.

Mr. Stutter: Mr. Chairman, I would just like to get a couple of Mr. Chamberlist's figures clear. I think, if I have got it straight, that you told us that in all the instances that you gave us that your figures were based on a \$10,000 assessment.

BILL #12
NOTE 25

Mr. Chamberlist: Yes, basically, Mr. Chairman.

Mr. Stutter: Perhaps you could explain how you got so many various figures, \$10,000 assessment value, no matter where the area is surely, unless I am wrong and if I am please correct me, one mill means ten dollars.

Mr. Chamberlist: Mr. Chairman, the face assessment - - what I had given was this information. First of all, let's take in Crestview where the land average is \$300 a lot, the house is \$10,000; there is a hamlet allowance of 7%, so the land value and improvement value less the hamlet allowance comes to \$9,600. The school takes 16 mills - \$153.60; for education, take 12 mills; is \$115.20. In Hillcrest the serviced land price there is \$2,200. You follow?

Mr. Stutter: You have answered my question.

Mr. Chamberlist: You follow me?

Mr. Stutter: Yes, you are not using a \$10,000 base.

Mr. Chamberlist: Oh yes, we are using a \$10,000 base for improvement but not for the land because land you have different values according to what work has been done on it.

Mr. Tanner: Mr. Chairman, could the Councillor from Whitehorse East please make that available for Members as soon as possible. I would like to sit down and read those figures and I don't want to hold up this Council.

Mr. Chamberlist: I have no objection to disclosing these figures. We will have this run off at coffee time. After coffee time we will have this available for you.

Mr. Chairman: Possibly they could be made available so that during coffee break Members could study it.

Mr. Tanner: Mr. Chairman, could somebody from the Financial Advisory Committee make comments on my suggestion of both inducements to pay early and penalties to pay late.

Mr. Chamberlist: I think we can say, Mr. Chairman, that the suggestion that has been made will be taken under advisement and considered and an answer will be given to the Honourable Member.

Mr. McKinnon: Mr. Chairman, I just can't get it through me how the Members of the Financial Advisory Committee and the Executive Committee could see fit to remove themselves so far from the feelings of the public of the Yukon Territory at this time. To be able to double the mill rate on property in the Whitehorse Metropolitan Area and at the same time take away the inducement for people to have a 5% rebate if they pay their taxes early. I have never seen really in all my history at the Council Table a more classic example of adding insult to injury to a public that is already, at this moment, in the Yukon Territory worried about the economic climate in the future in the Yukon. I just have to go on record to say that I can only agree wholeheartedly with the remarks of the Honourable Member from Whitehorse North. You don't understand the psychology of the public of the Yukon at this time. To be able to hit them over the head and stick a knife in their backs at the same time you are wrong and I am telling you that you are wrong, and I am going to prove it in this Budget where you are wrong, the tax increases that you are making are unnecessary, they are unwise, they are completely unwarranted at this time in the Yukon Territory's history and the confidence of the public of the Yukon Territory are shaken because of your inability to come up with a wise budget at this time.

Mr. Chamberlist: Mr. Chairman, I fully understand the psychology or attempted psychology of the Honourable Member in making the remarks in the manner that he is making them, because, it is somewhat laughable to think that the whole procedure that has been adopted in the Financial Advisory Committee is the same procedure that the Honourable Member participated in and led it. We have followed that explicitly in every way, shape or form, to use his own words. This is where the kind of hypocrisy of the whole situation comes into being. Now, Mr. Chairman, the Members of the Financial Advisory Committee are being accused of improper conduct, when the same conduct that we are following is the routine that was set by the Honourable Member from Whitehorse West when he was in the position of the Chairman of the Financial Advisory Committee. When I think that he would go on the public air and say "It was done with absolutely no consultation with myself, who represents the area of Hillcrest, with no consultation with Councillor Tanner who represents the area of Porter Creek and Crestview, it was done by an Executive Committee decision in secret". Mr. Chairman, could you imagine that the Executive Committee should be meeting in public to make policy decisions. This is an hypocrisy, I say. The Honourable Member knows full well that when he was leading towards Responsible Government, and I will continue hit that. I want Mr. Chairman to watch the Member passing his finger around the inside of his head, whether or not he is pointing that he is crazy himself. This type of conduct should be watched very carefully for every Member not to be sucked into an area of absolute destruction for this Executive Committee and everything that this Council is trying to do. As far as I am concerned, Mr. Chairman, this is an open attack on the Member from Whitehorse West who is trying to destroy the very thing that we worked for. I am going to fight him all the way along the line. He knows full well what is intended in this budget. He knows full well how this budget was presented because it was presented following his own recommendations and we haven't gone away from that idea not one iota. So that any criticism that he makes now in this Territorial Council towards any Member of the Financial Advisory Committee, towards the Executive Committee itself, is a false accusation. Every Member of this Executive Committee, and I say this quite openly, has worked very, very closely with the elected Executive Members and always in consideration of being the Members of Territorial Council, and I am pleased to say that what we are doing is a help towards making the Yukon what it should be, a fully democratic type of area, a fully democratic type of area where we can eventually have that provincial type status government which will come. The attacks that are being made from the Honourable Member for Whitehorse West are most unwarranted and I say he should be ashamed of himself.

Mr. McKinnon: Mr. Chairman, I am just going to reply shortly. I have no objection at all to the way the Budget is being presented. I object very strongly to the figures that I find in the Budget and certainly, it is my prerogative to say that I don't think the taxes and increases in taxes are necessary at this time. The Honourable Member says that exactly the same method in presenting the Budget is being used, I agree with it, have no argument with it at all, but, I am telling you one thing that as Chairman of the Financial Advisory Committee for the last three years, there were no tax increases in the Budget of the Yukon Territory. That is the only difference. That is the only complaint that I have is in the figures and the tax increases. I say that they are unnecessary, unwarranted and it is certainly my political prerogative to be able to do it. I have no objection, whatsoever, to Members of the Financial Advisory Committee and the method that they presented the Budget. This is the way I started it and I still say it is a good method, I couldn't agree with the Honourable Member from Whitehorse East more. My objection is to the figures that I find in this Budget. When I stand up and say, I am going to prove, and I hope to the satisfaction of the majority of this House that the tax increases which by decision of the Financial Advisory Committee are brought about in the Yukon Territory at this time, are unnecessary, unwarranted and unneeded at this time and worst of all, at this time with the economic climate and psychology of the public of

BILL #12
VOTE 25

Mr. McKinnon continued

the Yukon Territory -- are a very real dangerous blow and are shaking the confidence of the people in the government which I, as much as the Honourable Member from Whitehorse East, want to see work. I try to help him, but usually in the same method he has always been, bull-headed and not open to advice, will go along a disastrous course for the Yukon Territory. It is my duty to try and show the public of the Yukon Territory and the majority of this Council where the Honourable Member is wrong. As for the method and form of presentation of the Budget it is wonderful, my disagreement is in the figures.

Mr. Chamberlist: Mr. Chairman, one of the areas always of government where government fails to do their duty, is when they show lack of guts, intestinal fortitude to, when necessary, raise taxes to meet the cost of services. Now, when the Honourable Member says that in the last two years he didn't raise any taxes, I don't think that he should be patted on the back for that, I would say that he didn't have the guts, he was afraid to go to the public and say to them you do need your services, you have to pay for it. The position is this. The people that you have on the Executive Committee have got the guts to say to the public, "Look, this is what is needed, this is why we are doing it." We have said why we are doing it and we have said why we need it, but, just to go and openly try and destroy all the way along the line, and the suggestion that I am bullheaded, of course I am bull-headed when it comes to the fact that there is righteousness in an action. The Honourable Member doesn't believe in that. This is obvious. Unfortunately, I don't think he is going to have much support in being able to show the majority of Council that they are neglecting these-- the Financial Advisory Committee has neglected their duties. I say that it is only right that the Honourable Member should be raising queries in relation to the Budget. I think there is nothing wrong with that at all. But, when it is an attempt to destroy the concept of what is trying to be done overall in the Territory, I will repeat the words, he should be ashamed of himself.

Mr. Chairman: I think at this time that we will declare a short recess.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order, and we now have been provided with the spreadsheets, that were requested by Committee. You may proceed. Anything further on Property Tax, \$182,201.00?

BILL #12
VOTE 25

Mr. Tanner: Mr. Chairman, I don't have anything further on that. I would like to sit down and take in this sheet that was just given to us. Can we go on to the next step without completely closing off Property Taxes?

Mr. Chairman: We can always get a second go at the Budget before it is passed through Committee in any event. Any item in it can be discussed at any time. As long as we can deal with these items one by one, and if we are clear on one, then move to the other.

Mr. Tanner: Well, in that case, Mr. Chairman, as far as I am concerned I am clear on Property Taxes, but I still would like to think on this other thing.

Mr. Chairman: The next item is School Tax - Territorial, \$298,179.00. Clear on this item? Next item Fuel Oil Tax, revenue of \$2,092,654.00.

Mr. Tanner: Mr. Chairman, on the Fuel Oil Tax, could we -- could a Member of the Financial Advisory Committee please give us a figure. The increase, I believe, is .03¢. Could some Member give us the estimated amount of revenue that the .03¢ is going to raise?

Mr. Commissioner: Mr. Chairman, the estimate that has been given to me for this would be \$441,998.00 in the course of the coming fiscal year.

Mr. McKinnon: Is that just the fuel, or is that also the aviation included?

Mr. Commissioner: No, the aviation is a separate item of \$30,000.00, Mr. Chairman.

Mr. McKinnon: Mr. Chairman, this is again an unwise tax at this time. The reason being that those people that are going to be hit the hardest on this, are the very people who are reeling under the effects of both C 187 and the Land Use Management Regulations, and are uncertain as to what the economic future and the climate of the Yukon is. I have spoken to the two biggest transport companies in the Yukon; one of them says that it will cost them an extra \$80,000 a year and I am prepared to prove to you that this is right. The other one, saying that it will cost their operation \$30,000.00 extra in monies a year. Now this is in the two major transportation companies where we have a total of \$110,000.00 already raised and the Honourable Member sitting on the Financial Advisory Committee says the total is only going to be some \$400,000.00. If the experience of the last Council's increase of Fuel Oil Taxation is the same, it is going to be far and beyond the expectation, considering the fuel used, than what was originally programmed in the Budget. I think however it might be quite a bit different at this time, because of the fear that exploration companies and transportation companies have in moving into the Yukon Territory this time, because of the uncertain economic climate, and the fear of what can happen because of certain federal and territorial statutes.

Mr. Commissioner: Mr. Chairman, I think that there is another side of the coin on this, and I am sure that the Honourable Member will appreciate the fact. In the course of the last 5 or 6 years, the standard of maintenance, and the standard of roads generally that is available for the trucking industry on the territorial highways, has improved so dramatically, that I think that it would be a reasonable

BILL #12
VOTE 25

Mr. Commissioner continued..... statement to say that their machinery maintenance costs have decreased as a consequence of that standard of maintenance. And yesterday in the budget I did not notice anyone complaining particularly about the huge increases under the Territorial, Federal Engineering Services Agreement, where the increases under that Agreement are mostly attributed to the application of calcium chloride. This safety factor in itself is tremendously important to the trucking industry in the Yukon Territory, and I think it is a very noticeable situation that in their recommendations of Budgeting Programming Committee to me in this regard, that our level of over the road fuel taxes are still far behind most of the provincial areas of Canada. Now, Mr. Chairman, there are some things that I am prepared to listen to with regard to inequities in taxation, and there are other things that I feel that good value is given to the public for the money that is expended. And I would like to suggest, Mr. Chairman, that insofar as the maintenance standards on the territorial highway system is concerned, they more than justify the present suggestive level of fuel taxes in this area. The trucking industry are the big users of these roads and for the safety of their drivers and the ability to keep their maintenance cost down is entirely related to the standards that we can maintain these roads. I am sure, that all Members around this table would agree that there are maybe many things that this government is doing wrong, but one of the things that we are doing right, is in the standards of maintenance that we are providing on these roads, and I am quite confident, that this is one area that is a reasonable and equitable situation considering the standard of service provided.

Mr. McKinnon: Mr. Chairman, I can only say this, Mr. Commissioner is wearing his finest bureaucratic hat this morning, and, Mr. Chairman, Mr. Commissioner was the champion when the Touche Ross Report came out and tried to raise the level of taxation consistent with the provinces, and he agreed with the figures, but he disagreed, the same as all Members of Council did, with what that would do with the price of goods landed and being bought in Whitehorse. If the tax increase goes into effect, and I agree with Mr. Commissioner, that it will still be lower than most areas in Canada, but the fact remains that it will put a gallon of premium gas in the Whitehorse area at .71¢ a gallon, which certainly has to be thought higher than almost any other place in the Dominion of Canada to purchase a gallon of gas to do anything. Now, Mr. Chairman, Mr. Commissioner talks about the betterment of the road, and I agree with him in this instance, but why I say the Commissioner is wearing his bureaucratic hat and forgotten completely the one time political hat he used to wear, is because if all things being equal in the Yukon Territory at this time, it would be the time considering the services to raise the gasoline tax, but the same companies that are being hit with uncertainties, because of federal statutes are being socked at them. And the very ones that are going to suffer primarily because of this increase in the territorial gas tax, and I am just saying this, Mr. Chairman, that this may well be the straw that breaks the camel's back. Now, if it had not been a territorial tax levy, all things being equal, the transportation companies would have been the first to accept the taxation because of the betterment of the road, and would say thank God, here we are at least paying a territorial tax where we can see territorial improvement and we don't mind it one bit whatsoever, and I only agree with the Commissioner that the tax that was levied for education on the mining properties in the Yukon Territory, which raised some \$250,000.00, when the economic crisis was void in the Yukon Territory, with hardly a whimper, or a registered complaint from those mining companies in the Yukon who had to pay it, because they realized that they had to be good quality citizens in the Yukon, and that this tax was going for territorial institution, which they could see was working for the betterment of their employees. And this would be the same thing, but it is not politic. At this time with the economic climate so uncertain in the Yukon Territory to be further socking it to these companies that are already so

Mr. McKinnon continued.....

fearful of their future here in the Yukon, and if all things were equal at this time, I would say that this would be the time to be putting this tax on these companies, but this isn't the time to be further added to the burden of these people who are already uncertain about their future in the Yukon.

BILL #12
VOTE 25

Mr. Chamberlist: Mr. Chairman, I have heard with some interest, the championing of the companies by the Honourable Member of Whitehorse West, but I am surprised that he did not attempt to champion the quarrels of the Yukoner who has to drive his vehicle on the roads in the Yukon, and where there is a requirement of keeping up the maintenance of these roads as a result of the use of the companies heavy equipment which damages the roads to a certain extent. I see no reason at all to argue in favour of specific companies, because as far as I am concerned, although we have to look after the interest of business, we have to also look after the interest of the people, and I think it is necessary for every Member of this Council to recognize that we are here to serve the people, that includes companies as well. Presenting -- I think, all Committee Members have been circulated a copy of the D.B.S. taxes that were raised in 1970 on fuel oil taxes, and it is very interesting to note, that in New Brunswick the tax is 21¢, I beg your pardon, Nova Scotia is 21¢, New Brunswick 20¢, Quebec 19¢, Ontario 18¢, Manitoba 17¢, Saskatchewan 19¢, Alberta 15¢, British Columbia 13¢, and we have been 11¢ all this time. So now we are bringing it up to 14¢, which is a very reasonable situation if we are considering the length of the roads that are involved here. I think that this information justifies indeed the need for increase in taxation.

Mr. McKinnon: Mr. Chairman, what an unfair piece of paper to be given to Members of Council. Certainly if everything being above board, this should also include what the cost per gallon of gas to the consumer in a major center for both regular and premium is. Then we know what the cost is to the person who has to buy his gas to get his vehicle going. I am sure, Mr. Chairman, that in British Columbia, in the major centers, regular gas is in the neighbourhood of 55¢, or in that area. So we are talking about 15¢ per gallon more for the consumer in the Yukon Territory, and if the Honourable Member wants to be fair about this whole thing, then he should also include on this sheet of paper, what the price per gallon of gas is to the consumer, considering the full cost, including taxation. And just to say that our taxes are lower here, so that we can arrange to raise them to be equitable with the rest of the country, is an argument that he has never followed before, and he seems to now, and one that I simply refuse, to following this up.

Mr. Tanner: Mr. Chairman, there is one interesting fact here, in this D.B.S. tax structure across the country. There is a very clear distinction here. The Honourable Member from Whitehorse West pointed out that the two major trucking companies are going to have to pay a figure which is greater than what they are paying now, but all the provinces, except Newfoundland and Prince Edward Island make the distinction in taxes between diesel fuel and gasoline. At the territorial level here now, I think that same distinction might be well worth making, because let's just face the situation in my constituency. People in my constituency are now being asked to pay greater property taxes. The people in my constituency are now being asked to pay greater fuel taxes, and I say my constituency, because we don't live in town. We have got to come down here. If you made a distinction here between diesel fuel and gasoline fuel, I think you would be putting the tax where it belongs, on the people who are breaking up the roads, or who use the roads the most, the trucking companies.

BILL #12
VOTE 25

Mr. Chamberlist: Exactly, and further, Mr. Chairman, I would point out that one of the companies that the Honourable Member from Whitehorse West is so concerned about, because it would hit them by way of taxation cost, is a company that indeed makes most of the profits out of supplying gas and oil to the area. So it kind of comes home in an area this way, that definitely the situation as it has been outlined here shows at least that we are not taxing over and above other parts of Canada and that we are not abusing the privilege of the right to tax. You will note also, that if we are talking about 14¢, we are talking about fuel oil taxes, which includes gasoline and diesel fuel, which includes both. You will find that in other areas, for instance in other provinces, you'll find diesel fuel in Nova Scotia is 27¢ tax, New Brunswick 23¢, Quebec 25¢, Ontario 24¢, Manitoba 20¢, Saskatchewan 21¢, Alberta 17¢ and British Columbia 15¢ and all ours is 14¢. I don't think it is -- it is very difficult to recognize the fact that our taxation for fuel taxes is reasonable.

Mr. Stutter: Mr. Chairman, we have been given figures here, compiled by the D.B.S. showing taxes, or rather fuel taxes in all the provinces and the two territories. I wonder, if we could also get figures from D.B.S. showing the cost of living in all those areas. Also the average yearly income in all those areas.

Mr. Commissioner: Mr. Chairman, you can get enough information from D.B.S. to fill up this room, and you can get any you want. There is a mailbag full every day comes in with statistical information from D.B.S.

Mr. Tanner: Mr. Chairman, just as a suggestion regarding this fuel tax. Would the Financial Advisory Committee be open to the suggestion that the taxes should be split between gasoline and diesel.

Mr. Commissioner: What does the Honourable Member mean that it be split between them, that it be greater on one and less on the other. Is that what you think?

Mr. Tanner: Mr. Chairman, if you look at these figures for -- yes, I do think exactly that. If you look at these figures across the country in every case, in every figure, the diesel fuel tax -- the heavier user or the greater user of the road is paying a little more -- in every case the diesel fuel is greater, I think the same thing -- a logical way of approaching this tax, and it should be the same thing in the Yukon.

Mr. Commissioner: Mr. Chairman, then you are turning around and saying that a different kind of motor in a vehicle should be a different kind of contributor to the cost of maintaining the roads. Now, I am not a technician on this situation, but it would appear to me, that what we are talking about here, if we are talking about raising effectively \$44,000.00 in the course of a year, we have something in the neighbourhood of about 10,000 motor vehicle licenses here in the territory, we are talking about adding to the cost of operating these vehicles approximately \$44.00 in the course of a years time to each vehicle, and there is possibly merit in what the Honourable Members are talking about here, but it would certainly appear to me, the kinds of increases that we are talking about in relation to the lower maintenance cost that industry is enjoying as a consequence of better maintained roads, is a pretty reasonable situation as it stands right now, Mr. Chairman.

Mr. Chairman: Is there anything further on Fuel Oil Tax, \$2,092,654.00? The next item is Aviation Fuel Oil Tax, \$30,000.00.

Mr. Chamberlist: The information is available to all Members of

Mr. Chamberlist continued.....

Committee, Mr. Chairman, the difference between various provinces, Quebec 3¢, Ontario 3¢, Manitoba 2¢, Saskatchewan 4¢, Alberta 3¢, British Columbia 1¢. There has never been an Aviation Tax before in the Yukon Territory. In the Northwest Territories it is 1.5¢.

BILL #12
VOTE 25

Mr. Chairman: Will you take the Chair for a moment, Councillor Stutter?

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I think it should be pointed out for those Members who are not too clear on why this tax, this is almost a funded type tax, and will be used for the maintenance of the runways, and airstrips that were enumerated in the Budget of yesterday, and I believe it is also the intention to open up these emergency flight-strips on a limited basis up and down the highway, with this money -- as far as the money will go. I think this is a very important thing, and I think that the operators, the aircraft operators certainly in the territory would be assured that these monies will be used for aviation facilities, and I think that they will go along with this with no problem. I will resume the Chair at this time.

Mr. Taylor resumes the Chair.

Mr. Chairman: Anything further on Aviation Fuel Tax in the respect of \$30,000.00? Next is Amusement Tax, which after a year of battling has now been repealed.

Mr. Tanner: Mr. Chairman, I don't want to get into the many years of battling this and it has now been repealed, but I was just wondering, if somebody could in a few words tell me, why this tax has been removed. Mr. Chairman, perhaps I should go a bit further and say, why did the Territorial Council in their wisdom remove this Amusement Tax? Maybe one of the old -- beg your pardon, one of the Councillors from the old -- from the last Council can tell me please.

Mr. Chairman: Will you take the Chair again, Councillor Stutter?

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, over the years it was found that this was an inequitable tax. It was applied basically to the theatre in the Yukon and it was applied to the Takhini Hot Springs out here. Otherwise everybody who watches television in the City of Whitehorse, they didn't have to pay an amusement tax. The people who went to see a ball game or a basketball game, or any other function here in Whitehorse never had to pay an amusement tax, only the theatres and the Hot Springs had to pay it. And it seemed to Council, certainly as long as I have been on Council, a very unfair type of tax. You must tax everybody for the same thing. You just don't take one section of the entertainment field and say we are going to tax you, the other guys are going to be scott free. Basically -- there are other reasons as well that follow along that line, but that was the basic reason why we thought it wasn't practical to charge this tax. I will now resume the Chair again.

Mr. Taylor resumes the Chair.

Mr. Chairman: Next item on page 25/4 is School Tax - Municipalities, in the amount of \$479,994.00.

BILL #12
VOTE 25

Mr. McKinnon: Mr. Chairman, this just shows the lack of care and preparation that went into the formation of this Budget. The City of Whitehorse in a final assessment is being assessed in property of some \$35,500,000.00. At 16 mills that will increase that figure right there to a nice round sum of \$150,000.00 and put it up to the \$568,000.00 type of bracket. There is \$150,000.00 which hasn't even been taken into account by the Government of the Yukon Territory at this time. That is right. The final assessment values of the City of Whitehorse are not \$26,171,000.00. They are \$35,500,000.00. That is going to be taxed at 16 mills for school, and that is going to raise this tax figure to some \$150,000.00 more than the revenue section of this Budget provides for.

Mr. Commissioner: Oh yes, but Mr. Chairman, this statement I think bears a little clarification here, and just because the City of Whitehorse happens to have an assessed valuation of \$35,000,000.00 doesn't mean to say that we collect school taxes on all this total. Not necessarily, Mr. Chairman. For example in that total, I haven't examined the total, but it could well include several government installations, Territorial Government installations. I am sorry, I don't know just exactly what is made up in that, but on some of these kinds of installations we do not collect school taxes.

Mr. McKinnon: Did the Commissioner take into account the increase in the assessment rate of the City of Whitehorse in the preparation of this Budget?

Mr. Commissioner: Mr. Chairman, to the best of my knowledge, my Treasury people took the best estimate that could be made available to them at the time of preparation here in the amount of taxable property that they would collect school taxes from the City of Whitehorse.

Mr. Chamberlist: Yes, Mr. Chairman, I am sure the Honourable Member from Whitehorse West recognizes the fact that these are figures that are submitted by the City of Whitehorse, and it is on this basis, that the Treasury Department come forward with the information

Mr. McKinnon: Now, Mr. Chairman, the increase from last year to this year on the school tax mill rate from the City of Whitehorse will only be from \$20,000.00. Now, Mr. Chairman, with the whopping increase in the assessment, and the re-assessment of the property values of the City of Whitehorse, I have to take exception that that is the only amount of money which is going to be increased in school mill revenue from last year to this year from the City of Whitehorse, because you know quite well that there has been quite a substantial increase in the assessment of the City of Whitehorse's property. This is going to reflect in the increase taxation from the mill rate, and I suggest, Mr. Chairman, and I am sure that this can be proven, that if Mr. Commissioner will sit down and work out these figures, or allow his Administrative office to do this, that \$20,000.00 is not a realistic figure on what the real increase in the coffers of the Territorial Government will be from the re-assessment of property in the City of Whitehorse. No doubt about it. No doubt at all.

Mr. Chamberlist: I don't follow it. Is the Honourable Member asking now whether the figures that have been supplied by the City of Whitehorse.....

Mr. Commissioner: Mr. Chairman, the Honourable Member -- he knows very well that the Budget was made up 6, 8, 10 months ago, and our Treasury people would be using the figures that to the best of their knowledge were available to them at that time, and there is no problem. These are estimates that you are looking at, Mr.

Mr. Commissioner continued.....

BILL #12

Chairman. I cannot do anything other than to give you these estimates. VOTE 25
That's all. And the Honourable Member has a point, and we are quite prepared to take a look at the point that he is making.

Mr. McKinnon: Mr. Chairman, I suggest that I have a very valid, and a very legitimate, and a very real point, and that the estimates reflected in this Budget do not take in the fact of the huge increase in assessment of property in the City of Whitehorse, and it is going to have a dramatic reflection on the revenue section of this Budget of the Yukon Territory, and all I am asking for is that these figures at the earliest opportunity be presented to Members of Council, because I submit, and I think that the Commissioner submits, I do have a very legitimate and a very real point, and there will be a reflection in this Budget when the increase in revenue of the Territorial Government is pursued by his offices.

Mr. Chamberlist: Okay, we will ask for that information, and bring it forward.

Mr. Chairman: The next item is the Fur Export Tax, \$3,000.00. The next item is Liquor Tax, \$305,889.00.

Mr. Tanner: Mr. Chairman, could we have a breakdown on how that tax is imposed, please?

Mr. Commissioner: It is in the Ordinance, Mr. Chairman, and it is by the bottle, and by the dozens of beer, and by the cases.

Mr. Chairman: Are you clear on that item? Are we clear on that item?

Mr. Tanner: Mr. Chairman, may I just on the Liquor Tax ask the Financial Advisory Committee Members whether they considered raising the tax on liquor?

Mr. Chamberlist: No, it was not considered because the liquor has been taxed so much and so often, that -- how far can you go. This is the position really, how far can you go on taxing liquor.

Mr. Stutter: Mr. Chairman, I just like to point out on that particular argument that beer just two years ago was considerably more than it is now. It was at that time I think \$4.65.

Mr. Commissioner: Yes, but Mr. Chairman, the policy in regards to the taxation on liquor was agreed here in Council approximately two years ago, and it was agreed at that time, the point of no return was rapidly arrived at, and that instead of trying to base our whole revenue picture on liquor taxation, that we should be attempting to do two things, hold the taxation of liquor at the current level, and also to reduce the price of beer, and in these two regards, that policy is still the one that we are pursuing, Mr. Chairman.

Mr. Chairman: The next item is Sewer and Water Tax, \$38,800.00 as enumerated. Clear? And the next is Property Tax from Mining, \$246,326.00. Are you clear on this item?

Mr. Tanner: What item are we on, Mr. Chairman?

Mr. Chairman: Property Tax - Mining, tax from mining is \$246,326.00. This is where mining people now pay school tax. So, this gives us a total tax revenue of \$3,647,043.00, in tax revenue. Are you clear on this? Are you clear on this item? Page 25/6, Liquor Profit, \$1,741,212.00. Might I direct a question to Mr. Commissioner from the Chair? It seems, Mr. Commissioner, that out of these profits from liquor we may be able to find enough money to built that liquor store in Teslin this year.

BILL #12
VOTE 25

Mr. Commissioner: Mr. Chairman, I learned a long time ago that you never commit yourself on anything when you are going through the revenue items in the Budget.

Mr. Chairman: Are we clear on Liquor Profits? Next is page 25/7 - Licence Revenue. First is Motor Vehicle Ordinance - \$599,096.00. Are you clear? Next is Liquor Ordinance - \$20,500.00. Business and Professional Licences - \$33,000.00; Marriage Licences - \$600.00.

Mr. Stutter: I wonder, Mr. Chairman, if the licence fee has gone up or are we anticipating a 50% increase in marriages?

Mr. Commissioner: A 50% increase.

Mr. Chairman: The next item is Game Licences, \$55,275.00, which gives us a total revenue of -- licence revenue of \$708,471.00. Page 25/8, Interest on Investments, Bank Interest, \$105,000.00. A good question from the Chair, with the changing in procedure of the old fiscal agreement, will there be a change in the amount of money that we will receive from interest on bank loans?

Mr. Commissioner: Well, Mr. Chairman, this relates to the amount in cash flow, and a lot depends on the manner in which we are collecting taxes, and the manner in which the deficit money is coming from Ottawa; whether we wind up with substantial balances of money that we have no immediate use for. The pattern has been that we have been able to look to quite substantial recoveries on this type of interest, because the demand type notes that we can buy from the bank, have carried -- this rate of interest is going down very rapidly, and quite frankly, I don't like to be very pessimistic, but I would like to stress that the bank interest item here has been overstated very, very much, as to what we are actually going to get. I would like to suggest, Mr. Chairman, that if we are looking to something around 1/3 of that amount, would be more likely what we will get in the course of this coming year.

Mr. Chairman: The next item is Fines - Territorial Court and Others, \$49,250.00.

Mr. Tanner: Mr. Chairman, could I go back to the Motor Vehicle Ordinance in the amount of \$599,096.00, please? Could somebody from the Financial Advisory Committee give us an indication -- it is quite a jump from last year -- of the breakdown. I cannot see it from the Ordinance here.

Mr. Chamberlist: That will include for -- slight increases in licensing, also the various types of driving licences, which will be in effect. Generally also the increase in the number of licences, that are expected to be sold this year as well.

Mr. Chairman: The next item is Fees - Registration, etc., \$111,100.00.

Mr. Tanner: Mr. Chairman, I think that is another item that is going to be increased this year.

Mr. Chamberlist: There is an Ordinance which indicates the increase of fees, which will be -- yes, it is in the package of Taxation Ordinances, and that will be dealt with at that time.

Mr. McKinnon: Mr. Chairman, I realize that we are going through every one of these items, but seeing the increase of revenues, there is going to be a fee increase. Now, we go from here to the Ordinances to see what the fee increase says, and all they tell you is that they are going to be set by the Commissioner. Somebody soon is going to tell the public, somewhere, somehow what the increase in fees is going to be to the people wanting to purchase licences for vehicles, for cocktail lounges, etc., so at least they know what is to be expected from them in the way of a fee schedule for next year.

Mr. Chamberlist: Mr. Chairman, if Members will recall, when the Bills for taxation were introduced, the Honourable Member from Whitehorse West raised objection to dealing with those Ordinances until we had dealt with the Budget. And I agree. All right, now he says, why are we dealing with the Budget until we deal with the Ordinances. The Honourable Member obviously hasn't made up his mind as to how he intends -- or attempts to influence Members of this Council. When this Budget is dealt with, or our actual approving of Bill No. 12, you can then revert back and we can go back into the other Ordinances, and deal with these fees accordingly.

Mr. McKinnon: Mr. Chairman, the Honourable Member is absolutely unfair to any of the positions that I am taking, because no where under the Ordinance does it give any indication of what the licences and fees are. They say, it is all going to be by schedule. Now, I take it that the Federal Government has done the proper thing in bringing regulations under an Ordinance and fees to Members of Council both in the Northwest Territories and the Yukon, so that they can study them prior to making them regulations under an act. Mr. Chairman, all I am saying is the same courtesy that the Federal Government is showing in fees and schedules in regulations should certainly be shown by Honourable Members in this House, and there is no problem at all under any of these Ordinances to bring fees and schedules as to what licence it will be prior to the Ordinance being passed, and I don't truthfully see how any Member can objectively discuss the Ordinance until he knows what the proposed schedule is going to be.

Mr. Chamberlist: Mr. Chairman, with respect, we haven't come to the Ordinance and fees yet, and a schedule will be given out at that time. The Honourable Member should not be concerning himself so vividly until the information that he is requesting is given to him. Let us concern ourselves now with what he has asked for, and what the government has agreed to let him have, and that is the dealing with the Budget. We have given way to him, and now he doesn't -- he is sorry that we gave way to him. Well, this is pretty difficult, pretty difficult indeed, but I can assure the Honourable Member and Members of the Committee, the schedule of fees will be supplied at the time of the discussion of the Bill for the fees.

Mr. Chairman: The next item is Sundry, in the amount of \$20,000.00.

Mr. Tanner: Mr. Chairman, going back to this schedule and fees. I really don't think it is very unreasonable for anybody on this Council to ask to see what they are going to be. You are asking us to vote on this, and we are asking where the breakdown is going to be. I think those fees schedules should be tabled before you ask us to clear these items.

Mr. Chairman: This Ordinance has not been approved yet. This package will be discussed next.

Mr. Chamberlist: Mr. Chairman, perhaps I can clarify again. When we have discussed this package at the request of the Honourable Member from Whitehorse West, we went to the Budget prior to going through the Ordinances, where you would have had the schedule. because they were prepared for that, so we gave way, we said, fine, we'll deal with the Budget. Here now we have the Honourable Member from Whitehorse North indicates well, what the Member of Whitehorse West wishes is not my wish, so right now we are trying to satisfy both wishes, you see. Now, Mr. Chairman, now that we have dealt with it, and immediately after that we have dealt with it and prior to passing out Bill No. 12 I see no objections whatsoever, to passing on to the Bill dealing with the schedules and fees. Nobody is trying to hide anything from anybody.

BILL #12
VOTE 25

Mr. McKinnon: Mr. Chairman, just one stupid act, and he is compounding another stupid act, because there is no reason in any way, shape or form that the schedule of fees should not have been provided at the time that the Bills were introduced. No reason, no sensible, no common sense -- and here we are just going around in a silly argument. I am not going to say any more about it; the Honourable Member from Whitehorse East fully well knows the point that I am making and that there should be no objection in any way, shape or form to having the fee schedules at the time of the introduction of the Bills and having them available to Members of Council at the earliest opportunity. And it just seems some kind of a pathological form of government for the Honourable Member to keep from Council documents, memoranda, information, that were always available to every Member of Council without having to fight like pulling teeth for the availability of it.

Mr. Chairman: Well, we have a total Operating Revenue and Recoveries situation of \$12,869,128.00. A total Revenue and Recoveries, this involves all your departmental recoveries from the Federal Government, from all sources. You will find them enumerated from page 25/9 on. Well, I think, it being now 12:00 o'clock, we will stand Committee in recessed till 2:00 o'clock.

RECESS

Thursday, February 18th, 1971
2:00 p.m.

Mr. Chairman: At this time we will call Committee to order. Is it your wish that I report progress on Bill No. 12 at this time? In order to collect all the bills relating to Bill No. 12, we will proceed to Bill No. 3 at this time.

BILL #3

Mr. Chamberlist: Mr. Chairman, the explanatory note on the back of the opening page: "The purpose of this Ordinance is to transfer fee fixing from the ordinances to regulations made under ordinances. This is an omnibus bill. It deals with all ordinances which fix fees within the Ordinance except those ordinances which also establish fees and are being dealt with separately at this Session."

Mr. Chairman: Alright, I will proceed with the reading of the bill. In view of the length of the bill, with the agreement of Committee we will deal with it section by section. An Ordinance to Amend Certain Ordinances Respecting Fees and Licences. "The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:"

Mr. McKinnon: Have we got a schedule of fees on this?

Mr. Chairman: (Reads section 1 of Bill No. 3) I understand Mr. Clerk is going to get the fee schedules. I will declare a brief recess until he gets back with the information.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order. We are at section 1, and we have some support data on suggested fees. What is your pleasure in this regard?

Mr. Commissioner: Mr. Chairman, as a word of explanation in connection with this fee schedule that is before you, this proposed fee schedule, a revision of the fee schedule in the Territorial Ordinances was undertaken approximately 18 months ago. We found in our research that many of the fees that have been established at the time the Ordinances were written go back, some of them as far as 1956 and 1957, and have never been touched in the meantime. So, there was a question as to whether or not the odd one would be extracted and looked at, or whether there would be a total revision. I believe that there was some suggestion here approximately a year ago that just certain of these would be changed at that time, and a total revision would not be necessarily the practical thing to do. As we got further into it, this was looked upon as practically an impossibility, and a complete and total revision of the fee schedules is before you at this time. This has been compiled on the basis of comparative situations in neighbouring jurisdictions. It is not something that we have just simply dreamt up out of the clear blue sky, but have attempted to bring into some kind of realism in line with the day and age that we are providing these services, that other jurisdictions have found to be reasonable and practical for the kind of services that are being rendered.

Mr. Chairman: Are you clear on section 1? Are you clear? (Reads section 2 of Bill No. 3) Are you clear on this item? (Reads section 3, subsection (1),(2),(3))

Mr. Tanner: Mr. Chairman, just one question here. Is that penalty high enough? Is there a case where the fees might be higher, and it would be cheaper to pay the penalty than the fee?

Mr. Commissioner: Well, Mr. Chairman, The question of setting a penalty in an Ordinance of this nature is open to a lot of potential debate. The idea is, to at least have potentiality of a penalty that is realistic,

BILL #3

Mr. Commissioner continued ...

but at the same time is not to the point of absurdity in line with what the potential licence fee may be. I would like to suggest, Mr. Chairman, that while the point that is raised by the Honourable Member, in other words would the penalty be less than the potential fee and would the person sooner pay the penalty than he would pay the fee, the fact that he pays the penalty doesn't relieve him of having to pay the fee, Mr. Chairman. I would be very hopeful that the Honourable Members would see fit to allow this to stand on a maximum of one hundred dollars. This is per conviction, Mr. Chairman. The convictions could carry on, practically until the proper fee had been paid.

Mr. Chairman: (Reads section 3, subsection (4),(5),(6),(7),(8)) Agreed?

Mr. Tanner: Mr. Chairman, sorry, just one further question. Basically what we are doing with this here is taking these particular sections out of legislation and putting them into regulations, and giving the Commissioner the authority to effect those regulations?

Mr. McKinnon: Well, Mr. Chairman, I have problems with the amendments in several sections. The first one of course is that I have heard so much around this Council table, and in fact a motion that we presented to the Department of Indian Affairs and Northern Development the other day, was the asking of certain regulations to be enshrined in Ordinance so that those involved feel that they have the protection of legislation rather than at the whim of a bureaucrat to do what he feels should be done in areas that people feel they should have some protection. Now, under the Business Licence Ordinance, as you all well know, a schedule of fees is now incorporated in the Ordinance, and of course takes an act of this House to change that schedule of fees. Now, the Council is willing to go along and allow that right to be put in the hands of the Commissioner, and of course the Commissioner can act in any manner and set any schedule of fees that he so desires under regulation with no protection to that person operating a business in the Yukon Territory. I feel, that maybe it might not be -- or might not feel or seem to be quite as important as when you are taking and talking about the mining industry being worried about regulations being forced on them where they don't have the protection of the law. But, I think that you will have to agree that the principle is exactly the same, you are removing the protection of a fee schedule by law from the business man operating in the Yukon Territory and leaving it at the whim of a bureaucrat to be able to schedule the fees and change the fees when he so desires, and in any instance, at any time he so desires. I think it is wrong. I think it is a simple amendment to the Ordinance, when fees have to be updated that they come before this Council, they don't have to be immediate, they don't involve that amount of money that it has to be right at the moment that these things have to be done. I think that the business person operating a business has enough problems as it is in the Yukon Territory at this time, deserves the protection of the Ordinance because it just isn't that difficult with the monies involved to get a change in the Ordinance. It takes about a six month period of time at the maximum between Council sittings, and no government is going to fall because of that amount of money not being available at the moment for the Commissioner to have to make -- because he hasn't got the power to make regulations. The other point is one that I have been hammering through this session, and I am afraid that I am not making it. That is, I firmly believe, and I firmly believe, and I strongly believe it and I am going to bring figures to Council to try and prove my point, that at this moment, in the time of the Yukon history, that the public is looking to this Council and to this Government for leadership, and to be able to restore the confidence of the public in the Yukon Territory. As a point of philosophy, Mr. Chairman, it is absolutely the wrong time to be raising business licences, to be raising car licences, to be raising taxation of any form in the Yukon Territory, particularly, when I strongly believe that it is not needed at this moment in time. Mr. Chairman, I can only say that if this Council could see fit to maintain services that are at

Mr. McKinnon continued ...

an accepted level, that the people will buy, and not have to raise taxation or business licences at this point, then this Council has done a very, very great service, and I don't think that Members of the Executive Committee realize how great a service they would be doing for the public of the Yukon Territory. They are scared, they are getting it socked to them from all sides, and we are just continuing it, and I don't think that we need this increase in business licences at this time. I further feel that when we do increase business licences that it looks like a pretty sensible schedule, that they should be still in the Ordinance, because the Ordinance is damn simple to change, if we want to see increases.

Mr. Chairman: I wonder if we could keep our language a little more parliamentary.

Mr. Chamberlist: Mr. Chairman, there are two basic points that have been raised by the Honourable Member. One point he likens to resolutions that have been sent by this House to the Minister of Indian Affairs and Northern Development, the Land Use Regulations and Bill C-187. Now, I am sure that, and really I don't need even to express it, that there is no confusing on the part of other Honourable Members of the House inasmuch as the reference to legislation, to regulations coming out of legislation, didn't specifically deal with fees, because we recognize that in Bill C-187, those regulations that pertain to fees, there was no objection raised at all, so in actual fact the fees are going to be in regulations, so really this puts completely out of the argument the suggestion that has been made by the Honourable Member from Whitehorse West, when he has likened this situation to the other situation of which he spoke. Now, regulations, fee charging is really an administrative process, and not only that, I am sure, Mr. Chairman, the Honourable Member well is aware with now -- that there is an Executive Committee, no fees are going to be put into force, and in fact no regulations will be put into force before the Commissioner gets his assurance from his Executive Committee. I can assure you that the Executive Committee, especially your elected Executive Committee Members, study each and every piece of paper that the Commissioner brings forward to make sure that interests of Council and the people of the Yukon Territory are indeed being looked at. So, we have no fear -- you should have no fear in that regard. Now, the suggestions that are now being made that the -- it is a terrible thing to raise taxes, because this budget is doing -- it is a terrible thing, but I would like to express this thought for Honourable Members of this Committee to consider, that the budget that is being presented now is that same budget, except for the taxes to meet the budget, that was worked upon when the Honourable Member from Whitehorse West was the Chairman of the Financial Advisory Committee. We haven't departed from that, and this is what I said earlier on this morning, that this is his budget. He and the other Members of his Financial Advisory group knew that this budget was prepared eight or nine months ago, on the basis of the approval of these items that he approved in his important, very important position of Chairman of the Advisory Committee that funds had to be found for those areas. Quite frankly, there can be little objection, especially in what he has expressed himself, that the business licences themselves are sensible in -- for a way of raising money, and there shouldn't be any objection, and I am sure that the extra protection it gives the businesses who are having their licences, their fees increased a little bit, they are not worried about it, but the main point of course is the fact that there is a need to raise money for the purposes that the Honourable Member indicated was required eight months ago, and we are doing just that.

Mr. McKinnon: Mr. Chairman, I just have to reply that, I will make the point again and again, as long as I have to, that I don't disagree with the formation and policies in the budget. But, if I had of been the Financial Advisory Chairman at this time, that budget would have been balanced, considering the feeling of the public of the Yukon Territory, or it would have been a budget of deficit financing. It would not have been a budget of increased taxation. It would either have been programmes come out of it that weren't absolutely necessary for next

BILL #3

Mr. McKinnon continued ...
year, because it was a responsibility, considering the economic climate of the Yukon, for Members to either make a balanced budget or have a certain minimal amount of deficit financing for the year if they did not want to cut out any programmes, because, I disagree, I disagree so strongly with the Executive Committee and with the Commissioner that the public is willing to have an increase in taxation on them at this time for some of the services that they see in the budget that are not absolutely necessary for this year. I don't think that is a dishonourable point of disagreement. You feel one way, and I feel very strongly the other way. Now, I don't disagree again with the way the budget is formulated, with the policies in the budget. I just disagree with the concept of raising taxation at this time in the Yukon's history.

Mr. Commissioner: In all fairness -- you know it is not for me to become part of the debate on this, but in all fairness, Mr. Chairman, I think that I must rise to say that the deficit financing is being done in the current fiscal year. There is no way -- there is no money left to do any deficit financing with in the fiscal year that we are talking about in the budget. In order to balance the current fiscal year's budget, there was very, very deep inroads contemplated being made into our reserves, and those deep inroads have been greatly exceeded, as a consequence of very much higher costs attributable to areas that where we have a statutory requirement to fulfil them, in the areas of Child Welfare and in Yukon Hospital Insurance Services. So, as much as I sympathize with the point that the Honourable Member makes, Mr. Chairman, I must rise to say that there is no funds left in the Territorial coffers to sustain the kind of deficit financing for another year. This is the year that we are in now, that the deficit financing is going on in.

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

Councillor Stutter takes the Chair.

Mr. Taylor: Yes, Mr. Chairman, I was just about to rise and point out that we were awaiting the supplementary estimates which would materially change the position as it in truth really is. I don't know, I am having no difficulty at this time with the bill before us, in the matter of permitting the Commissioner to perscribe fees. I don't think any Member, certainly the older Members of Council, would doubt me, when I say that I was the hardest fighter against the Commissioner having any right, in any way, shape or form of giving regulation. I have fought it as long as I have been in this Council. But, I, like the Honourable Member from Whitehorse West, in the last Council said that we would be much more amenable to such powers being granted to the Commissioner upon the acceptance of the Executive Committee principle, as long as it was designed and established to the general agreement of Council. This has been done, and we now have two elected Members from this table on that particular Executive Committee, and I feel that it is necessary we must display nothing but utmost confidence in these people in the endeavours that they are now undertaking. Consequently, I agree that the schedule of fees should be handled in the like manner suggested here. I would also point out that when a regulation is issued, altering or amending or changing a fee schedule in the future, that it is the prerogative of any representative of this Council, that the Commissioner, at the opening of Council, table his regulations. Whenever this Council sits, if there is any fee or any regulation pertaining to anything that the Commissioner has perscribed by regulation, then every Member of Council has the right to challenge that. The majority of Council can by simple majority vote nullify it, amend it or change it, and I think that it is very important that this is understood. I think just before I return to the Chair, Mr. Chairman, I would just like to say one thing that again back to the general taxation question, I don't think there is anybody more reluctant to see taxes imposed in the Yukon at this time, more particularly along the lines that the Honourable Member from Whitehorse West has enumerated, but it becomes a fact of life that when you have ongoing programmes, sports programmes in the Territory in Education, Welfare and in all areas, that if you are to provide the people

Mr. Taylor continued ...

of the Territory with even a minimum level of service, but that's-- to maintain the same level of service that you are now providing, the money has got to come from some place and it just doesn't grow on trees, we all appreciate this. We realize that we must make further assessment upon the people, now, which we are all reluctant to do, but which we must do. The only way we can avoid this, is to -- not to juggle within the budget, because this is a prepared budget like most budgets are, you can't juggle. What you have to do is withdraw services. Maybe we kick the old people out of the old folks home, and say, we will save some money, and then what do the people do. People would say, well you can't do that. It is this type of thing. I suppose that pretty soon we will be looking at another one to be forced down our throats, possibly from Ottawa, and that is going to be in the medicare area. If we get into medicare, that means we will have to raise more taxes to pay for it. As far as I am concerned, the budget is quite realistic from what I see of it, and I think that it is a very realistic budget and I support it. I resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: Anything further on section 3?

Mr. McKinnon: I have made my points, Mr. Chairman, I am not going to reiterate them. I just want some answers under Business Licence Ordinance, schedule of fees. I see where there is quite a few of the suggested fees of the -- aren't raised at all, and the fees remain at their same level. Now, I am wondering in -- what the reasoning was, even though some of the suggested fees remained at the levels of the present fee, when it comes to a miscellaneous licence, and this could be a pretty small type of business come into being, that this fee would be increased triplefold from \$25 to \$75? I can think of many business that would be in the same instances of a coffee shop company, a photographer, the laundromat, coin-operated which are still left at \$25.

Mr. Chamberlist: Well, Mr. Chairman, let us take the blacksmith at \$25, it remains the same, because the amount of blacksmiths that we have now in the Territory, I don't think that it is going to make any difference to the revenue of the Territory, there not being any blacksmiths around. Perhaps the Honourable Member will indicate which ones specifically that are remaining the same. I think that there are very few.

Mr. McKinnon: The butcher is reduced from \$50 to \$25, the baker remains the same.

Mr. Chamberlist: Well, because they are individual persons who are performing an individual type of work.

Mr. McKinnon: But, then, Mr. Chairman, a hawker or peddler goes from \$50 to \$200.

Mr. Chamberlist: This obviously is to protect those people -- protect the public and also to protect the people who are in business in the Yukon.

Mr. Tanner: Mr. Chairman, I had the same question about the hawker or the peddler. There is a distinction here. There are two types of hawkers and peddlers, if you like. There is one who lives in the Territory, these people who sell brushes, the Fuller Brush man would be a hawker or peddler, but he lives in the Territory and performs a service to the people here, and makes his living here. For him to have to pay \$200 is not fair. There is another hawker or peddler, a man who comes into town to sell magazines or encyclopedias. Him, I would like to see pay \$500, I guess everybody knows why. But, the man who is a resident hawker -- a hawker who is a resident in the Territory shouldn't, I don't think, have to pay \$200, the other fellow, I think \$200 isn't enough. That's one

BILL #3

Mr. Tanner continued ... question. On 35, you have got trailer park for transient trailers, I wonder whether the Administration defines transient trailer parks as opposed to regular trailer parks? What is the difference? To my knowledge there are no transient trailer parks in the Territory.

Mr. Commissioner: Mr. Chairman, there are several of them, and one of them is within five miles of where we are sitting right now, and there are many others throughout the Territory, Mr. Chairman.

Mr. Chamberlist: I would -- perhaps -- the only one of the questions that have been raised really that needs some explaining, and I am going to call on Mr. Legal Adviser, with his own inimicable manner to explain the reasons for the hawker and peddler licence.

Mr. Legal Adviser: I can remember dealing with this in the Committee meeting. I have forgotten exactly what the explanation is, but there is a slight difference in a hawker and a peddler. They are both included, and they carry their wares on their backs from place to place. They do not work out of a warehouse and take orders, which is a representative of a salesman.

Mr. Tanner: Mr. Chairman, we have in the vicinity, we have a gentleman who is employed by the Fuller Brush Company. He lives here, he makes his living in the Yukon, his money is spent in the Yukon, and I don't think that he should have to pay \$200 just because of the other type of peddler. I think there should be a second definition in here. I don't think we are being fair to this bona fide merchant within our vicinity.

Mr. Chamberlist: I agree with him, and I think we will ask for that to be amended. I think you are right. We will put an additional -- I wonder, Mr. Chairman, if the Honourable Member from Whitehorse North would care to make a suggestion as to what the figure should be.

Mr. Tanner: In that particular case I think that he should be paying the same as anybody else, \$50 or whatever the rate may be. I don't think that he should have to pay any more. He might not have a premises out of which he has to work, but he has the other expenses which any other businessman has. He has to supply a vehicle to fulfil his function. I think \$50.

Mr. Commissioner: Mr. Chairman, could we get this assurance that if Council agrees to this Ordinance, and we have the power of affixing these fees by regulations that we will give assurances that there will be another category of resident peddler, and a fee will be instituted that will be compatible with the circumstances that have been described at this time.

Mr. Chairman: Agreed? I just have one question from the Chair. I just kind of glanced through the bill, but where is the hotel licencing come into? Does this not come under the Business Licence Ordinance any more?

Mr. Commissioner: I am sorry, I can't just speak off hand on this, Mr. Chairman, but I am sure that in the ways of the bureaucracy it is attended to somewhere.

Mr. Legal Adviser: I am sure that the matter has not been forgotten.

Mr. Chairman: It would appear from the Chair, that it has been, because, I have been through this and the bill, and I can find no place where there is any reference to it.

Mr. Chamberlist: Well, perhaps we will wait until we get to other bills.

Mr. Chairman: Has this been an oversight in relation to the schedule of fees under the Business Licence Ordinance?

Mr. Commissioner: Mr. Chairman, I doubt it very much, I am sorry, I am just not in a position to answer properly your question at this time. But, I will see that it is answered. If the Clerk would make a note of it, I am sure that it is being dealt with somewhere.

Mr. Tanner: Mr. Chairman, I have one -- just one small thing, under 7, billards, you have first chair, you mean table?

Mr. Chamberlist: No, it means first chair.

Mr. Tanner: In a billard hall?

Mr. Chamberlist: Yes, because in some billard halls, they also have barber chairs as well. Mind you the ones that have it now

Mr. McKinnon: Oh, come on, that's not what

Mr. Chairman: Order, please, order.

Mr. Chamberlist: I think that we have slipped into areas where some establishments have a barber chair ...

Mr. Legal Adviser: I think, Mr. Chairman, it is a misprint. In the matter of barbers, we judge it by the number of chairs, and I think that the typist has left it in the wrong column.

Mr. Chairman: May I proceed?

Mr. McKinnon: On the diamond drill rig that the -- the last schedule fee was \$10 per each drill, not to exceed \$50. This has gone up over seven fold, to \$75 a drill. As far as I can understand at this moment in time in the Yukon history, there are two Diamond Drilling Companies of the three here that haven't got one drill in operation, and the third company very likely will not have any drills in operation next year. Now, this is going right back to the meat of it. Here we are at a time when in the mining industry, there is really a complete stoppage in the exploration work for next year, and we are whopping them seven and half times over what they were the year before?

Mr. Chamberlist: Mr. Chairman, this is being misread -- this is not because if you own ten drills, you have to pay this. It is when the diamond drills are in operation. That is when you are for it.

Mr. McKinnon: Okay, thank you.

Mr. Chamberlist: Right, you are just misreading it. I am pleased that you agree with my explanation for a change. That is something.

Mr. McKinnon: That is a good explanation. Thank you.

Mr. Chairman: Anything further on this section 3? Mr. Clerk, you will find out about this hotel, motel licences for me? (Reads section 4, subsection (1),(2),(3), of Bill No.3)

Mr. McKinnon: Do we have the prescribed fees on any of these?

Mr. Legal Adviser: Mr. Chairman, there is no suggested change in this at present, because, this administration is now in the control of the courts, and these fees will be set in consultation with the courts.

Mr. Chairman: Clear? (Reads section 5, subsection (1),(2),(3) of Bill No. 3) I believe you have a support paper on this. Are you clear? (Reads section 6, subsection (1),(2) of Bill No. 3) Then, you have a spread sheet on this one. Are we clear on this item?

Mr. McKinnon: Is there anybody left untouched?

BILL #3

Mr. Chairman: (Reads section 7, subsection (1),(2) of Bill No. 3)

Mr. Tanner: Mr. Chairman, I am sorry, but there is one point here on the schedule of fees which, I hate to say it, but I don't think that it is high enough. It seems to me, in one area where you can -- from personal experience and from observation of other people in the, shall I say industry, when you have to do a search. It used to be 25¢, which was absolutely ridiculous, and now it is -- there are two descriptions, one is a \$1.00 and the other is \$2.50. I don't think that either of those two are high enough. When you have to do a search, I think that it should be higher than that.

Mr. Chairman: What is this in reference to?

Mr. Tanner: A search for title or something like that or companies or ...

Mr. Commissioner: Mr. Chairman, with respect, I would agree that on the surface of it, that this is not enough money. But, you cannot charge exorbitant fees for -- to give people information that is basically public information, Mr. Chairman. As the fee schedule is designed to alleviate the cost to the public purse, it is not designed to completely exonerate the public purse, and on that basis, I would not be amenable to any suggestion of raising this fee beyond the suggestion that is here, Mr. Chairman.

Mr. Legal Adviser: As the Commissioner said, the public have a right to search. The Committee which was discussing these fees made an estimate of the time involved in the work attached to the search in a sense that under certain circumstances, a clerk must stand by and supervise that the person actually doesn't interfere with the register, plus the fact that people in business may sometimes need to search many registers and many files, and they will be charged an individual search fee for these things. So the Committee studied the -- when they were doing this study, the whole of the search type of fee together at one time, in a series of Ordinances, the Chattel Mortgage Ordinance, the Garagemen's Lien Ordinance, and these various Ordinances where you have a right to search, and they tried to make the fee uniform throughout for the amount of work which is involved, and at the same time keep the fees reasonable.

Mr. Chairman: (Reads section 8, subsection (1),(2),(3),(4),(5) of Bill No. 3)

Mr. Tanner: Mr. Chairman, in the Chiropractic Services, we have doubled the fee, but in the Dental Services, we have quadrupled the fee. Could somebody explain the thinking behind that, please?

Mr. Commissioner: Well, right back to my original statement at the beginning, Mr. Chairman, to try to bring these fees into line with what is being charged under similar circumstances in neighbouring jurisdictions, and that is the basis of this, Mr. Chairman.

Mr. Tanner: Mr. Chairman, do I assume that because there is no fee under non-resident, that they are not allowed to practice in the Territory?

Mr. Commissioner: Mr. Chairman, as I understand it, and I am subject to correction on this, under our Dental Profession Ordinance they would have to be licenced under that Ordinance, and at that point in time there is no such thing as using a licence from another jurisdiction in order to practice here. So, this would be an unnecessary item to have listed here.

Mr. Chairman: Are you clear? (Reads section 9, subsection (1) of Bill No. 3)

Mr. McKinnon: Where are the fees for this?

Mr. Chamberlist: We are waiting for more to be run off,

BILL #3

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

RECESS

RECESS

Mr. Chairman: At this time, I will call Committee back to order. There was a question on section 9, of Bill No. 3, respecting the fees to be prescribed, and the Chair has been informed that these fees are set by the Court. Is there anything further on section 9? We will proceed, then. (Mr. Chairman reads section 10, subsections (1) and (2).) Are you clear? There is no change. (Mr. Chairman reads section 11, subsections (1), (2) and (3).) Are you clear? (Mr. Chairman reads section 12, subsections (1) and (2).) What would Votes and Proceedings run here? Oh, they don't come under here. Clear? (Mr. Chairman reads section 13, subsections (1), (2), (3), (4) and (5).) Clear? (Mr. Chairman reads section 14, subsections (1) and (2).)

Mr. McKinnon: Should have raised that one to \$500.

Mr. Commissioner: That's the wrong attitude, Mr. Chairman, that is being expressed here.

Mr. McKinnon: It's just too cheap to get into all that trouble, \$5.00.

Mr. Chamberlist: You can get into trouble without it, too.

Mr. Chairman: Are you clear on this item?

Mr. Stutter: I thought that the Commissioner, in reply to my question this morning, stated that he felt that the increased revenue was coming for expected increases in marriages rather than the increase in the fees involved.

Mr. Commissioner: A combination of both.

Mr. Stutter: Marriage always is.

Mr. Chairman: Clear? (Mr. Chairman reads section 15, subsections (1), (2) and (3).) Are you clear? (Mr. Chairman reads section 16, section 17, and section 18, subsections (1) and (2).) Mr. Clerk, could you obtain for us the fees. We don't seem to have them.

Mr. Tanner: Mr. Chairman, could we have some explanation why we don't have the fees.

Mr. Clerk: Mr. Chairman, the clerk that is referred to here is the Clerk of the Territorial Court, and these fees are set by the Territorial Court. The present fee is \$5.00. Until, as Mr. O'Donoghue stated, this thing is straightened out, we don't want to change those fees.

Mr. Chairman: Clear? (Mr. Chairman reads section 19, subsections (1), (2) and (3).)

Mr. Tanner: Mr. Chairman, in this particular case, we seem to have gone quite a lot further ahead of B.C. What is the reason for this?

Mr. Chairman: Are we clear on this item? (Mr. Chairman reads section 20.) Do we have any support data on this Mr. Clerk? Just a moment; oh yes, partnerships, here; document registration; that's fine. (Mr. Chairman reads section 21, subsections (1), (2), (3), (4), (5), (6) and (7).)

Mr. Tanner: Mr. Chairman, there is one thing that occurs to me here. I'm going back a little bit. If a doctor practising in the Territory has to pay \$200, for example, and his annual fee, does that annual registration

Mr. Tanner continued.....

BILL #3

cover him for the whole Territory, including the City?

Mr. Chamberlist: Oh yes.

Mr. Tanner: Does the annual fee cover him for the City and the Territory?

Mr. Chamberlist: Yes, the annual registration fee is required under the Professional Ordinance that he belongs to. This wasn't the question...

Mr. Chairman: I'm wondering if you could speak one at a time because it is very difficult for the stenographer to sort all this cross talk out.

Mr. Chamberlist: These fees are Territorial fees. The municipality may, if they wish, charge a business licence to the doctor, but, they can't charge an annual fee of registration. This is a Territorial matter.

Mr. Chairman: Is that clear?

Mr. Tanner: Yes, thank you.

Mr. Chairman: We will continue. (Mr. Chairman reads section 22, subsections (1), (2) and (3).)

Mr. Tanner: Mr. Chairman, I have one other question, going back to the Second-Hand Dealers and Pawnbrokers Ordinance. I can be wrong, but, I'm pretty sure I'm right in this area; in the City, you can't have a pawnbroker and a second-hand licence together. Is this true in the Territorial Ordinance, too, in regard to this?

Mr. Chamberlist: We have provisions for separate licences. A second-hand dealer is \$75 and a pawnbroker is \$75.

Mr. Tanner: Mr. Chairman, what I am saying is, in the City, you can't hold both of those licences. Is that true in the Territory?

Mr. Chamberlist: No, you can hold twenty-five licences if you pay the amount of the fee. I can't deal with the City, but in the Territory, you can hold both together if you wish. You have to pay for them separately if you want them.

Mr. Chairman: Are you clear? (Mr. Chairman reads section 23, subsections (1), (2) and (3).)

Mr. McKinnon: Where is the Territorial Pound, Mr. Chairman?

Mr. Commissioner: Well, there's the odd time when I'm quite confident that it's the Commissioner's office, Mr. Chairman.

Mr. McKinnon: You may impound "...mules, jacks..." or heads of cattle, I guess. Is there a pound? No, eh?

Mr. Chairman: Would these not apply, though, throughout the Territory where dog officers have been appointed and pounds are now going into the communities?

Mr. Commissioner: This is correct. I think, as Honourable Members will recognize, the application of the Dog Ordinance is, literally speaking, by local option, as per the Commissioner's Orders. This is, indeed, what transpires.

Mr. McKinnon: Where is dog mentioned in here, then? It's for impounding a horse, mule, or jack, a head of cattle, or swine, a sheep or goat; there are no dogs mentioned.

Mr. Chairman: Yes, this is just for horses and livestock.

BILL #3

Mr. Commissioner: They're in the Ordinance because -- I can assure you I have more difficulties in sorting out this Ordinance and trying to get it applied in various and devious ways throughout the Territory, to satisfy everybody, than all the others put together.

Mr. McKinnon: Everything is mentioned, Mr. Chairman, but the dogs in this Pounds Ordinance.

Mr. Commissioner: I think that there is a separate Dog Ordinance.

Mr. Chairman: Are you clear on this section? (Mr. Chairman reads section 24.) Just as a matter of interest, what is the fee under the Scientists and Explorers Ordinance? There is no fee?

Mr. Commissioner: Mr. Chairman, this is a matter of issuing an authority for an individual who comes along. We have, up until now, made no charge for this, and, we do not contemplate making any charge for it. If the occasion did arise, however, when, we'll say, a major scientific expedition came into the area and we were going to have to provide a certain amount of services for them, this would be where we would want the opportunity of, at least, getting token payment for this.

Mr. McKinnon: Mr. Chairman, could someone tell me, please, where the schedule of fees for the impounding of dogs will come into effect.

Mr. Chamberlist: I'm just going to have a look

Mr. McKinnon: Good-o.

Mr. Commissioner: I don't know whether there is a schedule of fees or not.

Mr. McKinnon: Seems to me that this is the area where there should be.

Mr. Commissioner: I think we leave it up to the communities to set their own.

Mr. Chairman: Is this not done by by-laws in municipalities, or L.I.D.'s?

Mr. McKinnon: Municipalities, for sure.

Mr. Chairman: But, what about an unorganized community, such as Teslin or Beaver Creek? How are fees prescribed there?

Mr. McKinnon: You can incarcerate them under the Ordinance, but how do you put a fee on?

Mr. Chairman: Possibly, the Administration could take a look at this matter.

Mr. Chamberlist: Mr. Chairman, there does not appear -- oh yes, yes; here is one schedule under the Dog Ordinance; "for impounding a dog, \$5.00, for caring for and feeding a dog while impounded, each day, \$1.00"; Commissioner's Order 1964/95. That's a scale of fees.

Mr. McKinnon: Applicable to what areas?

Mr. Chamberlist: Applicable to all areas, excluding, of course, municipalities. It says "The annexed schedule respecting fees payable pursuant to the provisions of the Dog Ordinance is hereby made and established with effect from the 9th day of October, 1964".

Mr. Chairman: Clear on this item?

Mr. McKinnon: No.

BILL #3

Mr. Chamberlist: Perhaps, Mr. Chairman, we should take a look at making provisions for licence fees for dogs under the Dog Ordinance outside the municipalities.

Mr. Chairman: This is a local option, I believe.

Mr. Commissioner: Mr. Chairman, might I suggest that sufficient unto the day is the evil thereof.

Mr. Chamberlist: Amen.

Mr. Commissioner: Let's just leave this one.

Mr. Chairman: Clear? (Mr. Chairman reads section 25, subsections (1), (2) and (3).)

Mr. Tanner: Mr. Chairman, is there any provision made for associations which are of a community nature? I don't know how you make the distinction, but, is there any way we could possibly make a distinction?

Mr. Commissioner: Well, Mr. Chairman, many ordinances, already, permit us to have a schedule of fees by regulations. We have the fee schedule, as suggested, and we are prepared to table this at any time. It is available now; Mr. Clerk has it. This may help to answer some of the questions that the Honourable Members may have. What we have tabled, up until now with regard to information on proposed fee schedules, applies to this Omnibus Ordinance, only.

Mr. Tanner: I'm sorry, Mr. Chairman. Within this Societies Ordinance, is it possible to make a distinction between societies that are of a community nature and charge them a different scale of fees from any other type of society?

Mr. Commissioner: Well, how do you differentiate?

Mr. Tanner: I don't know. I'm asking is it possible.

Mr. Chamberlist: All societies, except professional associations, are community type associations.

Mr. Chairman: This concludes the reading of Bill No. 3. Have you anything further on Bill No. 3?

Mr. Chamberlist: I would move that Bill No. 3 pass out of Committee unamended.

Mrs. Watson: Mr. Chairman, I second that motion.

Mr. Chairman: Is there anything further on this Bill? It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 3 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? I will declare the motion as carried.

*MOTION
CARRIED*

MOTION CARRIED

Mr. McKinnon: Mr. Chairman, I disagree with passing this Bill and would like my opposition recorded at this time.

Mr. Tanner: Mr. Chairman, there is one small amendment, you realize.

Mr. Chairman: No, I don't believe that there have been any amendments to this Bill. I would like to point out that it is not normal, according to Beauchesne, anyway, to record negative votes in Committee of the Whole. However, the Chair is doing so contrary to the Usages of Parliament. Usually

Mr. Chairman continued.....

the opposition is recorded at Third Reading of the Bill if there is a Member noting this opposition.

Mr. McKinnon: I'll disagree at that time, also, Mr. Chairman.

Mr. Chairman: Next is Bill No. 4.

Mr. Chamberlist: The explanation reads "The purpose of this bill is to increase the rate of fuel tax from eleven cents to fourteen cents per gallon. The present exemption applying to aircraft fuel is removed and a tax of two cents per gallon is imposed".

Mr. Chairman: This is An Ordinance to Amend the Fuel Oil Tax Ordinance. (Mr. Chairman reads Bill No. 4, sections 1, 2 and 3.)

BILL #4

Mr. Tanner: Mr. Chairman, may I ask a question on section 2. The exemption in writing, is this a yearly exemption which is given in writing, or, each time fuel is taken, must one have a written proof of exemption?

Mr. Commissioner: Mr. Chairman, this Ordinance is administered through the Territorial Treasurer's Department and, I believe, that the circumstances surrounding the exemption would dictate whether or not it is done on an annual basis, on a per delivery basis, or what. I don't think that you could apply any universal criterion. I am quite confident, however, that the exemption is granted on a basis that is compatible with the user's request at the time that the exemption is off, Mr. Chairman.

Mr. Tanner: Mr. Chairman, just a little further on this; are we -- is this too cumbersome to -- the operation of this particular amendment -- could it be too cumbersome to operate for the exemption -- is it worthwhile, the exemption, for the cumbersome it might be to operate?

Mr. Commissioner: Mr. Chairman, this Ordinance is operating very satisfactorily, administratively, at the present time. I believe that it is done very much in line with similar practices in neighbouring jurisdictions, and, to the best of my knowledge, is working out very well. The auditors have no complaints with it. I have no reason to believe that there should be any change in the administration of this system of taxation that should be considered at this time.

Mr. McKinnon: Mr. Chairman, I wonder if Mr. Commissioner could give me the actual figure on the number of gallons that Territorial tax was paid for on fuel oil in the Yukon Territory last year.

Mr. Commissioner: Well, Mr. Chairman, I think that the Public Accounts would give the amount of money that was collected. Divide by eleven....

Mr. McKinnon: It's a year behind, isn't it?

Mr. Commissioner: Well, we don't have this year's. We're in this year.

Mr. McKinnon: Okay. For the ten months preceding....

Mr. Commissioner: That's in the Public Accounts, Mr. Chairman.

Mr. McKinnon: That's the year prior to that.

Mr. Commissioner: No, no. It's the year ending March 31st, 1970 that the Public Accounts were tabled for in the last Session of Council, Mr. Chairman. I don't have a copy myself, but, I'm sure they're here.

Mr. McKinnon: Mr. Chairman, I wonder if the records are available for the amount of fuel oil that tax was paid on since the beginning of the last fiscal year; I mean from April up to the beginning of this month. Is this information available?

BILL #4

Mr. Commissioner: Mr. Chairman, it's available, but, I want to point out something. We'll gladly bring you this information, but, it's not valid information, Mr. Chairman, to base any value judgment on. The payment of this taxation is of necessity in arrears. The only kind of figures that are any good for any judgment at all, are those which appear in the Public Accounts. When the Public Accounts are made up, the auditors have ascertained that the tax has, indeed, been paid up to and including the 31st day of March. We can, however, give you such information as we have available at this time.

Mr. McKinnon: Mr. Chairman, I can't follow the Commissioner's line of thinking that it wouldn't be valid for the Treasury Department to bring in those figures, from the 1st of April, last year, on the amount of fuel oil that tax had been paid on, up to the month preceding the beginning of February, this year. Certainly, it's not going to be that difficult to average out over a twelve month period what the estimated cost of tax revenue for this fiscal year is going to be in the Yukon. The reason that I'm asking for this information is because, Mr. Chairman, as Mr. Commissioner well knows, the last time that the fuel tax was raised, or the mining companies were taken off the exemption of the fuel oil taxation, that the amount of revenue raised by this exemption being taken off far exceeded any figures or any prophecies that the Territorial Treasurer had made. I'd like to see whether we have a realistic figure of what we're basing the fuel tax on, the gallonage, for the estimates of 1971-72. I think it's a legitimate point, and, one that one can get quite a bit of information out of.

Mr. Commissioner: We can bring the information forward. I may say that, in our exuberance, we collected, I think, about \$65,000 too much from an oil company. We have to give it back to them this year. These things happen, Mr. Chairman. We can, however, get this; it's going to take time to get it; it's not available at this minute, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 4 pass out of Committee unamended.

Mrs. Watson: I will second that motion.

Mr. McKinnon: Mr. Chairman, with respect, here's another real switcheroo. A Member of Council has asked for information concerning a piece of taxation legislation. The Commissioner says that this information is going to take a while to come. And, here, we're asking for the movement of the Bill out of Committee before the Member has been supplied with this information. I say that this is something new. It has always been the courtesy of Council, when a Member has asked for information concerning a bill, that that bill doesn't receive any further processing until that information has been provided and the question that he has posed, has been answered.

Mr. Chamberlist: Well, Mr. Chairman, we're not objecting to giving any information. We're going to give the information.

Mr. McKinnon: After the fact.

Mr. Chamberlist: The Honourable Member knows that before final passage in the House, there's Third Reading. If he wishes to object to the bill, he can do so.

Mr. McKinnon: Mr. Chairman, the Honourable Member well knows that this precludes any discussion that we may have with the figures that are supporting and forthcoming in Committee at Second Reading. The Member full well knows that. I'm just saying that this is a rather dictatorial way of pushing through legislation before information is made available to Members of Council. I, for one, see no problem, at all, if Members can just hold back on this until the information forthcoming is given to me and we have a chance to discuss it in Committee.

Mr. Chamberlist: Well, Mr. Chairman, with respect, I've already moved the motion. If the Members do not wish to recognize the motion, the Honourable Member doesn't wish to recognize the motion, he can vote against it. But, he knows full well he has the power to ask for that information during Third Reading. BILL #4

Mr. Tanner: Mr. Chairman, I don't want to see a vote on this motion right now, either. I want to hear a little further discussion on the proposal that I made this morning on having tax assessed on two angles; one on gasoline and one on diesel fuel. I want to hear a little more discussion on this. The people who are using the roads pay more of the tax.

Mr. Stutter: Mr. Chairman, I did have a couple of questions, too, I wanted to ask. The motion was sort of sprung on us, I find anyway, in a little bit of a hasty way.

Mr. Chairman: The motions is open for discussion at this time. The whole Bill is under discussion. Proceed.

Mr. Stutter: I wonder if, in section 2 of the Bill, regarding subsection (1), why particularly are farm tractors excluded? The use of fuel in farming, why is this excluded? What's the thinking behind this?

Mr. Chairman: It's off highway.

Mr. Stutter: Well, if it's off the highway, what about mining? This is off the highway, too.

Mr. Commissioner: Mr. Chairman, I think that this point was dealt with here in Council at the time that the mining exemptions were removed. It was the feeling of Council that anything that had to do with or was applicable to agriculture should be exempt. That is the reasoning for this.

Mr. Tanner: Mr. Chairman, would the Financial Advisory Committee be prepared to make the distinction between the two sorts of taxation, the two different fuels?

Mr. Chairman: Councillor Chamberlist? Oh, he's gone. I'm afraid the Chairman of the Financial Advisory Committee is not presently with us. I expect he will be returning rather quickly.

Mr. Stutter: I wonder if, in the meantime, Mr. Chairman, I could ask a question regarding number 3. Perhaps I'm not reading it right, but, the way it's worded there, to me, is very confusing. I can't even understand quite what it's getting at. I wonder if it could be explained a bit, particularly the -- I'll give you the part that's giving me a little confusion: "per imperial gallon computed at the consumption rate of five miles per imperial gallon on fuel oil used by such holder within the Territory during the next preceding month;". I wonder if I could have an explanation of that.

Mr. Commissioner: This is a formula that, I believe, is acceptable to the trucking industry, and, was brought into effect here approximately two years ago with the concurrence of Council. It is being applied on that basis, I believe, in neighbouring jurisdictions as well. The Clerk can confirm that last statement.

Mr. Stutter: Is this actually done just for trucks that are travelling through the Territory, Mr. Commissioner?

Mr. Commissioner: In effect, Mr. Chairman, yes; but, I do believe that if someone was coming along and they had a special situation in which they wanted to pay the tax strictly on mileage, this formula would be applied as well. Am I not correct?

BILL #4

Mr. Chairman: Would you ask your question of Councillor Chamberlist now?

Mr. Tanner: Mr. Chairman, maybe the Chairman of the Financial Committee could answer my question now.

Mr. Chamberlist: What was that? I'm sorry.

Mr. Chairman: Would you repeat your question.

Mr. Commissioner: The answer is no.

Mr. Tanner: I'm surrounded -- Mr. Chairman, I asked the question of whether Financial Advisory Committee would give consideration to changing the tax as presently set up, and setting it up in a different way insofar as having it in two cases, one for gasoline and one for diesel fuel, is concerned?

Mr. Chamberlist: Mr. Chairman, I can say emphatically no in this budget, but, I see no reason why consideration cannot be given to the thought for next year.

Mr. Tanner: Mr. Chairman, why couldn't it be done in this budget?

Mr. Chamberlist: Because it has take a long time to get to this particular area, and we do not wish to go back now on the work that has been done in this area. I think that the suggestion that has been made might be well meritted. I think, however, that the Executive Committee as well as the Financial Advisory Committee has to give a lot of consideration to all the ramifications that would be involved in doing it in that manner. It is not a closed door for next year, but, certainly, we cannot do anything with it this time.

Mr. Commissioner: Mr. Chairman, I'm in a position to give an interim figure on the amount of fuel oil tax collected so far in this fiscal year, up to the end of January, for a ten month period. I want to make it abundantly clear, Mr. Chairman, that this is strictly an unaudited figure and is subject to

Mr. McKinnon: Revisions, but it will be close.

Mr. Commissioner: Well, I mean, if you want it honestly, this is it. It's \$1,240,004.98. This has been collected in fuel oil tax since April 1st, 1970 to January 31st, 1971 at the rate of 11 cents a gallon. If this rate of taxation continues for the balance of the year, this means that we are taking in something in the neighbourhood of about \$124,000 per month at the rate of 11 cents.

Mr. McKinnon: Mr. Chairman, the Revenue section from the following year's budget, 1970-71, which estimated an income of \$1,836,646 on 16,696,780 gallons, was optimistic?

Mr. Commissioner: It is is very obviously not going to be that, Mr. Chairman. I am not in a position to give the full details of this, but, I would attempt to describe it in this manner. Much of the through traffic revenue that we anticiapted was a consequence of changing our taxation base or our means of collecting this tax, has not proven, in fact, to be there. As a consequence, our revenue base will not be met in this field, and, I do believe, that particular consequence. I think Mr. Clerk worked quite closely with this, and, I think that he could verify that this is what our situation is.

Mr. McKinnon: Well, this brings about a pretty interesting point. I don't know whether it is time to raise it, but, is it because we thought that we had tightened the legislation to the point where those people who were cruising through without paying fuel oil tax, wasn't enforce-

Mr. McKinnon continued.....

able? Were these people who we thought were getting through without paying tax, actually paying tax all the time? BILL #4

Mr. Commissioner: There was no where near the volume of.....

Mr. McKinnon: Just bulk?

Mr. Commissioner: Plain volume, this is correct.

Mr. Chairman: Anything further on this Bill?

Mr. McKinnon: Mr. Chairman, it's pretty interesting, and somehow, something just doesn't ring true. From 1969-70 and 1971, there's hardly going to be any difference at all in the revenue accruing from the fuel oil tax. With the increase in activity and with the volume increases that different departments provide, the Department of Public Works, the Department of Tourism and Information, it seems to me that somebody's getting away without paying the fuel tax. Or, somewhere, somebody's lying through their teeth when they're presenting these statistics on the traffic flow and volume on the different Federal and Territorial highways.

Mr. Commissioner: Mr. Chairman, the incline manner of predicating these volumes was done during the time of a very heavy construction period in the Territory. It was this construction activity that generated heavy income as far as fuel tax was concerned. The levelling off has occurred and it is directly attributable to our base being a false base because it was calculated approximately three years ago. This base was established approximately three years ago, at a time when heavy construction volume traffic was on our highway system.

Mr. McKinnon: But how does that answer the increase flow in traffic figures that are given by the Department of Travel and Information, and also on the volume of traffic on the Territorial and Alaska Highway from both the Territorial Department of Public Works and the Department of Public Works?

Mr. Commissioner: There's an awful lot of difference, Mr. Chairman, in the tax that you finally collect from fuel consumed by a truck that has 100,000 pounds on it than a passenger car that has four passengers in it. This is where the difficulty comes in.

Mr. McKinnon: I would think that it would reflect somewhere.

Mr. Chamberlist: Also, Mr. Chairman, one has to keep in mind that the last time, this amount was brought forward with some optimism. This time, it's brought forward with realism, and this is the difference.

Mr. McKinnon: With pessimism, because the economical base of the Yukon is dying, right?

Mr. Chamberlist: You're pessimistic. Doom and gloom, that's all you're preaching. You're the pessimist.

Mr. McKinnon: This kind of legislation is faking it.

Mr. Chairman: What is your further pleasure in relation to this Bill? I have before me a motion,...

Mr. McKinnon: Burn it, with fuel oil.

Mr. Chairman: Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 4 be reported out of Committee without amendment. Have you any further discussion? Question has been called. Are you agreed? Contrary?

BILL #4 Mr. McKinnon: Disagree.

Mr. Chairman: I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: Next is Bill No. 5.

Mr. Chamberlist: The Explanatory Note, "The purpose of this bill is to enable the Commissioner, on behalf of the Territory, to lend to the Village of Faro \$170,000 for the requirements stated."

BILL #5

Mr. Chairman: This is An Ordinance to Authorize the Commissioner to Lend Money to the Village of Faro for Various Purposes. (Mr. Chairman reads Bill No. 5, sections 1 and 2.) Are you clear on sections 1 and 2? (Mr. Chairman reads section 3.)

Mr. Tanner: Mr. Chairman, can we question as you go through, or do you want to read the whole Bill first?

Mr. Chairman: Yes, please.

Mr. Tanner: Could we have a further explanation of the construction of the trailer court? Is the trailer court for the municipality or is it for private enterprise? If it's for private enterprise, why are we building it?

Mr. Commissioner: It's municipal owned, Mr. Chairman, and operated.

Mr. Tanner: The Village of Faro is going to use it; is that right?

Mr. Commissioner: It's going to be a trailer court that is operated by the Village of Faro. They will own the trailer court and they will operate it.

Mr. McKinnon: By the Ordinance setting up the Village of Faro, do the people of the Village of Faro have a money plebiscite on the borrowing of this money prior to the Village Council borrowing the money from the Territorial Government?

Mr. Commissioner: I don't think so. I don't believe that either of these sums are big enough for that requirement to be met, Mr. Chairman. I am subject to correction on this.

Mr. McKinnon: I wonder if we could find out from.....

Mr. Chamberlist: I think it's \$100,000 on that you

Mr. McKinnon: I need the answer right away....

Mr. Chairman: Mr. Clerk, could you procure us a copy of the Faro Ordinance, please.

Mr. Chamberlist: It's in section 11(1) of the Village of Faro Ordinance, "where under a by-law, a Council of the Village proposes to expend in respect of any one capital item, an amount exceeding \$10,000, or in respect of capital items in any one fiscal year, an aggregate of \$50,000, such by-law shall come into force..." The point is this. This is money that we're lending to them. They can't spend it until such time as they pass a by-law to spend it. They have to pass a by-law before they can spend the money.

Mr. McKinnon: That's a simple by-law, by the Village of Faro? They don't have to have a plebiscite on the money then.

Mr. Chamberlist: Yes. It's just a simple by-law, but, they can't spend it until they pass it by by-law.

BILL #5

Mr. McKinnon: Are there any provisions for any money by-laws in this Village of Faro Ordinance?

Mr. Commissioner: I think so. There's a saving clause in there somewhere.

Mr. Chamberlist: Section 13: " The Commissioner may, from time to time, make rules and regulations for carrying out the purposes of this Ordinance, including matters in respect whereof no express, or only impartial or imperfect provision has been made in this Ordinance or the Municipal Ordinance". A control exists there. Certainly, section 11, Mr. Chairman, is the one under which no money can be spent until such time as there is a by-law held for it.

Mr. Tanner: Mr. Chairman, since the Village of Faro is getting into the trailer court business, will they be subject to the tax in the amended tax proposals that are coming up.

Mr. Commissioner: They're only a municipality. They make their own laws.

Mr. McKinnon: I'm just wondering, Mr. Chairman, whether we didn't goof in that Village of Faro Ordinance. It seems that we're going to apply an unlimited sum of money that doesn't have to come under a plebiscite by the people who are going to be the rate-payers paying back the money that is borrowed from various departments. We could arrive at a situation where, perhaps, the mayor and the council thought of a million dollar project and the Territory was able to forward the money from the Federal Government, and the people have no say in a money by-law. It would give them much more authority than we give any of the other municipalities throughout the Yukon. I wonder if there is a saving clause.

Mr. Chamberlist: With respect, Mr. Chairman, I think I should have gone further. "...such by-law shall not come into force if, prior to the Third Reading thereof, a written objection signed by, or on behalf of a rate-payer, or rate-payers, representing not less than 50 percent of the assessed value of taxable property in the Village, has been delivered to the office of the Clerk of the Village." Although it's not a plebiscite, you know, the position, Mr. Chairman, is that the rate-payers can decide whether the money is to be spent. I should bring to everybody's attention that, capital items are an aggregate of \$50,000 in any fiscal year. There is that restriction in here.

Mr. Chairman: This is a section "...no by-law pursuant to sections 62, 63 and 64 of the Municipal Ordinance, shall be approved except if it has been validated by the Commissioner." Does this not cover it?

Mr. Commissioner: Mr. Chairman, this was gone into -- there were a whole series of consultations between the Honourable Member who represents that district, the company people from Faro, legal people, you name it, and I'm satisfied, in my own mind, that if there are any loopholes left in this thing, they will get to be discovered.

Mr. Chairman: May I proceed? Are you clear on section 3? (Mr. Chairman reads section 4.) There is your answer. Clear on section 4? (Mr. Chairman reads section 5, subsections (1) and (2).) Clear? (Mr. Chairman reads section 6.) Are you clear? (Mr. Chairman reads section 7, subsections (1), (2), (3), (4) and (5); section 8, subsections (1) and (2).) Have you anything further on section 8? (Mr. Chairman reads section 9 and section 10.)

Mr. Tanner: Mr. Chairman, could somebody give me an estimate or a figure of the number of rate-payers in the Village of Faro, please?

BILL #5 Mr. Chairman: One, I believe, or two. Two, now.

Mr. Tanner: Well, virtually, what we are doing then, in this case, is lending the money to the company there, are we?

Mr. Commissioner: Mr. Chairman, the Village of Faro is an incorporated entity and it is this incorporated entity that we are lending the money to. This fact that there happens to be only two or possibly three rate-payers is simply the manner in which the houses have been financed in the construction of the village, that's all.

Mr. Tanner: I might be barking up the wrong tree, but, first of all, it's two-thirds of the electorate that must pass it, but it's going to be repaid by the rate-payers. Am I correct? Within twenty years? Is there any interest charged on that amount?

Mr. Commissioner: Oh, yes.

Mr. Tanner: Doesn't that have to be specified in here?

Mr. Commissioner: This is the rate prevailing at the time the debentures are issued, Mr. Chairman.

Mr. Chairman: Mr. Commissioner, I wonder if you could give me just a little run-down on subsection (2) of section 8. I'm having some difficulty here.

Mr. Commissioner: Basically speaking, what we are saying here, Mr. Chairman, is that, if the Council in its wisdom, decides to use funds to liquidate these debentures prior to maturity, that doesn't affect the validity of the by-law under which they continue to impose tax to ultimately collect the money.

Mr. Chairman: Yes, but why should they for that specific by-law?

Mr. Commissioner: The whole idea is that this gives them an option here to liquidate the debentures sooner to save the interest. They may have other income which would permit them to do this, Mr. Chairman. They would be permitted to use this other income. In other words, they don't have to wait on the taxation income that is specifically ear-marked for the liquidation of the debentures in order to pay off the debentures.

Mr. Chamberlist: It's where money is held in reserve; instead of them holding money in reserve, they use the money to pay off the debentures and save themselves the interest that has to be paid, but, it doesn't stop them from continuing to collect taxes against the debentures.

Mr. Chairman: It's where you start using those words "may" and "shall" that I have problems.

Mr. Tanner: Mr. Chairman, this Ordinance states a maximum of twenty years. Has the term of the loan been set up? Is it twenty years?

Mr. Commissioner: Mr. Chairman, I question very much that the full term will be used by the Village in the liquidation of these loans. It is more than likely to be a period of possibly ten or twelve years, as opposed to twenty.

Mr. Chairman: Anything further on this Bill?

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 5 pass out of Committee unamended.

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

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor McKinnon, that Bill No. 5 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Are there any contrary? I will declare the motion carried.

BILL #5

MOTION CARRIED

**MOTION
CARRIED**

Mr. Commissioner: I wonder who is going to deal with Bill No. 6. This is such a popular item.

Mr. Chamberlist: Here is the explanation: " This repeal accords with a long-standing request of Council and is part of the fiscal programme for 1971-72. Other revenue sources have been adjusted or proposed to offset the revenue loss by the repeal of this Ordinance."

BILL #6

Mr. McKinnon: And the Executive Committee gets free passes to the shows.

Mr. Chamberlist: Do we?

Mr. Chairman: This is Bill No. 6, An Ordinance to Repeal the Amusement Tax Ordinance. (Mr. Chairman reads Bill No. 6)

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 6 be passed out of Committee unamended.

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

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Stutter, that Bill No. 6 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: Is it you wish to proceed with further bills, at this time?

Mr. Chamberlist: I think we can do one more, Mr. Chairman. The Explanatory Note for Bill No. 7: "The purpose of this bill is to change the method of repaying to the Government of Canada the outstanding balance of the loan of \$700,000 borrowed in 1955. This conversion which alters the interest rate and the term results in a net saving to the Territory of \$5,922.78 over the repayment period." In view of the saving here, I'm sure we should get 100 percent agreement.

BILL #7

Mr. Chairman: This is Bill No. 7, An Ordinance to Amend the Yukon Loan Ordinance, 1955. "The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: 1. Paragraph 2 of the Yukon Ordinance, 1955 is hereby repealed and the following substituted therefor...."

Mr. Chamberlist: There's a typographical error there. It should read "Yukon Loan Ordinance, 1955". The word "loan" should be between Yukon and Ordinance.

Mr. Chairman: Agreed by Committee that this be considered a typographical error? (Mr. Chairman reads Bill No. 7, sections (1) and (2).) What is your pleasure?

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 7 pass out of Committee unamended.

Mrs. Watson: I'll second it, Mr. Chairman.

Mr. Chairman: Are there any further questions in relation to this Bill?

Mr. Chairman continued.....

BILL #7

It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 7 be reported out of Committee without amendment. Are you prepared for the question? Agreed? Any contrary? I will declare the motion carried.

**MOTION
CARRIED**

MOTION CARRIED

BILL #8

Mr. Chamberlist: Mr. Chairman, I wonder if we can complete Bill No. 8, which is a very short one, for the day. Then, we'll be on Bill No. 9 and onwards. The Explanatory Note reads: "The purpose of this bill is to enable the Commissioner to prescribe the rate of tax. In the present Ordinance, the rates are fixed in the Schedule."

Mr. Chairman: You're going to have to give me a few minutes to catch up on these bills. It's pretty hard to do three things at once. Alright, this is Bill No. 8, An Ordinance to Amend the Fur Export Ordinance. (Mr. Chairman reads Bill No. 8, sections 1, 2 and 3.) I would ask what is the difference between the existing Schedule A and the former Schedule A. Is it the addition of "wolverine"?

Mr. Chamberlist: Yes, "wolverine" has been added.

Mr. Chairman: Why?

Mr. Chamberlist: Because the exporting of skins of wolverine was going on without any tax being paid on the skin. We decided to put that in.

Mr. Chairman: This is right. Why now? Why not wolf?

Mr. Chamberlist: Wolf is in there; at the end, you see?

Mr. Chairman: Was it in before?

Mr. Chamberlist: Yes, it was in before. Wolverine is the only one that's been changed. I apologize for not coming back to my thoughts so quickly.

Mr. Chairman: I've already asked the Game Director about this. I just wanted to see how knowledgeable some Members were on this matter. What is your pleasure in relations to Bill No 8?

Mr. Chamberlist: I would move that Bill No. 8 pass out of Committee unamended.

Mrs. Watson: I second that motion, Mr. Chairman.

Mr. Chairman: Moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 8 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. Chamberlist: Mr. Chairman, I would move that Mr. Speaker do now resume the Chair.

Mr. Stutter: I second that motion.

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

**Motion
Carried**

MOTION CARRIED

Mr. Speaker resumes the Chair.

Mr. Speaker: The House will now come to order. May we have a report from the Chairman of Committee?

Mr. Chairman: Committee convened at 10:20 a.m. this morning to discuss Public Bills and Sessional Papers. I can report progress on Bill No. 12. Committee recessed at 12:00 noon and reconvened at 2:05 p.m. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 3 be reported out of Committee without amendment; this motion carried, with Councillor McKinnon opposed. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 4 be reported out of Committee without amendment; this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor McKinnon, that Bill No. 5 be reported out of Committee without amendment; this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Stutter, that Bill No. 6 be reported out of Committee without amendment; this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 7 be reported out of Committee without amendment; this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 8 be reported out of Committee without amendment; this motion carried. It was then moved by Councillor Chamberlist, seconded by Councillor Stutter, that Mr. Speaker do now resume the Chair; this motion carried.

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

Mr. Taylor: Mr. Speaker, I believe it is the intention of Committee to proceed with Public Bills and Sessional Papers tomorrow.

Mr. Tanner: Mr. Speaker, I move that we call it 5:00 o'clock.

Mr. Stutter: I second that motion.

Mr. Speaker: It has been moved by the Member from Whitehorse North, seconded by the Member from Dawson, that we now call it 5:00 o'clock. Are you prepared for the question? Agreed? Motion carried.

MOTION CARRIED

*MOTION
CARRIED*

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

ADJOURNED

ADJOURNED

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. Are there any Documents or Correspondence to be tabled?

Mr. Chamberlist: Mr. Speaker, I have Sessional Paper No. 12 for tabling this morning.

Mr. Speaker: Are there any Reports of Committee? Are there any Bills to be introduced? Are there any Notices of Motion or Resolution?

Mr. Stutter: Mr. Speaker, I have a Notice of Motion here. I would like to give Notice of Motion that Sessional Papers No. 10 and 11 be discussed in Committee of the Whole. Seconded by Councillor Taylor. I have another Notice of Motion, Mr. Speaker, moved by myself and seconded by Councillor Tanner; a Motion respecting family planning.

MOTION #3

MOTION #4

Mr. Speaker: Are there any Notices of Motion for the Production of Papers? As there are no Motions for the Production of Papers and Motions we now come to the Question Period. Mr. Clerk, would you please see if the Commissioner is available. We will now have a short recess.

RECESS

RECESS

Mr. Speaker: The House will now come to order. Are there any Questions?

Mr. Taylor. Mr. Speaker, I have a question to direct to Mr. Commissioner this morning. It was reported in the press last evening that the Northwest Territories Legislative Council have asked their Commissioner to arrange a joint meeting with the Yukon Legislative Council, and I am wondering if Mr. Commissioner has received any communication as yet in this regard?

*QUESTION RE
JOINT
MEETING OF
TERRITORIAL
COUNCILS*

Mr. Commissioner: Mr. Speaker, nothing has come in from my buddy so far.

Mr. Taylor: I have a further question, Mr. Speaker. It was further noted that the Northwest Territories Legislative Council have been debating quite vigorously, proposals which would export water from that particular territory to the south. I am wondering if Mr. Commissioner could advise me this morning as to whether any similar type proposals have been made to the Government of the Yukon Territory, and if so, what is the nature of those proposals?

*QUESTION RE
WATER
EXPORT
PROPOSALS*

Mr. Commissioner: Mr. Speaker, anybody who talks about exporting water until they know how much water they have got to export, as far as I am concerned, have rocks in their head. The question about exporting water from the Yukon Territory has been well propagated by a lot of well meaning people who live in the United States and I have seen copies of their proposals. They haven't been made directly to the Government of the Yukon Territory, they have been made, in some instances, to the Canadian Federal Government, to the provinces but, it is wonderful to talk about using someone else's resources. This seems to be a very favourite topic of conversation in the southern parts of North America today. I simply say, that until we know how much water we have and what uses of benefit it could be best put to for ourselves, that we had best not even consider any representations that are made about exporting our water.

QUESTION #6 Mr. Stutter: Mr. Speaker, I have a four part question here for the Commissioner: How much per month do pensioners in the Yukon receive? What is the guaranteed minimum yearly income for these people as single persons and as married persons? How many people in the Yukon receive old age security? How many of these people are presently living in government run homes?

Mr. Commissioner: Mr. Speaker, all of this is very readily available. We have been doing a lot of research on this recently and I can certainly have this made available.

QUESTION RE AREA SUPER-INTENDENT OF C.N.T. Mr. Tanner: Mr. Speaker, I have a question for the Commissioner this morning. Would the Commissioner request the newly appointed Area Superintendent of C.N.T. to appear before Council, so Council can question him as to the overall policy for the Yukon?

Mr. Commissioner: Mr. Speaker, I certainly am sure that if an invitation was extended to the gentleman that it would be his prerogative whether he came or not. We cannot demand that he come, but, I would certainly be very pleased to see if he would be available to answer questions.

Mr. Taylor: Mr. Speaker, on a point of order, I believe that this matter should be a request from all Councillors and should more properly find its way through notice given under motion.

QUESTION #7 Mr. Stutter: Mr. Speaker, I have another question here to the Commissioner. This arises out of thoughts given by the American Government and the Canadian Government concerning pipelines from the Prudhoe Bay gasfields and oilfields. Did the American Government have anything to do with the decision making the completion of the Dempster Highway a top priority project? Is U.S. money involved in the project? If so, how much, what percentage is it of the estimated cost of completion?

Mr. Commissioner: Mr. Speaker, I can enquire of my Minister for further background in regard to the question prior to a formal answer being made. I am not aware of any participation in that decision that was done by anyone else but my own Minister.

QUESTION RE STATEMENT REGARDING PIPELINE Mr. McKinnon: Mr. Speaker, I wonder if I might ask Mr. Commissioner whether he has any information, whether the Minister of Energy, Mines and Resources, the Honourable Joe Green, spoke to the Minister of Indian Affairs and Northern Development, Mr. Chretien, before making a statement that Canada would welcome a pipeline through the Yukon, as the north's ecology was not as fragile as that of Alaska's?

Mr. Commissioner: Mr. Speaker, I am afraid that I have no background knowledge on this subject.

Mr. McKinnon: I wonder, Mr. Speaker, could the Commissioner pursue the subject with his Minister to find out whether this is going to be government policy at this time or not.

Mr. Commissioner: Mr. Speaker, I cannot speak on behalf of my Minister, but, there was certainly no indication in the remarks that were reported in the press as being attributed to Mr. Green, but, would indicate that they were anything other than coming from the Minister as such. There was no indication that they were Canadian Government policies.

ANSWER RE RECEIVING HOME Mr. Chamberlist: Mr. Speaker, at this time I would like to give an answer to a question that was asked by Councillor Stutter on Feb. the 15th. This question regarded the capacity of the proposed receiving home - northern area. The new receiving home will accommodate 8-10 children plus the houseparents.

Mr. McKinnon: I wonder, Mr. Speaker, if I could ask Mr. Commissioner another question. I understand that negotiations between the Federal Department of Public Works and the Government of Canada are nearing completion concerning salary increases. I was wondering if whether these negotiations will be finalized prior to the Government of the Yukon Territory taking over the maintenance of the Alaska Highway?

*QUESTION
RE TAKE-
OVER OF
ALASKA
HIGHWAY*

Mr. Commissioner: Mr. Speaker, I am sorry that I have no knowledge of this and, if I might be permitted an observation, that with negotiations of this nature their terminal point comes when both sides have arrived at an agreement. It would be very difficult, I am sure, to predict the date that the Honourable Member's question referred to.

Mr. Taylor: Mr. Speaker, as in most cases we get our information from the press, there is a further report that the Honourable Jean Chretien is going to attend the Sourdough Rendezvous and I am wondering, if Mr. Commissioner could advise me this morning if it is anticipated if the Council will be meeting with the Minister or any of his group, at that time.

*QUESTION
RE
MINISTER'S
VISIT*

Mr. Commissioner: Mr. Speaker, my Minister is coming here as a guest of the Sourdough Rendezvous Committee by their invitation. He and his wife and family will be here, accompanied by other Members of the Government from Ottawa. They will be arriving here sometime late on Friday and will be departing early on Monday morning. I am quite confident that my Minister not only hopes to meet and speak with Members of Council, but also with many members of the general public. as time and opportunity permit over that week-end, Mr. Speaker.

Mr. Taylor: Supplementary, Mr. Speaker, I am wondering if the Commissioner would endeavour to determine at what time meetings of this nature may take place in order that we may be prepared to attend these meetings.

Mr. Commissioner: Mr. Speaker, I am sure that my Minister hopes that this will be an informal week-end while he is here. I don't think that he is going to be adverse to meeting with the Councillors or anyone else, but I am sure that he would be very hopeful that they would be of an informal nature, unless there were some specific requests from Council for a formal get-together. I am sure that my Minister would appreciate that it was strictly an informal week-end and such opportunities for conversation that presented themselves would be fully made use of, both by himself and Members of Council and other members of the public.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I have just been going through the 1971 Budget of the City of Whitehorse and in it the budget for an estimated grant -- statutory grant of \$344,662 from the Territorial Government and the Territorial Budget budgets \$280,000 for this purpose. I wonder where the difference lies and whether whose set of figures are wrong in this instance, Mr. Speaker?

*QUESTION
RE GRANT
TO CITY*

Mr. Commissioner: Mr. Speaker, our budget estimate was based at the time on the best information that we could get from the City of Whitehorse. There is no possibility of the Territorial Grant to the City of Whitehorse being any higher than what we have budgeted for. There is just no more money to give them.

Mr. Speaker: Any further questions? As there are no further questions we wish to thank the Commissioner for his attendance, As there are no Private Bills and Orders and Public Bills and Orders, what is your further pleasure?

BILL #19 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
FIRST Bill No. 19, An Ordinance to Constitute the Territorial Court of the
READING Yukon Territory, be given First Reading.

MOTION MOTION CARRIED
CARRIED

BILL #19 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
SECOND Bill No. 19, An Ordinance to Constitute the Territorial Court of the
READING Yukon Territory, be given Second Reading.

MOTION MOTION CARRIED
CARRIED

BILL #20 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
FIRST Bill No. 20, An Ordinance to Constitute the Magistrate's Court of the
READING Yukon Territory, be given First Reading.

MOTION MOTION CARRIED
CARRIED

BILL #20 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
SECOND Bill No. 20, An Ordinance to Constitute the Magistrate's Court of the
READING Yukon Territory, be given Second Reading.

MOTION MOTION CARRIED
CARRIED

BILL #21 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
FIRST Bill No. 21, An Ordinance to Constitute a Court of Appeal for the
READING Yukon Territory, be given First Reading.

MOTION MOTION CARRIED
CARRIED

BILL #21 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
SECOND Bill No. 21, An Ordinance to Constitute the Court of Appeal for the
READING Yukon Territory, be given Second Reading.

MOTION MOTION CARRIED
CARRIED

BILL #22 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
FIRST Bill No. 22, An Ordinance Respecting Justices of the Peace, be given
READING First Reading.

MOTION MOTION CARRIED
CARRIED

BILL #22 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
SECOND Bill No. 22, An Ordinance Respecting Justices of the Peace, be given
READING Second Reading.

MOTION MOTION CARRIED
CARRIED

BILL #23 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
FIRST Bill No. 23, An Ordinance Respecting Elevators and Other Fixed
READING Conveyer Systems, be given First Reading.

MOTION MOTION CARRIED
CARRIED

BILL #23 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
SECOND Bill No. 23, An Ordinance Respecting Elevators and Other Fixed
READING Conveyer Systems, be given Second Reading.

MOTION MOTION CARRIED
CARRIED

BILL #3 Moved by Councillor Chamberlist, seconded by Councillor Watson, that
THIRD Bill No. 3, An Ordinance to Amend Certain Ordinances Respecting Fees
READING and Licences, be given Third Reading.

MOTION MOTION CARRIED
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 3, An Ordinance to Amend Certain Ordinances Respecting Fees and Licences, be adopted as written.

*BILL #3
TITLE
ADOPTED*

MOTION CARRIED

*MOTION
CARRIED*

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

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 4, An Ordinance to Amend the Fuel Oil Tax Ordinance, be given Third Reading.

*BILL #4
THIRD
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 4, An Ordinance to Amend the Fuel Oil Tax Ordinance, be adopted as written.

*BILL #4
TITLE
ADOPTED*

MOTION CARRIED

*MOTION
CARRIED*

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

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 5, An Ordinance to Authorize the Commissioner to Lend Money to the Village of Faro for Various Purposes, be given Third Reading.

*BILL #5
THIRD
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 5, An Ordinance to Authorize the Commissioner to Lend Money to the Village of Faro for Various Purposes, be adopted as written.

*BILL #5
TITLE
ADOPTED*

MOTION CARRIED

*MOTION
CARRIED*

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

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 6, An Ordinance to Repeal the Amusement Tax Ordinance, be given Third Reading.

*BILL #6
THIRD
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 6, An Ordinance to Repeal the Amusement Tax Ordinance, be adopted as written.

*BILL #6
TITLE
ADOPTED*

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: I will declare that Bill No. 6 has passed this House.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 7, An Ordinance to Amend the Yukon Loan Ordinance 1955, be given Third Reading.

*BILL #7
THIRD
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 7, An Ordinance to Amend the Yukon Loan Ordinance 1955, be adopted as written.

*BILL #7
TITLE
ADOPTED*

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: I will declare that Bill No. 7 has passed this House.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 8, An Ordinance to Amend the Fur Export Ordinance, be given Third Reading.

*BILL #8
THIRD
READING*

MOTION CARRIED

*MOTION
CARRIED*

BILL #8
TITLE
ADOPTED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 8, An Ordinance to Amend the Fur Export Ordinance, be adopted as written.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 8 has passed this House. What is your further pleasure?

Mr. Taylor: Mr. Speaker, I would move at this time that Mr. Speaker do now leave the Chair and that Council resolve in Committee of the Whole for the purpose of discussing Public Bills and Sessional Papers.

Mr. Chamberlist: I second the motion.

Mr. Speaker: Moved by the Member for Watson Lake, seconded by the 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 and Sessional Papers. Are you prepared for the question? Agreed?

MOTION
CARRIED

MOTION CARRIED

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

Mr. Chairman: We will be proceeding with Bills this morning and I think we will declare a recess at this time.

RECESS

RECESS

Page 234.
Friday, February 19, 1971.
11:00 a.m.

Mr. Chairman: At this time we will call Committee back to order.
The next bill is Bill No. 9.

BILL #9

Mr. Chamberlist: Mr. Chairman, I would ask that Mr. Chairman do not proceed with Bill No. 9 at this time, as there should be a little bit further review done in a couple of areas in that Bill.

Mr. Chairman: Do you agree? Next bill then is Bill No. 10, An Ordinance to Authorize the Commissioner to Borrow a Sum Not Exceeding One Hundred and Fifty Thousand Dollars from the Government of Canada for the Purpose of Making a Loan to the City of Whitehorse and to Authorize the Commissioner to Enter into an Agreement Relating Thereto.

BILL #10

Mr. Chamberlist: Mr. Chairman, this Bill is to obtain authority for the Government of the Yukon Territory to borrow \$150,000.00 from Canada, representing the balance of the total cost of \$970,000.00 required by the Territory for lending to the City of Whitehorse for upgrading the sewer and water systems. The difference of \$820,000.00 has been and/or will be covered as follows: in the 1969-70 Fiscal Agreement \$509,557.00, 1970-71 Fiscal Agreement \$90,443.00 and in the 1971-72 Fiscal Agreement \$220,000.00 for a total of \$820,000.00.

Mr. Chairman: (Mr. Chairman reads Bill No. 10.) Any discussions?

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 10 be passed out of Committee unamended.

Mrs. Watson: I second that motion, Mr. Chairman.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 10 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: We will proceed to Bill No. 11. This is an Ordinance to Authorize the Commissioner to Lend Money to the City of Whitehorse for the Updating and Upgrading of Whitehorse Water and Sewer System.

BILL #11

Mr. Chamberlist: Mr. Chairman, the purpose of this Bill is to put into legislative form, the authority for the Government of the Yukon Territory to lend to the City of Whitehorse, the sum of \$970,000.00 for the sewer and water upgrading scheme approved by Council during the First Session of 1969. Instalments amounting to \$240,443.00 have already been voted and approval for payments of the balance is subject to the passing of further estimates. The summary is: loaned in 1969-70, \$150,000.00 Voted; loaned in 1970-71, \$359,557.00 at a Supplementary Estimate in 1970-71; to be loaned in 1970-71, \$90,443.00 which was Voted; to be loaned in 1970-71, \$150,000.00 which was a Supplementary Estimate 1970-71; to be loaned 1971-72, \$220,000.00 which is the Main Estimate for 1971-72, and therefore, the total to be loaned is \$970,000.00. This Bill is necessary in order to conform to the Yukon Act.

Mr. Chairman: (Mr. Chairman reads Bill No. 11.) Any discussions on this Bill?

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 11 be passed out of Committee unamended.

Mrs. Watson: I second that motion, Mr. Chairman.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 11 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? I will declare the motion as carried.

MOTION CARRIED

*MOTION
CARRIED*

BILL #12

Mr. Chairman: What is your pleasure in relation to Bill No. 12?

Mr. Chamberlist: Can we now proceed with Bill No. 12, Mr. Chairman?

Mr. McKinnon: Certainly, the procedure is to report progress. We have had several department heads here who have been asked by Committee Members to appear before Council in connection with Bill No. 12. So proceed with it now.

Mr. Chamberlist: No progress has been reported, and by proceeding we can have those people if they are required.

Mr. Chairman: Which witnesses now do we require? I believe, the Director of Travel and Publicity is one, is this correct?

Mr. Commissioner: Mr. Chairman, I would have to inquire if he is back at work. I don't know -- he has been off sick for the past three days. So, I would have to make an inquiry for -- if Council made up its mind.....

Mr. Chamberlist: I would suggest, Mr. Chairman, that we arrange for witnesses this afternoon to deal with Bill No. 12, and perhaps we can go into a -- perhaps to Sessional Papers for the time that we have left.

Mr. Chairman: I am wondering, if Mr. Clerk would ascertain if Mr. Fitzgerald would be available for, let's say, 2:00 o'clock this afternoon, to discuss the Game Estimates? And possibly if he is available, the Director of Travel and Publicity also. The next bill is Bill No. 13, An Ordinance to Amend the Companies Ordinance. Mr. Clerk, would you see if Mr. Legal Adviser is available? (Mr. Chairman reads Bill No. 13.)

BILL #13

Mr. Legal Adviser: Mr. Chairman, this is common form in all provincial legislation. It is in Alberta and B.C. We miss it here, because it is awkward unless we have a section in registering a company with a different name.

Mr. Chairman: Clear?

Mr. Legal Adviser: Mr. Chairman, this section was wrongly printed in the original Companies Ordinance and a local practitioner brought to our attention that we check back section by section, and paragraph by paragraph and we found that this error had been reproduced in printing after printing, and this is the way it should have been in the original thing. It comes from the section which contains a list of the various methods whereby a company can enter into a contract, and the way it was, made no sense of this section.

Mr. McKinnon: What was the error in question?

Mr. Legal Adviser: Two sections were misplaced, and one section was repeated and the other section had a piece left out.

Mr. Chairman: We'll take your word for it. What is your further pleasure?

Mr. Chamberlist: I would move that Bill No. 13 be moved out of Committee without amendment.

Mrs. Watson: I second that motion, Mr. Chairman.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 13 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? I will declare the motion as carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: Next is Bill No. 14, An Ordinance to Amend the Elections *BILL #14* Ordinance.

Mr. Chamberlist: Mr. Chairman, the purpose of this Bill is to obtain formal legislative approval for the payment to the Councillors of the indemnities, allowances, and expenses approved by Council at its last Session for payment to Members of Council.

Mr. McKinnon: Mr. Chairman, I wonder if I can ask a question. How were the indemnities being paid before formal legislative approval had been made by this House?

Mr. Commissioner: By vote in the appropriation motion.

Mr. McKinnon: Mr. Chairman, why is there a need for the change, if the indemnities were being able to be paid with no problems whatsoever under the vote? Why do we need formal legislation and approval for payment of the indemnities?

Mr. Commissioner: Mr. Chairman, the general policy with regard to ongoing procedures in government is, that the legislative authority should spell out clearly, exactly what is to be done, and that is the purpose of this, as with many, many other ordinances of a similar nature throughout our legislature, Mr. Chairman.

Mr. Chamberlist: And I have received no information, Mr. Chairman, that the Honourable Member from Whitehorse West has sent his cheques back.

Mr. McKinnon: Well, Mr. Chairman, I am willing to make an agreement with all Honourable Members if they are willing to bring their indemnities down to the prior level of \$5,000.00 per annum, I will be more than willing to return the money of the cheques that I have cashed, and also be quite happy to live with the \$5,000.00 that was received prior by Councillors. And with the consent of all the other Members of this House, I will only be too happy to do this, and I mean that sincerely.

Mr. Chamberlist: Well, Mr. Chairman, the Honourable Member's conscience is obviously bothering him. I think all other Members of the House are earning their pay.

Mr. Chairman: I will proceed now with the reading of the Bill. (Mr. Chairman now reads Bill No. 14)

Mr. Tanner: Mr. Chairman, two questions. First of all, paragraph 3, the last line "he shall be deemed to have served continuously". Is this merely formulization of something that has been in the past

Mr. Commissioner: Mr. Chairman, as Honourable Members who have served before know, there has always been considerable doubt in the wording of the Yukon Act, as to when a person terminates their term of office, and when they start a new one, and when they are deemed to have served continuously, and this clarifies this particular vacuum, that previously existed.

Mr. Tanner: Mr. Chairman, we are not in conflict here with the Canada Elections Act at all, are we? Has that been checked out?

Mr. Commissioner: Mr. Chairman, you can well be assured that it has no bearing at all on what.....

Mr. Chamberlist: Mr. Chairman, the Canada Elections Act only applies to us with reference to the manner in which an election is run, but not in manner of elections, as far as the administration of people who have been elected.

BILL #14

Mr. Tanner: Mr. Chairman, the other question I have, is that, I don't really know how you legislate this, but just in what way do we differentiate between Members from outside and Members inside, as far as the duty expenses are concerned. I personally, and I am probably the most involved, don't think that we should have -- Council, should have to pay the \$25.00 for Members attending Committee who live in Whitehorse. But I don't know how you...

Mr. Chamberlist: We don't.

Mr. Tanner: Yes, we do. It says right here.

Mr. Legal Adviser: Mr. Chairman, this Bill is precisely in the terms of the motion, passed by the House some time ago. I would ask you to eliminate the (1) in section 18. There is no subsection (2) to section 18, so there should be no subsection (1).

Mr. Tanner: Mr. Chairman, I would like to point out that -- "there shall be paid to every member of the Council expense allowances as follows:", then, you get down to the third paragraph "meetings at the request of the Council". Well, there are many of these meetings take place in Whitehorse, and I don't think that the Members from Whitehorse should have to receive the \$25.00 a day.

Mr. Chamberlist: Well, we don't. I can assure all Members, that we don't receive it. I haven't received any.

Mr. Commissioner: Mr. Chairman, I don't want to confuse the issue on this situation here, but there is something that is not clear in this, and I think there should be something to clarify this, and that is, that any of these expense allowances cannot be paid twice. And I would like to bring this point to your attention, because, as the way the wording is here now, and I would use your own instance, Mr. Chairman, as an illustration here, that when you are away from Watson Lake, and attending a Council Session, you are entitled to a certain expense allowance here. And the way it is worded now, that if at the same time during a Council Session, that Council asks you to attend a meeting, we will say, in Ottawa, you would then be collecting two per diem expenses, and I don't know whether in the eyes of the Legal Adviser this requires clarification in the Ordinance or not, but I am sure that it is not the intention of the Honourable Members to be collecting two per diem allowances. And in reading this -- the other day in my office this was a question that came to my mind, and I would suggest that for the benefit of all -- for the administrative people that are going to be dealing with this, to remove any doubt in their minds, the matter should be clarified in a manner that is acceptable to Council.

Mr. Legal Adviser: I thought it was clear. I drafted this in consultation with the accounting people, Mr. MacKenzie and Mr. Miller, to try and make a precise payment that they accepted. I was not thinking of the Members, I must confess, unfortunately. I was thinking how it would appear to the accountants, what they would pay and what they wouldn't pay, so that they would accept this Bill as per instructions and they were satisfied that this was precise.

Mr. Stutter: Mr. Chairman, I raised this point when we were discussing this proposed change, and I raise it again now. I find that in 18 (1), subsection (iii), this is extremely vague. It states right here "from the day of departure". Now, if you take that as being literal, it could be 3 or 4 days before the meetings, and also the word "until" the day of return, i.e. it is up to and including the day before the return, and not including the day of return. I brought this point up before, and I still find it very

Mr. Stutter continued.....

vague -- the whole wording of that particular section. Surely, the intent is for the day before the meeting, and the day after the meeting.

BILL #14

Mr. Chamberlist: Not necessarily. Mr. Chairman, the Honourable Member might find that as a result of his duties as a Councillor, there might be a necessity for him to stop on the way somewhere and overnight. It would then deprive him of that expense that he would be entitled to, because he was there on Council business, and I think this is the purpose in there, it is to protect the Council Member from undue expense as a result from carrying out his duties. That is the only purpose. For instance in the case of Councillor Taylor, who perhaps would have to go -- he is returning to his home in Watson Lake, and he might have to go to Teslin and he has a meeting there on the way, and he has to do some business for Council at Teslin, which is in in constituency. It means an extra day.

Mr. McKinnon: I think this is one area, Mr. Chairman, where it should be perfectly clear, so that the public picks it up and sees exactly what the indemnities and the expense allowance of Councillors are, because I know, prior to this last change in the indemnities, there were always questions of the public; just what were the expenses, for how long and what were you actually receiving. This has always been a contentious question. I think, it should be spelled out, spelled out clearly, and I think the two points, the one that was raised by the Commissioner, and the one that was raised by Councillor Stutter, are very valid, and I would like to see Mr. Legal Adviser try to be able to clarify these two points and put them into legislation, and I think that it is important, particularly on a matter which is always contested and controversial which a politician's indemnities are.

Mr. Legal Adviser: I think the best people to categorize this, are the accountants.

Mr. Chamberlist: I agree.

Mr. Commissioner: With respect, Mr. Chairman, I have nothing but respect for the accountants in everything else, but unfortunately these questions, when they are in a shady area, wind up on my desk, and I'm not interested in using my discretionary policy with regards to them, and I want to see this thing spelled out.

Mr. Legal Adviser: So, I will prepare a draft, Mr. Chairman.

Mr. Commissioner: Mr. Chairman, it is very clear. There are two points in question -- I am positive, it is not the intention of the Honourable Members that there should be two per diem allowances under any circumstances. Secondly, that travel back and forth to Council Sessions has to have a clearly defined starting and terminal point.

Mr. Chamberlist: I would suggest, Mr. Chairman, that we report progress on this Bill.

Mr. Tanner: Mr. Chairman, is this what -- one other question -- I am sorry to pursue this, but it says in 18 (a) "twenty-five dollars per day to members of the Council who are absent from their normal place of residence attending". Shouldn't there be something in there, saying, "overnight". How do you otherwise determine what is your normal place of residence. I leave my house and come down here to attend a meeting. I am absent from my normal place of residence. It is not overnight, but if it is overnight, then I am probably qualified.

Mr. Legal Adviser: We are applying the interpretation which is normally applied by the people who deal with the public service, and these rules have been applied in the past and rulings are made on them for anybody who is dealing with them.

Mr. Legal Adviser continued.....

BILL #14

We are talking about a place of residence, not a house. A place means the geographical area where you live. The whole of Watson Lake would be Mr. Taylor's place of residence. The whole of Whitehorse would be yours, Councillor Tanner.

Mr. Tanner: I am not in Whitehorse.

Mr. Legal Adviser: We are applying the interpretations which are normally applied by the people who deal with the public service, and these rules have been applied in the past and everybody who is dealing with it knows what has happened in the past. A place of residence would be Whitehorse in your case, Watson Lake, Whitehorse, and so on.

Mr. Chairman: Possibly, Mr. Legal Adviser you could take this under advisement over the noon hour and possibly have something to report to us. I think in view of the time, we will stand Committee in recess until 2:00 o'clock.

RECESS

RECESS

Page 240.

Friday, February 19, 1971

2:00 p.m.

Mr. Chairman: At this time we will call Committee to order. We have with us, our Director of Game, Mr. Fitzgerald, to answer any questions you may have, relevant to the operations of the Game Department. I am also informed, just before we begin that, Mr. Dryden will be unable to join us this afternoon, as he is still ill. Would you proceed.

*BILL #12
VOTE 7*

Mr McKinnon: Mr. Chairman, I was hoping very much that we could have Doctor Pearson, the Resident Mammalogist, here when we were discussing the Game estimates, along with Mr. Fitzgerald. The reason being, Mr. Fitzgerald, we have talked about this on many occasions before Council, and it seems more and more that the more studies that are done and the more thinking that has gone into the subject, that most jurisdictions are getting away from the concept of providing bounties for wolf, and also for the concept of wolf baiting. I wonder if there is any new thinking on the Department of Game, as to the reasons behind the control of predators, such as wolves with wolf bounties and baiting in the Yukon Territory, and if we're in line with the fresh approach different provinces and other jurisdictions have taken after excessive study in the field, that they no longer use these types of methods, and no longer have predator control on their Statute Books in different provinces and different states.

Mr. Fitzgerald: Of course, first of all realize that this is a very controversial type of matter. As far as I know at this time, the Northwest Territories, Alaska and the Yukon, in this part of the world are probably the only places that are paying bounty now, unless the Maritimes are still paying bounty on bobcat. Some years ago before I came into the Branch, I found already indicated that they had paid bounties here before, and paid as high as \$10 on coyote, I don't know what they paid on wolves. The bounty paid in the Northwest Territories is \$40 per wolf, and here \$25. I came into the Branch in 1960, and it was shortly after that, that the bounty system was again re-instituted here in the Territory on the instructions of the Council and the Commissioner. This was to be paid on each wolf not taken by poison and over what we considered half grown. If you don't mind my referring to my notes, I think I can ... They started paying in 1961, and we paid bounty on 84 wolves that season, and it went up. It went as high as 140 on one occasion it went to. It went over the \$4,000 on one occasion. The Indians, the Indian trapper or the trappers have bountied a fair number of wolves, but not all trappers bounty wolves. Most of the bounties that come out of Old Crow and Ross River are Indians, mostly all Indians. At Old Crow and most of them at Ross are taken by Indians. Mind you, I don't think that there are that many taken, and if a trapper seriously tries to cut the wolves down in his area, I think he has more fur to do so. If he seriously traps and seriously does this, I think that he can make a few extra dollars. Unless there is other questions, Mr. McKinnon, I don't know if I've -- I could enlarge on the baiting bit, if you like. I haven't touched on that.

Mr. McKinnon: Mr. Chairman, I am not so much interested, though I appreciate the statistics that the Director of Game has given to Committee, I am not so much interested in the actual facts of the predator control as much as the philosophy behind predator control. Now, it seems to me in all the contemporary thinking that I read in the field of Wildlife Management, that the concepts and the basic philosophy is away from predator control as it is indicated by most Mammalogists and people in these discipline, that it does actually upset the balance of nature in the jurisdictions where it is practiced. Now, I am wondering whether any thought has been given by the Department of Game in the Yukon Territory to rethink their philosophy upon these lines, or whether there has been any discussions with Mammalogists or Conservationists on this issue of the philosophy behind predator control.

BILL #12
NOTE 7

Mr. Fitzgerald: Yes, there has been. There has been a lot, and we get some of the latest material on this. There is a lot of discussion on this, and we have participated in quite a lot. I have my personal -- definite personal feelings on this.

Mr. McKinnon: Well, this is what I would appreciate, Mr. Chairman, as Director of Game, your feelings on this matter.

Mr. Fitzgerald: Well, frankly, I am not in favour of it. But, I can see where a lot of our serious trappers can make money on this, the wolf is one of the most lucrative animals today when the bounty is considered. But by a trapper meeting say a band of 12 or 14 wolves, by the time he gets unlimbered, if he gets two animals out of this, he is very lucky. I think that if he shoots two animals out of this band of wolves, he is quite lucky. I don't think that two animals out of that band is going to upset things at all. Now, where poison is concerned, handled indiscriminately can be a disastrous thing, absolutely disastrous. It is a horrible thing -- a very distasteful thing even to think of when not handled properly. But, handled properly, I am talking from experience now, I have personally done this type of thing. When handled properly, it is a very expensive thing, and you definitely can cut down your wolf population in an area. I have to -- I am convinced though, that this is necessary in certain areas, and at certain times. I wouldn't want to see the wolf become extinct in the area. I think that the wolf is one of the most wonderful animals that we have. But, he can create havoc with the game population and stock. At this time we only have four or five baits out. They were put out because there was stock killed and damaged in the area, and some of the horses that were brought in are cut up very badly and these people are trying to keep them alive. I think that in an area like this, that once the wolves get a taste of horse meat they start taking the young. They are smart, they only take the best eating animals, of course, the young ones. We probably -- I think probably we are bound to do something about this. Now, if bait is placed out and dropped from the air, and not tied down or froze into the ice surface, this bait can be picked up and carried off. You kill a lot of other things. You kill a lot of valuable fur bearers. If the bait is left there, a spring bear came out, he would zero right in on this bait. He would go out on ice to pick it up that you think wouldn't carry a jay. But, if we put in baits, we have to. If they are put in the centre of a large meadow, we have to securely tie them down, or the other alternative is to put them on ice surface, freeze them in far enough out from the tree line that -- from the heavy bush that the small fur bearer doesn't venture out there. Well of course the wolverine, coyote and wolf will get on these things if they are in the area. Then we have to check this bait out, bring all the dead animals in, bring the balance of the bait, and eventually burn this material. It takes days. But, if these baits are not picked up, or the dead animals are not picked up and properly disposed of, this could be a very disastrous thing. Now, we used, in conjunction with, where we have to put baits out in an area, and we have to use fixed wing or helicopter, we make use of this flying time to check and make note of the game animals that we see in the area, and so on. It just isn't a straight flight, that means we took the bait out and put it in and flew back. We make use of this flying time to do other things, and probably with everything considered, it isn't quite as expensive as I think.

Mr. McKinnon: I wonder, Mr. Chairman, if I could ask Mr. Fitzgerald, if the provisions for the poison bait program were left under the control of the Game Department and in the budget, and if the bounty system were eliminated, whether the Director feels that they could have proper and effective control over predators in the Yukon?

Mr. Fitzgerald: Do you mean just by the use of poison?

Mr. McKinnon: By bait control system under the Department of Game.

Mr. Fitzgerald: It seems to me, and we have tried to watch this rather carefully, that the wolves taken, I know that I am getting the right answer here, that the wolves taken and presented for bounty seem to be from an area where we have quite a lot of game and naturally the wolves are more highly congregated in the area, and that is the north of Dawson area, particularly the Dempster Highway area and the Campbell Highway. The bounty system probably helps, in a way to keep the population down. I think that everybody expects this. I am not sure just how to answer this. You see, at some times of the year you can get into an area when you know that the game is there and the wolves are attracted to the area. But, it is pretty difficult, it is very difficult to get in there and do it from the ground, you are just inviting trouble. They use a snow machine off the highway now and go back there a week later. You can see where it has been beaten down by five or six other people who have been in there, checked out the poison bait, and in one case we had one moved away. We got quite excited about this. We didn't know if an innocent person had picked it up thinking that it was good to eat or some darn thing. But, it wasn't, it was just done by a hoodlum in the area, and it was eventually put back. But, it is pretty difficult sometimes to get into these areas at the right time in order to be really effective, whereas, a trapper or a person on the ground may be taking wolves out of the same area about that time.

BILL #12
VOTE ?

Mr. McKinnon: Well, Mr. Chairman, it is not my intention to try and put the Director of Game on the spot, because I know that this area of the wolf bounty has been rather hot and a ticklish and a controversial subject in the Yukon over the years, and this is why I particularly wanted the Resident Mammologist here, so he could answer these questions in a strictly scientific discipline with absolutely no -- of being one sided in any case. It is my philosophy, that from the reading that I have done, I am like the Director of Game, I am on the side of the wolf in this instance, and I think that just the indication that we are the only three jurisdictions remaining with a bounty programme, it shows that we are pretty neanderthal in our thinking in this respect, in the Yukon and the Northwest Territories and Alaska. All studies would seem to indicate that you really do serious harm in the upsetting of the balance of nature when you start this type of predatory control. I think it is also fair to state that many of the wolves that we pay bounty on or at least part of them, could be imported from either Alaska or the Northwest Territories. I don't think there is any control as to their origination when you start to pay the bounties on them. I would seriously like more consideration given to this point, and I would very much like to hear the opinions expressed by the Resident Mammalogist prior to acceptance or rejection of this vote in the budget. I think, Mr. Chairman, that is all I have to say on this subject at this time.

Mr. Fitzgerald: May I just answer one portion of Mr. McKinnon's statement there. I don't believe that we are paying bounty on outside wolves, because in the Northwest Territories they get \$40 per wolf and in Alaska they still get more money than they get here. There is a Game Export Act, and so on and so forth that they could probably contravene if they did move fur across the border. We don't pay bounty on many wolves south and east of Whitehorse.

Mr. Tanner: Mr. Chairman, I have one question for the Director. Could you tell us in your estimates here of \$5,200, you have one provision for poison bait used for predator control. What is -- specifically how much is that, not within a ...

Mr. Fitzgerald: Well, I haven't got my estimates in front of me. If I had thought I was going to talk on them -- if there is any detail on it, I can probably explain it. We don't ... There are several things lumped together there, I believe. Yes, it is a little clearer now. Mr. Tanner, we -- there are five items there that are included in that amount of money.

BILL #12
VOTE ?

Mr. Tanner: I was just wondering, if you could give us approxiamtely how much you spend on poison?

Mr. Fitzgerald: What occasionally, we have bought a horse in the past, an animal that was on its last legs, old, and the owner was getting rid of it; we have bought it, and even in a few cases paid for the transportation. The bait used is obtained from the U.S. Wildlife Service in the United States, but, that doesn't come near this amount, maybe a few hundred dollars, and quite often what we would use this year, we would carry a lot on into next year, that is the portion of the poison itself.

Mr. Tanner: Mr. Chairman, the point I am trying to make here is that, while I realize that there is a certain amount of interest in this subject, I don't think we should hold up a vote or proceedings of this House, merely to define the actual cost -- the most we are probably talking of is \$5,000.

Mr. Stutter: Mr. Chairman, I would like to ask Mr. Fitzgerald, when was the last real study made into this poisoning of wolves? If one of the reasons you gave awhile ago as to it carried on still in the Yukon, was because of -- you used the expression, that there were horses being molested. But, surely in the provinces there are far more domestic animals and far less wild game than there is in the Yukon, so I would think that if that is one of the reasons that the poisoning programme is being carried on, we should certainly look deeper into that. Another thing too is, I would like to ask you a bit about the strength of this poisoning. Now, a few years ago, some of the poison that was being used in Alberta, when the programme was still on there, was able to kill through seven generations. Now is this the sort of poison that is being used in the Yukon?

Mr. Fitzgerald: There is some of the material you talk about in our possession right now, and frankly I do not know how to destroy it. You bury it in the ground, it comes up in the vegetatin. I don't think it would be even safe to throw it in a big river or even burn it, and that is 1080. I forget just what it is at the moment, but it is in these coyote shots that were put off by the animal licking it or touching it with his nose -- cyanide. We have these here, and we have never used them. We have them under lock and key, and I think that it is a very dangerous material. The stricknine can be, I understand that it will dissipate in water or when you burn it ruins it or makes it harmless. This is in the form of a pellet that is 60% stricknine and about 40% fatty substance of some description. I am sure that even one of them would kill a wolf, and have him found right at the bait. It is much easier to destroy than the cyanide. Now, the poisoning programme is on occasion carried out in northern British Columbia and it is in some areas on the Prairies. But, getting back to the first part of your question, maybe they don't have the predators there of stock that we have in this country. We have, as you know a fairly, I think a fairly healthy wolf population but, we have about 1,000 head of horses between Watson Lake and the other side of the country, 1202 and Dawson. A lot of these animals range as you know.

Mr. Stutter: One thing that I would like to point out is though, that in many of the provinces you have cougars. Now, I don't believe that there are many cougars, if at all, in the Yukon, and a full grown cougar is estimated to make 72 kills a year of the size of a deer. I have before me here a brief that was presented by Doctor Art Pearson, to the Arctic International Wildlife Range Conference in October, and he just briefly touches on wolves, and he says, " I mention wolves briefly in regard to their beneficialeffect in controlling numbers of ungulates." Pardon my ignorance but I don't know what ungulates are, but "Conservation of wolves could be effected easily by regulating the kill by man," so it seems that in all probability Dr. Pearson feels that we should even conserve the wolf population.

Mr. Fitzgerald: It seems to me, and we have tried to watch this rather carefully, that the wolves taken, I know that I am getting the right answer here, that the wolves taken and presented for bounty seem to be from an area where we have quite a lot of game and naturally the wolves are more highly congregated in the area, and that is the north of Dawson area, particularly the Dempster Highway area and the Campbell Highway. The bounty system probably helps, in a way to keep the population down. I think that everybody expects this. I am not sure just how to answer this. You see, at some times of the year you can get into an area when you know that the game is there and the wolves are attracted to the area. But, it is pretty difficult, it is very difficult to get in there and do it from the ground, you are just inviting trouble. They use a snow machine off the highway now and go back there a week later. You can see where it has been beaten down by five or six other people who have been in there, checked out the poison bait, and in one case we had one moved away. We got quite excited about this. We didn't know if an innocent person had picked it up thinking that it was good to eat or some darn thing. But, it wasn't, it was just done by a hoodlum in the area, and it was eventually put back. But, it is pretty difficult sometimes to get into these areas at the right time in order to be really effective, whereas, a trapper or a person on the ground may be taking wolves out of the same area about that time.

BILL #12
VOTE ?

Mr. McKinnon: Well, Mr. Chairman, it is not my intention to try and put the Director of Game on the spot, because I know that this area of the wolf bounty has been rather hot and a ticklish and a controversial subject in the Yukon over the years, and this is why I particularly wanted the Resident Mammologist here, so he could answer these questions in a strictly scientific discipline with absolutely no -- of being one sided in any case. It is my philosophy, that from the reading that I have done, I am like the Director of Game, I am on the side of the wolf in this instance, and I think that just the indication that we are the only three jurisdictions remaining with a bounty programme, it shows that we are pretty neanderthal in our thinking in this respect, in the Yukon and the Northwest Territories and Alaska. All studies would seem to indicate that you really do serious harm in the upsetting of the balance of nature when you start this type of predatory control. I think it is also fair to state that many of the wolves that we pay bounty on or at least part of them, could be imported from either Alaska or the Northwest Territories. I don't think there is any control as to their origination when you start to pay the bounties on them. I would seriously like more consideration given to this point, and I would very much like to hear the opinions expressed by the Resident Mammalogist prior to acceptance or rejection of this vote in the budget. I think, Mr. Chairman, that is all I have to say on this subject at this time.

Mr. Fitzgerald: May I just answer one portion of Mr. McKinnon's statement there. I don't believe that we are paying bounty on outside wolves, because in the Northwest Territories they get \$40 per wolf and in Alaska they still get more money than they get here. There is a Game Export Act, and so on and so forth that they could probably contravene if they did move fur across the border. We don't pay bounty on many wolves south and east of Whitehorse.

Mr. Tanner: Mr. Chairman, I have one question for the Director. Could you tell us in your estimates here of \$5,200, you have one provision for poison bait used for predator control. What is -- specifically how much is that, not within a ...

Mr. Fitzgerald: Well, I haven't got my estimates in front of me. If I had thought I was going to talk on them -- if there is any detail on it, I can probably explain it. We don't ... There are several things lumped together there, I believe. Yes, it is a little clearer now. Mr. Tanner, we -- there are five items there that are included in that amount of money.

BILL #12
VOTE ?

Mr. Tanner: I was just wondering, if you could give us approxiamtely how much you spend on poison?

Mr. Fitzgerald: What occasionally, we have bought a horse in the past, an animal that was on its last legs, old, and the owner was getting rid of it; we have bought it, and even in a few cases paid for the transportation. The bait used is obtained from the U.S. Wildlife Service in the United States, but, that doesn't come near this amount, maybe a few hundred dollars, and quite often what we would use this year, we would carry a lot on into next year, that is the portion of the poison itself.

Mr. Tanner: Mr. Chairman, the point I am trying to make here is that, while I realize that there is a certain amount of interest in this subject, I don't think we should hold up a vote or proceedings of this House, merely to define the actual cost -- the most we are probably talking of is \$5,000.

Mr. Stutter: Mr. Chairman, I would like to ask Mr. Fitzgerald, when was the last real study made into this poisoning of wolves? If one of the reasons you gave awhile ago as to it carried on still in the Yukon, was because of -- you used the expression, that there were horses being molested. But, surely in the provinces there are far more domestic animals and far less wild game than there is in the Yukon, so I would think that if that is one of the reasons that the poisoning programme is being carried on, we should certainly look deeper into that. Another thing too is, I would like to ask you a bit about the strength of this poisoning. Now, a few years ago, some of the poison that was being used in Alberta, when the programme was still on there, was able to kill through seven generations. Now is this the sort of poison that is being used in the Yukon?

Mr. Fitzgerald: There is some of the material you talk about in our possession right now, and frankly I do not know how to destroy it. You bury it in the ground, it comes up in the vegetation. I don't think it would be even safe to throw it in a big river or even burn it, and that is 1080. I forget just what it is at the moment, but it is in these coyote shots that were put off by the animal licking it or touching it with his nose -- cyanide. We have these here, and we have never used them. We have them under lock and key, and I think that it is a very dangerous material. The stricknine can be, I understand that it will dissipate in water or when you burn it ruins it or makes it harmless. This is in the form of a pellet that is 60% stricknine and about 40% fatty substance of some description. I am sure that even one of them would kill a wolf, and have him found right at the bait. It is much easier to destroy than the cyanide. Now, the poisoning programme is on occasion carried out in northern British Columbia and it is in some areas on the Prairies. But, getting back to the first part of your question, maybe they don't have the predators there of stock that we have in this country. We have, as you know a fairly, I think a fairly healthy wolf population but, we have about 1,000 head of horses between Watson Lake and the other side of the country, 1202 and Dawson. A lot of these animals range as you know.

Mr. Stutter: One thing that I would like to point out is though, that in many of the provinces you have cougars. Now, I don't believe that there are many cougars, if at all, in the Yukon, and a full grown cougar is estimated to make 72 kills a year of the size of a deer. I have before me here a brief that was presented by Doctor Art Pearson, to the Arctic International Wildlife Range Conference in October, and he just briefly touches on wolves, and he says, "I mention wolves briefly in regard to their beneficial effect in controlling numbers of ungulates." Pardon my ignorance but I don't know what ungulates are, but "Conservation of wolves could be effected easily by regulating the kill by man" so it seems that in all probability Dr. Pearson feels that we should even conserve the wolf population.

Mr. Fitzgerald: Well, I am inclined to agree with a good part of that statement, but not completely though. Not completely. I didn't answer Mr. McKinnon's question, when last was this whole matter delved into? Well, it is an ongoing thing. The subject of game and predators, and the rest of it, for me, is one of the most interesting type of subjects I think imaginable. It is always an ongoing thing, and we are always getting some new ideas. There is an awful lot we have to learn. For instance, they don't do hardly anything about the wolverine. I think that he is a very lucrative, attractive fur bearer at the moment. He is a highly expensive animal, the fur itself. But, I believe that in some areas we may have to take a pretty good look at our wolf population, and if there is any control to be done by poison bait, I think that it has to be very carefully done and properly done. But, up to this time, this winter and last year, there wasn't very much -- we are gradually getting as far away from it as we can, and only try to help a stock owner when we -- when absolutely necessary. BILL #12
vote 7

Mr. Chamberlist: Mr. Chairman, I have a point to ask -- a point of interest really. Does the cost of the predatory control of wolves -- if we did not have this predatory control, would it be more costly in the amount of stock and other animals and wildlife that we would be loosing as a result of the damage that would be created by wolves if they were not controlled? What pace do they breed at?

Mr. Fitzgerald: It is pretty difficult for me to answer that, Mr. Chairman. If I understand his question properly, I -- well, if wolves are just running rampant on a horse range, where there are 35 or 40 head of horses, the young stock -- and once they get into them, a \$250 horse is gone, it can be killed very quickly. If they are left in the area unmolested, I think they could get away, and probably kill a lot of the stock.

Mr. Chamberlist: In your opinion, Mr. Fitzgerald, there is a necessity to maintain predatory control?

Mr. Fitzgerald: Yes, but done in a very sensible way.

Mr. Chamberlist: I take it, that the manner that you operate it now is a sensible way?

Mr. Fitzgerald: I feel that it is.

Mr. McKinnon: Mr. Chairman, I think that the animal called man can learn an awful lot about the society from the wolf. If the Honourable Member from Whitehorse East studies the family life of a wolf, I am sure that he would agree with this finally ...

Mr. Chamberlist: This is why I have learned so much about you.

Mr. McKinnon: But, I have seen, Mr. Chairman, a pack of wolves, 14 in the middle of Dezadeash Lake and three skidoos after them. If those people had been serious of decimating that pack of wolves in the open, they could have been completely wiped out from the Yukon Territory. I am sure that the Director of Game will agree with me that that would have been disasterous, both for that area of the Yukon Territory and for the balance of nature generally in the Yukon Territory. With the advent of the plane and the skidoo, this could have happened, and it could have happened very easily if those skidoos hadn't been in the hands of responsible people. They had the wolves out in the open, they had the wolves run to death, and they could chase them down one by one and shot them at their leisure. That was exactly what it was, if it had been wanted to do -- I am telling you, Mr. Chairman, that it will come to pass that this will happen in the Yukon Territory, there is no doubt about it. You are going to find a pack of wolves completely wiped out for the bounty and for the skins. The skins are valuable

BILL #12
VOTE 7

Mr. McKinnon continued ... also, not only the bounty. It is going to be a disaster for the Yukon and the game population of the Yukon, when this happens, I think that with a sensible poison bait programme, which is under the strict control of the Director of Game, that -- I am even willing at this point to say, that the bounty system should be removed from the Statute Books of the Yukon Territory. I think that if Doctor Pearson were here, that he would even -- reinforce this argument, because I am sure that he has all the latest wildlife studies available to him, and of course this is the feeling and the thinking of those people who have done extensive study in this field. I am also worried about another area, and that is the building of the Dempster Highway, and the control of the hunting on that highway when it is done. I have seen the slaughter of cariboo on that highway. That is the only word that you can use, when you see the herds crossing that road, and the hunters slaughtering them at their leisure. I wonder if there is going to be ample guardianship and ample enforcement of the hunting laws of the Yukon Territory, particularly when the Dempster Highway is pushed north.

Mr. Fitzgerald: First of all, chasing the wolves on Dezadeash Lake, I am happy to see or hear that they weren't all killed. Because, in the Kluane Game Sanctuary, here is where we need all the predators that can be crowded into this park; we know this. It is very important that we have a large predator population in the Kluane Game Sanctuary. There are a few areas there that we think, we have an over abundance of sheep; there will probably a large sheep winter kill this year. The predators though, do their work in this particular area, and everything is fine. The hunter isn't taking game and competing with the predator in there, so nature is doing its job. Now, on the Dempster, this is bad enough, Mr. McKinnon, but the 60 Mile, some years ago was really something. Now, we had men, weekend after weekend, on the Dempster Highway, but apparently nobody encountered them. There were several cases arising from things that occurred there. The game wasn't particularly seized right on the Dempster Highway, but it was seized in other areas of the Yukon, through investigation. We have made arrangements for a camp in the -- pretty well up on the highway, and we will have men there this coming fall right from the time the season opens, and particularly when the cariboo are moving, there will be a couple of men in that area all the time. There were a lot of skidoos in the area this fall. You will probably notice as you get into the Game Ordinance, that there is the suggestion that no animal may be chased, harassed or molested with a motor vehicle; by a motor vehicle, this would include skidoos. We think this may help, but the Dempster will be getting all the attention that we can give it, and I think that it will deserve quite a bit.

Mr. Stutter: Mr. Fitzgerald, I am getting a little bit off the subject now, but if -- while you are here, if I could just make this one comment. The last two or three years we have had a hunting season on cow moose. I assume that this is because the moose population has been getting too great. So we have had cow moose season and at the same time we have predator controlling of wolves. It seems to me that they are in direct conflict, those two things.

Mr. Fitzgerald: Well, I don't think so. Some of the quite modern game branches are recommending this very thing, where they have a high predator population, and I am speaking of Northern British Columbia. But, I must agree that I do not feel that from what we have learned, and I think that when we first suggested the open season, that it was given some publicity along the lines of being an experimental type thing. We have gotten quite a lot of information from it. We know now that there are certain areas that can stand probably an open season in both sexes, and other areas that shouldn't -- where we shouldn't have an open season. But, it is pretty difficult to handle this thing properly until we know exactly what the game population is and where we have a heavy and light population and so on. We hope that by this time next year, or shortly,

Mr. Fitzgerald continued ...
maybe a little beyond that, to be in a much better position to make recommendations concerning bounties, and particular bounties, wolf bounty, and maybe further suggestions on predator control. We'd be in a better position in the next fall to, maybe, outline certain areas where cow moose maybe taken legally and other areas where they may not be, and so on.

Mr. Chairman: Anything further of the Director of Game at this time?

Mr. McKinnon: Mr. Chairman, I wonder if the Game Director investigated any complaints of poaching in the Kluane Game Reserve this year; whether an adequate check was kept of the reserve, and what his conclusions are to any poaching? Whether there was any done in this reserve in the last year?

Mr. Fitzgerald: Yes, there was sheep taken from the sanctuary. There is 300 miles of sanctuary boundary and this would take the attention of a man on a pretty regular basis in my opinion. Every fall we have certain animals taken from the area. There is a biologist working there now, who is doing a very good job, and he has an appointment as game guide in there. He came into Whitehorse for Christmas, and immediately he left, we had several sheep killed in the sanctuary, right in the area where he had been working. The investigations did not conclude in a very satisfactory ...

Mr. McKinnon: Well, Mr. Chairman, what makes it even more galling, it seems that the majority of the poaching that is done, isn't being done by citizens of the Yukon or Canada, but rather by people from Alaska.

Mr. Fitzgerald: There is a strong rumor to that affect.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask the Director of Game whether he feels with this budget next year, he is going to have the availability of staff to have a man almost permanently in the Kluane Game Sanctuary, when hunting season is on?

Mr. Fitzgerald: Yes, that is our plan, Mr. McKinnon.

Mr. McKinnon: Mr. Chairman, another question of general interest, I always find interesting, at any rate is that -- the resume of how big game hunting activity went this fall. How many hunters, whether there was an increase in hunters from the year previous? How many complaints the Director received from hunters who were unsatisfied with the outfitters that they were booked with?

Mr. Fitzgerald: We had 375 nonresident hunters; that is an increase of 25 over last fall. At this time I would say, that with 22 registered outfitters, that this is about the maximum these people can handle properly without over crowding and so on. The hunted a total of 5,227 days at, at least \$100 per day. Now, that is actual money that we know and completely satisfied was paid to guides and outfitters, and we hope left in the Territory. We have sent out questionnaires to all nonresident hunters, explaining that we didn't particularly want them to sign the questionnaire, we didn't want them to tell us who they hunted with, but we did ask them to -- for their co-operation in letting us know how much money they spent in the Territory, bush plane travel, tips, hotel accommodations, the whole bit. This survey hasn't been completed, but it is amazing the amount of money that was left here by these people.

Mr. McKinnon: How many trophies altogether were taken?

Mr. Fitzgerald: I haven't got that information, right here. But the hunters success in these is very, very high. It is higher than any other statistics we see from the provinces, the Northwest Territories, and other places.

ILL #12
OTE 5

Mr. Chairman: How about the question of complaints, Mr. Fitzgerald?

Mr. Fitzgerald: Oh, complaints, well, you touched on quite a subject there, Mr. McKinnon. This puts me in quite a position. We give every complaint, a sympathetic hearing, we take the details, we try to look into them all. There are some cases where we would probably recommend assistant guides, and probably not even Yukoners, probably won't be relicensed again. These complaints are all outlined, and are now in a form of a report, they will be in the hands of the Commissioner by Monday morning. But how many?

Mr. McKinnon: Mr. Chairman, if a report is forthcoming, I am sure that the Commissioner in his usual fashion will make it available to Council, that we will be able to have this information before us. But, Mr. Chairman, I would like to know if the amount of complaints from non-resident hunters is on the increase or on the decrease in the last few years?

Mr. Fitzgerald: I don't think that the complaints this fall were above normal, as a matter of fact I would say, slightly lower than that contended with in other years. But, we pretty well know now what causes a lot of them. We have no control over bad weather, of course. But, we know where some of our problems are.

Mr. McKinnon: Just as a general question, Mr. Chairman, I wonder if Mr. Fitzgerald could tell me, whether he feels personally, upon inspection of the outfits, which I know his department does, whether the quality of the outfitters is improving or whether it is going the other way in the last few years.

Mr. Fitzgerald: The greater majority of cases, it is improving. Some of the base camps are wonderfully arranged, good horse equipment, good fly camp equipment. But, unfortunately we have a few cases where we inspect the equipment, and then find -- are satisfied in our minds that this will accommodate x number of hunters, and from the season opening, we find that this particular man is in the bush with two or three more hunters than he has equipment to properly service them. This is where we are lacking in some control.

Mr. McKinnon: I have no further questions, Mr. Chairman.

Mr. Chamberlist: Hurrah.

Mr. Chairman: Anybody else any further questions of Mr. Fitzgerald, at this time? We would like to thank you for joining us, Mr. Fitzgerald. The next item of business is Bill No. 15.

Mr. Chamberlist: Could we deal with Bill No. 12, Mr. Chairman. It is the bill that is very important that we complete. Mr. Harvey Dryden, who is sick, and I am sure that any questions that the Honourable Member from Whitehorse West, wishes to ask of Mr. Dryden, can be asked quite readily afterwards, as it has no bearing, really on the matter of the budget, itself. I am sure that he would appreciate the fact that while Mr. Dryden is sick, and we don't know how long he is going to be sick for, we can't hold up the business of the Government.

Mr. Chairman: Is Committee agreed to discuss Bill No. 12? Bill No. 12 has had reading, we have been through the budget. All items as noted in schedule A of Bill No. 12, giving us a total appropriation of \$29,365,406.02. What is your further pleasure in relation to this bill?

Mr. Chamberlist: I would move that Bill No. 12 be moved out of Committee as amended.

Mrs. Watson: Mr. Chairman, I second that motion.

Mr. Chairman: It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 12 be reported out of Committee without amendment.

Mr. Chamberlist: No, as amended. A small amendment.

BILL #12
VOTE 7

Mr. Chairman: Oh yes, right. I'm sorry, as amended. Are you prepared for the question? Are you agreed? I will declare the motion carried.

MOTION CARRIED

Mr. Chairman: The next bill is Bill No. 15. I believe, An Ordinance to amend the Labour Standards Ordinance. BILL #15

Mr. Chamberlist: Mr. Chairman, the explanatory note. The purpose of this bill is to increase the minimum wages payable to \$1.65 to match the inflationary spiral.

Mr. McKinnon: With respect, Mr. Chairman, I think that it would be proper for the Chair to ask if there is any further discussion on Bill No. 14 prior to going on to another bill?

Mr. Chairman: I was given instruction to report progress on Bill No. 14 prior to recess, and apparently the bill is up for amendment. I have noted.

Mr. McKinnon: Agreed.

Mr. Chairman: I will proceed with the reading of the bill. (Reads section (1) of Bill No. 15). Is there any discussion on this bill?

Mr. McKinnon: Well, Mr. Chairman, It is really rather amusing to read the explanatory note, that the purpose of this bill is to increase the minimum wages payable to \$1.65 to match the inflationary spiral. Well, Mr. Chairman, if anybody at this table has taken a basic course in Economics, they would know what is making the inflationary spiral in the Yukon Territory at this time. Of course, it is the circle whereby Government demands more from the public in taxation to meet services that are thrust down the public's neck by Government decree. Mr. Chairman, when we see a Government that in one Session doubles the mill rate in those municipal -- in those areas within the Metropolitan Area of Whitehorse. It raises the fuel oil taxation by three cents a gallon, putting gallons of gas up into the over 70¢ a gallon category in the Yukon Territory. When we see a Government that all the way down the line, increases the business licences for businesses operating in the Territory, increases the licence fees for people to operate vehicles, to get their licence plates on vehicles, then we see the magnanimity of this Government raising the minimum wage law from a \$1.50 to \$1.65. Mr. Chairman, with respect, if there is any way that the public can afford to pay the taxes that this Government is shoving down their throats, and certainly this bill should be amended to at least read \$2.00 an hour, so that the people can counter the inflationary spiral that this Government is putting the Yukon Territory in. Talk about adding insult to injury. To sock it to the public the way that this Government has done, and then be so generous as to put into legislation the huge sum of a minimum wage being raised from \$1.50 to a paltry, middling \$1.65 an hour, they should be absolutely and totally ashamed of themselves. Mr. Chairman, a \$2.00 an hour on a basic wage, 40 hour work week, would amount to \$320. Certainly, Mr. Chairman, if anybody in the Yukon Territory can live, and feed himself and clothe himself, and find shelter for that type of money, I would certainly like that person to come before this House, and tell Honourable Members, with their high increment increase and all their expense money on them, just how they can go about it, and they perhaps we can reduce our salaries and indemnities too, to a more realistic level, and perhaps, Mr. Chairman, where we should start at the minimum wage of \$1.65 is the Members of this House for the job that they are doing for the public right at this time.

Mr. Chamberlist: Mr. Chairman, for the last few moments, I thought I was in the presence of somebody practicing in the profession of Arts, and Science of the Theatre Guild in T.V. Stage and Radio.

ILL 15 Mr. McKinnon: You should know if anybody does.

Mr. Chamberlist: I do know because I happen to know that the Honourable Member, of course is employed in his regular employment in that particular sphere. I think that he has been watching T.V. much, too much, but not doing a very good job in his acting performance, because the relentless sincerity which really should have been brought forward -- however, I make a special note of the remarks, services shoved down the throats, etc., etc. The services that we have been dealing with, and for which we raised taxes, are those very services that were asked for by the Honourable Member to be supplied to the people of the Territory in preparing the requirements of the budget while he was Chairman of the Financial Advisory Committee. All we have done, as I repeat is raise those taxes for the services that he and his cohorts at the time, requested. So, we have done our job, and now there are tears and tears, weeping and wailing and gnashing of teeth. Alright, go ahead and do it. We have increased 10% the proposed minimum wage. It is very reasonable. They are following the procedure in other parts of the country, so we are not being any different. Thank you, Mr. Chairman.

Mr. Chairman: Mr. Stutter will you take the Chair a minute?

Mr. Stutter takes the Chair.

Mr. Taylor: Well, Mr. Chairman, in respect of this bill, I must make a plea again as I do each time this Ordinance comes around on the subject of basic minimum wages comes around. I ask the Administration once again if they would consider providing to the Territory a categorical minimum wage scale, some what along the lines of the Federal Government and Provincial Governments in Canada. This is where of course, you provide for classes of labour, various minimum wages standard. For some reason, this has never been done in the Yukon, and I don't know why? It has been asked for many, many times. The other comment I have on this bill, I would ask Members not to move this bill out of Committee at this time, as I am contemplating an amendment at the present time which would offer, hopefully some relief to those lodge operators in the remoter areas of the Yukon from a problem which they have. I have tried to consider a means by which we could resolve this problem, and I find that in reviewing the regulations of the province of British Columbia, that they have recognized this problem in that province, and have made provisions for resort hotels in unorganized territory. However, without taking the time of Committee, I would just ask the indulgence of Committee to allow this bill to remain in Committee until such a time as I can seek some further advice from the Administration and the Legal Department on this.

Mr. Chamberlist: Mr. Chairman, I know that the Honourable Member who has just spoken, means -- has very good intentions in the suggestions that he has just made. I am sure that the suggestions are good, as a matter of fact. There is another area that has been brought to my attention, where we have cases of people who are -- young men who are in foster care, and not quite the age of seventeen, who have to attend the F.H. Collins School or they will not be allowed to be in foster homes, yet academically they will never be any good. They can't go into the F.H. Collins School until -- into the Vocational School until they get to a certain standard, but they will never reach that standard. We have the opportunity of getting them employed in garages, but garages will not pay them a \$1.65 or \$1.50 even, because they think that they have no value to them at this time. So, really, that whole area is something that must be considered. I would ask, Mr. Chairman, that the Honourable Member does not interfere with this bill at this time by proposing amendments. Allow this to go through, and I can assure him that the thoughts that he has in reference to lodges and other areas of labour, that consideration is going to be given to this whole matter in the very, very near future.

Mr. Taylor; Mr. Chairman, in reply to the Honourable Member. I thank him for his remarks, however, I can not let this matter stop at this point. We have been trying too long, for too many years to deal with this subject constructively. It will be my intention to propose to Committee an amendment, be it with or without the consent of the Administration. If Committee so chooses to amend this bill, it is their prerogative to do so. I am hopeful that the Administration will view the suggestions that I have made favourably and assist me in the drafting of an amendment. But, we must attempt to find some relief for these people on the highway, inasmuch as they are providing a service to the public, and when that service is withdrawn, it makes it rather difficult for all concerned. As I say, without taking up any further time of Committee, I just wish to ask that the bill not be moved out of Committee at this time, until this be given some consideration.

BILL #15

Mr. Tanner: I would like to support the Member from Watson Lake in his suggestion to keep this bill in Committee, but I think that there is another area which has been overlooked, and that is the restaurant business. When, on a public holiday, a restaurant has to stay open, and pay its employees two and a half times this basic wage, when their wages compose not only of the basic wage plus tips, it is a calculated part of their remuneration. You are putting the restaurant into an impossible position, where they can't afford to open with staff. Now, I support the bill, that the basic wages should be \$1.65, but I don't think -- I beg your pardon, I do agree with the Member again from Watson Lake, in that there should be categories. In particular in area that he has mentioned and in the area that I have mentioned.

Mr. Chamberlist: Mr. Chairman, in view of the remarks made by both Members of Whitehorse North and Watson Lake, I feel that as further consideration and time is necessary, I see no reason why we should not allow the bill to remain in Committee and we should proceed with another bill, Mr. Chairman.

Mr. Taylor: I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: Is Committee agreed that I report progress on this bill? I have been informed by the Administration that Bill No. 18, the Motor Vehicles Ordinance, requires early attention, in order that licence plates can be sold on time this year. Can I have the agreement of Committee to deal with this next? Are we agreed? This is an Ordinance to Amend the Motor Vehicles Ordinance.

BILL #18

Mr. Chamberlist: Mr. Chairman, there are a number of explanations for the purpose of this bill.

Mr. McKinnon: Do we get a schedule with it, Mr. Chairman?

Mr. Chamberlist: The purpose of this bill is to make the changes in the Motor Vehicles Ordinance required to implement the policy contained in the Transport Public Utilities Ordinance. Hitherto the freight business was controlled through this Ordinance by means of applications, conditions, hearings, etc. through an Advisory Board. Many of these details are no longer required since the issue of a certificate of authority under the Transport Public Utilities Ordinance will enable licences to be granted to freight business in the same way as other motor vehicles. Opportunity is taken while the Ordinance is open to make provisions for a number of other matters. 1. Changing the method of fixing licence fees from the Ordinance to regulations. 2. The method of computing heavy vehicle licence fees will be by gross weight. 3. Power is taken to establish and control the operation of truck weighing stations and penalties and fees for overweight and oversize vehicles. 4. Sections dealing with results of insurance cancellation are approved. 5. Power is taken to enable the Registrar to require an operator to undergo a medical examination

Mr. Chamberlist continued ...
and on the strength of this, if necessary, suspend his licence, 6.
Accident reports formerly issued by the R.C.M.P. will now be issued
by the registrar. 7. The evidence presumption applicable to viol-
ations of ordinances and regulations is extended to violation of by-laws.
8. Regulatory powers of the Commissioner are extended to match the new
topics covered by the Ordinance. Thank you, Mr. Chairman.

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

RECESS

Page 252.

Friday, February 19th, 1971.

3:30 p.m.

Mr. Chairman: At this time, I call Committee back to order. I believe we will leave Bill No. 18 in abeyance, at this time, and, we'll proceed with Bill No. 17, An Ordinance to Establish a Transport Public Utilities Board in the Yukon Territory.

BILL #17

Mr. Chamberlist: Mr. Chairman, the Explanatory Note reads: "The purpose of this bill is to establish a permanent Board to take over and expand the functions of the present Public Service Vehicle Advisory Board established under the Motor Vehicles Ordinance. The system of control of public service vehicles is changed to provide that operators must obtain a certificate of authority from the Board for their business. This certificate will enable them to obtain public service vehicle licences from the Registrar of Motor Vehicles. Additional functions of the Board enable it to register schedules of rates and where an increase in the Schedule is proposed, the Board will have authority to hold hearings and fix an appropriate rate."

Mr. Chairman: Mr. Legal Adviser, would you have any general remarks on this concept before we get into the Bill?

Mr. Legal Adviser: No, Mr. Chairman. I think reading it through will make it clear.

Mr. Chairman: Fine. (Mr. Chairman reads Bill No. 17, sections 1 and 2, subsections (1) and (2).) I'm still puzzled as to the requirements of this Public Utilities Board in relation to the issuance of certificates, someone to operate a public service vehicle.

Mr. Legal Adviser: Mr. Chairman, as the House is aware, the present system is that the person who wants to operate for hire, a truck for hire, has to license that truck. He applies for a licence. The Commissioner refers his application to a Board which is presently constituted. It is a part-time Board and meets from time to time, at the call of its Chairman. He puts up his case for the need and the type of service he is going to provide, and, he is either granted or refused the licence. Nowadays, the policy is to grant either an open licence or a restricted licence, depending on the class of business he is permitted to undertake. All of those functions are being transferred to this new Board, but, instead of the Commissioner recommending to the Board that each application go individually, the Board will give a general authority. Then, the Registrar will, under cover of the authority, issue the individual plates and certificates for the individual trucks. So, the Board will not have to deal with each individual minor application; they will have just a general authority. This is presently being done by a Board. It'll be handled in a different way with a direct legislative delegation from this House to the Board, instead of to the Commissioner, and he delegating, in effect, by taking their advice for the issue of these licences. This really needs the authority of the House. The second major point, as the House has already heard, is to allow rates to set by the people who are providing these services. Then, if they want to change, they have to notify the intention to make a change, and, anyone can object to the change. The rates would not be fixed by the Board, in the first instance, but, they will be able to oversee changes of rates from time to time. Operators will be obliged to stick to the rates they publish.

Mr. Chairman: I have a further question. At the last Session, during the course of the last Council, a Public Utilities Board was suggested. This would cover not only transport, but would cover areas of communications, power, and this type of thing. Why the big change? Is it the feeling of the Administration that this is no longer desirable?

Mr. Legal Adviser: It's not a question of policy administration that is

Mr. Legal Adviser continued.....

BILL #17

the point, Mr. Chairman. The decision has been taken that a Transport Public Utilities Board is required. The two concepts have been divorced, and the Administration is merely putting forward, in this Bill, a Board dealing with one particular utility, the transport. Any other utilities which may come under scrutiny, will be by independent bills. As the House will recall, on the last occasion this was discussed, there was a certain amount of mix-up between electrical utilities and transport utilities, and some sections were suited for one and not the other. This is a clean-cut Bill, standing on its own four feet. Two feet, rather.

Mr. Chairman: I smell a rat. Alright, is there anything further on section 2? (Mr. Chairman reads section 3, subsection (1).)

Mr. Legal Adviser: This is a necessary clause to set the Bill in operation.

Mr. Chairman: Clear? (Mr. Chairman reads section 3, subsections (2) and (3).) Are you clear?

Mr. Tanner: I'm totally confused, but, go on Mr. Chairman.

Mr. Chairman: Well, just from the Chair, this provides for the people coming to the nearest settlement in order to exchange their tractor-trailer load.

Mr. Stutter: How does this affect tractor-trailers and trucks coming in from the 60 Mile Road? I see it's not mentioned there.

Mr. Legal Adviser: Well, in the last Council, the House will recall, two Honourable Members made the point in respect of the areas with which they were familiar, that it was of advantage to enable the transfer of loads to take place, in one case, at Watson Lake and, in the other case, at Beaver Creek. Possibly, if there's a necessity, and the Honourable Member suggests the necessity in an area that he is familiar with, then, the matter can be taken under consideration.

Mr. Stutter: Well, I think it should be definitely be taken into consideration.

Mr. Chamberlist: Where do you want it done?

Mr. Chairman: Do people do need this in your area?

Mr. Stutter: I would have to check this out with the people who are involved, but, from my immediate point of view, I would think that we would definitely want to look into it. I mean, I would have to check it out first.

Mr. Chamberlist: Well, we would always be prepared to accept an addition by way of amendment, at any time, in this particular area, sub-paragraph (c).

Mr. Commissioner: Mr. Chairman, the terminology in this is trailer switching, and, to the best of the Administration's knowledge, practice is confined in the Territory for the through movement of vehicles.

Mr. Chairman: Is there anything further on section 3? (Mr. Chairman reads section 4.)

Mr. Tanner: Mr. Chairman, are we speaking of the Commissioner, per se, or on the advice of Council, here?

Mr. Legal Adviser: Just the Commissioner.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, in order that we can ensure impartiality in this *BILL #17* most important Board, should not these people be appointed by the Commissioner-in-Council?

Mr. Chamberlist: Mr. Chairman this is an Administrative matter and it....

Mr. McKinnon: Could I ask a general question so we'll finish it once and for all? Will there ever be, in any legislation, from now on, any reference made to Commissioner-in-Council, and, is there any point in trying to pursue the matter of trying to insert Commissioner-in-Council any longer?

Mr. Commissioner: Mr. Chairman, there's legal terminology involved in this. There is correspondence here, in the files of the Territorial Government, with regard to this going back for many, many years. The Commissioner-in-Council has legislative authority; the Commissioner-in-Council does not have administrative authority. It is just that simple.

Mr. McKinnon: Well, where the Council feels that they would like to move in and protect, by having some control over what they feel could be decisions made by the Administrative arm of Government, could Council still put in legislation by motion, by a majority of the House, the words Commissioner-in-Council? Or, with the change in Government, is that unacceptable to the Government of the Yukon Territory?

Mr. Commissioner: It is not only unacceptable to the Government of the Yukon Territory, but, it is a terminology which, in practice, does not mean a thing. There is just no point to putting it in, because the Commissioner-in-Council is indicating that the Commissioner-in-Council has administrative authority, and that is just not so. The Commissioner-in-Council is the Legislative arm of the Government. It is not the administrative.

Mr. Chamberlist: I think, Mr. Chairman, what we should keep in mind is that any appointments of this nature, the Commissioner will, undoubtedly, discuss with his Executive Members of Committee. So, we really do have an elected input into those positions as well; this is the idea of the game.

Mr. Taylor: But, Mr. Chairman, what is not expressed, is not implied. It is certainly not expressed here. This leads me to my next question. Who will these people be, these Board Members? Will they be from the general public, or will they be from this Administration, or who?

Mr. Commissioner: Mr. Chairman, they will be chosen as other Boards of a similar nature are chosen, from the general public. They will not, none of these people, be members the Administration. The Chairman is to be of the Administration; that's what the situation is here. The Members of the Board, then, are going to be non-Administration people. They will be general public people.

Mr. Tanner: Mr. Chairman, I think that the Councillor from Watson Lake has pointed out that this is implied. Isn't there any way that we can have some guarantee that this is going to go in front of our elected representatives on the Executive Committee?

Mr. Chamberlist: Mr. Chairman, let me assure you this, and I say this quite openly, if ever the time came along, that the Commissioner didn't consult with Councillor Watson or myself, on a matter of this description, I would be here as a Member of Territorial Council. I say this quite openly.

Mr. McKinnon: Impeach the Commissioner?

Mr. Taylor: Mr. Chairman, what I'm concerned about here is that this is a pretty important field, and, will be a very important Board, judging by the powers that are to be vested in it by this Ordinance. There's nothing here

Mr. Taylor continued.....

ILL #17

which ensures that there will be no one on that Board who would have a pecuniary interest in the matter of transportation, and, yet, you should have people on this Board who understand this transportation business. This is what I'm trying to establish.

Mr. Commissioner: Well, Mr. Chairman, all we have to point to is our present policies with regard to appointments to Boards. I think that we are very pleased with the appointees to various Boards and Commissions that we have set up, and; these people who are on them conduct themselves in a very, very exemplary manner. We've a Liquor Control Board which, I think, works in a very sound manner; it's composed of good citizens. We have a Board that administers the Small Business Loans Fund, similarly. I don't see why there is any reason to believe that we will not make similarly acceptable appointments to the Public Service Vehicle Board. We have such a Board set up on, practically speaking, an ad hoc basis at the present time. It has been in operation, to the best of my knowledge, for a minimum of five years. It was in operation when I came into this job, and has continued to operate since.

Mr. Taylor: Yes, but, Mr. Chairman, if I'm not mistaken, this Board changes. The composition of it changes from time to time. It was my understanding that it did. That way, at least, there was some attempt to ensure that there was no bias on the part of any Board Member. There was a time, in the Territory, when one of the large transportation concerns virtually controlled transportation in the Territory, and, I'm looking at this particular aspect of it. I'm looking for assurance that there can be no pecuniary interest in this regard, favouring one transportation company over another.

Mr. Chamberlist: Mr. Chairman, I would ask again, that Members of Committee keep to the forefront that the old game has changed. What's taken place in the past, has taken place in the past. I'm a pretty stubborn character, and I think, in Councillor Watson, you've got somebody that's as stubborn. If we don't get the right answers, we just don't give in that easily, if at all. I can say if at all, because I really mean that. Really, I ask you just to keep in mind that you have somebody who is looking after those very interests that you're afraid for.

Mr. Tanner: Mr. Chairman, with all due respect to our present Commissioner and our present Executive Committee, I'm not so concerned about these three people, per se; I'm concerned with these offices. If these people change, how do we have the same assurance that you have personally given us now, when there is a new set of people filling those offices?

Mr. Commissioner: Mr. Chairman, the actions of Government must be laid on and organized in a manner that permits the Government to function. If we have to come here, to this legislative body, for every particular act before we do it, then, the smart thing to do is for us to start our present manner of dealing with administrative things, and keep the Council in permanent session. We meet here in continuous meeting, all day long, for 365 days of the year. If you have so little faith in the ability of the people who are charged with the responsibilities at the administrative level of government, that we can't be left alone to pick four people, or three people, who are going to continue to do a job that is already being done, then, it is best that we toss the Ordinance out altogether. Forget about the Public Utilities Transport.

Mr. McKinnon: And toss the Administration out.

Mr. Commissioner: This is fair enough. Fair ball. What's the hassel? This is it. The terminology, Commissioner-in-Council, doesn't mean a thing. It is a legislative authority, this Commissioner-in-Council. Certainly, the question comes up all the time about the kinds of appointment, and, I want to tell you this, Mr. Chairman, when you start to look for people

Mr. Commissioner continued.....

to sit these Boards, and you eliminate people from the point of view of their pecuniary interests, the peculiarities of their day-to-day employment, their particular political leanings, their affiliations with various organizations and sundry, you will find out that you get down to such a short number of people who are really potential members of such Board, that it is astounding. It isn't the fear of who we will appoint to these Boards, but, it is the fear that we will not be able to get anybody who has, literally speaking, got the moxie between their ears and is not committed in any other way, to sit on these Boards. This is the fear that you should be expressing, Mr. Chairman. This is, in actually, the problem. We faced up to these problems when it came to filling the positions on the Liquor Board and on the Small Business Loans Board, particularly.

BILL #17

Mr. Taylor: Mr. Chairman, it should be recognized, though, from fact, that we're talking about two offices here. We're talking about the Office of the Commissioner, who is all God over all these Ordinances here, more particularly in this case. Assuming one Commissioner retires, and the Administration decides to appoint another, from a trucking company down here, to take this job, then, as Commissioner, he is in a position of pecuniary interest, really. He could sit up there and rule the roost. This is right. I've heard of "Oh, yea, and this is nothing", but I recall the days we sat around this Chamber with one former Commissioner, who fought us all the way down the line on power utilities, protecting one of the utilities companies in this area. When he left, he went immediately to work for them. It's a two-way street, too. This is why I asked the question, and if you wonder why we are suspicious, we're not suspicious of the actual individual in the Office of the Commissioner. We are suspicious of the office, because there's just no other form of government like it.

Mr. Chamberlist: I understand that there's going to be no Egg Board in this Territory.

Mr. Tanner: I would like to draw Council's attention to the fact that, when last year, the Council passed the new Liquor Ordinance, they used the exact same phrasology, except the words "during pleasure". "There shall be a board known as the Liquor Board, consisting of three members appointed by the Commissioner, holding office during pleasure."

Mr. Chairman: Mr. Taylor will you resume the Chair?

Mr. Taylor resumes the Chair.

Mr. Chairman: Any further discussion on section 4?

Mr. McKinnon: Mr. Chairman, it's with a certain amount of amusement, I note the obvious hilarity of Mr. Commissioner when the Honourable Member from Whitehorse East threatens dire circumstances upon his office, if the Commissioner doesn't go along with his way of thinking. I think this is pretty indicative of who still rules the roost in the Government of the Yukon Territory upper echelons. I don't disagree with the philosophy of removing Commissioner-in-Council with this change in government. I was, even before the Executive Committee was formed, saying that we had to provide the administrative authority eventually when elected people got into government. I can only hope, Mr. Chairman, that, in future years, those people who are appointed to the Executive Committee will really be representing a majority of the public of the Yukon Territory.

Mr. Chamberlist: How long more can I live?

Mr. Chairman: Are you clear? (Mr. Chairman reads sections 5, 6, 7, and 8.)

Mr. Tanner: Mr. Chairman, doesn't that contradict the quorum mentioned earlier?

ILL #17

Mr. Chairman: Are we clear? (Mr. Chairman reads sections 9 and 10, subsections (1), (2) and (3).) Who is really targeted for this job, Mr. Commissioner? The Director of Motor Vehicles?

Mr. Commissioner: Well, Mr. Chairman, I thought that this would be a fairly comfortable resting place for a retired, worn-out Commissioner. You know, I think, at about \$30,000 a year to be the Chairman would be pretty fair, pretty fair.

Mr. Chamberlist: It's on the record.

Mr. Commissioner: Oh, this is alright. That is, providing, of course, I get the agreement of the rest of the members of the Executive Committee.

Mr. Chairman: Yes, well, when the frivolity is all concluded, I wonder if I could have an answer to my question. Who would be serving as Chairman of this Board? Will it be the Director of Motor Vehicles? Who? You say it's a civil servant, so, who is it?

Mr. Commissioner: It will be the Registrar of Motor Vehicles, Mr. Chairman.

Mr. Chairman: Are we clear? (Mr. Chairman reads sections 11; 12; 13, subsections (1) and (2); 14; 15, subsections (1) and (2); 16; 17; and 18.)

Mr. Tanner: Mr. Chairman, could I ask the Legal Adviser why that particular section 18 is there.

Mr. Legal Adviser: The main reason, Mr. Chairman, is that, in the course of investigations, the Board will acquire quite a lot of confidential knowledge. If it's opened in a dispute between two litigants, one of whom may have got a licence and the other not, to pull each others files out and open them up in Court, or cross-examine each other and cross-examine the Members of the Board as to their opinions about facts which have occurred before the Board or during the course of investigation, it would hamper the work of the Board in making its investigation. It would make it difficult for people to truthfully give their opinions or facts to the Board in the course of the investigation.

Mr. McKinnon: Mr. Chairman, who decides whether it's in the public interest or not?

Mr. Legal Adviser: It is the Board.

Mr. McKinnon: The Board?

Mr. Legal Adviser: Now, this is not to say that, when it's a -- there are certain things which are public documents. The facts of an application -- the main thing you're trying to protect is the internal correspondence of the Board, or confidential information which may come to the Board, or memos between one person and another on the staff, to and from the Board. This is what you're trying to protect. So they will not come into the public forum for discussion and be open. Applications and official documents would always be furnished to a court.

Mr. McKinnon: Mr. Chairman, this delegation of legislative and judicial powers to Boards through acts such as this, is one of the very real problems perplexing every democratically elected government. Every time people turn around, they're being faced with a Board that's got crazy judicial, legislative or administrative functions. It's dangerous. It's a dangerous precedent in any type of legislation to be setting this type of authority which is completely above and beyond the ... of the law and recourse for the individual to be able to fight. Mr. Chairman, the champion always, in this cause, has been the Honourable Member for Whitehorse East. He's led it and I've supported him, whole-heartedly, on all of it. To see the complete metamorphosis, has to be a conversion worthy of Saul being struck.

Mr. McKinnon continued.....

struck off his horse, if he supports this type of legislation at this time. *BILL #17*
There is absolutely no way that I can personally accept these Boards, these judicial tribunals, these administrative Boards, that are constantly being put in the way of the public to which they have no recourse. It's a dangerous, dangerous precedent and, one that the public is getting sick and fed up to their teeth with, of meeting and not being able to beat these types of Boards, tribunals and functions. We've got to be able to open this thing up and leave these recourses and leave the ability for the courts to be able to decide and leave the power in the legislatures where those powers properly reside. To give these types of powers, willy-nilly, to boards and tribunals and agencies is wrong in principle and it's very wrong. The Honourable Member from Whitehorse East can bring up speech after speech after speech where he has accepted this principle.

Mr. Chamberlist: Mr. Chairman, you know, this is a real Bravo speech, that was. All we have to do is read the Votes and Proceedings when we dealt with the Liquor Board. The support of the idea of having a Liquor Control Board, at long last, says the Honourable Member from Whitehorse West; this is something I've always wanted, that a Board not the Superintendent of Liquor...

Mr. McKinnon: We stripped them of their powers....

Mr. Chamberlist: All of a sudden, all of a sudden, now, the story is young. If the Honourable Member would have waited until the end of the reading of this Ordinance, he would have seen that this Member was indeed, concerned about the appeal, powers of appeal. If you will wait you will find that there is an appeal of law in section 42. "An appeal lies from a decision or order of the Board to the Court upon a question of law if such appeal is taken within thirty days of the day the decision or order is made." It is not shut out at all. It's just procedure. The same procedure that the Honourable Member was so proud to have taken place -- word for word, identical appeal sections exist in here as exist in the Liquor Ordinance. The Honourable Member made another speech, but, he forgot what he had done previously on the same thing. One thing that you need in a legislative body, to be in a legislative body, is a good memory. The Honourable Member from Whitehorse West hasn't got that.

Mr. McKinnon: Mr. Chairman, this is just a histrionic show and nothing else. When the Liquor Ordinance first came before this Council, the Honourable Member and I worked together on the concept of taking away the sweeping powers without appeal from the Liquor Board. We took those powers away which the bureaucracy wanted placed in the hands of the Board, where they made laws and regulations concerning everything, with very little public recourse. We completely stripped them of those powers and put in an appeal section in the Liquor Ordinance.

Mr. Chamberlist: This is the same.

Mr. McKinnon: Right, Mr. Chairman. I'll make one more point while I'm here. It's a point that I made prior in this Session. I still don't think that it should be for the Board to decide whether it should be in the public interest or not to produce records. Certainly, that should be the court's prerogative, to decide whether those records should be made available. Secondly, it is so difficult to get legislation to study prior to Council Sittings, that I admit, totally, something that the Honourable Member is never prepared to do, I haven't had the time nor the ability to go through this legislation at this time, and I'm not aware that there is an appeal section. If there is, I thank him for the information.

Mr. Chamberlist: Mr. Chairman, with respect, this was introduced on the 15th, and with the date that we have today, I'm sure that this Bill could have been taken home and read, and he would have found it. However, I'm pleased that he is aware that there is an appeal section. I agree with what he says, and this is why I have seen that the same provisions, the

BILL #17

Mr. Chamberlist continued.....

same protection afforded in this Ordinance, and, I will say, in any other ordinance, where a Board, a quasi-judicial Board, comes into being, there'll be the right of appeal. The reference that has been made to the delivering of documents, it would be far better, I suppose the Honourable Member would suggest, that this section not be there. If this section wasn't in there, a quasi-judicial Board could ask for anything, at any time. However, here it says, only if the Board expresses an opinion to that offence, that it could be supplied. This is very good. Don't forget there are four members on the Board. There would have to be a majority that would say yea or nay to that. They would decide it themselves. There's nothing wrong with that.

Mr. McKinnon: Mr. Chairman, I don't believe that in the process of judicial appeal, that if the court says that for the proper handling of this case, we believe that certain files and documents have to be made available, it says, if I read it correctly, and perhaps I read it wrongly, that if the Board feels that it's not in the public interest, they don't have to present those files and documentations to the court, even if the court asked for them. I think that this is wrong. The court should have the ability to demand that the Board produce the evidence if it feels that information has to be brought out in the open. I stand to be corrected. I'm not a lawyer.

Mr. Chamberlist: I would like to correct it. I'm not a lawyer either. If the Board has not produced or authorized the production, on appeal, on a point of law, they could go on the basis of the fact that, surely, the result of this particular document not being produced, the hearing was not properly carried out. There are ways and means. The appeal is there, to go to a court after the Board. The Board, itself, acting in a quasi-judicial position, acts as a court. This is the idea of a Board in that position. By the same token, the Liquor Control Board, actually, acts in exactly the same way. The intent, I can assure you -- there's a lot of work done by the Executive members in my Leg. Prog. on this thing. I wouldn't allow anything to go through that was an abuse on the public.

Mr. McKinnon: Let me put the point to someone who is of the legal discipline, Mr. Chairman. Under section 18, I understand that if a court asks the Board to produce certain documents and records because they feel that it would enlighten the court to make the proper decision, the Board has the ability of refusing that information to the court. Is this correct?

Mr. Legal Adviser: Yes, I would think so.

Mr. Chamberlist: To the court?

Mr. Legal Adviser: Yes, to anyone. But, I think that if they make a formal application, the provisions of section 42 are wide enough to turn that into a formal decision of the Board.

Mr. McKinnon: Of the Board?

Mr. Legal Adviser: Yes.

Mr. Chamberlist: The Board will make the ruling.

Mr. Legal Adviser: The Board makes the ruling, then, that becomes a decision, and, an appeal lies from every decision or order of the Board on a question of law, provided you take the decision within thirty days. You can turn it into a formal application, a formal refusal, and then, make an application to a court. I would point out to the Honourable Members that the particular documents we are talking about here are not in relation to a man's own appeal. They're to cover the whole investigation and rate structure in a similar manner to income tax information. When the transport utility fixes a new rate, and application is made to strike it down, there is, very often, investigation. This Board has the power to investigate the whole of the documentary set-up of the particular company involved. Thereby, they acquire a

Mr. Legal Adviser continued.....

large mass of potentially useful information to its competitor. If, in the course of an action in which the Board is not concerned, but two rivals are fighting over a true rate, and they summon an officer of the Board to give evidence about what he has found out about the rival's books, or a third rival's books, I think it's improper that these people, by using a court action for the purpose, can acquire confidential information about a potential rival. This is the kind of information that we are trying to protect; not papers of the Board any other way at all, but the people who are the subjects of the Board.

BILL #17

Mr. McKinnon: Mr. Chairman, in principle, I disagree and I disagree completely with section 18. I don't think it should be a decision of the Board. I think it should be a decision of the court to be able to....

Mr. Chairman: Councillor Stutter, would you take the Chair, a moment, please.

Mr. Stutter takes the Chair.

Mr. Taylor: I whole-heartedly agree with the Honourable Member, because, this has come up before, and, as far as I'm concerned, I could not endorse this Ordinance until the opinion of the Board was taken out and the opinion of the court was put in. I think that the court are the people who should decide and not the Board. I note, in section 41, which is jumping ahead into the appeal area, "Except as provided in sections 35, 36, 37 and 38, every decision of the Board is final, and no order or decision of the Board may be questioned, reviewed, restrained, or removed by prohibition, injunction, certiorari or any process or proceeding in any court." As far as I'm concerned, I take the same stand as the Honourable Member. I feel that the opinion of the court should decide whether there is any issue in the public interest or not. You certainly will find no support from me in this Ordinance until that is changed.

Mr. Legal Adviser: Mr. Chairman, to reflect the opinion of the Members, I see particular reason why it cannot be written in "where in the opinion of the Board or an appeal therefrom to the court, it is not in the public interest"; words to effect that. This would make it clear that there is an appeal. We're not trying to beat the opinion of a court; we're trying to make it clear that the people who are the clients of the Board are entitled to protection.

Mr. Taylor: Yes, but, Mr. Chairman, does not the court offer that protection? The Board certainly doesn't.

Mr. Chamberlist: A Board is a court.

Mr. Legal Adviser: It's a form of court.

Mr. Taylor: Yes, but it's a different form of court. I think -- this Board can take away a man's livelihood if it so decided. You've got to take this to the court. I don't care how you do it in drafting, but it's got to go through the court. The court has to make this decision.

Mr. McKinnon: The members of the Executive Committee just don't realize how fraught with problems it is, trying to conduct a business in the Yukon Territory with all the regulations and all the ordinances and all the boards before a person trying to make a living. Now, it's easy for the Honourable Member from Whitehorse East, when he's faced with a problem in the court, to be able to go ahead on his own behalf with the court work, with the appeals, because he's capable. He knows his ground and he knows what he is doing. Fortunately or unfortunately, most members of the general public have neither his ability nor his knowledge to be able to do this type of thing. Now, we come along, in an argument of some substance over a P.S.V. Licence, where there is the Board and the appellant at some loggerheads of some type. The courts says, we'd like to have these records from

Mr. McKinnon continued.....

BILL #17

the Board to be able to see whether we can come to some kind of solution on this. The Board says no, as far as we're concerned, in the public interest, it's not there to give it. Who makes the appeal? Who has to pay to get the appeal from the court that these records should be made available? Is it the Board, is the Crown, or, is it the appellant?

Mr. Legal Adviser: The loser would pay, Mr. Chairman. If he places an action against the Board to get custody of papers, and he wins his action, he gets the costs of that action. If he fails, then the Board would get the costs. It's the normal way, the costs follow the event. I would emphasize that, in the course of an appeal to the court, against the decision of the Board, when a person is refused a licence, all the information that has been before the Board is part of the body of the case and the court is entitled to scrutinize it. If Allied Van Lines have a dispute over a contract, however, with Hougen's downtown, and they turn to the Board and say, give us the costings of all our rivals to show that the rate we charge is reasonable; they turn to the Board for those documents, I don't feel they should be entitled to do it. It should be -- the property of the other companies is their property, between them and the Board, and should not be open to third parties. However, if, in the normal course of events, they would have been entitled to call a witness from their rival transportation company, then the Board will produce the information. They are the custodians of the other person's trust.

Mr. Taylor: Mr. Chairman, can't the court make that decision? Why the Board?

Mr. Chamberlist: Mr. Chairman, Mr. Chairman, could we have just a couple of minutes recess. I want to speak to Mr. Legal Adviser.

Mr. Chairman: Is that alright with Committee. I will call a short recess.

RECESS

RECESS

Mr. Chairman: Order, please; I call Committee back to order.

Mr. Chamberlist: Mr. Legal Adviser and I wish for reading to continue, leaving the matter of this particular question to further discussion and review. I would suggest that section 41 should be reviewed to take care of any problems in section 18. But, I feel we should continue reading.

Mr. McKinnon: You should be picking these things out, Norm. You're a better ombudsman than I am.

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

Mr. Taylor resumes the Chair.

Mr. Chairman: We will be returning to section 18. (Mr. Chairman reads sections 19, subsection (1) and (2); section 20; section 21.)

Mr. Tanner: Could I ask the Legal Adviser his opinion of section 21(b), well, not his opinion, I guess, he wrote it; I would like to ask about 21(b). "financial statements for the fiscal year in such form and verified in such manner as the Board directs; and..." Could I ask the Legal Adviser, isn't that a little sweeping, again? Obviously it's an audited statement?

Mr. Legal Adviser: It's just an ordinary statement; it's common form to many sections. It's just to verify -- you have a little form at the foot where the accountant certifies that he has read it and he's got the right books and so forth.

Mr. Chairman: Clear? (Mr. Chairman reads section 22, subsections (1) and (2).) Councillor Stutter, would you take the Chair, please?

Mr. Stutter takes the Chair.

BILL #17

Mr. Taylor: Mr. Chairman, I'm wondering about the effects that section 22 will have upon the small trucker in the Yukon Territory; indeed, sometimes the small, the light-duty trucker, does not have one solid rate. He goes out and negotiates for a trip, like he might haul a load for 50 cents a mile, he might haul a load for \$1.25 a mile, depending on the road and depending on the circumstances surrounding his agreement. I can't necessarily agree that the small operator, at least, the non-scheduled carrier, should be tied to one specific tariff.

Mr. Chamberlist: Well, Mr. Chairman, he can't charge in excess of the rate that is set. There's no restriction on him charging any lower if he wishes to. It's in excess of the rate that's fixed.

Mr. Taylor: Yes, but, Mr. Chairman, it may be that he has established a rate of say, \$1.00 a loaded mile, and all of a sudden, he has an opportunity. An oil company comes sweeping in, and he has an opportunity. They say, look, we're stuck and we'd be pleased to pay you two bucks a mile to haul our trailers and haul our garbage up the road. This would prohibit him from doing so, because it would be in contravention of this Ordinance. That is not fair.

Mr. Chamberlist: Well, then, Mr. Chairman, what are we setting up rate structures for? Then, we might as well destroy the whole Bill. The idea of having a Utility Ordinance is so that we have a maximum rate that can be charged. Otherwise you might just as well destroy it completely. There's no point in it.

Mr. Taylor: Mr. Chairman, I think what you're trying to do here is get at the scheduled carriers, moreso than cripple the small operator. I think this should be taken into account. I'm certainly not in the trucking business anymore, but, I was at one time, and I know of what I speak. The small operator, the light-duty trucker, should have the opportunity of taking advantage of a situation such as this.

Mr. Chamberlist: Well, Mr. Chairman, I have to differ strongly with the Honourable Member. You set up utility rates; you might just as well pay -- if electricity rates were set up at so many cents per kilowatt, why can't somebody who's operating a little plant somewhere in the backwoods, because he's got the advantage of people having to have electricity, charging them twice as much? The same token. I think that we have to stay with a maximum rate. There's no reason why, if a small operator wanted to make a deal and if he wanted to make a deal at a lower rate, he can do whatever he likes with that. There must be a maximum rate set, and that has to apply to everybody.

Mr. Taylor: Alright, Mr. Chairman, then what about.... Mr. Legal Adviser has gone now. Could I have another question as soon as he returns?

Mr. Chairman: I'll just declare a brief recess until the Legal Adviser returns.

RECESS

RECESS

Mr. Chairman: I call this Committee back to order.

Mr. Taylor: Yes, Mr. Chairman, I'd like to direct a question to Mr. Legal Adviser. In view of the fact that this would preclude -- would not permit the small operators to charge, if an opportunity presents itself, any more than the stated rate or tariff, is it possible within this Ordinance, for this same operator to take advantage of what becomes a reasonable situation by making a contract, and, would he then, be able to charge under a contract at a higher tariff?

Mr. Legal Adviser: Yes, Mr. Chairman, he'd be able to file that as a rate

Mr. Legal Adviser continued.....

BILL #17

in advance and charge that contract rate. He would, however, have to take his time to do it, because he would have to fit in with the period. He could file the rate as where a special service was being given for something or other, he could have it in his rate structure and charge that rate for so many loads a week. He can do it, sure. It's not just a question of if he charges \$1.00 a ton a mile, he can charge on regular basis. For so many loads a week, he can vary it. They all are able to do this, and, in fact, do it. I was trying to find out, when I was absent from the House, for which I apologize, whether or not the transport operators, themselves, wished for this type of legislation. I'm assured by the Registrar of Motor Vehicles that, in fact, they wish for it. His suggestion was, and I pass it on to the House for what it's worth, was that we ask the members of the transport business, transport committee, to come up here and sit with the House and discuss this particular problem. They are experts; they will know what the small trucker wants, what the big trucker wants. Let their views be given to the House.

Mr. Taylor: Mr. Chairman, I want to get back, though, to this business of contracts. If a trucker, small trucker, has a posted tariff of a dollar a mile, and someone who is in a bit of an emergency, wants a job done and says, you go and do this job for a dollar and a half a mile, he can't do it under this Ordinance. It's the middle of the night, twelve midnight. You say he's got to file in advance in order to do this job. Can he not then, take and compute this mileage that he's going to haul and come up with a lump sum figure of \$600 and then make a contract in respect of \$600 and by-pass this section of the Ordinance?

Mr. Legal Adviser: It's illegal. What the Honourable Member is suggesting is a person post a tariff, and, whenever a person is stuck, then you gouge him.

Mr. Taylor: Mr. Chairman, I still don't have my answer. Is it -- can it be done. Is there anything to prohibit the making of a contract under this Ordinance, without specifying a tariff. For a flat-out contract price, \$800, I take your load from A to B.

Mr. Legal Adviser: It depends on brains the person has got in getting up his rate structure. If he can think far enough ahead, he can so modify his tariff that he can have different rates for different specifications. This is always possible. If the man suddenly sees an opportunity, however, to depart right away from his rate structure and say I will charge you different rates, he cannot do that unless he thinks ninety days ahead. That's as I see it. If he wants to change his rate structure, he's got to change it thirty days ahead. If it's in the middle of the night and he wants to get an extra hundred bucks for doing a fifty dollar job, then he can't do it. It's illegal. He's got to stick to his rate structure like many other businesses have to.

Mr. Chamberlist: Under section 21(a), Mr. Chairman, what is required is a statement showing the rate which it charges, when you're talking about utilities, for the transport of goods or persons, the categories to which these rates apply, and any other charges it makes to persons who make use of its services. In the case that has been brought before us at the moment, certainly the utility company concerned could charge a dollar per mile except during the hours between midnight and eight, when the charge is two dollars per mile. You see. As long as, in submitting the statement, he says that there are special circumstances under which he will be charging more. Then, the circumstances are there. Or, he can actually say, where a one load -- where a single load is taken from one point in the Territory to another point in the Territory, it will be charged at "x" dollars. He can say that as well.

Mr. Taylor: But, Mr. Chairman, maybe you're moonlighting into B.C. I used to do that. I couldn't get a licence unless I paid the 5 percent

Mr. Taylor continued.....

so you run at night. The old game. In any event, you should be able to make a separate contract between two parties in relation to this. This is why I want to make this clear. Well, I've got two schools of thought on this. I'd like to consider this over the weekend and I would certainly welcome the presence here of someone from the Yukon Transportation Association, preferably in the transportation business, for further discussion on this Bill.

BILL #17

Mr. Chamberlist: Should we go ahead with reading, or should we stop.

Mrs. Watson: Mr. Chairman, possibly, if we went ahead in the Bill, we might find some other areas that we would like to question these people on when they do come.

Mr. Taylor: Well, I would suggest that when they do get here, it would be nice to have them here for section by section questioning as we go through this Bill.

Mr. McKinnon: I agree, whole-heartedly.

Mr. Legal Adviser: Mr. Chairman, could I have the authority of the House to lay yeas with the Registrar of Motor Vehicles to set up a time and a place that would be suitable to these gentlemen because they have to be given some notice of when the hearing is.

Mr. Taylor: How about 10:30 Monday morning?

Mr. Chamberlist: How about yesterday?

Mr. Legal Adviser: If you leave it to the tending of the Clerk and myself we will come to some arrangement. We'll try for 10:30 Monday morning.

Mr. Taylor resumes the Chair.

Mr. Chairman: Are we agreed? What is your further pleasure?

Mr. Tanner: Mr. Chairman, going back to the time for when we should call these witnesses. I should think that 2:00 o'clock, Monday afternoon might be a better time. I think we might be busy Monday morning.

Mr. Chairman: I suggest that 10:30 takes us after Orders of the Day, in any event, on Monday. What is your further pleasure?

Mr. Chamberlist: Well, I would suggest that, in this case, we leave Bill No. 18, Mr. Chairman,

Mr. Chairman: That's Bill No. 17. Do you wish I report progress? Does anybody remember the magic words?

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

Mr. Tanner: I'll second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Tanner, 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 resumes the Chair.

Mr. Speaker: The House will now come to order. May we have the report from the Chairman of Committee?

Mr. Chairman: Mr. Speaker, Committee convened at 10:40 a.m. to discuss Public Bills and Sessional Papers. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 10 be reported out of Committee without amendment; this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 11 be reported out of Committee without amendment; this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 13 be reported out of Committee without amendment; this motion carried. I can report progress on Bill No. 14. Committee recessed at 12:00 noon and reconvened at 2:05 p.m. Mr. Fitzgerald, Director of Game, attended Committee to discuss matters relative to the Game Department. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 12 be reported out of Committee as amended; this motion carried. I can report progress on Bill Nos. 15 and 17. It was then moved by Councillor Chamberlist, seconded by Councillor Tanner, that Mr. Speaker do now resume the Chair; 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, in respect of the agenda, I believe it is the intention of Committee to continue further discussion on Public Bills on Monday.

Mr. Tanner: Mr. Speaker, I move that we call it 5:00 o'clock.

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

Mr. Speaker: It has been moved by the Member from Whitehorse North, seconded by the Member from Whitehorse West, that we now call it 5:00 o'clock. Are you prepared for the question? Agreed?

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: This House now stands adjourned until 10:00 a.m. Monday morning.

ADJOURNED

ADJOURNED

Page 266.
Monday, February 22nd, 1971.
10:00 a.m.

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. Are there any Documents or Correspondence to be tabled?

Mr. Chamberlist: Mr. Speaker, I have, this morning, Legislative Return No. 2 for tabling.

Mr. Speaker: Are there any Reports of Committee? Are there any Bills to be introduced?

Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker, I move that Bill No. 24, An Ordinance Respecting the Yukon Health Care Insurance Plan, be introduced. This is seconded by Councillor Watson. *BILL #24
INTRODUCED*

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by Member from Carmacks-Kluane, that Bill No. 24, An Ordinance Respecting the Yukon Health Care Insurance Plan, be introduced. Are you prepared for the question?

Mr. Taylor: A point of privilege, Mr. Speaker. Just before the question is put, may we have a copy of this Bill?

Mr. Speaker: Are you prepared for the question? Agreed? I declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: Are there any Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? Are there any Motions for the Production of Papers? We will proceed to Motion No. 3. It has been moved by Councillor Stutter, seconded by Councillor Taylor, that Sessional Papers No. 10 and No. 11 be discussed in Committee of the Whole. Are you prepared to proceed with this Motion?

MOTION #3

Mr. Stutter: Yes, Mr. Speaker.

Mr. Speaker: Are you prepared for the question? Agreed? I declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: Motion No. 4. It has been moved by Councillor Stutter, seconded by Councillor Tanner, that, in the opinion of Council, a programme of family planning be instituted by the Northern Health Services. Are you prepared to proceed with this Motion?

MOTION #4

Mr. Stutter: I would just like to speak to this Motion, for a moment, if I might, Mr. Speaker. During recent discussions of the budget, we found out that one of the main reasons why the budget is considerably higher this year, is because of the increased cost of services. I also find that, perhaps, a very important services that hasn't been budgeted or mentioned in the budget is the Family Planning Service. This is a service that is given in most of the provinces, and, I think, it's a very important one. During discussions with some of our witnesses, particularly in Health and Welfare, we find that not only is this service not available, but, in many instances, if people are particularly interested in getting information in this field,

Mr. Stutter continued.....

MOTION #4

it is denied them. I think that it is a service that should, certainly, be looked into, and, I would ask that the Members of this House go along with the recommendation that the Northern Health Services be encouraged to introduce such a plan in the Yukon.

Mr. Speaker: Are you prepared for the question?

Mr. McKinnon: Mr. Speaker, before the question is called, I think it would be beneficial to leave the Motion in Committee and ask for the Zone Superintendent of the Northern Health Services to be called before Council as a witness. I know that the Northern Health Service does some work in the field of family planning, and I think it would be interesting for Council to know what work that they are presently doing and what they presently are giving under the Northern Health Services, though it isn't a comprehensive plan worked out on paper. I know that they do work in this field and that they do have some type of programme going when people do come to them for advice. Mr. Speaker, before the question is called, perhaps, the mover and seconder of the Motion would care to call for the Zone Superintendent before Committee so that they can find out what work is actually being done in this field in the Yukon at the present time.

Mr. Taylor: Mr. Speaker, I would move that Motion No. 4 be referred to Committee of the Whole.

Mr. Stutter: I second that motion.

Mr. Speaker: It has been moved by the Member for Watson Lake, seconded by the Member for Dawson City, that Motion No. 4 be referred to Committee of the Whole. Are you prepared for the question? Agreed? I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: We now come to the Question Period. Mr. Clerk would you see if the Commissioner is available. We will now have a short recess.

RECESS

RECESS

Mr. Speaker: The House will now come to order. Are there any questions?

QUESTION RE
LOW COST
HOUSING

Mr. Tanner: I have a question for the Commissioner, this morning, Mr. Speaker. Would the Commissioner confirm that the amount of Low Cost Housing money available this year is \$260,000?

Mr. Commissioner: Mr. Speaker, I can't confirm a figure of this nature without checking it with my Treasury Department. I can confirm the figure in this manner. The unexpended balance of \$2,000,000 is available and can be given to applicants with a maximum of \$12,000 per loan.

QUESTION RE
JOINT
MEETING
WITH N.W.T.

Mr. Taylor: Mr. Speaker, some days ago, in the House, during question period, I directed a question to Mr. Commissioner, relevant to the request of the Northwest Territories for a joint meeting with the Yukon Legislative Council. I'm wondering if he has yet received any such request from them.

Mr. Commissioner: No, Mr. Speaker, I have not heard anything directly. The only information I have is the same information as the Honourable Member has, namely a news report on the radio.

QUESTION RE
TIME ZONE,
DAWSON

Mr. Stutter: Mr. Speaker, I have a question for the Commissioner. On November 12th, 1970, during the Question Period, I asked if action could be taken to have the time at Dawson City changed to coincide with that of Whitehorse. At that time, I was given assurance by the Commissioner that action would be taken to bring this change about. I wonder if I could ask if and what action has been taken up to this point.

Mr. Commissioner: Mr. Speaker, the matter was looked into. I think that the Honourable Members know that approximately three years ago, the time zone was established based on a meridian of longitude. The question posed by the Honourable Member from Dawson City was, that if there was to be a time change in Dawson, this would infer time change for the balance of the Territory within that particular time zone. This was looked into and the general consensus arrived at was that the Alaska Highway north, that is the other part of the Territory affected, for economic reasons was definitely not interested in this change at all. As a consequence, it was brought up in the Executive Committee, and regretfully, we felt that there was just no way of pulling the Dawson Area out of this particular time zone. We were down to the question of the continuation of two time zones in the Territory, or the creation of the Pacific Standard Time Zone which now applies in the eastern section across the whole Territory. Our final consensus was that it be left as it is, at least, at this time, Mr. Speaker.

Mr. Stutter: A supplementary question, then, Mr. Speaker. Does this mean then, that Dawson cannot change its time to coincide with that of Whitehorse? It seems to me that it's on a completely different highway system, any way. With Clinton Creek now being on Whitehorse time, I realize that Clinton Creek is a mining town and can set their own times, once again, I would request that, if at all possible, the time in Dawson be changed to that of Whitehorse. It is the wish of most of the people in Dawson by, not exactly a plebiscite, a letter to the people.

Mr. Commissioner: Mr. Speaker, we thoroughly sympathize with the peculiar situation that exists there, and I would like to assure the Honourable Member that I will be very happy to show him in detail exactly how the problem appeared to the Executive Committee and, perhaps, we can take up the matter further on that point.

Mr. Taylor: Mr. Speaker, at the last Session of the former Council, we were presented with a Bill to amend the Municipal Ordinance to which was appended a description of the Whitehorse Metropolitan Area. I'd like to ask Mr. Commissioner, this morning, if the boundaries of the Metropolitan Area are the same as described in that Bill, or if they have been changed, and, if they have been changed, what really are the boundaries of this Metropolitan Area that we keep discussing in Council?

*QUESTION RE
METROPOLITAN
AREA
BOUNDARIES*

Mr. Commissioner: Mr. Speaker, a lot of confusion has arisen in this regard and understandable confusion, as well. I believe that there had been three different potential boundaries discussed for the Metropolitan Area. One of them appears in the Central Mortgage and Housing study that was originally commissioned to examine this Metropolitan Area. Another one occurs in the description of the property that was turned over to the control of the Commissioner by the Federal Government which does not coincide with those boundaries, and, there was another and more practical one which is described in words -- correct, Mr. Legal Adviser, is that how you say it -- in the Bill that was presented to Council. If the Honourable Member would allow me the opportunity of bringing this forward and tabling it, we will bring this forward. To the best of my knowledge, the worded description is the correct description.

Mr. Speaker: Are there any further questions?

Mr. Taylor: One further question, Mr. Speaker. I'm wondering, as a matter of information, if the Administration has any knowledge as to whether there may be any senior officials of the Canadian Broadcasting Corporation up for the Rendezvous period, and if so, would it be possible to arrange a meeting with them to discuss matters relative to C.B.C. operation in the Yukon with them at this time.

*QUESTION RE
CBC OFFI-
CIALS*

Mr. Commissioner: Mr. Speaker, I am not aware of what would be termed any senior officials, administrative officials, of C.B.C. coming here. If I am made aware of this, I will certainly be only too happy to see that there was such a meeting arranged. At this time, I'm sorry, I don't have knowledge of it.

Mr. Taylor: Mr. Speaker, just for another matter of information, this would be respecting L.P.R.T.'s and Frontier Package Television.

Mr. Speaker: Are there any further questions? We wish to thank the Commissioner for his attendance. As there are no Private Bills and Orders, we come to the Public Bills and Orders.

*BILL #10
THIRD
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 10, An Ordinance to Authorize the Commissioner to Borrow a Sum Not Exceeding One Hundred and Fifty Thousand Dollars from the Government of Canada for the Purpose of Making a Loan to the City of Whitehorse and to Authorize the Commissioner to Enter Into an Agreement Relating Thereto, be given Third Reading.

*MOTION
CARRIED*

MOTION CARRIED

*BILL #10
TITLE
ADOPTED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 10, An Ordinance to Authorize the Commissioner to Borrow a Sum Not Exceeding One Hundred and Fifty Thousand Dollars from the Government of Canada for the Purpose of Making a Loan to the City of Whitehorse and to Authorize the Commissioner to Enter Into an Agreement Relating Thereto, be adopted as written.

*MOTION
CARRIED*

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 10 has passed this House.

*BILL #11
THIRD
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 11, An Ordinance to Authorize the Commissioner to Lend Money to the City of Whitehorse for the Updating and Upgrading of Whitehorse Water and Sewer Systems, be given Third Reading.

*MOTION
CARRIED*

MOTION CARRIED

*BILL #11
TITLE
ADOPTED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 11, An Ordinance to Authorize the Commissioner to Lend Money to the City of Whitehorse for the Updating and Upgrading of Whitehorse Water and Sewer Systems, be adopted as written.

*MOTION
CARRIED*

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 11 has passed this House.

*BILL #12
AMENDMENTS
FIRST
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the amendments to Bill No. 12, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be given First Reading.

*MOTION
CARRIED*

MOTION CARRIED

*BILL #12
AMENDMENTS
SECOND
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the amendments to Bill No. 12, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be given Second Reading.

*MOTION
CARRIED*

MOTION CARRIED

*BILL #12
THIRD
READING*

Mr. Chamberlist: Mr. Speaker, I would move, seconded by Councillor Watson, that Bill No. 12, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be given Third Reading at this time.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that Bill No. 12, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be given Third Reading at this time. Are you prepared for the question?

Mr. McKinnon: Mr. Speaker, there are and there have been very few occasions when a matter of such great importance to this House comes before the House, that I feel that it would probably be nothing short of a disaster

Mr. McKinnon continued.....

to the Territory if that legislation or that resolution were passed in its present form. Dealing with the budget, Mr. Speaker, of the Yukon Territory for 1971-72, I believe that this is one of those instances. There has been certain misrepresentations, I believe, that have been made to this Council. There has been certain charges and certain accusations, and, I believe that these must be dealt with and the budget must be looked at in some detail. I think that, perhaps, the budget should be given further study before it's passed by this House. Mr. Speaker, we have heard often, during the debate on the budget, that the reason for the increase in taxation is so that we do not have to lose any of the essential services and can keep them up at the same rate and the same level at which they now function in the Yukon Territory. Mr. Speaker, this is not correct. If Mr. Speaker and Members of Council will address themselves to the first page of the budget, they will see that the Operation and Maintenance whereby these services, the Education, the Health and Welfare Services, are run, are in an extremely healthy financial position. For an operating deficit of \$6,413,426, a deficit grant is to be received of \$6,890,000, leaving a tidy surplus of \$476,574. Now, I congratulate Mr. Speaker, and I congratulate the members of the Financial Advisory Committee and the administrative staff very much in being able to receive an operating deficit grant from the Government of Canada that will allow these services to be maintained at their present level and leave a surplus to the Government of the Yukon Territory. Mr. Speaker, when I was Chairman of the Financial Advisory Committee, this was always the difficulty. The Capital Project money seemed to be flowing well, but, trying to find the money in Operation and Maintenance to maintain those services and those capital projects once we had built them, was always the problem. I'm happy to say, and I say this in all sincerity, that you have been successful in receiving a healthy Operation and Maintenance grant, to be able to maintain the services for the people of the Yukon Territory. Now, Mr. Speaker, we come to the Project and Loan Capital where we find that we are going to have, after the loan funds have been given by the Federal Government, a shortfall of some \$10,000. To make this up and also to provide a healthy operating balance of capital, certain taxation in almost all fields, except liquor, that the Territory is empowered to raise taxation have been levied. Mr. Speaker, I say that this is not necessary. I say that this is unwise. I say that this is unjustified. I say that this is unwarranted at this time in the Yukon's history to be raising taxes for capital projects, some of which are unnecessary, some of which can be deferred for another year, and some of which may, in all probability, be never brought about. I think it's incumbent upon all Members to go through that Capital section of the budget and pick out those areas, and make that decision in their minds, whether it is better for the Yukon Territory and whether wiser and whether it is more expedient at this time, not to be raising taxation or to defer certain projects for another year. I've come up with about \$1,055,000 in projects which, I don't think, are absolutely necessary in next year's budget. One is the connecting road for Whitehorse, from Second Avenue up to Robert Service Road, \$250,000. Mr. Speaker, it's necessary? Do we need to raise taxes to have this artery built next year? The road construction behind the hospital, \$150,000; I agree, it would be much nicer for the people in the hospital not to have that traffic going by them. But, for the minimal problems that it creates, is it as worthwhile to raise taxation for the expenditure involved for that road which isn't necessary at this time in Whitehorse, as the Yukon's history. The sewer system in Watson Lake; we've heard the Honourable Member from Watson Lake say himself, that the sewer system servicing these new lots will be so expensive that there is no way that the public in the Local Improvement District in Watson Lake will be accepting this sewer system. They can't afford the cost of it after it's built. It's \$200,000. The staff housing at Tuchitua, \$280,000; again, the Honourable Member from Watson Lake has said that once the permanent installations are built, the housing will be so expensive that, probably, the people at Tuchitua won't be able to afford it in the first place. Now, certainly, this is another project that we can either defer for another year to find out whether, in fact, the people are going to be able to live in these houses, to be able to find out, in fact, what the cost of these houses is going to be to the public,

BILL #12

Mr. McKinnon continued.....

and find all the facts and figures before this \$280,000 is spent, which, listening to the Honourable Member from Watson Lake, I don't think will be spent this year. The Territorial Archives; there's nobody who has fought harder for inclusion in the budget every year, of Territorial Archives. I'll be the happiest man in the Yukon when I see the archives, presently in Ottawa, domiciled in the Yukon. Can we afford \$75,000 to begin work on the archives this year if we have to raise taxation in order to do it? Or should we leave the tax level at the same base? Ground Improvements, \$100,000; Mr. Speaker, again, a nice programme, but, a luxury that the Territory cannot afford at this time. Weigh the benefit of what a tax increase, business licence increase, fuel tax increase means to the public of the Yukon Territory at this time against having grass at the schools and the public buildings in the Territory. Mr. Speaker, I think every Member of Council has to weigh the benefits against what the tax increases mean to the public of the Yukon Territory at this time. I can't speak more strongly than when I say that this is the wrong time for the Government of the Yukon Territory to raise taxes to the public. It's a time when the Yukon Territory should be holding the line, restoring confidence in Government and restoring confidence of the public in the economic future of the Yukon Territory. This comes up to a total of \$1,055,000. The total monies that we need to be able to operate the Territory on a sound economic basis is some \$500,000. Half of these projects can still go on, the most necessary of them. Half of this can be deferred for another year. We balance the budget; we don't have to raise one cent of taxation on any person living in the Yukon Territory in the course of the next year. This is the wise, this is the proper, move. It's a move that the public of the Yukon Territory is expecting and hoping that the Council of the Yukon Territory takes. Mr. Speaker, there is another charge laid against this table, that I'm carrying on some kind of a personal vendetta against the Executive Committee because of sour grapes. Mr. Speaker, let me assure Honourable Members that I've just worked too hard and too long and love the Yukon too much to ever allow personal differences to destroy the Government of the Yukon Territory. Honourable Members, I think, know by now, as they've seen my willingness to work in caucus, my willingness not to oppose bills which I feel are for the good of the Yukon Territory. I just so basically, so philosophically, disagree with the budget in its present form. This is the reason that I am speaking, and, if you want to say, pleading, pleading to the Members at this table to have another long hard look at this budget before they rush it through in what I say, would be a disastrous course for the Yukon Territory at this time. There are other things in the budget, Mr. Speaker, that I can only say, are unfair, patently and basically unfair, to the citizens of the municipality of the City of Whitehorse. If one looks at the City's budget and the proposed estimates for next year, Mr. Speaker, he will see that because of the reassessment, the City of Whitehorse is going to be collecting \$127,333 more to the coffers of the Yukon Territory, because of the increase in the School Tax. The City will be raising \$375,280 instead of the year's previous amount of \$247,947. The City isn't complaining too badly about having to raise this extra money and act as a third party, because they realize how well the school system is running in the Yukon Territory. Then, when they go to the Government of the Yukon Territory and say based on the same formula of grants of last year's assessment, we expect a statutory grant now, of \$344,662 instead of last year's \$241,354 base. This is, Mr. Speaker, I tell you unfair. I could even go stronger, this is how immoral the Government of the Yukon Territory is. It's collecting the School Tax from the City of Whitehorse on the basis of the City's new assessment. They are paying the City of Whitehorse their statutory grant on the basis of the old assessment. Mr. Speaker, I don't know what more classic example there could be of a government arrogantly wanting their cake and wanting to eat it too. The Government of the City of Whitehorse, the municipality, and I don't think there is any government that is closer to the people than a city government when you're dealing with municipal works, realize completely the feeling of the public of Whitehorse, and, they wanted to avoid strenuously raising taxes in the City of Whitehorse, because of the feeling of the public. The Territorial Government, acting unfairly, is going to force the City of Whitehorse to raise their mill rate because

Mr. McKinnon continued.....

they will not give them their statutory grant on the current assessment, though they're collecting School Tax on the City's new assessment. Mr. Speaker, there are other areas that I could go into, but, I don't want to hold up the time of the House any longer. One of them, and I think I'll have more to say on this at a different time, because I've lots of material on it, -- we've given the right, this Territorial Legislature, of taxation away from this House to the Commissioner by an amendment of the Third Session, 1968. Mr. Speaker, this right was given because of one instance, the Hillcrest area, where the costs of the services weren't going to be known until the fiscal year was over. We didn't want to have to call Council into Session again to be able to raise the mill rate by legislation as it should properly have been done. It's in the House. It's one of the old-standing principles of our constitution, that the House of Commons should control the finances of the country. That is a right, privilege and duty of this House. It has been achieved by means of struggle, lasting through centuries, and since then, it has never been disputed. Mr. Speaker, this House, acting in the best of faith, passed that right on for a specific example to the Commissioner and the Commissioner, now, is using that facility to set mill rates where he feels it necessary to. He raises the mill rate in areas throughout the Yukon. It's a right that this House has to bring back to its own. I don't want to embarrass the Honourable Member from Whitehorse East, but, if one wants to read the Third Session, 1968 Votes and Proceedings, where the Honourable Member fought, and fought long and fought hard and fought well with the Commissioner. He realized that we were giving up the right which should be cherished and should remain in this House. The Commissioner assured the Honourable Members of Council, in his most assuring manner, that this was for the Hillcrest instance only and would not be used, as the Honourable Member from Whitehorse East said, to, someday, to raise the mill rate in Porter Creek. Of course, Mr. Commissioner said that would never happen. Mr. Speaker, that is exactly what has come to pass. These areas all dealing with the budget, all dealing with matters of principle, all dealing with the way that the Government is going to deal with the public of the Yukon Territory for the next four years, perhaps, -- I think, Mr. Speaker, and I can't state it more strongly, that we are off on the wrong foot. The public of the Yukon Territory wants the level of services that they now have, I agree with the Commissioner. They do not want, and they are willing not to accept, new projects and new capital works if it means an increase in taxation at this time. We can go through this budget. We can present a balanced budget. We can present a budget that the people of the Yukon Territory are going to be happy with. They are going to be able to live with it. They are going to congratulate all Members of Council for having the wisdom to bring forth at this Session this budget. Not by choice, Mr. Speaker, but, through different fannangling I've been placed in a position of perhaps, becoming the leader of Her Majesty's Loyal Opposition. I want to tell all Members of Council that I have never had a reaction, in my history of Council, from every one of your constituents phoning me, calling me, writing me, urging me to keep up the work that I was doing because they felt that, with everything else coming about their heads and shoulders, they could trust and wanted the Territorial Government to hold the line, not to raise taxes, but, to present a balanced budget at this Session. This is the most important single act that we are going to be called upon to deal with in this Session. If we pass the budget in its present form, we've made a disastrous mistake, Mr. Speaker, for the public of the Yukon Territory. Mr. Speaker, Members will find as they go on in government and before the Council of the Yukon Territory, that there are very few times when I feel a matter so important that I actually plead with Members and beg with Members. This is what I'm doing at this time. Mr. Speaker, I beg that one Honourable Member will second the motion that I am going to put before this House at this time. I would like to move, Mr. Speaker, that Bill No. 12 not now be read for a third time, but that it be referred back to Committee of the Whole for the purpose of further study.

Mr. Chamberlist: I rise on a point of order. Mr. Speaker, there is a motion on the floor at the moment, that Bill No. 12 receive Third Reading. The Honourable Member is well aware that while a motion is on the floor, another motion cannot be put.

BILL #12

Mr. McKinnon: Mr. Speaker, a procedural motion may be moved on a substantive motion. It's perfectly alright; annotation 415, page 287, Beauchesne: "When a bill comes up for Third Reading, a Member may move that it be not now read a third time, but that it be referred back to the Committee for further study." Mr. Speaker, a procedural motion is perfectly in order and if seconded and passed, it will go back to Committee for further study. That is simply all that it means, nothing more. I think we've been rushed into passage of this Bill. I don't think passage of this Bill in its present form is wise. I'm positive, Mr. Speaker, in my mind, that the majority of the public of the Yukon Territory does not accept the budget bill in its present form. It is the responsibility of this House, the duty of this House, to present a budget that they will be congratulated upon by the public of the Yukon Territory, with a little more consideration and little more stability. Mr. Speaker, I've made the motion; I would ask for a seconder; I would ask that the House accept this position, because this is such an important Bill at such an important time in the history of the Yukon Territory.

Mr. Taylor: Mr. Speaker, on that point of privilege, I would refer Mr. Speaker to consider subsection (3) of annotation 415. "A bill may be recommitted, amended in Committee, reported and considered on report a third time in one Sitting by simple order of the House." The next section says "A bill cannot be recommitted to Committee of the Whole House when the question has been proposed that the bill should be passed".

Mr. Chamberlist: This is what I was referring to, Mr. Speaker.

Mr. Stutter: Mr. Speaker, if this procedural block can be worked out, I'd be pleased to second the Honourable Member's motion.

Mr. Chamberlist: The point of order that I made, Mr. Speaker, is quite clear. The Honourable Member from Watson Lake has pointed out the particular annotation.

Mr. Speaker: We will have a short recess at this time, to obtain legal advisement.

RECESS

RECESS

Mr. Speaker: The House will now come to order. Councillor McKinnon's motion is out of order; reference Beauchesne's annotation 415, second paragraph, subsection (3).

Mr. McKinnon: Mr. Speaker, speaking on a point of order, I'll accept the House's direction, as I always do. Mr. Speaker, I think it should be made known to all Members of Council that the City has made presentations to the Chief Executive Officer of the Yukon Territory on the budget. These have not been made public to the Council, yet. I think it is an extremely important representation that has been made and one that should be studied by this Council prior to the budget passing in its present form. Of course, Mr. Speaker, we know that with your ruling there is only one way that this Bill can go back to Committee, and that is for the Honourable Member from Whitehorse East and the Honourable Member from Carmacks-Kluane, with unanimous consent, to be able to withdraw their motion, and the Bill to be referred back to Committee. Mr. Speaker, the Honourable Member from Whitehorse East laughs. If there is any time that there is not a laughing matter, it is on this budget that is presently up for Third Reading in this House. I think, Mr. Speaker, that this would be the time for the members of the Executive Committee to show their interest and show their concern for the other Members of this House, to have further information of and further study of this budget in Committee, prior to its passage. This is information that is forthcoming, that we do not know about, that changes substantially, the position of the City of Whitehorse, which represents over half the business in the Yukon Territory. There are other studies in the budget, in the areas that I have mentioned, where we could go through and delete unnecessary programmes and come up with a balanced budget. All it takes is the Honourable

Mr. McKinnon continued.....

BILL #12

Member from Whitehorse East and the Honourable Member from Carmacks-Kluane to withdraw their motion at this time, and I'm sure all Members of the House will be very thankful to them to allow us the privilege of going back for further study of the budget.

Mr. Taylor: Mr. Speaker, we've been over this trail now, two or three times. The arguments as to why, from the Honourable Member, the budget should not be proceeded with, any further at this time -- I have some sympathy with the Honourable Member in respect of the City of Whitehorse, but I don't think that the withdrawal of this particular Bill at this time would achieve what we are setting out to achieve. I think that what should be done in this particular instance, and I think it's very important that this be done, is that the budget review committee, or the Sub-committee on Finance, sit down and take a second look at this situation and consider possibly, any action that might result from such a study in supplementary estimates at a later point in time, possibly in the first supplementary estimates in this fiscal year. It may be that anticipated revenues may exceed those now anticipated. To hold up the budget at this time, I don't think would be in the best interest of the people of the Territory. There are other items of much importance within this budget which, of course, beneficially assist the economy of the Territory by its passage. I think, in that area, I could agree with the Honourable Member, but, it can be handled notwithstanding Third Reading being given to this budget. The Honourable Member has selected from the budget in his initial remarks, Mr. Speaker, some items which he felt could be withdrawn at this time to avoid taxation. I say to him that, certainly in my experience with the budget on the Sub-committee on Finance, many of these were studied very closely. I can speak on behalf of at least two of the items raised respecting my district. One was the Watson Lake sewer system in which I stated that the cost of extending this system at this time in those particular circumstances, would be so expensive to the people that they couldn't afford it and very likely they would turn this down. This is to be determined by a plebiscite, but, there is a portion of those monies which will have to be spent in any event, because we have to build a new section from the lift station to the sewer lagoon. It's not really fair to say that the whole \$200,000 will not be spent this year. Respecting Tuchtua Camp, a simple change in policy in respect of rental policy for Territorial civil servants, employees, in these outlying areas, may make it possible for these people to accept this housing in this particular construction year. So, these are just two items, and when you start going through the budget saying that we can do without this and do without that, it isn't really valid. I think that the Sub-committee on Finance looked into this very, very closely. I might say that we are now accepting programmes in this budget that I had seen when I was on that Financial Review Committee prior to its takeover by the Honourable Member and his colleagues at that time. They were deferred at that time, and now, I see them starting to appear, in lesser quantities, but they're starting to appear. These were booted out when the Honourable Member was in charge of that committee. All in all, we're starting to try to catch up with some of these deferred items. I say again, I think it is a reasonable realistic budget. In the terms of taxation, I am very much opposed to the manner in which taxes were levied this spring, but it has no relationship to the budget, and it is going to be an argument that will be voiced at this table and debated at this table before this Session is finished. I support the budget. I see no reason that it not be given Third Reading. I will support the motion that it be given Third Reading.

Mr. Tanner: Mr. Speaker, I too, am going to support this budget. I'm going to support it, not because of some of the reasons that the Councillor from Whitehorse West has given us. I don't agree with many of his reasons. I agree with some things he has said and I would like to make a couple of observations myself. As a newly elected Councillor, it is my first occasion for the presentation of a budget in which I had some decision. I think every Councillor has the right and obligation to question most thoroughly any budget that is presented. I think he should question it severely. He should push any particular facet that he sees as being wrong. He should try to get this changed.

BILL #12

Mr. Tanner continued.....

In this particular budget, I think, one of the basic mistakes was that there wasn't enough backup information. Each piece of extra information that was required, we had to drag out of the various departments which were involved. For next year, I would recommend that this backup information is volunteered in the first place. A general observation, I don't see very much money in this budget spent in Whitehorse North. In my opinion, that's where the majority of the people who need this money to be spent, are living. That's one of the most quickly growing areas in the Yukon, and I feel that in the next year, there should be more consideration, a great deal more consideration, given to Whitehorse North in the budget. Specific recommendations which I would make for consideration to the Financial Advisory Committee include greater equity in the Hamlet Allowances. I don't think there is sufficient consideration given to the areas immediately close to Whitehorse. I'd like to see janitorial contracts being given out to tender instead of being part of the educational set-up. I'd like to see, as in my suggestion in Committee, that there should be inducements for people to pay their taxes early on a graduated scale, and a penalty for people who pay them late on a graduated scale. I'd like to see the fuel oil tax split between gasoline and diesel. I think next year, the Financial Advisory Committee should take a much closer look at Health, Welfare and Rehabilitation, the greatest increase in the budget this year. I think it's not necessarily the dollars and cents, but the policy that must be very carefully reviewed. In that same vein, I would say that we must stop constructing buildings and invest more money in people. One final observation, one final specific observation I would make is that I would always endorse greater taxes on luxuries. I consider liquor a luxury and I don't think you can tax it enough. If we have to raise taxes, that's one area where I think you should always look to. I finally, say to all Members of this House, that, whether or not we agree with the budget, three of our Members sat on the budget advisory committee. Three out of seven is, in my opinion, on this one occasion, sufficient Members to present the point of view of Council, and, in this case, I am going to support the budget.

Mr. Stutter: Mr. Speaker, now that the Honourable Member's from Whitehorse West motion has died, the motion to put the Bill back into Committee for re-study, I'm going to have to oppose the Bill, even though, I have supported many of the taxation ordinances and changes that have already gone through. One of the main reasons why I am going to oppose it is for the simple reason that during a Question Period, one of the questions that was put by the Honourable Member to the Commissioner, last week, was, if we were able to find certain areas in the budget where savings could be made, would it be possible to cut down or eliminate several of these taxation areas. We were told at that time that this was not possible, that it was a total package deal. I'm afraid that I must admit that ever since then, I've had the feeling that really, we are just being asked to rubber stamp this particular budget and many other pieces of legislation that have come before us. All I can do is plead ignorance. I've only been in Council now for two or three months. The Honourable Member from Whitehorse West is the only Member that's been in Council for any length of time, who hasn't had anything to do with the direct preparation of this budget. I'm going along with his thinking at this point, mostly, because, as I say, I haven't had time to study this thing completely. The budget was put before us the day that this Session came to order and many of the pieces of supporting documents just haven't been made available to us. This is the reason why, at this point, I'm going to have to oppose the budget.

Mr. Chamberlist: Mr. Speaker, in closing the debate on this motion, there are a few points that I would like to bring forward. When Councillor McKinnon brought forward an amount of \$1,055,000 that could be saved from a reduction in the services that the Territory should give, he didn't show any concern about the City of Whitehorse reducing some of their services, only that the Territorial Government should reduce theirs. How well it was for him to say that, because, of all the new revenues included, we still have a shortfall of \$6,413,426. This will be offset by a deficit grant of \$6,890,000. The surplus that is shown as \$476,574 has already been committed as a result of

Mr. Chamberlist continued.....
negotiations with the Public Service and the Yukon Teachers' Association. This is completely taken away. Just forget it. That's the money we are paying out. Now, the different areas that have been suggested where the money could be saved, as Councillor McKinnon has put it, involve no local financing in any of these capital projects that he has suggested, except for sewer and water. So that kills another argument, right there. I must take a little objection to the suggestion that we are acting like an immoral government. That's wrong. I think we're acting very responsible. I think we're acting in a manner to show that we have the necessary recognition there is a requirement to raise taxes, and this requirement, with all due respect, has been put upon us because of some pre-planning or pre-misplanning, which ever way you want to look at it. This we had to do and we've done this. I would ask specifically, that in view of what I've said about these particular amounts, the Honourable Member from Dawson City not vote against this because he would agree with statements that are wrong, that the Honourable Member from Whitehorse West has made. To my way of thinking, there has been a complaint—objective look taken, when the Honourable Member from Whitehorse North made his statement a few moments ago. At least he is trying to put forward some particular changes that should be looked at next year. When we as a Government will hold ourselves responsible completely, we will be participating in the whole of the budget from beginning to end. The suggestion that Councillor Taylor has made in regard to, perhaps, if there was need for a supplementary estimate -- I hope not; I hope that we have been realistic in our preparation of this budget. If there was need for a supplementary budget, a look could be taken at that later time. Right now, the budget that has been presented has been a sound budget, of sound financial thinking. I regret that the Honourable Member from Whitehorse West has not the training and the background to understand finance. It will take him some time. He's still a young man, and I'm sure that one of these days, he will be able to shine forth in the way he would like to. In the meantime, I would suggest that we put this to the vote now.

Mr. Speaker: Are you prepared for the question? Agreed? Division has been called. Mr. Clerk will you poll the House?

Mr. Clerk: The Member from Dawson.

Mr. Stutter: Nay.

Mr. Clerk: The Member from Whitehorse East.

Mr. Chamberlist: Yea.

Mr. Clerk: The Member from Whitehorse North.

Mr. Tanner: Yea.

Mr. Clerk: The Member from Carmacks-Kluane.

Mrs. Watson: Yea.

Mr. Clerk: The Member from Whitehorse West.

Mr. McKinnon: No way.

Mr. Clerk: The Member from Watson Lake.

Mr. Taylor: Yea.

Mr. Clerk: The vote, Mr. Speaker, is four yea, two nay.

Mr. Speaker: I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

BILL #12 Moved by Councillor Chamberlist, seconded by Councillor Watson, that the
TITLE title of Bill No. 12, An Ordinance For Granting to the Commissioner Certain
ADOPTED Sums of Money to Defray the Expenses of the Public Territory, be adopted as
written.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 12 has passed this House. We
will now have a short recess.

RECESS

RECESS

Mr. Speaker: Council will now come to order.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 13, An Ordinance to Amend the Companies Ordinance, be given Third Reading.

*BILL #13
THIRD
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 13, An Ordinance to Amend the Companies Ordinance, be adopted as written.

*BILL #13
TITLE
ADOPTED*

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: I will declare that Bill No. 13 has passed this House. What is your further pleasure?

Mr. Taylor: Mr. Speaker, I would move at this time that Mr. Speaker do now leave the Chair and that Council resolve in Committee of the Whole for the purpose of discussing Public Bills and Sessional Papers.

Mr. Chamberlist: I second the motion.

Mr. Speaker: Moved by the Member from Watson Lake, seconded by the Member from Whitehorse East, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills and Sessional Papers. Are you prepared for the question? Agreed?

MOTION CARRIED

*MOTION
CARRIED*

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

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order. We are discussing Bill No. 17. We have with us today, Mr. Gordon Gee, President, Yukon Transportation Association, to assist Members in any questions that you may wish to ask in relation to this bill. We have proceeded to section 22.

BILL #17

Mr. McKinnon: Mr. Chairman, I wonder if I could ask Mr. Gee, whether the Yukon Transportation Association was made aware of the bill being prepared, and whether they were involved in any discussions as to the philosophy behind the bill? Whether they have had a chance to study the bill in its present form? Any general observations that the Yukon Transportation Association might have on Bill No. 17?

Mr. Gee: We were only able to get a copy of the bill a very short while before -- just after it was tabled. We haven't really had time to study the draft. I don't know whether I am in order or not, but on behalf of the Yukon Transportation Association and its members, I would like to ask if it is possible to have time to study this draft and present briefs pertaining to the act, some of the sections, particularly in the filed and fixed rates system or sections before the final reading?

Mr. McKinnon: Personally, Mr. Chairman, I have no objection at all, but you will have to ask the powers that be, whether or not they ...

Mr. Gee: I am asking, I don't know whether I am in order or not.

Mr. Chamberlist: I think, Mr. Chairman, there should be no objection to that at all.

BILL #17 Mr. McKinnon: Well, perhaps, Mr. Chairman, then we could read through the bill and Mr. Gee could ask questions as we go, and this might help us all when drafts are presented finally, and -- or briefs are presented before Council after the bill has been read?

Mr. Chairman: Will this be agreeable to Committee that we just proceed through the bill? Up to section 22, did you have any questions that you wanted to direct to Mr. Gee for his opinion up to this point? I believe that the matter of section 22, the rate structure and the filing of tariffs is one that is going to receive further consideration.

Mr. McKinnon: Section 18 is under amendment, isn't it Mr. Chairman?

Mr. Chairman: Section 18 is the opinion of the Board as versus the opinion of the court. May I proceed then? (Reads section 23 of Bill No. 17.) Clear? (Reads section 24, subsections(1),(2),(3),(4),(5).)

Mr. Tanner: Mr. Chairman, I have got a question on -- sorry, I am going back a little bit, on section 24, subsection 2(d)? Does this give the Board the right to instruct a transport company insofar as their physical plant is concerned?

Mr. Legal Adviser: I think, yes, Mr. Chairman, but it must be a reasonable extension.

Mr. McKinnon: Mr. Chairman, I have real problems with this section 24, and the subsections, the giving of this Board the powers which are generally reserved for courts. I just -- a principle that I can't accept. I have made the point before, and I am not going to keep making it, but every time you turn around you are faced with a Board that has some type of quasi judicial functions. It has no training at all, in the law whatsoever. You are giving them the right to decide in their opinion, whether a subject is frivolous, vexatious, calculated to delay, or without substance, and certainly, Mr. Chairman, that this is a court's duty and not and shouldn't be delegated to a Board of laymen without legal training, probably. This whole section 24, and the powers and the abilities where this Board is able to move in the field -- where I think that only a court should be able to move, and that people trained in the judiciary should be able to move. To give this to a group of laymen these sweeping powers, and these judicial functions, I think that the whole of legislation -- well anywhere that I study it, giving these powers to Boards and the rights to Boards of judicial interpretation, I tend to shy away from it. I think it is dangerous. I think it is a mistake, and I think there should be some way of tempering a Board of laypeople acting in an actual not even in a quasi judicial fashion, they are acting in a judicial fashion, and to delegate the powers of the court, is just as bad as to delegate the power of legislature to other people, and I can't agree with the philosophy and the theory behind that.

Mr. Legal Adviser: Mr. Chairman, there is no question, but this is a quasi judicial Board, and the whole design is to make it a quasi judicial Board. It will hold its meetings openly, and it must conform to the normal rules which all courts in Canada conform to, and that is to do justice to the people who come before them. But, if you make it a quasi judicial tribunal, then these sections automatically follow to give it the power to carry on its work, otherwise we are faced with the situation of having to set up court and transfer all this to the Territorial Court.

Mr. Tanner: Mr. Chairman, could I ask the Legal Adviser, whether there is similar operating Boards in other provinces or is it peculiar to the Yukon?

Mr. Legal Adviser: The answer is yes, Mr. Chairman.

Mr. McKinnon: Well, Mr. Chairman, I make the point that this Board

Mr. McKinnon continued ...

could just completely control any transportation company, and any aspect of that transportation company's business if they act upon the full powers that are given them under section 24, subsections (1),(2),(3),(4), and (5). They can just completely enter into any and all aspects of every transportation company's business and unilaterally dictate to that person the way he should and he must operate his business. That is an awful sweeping power to give a quasi judicial Board. BILL #17

Mr. Chamberlist: Well, Mr. Chairman, I wonder if Mr. Legal Adviser can indicate the make up of the Board in other provinces? Are they -- is there usually a member of the legal profession as the chairman, or something like that?

Mr. Legal Adviser: I am not speaking, Mr. Chairman, as an expert on the composition of the Boards. But, in most of the provinces there is a Board of this nature, a Board with these powers, and in most provinces far greater powers than this particular Board has or will have. The usual chairman of the Board is a Registrar of Motor Vehicles, who in fact is commonly a lawyer, not always. He reports to either the Attorney's General Department of the province, which is the common form and place, like Alberta and B.C., or to the Provincial Secretary's Office, and he is -- this professional civil servant is usually the chairman. The others are part time members. In Ontario, they have a full time Board operating all the time. I see Mr. Gee nodding his head, so I think that he probably knows as much about -- a lot more about these Boards throughout the provinces.

Mr. Chairman: Mr. Gee, do you have any comment at this time?

Mr. Gee: Well, what Mr. O'Donoghue has said is right. I have a note, if you go to section 4, asking -- I have a note here, who the members of the Board will be? Will they be qualified members? Will the Legal Adviser be a member of the Board? Also will one member or chairman or whatever be a person fully qualified in respect to transportation?

Mr. Legal Adviser: Well, Mr. Chairman, it is not the intention of the Government for the Legal Adviser to be a member of the Board. It is the intention of the Government that the Registrar of Motor Vehicles as the chairman, and three outside people, one connected with -- presently unconnected with the transport industry, put it that way. They might be retired people, as the other three part time members.

Mr. Gee: I realize that is the intention, but in Alberta, for one, the Legal Adviser is a member of the Board. I think with an act that has the power that this act has, I personally think that there should be legal and qualified people on the Board so that we can be assured that any decision will be a right decision.

Mr. Commissioner: Mr. Chairman, I think that in all fairness, and I would preface my remarks by saying that I think that you couldn't have a better witness here than Mr. Gee, because he more than any other single member of the industry has had more to say to me personally concerning the make up of these kinds of Boards and what they should be doing, and what they should not be doing than any other member of the industry, at least around Whitehorse. It is for many of the very reasons that have been brought to our attention by the trucking industry that we are proposing this bill at this time. The trucking industry has a brief, that was presented to the officer in charge of the licen ing at the Territorial Secretary, literally speaking, saying, you know, how much longer are you going to carry on in the present game, and get down to business. Is this not correct, Mr. Gee, literally speaking, this is what you have said in this brief?

Mr. Gee: Yes, this is correct.

BILL #17

Mr. Commissioner: This is our answer, basically, Mr. Chairman, to this. When you have a Board, such as we have here, and also you have a very similar Board under the Liquor Ordinance, a very similar type of Board, you will find that the people who sit on these Boards, very rarely have, what would be called a professional legal background. When they are seeking legal advice, they have the ability to call this from an outside source, they can call it from a government source, but they have the ability to call this. When they are looking for professional of technical advice, rate making advice, they have the ability to call upon professional people in this field to give them this type of advice. The funds will be provided to see that they have this. But, to seek a Board that is going to have all these professional qualifications within it, Mr. Chairman, I want to say to you, this is impossible. There is no way of getting these people to sit on Boards, because immediately they have a financial interest in the very industry that they are professionals in. This is why they are professionals, Mr. Chairman. So, I don't think that we should be misleading the trucking industry, and I am sure that they wouldn't want -- or to be misled either, to find that many of the people who are sitting on the Board have an inherent financial interest in the very licensing function that they have to be impartial judges on. Likewise, there is much difficulty being encountered by our present Board, inasmuch as the fact that it has no powers, Mr. Chairman. Now, all this Board can do is hear applications that are referred to it, and they recommend acceptance or rejection. We are finding that the Boards in neighbouring jurisdictions, by virtue of the fact that they do have power, are able to extend their powers beyond the boundaries in which they are presently constituted. The Board in Alberta sits, and it says, we will grant this licence under the conditions that there will be one pickup in Alberta and one delivery in the Yukon Territory. Now, these people have got no more business getting their nose into the Yukon Territory than we have got any business getting our nose into Alberta. Mr. Gee can verify what I am saying. The same thing applies in the province of British Columbia. We have got to counteract this, Mr. Chairman, by having a Board that is basically constituted along similar lines, and if that is the way that neighbouring jurisdictions want to play the game, we have to be prepared to play it on the same ground rules and be able to give the same kind of protection to our trucking industry. Now, if the trucking industry is going to have protection, the public has to be protected by having limitations to what is going to be protected. This is basically speaking, the philosophy behind the bill that is before you now. It is in answer, first to the pleas of the industry itself, and secondly to counteract, if you wish to use that terminology, the powers that the Boards in neighbouring jurisdictions are usurping, and as a consequence to a degree are imposing their terms and conditions upon truckers who are operating in the Yukon Territory. What I say, I am sure that Mr. Gee will be very, very happy to verify, because much of the information that has come to the administration has come via the witness that is before us right now, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, I couldn't help smiling to myself, when Mr. Gee suggested that if we have a Legal Adviser then we will be doing it right. This doesn't always work in that particular direction. But, I would say this, Mr. Chairman, that if Members of Committee can accept my assurance, that the members of the Board will be chosen by the Executive Committee, so that you are in a position, then to know that you have Members of Council who are very much concerned with the formation of the Board.

Mr. Chairman: Well, this will no doubt be under further review when the

Mr. Tanner: Mr. Chairman, I wonder if I could ask the witness one further question. In spite of what the Commissioner has said, regarding the vested interest, if you like, of a member from the public transport, I beg your pardon, a member from the transport industry being involved, would you personally like to see somebody from the transport industry involved?

Mr. Gee: No, no, that wasn't my intention. We can't ask to have someone from the transport -- that is involved in transport industry on the Board. What we are asking is, that someone be chosen that is a person not involved in transportation, but a person that has known transportation and has been involved in transportation, along with a Legal Adviser on the Board.

Mr. Tanner: Thank you, Mr. Chairman, that clarifies that.

Mr. Chairman: This will be under further review when the Transportation Association get looking this over. (Reads section 25 of Bill No. 17.)

Mr. Chamberlist: There is a printing error, Mr. Chairman, it should read subsection (1) of section 24.

Mr. Chairman: So note, Mr. Clerk.

Mr. Legal Adviser: And also section 24.

Mr. Tanner: Section 24 at the end of that paragraph.

Mr. Chairman: (Reads section 26, subsections (1),(2),(3).) How basically will this affect the existing Public Service Vehicle plate holders?

Mr. Commissioner: Well, Mr. Chairman, this will be at the discretion of the Board. This will be their -- it will be within their capabilities to -- should I say verify them or do as they so see fit. The Legal Adviser is pointing out that section 56 covers that particular point. But, Mr. Chairman, I would say that once this Board is set up, this will be the tribunal to which the trucking industry will look for a rectification of those things that they consider to be wrong and for the continuation of those things that they purport -- to be correct.

Mr. Chairman: Yes, I see now, section 56(1) answers my question. (Reads section 27, 28,29,30 of Bill No. 17.)

Mr. Gee: Mr. Chairman, I have some notes on some of these. Will I put these notes in with a brief -- like we have some things that we would like possibly added to the sections. Do you want to hear them now?

Mr. Chairman: If it is agreeable, on the next go around, whenever the Association has reviewed this and has its recommendations, why we will take your points one by one as we go through the Ordinance, at that time.

Mr. Tanner: May I ask a general question of the witness or maybe the -- some member of the Executive Committee. There is a situation which exists, which I have some knowledge of in the Territory now, and I am not criticizing or approving, I just want to have some background information, where besides the scheduled carriers bringing goods into the Yukon and dropping them here, an operator can come into the Territory, make a load -- drop a load of merchandise and receive cash payment for it, and then go out of the Territory again. In this case he apparently, as I say I stand to be corrected here, he apparently does not have to come under the general rules and proceedings which we are talking about now. Can you make some comment on that?

Mr. Legal Adviser: Mr. Chairman, this is not quite the case. Anybody who comes in, drops a load and gets paid for it comes under the existing Ordinance, and he has got to have either a special permit or a full licence.

Mr. Gee: There is a permit trip system that is, you obtain a permit to haul on a one trip basis. You can obtain a permit to bring a load in and take a load out. There is a fee of \$100 for this permit, particular permit.

BILL #17 Mr. Tanner: Mr. Chairman, can you continually pick up these permits and do this on a weekly basis, I mean not being a scheduled carrier?

Mr. Gee: No, right now as far as I know myself, this can be on a continual basis, at any time and as many loads as you have to haul.

Mr. Tanner: Now, the point that I am getting to, Mr. Chairman, is are we not then by allowing this, defeating the purpose of part of this legislation?

Mr. Gee: No, not necessarily, as far as I am concerned. These provisions are in almost every province that I know of, except there is a restricted amount you can haul, I think in B.C. two loads and then you must apply for a licence. In Alberta, I think it is six, and the other provinces go on. Here in the Yukon it is an unrestricted amount of permits.

Mr. Tanner: Sorry, just one more question to Mr. Legal Adviser, have we got any legislation within this act -- haven't we arrived at it or are we going to get to some to protect that -- to have a restriction on the number of loads?

Mr. Legal Adviser: It wasn't the intention to restrict the number of loads, Mr. Chairman. It is common, if a person buys a number of these \$100 permits for individual loads, it makes his load fairly uneconomic as opposed to a local trucker. He would then use the evidence, to the Board, I presume, that he had to purchase so many loads over a certain period, and that it was a necessity that his business to be given a licence; it would be part of his licence, but it is also a revenue earning thing.

Mr. Chamberlist: Mr. Chairman, I wonder if, Mr. Gee could indicate when his people in his Association will be preparing their brief?

Mr. Gee: I can't answer the exact time, but if the Council would like to give a time when we have to have a brief in, we will accept this.

Mr. Chamberlist: Well, Mr. Chairman, I raise this question because both Bills 17 and 18 -- necessary for us to try and get this through this week so that we can have the adjustments made on the Motor Vehicle Ordinance and the Transport Public Utilities Ordinance are both involved. There are certain necessities for the relation to the issuing of licences, etc, that are involved.

Mr. Tanner: Mr. Chairman, I would like to comment on that timetable we are talking about now. I realize that there might be a certain amount of income incurring to the Territory because of a raise or lowering in licence fees. But, I think that this is far too important to rush through; we are talking about, not only the trucker in this Territory, but we are also talking about the consumer. The consumer is very much affected by the trucking rates. I would like to have a lot of consideration of this bill before we rush it through by the end of the week.

Mr. Chamberlist: Now, I am not trying to rush it through, Mr. Chairman. I am just pointing out, that we have already lost about a month in the issuing of licences for the year 71-72. I was hoping that -- without rushing it through, and I can assure the Honourable Member from Whitehorse North that it is not my intention to rush it through. I wonder when -- I wonder if Mr. Gee could indicate, Mr. Chairman, when he could get together with his people? Can it be within the next day or so?

Mr. Gee: To answer Mr. Chamberlist, I can't see how we could do it in that length of time. It will take sometime and some legal assistance as far as we are concerned in presenting the brief.

Mr. Chamberlist: Although, we want to give all the help to the Transportation Association, so that they may be familiar with this legislation, because of the points that I have raised, we have to work pretty promptly

Mr. Chamberlist continued ...

on it. I wonder if perhaps when Mr. Gee comes this afternoon, he could perhaps inform us as to what can be done to helping us on this particular point, because we wish to get this legislation dealt with before the end of the month.

BILL #17

Mr. Gee: Yes, I could probably answer your question after lunch, Mr. Chamberlist.

Mr. Chairman: Alright, I think that in light of the time then, Mr. Gee if you could be with us at 2:00 o'clock. This being the case, and it being noon, I will now stand Committee in recess until 2:00 o'clock this afternoon.

RECESS

RECESS

Page 285.
Monday, February 22, 1971.
2:00 p.m.

BILL #17

Mr. Chairman: Well, at this time we will call Committee back to order. Do you have anything further on section 30? "31, The Board may order and require any person to do forthwith, or within, or at, any specified time and in any manner prescribed by the Board so far as it is not inconsistent with this Ordinance, any act, matter or thing that such person is or may be required to do under this Ordinance and may forbid the doing or continuing of any act, matter or thing that is contrary to this Ordinance. 32, (1) The Board may (a) enter upon and inspect at any reasonable time any place, building, works, vehicle or other property of the holder of a certificate; (b) require the attendance of such persons as it deems necessary to summon, and examine and take the testimony of such persons; (c) require the production of such books, plans, specifications and other documents as it deems necessary; and (d) administer oaths, affirmations or declarations."

Mr. Stutter: I wonder, if I might ask a question there. Perhaps Legal Adviser --"32 (a) when the Board has the right to enter upon and inspect at any reasonable time any place, building, works, vehicle or other property of the holder of a certificate." Would this be just in conjunction with an inquiry or complaint of some kind, or do they hold this right at any time?

Mr. Legal Adviser: No, this is during business hours, and the property dealing with the business. It might be that they may want to know what the terms are -- which were available in the applicant's permit. Some applicants will get a special type of licence, I presume, or authority, and one of the conditions might be that adequate types of facilities, adequate warehouse facilities, adequate repair facilities, and so on. It is necessary to inspect these.

Mr. Chairman: Subsection"(2) No action or proceeding shall lie against the Board or any member of the Board or any officer, agent, or staff of the Board for anything done or purporting to be done in pursuance of this Ordinance. (3) The Board may order to whom or by whom any costs incidental to any proceedings before the Board are to be paid and may fix the costs to be paid."

Mr. Gee: I have a question here, Mr. Chairman, what costs are we talking about here?

Mr. Chamberlist: The cost of the hearings, or the cost of any action that takes place by the Board.

Mr. Legal Adviser: It is common knowledge that people would object to something, and object in a way that makes it necessary to hold a hearing which may show that the objections are completely unfounded, and the people who are brought in to the court by the subject, they should be entitled to their cost for coming in a proper case.

Mr. Chamberlist: For instance, Mr. Chairman, a transport utility company might have to defend itself against accusations of somebody in front of a Board and the transport utility company has its legal adviser there at the hearing, so that if the Board finds it is an unwarranted complaint that has been made, the Board can then find in favour of the transportation company and award costs against the complainant.

Mr. Gee: Okay then, it means that if a decision was reached by the Board and someone objected that on the basis that there was insufficient evidence, would the person that objected -- would be liable for cost for obtaining this information as evidence?

Mr. Legal Adviser: At the discretion of the Board, yes. It is implying pretty well the power of a court to order the cost to be paid.

BILL #17

Mr. Chairman: "(4) Where a hearing is held by the Board, any person who (a) fails, without valid excuse, to attend the hearing; (b) fails to produce any document, book or paper in his possession or under his control required pursuant to subsection (1); or (c) refuses to be sworn or to answer any proper questions put to him by the Board; is guilty of an offence punishable on summary conviction."

Mr. Tanner: Mr. Chairman, could I ask a couple of questions of the Legal Adviser in this respect? First of all, who enforces (4) (c), or any part of (4)?

Mr. Legal Adviser: Maybe you can give me a group of questions, and then I can answer them all at once.

Mr. Tanner: The second one is, who enforces this whole Ordinance, Territorial inspectors or the R.C.M.P. in this case?

Mr. Legal Adviser: Both, Mr. Chairman. This section has been thrashed out in this Session before it came in this form. It is common to provide that a quasi judicial board will have power to commit somebody for contempt of court for breach of their orders, but contempt of court provisions are changing in Canada, and it is generally considered better now, that the tribunal which is treated with contempt, should not be the one which imposes a punishment. But if somebody refuses to produce a document or answer a question, then a charge would be laid in another court, so that the court would not be in the position of having to enforce its own orders. So, they might request a charge be laid by whoever enforces Territorial laws, or in a proper case by the R.C.M.P.

Mr. Tanner: Mr. Chairman, this watering down of authority in this particular paragraph 32 (4) really concerns me. I don't feel that this Board should have any of those tasks that we have there, because to my mind that is police authority that is being infringed on; if they have any authority, but they should be motivated not by this Board, but by the..... What concerns me here primarily, Mr. Chairman, is, the fact that you are giving authority to police -- the authority of police to this Board, and although the Legal Adviser says this has been thrashed out, I would like to see a lot more explanation of why this Board has that much authority. I am still not at all satisfied that they have that much authority.

Mr. Legal Adviser: Mr. Chairman, when you are dealing with people who are going to hold a hearing, the hearing is useless, unless they can require witnesses to come. Unless they can require a witness to produce a document, they are faced straightaway with the objection I will not produce this. If an objection is made that somebody is overcharging and they are asked to produce their books, and they say, I'll refuse, then the Board is powerless, puts it into the hands of a private individual to destroy the efficient operation of the whole Ordinance. But it is after all a quasi judicial board, and we are giving it a lot of the powers that a court would normally have, but in this particular section, we have departed from the normal form which would be to say that where a hearing is held by the Board, any questions..... may be committed for contempt of the tribunal, which is what Boards in the provinces commonly have. We have given the protection that they must actually have committed an offense and be charged with it.

Mr. Chairman: I think generally this whole matter is going to come under question in any event. Matters of authority and power granted under this Ordinance.....

Mr. Legal Adviser: This is the modern Canadian technique, and this type of thing is being followed throughout the provinces to transfer from the judge the power to deal with contempt in his own court, and to have another judge move in and have a proper proved charge laid and proved.

Mr. Tanner: Mr. Chairman, I would submit to the Legal Adviser that's the case in courts, where somebody has been summoned to court, and they go to

Mr. Tanner continued.....

court, and there is a contempt of court hearing against them, and they are convicted of that contempt of court, may go before another judge. But you are talking about a semi-quasi judicial board here, and I don't think they should in any way be equated with the courts of this country, or definitely not with the judge's opinion. I really can't see that those two things are similar.

BILL #17

Mr. Gee: Mr. Chairman, just by reading over the section, I will think that it is pretty much a standard powers of board of any public utilities act.

Mr. Chamberlist: Although I would perhaps, Mr. Chairman, later speak with Mr. Legal Adviser. I think, that it might help to where it says; 'where a hearing is held by the Board, and the Board summonses a person'. I think it misses that out. That was left out. It says what the Board may do, but in section (4) it just says when a hearing is held by the Board, any person who fails, without valid excuse, to attend. Now, I suggest that we can talk about this later, but I would suggest, that it does have, where a hearing is held by the Board, and a person is summoned. We'll take a look at that after.

Mr. Chairman: Yes, this will be picked up later for further review. "33, The Board may make rules respecting (a) the sittings of the Board; (b) the procedures for making applications, representations and complaints to the Board, the conduct of hearings before the Board, and generally the manner of conducting any business before the Board; (c) generally, for the carrying on of the work of the Board and the management of its internal affairs."

Mr. Tanner: Mr. Chairman, I am sorry, but.....

Mr. Chairman: Carry on.

Mr. Tanner: 33, assuming this Board is going to be very busily occupied and assuming there is sufficient business to keep it occupied, it seems to me the Board is going to require a secretariat to run it. I wonder what the Executive Committee had in mind, as far as the physical running of the Board. Who is going to provide the secretarial service?

Mr. Chamberlist: The Territorial Secretary, of course.

Mr. Gee: Mr. Chairman, on 33 (b), should the procedure not be spelled out? It is a question that I have that procedure should be spelled out.

Mr. Chamberlist: This is administrative, Mr. Chairman. The actual procedure is administrative, and you don't need to spell it out in legislation.

Mr. Tanner: Mr. Chairman, it has been suggested here, earlier in the day and last Friday, that the Territorial Registrar or the Territorial Secretary would be chairman of this Board, and I think there are two things to consider here. First of all, when they set up the Liquor Board, they chose their own chairman. I think, this Board should chose their own chairman, and the reason I say it, is illustrated in 33. I think the Territorial Secretary should be secretary to that Board, and use his office as a secretariat, and that the other three members should chose their chairman. This is a suggestion to the Administration, rather than having the Territorial Secretary as the chairman as well.

Mr. Chamberlist: Well, Mr. Chairman, I can say this, that when Mr. Commissioner said, that it will in all probability be the Registrar who will be the chairman of the Board, really it is being left open for the Executive Committee to decide on the make-up of the Board, and it may well be that the suggestion that has been made by the Honourable Member will be given consideration.

Mr. Stutter: Mr. Chairman, I have one question in that regard. Since the

Mr. Stutter continued.....

BILL #17

Executive Committee is going to decide the make-up of the Board, I take it that the Executive Committee has already decided that Mr. Taylor will definitely be a member of that Board. We were told this morning, that not only would he be a member, but he would be the chairman of it.

Mr. Chamberlist: Well, Mr. Chairman, there has been no decision by the Executive Committee in that regard. It is still to be considered, and when a decision has been made, the Members of Territorial Council will be informed.

Mr. McKinnon: Mr. Chairman, it seems to me, that it would be advantageous for us to have the Territorial Secretary at the table, rather than sitting in the gallery. I am sure, he could answer many administrative questions, that keep coming out from Members of Council.

Mr. Chamberlist: Yes, this is why he was asked to be here, Mr. Chairman.

Mr. Chairman: May I proceed?

Mr. McKinnon: While the Territorial Secretary is here, Mr. Chairman, I wonder if I can ask him the general question, and it would be in the area of where the Public Service Vehicle Board, which is constituted now, is failing in the protection of Yukon trucking industries, and whether he feels that the setup of this new utilities Board, this kind of public utilities Board in the Yukon, will take care of these areas, that are now a shortcoming under the present method of licensing in the Yukon.

Mr. H.J. Taylor: Yes, Mr. Chairman, that is exactly why the Bill is in front of you, because we figured it would solve a lot of the problems we are having right now.

Mr. McKinnon: Mr. Chairman, is it possible, that the Territorial Secretary could be a little more specific in areas that are causing real problems in the granting of P.S.V. Licences and those areas in the new legislation, which will tighten these up and give the protection to the industry that is needed.

Mr. H.J. Taylor: Well, there are sections in here that will allow the Board to renew licences and if the licences are not being used properly, or in fact, not at all used, the Board then will have the power to revoke the licences. This is brought about by submissions from the Transportation Association. That is one instance. I have to go through here, and point by point I can tell you, what -- but, that's why the Bill is here, because there is no real power in the Board now, as it is presently constituted.

Mr. McKinnon: Well, Mr. Chairman, I'll appreciate it very much, if, as we are going through it, the Territorial Secretary would make his point, for the benefit of all Councillors.

Mr. Chairman: Next section is section 34, "The Board may on its own motion enquire into, hear and determine any matter or thing respecting the provision of transport services to the public in the Yukon Territory, or in the Territory."

Mr. H.J. Taylor: This is, Mr. Chairman, the power they don't have now. Any matter that they discuss now, that they consider, has to be referred to them.

Mr. McKinnon: I see.

Mr. Chairman: 35, "The Board may in any matter before it make an interim order and reserve further direction either for an adjourned hearing or for further application. 36, The Board may review, rescind, change, alter or vary any decision or order made by it, and may rehear any application

Mr. Chairman continued.....
or complaint before deciding it.

BILL #17

Mr. Gee: Mr. Chairman, I wonder why this would be so. On what grounds would it be, because of evidence or a time period?

Mr. Commissioner: Mr. Chairman, both. You have a situation here, not too long ago, in which there was a hearing before the Board, and I believe, the recommendation came to me that this licence should be granted, and hardly the --- the ink was hardly dry on my signature before I was getting representations that there was more and new evidence that should have been presented to the Board in this particular regard. And I am sorry, if my memory was better, I could probably even repeat the applicant's name to you, but certainly that happened, and I think, Mr. Chairman, that the witness is aware of that particular one. Another one is the element of time, and that is that quite often at present, we have applicants coming before the Board, and the Board in its wisdom will say that at this time, we are not about to recommend that a licence be granted, and the question is, when can that person apply again. The way the Ordinance is written at the present time, he can put in an application tomorrow morning. At least that is my understanding of it, anyway, and I am subject to correction. Another thing is, that applicants are coming forward at the present time, they are applying for P.S.V. Licences; the Board in its wisdom grants them their licences, but will say under a limited situation -- for a limited situation here. This may sit this way now -- may sit this way forever. It will be up to the Board to say, we would like this licence to be issued for a period of one year, and at that time we want to review that particular application to see whether the licence should be continued or not. These are the types of things, that there is no authority at all at the hands of the Board at the present time, and it is in this regard that a decision-- they want to be able to review a decision, or they should have the power to review a decision, and they should have the power to put time limits or time elements into a decision that they make. This is basically what they are talking about.

Mr. Chairman: The next item is 37. (Mr. Chairman reads section 37, subsection (1))

Mr. Commissioner: We'll say that a P.S.V. Licence hearing has been held for a particular licensee and we'll say that the licence was to be restricted to the hauling of sand, gravel and aggregate within the Yukon Territory, and for one reason or another, the licensee wishes to extend -- expand this to something else beyond those particular points. This gives the Board the authority here to grant that kind of authority or extend that kind of authority without a public hearing at that time.

Mr. Chairman: (Mr. Chairman section 37, subsection (2))

Mr. Legal Adviser: Mr. Chairman, a case, not very long ago, where there was a big road contract let near Whitehorse, the situation developed that one of the contractors, a major sub-contractor, would have been committing a breach of the rules by continuing to work. So, he was able to transfer his contract to a sister company, which was able to come within the rules. Now, this couldn't have been done over a period of two or three days; there would have been a strike, and the whole operation of the road would have been upset.

Mr. McKinnon: Mr. Chairman, there is only one danger in this, if the Board does pull a bummer of a decision for some reason and does give a licence, and then they find out that they for certain reasons perhaps all the evidence wasn't in, that they should alter the licence, because they have had it without a public hearing, because they thought it was a ground of urgency and it wasn't. It has always been my contention that in government circles that when this person does make a complaint, if somebody does make a complaint that the licence should have been given because it was a matter of urgency, and there should have

BILL #17

Mr. McKinnon continued.....

been a public hearing, but it seems that the -- it is always in favour of the person who has the licence. He has it in his hot little hands now, and the way of rescinding it is pretty limited for the government. It seems that once a person has the licence, and is doing that thing that he is licensed to do, that for the government to revoke that, this does not seem to be as facile as we would like to believe it is in the Ordinance.

Mr. Commissioner: Mr. Chairman, I tend to agree with this very much, and this is my whole argument about this question of the Commissioner's discretion, and certainly the alternative to the Commissioner's discretion is the Board's discretion. I would like to submit to you, Mr. Chairman, that under the circumstances, that the Board's discretion is a group of people. We are talking about a chairman and three individuals. It is highly unlikely that among those people, that any kind of a recommendation is going to come to me for the changing or the revoking of any kind of a licence, public hearing or no public hearing, that that group is not prepared to argue or sustain in the eyes of the public. I think that of the two alternatives, Mr. Chairman, the idea of the Board acting if necessary, without a public hearing, is much more preferable, than allowing into such things the Commissioner's discretion, which is basically where it is now.

Mr. Chairman: The next item is 38. (Mr. Chairman reads section 38, subsection (1) and (2))

Mr. Tanner: Mr. Chairman, would somebody explain 38 to me? This seems like....., I don't understand one word of it. There is something in here that is quite unusual, and Mr. Legal Adviser, I ask you, please enlarge on this. Most of the words that you use, or most of the words that are in these Ordinances are vaguely --- have some relation to something else, but what does it mean in 38 (1), where any work, act, matter or thing?

Mr. Legal Adviser: Mr. Chairman, I am sorry for the apparent vagueness of the drafting, but actually it is very precise. It is setting out exactly what the Board can and in some cases should do. In other places in the Ordinance, the Board was given powers to acquire certain things to be done, and it may lay down a time limit for the doing of that, due within 6 months, due within 9 months, due within 4 months, and so on. Now, in a public case, by using this section, the Board can extend this time. It is rather like when a person comes in for a Liquor Licence, and they promised to have a certain number of toilets in within 3 months, the Board can then extend the time to 6 months. Now, this is not quite the same thing, but it may be they undertake to have so many trucks on the road of a certain type, and they find that circumstances move against them, and they cannot fulfill their promise, so they can get an extension of time. Contrary-wise, the time can be abridged for the doing of these and other things. These sections are necessary technical sections to enable the Board to do general justice, and meet the wishes of the people at controlling.

Mr. Gee: Mr. Chairman, I would like to ask the Legal Adviser, what operation could be exempt. It says, exempt the application from any of the provisions of this Ordinance.

Mr. Legal Adviser: Mainly, I think there will be notice applications, we might come up against something where the Federal Government had regulations or laws, and they might supplant ours in some fashion, so we might want to exempt the particular operator from the requirement of power organs in respect to Federal legislation, and Federal legislation is always a thing which may come to the Yukon in this field.

Mr. Chairman: (Mr. Chairman reads section 39)

Mr. Stutter: Mr. Chairman, again we come back to the appeal section. We have already been told there is room for appeal in this Ordinance,

Mr. Stutter continued.....

but a few minutes we went over section 32, subsection (2), which gives the power -- the Board all the power in the world that they need. Again, now we come to section 39, which again gives the Board all the power in the world, and yet we are told a little later on, we do have appeal. I am wondering, it seems to be a real conflict here, they say that there is appeal, and yet in other sections there is no room for appeal whatsoever.

Mr. Chamberlist: Mr. Chairman, I pointed out, that under section 42, there is an appeal on points of law. This always is there, whether a decision is made by the Board or not. Once a decision is made, the decision can't be questioned on a point of law. The appeal lies, I have already indicated, that as a result of what is in 41, and I might point this out, and I am not too happy about it, because I believe that the -- where there are, nowhere should be prerogative writs be taken away from an individual. Mr. Legal Adviser and I, we have disagreed on this on one or two occasions. I think that we are going back to talk -- that is one of the areas that we will be talking about. I agree that the position of the Board in some areas should be able to be appealed completely. So, we will be taking a look at it.

Mr. Gee: Mr. Chairman, on some of the other Public Utility Ordinances, Alberta for one, there is no appeal, but there is a time limit to introduce new evidence regarding a decision that I don't see in here.

Mr. Legal Adviser: Section 39, of course is, what you might call the most Irish section of the Bill, because it says it's final and binding until changed or amended. This is not a real contradiction, it means that if circumstances change, a person can come back to the Board, and ask it to be reviewed, and I think that in general, I would be a little bit loath to put a time limit on the person coming back with fresh evidence. I wouldn't like to see him cut for the sake of a day late, or something like that, or if he had been refused and comes back a few months later with fresh evidence, I think he should be fairly dealt with by the Board at that time. I would not push a time limit on it.

Mr. Chairman: (Mr. Chairman reads sections 40, 41 and 42)

Mr. McKinnon: Am I to understand from this, Mr. Chairman, that it's only a question of the misinterpretation of the law that an appeal from the Board can be made to the courts and this narrow area and this confines alone provides the appeal?

Mr. Legal Adviser: It's not as narrow, Mr. Chairman, as it may appear. Law includes questions of mixed law and facts, and if the court, as the House is aware -- it's on these grounds that you appeal to the Supreme Court of Canada, and the Supreme Court of Canada is busy every day of the year and could usefully be doubled to try to handle some of its business. But, the whole tenor of this Ordinance is that questions of fact are decided by the people who are on the Board. Questions of law are quite a different matter, and they go to the courts. Once there's a dispute on it, then either party can appeal, but you're setting up a Board that has got to decide questions of fact. If we don't, we might as well go straight to the courts for law and fact.

Mr. Chairman: (Mr. Chairman reads section 43)

Mr. Chamberlist: I think, there will be a correction in there. It will be by counsel or agent.

Mr. Legal Adviser: No, I think the Board should be entitled to -- should be expected to afford counsel.

Mr. Chairman: (Mr. Chairman reads section 44)

Mr. Chamberlist: Right.

BILL #17

Mr. Legal Adviser: Well, in many cases a person will file an appeal in order to stop proceedings continuing on. In some cases this might be fair, and in some cases not, but if the court feels that it is fair to stop the proceedings, then it can, otherwise no. It is a court order.

Mr. Chairman: (Mr. Chairman reads sections 45, 46 and 47)

Mr. Gee: Mr. Legal Adviser, would a transfer go before the Board and a public hearing?

Mr. Legal Adviser: Yes, without taking back, whether it has a public hearing or not, I don't know, but you would have to come before the Board, and particularly where it is a stock transfer, which is very often a disguised attempt to transfer without publicizing the fact of transfer.

Mr. Chairman: (Mr. Chairman reads sections 48 and 49)

Mr. Stutter: Mr. Chairman, I wonder if I can ask a question here. There are many holders of general certificates or general P.S.V. Licences, that only operate a certain period of time during the year. Would this section also apply to them?

Mr. H.J. Taylor: No, Mr. Chairman, the Board would of course, for seasonal operation, like oilfield work, they wouldn't expect the carrier to be licensed all summer when they are not using the vehicles. The carrier would most likely wait until fall to licence the vehicle and the Board then would suspend this three months section, I don't know whether you have come to this or not, which requires them to be licensed within three months of the granting of the authority. Well, if they got the authority in the spring, they wouldn't be expected to get their licence until the fall, until they can get on to the oilfields.

Mr. Chairman: If you have for instance, someone with a restricted P.S.V. for the purpose of towing, for instance. He has to have a certificate from a highway stop somewhere in the hinterland, and he decides that there is no business, I'll think I shut down for the month of January. You mean to say, that he must apply to the Board in order to shut down his wrecker service to take a holiday.

Mr. H.J. Taylor: Well, you are speaking of wrecker service, which we took out of this Ordinance. It does not apply to wrecker service.

Mr. Chairman: (Mr. Chairman reads section 50, subsection (a) and (b))

Mr. Tanner: I don't think that \$500.00 is equivalent to 6 months in prison, Mr. Chairman. I think, either the fine should be higher, or the prison sentence should be lowered. I think the two things are comparable, if you cannot get the money, you send them to jail.

Mr. Legal Adviser: We will have a look at it, in view of the other Ordinances, because we did make some attempt to try and equalize fines and imprisonment.

Mr. Chamberlist: I think as well, another area that we must look after, to be fair to everybody concerned, is where an individual can be fined, and sent to jail. A corporation just gets fined, because they make provisions that the officer of the corporation can also go to jail if something goes wrong and it is his instructions. We will be looking at that as well.

Mr. Chairman: (Mr. Chairman reads section 50(2) and (3))

Mr. Tanner: Mr. Chairman, it seems to me, that you have got the Board here now looking at a conviction for a --- for example a moving conviction on the highway and they are going to take the P.S.V. Licence for that,

Mr. Tanner continued.....
I can't see that they are prerogative at all.

BILL #17

Mr. Legal Adviser: Mr. Chairman, it didn't say that the Board will take it. It just says the Board may.

Mr. Tanner: That's enough, that's enough. Well, Mr. Chairman, I don't think that is sufficient. If they don't like the way the guy -- happens to get two speeding tickets, they can lift his P.S.V. Licence.

Mr. Legal Adviser: We don't do this, Mr. Chairman. We have got to have some part to deal with people who won't obey the law, and to give certificates to people who may be driving without licences, driving, for instance, trucks that may be in a dangerous condition, there are dozens of offences where it will be quite proper for the Board to suspend the certificate.

Mr. McKinnon: But it does give the Board the power, if the owner of the certificate had a company -- was arrested for any type of infraction of the Motor Vehicle Ordinance, the Board would have the power of reviewing that certificate and taking away the certificate of that company. This is correct. We are not saying that the Board in its wisdom would ever do this, but this does give the Board the power. Or under the Criminal Code, if the operator of a trucking outfit on his own was arrested for impaired driving, the Board could examine and shut down his operation and take his certificate away because he was caught under the Criminal Code, and I just say this, these Boards and the powers that we delegate to them, boy, it is really dangerous, and we are losing our legislative functions, our judicial functions, even our administrative and police functions; this is wrong.

Mr. Chamberlist: Mr. Chairman, the Honourable Member is quite right. I feel as he feels, and as I already indicated, it will be reviewed by the Legislative Programming Committee.

Mr. Chairman: (Mr. Chairman reads section 50(4)) Why do you spell it out here, who in respect of a corporation, who is what, when back there you are going to serve a corporation. You can serve it on anybody.

Mr. Legal Adviser: Mr. Chairman, as one of the Honourable Members pointed out a few moments ago, it is only proper, that if a heavy penalty is liable to a person who commits an offense, that he cannot escape by being the manager of a corporation, and escape all personal penalty for something which he may have instigated.

Mr. Chairman: (Mr. Chairman reads section 50(5) and (6))

Mr. McKinnon: Mr. Chairman, am I to take it, that not only can they summons a person to court to testify, but they can also force a person to stay in the public gallery from day to day, until the court hearing has completed?

Mr. Chamberlist: This happens in all courts.

Mr. McKinnon: A Board can force a person to sit in a court, even though they are not giving testimony, from day to day, until the trial is completed.

Mr. Chamberlist: Any court, any court.

Mr. Legal Adviser: When an individual is on a charge, he must remain in court during the hearing. If he doesn't, the court has no jurisdiction. It happened to me, by accident, not to me personally, but a case that I was familiar with, where a person wandered out of court, was not missed, and the trial went on for a short while. When the magistrate discovered it, he had to abandon the case.

BILL #17 Mr. McKinnon: I can see the court ordering this, but the Board.....

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

RECESS

Page 295.

Monday, February 22nd, 1971.

3:30 p.m.

Mr. H. J. Taylor, Territorial Secretary & Registrar General in attendance.

Mr. Chairman: At this time we will call Committee back to order. Bill No. 17 - 51(1). (Mr. Chairman reads 51(1) and (2)) You have got to be kidding. If a person has his vehicle seized by a Member of the R.C.M.P., and it is found that the owner of the vehicle in question was persecuted within his rights, and the thing should not have been seized, then who would pay the bill? BILL #17

Mr. Chamberlist: The cost can be awarded against the police and should be awarded against the police.

Mr. Chairman: What is not expressed is not implied. There is nothing in here to protect this.

Mr. Chamberlist: Under the Criminal Code the Court can rule, Mr. Chairman, that costs be awarded against the police or the other way. Do you want to see the section?

Mr. Tanner: Mr. Chairman, I will go even further. Suppose the police have made a mistake and the cost of what has taken place has to be paid by the person that is arrested, what about the inconvenience, how do you compensate for that? If he has a load going up the highway of fresh fruit, for example, and the vehicle is seized; he can't put it through a weigh scale or whatever he wants to do with it for a couple of days; this operator can be very severely penalized.

Mr. Taylor: Mr. Chairman, you have got ...

Mr. Legal Adviser: I think this is taken from the Motor Vehicles Ordinance.

Mr. Taylor: Mr. Chairman, there are far too many what-ifs. If you are going to consider all the what-ifs, you might as well throw the whole bill out and all the rest of the ordinances of the Territory. This is taken absolutely in its entirety from another Public Utilities Ordinance, from another jurisdiction. It is not something that we dreamed up out of our heads here. This is in one of the other provincial acts, that is why it is here. Nearly every section in this Ordinance is the same. It is not something that somebody here has sat down and dreamed up. It is something that the other provinces have that we need. That is why it is in here.

Mr. Chairman: What other provinces? I believe they are self-determined and we are not. We are vesting powers in his Majesty.

Mr. Taylor: No, you are not. That is why you are setting up this court. That is why this Ordinance is here before you. His Majesty doesn't want that authority.

Mr. Chairman: Who is setting up the Board?

Mr. Taylor: His Majesty. Once the Board is set up he is going to have to abide by what the Board decides. That is the whole object of the exercise. This is the same thing that is done in all of the other provinces in Canada. Somebody has to appoint the Board. For instance, in the province of Ontario, their Public Utilities Board or their P.S.V. Board, whatever you want to call it, has been in operation for at least fifteen years. They have had the same four men on it. I know them all personally and their authority far exceeds any authority in this Ordinance. They have to have it in this type of business. If you don't give them some authority, you might as well forget about your Board. The Transportation Association is the main organization that wants a proper Transport Public Utilities Ordinance. They want nearly every section that is in here. That is why they are here.

BILL #17 Mr. Chairman: Fifty-one would have to be revised before I would even consider it.

Mr. Taylor: If I might go a little further on that. If any member of the R.C.M.P. seizes a vehicle and inadvertently did damage to any cargo or anything else, you could imagine what would hit the fan. He would be very, very careful before he took any power. But, you have got to spell out the power of something, you can't just say that only in certain items, certain instances can he do it. You would have a bill that would be 150 pages long.

Mr. Chairman: We have a gentleman, not quite present at the moment, who fights this statement, "without warrant and seizure." We will say what he says when he comes back, which may be nothing, on the other side of the fence.

Mr. Tanner: Mr. Chairman, could I ask the other witness to comment on that particular paragraph, what his feelings are and his point of view?

Mr. Gee: As far as I know now, the R.C.M.P. have really very little or no grounds to seize or hold a vehicle that is operating contrary to the P.S.V. Licences right now. I think, I am not sure -- maybe the Legal Adviser could explain this.

Mr. Legal Adviser: If a vehicle is operating contrary to the terms of its licence, the R.C.M.P. are virtually powerless at the present time. If somebody is slacking through here, we need the power to send the R.C.M.P. to block a road, or pick it up. The officer has to have statutory power from this House before he can act.

Mr. Chairman: Yes, but in other ordinances, the R.C.M.P., when he arrests without warrant, must believe that a crime is being committed, and the way it is written it is not in the least like this. It binds him down to where he has to prove, beyond any shadow of doubt, that he has good cause to believe that this ordinance is being abused.

Mr. Legal Adviser: We have had cases where there is nothing much we could do except wait hopefully for the operator to come into the Territory for a second time and keep a watch, which we can't afford to do. For the once-through operator we can do nothing. It is very easy at the present time for an operator from outside to come in, except for passing through the checkpoint, to break a hole right through the Ordinance, deposit his load, pick up another load and he is away. Unless he comes back again there is very little that we can do.

Mr. Taylor: Even if he does, you cannot seize the vehicle right now.

Mr. Chairman: Well, that will be under review, in any event. (Mr. Chairman reads section 52 and 53)

Mr. Stutter: I wonder if I might ask here, Mr. Chairman, if a small firm must renew their licence if they don't have work? There are small firms in the rural areas that, as I pointed out a little earlier, that work on a seasonal basis. I am thinking more of the people that are in summer contract work, working on highways. In this particular case would they be penalized because they didn't take out their licences for more than this six month period, where they could get a reduction. I mean, if they had not applied within this three month limit, the powers that are given to the Board at the moment could cancel that certificate altogether.

Mr. Taylor: I believe I intimated a few moments ago that this power is going to be here but that is why subsection (2) is there, so that the Board can relieve the ones that are not properly punished under this particular section. As you say, there have been, I don't know how many open P.S.V. authorities held here and in order to keep their P.S.V. in effect they buy a P.S.V. Licence for a pick-up truck at the last month of the year when the licence fees were down to a quarter of the fee or

Mr. Taylor continued

something like that. There is nothing the Board could do about it then, but, as I said before, if it is seasonal type employment the Board would naturally give them the extra time before they were to renew their licences. If it is somebody that is holding an open P.S.V. and doesn't have any business at all and only wants the one licence so that they can have something to negotiate with an outside operator for, or something like that as we have had in the past, then they can just cancel it. It is to stop all this hanky-panky, that is what it is there for really.

Mr. Stutter: I have another question that I would like to ask at this point. Again, a small firm that has three or four trucks, many of these smaller outfits don't know at the beginning of the year when they apply for their licence, or apply for the certificate, how many of these trucks are going to be operated. If you don't specify that at the beginning of the year and have to wait for a thirty day period, I think it gives in one section where he must re-apply for an added number of trucks. Is there any way that they would be able to work the extra trucks if the extra work came out without having to buy the licences, let's say, for all five trucks at the beginning of the season?

Mr. Taylor: Yes, it is already covered. I thought it would cover it in this bill. The present regulations allow that any operator, especially a resident operator, who wishes to enlarge his fleet, can do so by buying any additional number of the same type of licences for which his operation calls, without any referral to the Board at all.

Mr. Stutter: If he wanted to bid on a contract for which he just didn't have the equipment, can he lease these trucks on short notice, or again must he apply to have these extra trucks covered under his licence or under his certificate?

Mr. Taylor: He can lease trucks because, in effect, a leased truck is a purchased vehicle. He can go and lease as many as he likes. He can lease trucks from some other operator or from some other truck rental; the only thing that this Ordinance prohibits him from doing is leasing of his P.S.V. Licence to someone. He can lease all the vehicles he wants as it is the same as buying a vehicle.

Mr. Stutter: Regardless of whether these vehicles are in the Territory, or could he bring them in on a temporary basis from B.C. or Alberta?

Mr. Taylor: He can at the present time.

Mr. Stutter: Would he not be able to under this Ordinance?

Mr. Taylor: Under this Ordinance he can.

Mr. Stutter: He still could?

Mr. Taylor: Yes.

Mrs. Watson: Mr. Chairman, I wonder if Mr. Gee would like to comment on this section.

Mr. Gee: Well, if you go to section 47(1) it says, "No certificate or right or privilege thereunder shall be capitalized, sold, assigned, leased or transferred except with the prior written approval of the Board " and the very thing that Mr. Stutter is talking about, I think if I read this section right, any lease agreement must be reviewed by the Board.

Mr. Taylor: No, this is not the same type of lease at all. Mr. Stutter is referring to leasing additional trucks from some other company who has the trucks to offer or from a U-Drive concerned. This section that you quoted, section 47, prevents you from leasing your P.S.V. Licence to some other operator.

BILL #17 Mr. Gee: Exactly, wasn't this the question?

Mr. Taylor: That is not what Mr. Stutter meant. Mr. Stutter meant leasing vehicles to enlarge your fleet.

Mr. Stutter: In this particular case I did, but, I am interested in the point that Mr. Gee brought up also.

Mr. Gee: I don't think there is any question that a person should be able to lease additional vehicles to carry out any specific work contract but I do disagree with a person being able to lease his authority to someone else to operate.

Mr. Taylor: This is exactly what that is meant to cover.

Mrs. Watson: Mr. Chairman, do I take it then that you are in favour of section 47, Mr. Gee.

Mr. Stutter: Mr. Chairman, under 47, surely if a small trucking firm got fed up with all the powers of this Board he couldn't even sell his outfit without written consent of the Board also, under 47.

Mr. Taylor: That is exactly right.

Mr. Stutter: He can't even sell his outfit without written approval from the Board?

Mr. Taylor: He can sell his outfit but in order to transfer the P.S.V. Licence to some other operator, or his authority now under this, he would have to take it to the Board.

Mr. Stutter: Mr. Chairman, it states right there that he couldn't even sell his outfit.

Mr. Taylor: Without taking it to the Board.

Mr. Stutter: Without written approval of the Board. If he gets fed up with the powers of the board, again, he has to go to the Board before he can sell his licence.

Mr. Taylor: He can't sell the certificate of authority. He can sell his business though. It is up to the purchaser to make sure he can get the authority for the business if he wants it. That is in there for the specific purpose to keep people from selling their authority to outside operators. A few months back we had an advertisement placed in the Edmonton Journal reading, open P.S.V. authorities for sale in the Yukon Territory. Someone was trying to peddle their licence by advertising it in the paper. I had two of the larger truck companies outside who had pending applications for Yukon authority, tell me that they had letters from small operators in the Yukon who were willing to sell them their P.S.V. authority, in other words, circumvent the regulations in the Ordinance. That is why section 47 is in there. Again, as I said before, if you don't want to control it in any way and if you don't like section 47, you might as well forget the whole thing too. There are all kinds of people that accept their P.S.V. in force, you might say, so that they can negotiate and try and sell them to operators outside. That is like the one chap that advertised in the Edmonton Journal, open P.S.V. authorities for sale in the Yukon.

Mr. Chamberlist: Mr. Chairman, the question was raised as to the costs that would be paid by a person who was convicted and who questioned if the police had improperly, without warrant, seized their vehicle and the case was dismissed. The Legal Adviser had indicated to me that costs would not be allowed but section 716 of the Criminal Code reads as follows, " Costs. The summary conviction court may, in its discretion, award and order such costs as it considers reasonable and not inconsistent with such of the fees established by section 744 as may be taken or allowed in proceedings before that summary conviction court, to be paid to the informant by the defendant, where the

Mr. Chamberlist continued

BILL #17

summary conviction court convicts or makes an order against the defendant, or to the defendant by the informant, where the summary conviction court dismisses an information" so it is pretty clear that an inspector of police wouldn't , or one of his officers, wouldn't necessarily rough him too quickly to commit an act that he might have costs awarded against him. Just to let you know that costs can be awarded, I have been successful in receiving costs from the court against the police on four different occasions. I know it is available through the discretion of the court, if on a summary conviction it is under the discretion of the court.

Mr. Tanner: I believe it.

Mr. Legal Adviser: Mr. Chairman, I wouldn't like to mislead the House. In a most isolated case the cost would be given against the Crown in a criminal case, the reasoning being -- the Court also would not give costs the other way, it would not normally order the defendant to pay the costs of the prosecution against him nor vice versa. There will be exceptions to the case from time-to-time where an order will be made but it is not the normal custom.

Mr. Chairman: (Mr. Chairman reads section 54 (a) through (d))

Mr. Gee: Mr. Chairman, (d) I think would be a condition on the certificate that was issued. I don't know the intentions but I think that that regulation would be on the certificate that is issued to the applicant.

Mr. Taylor: That is not the intent of this section, Mr. Chairman. The intent of this section is that when buses come under the transport public utility, the indication here is that the regulation shall be passed indicating what type of freight that the bus will be allowed to haul as they term express rather than going to the competition in the transportation business of freight.

Mr. Gee: What I am saying is that if a certificate is granted to a freight carrier, these conditions would be on the certificate.

Mr. Taylor: Yes, they would be. The quantities would be.

Mr. Chairman: (Mr. Chairman reads section 54 (e) through (h))

Mrs. Watson: Mr. Chairman, is that not again with the buses?

Mr. Taylor: Yes, it is.

Mr. Chairman: I think this applies to all public service vehicles; regardless of what you intended to cover, this covers all public transport P.S.V. vehicles. (Mr. Chairman reads section 54 (i) through (aa))

Mr. Tanner: Mr. Chairman, throughout this Ordinance we have given away many of the judicial powers of the court to this Board. Why in that case can't we give, I am asking for information, the regulatory powers of the Commissioner in the opening sentence to 54 and say that the Board may make regulations, since in (z) we are giving the Board that power anyway, except for regulatory power instead of the Commissioner making regulations on the recommendation I assume of the Board.

Mr. Legal Adviser: Mr. Chairman, this is the custom. The custom is to give the delegation to the Commissioner, and the Commissioner then becomes answerable to the House in that fashion and he will be acting and making these regulations on the advice of the Executive Committee. If you give it to the Board you have no one who is answerable to the House for the regulations and the House has, to a certain extent, lost some of its powers and I would loathe to see this happen.

BILL #17

Mr. McKinnon: Mr. Chairman, it has lost it all now. I would really like to congratulate the drafters of the legislation because without a doubt that is the all-time record for the field in which regulations can be made. We even have to start the alphabet over again, 27 areas in which this House has given up its legislative powers to the Commissioner to completely control all aspects of regulating under the P.S.V. licensing. It just seems to me, Mr. Chairman, that if the Board doesn't get you the Commissioner will. There is not one stone unturned in either of the areas that a person can function without having some roadblock put in his way to be able to operate a business in the Yukon. I am really getting concerned about the authority and the giving up of the powers of this House into quasi judicial and to the Commissioner's regulations. I am telling you that once it is gone it is just an impossibility to give it back and we are going to find out that we are going to have so many complaints from operators that are faced with nameless, faceless regulations made by bureaucrats that they don't know. It is an irresponsible act of this House to be giving up every bit of control that it has ever had under legislation to regulatory bodies and to the Commissioner. I have never yet before this Council seen an ordinance which completely and absolutely and unilaterally removed all aspects of the legislative authority in legislation in any way, shape or form. There is just nothing left for this House at all, but just to be a party to giving up their powers to boards and to the Commissioner. That is exactly what we are doing in this instance.

Mrs. Watson: Mr. Chairman, we have certainly heard the views of the Honourable Member from Whitehorse West on this Ordinance. I am very anxious to hear the views from the Truckers Association. I feel that they should be given approximately two weeks to go over the Ordinance and then come back to Council and make their views on it. Possibly the Ordinance isn't that far out. We were trying to meet the needs and the demands of the Truckers Association, the Transportation Association in the Yukon Territory and I would like to know how they feel about it.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Gee could indicate at this time, generally, what does he think about this piece of legislation. Is it the requirements that you want and is it generally fairly good except for a few minor items? Would it be satisfactory for the association that you represent?

Mr. Gee: We definitely want a bill or an act or something that will have control on transportation because as it is now the Board has no power, the R.C.M.P. have no power to do anything really. I don't think the Board even has a real format. I know they don't have too many records and the bill is what the Transportation Association has asked for, and as I asked at the start of the Committee meeting to have a chance for the Transportation Association to take the bill and study it and submit briefs on sections of the Ordinance that we feel should be changed. Other than that I do feel -- the association and myself feel that we need a Transportation Act of some type in the Yukon.

Mrs. Watson: Mr. Chairman, I am quite willing to wait until the Transportation Association has their brief prepared.

Mr. Chairman: Just in note, the Transportation Association is interested in, I think, how this thing is going to work and the protection and so forth that it will be afforded under this Ordinance. I think the big concern of some Members here is the constitutional aspect of this thing where we give away the powers from Council, in respect of this, and just hand it over to the government. (Mr. Chairman reads sections 55, 56, 57 and 58) Are there any further questions in relation to Bill No. 17 at this time?

Mr. Stutter: Mr. Chairman, I have a general question. Once the Board gets these powers, will they review some of the general P.S.V. Licences that are now in the Yukon and will they be cutting down certain privileges that are now granted to the general holder of a licence? The reason I ask this question is that in rural areas where you have only perhaps one holder of a general licence, if his licence is restricted and the consumer in that particular area needs to use a public service vehicle for transportation of something other than what is covered by that rural person's licence, he would be faced with the additional costs of bringing in perhaps a carrier from, in my particular case, from maybe two or three hundred miles away. What I would like to know is, will these general licences be restricted after this Board gets its power? BILL #17

Mr. Taylor: There couldn't be any because of section 56 where it says that any licence that is in effect when this Ordinance comes into effect will remain the same as it is now.

Mr. Chairman: Until an order in the contrary is made to the Board.

Mr. Taylor: Yes, but there is no thought of the Board cutting down anybody's authority as long as it is being used.

Mr. Stutter: Again, Mr. Chairman, a small firm in the rural area. There may be certain areas of his general licence that he doesn't use perhaps for two or three years at a time. Then he suddenly has a demand for that particular area. I mean, he may be specifically or generally in the gravel hauling business, then there may be some other sort of contract that comes up that he hasn't handled, let's say, for a couple of years. Would this portion of his general licence be restricted or denied him if he didn't use it all the time?

Mr. Taylor: I can't see the Board doing that. I can't speak for the Board until the Board is actually constituted under this Ordinance, but I can't possibly see them doing that. Anybody that has a P.S.V. Licence which is an open, unrestricted authority now would keep that particular authority indefinitely. As long as it is used to a certain extent. You see what I mean? Right now these people that are restricted to gravel haul only have an RES Licence now; they don't have an open P.S.V. authority unless they are in the general commodities field.

Mr. Chairman: Any further questions of either Mr. Gee or Mr. Taylor at this time?

Mr. Chamberlist: Mr. Chairman, I would move that we report progress on this bill.

Mr. Chairman: We would like to thank you gentlemen for coming and I believe it is agreed that we set a minimum period anyway of two weeks on this for the Committee ...

Mr. Taylor: Maximum period.

Mr. Chairman: Maximum period. Would you like to stay, Mr. Taylor, for Bill No. 18.

Mr. Taylor: If you wish, I will.

Mr. Chamberlist: Mr. Chairman, might I point out that Bill No. 2, which is a money bill, we just reported progress on it. I wonder whether we could clear it through Committee today? BILL #2

Mr. Chairman: Is it your desire to deal with Bill No. 2? This bill has been read. Do you wish to proceed with this at this time?

Mr. Chamberlist: I would wish to, if there is no further discussion on it, Mr. Chairman, move it out of Committee unamended.

BILL #2 Mrs. Watson: Mr. Chairman, I second the motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 2 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the motion carried.

*MOTION
CARRIED*

MOTION CARRIED

BILL #18 Mr. Chairman: We will now proceed to Bill No. 18. In relation to this bill, Mr. Legal Adviser, would it not be necessary to split this bill at this time in view of the fact that we have deferred Bill No. 17?

Mr. Legal Adviser: It may be necessary to do this. It is a question of time factor involved in making the changes. There are just a few sections involved but, I think, if the House read the bill then amendments could be prepared, if necessary, dealing with this particular point.

Mr. Chairman: I was only thinking that in view of the fact that we want to get licences on sale by the end of the month, it is going to require a separate bill to do this because they couldn't accept the principle of this one until we accept 17.

Mr. Legal Adviser: It may be necessary to introduce a special bill for this purpose.

Mr. Chairman: (Mr. Chairman reads sections 1, 2, 3 and 4 (1) through (12) of Bill No. 18) This wouldn't apply to a taxi or something of this nature, would it?

Mr. Legal Adviser: Taxies aren't visualized as public service vehicles in that sense.

Mr. Chairman: (Mr. Chairman reads section 3 (13)) Aren't regulation orders Commissioner's Orders?

Mr. Legal Adviser: Commissioner's Orders, yes.

Mr. Chairman: Why do you say, regulations and orders of the Commissioner?

Mr. Legal Adviser: It was just a phrase that came from another ordinance, I suppose it means the same thing.

Mr. McKinnon: Mr. Chairman, I am having a lot of difficulty in what seems to be conflicting sections between the amendments to the Motor Vehicles Ordinance and the Ordinance to Establish a Transport Public Utilities Board in the Yukon Territory. It seems to me that we are doing this in an awful lot of legislation, when it comes down to it, in Federal Statutes also that when a person is interested in obtaining a Public Service Vehicle Licence, I would think that he should be able to go to the public utilities piece of legislation and be able to in that legislation find all the terms and conditions that he has to meet prior to gaining, or when he does gain, a Public Service Vehicle Licence. Not only that, he also has to go to the motor vehicles section to find out other terms and conditions that he has to fulfill upon receiving or when he has his Public Service Vehicle Licence. Certainly, couldn't we be more comprehensive and try to tie them in together so a person could go to one piece of legislation and know what the duties he has to fulfill under a Public Service Vehicle Licence are. Why do we have to have the duties and conditions in two pieces of legislation rather than only one?

Mr. Chamberlist: Mr. Chairman, one of the pieces of legislation is purely for the establishing of the Board. This piece of legislation is amending the Motor Vehicles Ordinance to show that there is a Board being established by another ordinance.

Mr. Legal Adviser: Mr. Chairman, what he gets from the Board is an authority. Armed with that authority he goes down to the Registrar and he registers his actual vehicles. All the legislation dealing with vehicles is in the one ordinance, in the one place, in one office and this establishes the duties of a Registrar in relation to vehicles. The more convenient thing from the operators' point of view, much more so, is to have all his vehicle legislation in one place and his certificate of authority in another place. It is more convenient for himself in the long run although it is confusing for the legislators when dealing with two bills. BILL #18

Mr. McKinnon: We have been told by the Registrar of Motor Vehicles that the conditions that he gets his P.S.V. are going to be on the certificate that is given to him. Will those terms and conditions be the same as those terms and conditions that we see in the Motor Vehicles Ordinance or are they completely separate, not an integrated set of terms and conditions under which he operates his P.S.V. Licence? Won't the terms and conditions of the certificate say that he has to have his name emblazoned on the side of his trucks and things of this nature? Are we talking about different conditions?

Mr. Taylor: The Transport Public Utilities Ordinance is dealing primarily and only with the operating authority. All other conditions are in the Motor Vehicles Ordinance. The only duplication, you might call it a duplication, is the actual description of the commodities which he has the authority to haul as they will be outlined on his certificate of authority and there will also be on his licence he gets, on his P.S.V. Licence, only the restrictions. That is the only conflict between the two bills. Not a conflict really.

Mr. Chairman: (Mr. Chairman reads section 3(14) and section 4(1))
What authority do we have with weigh scales now, as a matter of interest?

Mr. Legal Adviser: I think it is just a vote, Mr. Chairman.

Mr. Chairman: (Mr. Chairman reads section 4(2) through (6))

Mr. Tanner: Mr. Chairman, on that last paragraph there is the same comment here as regarding the previous bill, six months vis-a-vis or five hundred dollars; would that be changed too?

Mr. Legal Adviser: Mr. Chairman, I think not. I think it is obvious that the design is now being six months and five has been equated with five hundred dollars. It is going to appear in this form, I think, through a lot of bills. This is the maximum.

Mr. Tanner: That is what I am saying, Mr. Chairman, if you are going to the maximum either way I suggest the six months is an equivalent to the five hundred dollars and it should be changed all the way through.

Mr. Chairman: (Mr. Chairman reads section 5 and section 6(8))

Mr. Tanner: Why is this gentleman who has broken the law under section 6 going to pay either one thousand dollars or six months and everywhere else in these two bills it has been five hundred dollars or six months?

Mr. Legal Adviser: Mr. Chairman, this is the exception which proves the rule. I can remember distinctly the discussion here was that it was a very serious offence to operate an automobile on the highway without a licence and without insurance and it was decided to mark it by exceeding the average at this point.

Mr. Chairman: Just as a matter of your insurance, if you are driving a motor vehicle, for instance I will give you a good example, somebody cancelled mine by mistake on Friday and they figured it out on Sunday and I had to go down and get it reinstated this morning. In error, when this is done, why should a person be subject to such penalties?

ILL #18 Mr. Legal Adviser: If it was an error, of course, if the Honourable Member had been brought before court, in the interval, he would of had the opportunity to say this before the court and the court would not mark the occasion with a heavy fine. The Registrar, perhaps better than me, would be able to explain the close way this is guarded so that an insurance company is not allowed or permitted to absolve a certain liability simply by terminating your policy. They must first of all give notice to the Registrar of the intention and then they are not allowed to cancel it or suspend it for a period of ten days from that point of time when the Registrar receives the notice.

Mr. Chamberlist: You can always take civil action against the insurance company if you are not put in jail for it.

Mr. Tanner: Mr. Chairman, I really am, I suppose, belabouring this point but if this offence is worthy of one thousand dollars why isn't it worthy of twelve months in prison too? Let's be consistent here.

Mr. Legal Adviser: Yes, I think it would be worth that in a bad case.

Mr. Chamberlist: There is a difference because in section 4(6) the six month imprisonment is an alternative in default, in this section that we now read is any person who operates on a highway and commits an offence is liable on summary conviction to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding six months or to both fine and imprisonment. Now, you see, it is a lot tougher in this particular one than the other. One is just a six month imprisonment for default of not paying the five hundred and the other one is a fine and imprisonment.

Mr. Legal Adviser: It is a court decision, Mr. Chairman.

Mr. Chairman: (Mr. Chairman reads section 6(9) and (10) and sections 7 and 8)

Mr. Legal Adviser: This section, Mr. Chairman, and section 8 and section 9 and 10 and most of section 11 are only in in order to change the words prescribed fee instead of the words the fee set out in Schedule A. There are no changes in substance.

Mr. Chairman: (Mr. Chairman reads sections 9 through 13)

Mr. Legal Adviser: Mr. Chairman, the last three sections are new in here to give a part in view of the person who during the holding of an operator's licence commences to suffer from some disease or affliction that would make it dangerous for him to operate.

Mr. Chairman: (Mr. Chairman reads sections 14 through 18)

Mr. Legal Adviser: Mr. Chairman, this section was already law and makes it easier to prosecute some people, possibly not Honourable Members, by proving that a vehicle is in a particular place and that somebody is the owner of it than it is up to him to show that he didn't put it there, if a parking offence, or didn't knock the person down, if it happens to be a driving offence. By a curious omission this normal evidencial rule did not apply to offences against by-laws made by the city and one of the Honourable Members exposed this gap in the legislation and we are asking the House to cure it.

Mr. McKinnon: Mr. Chairman, why shouldn't this be a right of the city to be able to make these types of by-laws if they so desire. We are saying that city by-laws now, that the Territorial Government is making by legislation that anyone found guilty of contravening a city by-law, we are saying that that is prima facie proof that he actually did commit an act against the city by-law. Certainly, if the city wants that kind of legislation that should be in their confidence to be able to legislate in that manner.

Mr. Legal Adviser: I don't think it would be competent for them to do it but, they have requested us to pass the legislation on their behalf. BILL #18

Mr. Chamberlist: The thing is that a municipality cannot depart in a by-law from the ordinary Motor Vehicles Ordinance. If they depart from the Motor Vehicles Ordinance then what they put into their by-law would be ultra vires. This was the ruling that they cannot depart from.

Mr. McKinnon: For these minor infractions which most city by-laws are, they are like a parking ticket or probably going through a stop sign or something, can't the Territorial Legislature give the right to the city to be able to make the punishment sections under the by-law to give them the authority to regulate those by-laws in the matter in which they see fit, rather than us stepping into the area of municipal competence and making it part of our law that this will be a city demand.

Mr. Legal Adviser: This is possible. We still need an amendment to the Ordinance to give them that power and the convenient place to have it is actually here where it applies to any provision of our own ordinance or the regulations and then you carry on with the by-laws. It is a convenient point to have it so that the people know where to find it. It is much easier to find it here than it is in a city by-law.

Mr. Chamberlist: They can do it now, before they couldn't do it.

Mr. McKinnon: Mr. Chairman, it just seems to me that we shouldn't be cluttering up the territorial legislative authority with matters dealing to the direct enforcement of city by-law. It seems to me that we should be staying within our territorial jurisdiction and in those areas giving the right to the city when they request by delegation of authority, much as the delegation seems to be coming from this Council to different boards and to the Commissioner. Certainly, if we are following this type of thinking then the power should be delegated to the City Fathers to be able to prosecute in the way that they so desire rather than cluttering up our ordinances with the prosecution sections of city by-laws.

Mr. Legal Adviser: I would doubt if they have competence by a by-law to change what is a procedural or evidencial rule in the courts in this manner. It is possible that we could have a section to say that the city may by by-law provide so-and-so and then we could give them the competence. As a matter of convenience it was chosen to do it this way and it didn't seem too unreasonable, Honourable Member, and I am just trying to point that out.

Mr. Chamberlist: Mr. Chairman, the thing is this. We actually say that the municipality can make by-laws as long as it doesn't depart from the Motor Vehicles Ordinance. Now that we have got this in there they can do whatever they want because they are not departing from the Motor Vehicles Ordinance.

Mr. McKinnon: We could arrive at all kinds of difficulties when the City of Dawson or the Municipality of Faro or the City of Whitehorse are at loggerheads. Maybe one of those municipalities doesn't want the area ...

Mr. Chamberlist: They are going to have to make a by-law. They will make a by-law.

Mr. McKinnon: The by-laws are there but perhaps they don't want it to be a prima facie admission of guilt. We are not giving them the ability to be able to do this. They have to if this Ordinance is put into effect.

Mr. Chamberlist: If they don't want to, Mr. Chairman, they don't have to have any by-laws at all. Now, they can make whatever by-laws they want to as long as they don't go away from that which is written there. Now they have the privilege of saying yes or no to it where before they could only

LL #18 Mr. Chamberlist continued
say no because they didn't have the right to do it.

Mr. McKinnon: Mr. Chairman, I know I have a point here. Mr. Legal Adviser admits it. If the City of Whitehorse, which as they requested under this Ordinance, wants to say that if anybody violates one of their by-laws it is prima facie proof that when they find the owner of that vehicle he is charged and he is going to have to prove that he wasn't guilty. Now Faro may not want that type of legislation and Dawson City may not want that type of legislation, but they have got it by virtue of this amendment to the Ordinance whether they want it or not. Mr. Chairman, I want to ask Mr. Legal Adviser whether my point is well taken or not.

Mr. Legal Adviser: With great respect for the Minister I think that Councillor McKinnon has a point. We can do this in either of two ways. We can from our legislative confidence put in a subsection that will say that Council may do this by by-law or we can say wherever an offence is committed under a by-law this evidencial rule shall apply. We can do it either of two ways. It is just that this fits in here with another subsection, this following subsection, at a convenient point in the Ordinance where you are dealing with evidencial rules. When a person or a lawyer is looking for which evidencial rules apply for he doesn't consider what the parking ticket in the city or in the Territory or anywhere he just gets a parking ticket, he knows what the rules are and the ways to apply them. I say, I think we could have probably done it either way. It would have to come from the Council not just a by-law. We have to give them the power to make the by-law.

Mr. Chamberlist: With respect I am going to have a little bit of a legal argument now. With respect, Mr. Chairman, where the Motor Vehicle Ordinance provides that subject to a certain part of this Ordinance a municipality may or may not do certain things this is already giving the power to them. If they wish to make a by-law they can. If they don't wish to make a by-law, they don't have to. It is the privilege of the municipal authority, and this is what we have got in here. In actual effect we are saying that if it doesn't depart, whatever the by-law is, from the Motor Vehicles Ordinance then it can do whatever it wants to. If it doesn't want to, it doesn't have to, but, prior to this if the municipality departed in some way to create an offence that didn't exist under the Municipal Ordinance then it wasn't any good. This was the point that was made. This was the point that I made. We have got to make provision in the Motor Vehicles Ordinance so that any municipality can pass a by-law or not pass a by-law if it doesn't want to. The Honourable Member's from Whitehorse West question is answered that if the Municipality of the City of Whitehorse wishes to make a by-law it can as long as it has the power of the Motor Vehicles Ordinance and if the Municipality of the City of Dawson doesn't wish to make a by-law on the same thing they don't have to. So there is a privilege given to the municipalities to decide whether or not they want the by-law. That is the way I look at it.

Mr. McKinnon: Mr. Chairman, I am sorry, the Honourable Member doesn't see my point. Both the City of Whitehorse and the City of Dawson may want the same by-law, they may want to set up zones in which it is illegal to park. The City of Whitehorse wants when that car goes into that illegal parking zone for the owner of that car to be guilty under this section of the Ordinance, that he has committed an offence and he has to prove himself -- and he has to prove that he hasn't committed an offence. The City of Dawson may want the same by-law setting up illegal parking zones, but, they may not want the fact that a car if it is in there to be prima facie proof that that person has committed an offence. They may be a more democratic type of municipal Council and say no, we are still going to go under the ordinary course of events, still issue a summons or a ticket and then bring this person to court. We are not going to say that just because that persons vehicle is there that is proof that he is guilty of the offence. So both cities may want the same by-laws but both of them may want a different method of prosecution under that by-law. If we pass this it doesn't allow for the Municipal

Mr. McKinnon continued

Governments to make the laws and the laws of prosecution concerning their by-laws the way that they want them and they may be different throughout the Territory. We have taken, what I consider, what should be a municipal right and responsibility away from them and I think that, Mr. Legal Adviser, sees my point and will agree on this.

Mr. Chamberlist: I don't see the point for the simple reason that we might as well say then that the section that deals with parking meters in an area, so that if the people in Dawson City wanted to put the parking meters up there they must have the same procedure. This is not so. It is up to them whether they put them in or not. I disagree. I know the point that is being made alright, the suggestion that prima facie evidence only applies in an area where the Ordinance itself gives what is prima facie evidence, but, it doesn't necessarily apply. It is alright for Mr. Legal Adviser to agree with you, Mr. Chairman, with Councillor McKinnon but the Legal Adviser he is not infallible as it has been known and therefore I don't agree with him. Certainly, I think he is wrong in this instance. I think there is the privilege in there to take care of the very, very thing that the Member is stressing.

Mr. McKinnon: I suggest, Mr. Chairman, that the Honourable Member should be flexible and should be allowed to have no area at all where there could be confusion. I think that if the legislation was changed in the way that Mr. Legal Adviser says, and it is well spelled out, that this is a municipal right and a municipal authority and a municipality if they so desire to prosecute in this way, it is their decision and not the decision of this Council. I think that would clarify the whole issue and the municipalities would have their proper function of being able to prosecute in these minor by-laws that the Territorial Government really doesn't want to get embroiled in in any way, shape or form and let them have the right to prosecute in a method that they see fit. We have given them the right to do it but we have removed our encouragement. municipal by-laws and not clutter up the Ordinance by getting involved in municipal by-laws. I think it is a nicer way of doing it, I think it removes all controversy from the Ordinance that could come about and I think that it also puts the onus on the municipality to prosecute their by-laws as they see fit.

Mr. Legal Adviser: I agree the Honourable Member has a point but I ask him not to press the point home because the chances of parking offences being committed in Dawson -- and parking meters are somewhat remote, and the same with Faro at least in the foreseeable future. We have done what the city asked us to do and they have a stack of parking tickets and they are afraid to go to court because the cars are usually vacant when the ticket checker comes along and all the ticket checker does is take the number and then issue tickets. They have no means of proof in many cases of who put the car there but they make the not unreasonable assumption that most people drive their own cars, and if it was somebody else they would be told about it quick enough. They have asked us for this. Doesn't it seem reasonable to give into this for what they ask for rather than change an evidential rule made by by-law which does to a certain extent offend one's susceptibility to allow them to chop and change the rules of evidence which are always very carefully guarded by all our Members when it comes to court proceedings.

Mr. McKinnon: Now, I am even more suspicious. Do you mean that they will be able to use this section to prosecute those backlog of parking tickets? That we are going to give them the ability to do this now.

Mr. Chamberlist: They haven't got the right to prosecute now. This is the point, Mr. Chairman, ...

Mr. Legal Adviser: Nobody is actually defending these cases except one of the Honourable Members, is the only person whoever defends one. They want to be on safe grounds to know that when they follow the procedure

BILL #18 Mr. Legal Adviser continued
which will be the known procedure everywhere else, that they be in order in doing this. If somebody defends, well they will have to actually come to court and defend not just let it go by default.

Mr. McKinnon: It is not a worthwhile enough point to keep hammering at but I think, Mr. Chairman, with respect that it would have been a lot easier and a lot less uncluttered if it had been put into legislation in the way that Mr. Legal Adviser had suggested on the point that I made. I don't want to see this legislative body getting tied down into the area of municipal confidence which I think that they are well capable of dealing with themselves.

Mr. Tanner: Mr. Chairman, I would suggest that we ask the Honourable Member from Dawson City when they will put in parking meters.

Mr. McKinnon: It can be any kind of by-law, whether it be a parking by-law or stop sign by-law anything, it is going to be prima facie evidence in Dawson too that the guy is guilty.

Mr. Stutter: Mr. Chairman, I will take that point under consideration and table a report at the earliest date.

Mr. Chairman: I wonder if Mr. Taylor could be excused at this time. Is it your wish that I report progress on this bill? Thank you very much Mr. Taylor.

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

Mr. Stutter: I second the motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Stutter, 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 resumes the Chair.

Mr. Speaker: The House will now come to order. May we have the report from the Chairman of Committee?

Mr. Chairman: Yes, Mr. Speaker. Committee convened at 11:30 a.m. this morning to discuss Public Bills and Sessional Papers. Mr. Gordon Gee representing the Yukon Transportation Association attended Committee to discuss Bill No. 17. Committee recessed at 12 noon and reconvened at 2:10 p.m. this afternoon. Mr. H.J. Taylor, Registrar General, attended Committee to discuss Bills No. 17 and 18. I can report progress on Bill No. 17. It was moved by Councillor Chamberlist and seconded by Councillor Watson that Bill No. 2 be reported out of Committee without amendment and this motion carried. I can report progress also on Bill No. 18. It was moved by Councillor Chamberlist, seconded by Councillor Stutter, that Mr. Speaker do now resume the Chair; 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, I believe it is the intention of Committee tomorrow to deal with Public Bills and Sessional Papers.

Mr. Speaker: What is your further pleasure?

Mr. Stutter: Mr. Speaker, I move that we call it 5:00 o'clock.

Mr. Chamberlist: I second the motion.

Mr. Speaker: It has been moved by the Member from Dawson City, seconded by the Member from Whitehorse East, that we now call it 5:00 o'clock. Are you prepared for the question? Agreed? Motion carried.

MOTION CARRIED

*MOTION
CARRIED*

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

ADJOURNED

ADJOURNED

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. Are there any Documents or Correspondence to be tabled?

Mr. Chamberlist: Yes, Mr. Speaker. This morning I have for tabling Legislative Returns No. 3, No. 4 and No.5.

Mr. Speaker: Are there any Reports of Committee? Are there any Bills to be introduced? Are there any Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? As there are no Motions for the Production of Papers, we come to the Question Period. Mr. Clerk, will you see if the Commissioner is available. We will now have a short recess.

RECESS

RECESS

Mr. Speaker: The House will now come to order. Are there any questions?

Mr. Taylor: Yes, Mr. Speaker. I have a written question for which I would request a written reply. Would the Administration communicate with the Canadian Broadcasting Corporation in an effort to determine what progress is being made respecting the installation of L.P.R.T. facilities at Ross River and Frontier Package Television facilities at Teslin and Faro. I have a further question, Mr. Speaker, that I would like to direct to Mr. Commissioner this morning. It has been rumoured that we may now be expecting a visit from the Deputy Minister, Mr. Basil Robinson, and I'm wondering if Mr. Commissioner could give us details as to this visit.

QUESTION #8

QUESTION RE
VISIT OF
DEPUTY
MINISTER

Mr. Commissioner: Mr. Speaker, I can't firmly verify this situation at the moment, but, as intimated in answer to a question from the Honourable Member approximately one week ago, I had advised him that I have invited Mr. Robinson to come and make a trip around the Territory. I am hopeful that this can be arranged during the week of March 8th to the 12th. Just right at this moment, however, I cannot fully verify. His visit here will be to make a trip around the Territory and I expect to accompany him on that trip. As soon as I have anything further on it, I will be very happy to advise the Members, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner whether he has received any representation from the City of Whitehorse concerning the cut in the budgeted statutory grant in the City's budget?

QUESTION RE
STATUTORY
GRANT TO
CITY

Mr. Commissioner: Mr. Speaker, the answer is in the affirmative. I had a letter delivered to me by hand yesterday outlining the City's position in this matter, Mr. Speaker.

Mr. McKinnon: Is it possible, Mr. Speaker, that Mr. Commissioner could table this correspondence for Council.

Mr. Chamberlist: We know about it already.

Mr. Commissioner: Mr. Speaker, certainly the Honourable Members have the facility to request for the tabling of papers in this manner. If such a request was made, Mr. Speaker, it certainly, would be complied with.

Mr. Chamberlist: The Mayor gave you a copy.

*QUESTION RE
EMPLOYMENT
LIAISON
OFFICER*

Mr. McKinnon: Mr. Speaker, I was very happy to see the appointment of Mr. Thomas D. Conway as Employment Liaison Officer, Northern Services Division, Territorial Affairs Branch, Department of Indian Affairs and Northern Development in Ottawa. I wonder if Mr. Commissioner could tell me how Mr. Conway's position will affect employment liaising in the Yukon Territory.

Mr. Commissioner: Mr. Speaker, I think the best way to answer the Honourable Member's question, would be for me to bring forward the outline of the duties as indicated in the competition that was called in this regard. This I will be most happy to bring forward. I will have it available for the Question Period tomorrow morning, Mr. Speaker, if that would be satisfactory.

Mr. McKinnon: He gets a salary commensurate with his title. That could be \$100,000 a year.

Mr. Speaker: Are there any further questions? We wish to thank the Commissioner for his attendance. As there are no Private Bills and Orders, we will proceed to Public Bills and Orders.

*BILL #2
THIRD
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 2, An Ordinance Respecting a Financial Agreement Between the Government of the Yukon Territory and the Government of Canada, be given Third Reading.

*MOTION
CARRIED*

MOTION CARRIED

*BILL #2
TITLE
ADOPTED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 2, An Ordinance Respecting a Financial Agreement Between the Government of the Yukon Territory and the Government of Canada, be adopted as written.

*MOTION
CARRIED*

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 2 has passed this House.

*BILL #24
FIRST
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 24, An Ordinance Respecting the Yukon Health Care Insurance Plan, be given First Reading.

*MOTION
CARRIED*

MOTION CARRIED

*BILL #24
SECOND
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 24, An Ordinance Respecting the Yukon Health Care Insurance Plan, be given Second Reading.

*MOTION
CARRIED*

MOTION CARRIED

Mr. Speaker: What is your further pleasure?

Mr. Taylor: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing Public Bills and Sessional Papers.

Mr. Chamberlist: I second the motion.

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

*MOTION
CARRIED*

MOTION CARRIED

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

Mr. Taylor takes the Chair.

Mr. Chairman: I think, just before we go into Committee, it is our intention to have a short caucus this morning.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order. We are proceeding with Bill No. 18, page 7. Have you anything further on section 18? (Reads section 19, subsection (l), section 20, subsections (o), (p) of Bill No. 18.) Would this not mean inspectors, instead of "any peace officer or officer"?

BILL #18

Mr. Chamberlist: Not necessarily.

Mr. Chairman: (Reads section 20, subsections (q),(r),(s),(t),(u),(v), (w),(x), sections 21 and 22.) What is your further pleasure?

Mr. McKinnon: Well, Mr. Chairman, I would like some discussion on the schedule of fees. I wonder if, -- whether it is possible to have before Committee the changes in the schedule of fees from last year to this year?

Mr. Chamberlist: About the same. They are the same except for the trucks. We could find this out.

Mr. Chairman: Mr. Clerk, would you have this information?

Mr. McKinnon: Where is the last schedule of fees?

Mr. Chamberlist: Mr. Chairman, Mr. H.J. Taylor, Territorial Secretary, is outside, and he has all the differences. Perhaps we can have him in?

Mr. Chairman: Agreed? We have with us the Registrar of Motor Vehicles. I believe the question, Mr. Taylor, related to what differences can be found in the proposed schedule of fees in relation to the repealed schedule of fees in the old Ordinance?

Mr. H.J. Taylor: Firstly, Mr. Chairman, you will note that the new proposed schedule of fees, is headed gross weight. You can't very well compare this new schedule with the old one, and without knowing exactly what it means. The old one was in -- was based on the carrying capacity of the vehicle, and the new one is based on the gross vehicle weight. The first item there, for instance in trucks when you see "up to 5,000 lbs - full fee \$20.00" whereas in the old schedule, it was 2,000 lbs up to \$20.00. In the old schedule, that was the carrying capacity, and that was a standard size pickup, a 1/2 ton pickup or a one ton pickup -- up to a one ton pickup, but in the new schedule, the gross vehicle weight up to 5,000 lbs, only includes the smaller type pickups, like the Datsuns and what not. You get up to the "5,000 to 10,000" that includes the standard size up to one ton pickups, which shows an increase of \$5.00, from \$20.00 to \$25.00, and so on up there, the rest of the schedule. All the way through the truck schedule, you have to convert it from carrying capacity to gross vehicle weight. That is to facilitate the operation of the scales and what not. Further to that, another change that we made was in the -- or well, take the next section, passenger vehicles - there is no change, it is still based on the wheel base. Next section, trailers - there is no change. Then, you get down to the restricted Public Service Vehicle Licence, and the P.S.V. Licences. They are both based on issuing one licence plate to each vehicle, rather than under the present schedule, we issue a truck licence as well as a P.S.V. licence, so if you add the two together on the old schedule, you will see that there is not quite the increase, as it looks at first glance. For instance, in the

Mr. Chairman: What in the -- under public service vehicles, take for example class III, 24,000 - 36,000. It is proposed that \$288.00 be charged, now, what would that vehicle be charged at the present time?

Mr. H.J. Taylor: You are looking at (d) and (e) I dare say, they are both the same, aren't they?

BILL #18 Mr. Chairman: I was looking under Public Service Vehicle, Class III which says, 24,001 to 36,000 - \$288.00 would be the full fee.

Mr. H.J. Taylor: You would be better to compare item (d) with the old schedule, because the Restricted Public Service Vehicle Licences are now a little bit less. The P.S.V. Licences have been raised.

Mr. Chairman: What is the difference?

Mr. H.J. Taylor: Approximately one-third has been added to the price of those licences. Without trying to compare each item, item by item, it is pretty difficult to do.

Mr. McKinnon: That is approximately a third increase?

Mr. H.J. Taylor: Yes. There is a little bit more when you get up to the top bracket, because you will note that the most expensive or the heaviest truck licence last year was \$360.00, and now it is \$750.00. That is a category that we never had before, you see, you are getting right up to 74,000 to 95,000 gross.

Mr. McKinnon: What is this Sicard?

Mr. H.J. Taylor: Pardon?

Mr. McKinnon: What would that be, Sicard at Anvil, one of those? Would that be an example of G.V.W. there? The ore carriers?

Mr. H.J. Taylor: Yes, the ore carriers.

Mr. McKinnon: That would be from the open pit down to the mill?

Mr. H.J. Taylor: No, no, these are highway trucks.

Mr. McKinnon: What licence do they take?

Mr. H.J. Taylor: They would take that top category.

Mr. Chairman: What category would an ordinary semi-trailer, Kenworth semi-trailer operation -- what category would they generally fall into?

Mr. H.J. Taylor: They would take the one below that, the \$500.00 one. This 50,000 - 74,000 gross, that has been -- there has been a change since yesterday, to raise the 74,000 to raise it to 76,000 to bring it in line with B.C. So, that category really should be changed to read 50,001 - 76,000. Last year they paid \$360.00, this year for a Restricted P.S.V. Licence it would be \$425.00 and for an open P.S.V. it would be \$500.00. The only major increase is been in the heavier trucks, as you will notice.

Mr. McKinnon: This would generally be one on the ore haul run?

Mr. H.J. Taylor: Yes, that is right.

Mr. McKinnon: It would be in this category, and they go from \$360.00 to \$750.00?

Mr. H.J. Taylor: Yes.

Mr. McKinnon: Almost double.

Mr. H.J. Taylor: Yes.

Mr. McKinnon: Over double, I should say.

Mr. H.J. Taylor: Well, they were, shall we say, way below what they should have been last year, for the last several years. This is still

Mr. H.J. Taylor continued ...

way under what they have to pay even for a maximum of 76,000 lbs. gross *BILL #18*
in any of the provinces.

Mrs. Watson: What do they pay in B.C.?

Mr. H.J. Taylor: They pay somewhere in the neighbourhood of a \$1,000.00,
and that is up to 76,000 lbs. limit.

Mr. Chairman: How about the rest of the schedule?

Mr. H.J. Taylor: Well, the next item there is the bus licences which
shows a seating capacity of 15 or less, \$80.00. To get a comparison,
you have to add the bus licence, the P.S.V. licence for passenger carrying
of \$55.00 plus the automobile registration which was \$20.00, \$55.00 plus
\$20.00, and it is only raised \$5.00, you see. It was \$55.00 plus \$20.00
- \$75.00 for last year, this year it is \$80.00 for the basic licence plus
the \$2.00, which was on last year too. The same thing with livery licences,
they were \$25.00 plus the \$25.00 registration fee, so they are up \$5.00,
that's all. As a matter of fact, there is no increase on the bus licences
at all, it was \$55.00 plus \$25.00 last year, so it is the same thing.

Mr. Chairman: Under h you say, " motor vehicles or trailers owned and
used by the Government of Canada or the Territory", why are crown
corporations included in this category? Why should they not pay the fees
as anyone else?

Mr. H.J. Taylor: Well, this is the category they have always been in,
and they don't have to buy licences if they don't want to. That is the
way it has always been. They buy them, more or less for identification
purposes, that is the vehicles with the X plate. The crown corporations
that they made subject to the Motor Vehicles Ordinance now buy regular
licences, like C.N.T., C.B.C.

Mr. Chairman: Why shouldn't these people pay in the normal manner that
any other industry pays?

Mr. H.J. Taylor: Because they don't have to pay at all if they don't wish
to.

Mr. McKinnon: Are all crown corporation's vehicles within the Yukon Ter-
ritory now paying Territorial licence fees?

Mr. H.J. Taylor: I don't believe all crown corporations are.

Mr. McKinnon: Are N.C.P.C.?

Mr. H.J. Taylor: I believe N.C.P.C. are and C.B.C. and C.N.T., but I
would have to check that. There is a special act came down putting them
under our Ordinances. They also have to pay fuel tax, by the way. The
rest of the schedule, I don't think there are any changes at all, except
in the operator's and chauffeur's licences. You will notice that we
show operator's licences, all classes - \$3.00, and previously we had the
two categories, operator's licences - \$2.00 and chauffeur's licences -
\$5.00. We made them all \$3.00 for simplification, and it will result in
a small increase in the total revenue. This is because we hope to intro-
duce the new concept of seven different categories of operator's licence
only and no chauffeur's licence at all.

Mr. McKinnon: This year?

Mr. H.J. Taylor: This year, yes.

Mr. McKinnon: How will it work?

Mr. H.J. Taylor: Well, we think that it will work a lot better. It is
first -- we, if we do institute this, we will be the first jurisdiction

BILL #18

Mr. H.J. Taylor continued ...
in Canada, and the rest are delude to follow suit because the matter has been approved in principle by the Ministers at their last conference. Being a smaller Territory, we can move a lot faster than the provinces can, because we don't have too many politicians getting in the act.

Mr. McKinnon: What will be the seven classes?

Mr. H.J. Taylor: Oh, there is the regulation that you can look at, but, the top class is the unlimited size of truck and passenger carrying buses, and the bottom one is the learner's licence.

Mr. Chamberlist: Mr. Chairman, I think that the witness was just being jocular, we must not take serious what he said with reference to politicians getting into the act, that is our function.

Mr. H.J. Taylor: My apologies, Mr. Chamberlist.

Mr. McKinnon: What would be the difference in the licence fee for one of the big ore carriers taking ore from the pit down to the crusher? What category would this fall into? What would their increase in licence fee be?

Mr. H.J. Taylor: They don't pay a licence fee.

Mr. McKinnon: They don't pay any fee at all?

Mr. H.J. Taylor: No.

Mr. McKinnon: They are on private roads, so they don't pay.

Mr. H.J. Taylor: That is right.

Mr. Chairman: Is there anything further on the schedule of fees? It appears that as licence plates go on sale at the end of this month, that this bill will have to be split, or somehow dealt with?

Mr. Chamberlist: No, Mr. Chairman, with respect, there is no necessity to split the bill or do anything else with it. I am sure that Mr. Legal Adviser will agree that he spoke in haste, somewhat, yesterday. The section 22 is quite clear, because it makes provisions for all these certain areas of the Ordinance to be brought into force. With respect, Mr. Chairman, this Ordinance or any of the provisions, or any of the provisions, they are the important words in it, of this Ordinance will come into force on a day or days to be fixed by the Commissioner. Those areas that we can not fix because of the fact that they refer to the Public Utilities Board, are not brought into force.

Mr. Chairman: True, but you say that the purpose of this bill is to make the changes in the Motor Vehicles Ordinance required to implement the policy contained in the Transport Public Utilities Ordinance. I am saying that if Bill No. 17, being that Ordinance, that policy is not acceptable then ...

Mr. Chamberlist: Well, the explanation -- the explanatory sheet does not form part of the Ordinance itself, Mr. Chairman. Those areas that will not be brought into force, are those areas that would be part of the policy situation, but I don't think we should worry about those areas that can not be brought into force. We will just not bring them into force, and the Commissioner will specifically bring into force those areas dealing with schedules, this is the main thing.

Mr. Legal Adviser: Mr. Chairman, the position is this, the last section of the bill is a copy of the section which is to be found in the Federal

Mr. Legal Adviser continued ...

Acts, such as the Criminal Law Amendment Act, which amended the Criminal Code, which enabled the Government of Canada to bring some sections into force, because the organization was ready for those sections, and to hold back other sections, such as say, the Breathalyzer Provisions which they didn't put into force and to enable this to be done. Now, what I would suggest the best thing would be that, assuming that the bill except for section 6, the amended section 6 which is section 3 of this bill was accepted by this Council, then the bill would be passed, and an undertaking would be given by the Commissioner, not to proclaim section 3 of this bill into force until such time as the Transport Public Utility Bill had in fact been passed, and if that wasn't passed, then the Commissioner would undertake not to proclaim section 3 of this bill, amending section 6 of the Motor Vehicle Ordinance into force at all.

BILL #18

Mr. Chairman: Is the Commissioner prepared to give the assurance to Committee that this is indeed the case?

Mr. Commissioner: Yes, Mr. Chairman, this is the only practical means of dealing with this. I am prepared to

Mr. McKinnon: Mr. Chairman, I haven't seen anywhere a breakdown in the schedule of fees, or if I have, I have forgotten it, what actually the increase in the schedule of fees under the Motor Vehicle -- the amendments in the Motor Vehicle Ordinance will mean in increased revenue to the Yukon Territory, in all the fees that we have under this schedule of fees, what's projected -- will be the increased revenue for the next year?

Mr. H.J. Taylor: Well, we made, you might say a "guessestimate", and it is pretty hard to do it. It is strictly a loose estimate, but we came out with a figure of somewhere in the neighbourhood of \$100,000.00 or a little bit more.

Mr. Chamberlist: Mr. Chairman, I would move that -- well we don't need a motion.

Mr. Chairman: Well, is there an amendment?

Mr. Chamberlist: No, there is no amendment, just typing errors.

Mr. Chairman: Oh, that was in section 3. Alright, what is your pleasure in relation to this bill?

Mr. Chamberlist: That this bill be passed out of Committee without amendment.

Mrs. Watson: Mr. Chairman, I second that motion.

Mr. Chairman: I wonder if Mr. H.J. Taylor could be excused at this time? Agreed? Thank you very much, Mr. Taylor for being with us. It has been moved by Councillor Chamberlist and seconded by Councillor Watson that Bill No. 18 be reported out of Committee without amendment. Are you prepared for the question?

Mr. McKinnon: Mr. Chairman, I am going to be constant, and voice my objections to this increase in the scheduled fees. Yesterday, I spoke at some length upon what I thought was going to happen to the people in the Yukon Territory, and what a disaster it was for the tax increases that were being forced upon them by the Government at this time. I am going to speak on behalf of the companies operating within the Yukon Territory this morning, and just say that I think that this is a pretty healthy and a pretty unsubstantiated whack to more than double the schedule of fees for a P.S.V. Licence for every ore carrier that is hauling ore on Yukon Highways at this time. I think that it has been brought before this Committee, and I think that all Committee Members are aware, that there was only one of the mines, namely Clinton Creek, operating in the

BILL #18

Mr. McKinnon continued ...

Yukon, that was in a healthy financial position as of last year's operation. I think that the whole concept and philosophy of this Government is extremely wrong at this time in taking this healthy whack at all the transportation companies in the Yukon. I don't think that they really understand what they are doing at this time to the Yukon's economy. The inflationary spiral that the Government talks about is one that they are creating, and the higher prices that are going to result from a higher cost of living for every person in the Yukon Territory, are going to be a direct result of this Government's attitude in not holding the line in taxation at this time. There is not a person, there is not a company, there is not a family in the Yukon Territory that isn't going to suffer through an increased cost of living because of this Government's unnecessary action at this table at this time. Of course, Mr. Chairman, as I said I am going to be constant in my stand on this, and I will be voting against the amendments to the Motor Vehicles Ordinance at this time, because I just don't believe that it is proper for the Government of the Yukon Territory to be raising this type of taxation at this time in the Yukon's history, Mr. Chairman.

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

Mr. Stutter: Mr. Chairman, I would like to ask one question at this point. We have been told by Mr. H.J. Taylor that the projected increase in revenue on this increase alone is possibly \$100,000.00. I would like to ask if that does in fact show up in Vote No. 12 in the budget?

Mr. Chairman: Yes, it is in there. The question has been called. Are you agreed? I declare the motion carried.

*MOTION
CARRIED*

MOTION CARRIED

*SESSIONAL
PAPER #10*

Mr. Chairman: The next item of business is Sessional Paper No. 10, related to the T.E.S.T. programme.

Mr. Stutter: Mr. Chairman, I don't think I need to point out to Members the importance of this programme, I am sure that they all support this programme as I do, wholeheartedly. However, ever since last fall, these people have expected a grant to come from the government in the sum of \$21,000.00. It has since then been chopped down to \$15,000.00. In the meantime, part of their expenses have been picked up by the Department of Education, for paying training people in various areas. The T.E.S.T. people are very worried at the moment, that their programmes may indeed have to come to an end if they can not get some real assurance that this \$15,000.00 is actually going to be given to them. They have been, I wouldn't say put off, but they have been thinking that they are going to get this fund for a long time, and they have been carrying on with their expenses, and they have got to the point now where they are even digging into their own pockets in instances to pay bills. They have reached the point where they just can't go on any longer unless they do get this grant. I think there has been a wire or a telex communication between Treasury here and Ottawa. I think, perhaps, Mrs. Watson could -- or Councillor Watson could give us a little information on that.

Mrs. Watson: Mr. Chairman, we have contacted Treasury, and the reply we had was that they would have a definite answer for us as soon as it was humanly possible, so we hope that it is humanly possible to have some definite answer by today.

Mr. Stutter: Mr. Chairman, I am just wondering if all Members of this Committee are familiar with actually what the money is required for? Is it necessary that we call a witness at all on this, or is everybody satisfied that this money is in actual fact being put to real good use? It is mostly for training personnel, but I am sure that a witness could be called if this is required by the Committee.

Mr. Chairman: Does any Member require witnesses in relation to this? Well, the Chair understands that there is -- that something is being done on this?

SESSIONAL
PAPER #10

Mrs. Watson: Yes, Mr. Chairman, we will follow it through as much as we possibly can. If we can't get a definite answer, well it is a federal responsibility, definitely. We have tried to get some definite commitment from them.

Mr. Commissioner: Mr. Chairman, with respect on this matter, what is happening with these programmes is that the Federal Government, in a moment of enthusiasm here a few years ago, decided that alland sundry were going to be fun and games all across Canada from approximately January 1 until the following December 31. If they have got one of these programmes going, they have ten thousand of them going. They are attempting to back away from them. Now, there is just nothing that we can do at our level to tell the Federal Government to cough up these funds. We have done I think everything that is humanly possible. I am sure that Councillor Stutter and all other Councillors, along with myself and my people, are very interested in supporting the programme, but it is definitely a Treasury Board decisions to make, as to whether these funds are going to be made available or whether they are not. The whole thing is that the amateur -- fitness and amateur sport programme of the Department of National Health and Welfare is coming under very, very close scrutiny and they have already backed away from many of the grants that are being made to the provinces and the territories. This is simply another area, as far as we can determine, that their reluctance to give us an answer at this time is a pretty fair indication that they are backing away from this one too. They are simply looking for some vehicle that will let them back away.

Mr. Stutter: Mr. Chairman, Mr. A.J. Fraser stated in November that the \$15,000.00 grant had actually been approved, later again on January 27th, 1971, Mr. Fraser again sent a telex stating that the Yukon's submission for T.E.S.T. was currently under consideration. Is this actually what you are getting at, Mr. Commissioner, that they have perhaps had a change of heart since November 18th?

Mr. Commissioner: Mr. Chairman, this is the way the Federal Government talks, they either put their money where their mouth is, or you don't get any money. One of the two. When you don't get money, I mean -- there is the message loud and clear. Not only that, but it is all very well what Mr. Fraser says on fitness and amateur sport, but I can assure you that it is a Treasury Board decision. The Treasury Board will make up its mind whether or not the approval that Mr. Fraser and his officers have seen fit to give this programme as to whether it is going to be met with federal funding or whether it isn't. He can approve anything he wants to, but until the Treasury Board says that he can have the money for it, why there it is. All we can do -- I think that the last step we can take, Mr. Chairman, and I prepared to commit myself at this time, is for a direct representation to the Minister, Mr. Munro, and see if that will bring forth an answer, but this is the last step.

Mr. Stutter: Mr. Chairman, I just have one further question here. The Recreation Branch has advanced to the Yukon T.E.S.T. the sums totalling \$4,800.00, which will be refunded when the grant is received. Do we have any assurance that this programme would still be carried on under that Recreation Branch at the moment until we get something a little more definite on it?

Mr. Commissioner: I am quite confident, Mr. Chairman, that such funds as there are available, that can be properly assigned to this group will be done so. As far as giving you any assurances, I can not, because I think that all Members know from questions that were answered during the budget discussions here, that we don't even have the funds to take care

SESSIONAL
PAPER #10

Mr. Commissioner continued ... of those programmes that we are already committed to, let alone taking on a Federal Government one. Not only that, Mr. Chairman, we have advanced this money, and there is absolutely no assurance of any kind that these monies will even be repaid to the Territorial Government.

Mr. McKinnon: Mr. Chairman, one interesting note, that in the Canadian Winter Games just finished in Saskatoon, that the Yukon, in the field of athletic endeavour finished a distant last amongst all the provinces and our sister territory to the north. The only success in any type of athletic endeavour at all was the results of the T.E.S.T. programme now going on in Old Crow, where at least the Old Crow girl saved us from a thorough skunking, and at least brought home a bronze medal to the Yukon, I believe, the only medal that was won by any of the Yukon athletes that journeyed to Saskatoon. It is also interesting to note that in the Northwest Territories, where the T.E.S.T. programme has been under a healthy financial aspect for some years, that the Northwest Territories finished ahead in points of some of the smaller provinces, like Prince Edward Island, in the total points, and two or three steps ahead of the Yukon in the overall standings at the Canadian Winter Games, so that it is probably the only successful athletic program that we have going in the Yukon, that we can actually see the results of. I think that it would be a real shame if the money wasn't forthcoming from the Federal Government when it has proven its ability to do so much good, in both the Northwest Territories and the Yukon. It seems to me, that it is another perfect example of where the Northwest Territories has no problem in any way, shape or form of soliciting the federal funds for programmes in the Northwest Territories, but when it comes to the Yukon, it is just another story from the Federal Government. We don't seem to be able to make these funds forthcoming for the same programme just because, in this instance, they realize that there is a difference in the Yukon and the Northwest Territories when it comes to funding, and in other areas they just lump the whole of the north together.

Mr. Chairman: Is there anything further on Sessional Paper No. 10?

Mr. Stutter: Mr. Chairman, if necessary, I would like to make a motion that this Council do solicit support of the Federal Government in this particular programme, and that they really consider or really come through with this grant if at all possible. I realize that we are very limited in what we can get from the Federal Government. I will certainly make a motion to that effect if it will do any good.

BILL #19

Mr. Chairman: I suggest that possibly your best course of action would be to see what is forthcoming immediately from the Administration, and then possibly under Orders of the Day, a motion would be quite in order. Would that be agreeable? The next bill is Bill No. 19, An Ordinance to Constitute the Territorial Court of the Yukon Territory.

Mr. Chamberlist: Mr. Chairman, as the next three or four bills will be -- it is all to do with the taking over of the administration of Justice from the Federal Government by the Territorial Government, and this bill: "The purpose of this bill is to establish a Territorial Court with similar powers and jurisdiction to the Territorial Court established by the Yukon Act."

Mr. McKinnon: Mr. Chairman, I wonder if I could have a note of explanation from the Legal Adviser. It would seem to me, that this bill should not come into force until amendments were made to the Yukon Act. Are these amendments to the Yukon Act intended to coincide with the passage of this bill? Are these amendments now before the House of Commons?

Mr. Legal Adviser: The position is that the House of Commons has already passed and enacted into law the necessary amendments to the Yukon Act, but the scheme was that the amendments to the Yukon Act would be held in suspension pending the fixing of a date for the coming into force by the Governor in Council. These bills will be treated in a similar fashion

Mr. Legal Adviser continued ...

except that the proclamation will be issued by the Commissioner in Council. Now, the Sessional Paper No. 11 lists the sections in the Yukon Act that are going to be governed by these bills. There will be two proclamations issued, one by the Governor in Council and one by the Commissioner in Council to coincide together on the moment of time between midnight on March 31st and April 1st.

BILL #19

Mr. Chairman: (Reads sections (1),(2) of Bill No. 19.)

Mr. Tanner: Mr. Chairman, may I ask a question of the Legal Adviser? Is that the judge of the Superior Court or a magistrate?

Mr. Legal Adviser: Territorial Court. If I might just for a moment, speak about section 2. The intention is that there will be one permanent judge of the court. He will be ex officio judge of the Court of Appeal, and the judge of the Court of Appeal will be ex officio judge of the court. In addition there are deputy judges appointed from time to time for various reasons; this judge has either tried one aspect of the case or disqualified himself, and there is an ex officio judge also pursuant to the Northwest Territories Act, Judge Morrow, who must be taken
.....

Mr. Chairman: Clear on two? (Reads section 3 of Bill No. 19.) Does that answer your question?

Mr. Tanner: Yes.

Mr. Chairman: (Reads section 4, section 5, subsections (1),(2),(3) of Bill No. 19.) Clear? (Reads section 6, subsections (1),(2),(3) of Bill No. 19.) I have a question from the Chair. Why is this restricted to civil? Why does this not go into criminal?

Mr. Legal Adviser: We can't deal with criminal procedure by virtue of the constitution. We can only deal with civil cases; criminal cases are under the Criminal Code.

Mr. Tanner: Mr. Chairman, is there reciprocal legislation already in force, or is it going to be put in force in the Northwest Territories?

Mr. Legal Adviser: Yes, and we are not completely reliant for the validity of this power in this Ordinance. It is being retained in the Yukon Act to cover facts and additions.

Mr. Tanner: It is already in force then?

Mr. Legal Adviser: Yes.

Mr. Chairman: (Reads section 7 of Bill No. 19.) I think at this time we will stand Committee in recess until 2:00 o'clock.

RECESS

RECESS

Page 322.

Tuesday, February 23rd, 1971.
2:00 p.m.

Mr. Chairman: At this time we will call Committee back to order. Do you have anything further on section 7? Section 8, (Mr. Chairman reads sections 8 and 9).

BILL #19

Mr. Legal Adviser: Mr. Chairman, this is a new section. It parallels a similar section which is now found universally throughout the provinces, whereby, when a point is made about Council as to the validity, there is a possibility of the Attorney General or the Commissioner-in-Council coming to argue the point, and not leaving this important constitutional decision to be decided by the two litigants in the case.

Mr. Chairman: (Mr. Chairman reads sections 10, 11, 12, 13 and 14)

Mr. Chamberlist: For information, I have a question I would like to ask Mr. Legal Adviser. Where an Exchequer Court sits in the Territory, have we the jurisdiction to have an Exchequer Court sit here?

Mr. Legal Adviser: An Exchequer Court is a federal court and it gets its authority and jurisdiction from the Federal Government.

Mr. Chamberlist: Not from the Yukon Act?

Mr. Legal Adviser: Never.

Mr. McKinnon: Mr. Chairman, I didn't ask this question as we were going through the votes, Vote No. 8, the Department of Legal Affairs, but I would like to ask Mr. Legal Adviser now if he would explain just what the changes of Bill 19, 20, 21 and 22 actually mean to the people of the Yukon Territory, just what power the Territorial Government will now have. I don't see any mention at all in these Bills about the Director of Legal Affairs and it seems to me that this would be the person who would be directly responsible under Legal Affairs for the proper conduct of these courts that are now under the jurisdiction of the Territorial Government for the first time. I wonder if he could give an explanation, just how the whole system is going to work now that it is going to be turned over to the Territorial Government for the first time.

Mr. Legal Adviser: Yes, Mr. Chairman, all the people who are dealt with here are officials of the Court of Justice. The Director of Legal Affairs and other civil servants to whom certain orders will be issued or delegated the authority to order just like Mr. Taylor who is the Registrar of Companies by a statutory authority but for other portions of his work is a civil servant who directs people to go here and there and do certain things, and this responsibility is given to him under the Public Service Ordinance. It has not been the custom so far to set up a department by such a statute as is common with the Federal Government, and there is no reason why we should have to set up a Department of Legal Affairs and make a headline there. The scheme of the whole operation is the constitution of court as a function of the local government within our jurisdiction, and up to now we have not had this court. The provinces have all had it from the time they were colonies and continue to have it. They create the actual court. They don't have the appointment of the judges, but they do have the appointment of magistrates and of course they have the appointment of all the officials who sat in court. In the provinces the Minister who is appointed is usually the Minister of the Justice of the Peace Department. In the Federal Government it is the Minister of Justice who is responsible for the staffing of the said Court, the Supreme Court of Canada, or any other court which may be set up from time to time by the government. Now in constituting the court, we have to have three courts; the Magistrate's Court, the Territorial Court and the Court of Appeal. These are the courts that would be set up by the

BILL #19

Mr. Legal Adviser continued.....

Yukon Act. We have made the attempt not to tamper with the jurisdiction of the court, or the operation of the court, but merely to transfer the organization to the jurisdiction of the Territorial Government with as few changes as we can get away with at this time. And the only changes -- there will be no change of name, for instance, because we want to retain certain powers in the Yukon Act in relation to these courts. The only changes of substance in the Territorial Court has been section 9, where it is provided -- where a constitution of argument developed as to whether an order from this House is valid or not, and it happened between two private people or it happened between a prosecutor and a defendant or defendant counsel, that notice must be given to the Attorney General of Canada if there is state in the validity of the Yukon Act. A second innovation here has been section 8, where it is provided that where a judge of court has resigned he still may give judgment up to two months after his resignation, and this is a provision that might be useful. Otherwise the judge might not be able to take a transfer or a further appointment or an appointment to the Court of Appeal this way he can still give judgment for a period of two months. In the Court of Appeal instance, we have preserved the name; the presumption is that the judges who presently constitute that court, who are the judges of the Court of Appeal in British Columbia, will be reappointed by the Governor-in-Council. One assumes that they will accept the appointment, and we have been careful to preserve as wide a range of appeal as is possible to give that court so that they would have a -- make a decision on appeals on every decision of the Territorial Court, and in very many cases, this would extend to the Magistrate's Court where a of appeals are. As far as the Justices of the Peace are concerned, they keep the same jurisdiction, although, it was noted that in the list of sections we're preserving in the Yukon Act, there is one section in relation to the Justices of the Peace we are preserving which gives a Justice of the Peace the power of two Judges. The reason for this is because in federal statutes, it sometimes requires two Justices to decide something, and therefore only a federal statute can in fact retain this power. In the Magistrate's Court there are no innovations except that the Magistrate would be an appointee of this government, his jurisdiction would stem from this statute instead of being given by an Order of the Governor in Council. The appeal procedures are dealt with and it's pretty much the same as it was up to now, although some powers of the Commissioner have been lost in the processes of the court that were mentioned in the Yukon Act, but we'd be quite happy to forego these powers. So, basically, the theory in the scheme of taking the existing courts and referring them, we get the right of appointment but not of the Judge. Now, although we to court and give them their jurisdiction, we only consider it to be our civil right that the Federal Government still completely controls the criminal matters that come before them. So, there has been a tremendous amount of thought and drafting done in this both by the government and the Department of Justice to see that we don't even appear at the time it is read, the constitutional boundaries that are set by the Yukon Act.

Mr. McKinnon: Mr. Chairman, after listening to the Legal Adviser, I wonder if I could ask him a question. That other than the constitutional niceties of being able to say, oh boy, here we are, we've got the administration of the Courts of the Yukon Territory and under the control of the Territorial Government for the first time, it is inevitable, I mean, everybody knows it, the cost of this is going to be fantastic to the Government of the Yukon Territory in the very near future. What are the really practical and beneficial aspects to the people of the Yukon Territory in having these courts under the jurisdiction of the Government of the Yukon Territory. Is it all constitutional, or are there real practical advantages in being able to control the courts of the Yukon Territory.

Mr. Legal Adviser: Mr. Chairman, the practical advantages in relation to the higher courts are not much, but in the case of the lower courts, we have the organization and we can fill the gap -- the method whereby they do their work, and hopefully if we can do this with local control and local input, then it would be when the headquarters to which they look for their instructions is not 3,000 miles away.

Mr. McKinnon: One further question, what difference will there be between the provinces of Canada and the Yukon Territory in relation to the responsibility of Justice under their various jurisdictions, I mean, with this change and with the passing of this Act, will the Government of the Yukon Territory be in exactly the same position with the courts under their jurisdiction as the provinces, or will there still be some differences?

Mr. Legal Adviser: There will be no difference in relation to the courts. In relation to administration of Justice, some. In dealing with the Department of Justice, the Attorney General of Canada has the responsibility of enforcing -- the enforcement in Justice matters, both in relation to the Criminal Code and in relation to Territorial laws, and he has appointed an officer here to be the prosecutor who acts and prosecutes in all federal matters and Criminal Code matters, although, the prosecution of territorial matters is carried out by this government. That is the definite distinction. It is envisaged I presume, that this power will be transferred at a time to the Territorial Government. That is the only distinction I know of, between power organizations of the court, and let's say, the

Mr. McKinnon: And, Mr. Chairman, of course the distinction -- the basic distinction is then the administration of Justice, and something like the Police Services Agreement. Now, will this with this legislation be under the control of the Government of the Yukon Territory, or will it still be a distinct part over and above these areas of Justice which are being transferred? By that, I mean, does the Government of the Yukon Territory now negotiate with the Government of Canada concerning the Police Services Agreement, or is it still completely above and beyond the confidence of this Council to be able to negotiate.

Mr. Legal Adviser: The Council will not be negotiating, but the government is at present negotiating. This is a complete distinct this is even in the constitution of the court, the jurisdiction that the courts have and so forth, but not the enforcement of Criminal and Territorial Justice. That is separate.

Mr. Chairman: Councilor Stutter, will you take the Chair for a moment?

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, it was argued long and hard over the years as to who would be answerable in relation to the administration of Justice in the Territory. And it seems to me, we haven't really gained any ground at all by assuming the responsibility for the administration of Justice unless we would have an Attorney-General, or a quasi Attorney-General, as the case might be, and then we could determine, as Mr. Legal Adviser stated, that now Members often have requests for information relevant to the operations of, not only the courts, but the R.C.M.P. And yet, we still have no one who can answer to this legislation. I don't think we have really gained any ground in my opinion, by taking on the administration of Justice without having a quasi Attorney-General here in the Territory, and it just another case where it seems that more recently at least step by step, every step we have taken since we have been constituted as a new Council, has indeed taken us further and further away from constitutional objectives. I wouldn't like anyone here to think it, or anyone in the Territory.

ILL #19

Mr. Taylor continued.....

They might think we are getting some kind of a gift here, but we really are not.

Mr. Chamberlist: Mr. Chairman, I really can't see how the Honourable Member can make the statement he just made. Every area of government that we are able to take away from the Federal Government, is a move to the eventual autonomy of the Yukon Territory. Now, there is no doubt about it, because of the certain areas in the Yukon Act, that the responsibility for criminal Justice still remains in the hands of the Attorney-General of Canada, because the Attorney-General of Canada today is the Attorney-General of the Yukon. Now, we have in these Bills gone a long way forward, when we are now able to administer the staff of those people who will be employed in Justice. We have had so far, no say whatsoever in giving instructions to people that work in the Justice Department, because they are Federal employees. With the compliance of these Ordinances the only one person connected with Justice, I would say, two, the only two people connected with Justice in the Yukon will be the judge, who is appointed by the Governor-General-in-Council via the Yukon Act and the present Crown Prosecutor who will remain, as I understand it, a Federal Government employee. Now, seeing the Act is the Attorney-General's representative in certain areas, but the administration of the courts, and this Bill that we just completed reading, it is An Ordinance to Constitute the Territorial Court of the Yukon Territory, and it is just doing that, and I think we should keep with what -- keep the debate to what the legislation that is being presented to us, is asking us to do, and that is, to legislate to constitute a specific court. Now, in that specific court, this is where we have a great advantage. We have never had that before, and when we come to the other Bills, the same thing applies. We have an Ordinance which is coming before us to constitute the Magistrate's Court of the Yukon Territory. We have never had that before, and the employees of the Magistrate's Court have always been Federal employees. They will then cease to be Federal employees; they will come under the purview of the Territorial Administration, and because of that, the Territorial Legislature has the responsibilities in that regard too. The same thing applies to the Court of Appeal. The judges of the Court of Appeal, they are appointed by the Governor General, but the administration of that Court of Appeal, we have made provision for that. We have made provision for Justices of the Peace, which also prior to that, were appointments under the Yukon Act. So, in actual effect, we have gained a lot. It is going to take time to get all these administrative areas of different parts of government which we had not had anything to do with before, back into our hands. I think, we must be careful not to ruin any extraneous matters that really have nothing at all to do with what the Bills are that we are bringing before us now. The question of the R.C.M.P. Agreement is again a separate matter of negotiation and it is a matter of dollars and cents being transferred, but there will be found a way, and that is what these negotiations are for, will be found a way, where we will have some say in the administration of the R.C.M.P. within the Territory. So, all these areas we have to take step by step, and I would ask all the Honourable Members not to look at these Bills as something that is just, you know, to make up an extra piece of paper work, without getting us any advantages. Let us try and get all the powers we can from the Federal Government, because this is the only way we can show the Federal Government that we can look after those affairs -- those affairs in government that we haven't had the opportunity to take care of before.

Mr. Taylor: Well, Mr. Chairman, I can't buy this argument of well, just go along with the Bills, we'll forget about everything else, you just pass this, because we never had this before. We never had the Vocational School before either, until we got it one day and we are paying pretty heavy in respect of it. We never had all these federal plans before, but we have them today. Now, we never had Justice

Mr. Taylor continued.....

before; today we sit down discussing four Bills relevant to assuming the responsibility for Justice. Do you know why we didn't have the Police Agreement before, because we threw it out, that's why. And why did we throw it out? We threw it out because we said, well, why should we take on a responsibility for an area in which we have no right to enquire. Nobody is answerable to this legislation, so why should we take on that responsibility. That's why we threw it out. Now we are asked to assume the responsibility of Justice, and I don't say this is necessarily a bad thing, but what I am saying is, be aware of restraint; yes. The Honourable Member who has just spoken must well recall the many hours and hours of pages and pages and pages in Votes and Proceedings when he was on our side of the ballteam here and not in Administration, when he argued these very points I am arguing now. But, now the Federal Government says, sure fellows -- we will pay the way, you just administer and we will give you the money in order to administer this. For how long? Is it going to be like Medicare in the provinces, where they opt out in five years and you find yourself with this nice big beautiful gift, only you are starting to pay for the administration just a little bit, maybe 15% of the O. & M. cost that it would cost for administration in the Territory. Mark my words, I see it coming. As long as you buy it today, we will pay the bill maybe a couple of years, but you wait about four years from now, and they say, now, we feel you have graduated. It looks like you might be able to stand on your own feet. We can't have that, so I think we will saddle you with 15% of the cost of administration of Justice and do you think the Territory is going to give it back to Ottawa? No way, Mr. Chairman. Look what you are buying. These guys have always played this game and there is no reason to suggest that they won't continue to play the game the same way they always have. They just play it a little harder. So, this is what I am saying when we accept Justice. You have no idea, what you are accepting. You have no right, there is no one in this Territory that is answerable to those who make this legislation, approve it or disapprove it. Nobody answerable to us. You say that the judge -- is the judge answerable to this Council? No sir. Is the Crown Prosecutor, is he answerable to this Council? They are not answerable to this Legislature. That is what I am saying; our powers are dwindling, dwindling and dwindling. What we need to go along with is that we need a Attorney-General responsible for this Territory. So, don't think you are getting a gift, gentlemen, because indeed you are not.

Mr. Chamberlist: Mr. Chairman, the reference to a judge must be left out of the question. The judges are not responsible even to the provincial legislature. I am sure, the Honourable Member will realize -- all I am saying is that this legislation is just to constitute the court. We haven't gone beyond that, but we all are going to accept the administration of Justice for the simple reason that we want to be recognized. We feel that we are now prepared to start taking over the management of our own affairs in various areas of government. Now these are the areas that might be questionable, as the matter of the Police. This is fine. I am very concerned about the money cost, the money values and I am sure every Member of Council is, but it is a stage by stage proposition, and we have got to get these areas taken care of first, and that is the Constitution of the Courts, and that is important.

Mr. Taylor: Mr. Chairman, I must agree with the Honourable Member; it is a stage by stage proposition. That part he has got right. Right on, to take over the Yukon from the Federal Government, because every step we make is just -- as I say from my constitutional objective, and I say again that because you might think you are getting a gift, you are not.

Mr. McKinnon: Mr. Chairman, I am having a lot of problems with these particular pieces of legislation and I am not clear as just how this organization is going to work. I often had problems in the area of this judicial part of the constitutional arrangement and I am afraid

BILL #19

Mr. McKinnon continued.....

it is still dangling and I do have a certain amount of sympathy with both Members who have spoken, and I would like some direction from Mr. Legal Adviser on it. I understand, Mr. Legal Adviser, that under the B.N.A. Act, under section 92(14), the power of the provinces, the administration of Justice in the provinces, including the constitution, maintenance and organization of provincial court, both the civil and the criminal jurisdiction, and including procedures in civil matters in those courts, and I don't see any change in that section of the Yukon Act, which -- under section 16, the powers of the Territorial Government and under 16(i), the Commissioner-in-Council has the power over the administration of Justice in the Territory, including the constitution, organization and maintenance of territorial courts of civil jurisdiction and the procedure in such court, but excluding the appointment of any juridical officers, etc. Now, this is certainly...

Mr. Legal Adviser: Mr. Chairman, by accident, the Honourable Member must have been reading the wrong section. It is section (i).

Mr. McKinnon: I thought this was right up-to-date, but I guess, evidently, it isn't. Okay, well I understand that then, Mr. Chairman. I see that amendment -- that problem is gone from my mind. The other one is the concept of how this system can possibly work and this is where I sympathize with the Honourable Member from Watson Lake. Even though we had jurisdiction over the procedure of the court, even though we may have some say in the Police Agreement for the Yukon Territory. How can it really work until you have the office of an Attorney General resident in the Yukon Territory. This is still the key to the whole concept of making this system practical and making it work, and even though you are doing things constitutionally, which may or may not be an advance, and even though you may be able to negotiate agreements that you were not before, really what are you gaining until the time you can domicile the office of the Attorney General in the Yukon and really have an effective liaison between the public and the law, because that is the problem in the Yukon Territory right now. Mr. Chairman, it is a problem, it is plaguing the Yukon Territory, for -- ever since I have been here, and I am sure that it was long before I started being involved in Territorial Government, and it is a problem that is going to continue to plague the Yukon. It is a basic problem between -- in the difficulties in administering Justice in the Yukon, and to all of these amendments we haven't done one thing to really cure that basic problem, and that is the problem, I think. All Members of the House would have to agree.

Mr. Chamberlist: Mr. Chairman, I fully agree with the Honourable Member, but we have been over this together a number of times. We have got to face reality, we have to be practical. But, until such time as we are able to get those powers that the Attorney General has, it is much better for us to have a half a loaf of bread, than no bread at all, and this is why I say, it is a stage by stage matter that has to be taken care of. And I think, that we know -- the Federal Government knows the feelings of the Members of this Council, we have expressed it often enough, I have done my share of expressing myself loud and clear, and I agree with what the Honourable Member from Whitehorse West said. There is no doubt about it. We haven't got an Attorney General, sure, we haven't got these powers, but the thing is this, that everything else, except that, we have got, and that is another stage that will come along, and I hope that if we can show that we can conduct ourselves in the proper way, we can go to the Federal Government and get that at another stage at a later time. But let us not throw away what we have got, and what we can get hold of.

Mr. Taylor: Well, Mr. Chairman, I can only say that just remember the words that I have spoken today, this afternoon. About 3 or 4 years from now, when they say, okay fellows, it is about time you are starting

Mr. Taylor continued.....

to pay for some of the cost of the administration of Justice in the Yukon Territory. Remember well my words.

Mr. Chamberlist: Well, I hope, Mr. Chairman, the time will come along that we can afford to pay for the cost of it, and I hope the time will come along when we get things like our own resources to be able to take care of it.

Mr. Taylor: When are we going to get them when we are sitting here giving them away. We are giving everthing away. And I might also say, everytime we get the Commissioner -- His Majesty, the Commissioner, the right to write regulations in certain areas, we give that right back virtually to the Minister, because the Commissioner is an employee of the Minister, and acts on the direction of the Minister. So, really, you are giving everything away. I know what is going on, there is no question about that, and it is quite obvious what the next step will be. What I am saying is, that we are doing the work, we are providing the administration, but these people aren't answerable at all.

Mr. Legal Adviser: I think the Executive Committee is responsible..... and eventually of course do the

Mr. McKinnon: I was kind of looking forward to there being some powers given to this Director of Legal Affairs. I am still not too sure just what this flunky is going to do. Who is the flunky going to be, in the first place. Is it automatically that the office of the Director of Legal Affairs falls on the shoulders of the Legal Adviser to the Commissioner and sometimes -- or may it not be very often to the Council of the Yukon Territory, or is it a new person that is advertised for and hired by the Government of the Yukon Territory? I don't understand this relationship, as to how this works out.

Mr. Commissioner: Mr. Chairman, the Public Service Ordinance, gives me certain authority to appoint certain people to positions and it is in that -- that is where the authority will come from to appoint the person to that position, and it is my intention to appoint the present incumbent, the Legal Adviser position to the position of Director of Legal Affairs.

Mr. McKinnon: Now, Mr. Chairman, what will the job description entail of the Director of Legal Affairs. Is he considering to remain as Legal Adviser for the Government of the Yukon Territory, above and beyond his duties as Director of Legal Affairs. It seems to me, he is going to be a very busy man in the next month.

Mr. Commissioner: Well, Mr. Chairman, in certain duties -- there are certain duties that the old incumbent in that position over and above the duties that are presently involved in it, but the major day to day administrative tasks that are involved will fall upon the shoulders of the Chief Administrative Officer of the court, and that provision is one that we will be advertising for. I think, we are waiting upon the authority here of these Ordinances that are being passed, so that we can proceed with that advertising.

Mr. McKinnon: The Chief Administrative Officer of the court?

Mr. Commissioner: Is that the wrong...

Mr. Chamberlist: Judicial Officer.

Mr. Commissioner: If I am using the wrong terminology, my apology Mr. Chairman.

Mr. Taylor: I will now resume the Chair.

BILL #19

Mr. Taylor now resumes the Chair.

Mr. Chairman: Anything further on Bill No. 19?

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 19 be passed out of Committee unamended.

Mrs. Watson: I second that motion, Mr. Chairman.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 19 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Any contrary? I will declare this motion carried.

MOTION
CARRIED

MOTION CARRIED

BILL #20

Mr. Chairman: We will proceed to Bill No. 20, An Ordinance to Constitute the Magistrate's Court of the Yukon Territory.

Mr. Chamberlist: Yes, Mr. Chairman, the explanatory note. The purpose of this bill is to establish a Magistrate's Court to replace the Police Magistrate's Court established by the Yukon Act. The Magistrates and officers will be appointed by the Commissioner, and present holders of office will continue in office.

Mr. Chairman: (Mr. Chairman reads sections 1, 2, 3, 4 and 5) I have a question from the Chair. Is it possible through any of this legislation, to provide for stipendiary magistrates?

Mr. Legal Adviser: The magistrate is what we would call a stipendiary magistrate. Stipendiary magistrate is by definition a magistrate who would be paid a salary for his services.

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, for many years now, we have been attempting to get a permanent full-time magistrate down at Watson Lake, serving Lower Post, the B.C. section, Cassiar and Watson Lake, and we have not been able to do so, because the Yukon Act does not provide for a stipendiary magistrate. Apparently a magistrate has to be one, who has passed the bar, or whatever, and has to be learned in law. We have never been able to get a deputy magistrate, and I am just wondering whether as in the case of some provinces where they have stipendiary magistrates, whether this was allowed, and whether or not under this legislation this would be possible.

Mr. Legal Adviser: Yes, Mr. Chairman, this is possible. In transferring the sections of the Yukon Act to this Ordinance, the sections requiring that it must be a lawyer of a certain standing, to enable this to be done should certain circumstances arise.

Mr. Taylor: Thank you, Mr. Chairman. The occasion arose about ten years ago and it's still awaiting remedy.

Mr. Chamberlist: We didn't have administration of Justice, but we can now consider it.

Mr. McKinnon: Mr. Chairman, what presently is the makeup of the Magistrate's Court of the Yukon Territory given by statutes?

Mr. Legal Adviser: It is contained in the Yukon Act. The powers of appointment and some of the criminal references and civil references are found in the Yukon Act. The civil references are found in the Police Court Magistrate's Ordinance, which is being repealed by this.

Mr. McKinnon: That is where the internal setup is found?

Mr. Legal Adviser: I may be answering the wrong question. There is *BILL #20* no real organization of the Magistrate's Court by any ordinance at the moment. It envisages the Lord knows where, but as a second Magistrate, he would be an individual and he would have his functions as an independent entity. It wasn't visualized as an organized court with a series of Magistrates in the way that the Territorial Court was organized with possibly a series of Judges. We have now, in drafting this, made it possible for the unified organization to take place. In reflecting that, Magistrates could have been given individual batches of civil power, depending upon how much of the proclamation It is a most disorganized method.

Mr. Taylor: Mr. Chairman, I have a further question. I note that under the existing situation, the Magistrates are also Magistrates for the purposes of the Northwest Territories and the Province of British Columbia. How is that arrived at in this legislation, and by what means do we provide, for instance, for a Magistrate in the Northwest Territories? Is this all taken care of in this ordinance?

Mr. Legal Adviser: We don't make legislation dealing with what happens in British Columbia, nor do we have specific legislation in force that our Magistrate is automatically a Magistrate in the Northwest Territories, but either Magistrate can be appointed by the other government and this has happened from time to time, as the Honourable Member knows, when a Magistrate of the Northwest Territories has been made a Deputy Magistrate of our court and has come over here to relieve a Magistrate when he went on leave or on long conferences. There is, at present, one Magistrate in our courts and two Deputy Magistrates. One of them resides at Peace River and the other one resides in Grande Prairie. So far as I know, they have been coming to the Territory for at least a week in every month and commonly, two weeks in every month, one of the two Deputy Magistrates will relieve the Magistrate and perform the functions that were necessary.

Mr. Taylor: Mr. Chairman, what I am getting at is, are we empowered under the Magistrate's Court Ordinance that we are now dealing with to appoint Magistrates, for instance, a Magistrate from the Northwest Territories, to act in the Yukon and so forth -- what I am getting at is, by the passage of this bill, will this mean that these Magistrates will have to be reappointed and all this sort of thing, or what? Where do we sit?

Mr. Legal Adviser: No, it is provided that their appointment continues, by -- in that section.

Mr. Tanner: Mr. Chairman, they will have to confirm that appointment themselves, the people filling these options now, will all have to confirm their positions and change from Federal to Territorial employees?

Mr. Legal Adviser: The employment situation is very different from the appointments as such. If they did nothing, they would continue, and then of course they could resign from the appointment. The question of coming into the employment of the Territorial Government would be a completely separate question.

Mr. Taylor: I will now resume the Chair again.

Mr. Taylor resumes the Chair.

Mr. Chairman: Anything further on section 5? Section 6 (The Chairman now reads section 6)

BILL #20

Mr. Tanner: Mr. Chairman, Mr. Legal Adviser, all the exclusions go automatically to the higher court. Is that correct?

Mr. Legal Adviser: Yes, in all Canadian courts.

Mr. Chairman: Anything further on section 6? Well, at this time we will declare a short recess.

RECESS

RECESS

Page 332.

Tuesday, February 23rd, 1971.

3:30 p.m.

Mr. Chairman: We will now call Committee back to order. (Mr. Chairman reads sections 7 and 8 of Bill No. 20)

BILL #20

Mr. Tanner: How many magistrates do we have in the Territory at present?

Mr. Legal Adviser: Three. One full-time magistrate and two deputy magistrates. They come up and are paid a per diem rate plus their expenses for everyday living on duty in the Territory.

Mr. Chairman: (Mr. Chairman reads sections 9 and 10 of Bill No. 20) The Council referred to here is not referred to in the interpretation section of the Ordinance.

Mr. Legal Adviser: Council is referred to in the Interpretation Ordinance itself as meaning Council of the Territory, this Council.

Mr. Chairman: Yes, this is clearly defined then as being ... even though there are a hundred councils now.

Mr. Legal Adviser: Provided it is spelled with a capital C.

Mr. Chairman: What does the Council of the City of Whitehorse spell theirs with? (Mr. Chairman reads section 11 of Bill No. 20) Could we have an explanation on what subsection (2) refers to?

Mr. Legal Adviser: These are the sections in the Public Service Ordinance which as expressed here do not apply to a magistrate and would be inconsistent with his capacity as a judicial officer and also the specific powers protecting him from dismissal by the Commissioner, which are given him in section 10 of the Ordinance. The other sections are sections apart from the major directory section which starts off which would apply to the ordinary person of the service and provides his pay, leave, allowance and so on.

Mr. Chairman: (Mr. Chairman reads section 12 of Bill No. 20)

Mr. Legal Adviser: Those sections are sections which in relation to a judge it would be improper for us to attempt to legislate because he is a Federal appointee and subject to removal only by the Parliament of Canada.

Mr. Chairman: (Mr. Chairman reads sections 13, 14 and 15 of Bill No. 20)

Mr. Tanner: Mr. Chairman, could I ask the Legal Adviser what section 15 (4) means, please?

Mr. Legal Adviser: It's if there is an accidental omission in the form of an order that it won't be quashed merely because of that accidental omission but a court to whom an application is made will be able to fill in the missing link. This is to stop accidental flukes from destroying the effect of an order.

Mr. Tanner: Is this common throughout or is this something new?

Mr. Legal Adviser: This isn't new, this is normal in every Magistrate's Court in Canada.

Mr. Chairman: (Mr. Chairman reads sections 16, 17, 18 and 19 of Bill No. 20)

BILL #20 Mr. Legal Adviser: Mr. Chairman, that should read section 20 to 28.

Mr. Chamberlist: Inclusive.

Mr. Legal Adviser: It is essential to have that because otherwise there might be a confusion because we are not intending to apply the rules of criminal appeal which is a Federal power.

Mr. Chairman: The error then is that the word "and" should be "to". Is that correct?

Mr. Legal Adviser: This is a typing error, Mr. Chairman.

Mr. Chairman: (Mr. Chairman reads section 20 of Bill No. 20)
Can a person not appeal a criminal?

Mr. Legal Adviser: It is not that he can't appeal. It is that we do not have the legislative confidence to deal with criminal appeals.

Mr. Chairman: Criminal Code, yes. What about offences against our ordinances? Criminal offences against our ordinances?

Mr. Legal Adviser: The method of dealing with that is that we have provided in one of our own ordinances that the provisions of the procedure sections of the Criminal Code shall apply to Territorial offences and that puts them into Criminal Code for appeal purposes.

Mr. Chairman: (Mr. Chairman reads section 21 (1) and (2) of Bill No. 20)

Mr. Legal Adviser: Mr. Chairman, in the third line the word should be "the" not "then" of subsection (2).

Mr. Clerk: So noted, Mr. Chairman.

Mr. Chairman: Now, section 21(3). (Mr. Chairman reads sections 21(3), through 29) I am just wondering in 29(c) why you make rules rather than regulations for the fixing of fees?

Mr. Legal Adviser: This is just the custom. The governing rules are called rules when you are dealing in court. It is just a long-standing custom. Every country appears to use rules when they are in this field and it usually marks a distinction between regulations, then the lawyers know what they are talking about, if lawyers ever do.

Mr. Chamberlist: Sometimes words of wisdom come out of the Legal Adviser.

Mr. Chairman: (Mr. Chairman reads section 30 of Bill No. 20) Why this, general or particular?

Mr. Legal Adviser: To give you an instance, we might require -- assuming a man is appointed to take care of Watson Lake, we might have to make a special set of regulations as to what he is to do as opposed to an ordinary Justice of the Peace. There might be some special line of cases where you might have to make special rules dealing with those in order to set up a filing system apart from the ordinary cases. There are 101 reasons why you might have to make up particular rules.

Mr. Chairman: (Mr. Chairman reads section 30 of Bill No. 20)

Mr. Tanner: Mr. Chairman, who made those decisions previously, Mr. Legal Adviser?

Mr. Legal Adviser: That is a question we have been trying to get the answer to for seventy years.

Mr. Chairman: Nobody knows. I take it that doesn't answer your question, Councillor Tanner.

Mr. Tanner: It does, it answers it very well. It is time it got put into orders.

BILL #20

Mr. Legal Adviser: I think in fact that the magistrate has been in the habit of publishing, posting on the wall of the court, the projected sittings when he would visit Watson Lake, Dawson and so forth. This is the way it is done. It is possible the clerk may have done it and the magistrate approved it, I don't know. All we can tell you is that lists will appear on a wall.

Mr. Tanner: Could I ask the Commissioner if he is going to continue this procedure or does he have another wall he wants to work on?

Mr. Chairman: (Mr. Chairman reads sections 32, 33, 34 and 35 of Bill No. 20)

Mr. Tanner: Mr. Chairman, could I ask another question? In that respect as far as the Juvenile Court is concerned, is it the same procedure in the provinces or do they have an entirely separate court for this Juvenile Court?

Mr. Legal Adviser: There is a short and a long answer to this. Under the Juvenile Delinquents Act of Canada certain courts are courts and we need to continue the Magistrate's Court as a Juvenile Court by this method.

Mr. Tanner: What is the long one?

Mr. Legal Adviser: In any event, the Juvenile Delinquents Act is being repealed shortly and another act supplanted.

Mr. Tanner: Mr. Chairman, what I am really getting at, is there an entirely separate body of officials and an entirely separate court within the jurisdictions of the provinces for juveniles?

Mr. Legal Adviser: No, it is just for the purpose of administering that act, this will be a court, same officials and everything just different from a jurisdiction. He will wear one hat on a Monday and another on Wednesday.

Mr. Chairman: (Mr. Chairman reads sections 36, 37 and 38 of Bill No. 20) Any further questions in relation to this bill?

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 20 pass out of Committee without amendment.

Mr. Tanner: I second that, Mr. Chairman.

Mr. Chairman: It was moved by Councillor Chamberlist, seconded by Councillor Tanner, that Bill No. 20 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? I shall declare the motion as carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chairman: We will proceed to Bill No. 21, An Ordinance to Constitute a Court of Appeal in the Yukon Territory. *BILL #21*

Mr. Chamberlist: The explanatory note, Mr. Chairman. "The purpose of this bill is to establish a Court of Appeal for the Territory. Its jurisdiction follows that of the existing Court of Appeal. The number of Justices of Appeal is designed to include, in addition to the appointed justices, judges who will become ex officio justices by reason of appointment as judges or deputy judges of the Territorial Court."

BILL #21 Mr. Chairman: (Mr. Chairman reads sections 1 and 2 of Bill No. 21)

Mr. Legal Adviser: It should be the Territorial Court. "The" has been left out, Mr. Chairman.

Mr. Chairman: (Mr. Chairman reads sections 3 and 4(1) of Bill No. 21)

Mr. Tanner: Mr. Chairman, what does the second word mean, please?

Mr. Legal Adviser: It is the latin translation of the words "by what authority." It is calling on a judge to show his appointment that he was actually appointed to decide the question at issue.

Mr. Chairman: (Mr. Chairman reads sections 4(2), 5 and 6 of Bill No. 21)
"7. Where the Chief Justice of the Court of Appeal is unable to act or the office is vacant, the senior..." how do you spell that one?

Mr. Legal Adviser: Puisne. It means junior. French. It means born before.

Mr. Chairman: Why couldn't this have been interpreted in English?

Mr. Legal Adviser: It is the custom. The judges know what it means.

Mr. Chairman: Do they say this in Ireland too?

Mr. Legal Adviser: In every British country that I know of. It comes from Norman times and I don't think we should disturb it now.

Mr. Chairman: "... puisne judge among the judges appointed has and may exercise and perform the powers and functions of the Chief Justice." (Mr. Chairman reads sections 8 through 12 of Bill No 21)

Mr. Chamberlist: Mr. Chairman, at this time I would like to move an amendment to section 12 and I would move and seconded by Councillor Watson that section 12 of the Court of Appeal be deleted and the following substituted therefor: "12. Notice of an appeal to the Court of Appeal shall be given within thirty days from the day the judgment, order or decree appealed from is pronounced or within such additional time as the judge who made the same or a judge of the Court of Appeal may allow." Would you given an explanation, Mr. Legal Adviser, for this.

Mr. Legal Adviser: In the drafting of this I had before me the bill which was at that time drafted by the Department of Justice in the Northwest Territories and it occurred to us in the drafting that there would be merit in having a uniformity of practice in appeals and precise timing on appeals similar in both places. Also, in the section of the Yukon Act which deals with appeals, there was a distinction made between fifteen days time limit for an interlocutory order and sixty days for a final order. This artificial difference had led to a certain amount of litigation and uncertainty in the province of B.C. in earlier cases, so we resolved it by using the Northwest Territories section. However, when the bill was being drafted and the views of the various courts had been sought, it was conveyed to us by the Court of Appeal that they would prefer to revert to the B.C. practice as it was in the Yukon Court of Appeal with the difference of the time of appeal be shortened on a final order to thirty days and in an introductory order it would be increased to thirty days and this makes for a very, very simple section. It also meant -- avoids uncertainty in the operation by the practitioner. This is the draft which has been approved of by our court and by the Court of Appeal and I would recommend it.

Mr. Chairman: Could the Chair have a copy of this motion? It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that section 12 of the Court of Appeal Ordinance be deleted and the following

Mr. Chairman continued
substituted therefor: "12. Notice of an appeal to the Court of Appeal shall be given within thirty days from the day the judgment, order or decree appealed from is pronounced or within such additional time as the judge who made the same or a judge of the Court of Appeal may allow." Are you prepared for the question? Are you agreed? I declare the motion carried.

BILL #21

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chairman: (Mr. Chairman reads section 13 of Bill No. 21)
The Commissioner seems to have lost some power here.

Mr. Legal Adviser: They always had the power.

Mr. Chairman: (Mr. Chairman reads sections 14, 15, 16 and 17 of Bill No. 21)

Mr. Chamberlist: I move that Bill No. 21 pass out of Committee as amended.

Mrs. Watson: I second the motion.

Mr. Chairman: It was moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 21 be reported out of Committee as amended. Are you prepared for the question? Are you agreed? I declare this motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chairman: Next is Bill No. 22, An Ordinance Respecting Justices of the Peace.

BILL #22

Mr. Chamberlist: The explanatory note: "The purpose of this bill is to give the Commissioner power to appoint Justices of the Peace and to generally govern Justices of the Peace and their Courts, so far as this is within the legislative competence of Council."

Mr. Tanner: Mr. Chairman, there is a certain reservation in the explanatory note and perhaps the Legal Adviser could advise us where we haven't got competence.

Mr. Legal Adviser: It is not intended to be this way but, as a fact of course, the Justices of the Peace are almost entirely, if not entirely, concerned with criminal matters so that their procedure is governed by the Criminal Code. We have very little to do with it.

Mr. Tanner: Mr. Chairman, how many Justices of the Peace are there in the Yukon Territory?

Mr. Legal Adviser: I don't know exactly, Mr. Chairman, between thirty and forty is the Commissioner's guess. We could provide an exact list anytime. There is probably a list somewhere in my office.

Mr. Chairman: (Mr. Chairman reads sections 1, 2 and 3 of Bill No. 22)

Mr. Tanner: Mr. Chairman, is that general practice throughout the provinces, too.

Mr. Legal Adviser: Mr. Chairman, this is one of the most hallowed practices of dealing with Justices of the Peace, the police officer should be a Justice of the Peace. Right from the very initiation of Justice of the Peace in England, commissioned officers of the local police force have always been Justices of the Peace. This has been continued through every version of every act that I know of in Canada dealing with the same thing.

Mr. Chairman: Do these officers ever exercise their commission here?

BILL #22 Mr. Legal Adviser: I have never known of any in recent years that have exercised it but I would not like to disturb a tradition that is several centuries old.

Mr. Chairman: (Mr. Chairman reads sections 4 through 11 of Bill No. 22)

Mr. Tanner: Mr. Chairman, I have two questions; first of all, who appointed the Justice of the Peace in the past?

Mr. Legal Adviser: Governor-in-Council. Federal Government appointees.

Mr. Tanner: I thought you would say that. That was on the recommendation, I assume, of the Commissioner or of his officers. How would the Federal Government get to know who to appoint in a local area?

Mr. Legal Adviser: That is a state secret that is not disclosed to us but it would only be fair to say that in later days, since the visit of the Minister of Justice to the Territory and the representation of Council made to him at that time, he sent the names ahead of time and asked if anybody had anything against the person or if we knew anyone.

Mr. Chamberlist: Mr. Chairman, I move that Bill No. 22 pass out of Committee without amendment.

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

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Tanner, that Bill No. 22 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the motion carried.

*MOTION
CARRIED*

MOTION CARRIED

BILL #16 Mr. Chairman: I wonder if we could now proceed to Bill No. 16, An Ordinance to Amend the Workmen's Compensation Ordinance.

Mr. Chamberlist: The explanatory note: "The purpose of this bill is to make relatively minor changes in the Workmen's Compensation Ordinance. Provision is made for payment of compensation in respect of prisoners who suffer accidents on work relief programmes. The fee previously fixed by the Ordinance for exemption certificates may now be prescribed by the Commissioner. A provision is inserted inflicting company officers with responsibility for breaches of the Ordinance which occur by their instruction or connivance. Opportunity is taken to enable compensation to be shared rateably, in respect to silicosis, between the provinces or territories which may enter into agreements in that behalf. Provisions of this nature are currently being incorporated in most provinces and are of advantage to the workman involved."

Mr. Chairman: (Mr. Chairman reads sections 1 and 2(a) and (b) of Bill No. 16)

Mr. Chamberlist: I think this should be "or" instead of "and", tuberculosis or silicosis but not both of them.

Mr. Chairman: Where is Mr. Legal Adviser? Is he coming back? We will make a note of that until the Legal Adviser comes back.

(Mr. Chairman reads sections 2(c)&(d), 3 and 4 of Bill No. 16)

Mr. Legal Adviser, I believe it was noted that in subsection (b) of 51A of section 2 the wording should be tuberculosis or silicosis instead of tuberculosis and silicosis. Is this correct?

Mr. Legal Adviser: I don't know, I wouldn't think so. We can check it out. You see, what they are trying to do is to make sure that at the first moment in the province that he was dealing with, he was free from disease. It probably should be free from tuberculosis and silicosis.

Mr. Chamberlist: No.

BILL #16

Mr. Legal Adviser: Silicosis is a form of tuberculosis.

Mr. Chamberlist: Mr. Chairman, I beg to differ with Mr. Legal Adviser. The workman was free from tuberculosis and silicosis, it means he would have to have both of them before he can be free from both of them. The idea is that he was free from either one of them.

Mr. Legal Adviser: As I understand it, Mr. Chairman, what we are trying to do is to enter into a cost-sharing arrangement with the provinces. We want to deal with a man who at a point when he first went to work in a mine was disease-free person. If at a later time I am wrong this can easily be checked out because this is following a draft which is suggested by the organization which is a trans-Canada organization and has asked us to do this.

Mr. Chamberlist: I was reading it wrong, I am sorry, Mr. Chairman. Mr. Chairman, I move that Bill No. 16 pass out of Committee without amendment.

Mrs. Watson: I second the motion, Mr. Chairman.

Mr. Chairman: It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 16 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chairman: We have a motion in Committee, Motion No. 4, respecting a Programme of Family Planning to be instituted by the Northern Health Services; would you like to deal with that one? You wanted somebody here?

Mr. Tanner: Mr. Chairman, isn't there another Sessional Paper in Committee too.

Mr. Chairman: Yes, we have some Sessional Papers in Committee. I am wondering when you wanted to deal with this? Which witnesses would you desire and when would you like to discuss this?

Mr. Chamberlist: Might I suggest, Mr. Chairman, that we wait a week or two until we deal with the Yukon Health Plan as there are certain aspects of family planning which are included by way of certain commodities that are made available in that plan.

Mr. Chairman: Committee agree to defer this? We go to Sessional Paper No. 3 - Yukon Minerals Act. I believe this matter is pretty well cleared so I will move to Sessional Paper No. 6.

*SESSIONAL
PAPER #6*

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

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, the reason I put this Sessional Paper into Committee, it respects garbage dumps - highway lodges and the Paper states that there is no change in the present policy because these lodge owners are receiving a hamlet allowance. I think the hamlet allowance is just something clear and apart from the garbage dump situation. What is happening on the highway is that the lodge owners and the Territorial Government share the garbage dumps and the Territorial or Federal Government, as the case was at that time, dump all the campground garbage in the common garbage dump. Otherwise, we would have to have two garbage dumps where one would do. Also, these litter barrels up and down the highway are dumped into these dumping areas. I would suggest that in most cases the garbage dumps used by the lodges, certainly

SESSIONAL
PAPER #6

Mr. Taylor continued

in my area anyway, are shared by the Territorial Government and the operation of the campground systems. We have a responsibility in the area of pollution here and some of these garbage dumps get quite carried away without being properly buried, burned and this type of thing. I think that, where possible, that we as a Territorial Government should assist in locating these dumps and in the maintenance and upkeep as much as possible; we should assist the operators in the operation of these dumps. I can't agree with the answer I have on Sessional Paper No. 6 respecting garbage dumps.

Mr. Commissioner: Mr. Chairman, I think that the point that the Honourable Member raises has been raised along the table before and I must admit that I have a very great element of sympathy with the point that is made. However, it is not fair that we as a government should relieve a private entrepreneur of a responsibility which is part of the cost of him doing business. Now, it is one thing locating these dumps, and it is another thing maintaining them, if indeed, in some instances, only one highway lodge is the user of it. Now the question that is asked is: are we about to change this policy, and we are simply saying in the reply that we see no practical way of changing this policy. Now, if the Honourable Member wants to put the situation this way, that where there is a community that is an unorganized community, and Territorial Government's presence is there in the form of say a highway maintenance camp or similar establishment, that we have an obligation to see that a proper garbage dump is maintained on behalf of the community. I think, Mr. Chairman, that that is something that we attempt to do where it is practical and possible for us to do it. I do believe that the Federal Department of Public Works, to a degree, assists us now in organized communities on the Alaska Highway. I would expect that when we take over that maintenance that we would continue to do that similar thing. This is on behalf of a community, but to undertake to do this on behalf of a single entrepreneur who is, literally speaking, set up by himself away from a community, I am afraid that we would have to have some kind of machinery or basic machinery charge if we were called upon to do any maintenance of a refuse ground. If, on the other hand, there are two customers at this refuse ground, namely, the lodge operator and the Territorial Government as the operator of a camp, I think, surely-to-goodness that as a government we can spend a little bit and if we have equipment in the area and we are doing work, certainly, there should be no harm done. Simply to send machinery out for the specific purpose of taking care of a refuse area on behalf of one private entrepreneur, I am afraid Mr. Chairman, that we would be getting ourselves into very, very grave difficulty in the general administration of such things. I am afraid that it would be completely out of hand in no time flat.

Mr. Taylor: This is my point, Mr. Chairman, and I wasn't considering sending out for any one entrepreneur. I was talking about where the Territorial Government, rather than having two garbage dumps, when the Territory hauls to theirs and two hundred yards down the road another dump where this operator hauls to his. I am pleased to hear the Commissioner say that they will share. In many instances, this is what is done. They both share their common dump. Quite often, as I say, these things do get unsightly, unsanitary and everything else and it is better to have them under control and where possible under the maintenance of the Territorial Government. This is fine, this answers my question. I think the answer was fair and reasonable. I will resume the Chair.

Mr. Taylor resumes the Chair.

SESSIONAL
PAPER #11

Mr. Chairman: Is there anything further on Sessional Paper No. 6? The next is Sessional Paper No. 11.

Mr. Commissioner: Mr. Chairman, may I say a word with regard to this? As the Honourable Members know there is a requirement in the Yukon Act concerning this and the bills that have been dealt with in Committee today all have a final paragraph in which they say that they will come into force

Mr. Commissioner continued
on a day to be fixed by the Commissioner. I think that Members will understand that this is to coincide with the transfer of these functions from the Federal to the Territorial steer of influence. At that same time, these various items that are mentioned here in this Sessional Paper, the same would basically apply. I have asked on the last line here that I would respectfully request the Council to approve the repeal of the sections listed above by formal motion. I would appreciate it, Mr. Chairman, if that would be the route that you would give consideration.

Mr. Chairman: Thank you, Mr. Commissioner. I was just wondering if this is not, under the circumstances, possible for one of the Honourable Members on the Executive Committee to produce a motion such as this under Orders of the Day? Would this be agreeable?

Mr. Chamberlist: Mr. Chairman, I thought it would be far easier if there were any questions about these particular sections that could be asked at this time and then your motion can be produced afterwards. Otherwise, it means that we would produce a motion, have a debate and it would go back to Committee. Now we have got it in Committee, we might as well deal with these particular sections. Mr. Legal Adviser could explain what these sections are and then if they are approved, come morning I can give Notice of Motion relating to it.

Mr. Chairman: Do you think we will get through it tonight?

Mr. Chamberlist: It is not much, very simple.

Mr. Chairman: Committee agreed?

Mr. Legal Adviser: Mr. Chairman all the sections which are listed are sections which it is proposed to repeal and it is possibly easier to refer the Committee to the group of sections, comprising section 27 to section 44, and to say that there are only a few sections being retained of that group of sections. These are sections which are purely within the competence of the Federal Government of which there might be some slight doubt as to whether or not we have the legislative competence and therefore consider it wise to retain the sections. The list of sections being repealed run right through these sections. If any Member has a particular query relative to any particular section, I don't know if the Members have a copy of the Yukon Act before them, please ask. If there are no questions then possibly I could give an explanation of the main ones that have been retained. We are repealing section 27 and leaving subsection (2) in because we want the position to be that a Judge of the Territorial Court in the Northwest Territories is ex officio a Judge of the Territorial Court here. We cannot deal with section 28 but in section 29 we need the power to have deputy judges because we never know from time-to-time how many judges we will require in the Territorial Court and on occasions we may require a French-speaking judge. This is being left in specifically. I haven't got my marked copy here with the sections that are being retained. I didn't think this was coming up at the moment. We are retaining section 32 because the judge will then reside in such place as the Governor General in Council in the Commission of the Judge directs him to do. It is a Federal power. We are also retaining subsections (2) and (3) specifically for the purpose of enabling our court to sit in the Northwest Territories for the purpose of hearing a civil case without a jury. Section 34 goes because no Grand Jury has ever sat here within living knowledge, so far as I can remember. Section 35 is dealt with in our Court of Appeal Bill with the exception of the power to sit in the province of British Columbia. It would be doubtful that we would have legislative competence to deal with. Also, subsection (15) of that section is a Federal power because it is dealing with the appeals to the Supreme Court. In Police Magistrate's we are repealing section 36 but we are keeping section 37 because in order to have the power of two justices under a Federal Act it needs a Federal retention of this power. In section 38 it goes completely but instead of using the method of vesting power in a police magistrate

SESSIONAL
PAPER #11

Mr. Legal Adviser continued
trying the civil matters by an order we are giving that power to the court itself of which the magistrate will be a member. In section 39 -- section 39 goes. Section 40 goes except for subsection (3) which is a reflection of what I said in section 37. We require the power of two justices and we want them to be all J.P. II's. In section 41 we are obtaining now the power to appoint these officers so section 41 goes. Section 42 goes because it deals with oaths and sections 43 and 44 are necessary to retain because we have not yet made provisions for dealing with prisoners by an ordinance of our own.

Mr. Tanner: Mr. Chairman, it is just in the last one, section 44, will that come to us -- will that be repealed eventually when we get the agreement with the R.C.M.P.

Mr. Legal Adviser: I don't think it would be necessary. It is possibly not necessary to repeal it but, we already have our corrections systems set up but we do not have a Corrections Ordinance. It is our intention to bring this forward; in fact, there is a draft prepared but we are awaiting the enactment of the Federal new Juvenile Offenders Act so that our content will be correct. So, we are holding back on that.

Mr. Tanner: Section 44 eventually will be repealed then and the authority will come to us.

Mr. Legal Adviser: Don't ask me for specific answers on that. We already have the authority of the dealing with corrections. We are exercising that power, it says the Commissioner may make rules. We may produce an ordinance instead of a set of regulations. There are a set of regulations in effect at the moment governing corrections.

Mr. Chairman: Any further questions related to this Sessional Paper? Does the Member have sufficient indication then?

Mr. Chamberlist: Yes, Mr. Chairman, I will be giving Notice of Motion tomorrow morning.

Mr. Chairman: Are we agreed? This has now cleared all Sessional Papers in Committee with the exception of Motion No. 4, plus we have bills left.

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

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

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

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: The House will now come to order. May we have a report from the Chairman of Committee?

Mr. Chairman: Yes, Mr. Speaker. Committee convened at 11:05 a.m. to discuss Public Bills and Sessional Papers. Mr. H.J. Taylor, Registrar of Motor Vehicles, attended Committee to discuss Bill No. 18. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 18 be reported out of Committee without amendment and this motion carried. Committee recessed at 12 noon and reconvened at 2:00 p.m. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 19 be reported out of Committee without amendment and this motion carried. It was then moved by Councillor Chamberlist, seconded by Councillor Tanner, that Bill No. 20 be reported out of Committee without amendment and this motion carried. It was then moved by Councillor

Mr. Chairman continued

Chamberlist, seconded by Councillor Watson, relative to Bill No. 21 that section 12 of the Court of Appeal Ordinance be deleted and the following substituted therefor: "12. Notice of an appeal to the Court of Appeal shall be given within thirty days from the day the judgment, order or decree appealed from is pronounced or within such additional time as the judge who made the same or a judge of the Court of Appeal may allow." This motion was carried. It was then moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 21 be reported out of Committee as amended and this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Tanner, that Bill No. 22 be reported out of Committee without amendment and this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 16 be reported out of Committee without amendment and this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Stutter, 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, I believe tomorrow it is the intention of Committee to proceed with Public Bills.

Mr. Speaker: What is your further pleasure?

Mr. Chamberlist: Mr. Speaker, I would like to move that we call it 5:00 o'clock.

Mr. Stutter: I second the motion.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Dawson City, that we now call it 5:00 o'clock. Are you prepared for the question? Agreed?

MOTION CARRIED

*MOTION
CARRIED*

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

ADJOURNED

ADJOURNED

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. I have a letter from Ottawa, dated February 18th, 1971, addressed to the Speaker and signed by Ian Watson. "Mr. Chairman: I wish to acknowledge receipt of your telex dated February 17th, 1971, regarding Bill C-187. I am asking the clerk of our Committee to furnish copies of your message to all members of the Standing Committee on Indian Affairs and Northern Development. So far, we have received no indication that the Government intends otherwise than to proceed with Second Reading, and then, to refer Bill C-187 to our Committee. If and when this occurs, I expect that the Committee will decide to hold public hearings in the Yukon. Yours sincerely, Ian Watson, M.P., Chairman." Are there any Documents or Correspondence to be tabled?

Mr. Chamberlist: Yes, Mr. Speaker. We have this morning, for tabling, Legislative Returns No. 6, No. 7 and No. 8.

Mr. Speaker: Are there any Reports of Committee? Are there any Bills to be introduced?

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 26, An Ordinance Respecting the Preservation of Archives of the Yukon Territory, be introduced.

*BILL #26
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 25, An Ordinance to Amend the Game Ordinance, be introduced.

*BILL #25
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 27, An Ordinance for the Protection of Consumers, be introduced.

*BILL #27
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

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

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion that, in the opinion of Council, sections 27(1); 28; 30; 31; 33(1); 34; 35(1)-(4), (6)-(14); 36; 38; 39; 40(1), (2), (4); 41; and 42 of the Yukon Act, respecting the administration of Justice, be repealed.

MOTION #5

Mr. Speaker: Are there any Notices of Motion for the Production of Papers? As there are no Notices of Motion for the Production of Papers or Motions, we come to the Question Period. Are there any questions?

Mr. Stutter: Mr. Speaker, it is not my intention or the intention of my constituents to impose our will on other people. However, as the Executive Committee has seen fit to turn down our request to have the time in the Dawson area changed to coincide with that of Whitehorse, and inasmuch as we are striving for a democratic government, I'm wondering if the Executive Committee would allow a opinion poll to be taken in the area west of the 138th meridian in the Yukon, to see if it is the wish of the people in general, to have this time change. I address that question to either

*QUESTION RE
TIME ZONE
CHANGE,
DAWSON AREA*

Mr. Stutter continued.....
the Commissioner or the Executive Committee, since they were the ones who ruled against our request.

Mr. Commissioner: Mr. Speaker, there is nothing that the Executive Committee could do to prevent such a poll being taken. I would like to suggest that it is very clearly in two ridings, this area that the Honourable Member speaks of, and, perhaps, consultation between the two Members of the Council would resolve the question that is posed at this time.

Mr. Stutter: Mr. Speaker, I wonder if I could have a definite answer to my question. Would the Executive Committee be against it, or would they permit a poll, rather than just a meeting between myself and Mrs. Watson?

Mr. Commissioner: Mr. Speaker, believe you me, when I say that the Executive Committee has no means of preventing a poll being taken.

Mr. Taylor: Supplementary question, Mr. Speaker. If such a poll is taken and would indicate clearly, one way or the other, as to the feelings of the people in that district, would the Administration, then, accede to the request of the people as described in this poll?

Mr. Commissioner: Mr. Speaker, it is one thing, acceding to the wishes of the people, when a clear-cut question is being asked; it is another matter, having to accept certain administrative responsibilities with regard to the good government in Yukon. When these two things are attempted to be melded into one, then, there it is not possible to meld them into one and it is impossible to give an answer. Certainly, I think that the question of time zones has been bandied around the Council here for a considerable number of years. What is in operation at the present time appears, on the surface, to be operative, except as it has been abused or disrupted by the actions of a company that operates in the Clinton Creek area. Perhaps, the whole question can be resolved if, indeed, the two Members who represent these areas that are questioning the advisability of continuing on with these two time zones, got together and sorted out where the problem really is. I think that they will find that their immediate approach is going to be to the Cassiar Asbestos Corporation to see if, as residents in the Clinton Creek area, they couldn't see fit to bring their time into line with the rest of that particular area. I'm sorry, Mr. Speaker, I would not go any further than that in attempting to answer the Honourable Member's question.

Mrs. Watson: I would like to add, also, that I would be quite willing to work with Councillor Stutter in the Dawson area. Possibly, we could resolve this question.

*QUESTION RE
MINISTER'S
VISIT*

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Commissioner, this morning. This is respecting the impending visit of the Minister of Northern Affairs, the Honourable Jean Chretien. I'm wondering if Mr. Commissioner is now in a position to inform the House as to the time of arrival of the Minister. In other words, when is he going to be arriving here? Who is expected to be accompanying him in his party? And, is there yet any news of any forthcoming meetings with Council on the occasion of his visit here?

Mr. Commissioner: Mr. Speaker, as far as I am aware, at the present time, the Minister and his party will be arriving in Whitehorse, at something in the 7:00 p.m. neighbourhood, this coming Friday. I'm afraid I don't know the names of the people who are in the party, as yet, because we haven't been advised. As I intimated to Council, the other day, there has been no attempt, on my part, to establish any formal meeting between the Minister and the Members of the Council.

Mr. Taylor: I have a further question relevant to a question twice asked

Mr. Taylor continued.....

in the House. I'm wondering if Mr. Commissioner has yet received any communications from the Commissioner of the Northwest Territories in respect of the desire of that Council to meet with this Council?

*QUESTION RE
JOINT MEET-
ING WITH
N.W.T.*

Mr. Commissioner: Mr. Speaker, I am not aware of any communications.

Mr. Stutter: Mr. Speaker, I wonder if, after our discussions yesterday about the grant to the T.E.S.T. Programme, if the Administration has made formal representation to the Federal Government, yet.

*QUESTION RE
T.E.S.T.
GRANT*

Mrs. Watson: Mr. Speaker, we've had word, unofficially, from Ottawa that the Yukon T.E.S.T. Programme grant has been approved. Official word will be forthcoming very soon.

Mr. Tanner: Mr. Speaker, I have one question for the Commissioner, this morning. What is the Territorial tax position with regard to the refinery, or the ex-refinery, at Haines Junction? Has the Territory recovered the taxes that were owing to it?

*QUESTION RE
REFINERY,
HAINES
JUNCTION*

Mr. Commissioner: Mr. Speaker, I cannot give a momentary position report on this, other than to say that the matter was pursued through the legal means available to us. It was subject to a court decision and, to the best of my knowledge, that court decision either will permit us to dispose of the assets that were on this property, if the taxes are not paid within the time that the court set. I'm sorry, I don't have those exact dates in front of me, Mr. Speaker. I'm sure, however, that if there is any change in this particular position, one way or the other, we will be informing Council of it. I wonder if Mr. Clerk would make inquiries and see if, indeed, there has been any change in that position in recent days.

Mr. Speaker: Are there any further questions? We wish to thank the Commissioner for his attendance. As there are no Private Bills and Orders, we will proceed to Public Bills and Orders.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 16, An Ordinance to Amend the Workmen's Compensation Ordinance, be given Third Reading.

*BILL #16
THIRD
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 16, An Ordinance to Amend the Workmen's Compensation Ordinance, be adopted as written.

*BILL #16
TITLE
ADOPTED*

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: I will declare that Bill No. 16 has passed this House.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 18, An Ordinance to Amend the Motor Vehicles Ordinance, be given Third Reading.

*BILL #18
THIRD
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 18, An Ordinance to Amend the Motor Vehicles Ordinance, be adopted as written.

*BILL #18
TITLE
ADOPTED*

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: I will declare that Bill No. 18 has passed this House.

BILL #19
THIRD
READING

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 19, An Ordinance to Constitute the Territorial Court of the Yukon Territory, be given Third Reading.

MOTION
CARRIED

MOTION CARRIED

BILL #19
TITLE
ADOPTED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 19, An Ordinance to Constitute the Territorial Court of the Yukon Territory, be adopted as written.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No.19 has passed this House.

BILL #20
THIRD
READING

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 20, An Ordinance to Constitute the Magistrate's Court of the Yukon Territory, be given Third Reading.

MOTION
CARRIED

MOTION CARRIED

BILL #20
TITLE
ADOPTED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 20, An Ordinance to Constitute the Magistrate's Court of the Yukon Territory, be adopted as written.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 20 has passed this House.

BILL #21
AMENDMENTS
FIRST
READING

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the amendments to Bill No. 21, An Ordinance to Constitute the Court of Appeal of the Yukon Territory, be given First Reading.

MOTION
CARRIED

MOTION CARRIED

BILL #21
AMENDMENTS
SECOND
READING

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the amendments to Bill No. 21, An Ordinance to Constitute the Court of Appeal of the Yukon Territory, be given Second Reading.

MOTION
CARRIED

MOTION CARRIED

BILL #21
THIRD
READING

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 21, An Ordinance to Constitute the Court of Appeal of the Yukon Territory, be given Third Reading.

MOTION
CARRIED

MOTION CARRIED

BILL #21
TITLE
ADOPTED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 21, An Ordinance to Constitute the Court of Appeal of the Yukon Territory, be adopted as written.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 21 has passed this House.

BILL #22
THIRD
READING

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 22, An Ordinance Respecting Justices of the Peace, be given Third Reading.

MOTION
CARRIED

MOTION CARRIED

BILL #22
TITLE
ADOPTED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 22, An Ordinance Respecting Justices of the Peace, be adopted as written.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 22 has passed this House. What is your further pleasure?

Mr. Taylor: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair, and Council resolve into Committee of the Whole for the purpose of discussing Public Bills and Motions.

Mr. Stutter: I will second that motion.

Mr. Speaker: It has been moved by the Member from Watson Lake, seconded by the Member from Dawson City, that Mr. Speaker do now leave the Chair, for purpose of convening in Committee of the Whole to discuss Bills and Motions. Is the House prepared for the question? Agreed? I will declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

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

Mr. Taylor takes the Chair.

Mr. Chairman: I call Committee to order and the first item is Bill No. 23, An Ordinance Respecting Elevators and Other Fixed Conveyer Systems.

BILL #23

Mr. Chamberlist: Mr. Chairman, the Explanatory Note reads: "The purpose of this bill is to place elevators and similar contrivances under comprehensive safety control and inspection." Just to expand a little bit on that, Mr. Chairman; we have, at the moment, no legislation or powers to enforce safety control features in the field of elevators. This piece of legislation will do that.

Mr. Chairman: This is An Ordinance Respecting Elevators and Other Fixed Conveyer Systems. (Mr. Chairman reads sections 1; 2; 3, subsections (1) and (2); 4; 5, subsections (1), (2), (3) and (4).) I have a question that I'd like to ask at this point on subsection (4). I'd like to get that clarified, if I could, by the Legal Adviser. I think, at this time, we might as well break for a recess, in any event.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order.
(Reads sections 6,7,8,9,10(1),(2),(3),11(1),(2),12 of Bill No. 23.)
Is there anywhere in this Ordinance where there is an appeal to the court from a decision of an inspector?

BILL #23

Mr. Chamberlist: Mr. Chairman, it is not an area where an appeal to the court would be of great importance, because where there is a danger in an elevator, an inspector should be able to say, stop using it now because of the danger involved. It is a different area where there are appeals to court as to decisions, that there is a necessity for an inspector to be able to say, stop using a specific piece of equipment until such time it has been repaired, because the court can say whether it should be repaired or not. This is the understanding that I have been given on this thing.

Mr. Chairman: (Reads sections 13,14(1),(2),15(1) of Bill No. 23.)

Mr. Stutter: Mr. Chairman, I wonder, in sections 13(a) and also in 14(2), if -- it strikes me that there are a few commas left out of there, a few typographical errors possibly, "results in death or serious injury or damage to equipment;" surely it should be, "in death, or serious injury, or damage to equipment."

Mr. Chairman: Don't the "ors" take care of that -- the commas?

Mr. Chamberlist: Yes, they do.

Mr. Chairman: (Reads sections 15(2),(3),16(1),(2),17,18,19,20,21(1),(2),22(1),(2),(3),23 of Bill No. 23.)

Mr. McKinnon: Mr. Chairman, I wonder if I could ask, where the pressure came from to put this Ordinance into affect in the Yukon at this time? Were there any instances of, particularly passenger elevator -- elevators not being up to safety standards? I can only think of, off hand, two or three passenger elevators in the Yukon, and all of them in government buildings, are they not ...

Mr. Tanner: There is one at Clinton.

Mr. McKinnon: One at Clinton. I was just wondering if there were any instances where there were abuses of particularly passenger elevators, because I think that this is the field which would be the one where protection had to be granted mostly, and why the Ordinance was needed in the Yukon at this particular time?

Mr. Chamberlist: Mr. Chairman, the Ordinance itself doesn't only take care of passenger elevators in public buildings. It is all types of elevators, dumb waiters in restaurants which are used with ropes, ski lifts, all these areas where there has been no inspection or no safety requirements needed before, because it hasn't been enforced. Specifically, I don't recall any particular accidents that have occurred. Although, I know that there have been various representations made by labour organizations, that there be some protection provided for accidents to people. This is the overall purpose for what the legislation is being brought forward. I understand that we are the only jurisdiction that hasn't legislation of this type. In the Northwest Territories, they have already had a piece of this type of legislation, some five years ago. Mr. Chairman, I would move that Bill No. 23 pass out of Committee without amendment.

Mr. Stutter: I second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Stutter that Bill No. 23 be reported out of Committee without

BILL #23 Mr. Chairman continued ... amendment. Are you prepared for the question? Are you agreed? I declare the motion carried.

*MOTION
CARRIED*

MOTION CARRIED

Mr. Chairman: I believe that the intention, Bill No. 24, is to allow Members to peruse the contents thereof, prior to debate. Is this correct?

Mr. Chamberlist: Unless, Mr. Chairman, Members agree that they have read sufficient of the Yukon Health Plan Ordinance to read some of it. I thought that they should be given as much time as possible to study the contents of the bill itself.

Mr. Chairman: What does Committee feel in this regard?

Mr. Stutter: Mr. Chairman, there are several questions that I would like to have asked. I don't know whether they could wait until we actually get into it or not. Some of these questions may require witnesses, or even a little bit of research because -- I would be pleased to ...

Mr. Chairman: Well, at the moment, we will make a review of our bills.

Mr. McKinnon: Mr. Chairman, on Bill No. 24, I would like to pose a series of questions to the Administration, and they are going to take quite a lengthy research for answers, and if I could have the answers when we return, I think that it would be very beneficial, to me any way on the Health Care Plan.

Mr. Chamberlist: Well, in that case, Mr. Chairman, I wonder if we could just read the name of Bill No. 24, and then allow the Honourable Member to pose his questions.

Mr. McKinnon: I am going to pose them as written questions in Orders of the day.

Mr. Chamberlist: Oh, fine.

Mr. Chairman: Alright, Bill No. 1 is An Ordinance to Amend the Liquor Ordinance, and I believe there are some further proposals coming for this later in the Session. The next bill is, Bill No. 9, An Ordinance to Amend the Taxation Ordinance, and I am wondering if this is ready?

Mr. Chamberlist: Mr. Chairman, the amendment to the bill is ready, and I will ascertain in just a few minutes whether we will have it printed for this afternoon, and we may be able to go on with it this afternoon.

Mr. Chairman: Right. Your next bill is Bill No. 14, An Ordinance to Amend the Elections Ordinance.

Mr. Chamberlist: We can deal with that. There was just a question that had to be answered, that I understand, two questions ...

Mr. Chairman: I believe there is some clarification to be ...

Mr. Chamberlist: Yes, I think that we are ready to answer that.

Mrs. Watson: Mr. Chairman, do I understand that section 18 was to be clarified?

Mr. Chairman: Yes, I believe so.

Mr. Tanner: Yes, Mr. Chairman, I asked for this.

Mr. McKinnon: Mr. Legal Adviser had two instances there.

Mr. Tanner: I asked the question on section 18.

Mr. Chamberlist: We could get Mr. Legal Adviser in, and get that cleared.

Mr. Chairman: He is in court at the present time. Alright, we will mark the note for further ... Bill No. 15, An Ordinance to Amend the Labour Standards Ordinance, and I believe that there is a further suggested amendment coming for that.

Mr. Chamberlist: Will we be getting it before this weekend, Mr. Chairman, if it is your amendment I understand?

Mr. Chairman: I won't know until the Legal Adviser is free, it is pretty difficult. Next is Bill No. 17, An Ordinance to Establish a Transport Public Utilities Board in the Yukon Territory, and I believe that has been deferred pending study by the Yukon Transportation Association. The only other matter we have before Committee at this time, is Motion No. 4, relevant to family planning, and I believe that it was the intention of Committee to discuss this when we discuss the Medicare Bill with Doctor Horwood, I believe in attendance.

Mr. Stutter: Mr. Chairman, was there some particular reason why it should be discussed in conjunction with the Medicare Bill?

Mr. Chamberlist: Yes, it is very closely aligned.

Mr. Chairman: Well, it seems then, that all we can deal with at this time is Bill No. 9 and Bill No. 14. Bill No. 9 being the Taxation Ordinance, to which amendments will be forthcoming, I believe, this afternoon, and also Bill No. 14 amendments to the Elections Ordinance.

Mr. Chamberlist: Unless, Mr. Chairman, the House might be willing to revert -- no, no, we can leave it until tomorrow. I will go out, Mr. Chairman, and see if we -- if I can get some assurance that the amendment to Bill No. 9 will be printed for this afternoon, 2:00 o'clock.

Mr. Chairman: Yes, well in light of the position, I might as well declare a recess until 2:00 o'clock, because there is nothing that we can achieve now. Committee stands in recess until 2:00 o'clock.

RECESS

RECESS

Page 351.

Wednesday, February 24, 1971.

2:00 p.m.

Mr. Chairman: At this time I will call Committee to order, and we have two Bills, Bill No. 9 and Bill No. 14. What is your pleasure?

Mr. Chamberlist: Mr. Chairman, I have an amendment to Bill No. 9, which is being circulated now.

Mr. Chairman: This is an Ordinance to amend the Taxation Ordinance, and I believe the amended copy is coming to you now. (Mr. Chairman reads Bill No. 9)

BILL #9

Mr. Tanner: Mr. Chairman, if I might say, that the amendment to the Taxation Ordinance most closely concerns my constituency. I would like to read through it and reserve the right to speak on the whole content at the end, please.

Mr. Chairman: Are we agreed?

Mr. Tanner: Mr. Chairman, if I could just briefly address myself to the Bill in total. First of all, I want to congratulate the Administration for bringing forth this Bill at this time. I think, this incorporates the concept that I have been personally working for for some time, and that is basically that the person paying the tax, should have the same rights and privileges as anybody else who pays tax. They have the right to appeal here, which is to my mind a basic concept of any taxation. I would go further to say in this particular context, that if I may, although I am familiar with the fact that the Administration wants to get this Bill through very quickly, to incorporate it within the taxation in the Budget we have passed, I would ask the indulgence of the Committee to, after discussion, to report progress on this Bill, and bring it back into Committee tomorrow.

Mr. McKinnon: Mr. Chairman, if I understand from the Ordinance as it now stands, that the taxes that will be paid by every owner of a mobile home, will be the same taxes -- will be the same taxation as a person living in a permanent residence, not considered a mobile home. Is this correct?

Mr. Legal Adviser: It is hard to give a correct answer to that question. There has been an assessment made of mobile homes in September-October. The assessment in general made taxes payable in relation to those mobile homes at a much lower rate than the equivalent dwelling taxation rate, and I think the tax paid will be somewhere between \$120.00 - \$140.00 per annum. And this would raise from these homes which have been assessed, approximately \$28,000.00. Now, the average amount of tax payable to a person who was living in a house, that is an average house, roughly equivalent to an area of a mobile home, would have been about \$400.00 per home. So the amount levied from people who are living in trailers on land which they do not personally own, is very much less. So, it is hard to say that it is the same.

Mr. McKinnon: Mr. Chairman, I wonder, if I could ask these questions of Mr. Al Williams, the tax assessor. I think it is extremely important, I think the concept of the same method of taxation, get away from the stupid licensing fees, the concept of service connections, but let everybody who pays taxes and resides in the Territory, whether in a mobile home, or a permanent residence, have the same type of privileges. We use the same method of taxation. The point here is on the assessment. It has to be considered, it has to be lowered, because what we are talking about when we are talking about taxing mobile homes are the services that they receive from the Territorial Government. I think that everybody at this table will admit, that those people living in trailer courts don't receive the same level of service from the government that people

Mr. McKinnon continued,....

BILL #9 living in the other municipal areas under the jurisdiction of the Territorial Government, do. I fully well realize that they are protected -- are fire department protected, and also have the privilege of attending Yukon schools, but in the field of sewer and water, the field of street lighting, the field of road maintenance, that these provisions which have been provided through the Taxation Ordinance to other residents throughout the Territory, certainly are the responsibilities of the trailer court owners, and not of the Government of the Yukon Territory. So, it is on the assessment that we have to worry, if there is a fair assessment and lower than the mill rate charged, or lower than the assessment rate charged on real property in permanent residences, then I say it is an equitable way of taxation, but if it is the same method of assessment on mobile homes as is on permanent residences, then we are no better off then where we started from. I like the method -- this method that I have always been pushing for too on the taxation of mobile homes, to have it on one equal and fair basis, but I certainly would like to hear from the tax assessor how they are going about making the assessment on the mobile home.

Mr. Chamberlist: Mr. Chairman, the assessment that was made on the mobile homes, was based on the size, the floor area, the square footage of the mobile home, and the method that will be used for taxing of mobile homes, will be that area right away through. Now, it doesn't matter whether the mobile home happens to be on a trailer court or not, because the Honourable Member is well aware that there are mobile homes, that are on the owner's own lot, and they are also taxed. There are lots in the Porter Creek area, where there are trailers, people have bought their own lots, they have put their trailers on them, and those trailers have also been assessed in the same way. Now this is the idea -- the principle of it, keeping in mind that mobile homes are placed in other locations than in trailer courts only. And the idea is, to get all mobile home owners to pay taxation. And this is the principle involved.

Mr. Legal Adviser: Mr. Chairman, the assessor gave evidence in court and he said that the method of assessing is as follows: he and his officers went to each mobile home and measured each individual mobile home of its square area. He then examined it for the services which it has in itself, not the services supplied by the operator, but the services supplied by itself. He then made a deduction from -- this was using the method he applied to a similar size house. He then made a series of deductions in regards that it had no foundation, in regards that it had a metal floor, which is more difficult to heat, and loses more heat than a normal house would, so there would be a deduction for that. A lot of them had less window space, and there was a deduction for that, and so on. And he equated to the concept of a house, which was providing less services, and he then made an overall deduction, again. I think it was either 5 or 10% for equalization purposes, reduced it by that, and came up with the final assessment. Now, he was cross examined in court on this particular aspect, and there was a separate judgment given, separate from the legal aspects of the case, on the amount of the assessment on which the assessor had been cross examined, and the judge specifically upheld the fairness and rightness of the assessment in a separate judgment in the court case.

Mr. Tanner: Mr. Chairman, perhaps I should reiterate, and I think Councillor McKinnon was saying the same thing. We accept the principal of this Bill. It is fair, it is equitable, it is the only reasonable way to raise the monies which are -- the people living in mobile homes should be obligated to pay for the services that they receive. What I am asking, is this, there are two or three details, we just got hold of this Bill now, there are two or three details which I would like to look at in more -- with more time, and I am suggesting to Committee, if the Chairman would agree, that we would discuss it this afternoon, but not close off debate on it this afternoon, and keep it open until tomorrow.

Mr. Chairman: Councillor Stutter will you take the Chair a minute?

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I do not agree with this Bill in any way, shape or form, at this time. I don't think it meets the problem. First instance, I find here in subsection (2) of 5A, where it is proposed where the Administration are trying to recover funds from the trailer owners from last years assessment which was thrown out by court. I find here mobile homes, it was thrown out as being illegal. This is correct. I have here, I just -- prior to coming into the Chambers, I went down and got a copy of the judgment, in the case of the Kopper King Services Ltd. - Williams Ventures Ltd. and the Takhini Trailer Court and the Commissioner of the Yukon Territory, and I think it would be most useful for everybody if we sit down and discuss this. I will try and get copies made and circulated and would like all Members to take a look at it. When you go down to the business of taxing trailers, I do not agree with giving the power of licensing of mobile homes to the Commissioner. I certainly can't agree to that. We have seen what has happend. This question has been batted about this House on many an occasion. Whatever we do, must be spelled out, and as far as I am concerned, the mobile home must be dealt with in the same manner as anything else in the Territory. If the mobile home is to be taxed in respect of education taxes, it should be taxed at 16 mills and charged to the owner of the mobile home, irrespective, of whether he is in a trailer court, or whether he has his trailer on his own property. He pays the 16 mills. Now whoever owns the property can fight about the land tax. If he says he is on his own property, fine, he pays the land tax, if he is not, if he is on somebody elses property, somebody else pays the land tax. And be assessed on the same basis as real property is assessed in the Territory, and that is the only way that I find acceptable. I cannot agree that we should be collecting tax for those taxes levied from let's say, fiscal year, April 1st, 1970 - March 31st, 1971. I don't agree with that. There was a tax levied upon these people. That tax was apparently found to have been not lawful, and I don't see why we should go and try and get back at these people this way. The government lost the ballgame, and I won't agree in any way, shape or form of attempting to get the tax from them under this Bill.

Mr. Chamberlist: Mr. Chairman, in respect to the Honourable Member, I think he has misread the judgment that has been handed down. The judgment simply said that the method of taxation was improper. It has already been indicated by Mr. Legal Adviser, there is a separate area of the overall judgment, whereby the -- Mr. Justice Maddison, has said quite distinctly, that there was nothing wrong with the assessment of the trailers, but that the part to carry out the assessment and tax in that manner, was improper. Now, we just have to find a way to make it lawful to tax those people that have mobile homes, so that they pay their fair share and actually it is a lot less then their fair share when we come to weigh it out, towards the taxation and services that are being supplied by the Territorial Government. The Territorial Government and the people of the Territory are not philanthropists. It is not their obligation to pay monies wholly for others. They are there to participate in the payment of taxes. The Honourable Member from Watson Lake has shown objection to subsection (7) of page 2, and he objects to the Commissioner licensing of mobile homes. I would bring forward to this particular thought to Members of this Committee, that there is no objection to the Commissioner licensing vehicles, which is exactly the same thing that is taking place. The only purpose of registering, making sure that people who own mobile homes register, is so that there is a registry of ownership of mobile homes, so that we know to whom we can look to payment of the taxes for the assessment that has been made. Now, there has been much spoken about the fact, that in other ways we have tried to overcome this difficulty, we have placed the onus upon trailer court operators to in fact be tax collectors, and by so doing, depriving the owners of mobile homes from having the right to appeal against an assessment where assessment has been levied for taxes for that particular mobile home. In the methods that have been brought forward here, I am sure, that all Members will agree that in this area, there is provision now, automatically, for any mobile home owner to file with the revising officer, an appeal, and then go beyond that to the Territorial Court of Appeal, because it cuts loose from the same procedure in the Taxation Ordinance.

Mr. Chamberlist continued.....

BILL #9
So, that we find there are two things that must be considered, and I am sure that Members will agree. We have a registration, knowing what mobile homes there are in the Territory. We have a provision for taxing those mobile homes on the basis of area. We have made provision so that section 5A, treats the mobile home as real property, and this is important. Very important, because this is the way that it must be done. Generally we must agree as well, that in the past year, services had not been supplied to the people that are in mobile homes, who had been assessed. Now, these are the amounts that we expect to receive from those people. What we have said is that, instead of saying that they should be paying by the fiscal year April 1st, we are giving them a three months moratorium on a no penalty basis. They can pay by the end of June for the previous year and we are not imposing any penalty. There is not one person who owns a mobile home, who has refused or objected to paying a tax on their mobile home, as long as they have the right to appeal the assessments made against them. This right has been given to them, so consequently I would say, Mr. Chairman, that what has been brought forward today, is a real good amendment to the Taxation Ordinance. I think notwithstanding the objections that have been made by the Honourable Member from Watson Lake, there is every reason to agree and accept this, but I bow to the Honourable Member from Whitehorse North. I think it is a very reasonable request that he has made, and I am quite content to have the Bill -- let the amendment be left in Committee until tomorrow, as he has requested.

Mr. Taylor: Mr. Chairman, I feel very strongly that this Bill -- here again it is another of these situations, you get a Bill slapped in front of you, and as the Honourable Member has stated, we haven't had an opportunity to look this over. I just now, received a copy of this judgment, and I would like this put over too, until we had a chance to take a good long look at this, because I don't think that this Bill is equitable in any way, shape or form. I don't agree with the Honourable Member in many of the statements that he has made. He talks about fair share, I agree. Everybody in these trailers wants to pay their fair share of taxation, but they don't want to pay more or less, and there is no reason why taxation cannot be at the same level for everybody else in the Territory in respect to these mobile homes. No. 2 is, I think that also in this Bill and we contemplate further amendments, we must take away the Commissioner's power under section 50 of the Taxation Ordinance to levy taxes. This is something that must be left in the hands of this Council, and so that must be considered, an amendment to section 50. And, furthermore, the licensing provision by regulation, I will never, never go for that because this Council has debated the question, they have said no, we do not agree with licensing. We had a Bill here in the old Council. We said no. Out the door it went. We were no sooner out of the Council Chambers than the Administration was hard at work, trying to find another way to tax these people, notwithstanding that the Council had turned this down. So, I would never trust the Administration that power, to give them a licensing provision over trailers. I think that is something that must be done by this House and spelled out clearly in Legislation in an equitable manner. And that is my position, and I support the idea that we defer this matter for some time in order that we can study it further.

Mr. Tanner: Mr. Chairman, in reply to the Member from Watson Lake, I would say, that this particular piece of legislation has been a concern of mine even before I got into Council. I have been looking at it very closely. I might even say this is one area, where a Member of Council has had some input into the Executive Council in some way that I have made suggestions, and this is basically what I have been asking for. This is the most equitable way that I can see of taxing people. Now, there are details, minor details, which I would like to discuss further. I would like to think about them this evening and come back tomorrow. But right now, the principle of this Bill, I accept completely. The idea being, that the person who is paying the taxes, has the right to appeal those taxes. That is the basic right of any taxpayer in this country, and I really don't -- I really can't go along with the Member's objection, with regards to a couple paragraphs which he has mentioned, however I think

Mr. Tanner continued.....

by tomorrow I'll have some answers for him and I would like further discussion, but right now the principle of the Bill is most acceptable, and it is acceptable as far as I can see to the people who have got to pay the taxes. I can honestly say, that I have had not one trailer owner come to me and say, that they don't feel they should pay taxes.

BILL #9

Mr. Taylor: Mr. Chairman, that is quite clearly obvious, because this document has only become public here this afternoon, just as we walked through the door, just prior to 2:00 o'clock, so I guess, they couldn't.

Mr. Tanner: Mr. Chairman, I -- before this came to court. When the Administration tried previously to tax it, I was the most vocal objector to what they were doing, and in the meantime we had many meetings with trailer owners, and not one of them said they would not pay taxes. What they were saying is, they wouldn't pay taxes under the way they were trying to be taxed in the past. They are prepared to pay taxes, but they want the rights as a taxpayer, and they have got those rights in this Bill.

Mr. Taylor: Yes, but there are many other ways to skin the cat, Mr. Chairman.

Mr. Chamberlist: The Honourable Member hasn't suggested how we go ahead and skin the cat, perhaps he can come up with a suggestion.

Mr. Taylor: Possibly if the Honourable Member who last spoke, would clean out his ears, or may be he can read it in Votes and Proceedings, the suggestions I did make just a few minutes ago.

Mr. Chamberlist: Well, I wonder if the Honourable Member can repeat them then, because my ears perhaps might be dirty.

Mr. Taylor: Well, it is not a case that they might, it now is fact. I said that I agree, that every trailer should be registered. Also I agreed that every trailer pay 16 mills, Education Tax. The trailer owner pays that. Now, if he owns his own property, he pays also in respect of the property that he owns, in relation to Real Property Tax. If he is on some one else's property, then some one else pays the property tax.

Mr. Chamberlist: Well, the Honourable Member does not understand that the basis of the taxation is on 16 mills of evaluation that is being made by the assessment officer. That how it is paid, and this is how it is being brought about.

Mr. McKinnon: Why doesn't it say that?

Mr. Taylor: That is right.

Mr. McKinnon: Mr. Chairman, I am going along with the Honourable Member from Whitehorse North on the concept that this is the proper way to tax. Everybody -- get everybody on an equal basis, but why should it be specified -- that the mobile home owner is only receiving the services of the Territorial Government in the field of education. His mill rate should be 16 mills, the same as the educational mill rate anywhere else in the Yukon Territory. The trailer owner, if he owns the property that the trailer is on, he pays, what used to be 6, but is double, the 12 mill property tax. Why isn't this specified that this is the mill rate that he will be paying? If the lots in Porter Creek were made available, where people own the land that the trailer is on, they would pay the normal now 28 mill taxation. But we have nothing specified as to the amount of taxation, only that it is going to be set in this way or in that way. Why can't it be written in the legislation, that this is the mill rate, that is going to be paid on the assessment? And I would like to hear some arguments in this respect.

BILL #9

Mr. Chamberlist: Mr. Chairman, with respect, the Honourable Member keeps basing these arguments on trailers in trailer courts, or trailers on private lots, but there are other trailers, they are parked anywhere. They are the ones that we want to get as well. There are many trailers that are put on public property, they squat with their trailers and mobile homes. Take a trip up in the air. It is against the law, but these are the people that we want to get. This is the only way we can get them. If they register -- they are compelled to register the mobile home. Once they register that, then we have enforcement power, and this is what we have to look at. This point, it is against the law, because they are not in a trailer court, we know this, but this is what we have to do. The only way that we can find them, is for them to register and this is what we have to do. Certainly, we can take any piece of legislation on any basis and destroy and tear it to pieces just for the simple reason that we want to destroy. We all know, that no pieces of legislation can be left alone and left to go through without problems if we don't want to cultivate them. Now, I have consulted with the Member of this Council, who is mostly concerned with the trailer situation, because the majority of trailers and trailer courts lie in his constituency, and we have made a special point of making sure that this piece of legislation is put together in such a way that all areas of objection by him are excluded. Now, a lot of thought has gone into this, and we are very sorry indeed, and I must apologize for only having brought the amendment to you this afternoon. But, I am not pushing and nor is any Member of the Executive Committee pushing for this to be cleared this afternoon. And this is why it is agreeable that this be left in Committee until tomorrow, but I ask Members not to destroy a basic function of the need for taxing the mobile homes, wherever they may be found. And this is, what this piece of legislation is for, Mr. Chairman.

Mr. McKinnon: Well, Mr. Chairman, there is nobody who is trying to destroy anything. All we are trying to do, is to give some constructive suggestions to make a legislation better, if we possibly can. Nobody here is trying to take away the principle that those people receiving services from the Territorial Government should be paying their fair share for these services. The thing is that really amazes me, is you are having the registration clause in the Ordinance, and that is fine. The mobile homes have to be registered, then you know if they are squatting and know if they are illegally in places and you can throw them out of those places, where they are squatting and they shouldn't be. The trailer shouldn't be parked there in the first place. Right. Now, if the Territorial Government, once they find out where the trailer is squatted through the registration, turns around and bills them taxation and say we know that you are there illegally, but we are going to tax you anyway and not make you move. Well, I think the Territorial Government is wrong. Once they know that the trailer is parked there and squatting illegally, their problem and their job is to get that squatter off Crown land and into the trailer courts or into areas, where there are provisions made for trailers to be parked on lots that are provided by the Territorial Government. And certainly, the concept is not that once they are on those lots or once they are in a trailer court, the ordinary provision of general assessment will apply. Then there is no more problem with the area that the government makes the play about, that they have to have this legislation to provide for those trailers that are illegally squatting on crown land. Certainly part of this Ordinance should be to remove those trailers off that land and if the registration clause is there, that is exactly what will be accomplished.

Mr. Chamberlist: Well, Mr. Chairman, we are departing from the main point, and the main point is to try and find a way to tax trailers wherever they are. The other area is something of an enforcement area, and I don't think we should be trying to avoid the function of the Ordinance. The function of this Ordinance is taxation and primarily taxation,

Mr. Chamberlist continued.....

The enforcement of breaches in other areas of Ordinances is something entirely different, but firstly give us the recognition that the purpose of this is -- this Bill that is before Members of Committee, and that is to tax wherever they can be found, and this is the main point. Certainly, I agree with all Honourable Members that come forward with a suggestion that there must be equity in taxation, but it is suggested that there be a specific amount when the balance of the Taxation Ordinance itself clearly leaves out the idea behind the amounts that can be taxed, and how they have to be taxed. This only includes the area as to what shall be taxed and why. What shall be taxed, is the mobile home. Why, the reason for why, is, that it should be treated as real property in exactly the same way, as if the occupier was the owner of the property. And this is what the main point is, and this is why there should be absolute support without question on that point.

BILL #9

Mr. Taylor: Mr. Chairman, another question I would like to ask. I noticed in your explanatory note you say: "The effect of this amendment will be to assess at \$6,500.00 the service connections provided for mobile homes in trailer courts". Could this be withdrawn?

Mr. Chamberlist: Mr. Chairman, with respect, the Honourable Member knows that what we have done now, is, we have amended this Bill by replacing it with another amendment and this explanatory note does not apply. But surely, I don't have to go and show him this.

Mr. Taylor: Mr. Chairman, may I now continue my question? You further stated here: "At the present mill rate each unit or set of connections would contribute approximately \$180.00 per year towards education costs and other services". Now, this was the initial intent of the first Bill. Why the change of heart? Could I have some explanation on this? And, now, what do you expect to yield from this?

Mr. Tanner: Mr. Chairman, I think the Honourable Member from Whitehorse East has made that quite clear. As far as that explanatory note, that went for the first Bill and you can completely ignore that. The whole concept is changed, and the concept is changed to the point that I as the representative of the majority of trailer owners in the Territory and in this Council, feel, that I am satisfied with what we were trying to establish in the first place with the present amendment. And, please ignore the whole concept of that explanatory note and look at the Bill as it is now. It is entirely different.

Mr. Taylor: Mr. Chairman, I am just asking why? I am always highly suspicious and specially at times like this, of this Administration, and I am wondering why the sudden change in heart. We have this laid on our desks one day, and suddenly bango, next day, we have an amendment, now this has changed. What is taking place here?

Mr. Tanner: Mr. Chairman, I think, maybe somebody else should answer this, but does the actual reason is, is, because I didn't like what I saw in the first Bill and since I was the most affected, I kicked up a little fuss, and now we have a Bill -- what can you expect? I cannot really see your arguments here.

Mr. McKinnon: Why, I will be very interested to see the magic formula and plan that the Honourable Member from Whitehorse North is going to present to Council to make it acceptable to all of us, tomorrow. But I really maintain, and I agree with the Honourable Member from Watson Lake, that there is a way of putting the actual rate of taxation in this Ordinance so it will be equitable and apply across the board, and that this, as in every other instance where taxation is levied should be known to the person who is paying the tax and it should be in the Ordinance, and if the Honourable Member can satisfy that objection of mine to the Bill, and if we have the registration areas, so that we -- the government can get those people who are squatting on land illegally onto land

Mr. McKinnon continued.....

BILL #9 that is serviced by the Territorial Government, or into the trailer courts then, I think we've served the objectives of this Bill. It will be satisfactory to me in that.

Mr. Tanner: Mr. Chairman, that's why I asked for time, originally. I'm quite sure that I can satisfy the Honourable Member in that respect, but, I request that we put that over until another day, until tomorrow. It's going to take a little bit of organization, but, I'm sure that I can satisfy that reservation in the Member's mind.

Mr. Chamberlist: I've got to congratulate the Honourable Member from Whitehorse North, because, I've learned to study his face, and he saw an opportunity for, I would suggest, destroying this Bill just because the Honourable Member from Watson Lake, all of a sudden, has found an opportunity to argue against the Bill. It shouldn't be argued against at all.

Mr. Taylor: Well, Mr. Chairman, this Bill has been argued by Council -- rather this subject has been argued by Council for a long time. This is nothing new. What is new is this particular piece of legislation. I'm rather curious as to why we have to deal with it tomorrow. I think that this is a matter that we should have some time to do a little consulting and a little thinking about before we suddenly wash through this Bill. Also, in addition, as I say, we may be contemplating a further amendment respecting the Commissioner's power to tax.

Mr. McKinnon: Well, Mr. Chairman, the Honourable Member from Whitehorse East, one of these years, is going to find out that the only reason why I'm sitting around this table is to do things constructive. If he feels that the only reason why I'm here is to be destructive, then, he's never known the way that I operate and is never going to know the way that I work.

Mr. Chamberlist: I agree.

Mr. McKinnon: This Bill and the principle behind this Bill has been argued by Councils long in the past, as the Honourable Member from Watson Lake has said; it was a mistake, a very silly mistake, for the Government of the Yukon Territory to proceed with the taxation as they attempted to do without it having been discussed at this table and without the political input of the way that it could come about and be placed before the administrative officers of this Territory. I think that I was happy to see the decision in the court, because I think that this is the way it should have been handled in the first place. If Members will look up in the Votes and Proceedings, this is the way it was suggested that it should have been handled in the first place, by discussions around this table. The Administration, in their silliness, that's the only way I can put it, went around and tried to get the taxation through a method which as the court decided was improper and couldn't be done in this manner. Mr. Chairman, I can only hope that we can find some method of putting into the Bill itself, the actual rate of taxation that will be charged, because the principle of the Bill, I do agree with. I just had to rise to say that there is no possible way that I am here in any way, shape or form to destroy the workings of this Council if they can come up with good and proper legislation. I'm sorry that the Honourable Member from Whitehorse East keeps mistaking this fact.

Mr. Chamberlist: There's no mistake. I understand you.

Mr. Taylor: Well, Mr. Chairman, before I resume the Chair, I'm just wondering, is it possible for us to have more time than tomorrow to debate this particular Bill?

Mr. Chamberlist: Mr. Chairman, if you take note of one of these sections, you will find that in subsection (6), "tax notices in respect of taxes payable pursuant to subsection (2), shall be mailed to the occupiers prior to

Mr. Chamberlist continued.....

the 15th of March, 1971, in respect of the taxes payable on the 1st of April 1971". Now, if we have any more time than what we've already given, we will not be able to fulfill that. We will find that we are unable to fulfill that in this fiscal year, what we need to fulfill for purposes of getting the tax back from people who have received the services for that tax. BILL #9

Mr. Taylor: Well, Mr. Chairman, in respect of that, it's just as I say. The government improperly imposed a tax without the consent of this Council, and, consequently, I don't think that these people should be taxed for what happened last year. If it is the desirability, Mr. Chairman, if it is the desirability of this particular legislative body to agree to a method of taxation by means of the vehicle of this Ordinance, fine. I certainly wouldn't agree to tax these people. I don't see any reason why the court could throw one thing out, and we should come back here and try to make it all right again. That's it. The Government lost the ball game. The people won. Just leave it that way. If we're going to start taxing trailers, we start in this fiscal year, not in the last fiscal year.

Mr. Chairman: We seem to have reached an impasse on this point. I wonder, Councillor Taylor, if you would resume the Chair. There is a new point I would like to raise.

Mr. Taylor resumes the Chair.

Mr. Stutter: Mr. Chairman, this Bill seems to have been, primarily, aimed at mobile home owners who have become relatively permanently situated. I wonder what thought has been given to taxation of people who are truly mobile home owners. By this, I mean, the people who are, perhaps, coming into the Territory to work for six or seven months. Has there been any provision made to tax these people? After all, they do receive these services, the same as anybody else. They receive for just a lesser period of time.

Mr. Chamberlist: Yes, well, Mr. Chairman, this is the point that I was making earlier. By registration, once they have come into the Territory and are required to register, and once the mobile home is in the Territory, they would be automatically sent a tax notice. The form that they would have to fill out would, in fact, ask in relation to the size of the trailer, where the trailer is located, who is the owner, what the address of where information regarding the trailer can be sent for is, and all these details. To answer, specifically, the question from the Honourable Member, Mr. Chairman, the Honourable Member will, or can be assured that all trailers will be taxed in this way because of the fact of registration. This is the catch-all for this, Mr. Chairman.

Mr. Stutter: I wonder, Mr. Chairman, if I might ask if it would be a pro-rated tax. If they plan to be here only five months, would it be the five-twelfths of the normal tax? How would it be collected?

Mr. Legal Adviser: Mr. Chairman, the mere concept of treating as real property, mobile homes brings with it its own difficulties. It is possible for a person genuinely mobile to evade the tax, but, the bulk of -- our information is that apart from holiday makers who pass through, and apart from people who own trailers for recreational purposes, the vast majority of the people who own mobile homes are relatively stable and stay within the community. True, they may come up fairly mobile for the first time, but, the cost of moving a mobile home has become so enormous that they move not much more often than people who live in a stone and mortar building.

Mr. Stutter: Mr. Chairman, I would like to follow this reasoning up a little further. At what point does a mobile home owner become a permanent mobile home owner?

Mr. Chamberlist: Mr. Chairman, if you look at subsection (7) of section 2, you see that the Commissioner can make regulations for the licensing of mobile homes and such regulations may provide by means of in transit permits or otherwise for exemption of mobile homes in transit through the Territory or bona fide use for tourist establishments. For instance, they would have --

Mr. Chamberlist continued.....

BILL #9
a mobile home that came into the Territory and entered at Watson Lake, would be able to buy a sticker for about \$1.00 or whatever it is, just to show that it's an in transit mobile home. The in transit permit would last for thirty days. After that time, it would be considered as a permanent mobile home in the Territory, or to whatever regulations that may be prescribed for it. This has to be worked out, of course, Mr. Chairman.

Mr. Stutter: Mr. Chairman, I'm obviously not getting my point across. I'm not talking about a trailer that is in transit. I'm talking about somebody who, possibly, comes up here for seasonal work. Now, these people, as far as I am concerned, should be subjected to some form of tax the same as anybody else. How are you going to collect this tax? How are you going to impose it, how are you going to collect it, and how are you going to keep track of it?

Mr. Legal Adviser: Mr. Chairman, this is an administrative difficulty which I think we've got to face. The concept of the mobile home is new. The concept of taxation of real property is an old one. It's hard to make a marriage between January and December. All we can do is do the best we can and collect taxes from the people who are relatively stable. If a person is assessed and he takes his mobile home on his back with him, like a tortoise, when he's gone, we're not going to chase into B.C. after him very hard. But, if he's here, he pays the tax.

Mr. Stutter: I have one further question, Mr. Chairman; I wonder if the Municipal Ordinance, the proposed amendments to the Municipal Ordinance are going to provide for taxation within municipalities for relatively mobile homes. At the moment, it's not possible, under the terms of the taxation in the Municipal Ordinance, to collect.

Mr. Legal Adviser: Mr. Chairman, this is still to be considered. There are provisions dealing with licensing of mobile homes in municipalities. I don't think that the municipalities have taken advantage of this power, as of yet. They may wish, however, in consideration of their present powers to take over similar powers as the powers given to, hopefully given, to the Administration in the Taxation Ordinance. If that's their wish, then, we'll examine the Municipal Ordinance for that purpose and may bring forth another Bill at another time.

Mr. Tanner: Mr. Chairman, I have one further request. If, in the Committee's wisdom, we do talk to this Bill again tomorrow, I would ask that we have as a witness the Tax Inspector, please.

Mr. Chairman: Agreed? Is it your wish that I report progress on this Bill. Alright, we also have an amendment to Bill No. 14. I think, possibly, before we proceed with this, we should call a recess at this time. Committee stands in recess.

RECESS

RECESS

Page 361.

Wednesday, February 24th, 1971.

3:30 p.m.

Mr. Chairman: At this time we will call Committee back to order. We are now dealing with Bill No. 14 and you have, I believe, before you at this time the amended page being page 2. Mr. Legal Adviser would you carry on.

BILL #14

Mr. Legal Adviser: Might I explain that we amended paragraph (a) of section 18 to pick up the point made by the Honourable Members. One of the Honourable Members mentioned to me during the short recess that it might be better to have the last part of that paragraph read, instead of as it reads now, "within the Territory, from the day immediately prior to Session or meeting until the day immediately following such Session or meeting;" to say, "until and including the day immediately following such Session or meeting." He made the point that the accountants apparently have held it starts from the day before until that day and that wouldn't include the day it stops. Rather than have any doubt on the subject, perhaps, one of the Honourable Members would propose an amendment to add those two words. The words being "and including" immediately after "until" in the second to the last line of paragraph (a) of section 18.

Mr. Stutter: I would like to move that we make that amendment, Mr. Chairman. It does seem at the moment to seem a little ambiguous still. This applies to paragraph (b) which is the same phrasing.

Mr. Chairman: How will I word this? Possibly you could help us in this regard so that we can embody it all in one amendment.

Mr. Legal Adviser: He asked for two separate amendments. Paragraph (a) of section 18 be amended by adding thereto -- inserting therein...

Mr. Chamberlist: You cannot get away from the language.

Mr. Legal Adviser: In the second to last line, immediately following the word "until" the words "and including".

Mr. Chairman: I will declare a short recess so we can make this out. It is difficult from the Chair when you get a motion of this nature and it is not written out.

RECESS

RECESS

Mr. Chairman: At this time I will call Committee back to order. Is it your wish that I report progress on Bill No. 14? I believe there are further amendments being drafted to this bill. Before the Speaker resumes the Chair, what are your wishes in view of tomorrow?

Mr. Chamberlist: Mr. Chairman, I would suggest that we carry on as usual tomorrow and perhaps we can waive standing rules to go into the reading of some of the bills that we have.

Mr. Chairman: Agreed?

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

Mrs. Watson: I second that motion, Mr. Chairman.

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

*MOTION
CARRIED*

MOTION CARRIED

Mr. Rivett takes the Chair.

Mr. Speaker: The House will now come 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 Public Bills and Motions. It was moved by Councillor Chamberlist, seconded by Councillor Stutter that Bill No. 23 be reported out of Committee without amendment and this motion carried. Committee recessed at 11:30 a.m. and reconvened at 2:00 p.m. this afternoon. I can report progress on Bills No. 9 and No. 14. It was moved by Councillor Chamberlist, seconded by Councillor Watson, 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, in respect of the agenda for tomorrow I believe it is the intention of Committee to proceed with Public Bills.

Mr. Speaker: What is your further pleasure?

Mr. Chamberlist: Mr. Speaker, I would like to move that we call it 5:00 o'clock.

Mr. Stutter: I second the motion, Mr. Speaker.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Dawson City, that we now call it 5:00 o'clock. Are you prepared for the question? Agreed?

*MOTION
CARRIED*

MOTION CARRIED

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

ADJOURNED

ADJOURNED

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. Are there any Documents or Correspondence to be tabled?

Mr. Chamberlist: Nothing, this morning, Mr. Speaker.

Mr. Speaker: Are there any Reports of Committee? Are there any Bills to be introduced? Are there any Notices of Motion or Resolution?

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion, this morning, that Council approve the appointment of Councillor Taylor to represent the Territorial Council at the "Pave the Alaska Highway" Conference, to be held in Dawson Creek on March 5th, 6th and 7th.

MOTION #6

Mr. Speaker: Are there any Notices of Motion for the Production of Papers? As there are no Notices of Motion for the Production of Papers, we come to Motion No. 5. It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that sections 27(1); 28; 30; 31; 33(1); 34; 35(1) to (4) and (6) to (14); 36; 38; 39; 40(1), (2) and (4); 41; and 42 of the Yukon Act respecting the administration of Justice, be repealed. Are you prepared to proceed with the Motion?

MOTION #5

Mr. Stutter: Mr. Speaker, I would just like to ask a question at this point. I think that the Bills 19 and 22 become effective on the 1st of April. If these sections are repealed now, does this leave us with a blank area in between now and that time?

Mr. Chamberlist: Mr. Speaker, as was explained by Mr. Legal Adviser, yesterday, the omnibus bill where the amendments were made to the Yukon Act, provided that certain areas be repealed at a time to be fixed by the Governor-in-Council. The Governor-in-Council will be repealing those areas of Justice at the appropriate time.

Mr. Taylor: Mr. Speaker, I have only one question. I'm just wondering whether we should amend the Motion to say "in the opinion of Council", rather than a directive in respect of the Yukon Act.

Mr. Chamberlist: I said "in the opinion of Council".

Mr. Taylor: Well, then, my copy is not complete.

Mr. Chamberlist: I'm very sorry, Mr. Speaker, but, my motion did read "that in the opinion of Council".

Mr. Speaker: Are you prepared for the question? Agreed? I declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: We now come to the Question Period. Mr. Clerk, will you see if the Commissioner is available. We will now have a short recess.

RECESS

RECESS

Mr. Speaker: The House will now come to order. Are there any questions?

*QUESTION RE
TRAILER
COURT SITE* Mr. Taylor: Yes, Mr. Speaker. I have a question I would like to address to Mr. Commissioner this morning, relative to his Opening Address. In his Opening Address to Council, he said that the Territorial Government is considering making available a sixteen acre site for development into a trailer court by private developers in the Metro Area. I wonder if Mr. Commissioner could advise me as to the location of this site.

Mr. Commissioner: Mr. Speaker, right at this moment, I can't, but, I'll certainly see that the information is made available for the Honourable Members.

Mr. Taylor: Supplementary question, Mr. Speaker. I understand that the Vocational School equipment is on a site in, generally, the Hillcrest area. They're developing something. Is it possible that this is the site to be selected for this trailer development?

Mr. Commissioner: Mr. Speaker, I must plead ignorance on this matter, as well, but, as part of the answer to the question, we'll certainly see that that information is available also.

Mr. Taylor: Thank you, Mr. Speaker.

Mr. Speaker: Are there any further questions?

*QUESTION RE
APPEAL FROM
MEDICAL
REFEREE* Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner where the appeal for the public lies from a ruling of the Medical Referee in Ottawa.

Mr. Commissioner: Mr. Speaker, as far as I am aware, the Medical Referee is set up as a part of our Statute with regard to the provision of hospital insurance services. The only route that I am aware of, as a second course of appeal, is through the local Superintendent of Northern Health Services and, beyond that, I am not aware of any appeal at all. The final result of many of these things comes to bear here in Council, in the estimates where some of the bills of the Whitehorse General Hospital, some of the accounts, are bought up by the Yukon Territory, because of the difficulty of collecting in some of these matters where the appeal has taken such a long time to come forward. To the best of my knowledge, however, unless there is something that I am not aware of, Mr. Speaker, that is the finish of the ball game at that point.

*QUESTION RE
MINISTER'S
VISIT* Mr. McKinnon: Mr. Speaker, has Mr. Commissioner an itinerary for the Minister while he will be in Whitehorse during the Rendezvous weekend, and could it be made available to Council Members, if and when it is available?

Mr. Commissioner: It will be made available to the public as soon as we can get confirmation from the Minister's office, Mr. Speaker. I am hopeful that this will be available either later on today, or first thing in the morning. It will be made public information.

Mr. Taylor: Further supplementary, Mr. Speaker. I'm wondering, it has come to my attention that the Minister intends to call a press conference during this visit, and I wonder if we could have details of the place and the time that this press conference is to take place.

Mr. Commissioner: Mr. Speaker, I'm sure that that will be part of the itinerary and the whole package will be made available.

Mr. Speaker: Are there any further questions? We wish to thank the Commissioner for his attendance. As there are no Private Bills and Orders, we come to Public Bills and Orders.

*BILL #25
FIRST
READING* Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 25, An Ordinance to Amend the Game Ordinance, be given First Reading.

*MOTION
CARRIED*

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 25, An Ordinance to Amend the Game Ordinance, be given Second Reading.

*BILL #25
SECOND
READING
MOTION
CARRIED*

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 26, An Ordinance Respecting the Preservation of Archives of the Yukon Territory, be given First Reading.

*BILL #26
FIRST
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 26, An Ordinance Respecting the Preservation of Archives of the Yukon Territory, be given Second Reading.

*BILL #26
SECOND
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 27, An Ordinance for the Protection of Consumers, be given First Reading.

*BILL #27
FIRST*

MOTION CARRIED

*READING
MOTION*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 27, An Ordinance for the Protection of Consumers, be given Second Reading.

*CARRIED
BILL #27
SECOND
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 23, An Ordinance Respecting Elevators and Other Fixed Conveyer Systems, be given Third Reading.

*BILL #23
THIRD
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 23, An Ordinance Respecting Elevators and Other Fixed Conveyer Systems, be adopted as written.

*BILL #23
TITLE
ADOPTED*

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: I declare that Bill No. 23 has passed this House. What is your further pleasure?

Mr. Taylor: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair, and Council resolve into Committee of the Whole for the purpose of discussing Public Bills.

Mr. Chamberlist: I second the motion.

Mr. Speaker: It has been moved by the Member from Watson Lake, seconded by the Member from Whitehorse East, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Public Bills. Is the House prepared for the question? Agreed? I declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: Will the Honourable Member from Watson Lake please take the Chair in Committee of the Whole.

Mr. Taylor takes the Chair.

Mr. Chairman: We will have a short recess at this time.

RECESS

RECESS

Mr. R. A. Williams, Territorial Tax Assessor and Mr. W. A. Bilawich, Director of Local Government, in attendance.

BILL #9

Mr. Chairman: At this time, I call Committee to order. We have with us Mr. Williams and Mr. Bilawich to assist us in discussion relative, I believe, to Bill No. 9. Proceed.

Mr. McKinnon: Mr. Chairman, my basic question of Mr. Williams is, how do you arrive at the assessment on trailers?

Mr. Williams: Mr. Chairman, the assessment of trailers was done in the same manner as the assessment of a house was done, with the deductions for the various deficiencies that a trailer has in comparison to a house. In other words, when assessing a house, the house is measured. The trailer was measured, or the mobile home was measured. Using the Assessment Manual, we deducted from the construction of a normal home, the mobile home deficiency.

Mr. Tanner: Mr. Chairman, could I ask Mr. Williams to, step by step, tell us what those deductions are, those deficiencies compared to a house, please?

Mr. Williams: The deficiencies which a mobile home would have in comparison to a house -- the footings, foundations and excavations would be deducted. There was a deduction made for the eaves and the roof which is of poorer construction than on a house. There was a deduction made for the walls and the floor and the interior floors.

Mr. Tanner: Mr. Chairman, I believe that in a majority of cases, too, with the trailers that are outside of the immediate Whitehorse area, there was a Hamlet deduction which everybody in those areas got. Is that correct?

Mr. Williams: Yes, this is correct, Mr. Chairman.

Mr. Tanner: Mr. Chairman, was there any maximum value, a maximum figure, that was started at in an assessment?

Mr. Williams: Yes, the maximum figure on these mobile homes was for the luxury type of mobile home at ten dollars per square foot. The minimum figure was five dollars per square foot.

Mr. Tanner: Mr. Chairman, if Mr. Williams would, I don't particularly wish to keep jumping up and down asking questions, -- was there a maximum overall assessment that you came to? Was there a major figure, \$10,000 \$15,000; was there a minimum?

Mr. Williams: There was no assessment, Mr. Chairman, over \$8,000. I believe the lowest assessment was in the region of \$720.

Mr. Tanner: Mr. Chairman, in that case, could Mr. Williams also tell us the highest rate of tax that was paid on the last assessment and the lowest rate of tax that was paid, -- rather that would have been paid.

Mr. Williams: Based on the twenty-eight mills, I would say that the highest rate of tax would be in the region of \$180 to \$200. The lowest rate was \$14, I believe.

Mr. Tanner: One further question, Mr. Chairman. If people in areas, similar areas, with a similar house and circumstances which are almost the same, except that the one is a house and the other is a trailer, -- can you differentiate between those two. Is it possible to surmise that question?

Mr. Williams: It's quite difficult, Mr. Chairman, but I would say, in the main, that the mobile home would be paying some 60 percent of what the house would be paying.

Mr. Chairman: I have a question if it might be permitted from the Chair.

Mr. Chairman continued.....

How many were assessed during this last fiscal year, or this current fiscal year?

BILL #9

Mr. Williams: There were 146, Mr. Chairman, at one trailer court; there were 38 at another trailer court and 68, I believe, at a third one; and a further 30. It was roughly 300, I think.

Mr. Tanner: Mr. Chairman, if I could ask Mr. Williams another question; how many trailers, individual trailers, not within specified trailer courts, did you find within the Greater Metropolitan Area?

Mr. Williams: There would be somewhere in the region of 50 to 60, I believe, Mr. Chairman.

Mr. McKinnon: Mr. Chairman, I'd like to ask Mr. Williams a question. If a trailer of equal value, the same trailer, were placed on Porter Creek Trailer Court, on a lot, and it was assessed, and then, that trailer was moved to a lot that was purchased from the Territorial Government for the specific purpose of putting a mobile home on it, would the assessment on that trailer change in any way?

Mr. Williams: Not the assessment on the trailer, Mr. Chairman, but there would, of course, be an assessment on the land that the man purchased.

Mr. Tanner: Mr. Chairman, I don't wish to correct Mr. Williams, but of course, there is something else to be taking into account. Those trailer lots that were sold in Porter Creek, were conditioned to a foundation being put on them. The assessment on the trailer wouldn't change, but there would be an extra consideration, that they're on a foundation as an ordinary house is. There is a slight difference in that regard too.

Mr. Williams: That would be correct, Mr. Chairman.

Mr. Stutter: Mr. Chairman, I have a general question that I would like to ask Mr. Williams. Trailer houses, or mobile houses depreciate in value from year to year, as against fixed property, or real estate, which has a tendency to increase in value from year to year. Is this taken into consideration when you come up with your assessment?

Mr. Williams: There was, Mr. Chairman, an overall depreciation given to the whole assessment. It was impossible for me to tell, without going to each individual owner, the age of a trailer. We gave an overall depreciation of 10 percent to the trailer court. This meant that each trailer, in effect, got a 10 percent depreciation plus this 5 percent allowance. So, from the basic evaluation, there was 10 percent plus 5 percent deducted.

Mr. Tanner: Mr. Chairman, that 5 percent was the Hamlet Allowance? Or was that a separate allowance for trailers?

Mr. Williams: No, that was the normal allowance.

Mr. Tanner: So, basically what has happened here, is when you have reached your minimum assessment, taking off footings, eaves roofs, walls, floors, interior floors, and so on, on top of that there is a 10 percent deduction for depreciation and on top of that, in some cases, there was a five percent deduction for Hamlet allowance.

Mr. Williams: In all cases, there was that 5 percent.

Mr. Stutter: Mr. Chairman, I wonder if Mr. Williams could tell me -- the assessments are normally made on a permanent type structure. I think they have to be made at least once in five years. With a mobile home, how often would assessments be made? Would they be made on the same mobile home from year to year, or do you have a sliding scale? Would the assessment, in actual fact, be reduce from year to year?

BILL #9

Mr. Williams: The assessment would not be reduced until another general assessment was performed, Mr. Chairman. There is an annual assessment conducted every year at which any change in either a permanent or temporary structure is recorded. In other words, on a residential property, if an addition is made to that residential property during the year, then, the annual assessment will record that difference and change the assessment on the buildings or improvements.

Mr. Tanner: Mr. Chairman, I think, maybe, what the Councillor from Dawson is getting at is depreciation on trailers. I've investigated this to some extent and, it's my information that, unlike a car that depreciates as soon as you sit in it -- as soon as you buy a car, it virtually depreciates -- with a trailer, the break comes at eight years. In other words, for the first eight years, there's not that much depreciation. After eight years, it starts to depreciate quite rapidly. I think that this might satisfy the question that the Councillor from Dawson asked.

Mr. Chairman: Are there any further questions?

Mr. Chamberlist: Mr. Chairman, I have no questions of the witnesses, but, if Members of Committee will note in various areas, reference has been made to the word "occupier". I propose to move, Mr. Chairman, that in section 2, 5(a)(1), the word "occupier" be deleted and the words "registered owner" be included; in (2), fourth line, the word "occupier" be deleted and the words "registered owner" be included; in (4) the words "person that owns of occupiers" be deleted and the words "registered owner of" be included. Mr. Chairman, by doing this, it will read "every registered owner of a mobile home is liable to taxation"; in the next area that I referred to "the registered owner shall pay taxes in respect of"; and in (4), "every registered owner of a mobile home in the Territory shall register".

Mr. Chairman: Well, I think, possibly the Member might wish to have time to prepare his amendment so that it can be read. I think that, possibly, if you're trying to re-shape 1, you might have to go a little further.

Mr. Legal Adviser: Have you a particular point to make on it, Mr. Chairman?

Mr. Chairman: Well, before we get into that area, I wonder if you have any further questions of the witnesses here, this morning.

Mr. Stutter: I have just one more general question that I would like to ask Mr. Williams now that we have him here. When you are making an assessment, I take it that in many instances, you don't actually gain entry to the home or the mobile trailer. How, in actual fact, do you come up with an equitable figure regarding the condition, or age, of either?

Mr. Williams: In the residential property, Mr. Chairman, the age is taken from the original building permit that was issued in respect of that property, and is carried forward from year to year. In the case of the mobile home, this would have to -- we would have to have some means of obtaining this date of purchase of the mobile home to arrive at the initial evaluation.

Mr. Tanner: Mr. Chairman, I might add that in this case, when the trailer owner registers, he will be asked to report on the registration, the age of the mobile home, and this will supply the information to the Tax Assessor in this case.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I would like to ask the Territorial Assessor a question related to the registration of trailers. I would like to ask if this would pose any problem, by having all trailers registered throughout the Territory and its location in this registration, in the assessing of these trailers. Are there any problems foreseen insofar as administration

Mr. Taylor continued.....
of this is concerned?

BILL #9

Mr. Williams: Mr. Chairman, each trailer court operator, presumably, keeps a register of the occupants of his court, and, with their co-operation, I don't foresee any difficulty in this respect.

Mr. Taylor: Yes, well, Mr. Chairman, I believe though, that we are not just referring to trailers in trailer courts, but we're referring to trailers, wherever they might be in the Yukon, outside of the municipalities. This is why I'm wondering if there is going to be any difficulty in administrating the registry section, or do you feel that it might be all right?

Mr. William: It's difficult to answer the question at this time, Mr. Chairman. I think this is something that, obviously, will cause problems, but, we'll have to meet them when they arrive, Mr. Chairman.

Mr. Taylor: Mr. Chairman, it's also clear that we cannot legislate against, or impose a tax upon one group of people, just because they live in trailer courts. We must, of course, spread this evenly across the Territory. I just have one further question. I notice this year that our tax notices were in our mail in respect of real property and school, before the Council had ever approved the tax. I'm just wondering, at this point, if the tax notices have been prepared and issued in respect of the people at whom this Bill is targeted. That is, those trailers that were assessed in trailer courts last year.

Mr. Williams: There was an assessment notice sent to the trailer court operators, Mr. Chairman, but, there were no individual notices sent to each individual trailer owner.

Mr. Taylor: Mr. Chairman, my question is, have tax notices been made out for these trailer owners now? Have they been prepared or have they been sent, pending the furtherance of this Ordinance? What is the status; have these been prepared and are ready to go?

Mr. Williams: No, as a result of the appeal to the Territorial Court, Mr. Chairman, the assessments on these trailers were wiped off the role at that time. Should this Bill be assented to, then we would have to prepare a separate roll for the individual trailer owners.

Mr. Taylor: Then, I can conclude, Mr. Chairman, that no action has been taken to this point, in respect of taxing these people.

Mr. Chamberlist: Mr. Chairman, I would like to bring a further point of reasoning behind legislation of mobile homes. Besides being able to know who the owner of every trailer is and, in that way, having the power to contact him and advise him of what his assessment and subsequent tax is to be on the trailer, as some Members may be aware, there has been some trailers stolen. Although, they're large items, there has been no way of finding them. This will be another area where it would help our law enforcement agencies in being able to locate where trailers are at any particular time.

Mr. Taylor: I have just one further question that occurred to me. When you assess a trailer, do you find the registration number of the trailer and note that in your record?

Mr. Williams: We haven't done this yet, Mr. Chairman.

Mr. Chamberlist: They haven't got one yet. This, Mr. Chairman, will take place, as a result of the proposition that is being put forth to Members of Committee in regards to the registering of trailers. Every trailer being registered will then be taxed on the basis of the registration number and Councillor Tanner has already indicated, the form that will be supplied for filling out will give as much detail as possible in relation to the age, model, ownership, location, etc. of the mobile home unit. It will be very effective

Mr. Chamberlist continued.....
and very worthwhile for these things.

BILL #9

Mr. Taylor: Mr. Chairman, I thank the Honourable Member for filling me in on these details, but, I must advise him that I did, all by myself, deduce that this would be the case when they registered trailers. What I was asking was, that, indeed, the trailers that have been assessed now, is it a process of assessing a trailer to take a registration number from that trailer? This is all I am asking.

Mr. Chamberlist: It will be done.

Mr. Taylor: It hasn't been done, then.

Mr. Chamberlist: No.

Mr. Taylor: I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: Are there any further questions of the witnesses? I'm wondering then, if they may be excused. Thank you very much gentlemen.

Exit Mr. Williams and Mr. Bilawich.

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

Mr. Chamberlist: Mr. Chairman, if you could give me just one moment. I will finish preparation of this motion.

Mr. Chairman: Well, at this time, I'll declare a brief recess while you prepare your amendment.

RECESS

RECESS

Thursday, February 25th, 1971
11:00 a.m.

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

Mr. Chamberlist: Mr. Chairman, there have been small minor changes dealing with -- taking out the word "occupier" and putting the words "registered owner" in, and I draw Members' of Committee attention to the two added sections, sections 8 and 9. Section 8 is "Where an owner of a mobile home is not known, the occupier of such mobile home shall be deemed to be the owner.", that is for purposes of laying the responsibility of taxation at somebody's door. Section 9 is the penalty clause, "Every person who fails to register his mobile home pursuant to this Ordinance commits an offence and is liable, upon summary conviction, to a fine not exceeding two hundred and fifty dollars or to imprisonment not exceeding three months, or to both fine and imprisonment." That is a court's discretionary matter. BILL #9

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, in relation to the change or the amended 5A(1), the registered owner of these units could more than likely be finance companies. Has this been taken into consideration? I.A.C. would be the registered owner and so forth in many instances.

Mr. Chamberlist: It is for that particular purpose that the registered owner, even under an agreement of sale, the registered owner is also that person who has part of that agreement for sale. It is the same way -- I think Mr. Legal Adviser perhaps can support me or otherwise in this, that in the case of a piece of property where somebody is buying under an agreement for sale, that both the person who is the mortgagor and the mortgagee are both held responsible for the taxes in that direction.

Mr. Taylor: Alright, Mr. Chairman, I have noted in the brief time that I have had to consider this. I have noted that we are saying here is that every registered owner of a mobile home is liable to taxation in respect of such mobile home in the same way as if such mobile home was real property. How do you identify the difference between land, you know, who is going to pay taxes on the land and who is going to pay taxes on the mobile home? How is this segregated?

Mr. Chamberlist: Well, Mr. Chairman, we are just dealing with the -- in this amendment to the Ordinance, we are just dealing purely with the home itself. What was before referred to by the courts as personal property, we are now by legislation saying that a mobile home is no longer personal property but is real property, and taxed in the same way as an improvement to land anywhere else.

Mr. Tanner: Mr. Chairman, I would point out that the -- to the Councillor's from Watson Lake attention to 15A in the present Taxation Ordinance does virtually the same thing for another commodity.

Mr. Taylor: Another question that I have in relation to 5A(1) is, that you are saying that every registered owner of a mobile home is liable to taxation as if it were real property. We must also recognize that municipalities have the right to deal with this matter in their own right; should that not be spelled out here, by saying that every registered owner not within a municipality?

Mr. Chamberlist: Well, Mr. Chairman, with respect, this Taxation Ordinance, the whole of the Taxation Ordinance deals with taxation of real property outside of a municipality, because a municipality has its own taxation powers, but no doubt they will be following the procedure that we have shown to them.

BILL #9 Mr. Taylor: Yes, well I don't wish to leave an area for doubt in a matter as important as taxation. I would like clarification on this from Mr. Legal Adviser?

Mr. Legal Adviser: There is no doubt about this, Mr. Chairman; there are various categories of property which are taxable in this, and no category within a municipality is taxable under the Territorial Taxation Ordinance, conversely the Municipal Ordinance is limited to the property within the boundaries of the municipality concerned.

Mr. Taylor: Mr. Chairman, I believe -- I would ask again that we be allowed time to further consider this bill. I don't think that what we have tried to -- attempted to do over years of bills -- I have managed to dig out a couple of the old bills on the subject, what we have been trying to achieve over years, that we should rush headlong into over the space of a day and a half. I would like to ask that further time be permitted to Council to study this bill and to shape it up. I think that in principle, it is good. I think we are all trying to arrive at the same objective, but there are many parts of it which I would find repugnant, I do not agree with. I would draw your attention to subsection 2 and subsection 3 and subsection 6 of 5A, where you state, "Notwithstanding any other provision of this Ordinance, where an assessment was made on any mobile home in the fiscal year 1st April, 1970 to 31st March, 1971" this is a fixed period, "...the registered owner shall pay taxes in respect of such mobile home on the 1st of April, 1971." Now, there are several things in here, it is a retroactive tax, and it was proven in the courts that it was unlawfully served. We have a copy of the judgement in this respect. The tax was not collected; the assessment was made but there was no tax collected. Now, if you -- we are told that we have 282 trailers, approximately, involved in that assessment. It is also -- I understand that there are something like 750 trailers, somewhere in that area, this is only a "guestimate", within the Yukon Territory. There is a group in Watson Lake. I believe there are 35, there is another batch here, another batch there, all around the Territory. I feel that it is wrong if we proceed to try and tax these 282 trailers, based on that last year's assessment without taxing all trailers in the Yukon Territory. What I am saying is that we are making a special case in respect of this one small group. This is totally unfair. Number 2, you have specified in the Ordinance, in this Ordinance that these taxes will be payable for April, 1970 to -- based on the assessment of 1970-71, and payable on or about April 1st, I believe. What happens in future years? In respect of this bill, we have amended the Ordinance to provide for this year, what about these coming years? How are we going to deal with that? Are you going to come back with a bill each year? It's another question. The whole thing is in -- is wrong, completely wrong, and I can never support it. As I say, the way to approach this is to start from ground zero, being April 1st. Now, first of all, you have to have control on trailers, which we are attempting to achieve by this bill by means of registering these trailers no matter where they are in the Yukon Territory outside of a municipality. It doesn't matter if they move from Watson Lake to Mayo or move from Mayo to Whitehorse, or you know, the outer area around Whitehorse, say Porter Creek. It doesn't matter where they go, they are still registered, and they still must pay taxes in respect to that trailer as long as it is in the Yukon Territory. Alright that is the first step. The next step then is to apply an assessment on those trailers. As I say everyone has a registered number, and if it is registered properly, there is a location given on that registry as to where that trailer is sited, and when they move that trailer, notice must be given as to where they are moving to, or should be under this Ordinance. Now, then you have applied your assessment. Third, you find out what portion of the mill rate, if not all of the -- what mill rate will apply to that assessment. That is the third step. Fourth, then you issue your notice of assessment to the registered owner of the trailer. That is the way we should be doing it. Starting at ground zero, this very first of April. But I am unalterably opposed to any suggestion that we make any attempt to collect the taxes that were levied on an assessment based on last year's assessment in respect to these few trailers. It has got to be there for everybody, and

Mr. Taylor continued ...

certainly we have not collected taxes from the trailer owner, through years; as I say, I quote 1951 on through since we have been arguing this point. The loss of revenue over the collection of this tax over the last year's period of assessment, I don't think is that important. I think what is important, is that we do this right across the Territory and make it fair and equitable for all. Further on this, your section 4 -- in subsection 4 you say that, "Every person that owns a mobile home in the Territory shall register" "... and pay such registration fee as may be prescribed." Alright, I feel that a system proposed, like a manual be provided, possibly where these people register, and they can be assessed when they register. It may not be possible to do this, but this is a suggestion, that we should spell out how these things will be assessed. Subsection 5, you say, that anyone who operates a trailer court should keep a register, and make it available to the Commissioner or the inspector. Beautiful. Number 1. Subsection 6 of course refers back to subsections 2 and 3. You should be revamping those sections, where you would say, tax notices in respect of taxes payable pursuant to subsection 2, shall be mailed to the registered owner prior to the 15th day of March, taking out 1971, and saying, you know, generalize it, so it would apply year to year, but exclude the taxation -- the tax levy based on last year's assessment. When you come down to subsection 7, "The Commissioner may make regulations for the licensing of mobile homes," I feel that this -- I feel very strongly that this must be written into the Ordinance. The method by which you license a trailer, and not left to the -- the matter of regulations within the Commissioner's jurisdiction. I feel that we must spell this out in the Ordinance, and also I think we should spell out the fees which would be chargeable in respect of the licensing of these trailers in the Ordinance, and then I would agree that any other regulations to provide by means of in transit permits or otherwise for exemption of mobile homes, sort of thing, could be left to the regulatory power of the Commissioner. The other two sections 8 and 9, which I have just received, I haven't had a chance to look at. But, those are just a few constructive opinions which I make, in order to come up with a real good Ordinance, and were we to have another couple of weeks to think this one over, I think that we could come up with a real dandy Ordinance which is fair to everybody in the Territory. The way it is, it is still not fair, by segregating one group from the mass.

BILL #9

Mr. Tanner: Mr. Chairman, as far as the Honourable Member suggests, giving for example, an instruction booklet or a schedule booklet of fees that these people in trailer courts are going to be able to assess how much tax they are going to pay, to my mind completely negates the whole concept of this Ordinance, because what is being attempted here is to put trailer owners in exactly the same position with certain conditions, in exactly the same position as any house owner. The idea is to tax them in the same way as any home owner. Now, a home owner if he wants to know in what method he is being taxed; he has the right and privilege to go down to the taxation office and ask the tax assessor, on what basis did you tax my home? How did you do the measuring? I don't see why, in this particular case, you give trailer owners any other different service. Now, once the assessment has been made, surely it is everybody's obligation if they don't feel that they are being assessed correctly, to go to the tax assessor or go to the Court of Revision and appeal that assessment, and these people have that right. I really can't see any reason at all to make a difference between the two in this case. As far as the paragraph 5A(2) is concerned, I have got to admit that I have some reservations about it, however, you can not technically say that it is a retroactive tax. It doesn't become a retroactive tax until April 1st. We are still within the present tax year.

Mr. Taylor: Mr. Chairman, it is a retroactive tax. It was the right of the Commissioner to impose that tax, and the manner it was attempted to be imposed, was thrown out by the courts. That is why we are back to here. I might say that in respect of the question raised by the Honourable Member in relation to the method of assessment. We can assess these things the same way we do any other building, because the assessor here this morn-

Mr. Taylor continued ...
BILL #9 ing stated that annually, when the assessment is made throughout the Territory, this can all be picked up at the same time. Once you know where these trailers are, fine, you just go out and assess them.

Mr. Tanner: Mr. Chairman, I would like to correct the Honourable Member on two points. First of all, as I understood it, the tax assessor did not say an assessment was made every year; he said improvements are assessed every year. There is an assessment made every four or five years. Secondly, I draw the Member's attention to the last paragraph of Judge Maddison's reasons for judgement, and it says, "In this appeal the burden is upon the Appellant to prove that the assessment is too high. This the Appellant has failed to do. There is nothing before me to show that this assessment is not in accordance with the relative value of other property in the Territory. Accordingly, this appeal is dismissed but, in the circumstances, without costs." Nobody is denying that living in a trailer court or living in a trailer has certain restrictions on it, but we are going as far as we possibly can to give them exactly the same rights, prerogatives and privileges of any other taxpayer. I really don't see what else can be attempted to make it any more equitable.

Mr. Taylor: Mr. Chairman, there were two decisions brought down in respect of that taxation. One was the level of taxation, whether the property had been assessed too high or not. That is the one -- the judgement that you just read. We have another one which states "that because of my other findings, the only way in which I can answer the question, is to answer it incompletely as follows. The imposition of a tax on the basis of the assessment herein, constitutes an indirect taxation and it is ultravires of the Commissioner in Council.", and he goes on to state and he virtually threw out the taxation. He threw it out.

Mr. Chamberlist: Mr. Chairman, I would firstly like to clarify in my own way the judgements that have been referred to. Now, the Honourable Member from Watson Lake, when he is dealing with the judgements of the court, with respect to him, is misinterpreting them completely. What actually the court has said, there was an area that the court had to decide first, as to whether or not the Territory had the power to tax trailers. I believed then, at the time of the taxation was made, and I gave my thoughts on this, that they did not have the right. The Honourable Member from Whitehorse North was at a meeting, and I was there and I gave my opinion then, that it would not be upheld. Of course, it was the proposition that the Territory had the power to do this, was discounted by the judgement of Mr. Justice Maddison. He was asked to also give an opinion, and this was an opinion that was asked for by both counsels. The second paragraph from the end on page 2 of the copies that have been handed out this morning. "...accordingly, both counsel, desiring to have the "opinion, advice or direction" of the court on all the matters raised, have consented to have all the grounds considered in separate proceedings." Now, the one proceeding, as I have already explained, dealt primarily with the powers of the Territory to tax. The other one was based seperately on whether or not the assessment was too high. The court held that the assessment was not too high, so that if there was any appeal right now to the court, the court would say, it is not too high when they are dealing with the amount of taxation. I am, really not going to go any further into those areas, because as far as I am concerned, Mr. Justice Maddison has given two clear judgements, the language of his writing is clear, the way he has expressed himself is clear and there is an old adage where the language is clear, the fact must be given to it, and the effect that must be given to it is based on his judgements. What does concern me is this though, that the Honourable Member asks for time to study and time to make amendment. Now, all the time has been given. The Honourable Member now brings up areas which are extraneous to the bill that is before us. Certainly those areas that deal with the present physical taxation year will be of no effect and of no avail for future years, so we will not be dealing with those particular areas in any future years. In any event

Mr. Chamberlist continued ...

there is an area where because of the fact that there is going to be late notices sent out. The notices are going to be sent out prior to the 15th of March. The payment is not due on April 31st., as has been indicated by the Honourable Member, but in fact subsection(3)says, "the taxes pursuant to subsection (2) shall not be subject to penalty or interest if the taxes are paid not later than the 30th of June, 1971." so in actual fact, the Territorial Government recognizes the fact, that it would be really a short time, and it would be unjust to expect in so short a time, people to have to pay those taxes, so the Territorial Government has said, well, this is reasonable , default is 90 days over and beyond that time. The other areas, that the Honourable Member has referred to, really, have nothing at all to do with the principle that he has agreed must be taken care of, that is, those people who have received services should pay for them. Certainly, if this piece of legislation had indicated that there will be a requirement to pay taxation for the years prior to 1970-71, then certainly it would be considered retroactive taxation. It would have never have got to this room, because I would never have permitted it to have gotten here. This is not retroactive legislation, it is legislation for the current year. Mr. Chairman, I think that we can go around and around the mulberry bush and not get any further than what I consider to be a clear, concise piece of legislation to make it necessary for those who are receiving services, and not paying for those services, to pay for those services. I think the necessity of putting in those extra two small sections, which are standard sections, that the Honourable Member from Watson Lake, with the number of years that he has spent in this legislature has seen it time, and time, and time, and time again, so that it is nothing special that has been put forward, but just the usual penalty clause and a clarifying clause which we have in 8 and the penalty clause in 9. Mr. Chairman, I would ask that the -- this Ordinance be voted on at this time, and that they proceed to pass it through and allow the Territorial Government to make the necessary taxation to those people that we supply services to.

BILL #9

Mr. Taylor: Well, Mr. Chairman, I disagree, wholeheartedly with what the Honourable Member has just stated. He has -- if I suggested to the Honourable Member that we impose a tax in Dawson upon the people and we tax everybody else, but we don't tax the people in Watson Lake, he would immediately say, why shouldn't those people pay their fair share. What you are saying here, is that assuming that there are 750 trailers, which is a pretty good "guestimate" in the Yukon Territory. What you are doing is saying, we will take a minority of those trailers, and we will make them pay in respect of their trailers, but we will not expect anyone else in the Territory, the majority to pay, only the minority will pay. That is wrong, is wrong by anybody's standard. If we are to do our duties as Councilor's in this Territory, it is up to us to right those wrongs. But, we certainly don't go along with it. I think that anyone who would vote for this bill, as long as that provision stays in, is not doing a service to the people who elected them to this table.

Mr. Chamberlist: Which particular provision is the Honourable Member referring to?

Mr. Taylor: Those are the subsections (2),(3) and (6), as I have outlined. You are legislating against a minority, and that is not fair in respect to taxation. You have talked about extra sections. This thing has been dreamed up day by day, night by night, it arrived at this table -- pardon me this copy, this is the second version, this is the third that just got here a few minutes ago. The second version, arrived here at 2:00 o'clock yesterday afternoon, with no Members having time to study it, and here we are right into debate on it. For what reason? Nope, we have got to pass it, we have got to get going. So bango. There are areas within it that need amendment. All of a sudden, prior to recess at a quarter minutes approximately to eleven this morning, bang, I got an amendment. The Legal Adviser, the Honourable Member who has just spoken before, charges out of the Council Chambers, and says you guys have a coffee, and we will get this all straightened out, and all of a sudden -- as the Honourable

Mr. Taylor continued ...

BILL #9 Member knows, he states, he has been on Council a long time, you have to have a penalty clause in there, this is normal. Well, if it is so normal through two editions of this operation, why wasn't it in there? Now, this indicates how much consideration was given by the Administration in the preparation of this document. Surely the Honourable Member knows there is always a penalty section. I have got it noted in my notes to ask about it today. Why is it that after a quarter to eleven this morning, that everybody runs out and puts in a penalty section? Why wasn't it considered before? It shows, it shows, Mr. Chairman, that there has been little consideration, and I would wager you right now, any amount of money that you want to, that over in Treasury Department right now they are mailing out those tax notices for these people, waiting for this Council to pass this bill. I would wager it. So, consequently, Mr. Chairman, I feel that we would be very remiss in our duty if we ever attempted to pass this legislation as edition 3 is presented at this table. I think that the only thing that we can do is to defer this matter until after the forthcoming recess, and give us an opportunity to come up with a piece of legislation which is fair, and equitable, to the people of the Yukon. Not this. I don't buy it, and I think that any other Member who does is doing a great disservice to the people who sent him here.

Mr. Chamberlist: Mr. Chairman, there is one point that has been raised by the Honourable Member that is fresh. He refers to a minority of trailer owners being penalized by way of taxation. Perhaps he should look at it the reverse way, and say that there are a number of trailer owners who are getting away with taxation, but it is not a penalty upon anybody to have to pay for the services that they have been given. Now, once this Ordinance comes into force, there will be a requirement for a trailer owner to register. Upon registering, automatically, they will be provisioned for taxation. This is what the Honourable Member hasn't got through his mind. So, therefore the passage of this bill should overcome that particular objection that the Honourable Member has made. I really can't see any worthwhile argument, with respect Mr. Chairman, to the Honourable Member, that he has brought forward in that particular sphere. To me there is a -- as I repeat, there is a necessity to tax those that receive services, and where we have and are able to know those that have received services. I say again, that the Honourable Member must not look in a reverse way because we know who has received services, we should tax them. When the others have registered, they too will be taxed. This is what we are quite prepared to say. Now, another point that comes to my mind at this time, perhaps, would finalize this debate, because, I think that it should be finalized so that we really can put this to a vote, and get the feelings of this Committee on it, is that the taxation is something that none of us like to enforce, and none of us like to have it forced upon us, but it is something that we have to have. It is something that every day, everybody in legislative life has got to accept the responsibility of taxing, however much it might be distasteful. I feel that we around this -- in this Council Chambers recognize this, but we have to do it. I would ask, Mr. Chairman, that the debate not be extended indefinitely, but I would move that this paper perhaps be left just till after lunch, so that the Honourable Member who wants so much time to study the extra areas that have now been given to him, that he said, in the few minutes, or at least over his lunch time, take this paper and study the penalty section and the clarification section of 8 and 9, because he has already got a picture of what is going on in the other previous sections.

Mr. Taylor: Mr. Chairman, one word in respect to what the Honourable Member has said, is that if anybody really wants to find some delightful reading over noon hour in discussing this subject, possibly they could refer to the Votes and Proceedings of 1969, Third Session, in relation to Bill No. 19. They could refer to the Votes and Proceedings of 1970, First Session, Bill No. 12 of that Session, respecting trailers, and listen to the great comments by the Honourable Member who has spoken before on equity of taxation, and possibly may be then, you might have a better insight into what is being

Mr. Taylor continued ...
attempted here today.

Mr. Chairman: Order please. It now being just about noon, I declare
this Committee in recess until 2:00 p.m.

RECESS

RECESS

Page 378.

Thursday, February 25th, 1971.
2:00 p.m.

Mr. Chairman: Committee will now come to order. We will continue discussion on Bill No. 9, An Ordinance to Amend the Taxation Ordinance. At this time I would like to ask Mr. Legal Adviser if you might clear up a point that was brought up by the Member from Watson Lake regarding the possibility that this bill is only designed for collection of taxes this year and not on an ongoing basis. I don't read it that way myself but I wonder if you might clear that up.

BILL #9

Mr. Legal Adviser: No, Mr. Chairman, this is an ongoing bill but there are about two of the subsections which will be spent after the taxes in relation to them have been collected. In a consolidation you would not reproduce those sections because in a year's time they are no longer in effect. It is definitely an ongoing system and it is designed to capture the people who have been assessed and in respect of whom the assessment was, according to the court, sent to the wrong person. It wasn't wrong property that was assessed, it was wrong people in respect of that property.

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

Mr. Taylor resumes the Chair.

Mr. Stutter: Mr. Chairman, I have every intention of supporting this bill. After having gone through the Budget in the last week or ten days and finding that it was necessary to impose several forms of taxation on the people of the Yukon, I now find that we are looking at an area where there is real good legitimate reason to be collecting taxes from people that, up to this point, have not had to pay those taxes. This is the main reason why I feel that this is particularly good legislation. There are still one or two minor areas that I am a little bit hazy on but, in general principal, I have every intention of supporting this bill.

Mrs. Watson: Mr. Chairman, this morning the Honourable Member from Watson Lake expressed his fear that we would be discriminating against one small sector of people if we imposed this Ordinance at this time. I feel that we would be discriminating against some people, but, I think we would be discriminating against the property owner, the home owner and the taxpayer of the Yukon Territory who, at the present time, are paying tax for the services that they are receiving. Furthermore, I feel that we are embarrassing some of the people -- a lot of the people who do live in trailers and who do feel that they should be given the privilege to pay for services that they receive. Many, many of these people are very willing to pay these services and, up to the present time, we have been unable to bring down legislation that is acceptable to the Councillors so that these people can pay their share. Now, we have before us today an Ordinance that we have discussed yesterday, we have discussed it this morning and up to the present time no one has been able to find any loopholes which would prevent us from being able to apply it. Therefore, I feel that as representatives of the taxpayers also in the Yukon Territory we should support this Ordinance.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I cannot agree, as I stated this morning. If you are going to place a general tax or impost upon the people, tax everybody equally. As I stated earlier, this was tried last year, it is contrary to law and the method in which it was attempted to recover this tax is done and finished. I am saying start at ground zero. I also pointed out this morning the midnight amendments roaring in and out. This is not good. I think the Honourable Member who

BILL #9

Mr. Taylor continued

spoke this morning, I haven't had a chance to review all these Votes and Proceedings but, I find that when we last discussed this in the First Session of 1970, at one point he stated, "There are a lot of areas in this particular Ordinance that need a lot of thinking over. I have had this Ordinance since last October," and we are talking about the following January, "and I haven't been sleeping, it is in a way a midnight amendment." Now, it was a midnight amendment from October to January. "When it is brought forward especially after the expressed points of view that have been raised by Members of this Committee, because, it is an opportunity to have another shot at it." It was good enough at that time to sit down and think about the Ordinance. The end result was that we chucked it out. I wouldn't want to see this happen to this Ordinance. I think with some revision, by the deletion of subsections (2), (3) and (6) which affects this back tax, then, we could shape the thing into something workable. The Member also disagreed when we talked about the licensing of trailers and I think that this is something that has to be clarified and subsection (7) must be spelled out in this Ordinance; the method by which they shall be licensed and so forth. I might say, Mr. Chairman, we have or I have anyway and I think I have a seconder, a further amendment to this bill in addition to that. I cannot support the bill, I cannot support any tax or impost upon the people which is unfair, grossly unfair, because it segregates one small segment of the taxable area. We are talking about 282 trailers out of a total of 750. I recognize the fact as well that out of this figure of 750 there are many of these trailers that are now on their own land in these areas designed for trailers. Certainly, we are discriminating against a smaller part of the trailer owners. If we delete subsections (2), (3) and (6) and start in this particular fiscal year, beginning about a month from now, and tax everybody registered and go through the proper routine, you have my unqualified support. There it is. I can't and really no other Member of this Council can impose this tax upon the people.

Mr. Chamberlist: Mr. Chairman, I always think it is very fine for Honourable Members to bring forward remarks that have been made in the past in Votes and Proceedings but, I think, they should be brought forward in the proper context. The Ordinance that we were discussing at the time that the Honourable Member is referring to was an Ordinance relating to the licensing of trailers. This is entirely different to what this present piece of legislation is before us today. This is purely and simply a method of taxing trailers. The Honourable Member knows full well that there is a decided difference between licensing of trailers and taxing of trailers. Certainly, I was opposed to licensing of trailers and I am opposed to it now. The licensing of trailers where people have to live is improper. The present piece of legislation has two required needs of it; one, to register the ownership, not to license it but to simply register as to ownership and this is an entirely different proposition. The need for taxation is there. I hope that Members that are here, when the times comes for voting and, I understand from the Honourable Member from Watson Lake, that he proposes an amendment to the legislation that is before us, will not vote in favour of the amendment because it will defeat the purpose that we are seeking. That is registration of mobile homes and as a subsequent result of the registration a proper equitable way to tax mobile homes. If we go away from those principles then certainly we would be doing, as the Honourable Member from Watson Lake has said, certainly, we would be treating different groups in different ways. I think there is a necessity for Members of Committee to recognize this and I think that the majority does recognize this.

Mr. Taylor: Mr. Chairman, the Member brought in this bill and said, "I am certainly opposed and I am still now opposed to the licensing of trailers." The bill says that the Commissioner may make regulations for the licensing of mobile homes. This is the very bill he brings in, yet he is opposed to it. As I stated earlier, just prior to our mid-morning recess, everybody is rushing out and making amendments, putting in penalty sections. This is no way to produce a bill and ask the Membership here at this Council to make a decision. I say that these three sections must be deleted because it is unconstitutional, it is unfair.

Mr. Taylor continued

It has always been unfair, and it has always been recognized as unfair. That is why we have never come up with a reasonable ordinance before. This is the closest that we have ever come to something reasonable, but you make it very unreasonable when you go and tax one small segment of the people. That is grossly unfair. It has got to be made clear that it is unfair. I can't buy this argument and the Member is inconsistent in his thinking, too.

Mr. McKinnon: Mr. Chairman, there are certain areas of the Ordinance which are unclear to me at this time. I would like to ask some questions of the Legal Adviser to clarify this before I make up my mind how I am going to vote on this Ordinance. Firstly, I see that there is going to be a registration fee for everyone that owns a mobile home and has to register his mobile home. I wondered if the new Schedule of Fees under the Motor Vehicles Ordinance, I see a section there for the re-registration of mobile homes, \$2.50. I was wondering if the Legal Adviser could tell me where under the Schedule of Fees the registration of a mobile home is, and what the cost will be?

Mr. Legal Adviser: I understand it to be \$2.50 which is the normal registration fee for documents and registration will be in the Registrar of Motor Vehicles office because they have the staff to handle this particular chore and it will not involve extra staff to do the job.

Mr. McKinnon: The second question, Mr. Chairman. I noticed that on these taxes that the taxes won't be subject to penalty interest if the taxes are paid not later than the thirtieth of June, 1971. Mr. Chairman, I would like to ask Mr. Legal Adviser whether there will be a Court of Revision set up when these assessment notices are sent to the trailer owners and when that Court of Revision will sit. Will it be sitting before the thirtieth of June?

Mr. Chamberlist: Mr. Chairman, may I answer that. Firstly, as I indicated this morning to Members of Committee, the judgment of Mr. Justice Maddison already stated that the assessment that has been made is fair. However, the opportunity for people to appeal their assessment, I think, we can assure the Members that the Executive Committee will be very considerate towards having this done and perhaps Mr. Commissioner would indicate his reaction to what I have just said to clear that particular objection. Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, we have examined this situation and while we are quite satisfied in our minds that the delineation as laid out by the Honourable Justice in his judgment here does clear this situation up, we are certainly not adverse to giving fullest consideration to the possibility of setting up a Court of Revision if it is clearly shown to us that there is need of such. We are not going to approach this with a closed mind. I would like to assure the Members of this.

Mr. Taylor: I have a further question, Mr. Chairman, that I would like to ask at this time and I meant to ask this morning. When a person moves into the Territory with a trailer and stays here, let's say, seven months, is there going to be a scale by which he is assessed? Or if he is there two months only, does he pay for the full year irrespective of how long he is here? How does this work?

Mr. Commissioner: Mr. Chairman, the Taxation Ordinance will take effect and if he falls within the orbit of the Taxation Ordinance he will become liable for taxes and if by his movements, in and out of the Territory, he doesn't come within the scope of the Taxation Ordinance he avoids taxes. We are the first to admit that there are loopholes in this particular situation. We don't intend to try by any administrative finagling to close these loopholes at this time. There is just no way.

BILL #9

Mr. Taylor: In other words, do I read it correctly, that under the existing Taxation Ordinance if the trailer owner comes in here for two months and happens to be assessed at that time, which he would as he would have to register his trailer, he would be assessed for the full year, notwithstanding, that he was in here for two months and was gone again?

Mr. Commissioner: Mr. Chairman, that is not a fair statement to say that. You would have to pinpoint the particular time that the trailer was here. I am simply saying, and if Honourable Members would refer to the Taxation Ordinance, that you will see that it is all predicated upon time and if the trailer that is referred to by the Honourable Member happened to fit into that orbit of time he would be subject to taxation. If he did not fit into that orbit of time he would escape the taxation.

Mr. Chamberlist: I would also bring the Honourable Member's from Watson Lake attention to the latter part of section 7 of the Ordinance where we refer to all bona fide use for tourist or recreational purposes from the provisions of this Ordinance exempting them. So, if there is sufficient proof and evidence that the person has been here for the two months for tourist or recreational purposes there is no reason at all why the Administration would even consider the taxation of it.

Mr. Taylor: Fortunately even I was intelligent enough to grab that. What I am talking about is when somebody comes in here and works for a couple of months and lives in a house trailer and occupies some property and is subject to tax. This is what I am talking about.

Mr. McKinnon: I have another question, Mr. Chairman. We went around on the licensing area and we decided that that wasn't what we wanted and we thought that out and we thought that the more equitable way which we see before us in legislation would be to make the adjustment the same as any other taxpayer in the Yukon. Now it seems that section 7, we completely negate everything that we have every accomplished by giving the Commissioner back the right to make regulations for the licensing of mobile homes. I would like to ask Mr. Legal Adviser why that area is necessary? Certainly, if we are going to make the tax equitable, if we are going to make it on a fair assessment over the whole of the Yukon and the trailer owners, why does there have to be a licensing section for the Commissioner? I don't think that this is the way that we want to do things. I don't see why it is necessary to have this in the Ordinance in any way, shape or form.

Mr. Chamberlist: The word is wrong, I agree with the Honourable Member. The word should not be licensing, it should be make regulations for the registration of mobile homes and I agree with the Honourable Member. It is an error on the Administration's part and I am quite prepared to correct this.

Mr. Taylor: Another midnight amendment?

Mr. Chamberlist: It is in the middle of the day and I am sure the Honourable Member from Whitehorse West would appreciate the fact that we do recognize these points and the Administration is quite prepared at all times to recognize any points of value. That is a valid point.

Mr. Taylor: Well certainly, Mr. Chairman, the Honourable Member would be quite pleased then to allow us a couple of weeks to further study this bill and maybe improve upon it.

Mr. McKinnon: Mr. Chairman, there are several things in the Ordinance -- I have a lot of sympathy with some of the arguments that the Honourable Member from Watson Lake has made; generally, the one considering the bill being placed before us and a completely different taxing method used

Mr. McKinnon continued

than the original Ordinance that was brought before this House, the one on the service connections which I thought was outlandish. I wish the Honourable Members had proceeded with it because I think we would have had a heck of a lot of fun with it. This one represents the basis of the thinking of the majority of the Councillors at the table. This is the type of taxation they would like to see, on an assessment and on a notice basis the same as other taxpayers in the Territory receive. It is an important piece of legislation and I agree with the Honourable Member from Watson Lake that it is rather difficult to take a completely different and a new taxation method and on amendments as of yesterday afternoon and today, really come with a piece of legislation that is going to be thoroughly thought out and workable. I think that Members can see the changes that have already been made in the Ordinance, which I think are making it better all the time and with a little more time it would be even better still. I agree with the Honourable Member, too, from Watson Lake, when he states and makes his case for the retroactive taxation. I don't know the kindest way of putting it but I think the general public, and I am inclined to agree that the Administration got whipped by, on the interpretation that I get of this matter, when they tried to put in an indirect form of taxation which they didn't have the power to do. It seems to me that they are acting rather like spoiled kids who are not beaten down and are determined to make their point in any way, shape or form and determined to collect that taxation in some method. I think the wiser way would be for the legislation to be a little better thought out and a little more time for debate and then start with the taxation, with a good ordinance in the year 1971-72. I do believe that we can improve on this Taxation Ordinance. Even with all these faults that I can see with this Ordinance, I am not unwilling to support it providing one very basic fact is replaced in the Taxation Ordinance, Mr. Chairman, that is the section that gives this legislative body, and this legislative body only, the right to impose taxation on the people. I am not going to use too many words of my own in this argument because the words have been stated eloquently by both arguments in Beauchesne's and both arguments by the Honourable Member from Whitehorse East, who on prior occasions said that we were foolish to give up this right from the House into the Commissioner's hands and I agree with him wholeheartedly in his logic and his reasoning at that time. It is going to be interesting, Mr. Chairman, to see whether the Honourable Member has really become one of them or if he still really believes in the principle that this Legislative Chamber, and this Legislative Chamber alone, has the right to impose taxation on the people of the Yukon. I say, Mr. Chairman, that that right is well delineated and clear under the Yukon Act, under section 16 of the legislative powers of Commissioner in Council, "The Commissioner in Council may, subject to the provision of this Act and any other Act of the Parliament of Canada, make ordinances for the government of the Territory in relation to the following classes of subjects, namely, (a) direct taxation within the Territory in order to raise a revenue for territorial, municipal or local purposes;". Mr. Chairman, I argue further under annotation 233, page 198 of Beauchesne's, "The cardinal principle on which the whole of our financial system is based is that of parliamentary control, and by this is understood not the control of Parliament in its constitutional sense, but control by the Commons alone. Upon this fundamental principle, laid down at the very outset of English parliamentary history and secured by three hundred years of mingled conflict with the Crown, and peaceful growth, is grounded the whole law of finance and consequently, the whole of the British Constitution." Mr. Chairman, for a particular instance, namely, the taxing of that area of Hillcrest which used to be a Federal housing project and was taken over by the Territorial Government, we delegated this House that right to the Commissioner because of the -- because we didn't have the knowledge of what the financial implications would be in the Hillcrest area for a year. We gave the Commissioner the right to set taxation for that specific instance so that this House wouldn't have to be called to impose taxation. Mr. Chairman, I would like to read part of the arguments that were used at that time when we delegated the

BILL #9

Mr. McKinnon continued proper right and function of this House to the Commissioner. I would like to quote, Mr. Chairman, the Honourable Member from Whitehorse East who I say speaks eloquently and logically on this. Mr. Chairman, I speak of subsection (2) of the Taxation Ordinance, the Ordinance of the Yukon Territory 1968, Third Session, section 2, it says, "The Commissioner may vary the rate of tax levied under this section according to the location of the real property to be taxed." Of course, we underline principle as that is a right of this House which we delegated to the Commissioner for the protection of the public under the Taxation Ordinance and this amendment has to be brought back to where it belongs and that is into this House. At that time, the Honourable Member from Whitehorse East, speaking on the subsection said, "I find a little bit disturbing that a power is placed in the hands of the Commissioner, the right to bury the rate of tax levy. I think the rate should be set and the rate should be approved by the Territorial Council and when it is required that it be altered or amended that the Territorial Council should amend again by legislation. Certainly, it appears to me that to place on the Commissioner the obligation of adjusting it whenever he wishes to do so or whenever the Administration asks him, I think that taxation should be by legislation and not by an individual." Mr. Commissioner answered, "I don't think that we have any" in his most trusting manner "have any malforethought with regard to this. I would like to assure Council on this right now. The matter dealing specifically with Hillcrest is going to be one until such time as this thing becomes a known entity, we are simply not going to know what the cost of providing municipal services is. So, from a practical point of view, until such time as this area either becomes part of the Municipality of Whitehorse or becomes a Village under the Municipal Ordinance and has its own sort of government, I am afraid that we don't see much alternative to this approach to the problem. I would certainly like to assure Council that we have no underhanded motives in proposing this method of dealing with the problem." and Mr. Chairman, Mr. Chamberlist, the Honourable Member from Whitehorse East, in his best smoothing manner as he used to do, picked up the Commissioner immediately and said, "Mr. Commissioner, I am not suggesting that there are any underhanded motives in this at all. What does concern me is that the explanation, although the explanation refers to enabling the Commissioner to fix a rate of tax for the Hillcrest area, section 2 of the bill itself reads, 'The Commissioner may vary the rate of tax levy under this section according to the location of the real property to be taxed', so that, under the bill the same method can be used at the new Faro townsite; the Commissioner may vary the rate of tax levied in any area. In fact, he may even say, 'well, I've decided that Watson Lake now will come under this particular area', and may up the taxes there; he may do so in Porter Creek; he may do so anywhere. When I'm referring to the Commissioner, I'm not saying underhanded, I'm not referring to you yourself, Mr. Commissioner. I hope it will not be necessary to refer to any other Commissioner because I hope another Commissioner does not exist after your time. But, certainly this section 2 grants such wide scope to the Commissioner that it can apply to any area in the Yukon Territory. This is where I feel it should be the Commissioner in Council so that we as a body are able to control the tax structure. This is one of the things that we have been wanting to do and here is an opportunity to say that this is how it should be done. I move at this time that the bill be amended to read, 'The Commissioner in Council may vary the tax rate', etc., and this is a motion, that the words 'in Council' be added to it." Mr. Chairman, with all the shortcomings in the Ordinance, I think it is an attempt to make an equitable form of taxation on those people who are now owning or living in trailers. If we had the protection of this legislative body setting the rate of taxation and responsible for the rate of taxation then most of my objections I have will be overcome because the public will know who is responsible, not the Commissioner, not the Executive Committee, but the legislative body of the Yukon Territory in setting the tax structure of the Territory. This is an inherent right of any parliamentary elected body. It is one that we negated when we gave that

Mr. McKinnon continued....

BILL #9

right to the Commissioner, it is one that we have the power to deal with under the Yukon Act and it is one that we must bring back to this House. Mr. Chairman, I would move at this time that section 50, subsection (2) of the Taxation Ordinance, be amended to read, "The Commissioner in Council may vary the rate of tax levied under this section according to the location of the real property to be taxed." Then, Mr. Chairman, I think we have legislation where the public is protected and an area where, I think, I could well go along with the Taxation Ordinance No. 9 as I see before me at this time.

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

Mr. Chairman: It has been regularly moved by Councillor McKinnon, seconded by Councillor Taylor, that section 50, subsection (2), of the Taxation Ordinance, be amended to read, "The Commissioner in Council may vary the rate of tax levied under this section according to the location of the real property to be taxed."

Mr. Chamberlist: I really am very, very pleased to hear the wonderful speech that I made again. I thought it was just fine. It must be very, very difficult now for the Honourable Member from Whitehorse West to read an area where in fact I had proposed the words that he is now proposing, that the words "in Council" be added and I would also like to bring to the Honourable Member's attention that he was Chairman of the Advisory Committee, he was in charge of the majority of the Members of the House and that motion was defeated by him. Now he stands up and he wants this put in. How can he come along and say, "now last year that was different because I was it but this year you're it." We now find ourselves in the position of the Honourable Member from Whitehorse North saying, "Yes that is right. I refused to support you last year because you had made the motion and the suggestion that it be the Commissioner in Council. This year it is different because I am on the other side so I want to make it appear that what has transpired was forgotten." But, I haven't forgotten that particular area. I take the opportunity of reading the Votes and Proceedings and everything relating to the Taxation area here. Mr. Chairman, I am still of the same opinion, and I have always been of that opinion, in that the powers shouldn't be in the Commissioner in Council. I have a responsibility to see that changes in legislation of this description are made with the full co-operation and concern of the Executive Committee. Now, as a government and with the elected input into the Executive Committee, the Honourable Member from Whitehorse West knows full well that I cannot stand here and accede or accept that responsibility at this time until such time as discussions are made. I can assure the Honourable Member that there will be discussions made on the basis of the suggestion that he has made in his motion. I cannot support it at this time. I support the principle of it but I cannot vote on it at this time. It is fairly understandable that I have to quite properly discuss the area with the other Members of the Executive Committee. The specific point that was made in reference to the raising of taxes in the Hillcrest area, was specifically for that area. Now, I know that Honourable Members would prefer to say that the increases of the new rate in outside areas to 8 mills and areas -- and the Metropolitan Area to 12 mills was done without the authority of the Legislative Assembly. I beg to differ on this particular point because we all know that once anything of this nature is done by regulation, it is within the power of the House to have that regulation placed into Committee for discussion and show disapproval of that regulation. But, in the weeks that we have been sitting in Council, not one Member has moved that the regulation dealing with the increase in the mill rate, which had to be put in because the Taxation Ordinance requires that a mill rate be struck by a certain date, was not asked for. This surprises me and I think that the Honourable Member from Whitehorse West has slipped up and Councillor McKinnon doesn't usually slip up on a point like that. He could have had that regulation placed forward for discussion

BILL #9

Mr. Chamberlist continued

very easily. Mr. Chairman, I am going to vote against the motion, not against the principle of the motion, but I am voting against the motion so that there is an opportunity for the matter to be discussed in Executive Committee which is the proper procedure that has to be done and I am sure the Honourable Member, with his training in political science, knows full well that this is the way things are done. I want to make sure that my function on the Executive Committee is one of proper conduct in my office as an Executive Member. I am sure that most Members would agree that this is the position that I must take. Thank you, Mr. Chairman.

Mr. Taylor: Mr. Chairman, I am very surprised at the Honourable Member taking the point of view that he takes at this particular moment. I think it is clear to everybody that it always has been the right of the legislature, not the government, to impose taxes upon the people. It is spelled out under section 16 of the Yukon Act, "The Commissioner in Council may," not the Commissioner but the Commissioner in Council, "subject to the provisions of this Act make ordinances for the good government of the Territory in relation to the following classes of subject, namely, direct taxation within the Territory in order to raise a revenue for territorial, municipal or local purposes," but, we go to section 17 of the Yukon Act and that should never be forgotten as well, "Nothing in section 16 shall be construed to give the Commissioner in Council greater powers with respect to any class of subjects described therein than are given to legislatures of the provinces of Canada under sections 92 and 95 of the British North America Act," and if you go to the B.N.A. Act you will find that only the legislatures have the right to impose taxes. I can't see where the Member is troubled one bit about going along with this particular motion because it is a very constitutionally democratic motion. He has always fought as hard as we are now fighting to retain this privilege and I think that the Member should support the motion wholeheartedly and with good spirit.

Mr. McKinnon: Mr. Chairman, the basic difference between the Honourable Member from Whitehorse East and myself is my ability to admit where I have goofed and made a mistake. Now, I read the remarks of the Commissioner and the remarks he made, butter wouldn't melt in his mouth, as he assured us that this would never be used except in the Hillcrest area. In those days, Mr. Chairman, the Commissioner used to be straight and I used to even trust him once in a while, but unfortunately, things have changed when I see what all that he did with the power that we delegated to him, exactly what the Member from Whitehorse East warned us would happen is actually what did come about. I am afraid, Mr. Chairman, with the Commissioner's action, I have to admit that at that time there was a mistake made and that this authority should not have been delegated. The other area, Mr. Chairman, where I find in agreement with the Honourable Member from Whitehorse East, it is because of my training in political science that I use this form of amending. I think that the Honourable Member is so enamoured with the trappings and the forms of power that he forgets that getting things accomplished is the primary duty of this House. By a simple motion Commissioner in Council, the majority of this House votes for it, we have exactly what we want without going through all the folderol of an Executive Committee. The reason why parliamentary democracies are crumbling all over the world is because of the formality and because of the traditions, the medieval and archaic traditions of Houses of Parliament that are so steeped in tradition that nothing ever gets accomplished. I say, Mr. Chairman, that it is exactly the same motion that the Honourable Member proposed last year and it takes a simple majority of this House, the question is cleared, the amendment is passed, the bill is passed, we got what we want and perhaps we can go into the legislation which can finally be passed before this House. It will be legislation which is much more equitable than anything that has come prior to the House and, Mr. Chairman, I think that is the form that we should follow, that is the course that we should take, then, we can get down to other business immediately following.

Mr. Chairman: We have before us at this time the amendment. Are you prepared to proceed with the amendment? Agreed? Division has been called. Mr. Clerk will you record the division.

BILL #9

Mr. Clerk: The Member from Whitehorse East.

Mr. Chamberlist: Nay.

Mr. Clerk: The Member from Whitehorse North.

Mr. Tanner: Nay.

Mr. Clerk: The Member from Carmacks-Kluane.

Mrs. Watson: Nay.

Mr. Clerk: The Member from Whitehorse West.

Mr. McKinnon: Yea.

Mr. Clerk: The Member from Mayo.

Mr. Rivett: Nay.

Mr. Clerk: The Member from Watson Lake.

Mr. Taylor: Yea.

Mr. Clerk: Mr. Chairman, the vote is two yea, four nay.

Mr. Chairman: I declare the amendment defeated.

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 9 pass out of Committee as amended.

Mrs. Watson: I second the motion.

Mr. Chairman: It has been regularly moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that Bill No. 9 be passed out of Committee with amendment. Are you prepared to proceed?

Mr. Taylor: Mr. Chairman, I would move a procedure of motion at this time that this question do not now be put and the question be put two weeks hence.

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

Mr. Chairman: Are you prepared for the question? Are you agreed? Division has been called. Mr. Clerk will you record please.

Mr. Clerk: Member from Whitehorse East.

Mr. Chamberlist: Nay.

Mr. Clerk: Member from Whitehorse North.

Mr. Tanner: Nay.

Mr. Clerk: Member from Carmacks-Kluane.

Mrs. Watson: Nay.

Mr. Clerk: Member from Whitehorse West.

Mr. McKinnon: Yea.

Mr. Clerk: Member from Mayo.

Mr. Rivett: Nay.

BILL #9

Mr. Clerk: Member from Watson Lake.

Mr. Taylor: Yea.

Mr. Clerk: Mr. Chairman, the vote is 2 yea, four nay.

Mr. Chairman: I declare the motion defeated and we will now proceed with the original motion. Are you prepared for the question? Are you agreed? Division has been called. Mr. Clerk, will you record the division.

Mr. Clerk: Member from Whitehorse East.

Mr. Chamberlist: Yea.

Mr. Clerk: Member from Whitehorse North.

Mr. Tanner: Yea.

Mr. Clerk: Member from Carmacks-Kluane.

Mrs. Watson: Yea.

Mr. Clerk: Member from Whitehorse West.

Mr. McKinnon: Nay.

Mr. Clerk: Member from Mayo.

Mr. Rivett: Yea.

Mr. Clerk: Member from Watson Lake.

Mr. Taylor: Nay.

Mr. Clerk: Mr. Chairman, the vote is four yea, two nay.

Mr. Chairman: I declare the motion carried.

*MOTION
CARRIED*

MOTION CARRIED

Mr. Chairman: I take it that it is now the intention of this Committee to proceed with Bill No. Mr. Taylor would you resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: Is it your wish to proceed with the Archives Bill at this time? We will now call a short recess.

RECESS

RECESS

Page 388.
February 25th, 1971.
3:30 p.m.

Mr. Chairman: I will call Council to order, or Committee to order, and *BILL #26* we'll proceed with Bill No. 26, An Ordinance Respecting the Preservation of Archives in the Yukon Territory. (Mr. Chairman reads section 1)

Mr. Chamberlist: Mr. Chairman, the Explanatory Note is: "The object of this Ordinance is to enable the Government to make arrangements for the preservation of documents and documentary materials of historical or other importance to the Territory. Power is given to appoint an Archivist to carry out the provisions of the Ordinance. Public records from all sources must be delivered eventually to him for safe-keeping and he can give discharges for them. Safeguards are provided for documents which may be confidential in the short term."

Mr. Commissioner: Excuse me, I don't want to interrupt here, Mr. Chairman, but I would add that this is the legislation that is complementary to and necessary for the implementation of the Archives Programme, the budgetary figures of which you have already seen fit to pass.

Mr. Chairman: (Mr. Chairman reads sections 2, 3, 4, 5, 6, 7, 8 and 9 of Bill No. 26) What is the reason for this, Mr. Commissioner?

Mr. Commissioner: Mr. Chairman, you will notice that earlier in the Ordinance, we are talking about a period of thirty years, and it is very possible that some of these documents -- remember that we're going to refer to a very great spectrum here, all for government activity. It may well be that some of these documents might refer to some people who might still be alive, and it might have prejudicial effect upon these people, and it would be for this reason and possible that reason alone that this prerogative would be exercised, if ever.

Mr. Chairman: Where is this thirty years business? Oh yes, section 4, right. (Mr. Chairman reads sections 10, 11, 12 and 13 of Bill No. 26)

Mr. McKinnon: Mr. Chairman, there is one question; where is the section that allows for the transferring of the records which are presently under the protection of the Federal Archivist to the Yukon Territory?

Mr. Commissioner: Mr. Chairman, this particular transfer that the Honourable Member refers to is a matter on which we have had considerable correspondence with the Federal Department that has control of these records. We have assurances from them that, subject to the acceptance by Council of this Ordinance and the construction of the building according to the plan that they have approved, the archives that the Honourable Member's question refers to will be returned to the Yukon.

Mr. McKinnon: This is in writing?

Mr. Commissioner: Yes.

Mr. Chamberlist: Mr. Chairman, if there is no further discussion, I would move that this bill pass out of Committee without amendment.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 26 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? I will declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chairman: We have the Game Ordinance, but someone requested the presence of the Director, and I don't think he's going to be available today.

Mr. McKinnon: Mr. Chairman, I think we should have Mr. Fitzgerald here for discussion on the Game Ordinance. As far as I understand, he takes leave of absence at Rendezvous time because he is in charge of the dog races, and I don't think that we should take him away from these duties that he takes on leave of absence.

Mr. Chairman: What is your further pleasure?

Mr. Chamberlist: Mr. Chairman, this is a bill that I think all Members should have the time to take consideration of. We should leave it until after recess.

Mr. Chairman: What is your further pleasure?

Mr. Chamberlist: I wonder, Mr. Chairman, if you could just review once more what we have left here. We could go on to reading the Consumer Protection Bill while we have the time.

Mr. Chairman: I thought we wished to leave that until after the recess.

Mr. Chamberlist: Yes, but we could still have progress reported on it. We would have lots of time. We couldn't complete it in any event, but we could read part of it though.

Mr. Chairman: Well, we have the Liquor Ordinance pending; the Taxation Ordinance has now been dealt with this afternoon, it is out of Committee; Bill No. 14, An Ordinance to Amend the Elections Ordinance, is pending; Bill No. 15, An Ordinance to Amend the Labour Standards Ordinance, is pending; Bill No. 17, Public Utilities Board, is pending.

Mr. Chamberlist: I wonder, Mr. Chairman, what is the specific hold up now with the Labour Standards Ordinance? Did the Honourable Member not have sufficient time to prepare his motion for amendment?

Mr. Chairman: That is quite correct. Bill No. 24, An Ordinance Respecting the Yukon Health Care Insurance Plan, is pending; Bill No. 25, An Ordinance to Amend the Game Ordinance, is pending; Bill No. 26, An Ordinance Respecting the Preservation of Archives, is out of Committee; and the Consumer Protection Ordinance is pending.

Mr. Chamberlist: I would suggest, Mr. Chairman, that we at least spend some time in reading what we have. We wouldn't be passing it out of Committee, so we would still have further time to study it.

Mr. Chairman: It is a little difficult, if we left for a two-week recess, to come back and pick up in the middle of a bill of that nature. I am at the direction of Committee, whatever Committee decides to do. Do you wish to go on with this Consumer Protection Bill at this time?

Mr. Chamberlist: It's a long bill, Mr. Chairman, and I think that while we have some time, we should get on with it.

Mr. Chairman: Yesterday you were saying we should study it before we get into it.

Mr. Chamberlist: Well, not pass it out, certainly, not. I wouldn't think of that without studying it.

Mr. Chairman: Well, does Committee agree? Give the Chair some direction.

Mr. McKinnon: Mr. Chairman, we have 44 pages of legislation here under Consumer Protection. I am inclined to agree with the Chairman that coming back, having gone through a few pages of the bill, is probably more difficult in picking up the train of thought than if it were all done at the same time. We know that we're not going to have time to deal with it before the break that Council is taking. Upon the review of the legislation that is available to us to process, the pieces of

Mr. McKinnon continued ...

legislation that are before us are going to take considerable work and considerable study, and I don't really see the point of further processing the legislation at this period of time. Mr. Chairman, considering the advent of the Sourdough Rendezvous, and that most people are busy and are inclined to want to be getting into the Rendezvous spirit and mood, and considering the legislation and the areas where we have processed bills to, I would suggest, and I would want to hear further discussion on it, that we decide now upon the break that the Council is going to take, and decide whether we should have the Speaker return to the Chair, and adjourn Council at this time, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, that was a good try, but we have some bills that have to be given Third Reading tomorrow, and I think it's very important that the Taxation Bill be given Third Reading tomorrow morning. Certainly, I agree that we can discuss the period of time of recess, but we should not recess until after Orders of the Day tomorrow morning.

Mr. McKinnon: I have no objections to any of the suggestions that the Honourable Members have. I think that we're just coming to a point where we're at a time where we're going to have to decide whether we're just going to sit around the House like we did yesterday afternoon, deciding what we should do, or whether we should adjourn now, and either suspend the Standing Order so that we can process and give Third Reading to the bills that we want to give Third Reading to, or come back for Orders of the Day tomorrow, after adjourning this afternoon. Any of these alternatives are perfectly acceptable to me.

Mr. Chamberlist: In that case, Mr. Chairman, having the agreement of the Honourable Member from Whitehorse West, and I value the opportunity to have agreement with him, I would move that Mr. Speaker do now resume the Chair.

Mr. Chairman: Is there a seconder?

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

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

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: The House will now come to order. Could we have a report from the Chairman of Committees?

Mr. Chairman: Mr. Speaker, Committee convened at 10:30 a.m. to discuss Public Bills. Mr. Williams, Tax Assessor, and Mr. Bilawich, Director of Municipal Affairs, attended Committee to discuss Bill No. 9. Committee recessed at 12:00 noon, and reconvened at 2:00 p.m. It was moved by Councillor McKinnon, seconded by Councillor Taylor, that section 50, subsection (2), of the Taxation Ordinance, be amended to read "The Commissioner-in-Council may vary the rate of tax levied under this section according to the location of the real property to be taxed." This motion was defeated. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 9 be reported out of Committee as amended. It was then moved by Councillor Taylor, seconded by Councillor McKinnon, that the question do not now be put and that the question be put two weeks hence. This motion was defeated and the former motion carried on division. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 26 be reported out of Committee without amendment, and this motion carried. It was then moved by Councillor Chamberlist, seconded by Councillor McKinnon, that Mr. Speaker do now resume the Chair, and this motion carried.

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

Mr. Chamberlist: Mr. Speaker, I move that we call it five o'clock at this time, and perhaps Members could meet privately after the House has adjourned.

Mr. Speaker: Is there a seconder?

Mr. Tanner: I'll second the motion.

Mr. Speaker: It has been moved by the Member for Whitehorse East, seconded by the Member for Whitehorse North, that we now call it five o'clock. Are you prepared for the question? Are we agreed? The motion is carried.

MOTION
CARRIED

MOTION CARRIED

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

ADJOURNMENT

ADJOURNMENT

Page 392.

Friday, February 26th, 1971.

10:00 a.m.

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. Are there any Documents or Correspondence to be tabled?

Mr. Chamberlist: Yes, Mr. Speaker, I have for tabling Legislative Return No. 9, this morning.

Mr. Speaker: Are there any Reports of Committee? Are there any Bills to be introduced? Are there any Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? As there are no Motions for the Production of Papers, we come to Motion No. 6. It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Council approve the appointment of Councillor Tanner to represent the Territorial Council at the Pave the Alaska Highway Conference...

MOTION #6

Mr. Chamberlist: Point of order, Mr. Speaker. It's Councillor Taylor, not Councillor Tanner.

Mr. Speaker: ...Councillor Taylor to represent the Territorial Council at the Pave the Alaska Highway Conference, to be held in Dawson Creek on March 5th, 6th and 7th. Are you prepared to proceed with the motion?

Mr. Taylor: Mr. Speaker, just one word on the subject. I would be more than pleased to represent Council at such an important conference, but, however, I do believe that it has been cancelled at the moment and that no new dates have been set for a further conference. Possibly, if it is your desire that I do attend, we could take a look and see if we can do anything useful down there. If it appears that we can't, well, possibly we might have to forego that particular chore.

Mr. Chamberlist: With the permission of the seconder of the motion, I will withdraw the motion.

Mr. Speaker: Is the House agreed that the motion be withdrawn? So ordered. We now come to the Question Period. Are there any questions?

*MOTION
WITHDRAWN*

Mr. Commissioner: Mr. Speaker, I wonder if I might rise at this time. I have answers to several questions that I had promised to bring with me. May I proceed with them? A question that was asked by Councillor Tanner on February 15th was related to a budget item, the \$500 that appears in the Fire Department appropriation at Porter Creek. The answer to the question is that the \$500 is the money from which the Department of Public Works Fire Department is paid, and they respond as a back-up to the Porter Creek Volunteer Fire Department. If required, a schedule of payment is available and can be tabled. Next, Mr. Speaker, there was a question asked by Councillor Taylor concerning the naming of what we have referred to as the Watross Grader Station located on the Campbell Highway. In answer to this, the Department of Public Works has advised us that the name was changed to the Tuchtua Grader Station, February 19th, 1971. Mr. Speaker, I was asked yesterday about the Minister's itinerary, while he would be here over the Sourdough Rendezvous, and, specifically, when the press conference referred to would be held. The time of the press conference is slated for 3:30, Saturday afternoon, in the Commissioner's Office. The balance of the Minister's itinerary, while he is here, I'm sorry, is not available as yet, Mr. Speaker. In the course of the day, however, I'm sure that it will be and I will see that Members of Council are provided with copies of it. Further, Mr. Speaker,

ANSWERS RE

*\$500 FOR
FIRE DEPT.*

WATROSS

*GRADER
STATION*

*MINISTER'S
VISIT*

Mr. Commissioner continued.....

*PROJECTED
TRAILER
COURT*

I was asked two questions yesterday which I did not know at the time, that are related. One of them has to do with the location of a site for a projected trailer court, and the other question concerns the use to which the Yukon Vocational Training School heavy equipment training operator course, was being put at the site, generally located in the Hillcrest area. For Council's information, I will table this with the Clerk for distribution to Members of Council. We have a very detailed listing of all the work projects that are presently under way and have been for the last month or two with this equipment and, basically, what is going on with it. Specifically, item no. 8 has to do with a projected trailer parking area, located at Mile 16 and this is being done by this equipment at the request of the Yukon Territorial Government, Department of Engineering. The project engineer is Mr. Howe, and further, at the request of the Department of Local Government, this is a site of approximately eighteen acres. It is being levelled off by this equipment and when it is finished, it will be priced and put up for public tender as a commercial trailer court. This I will table, this whole report, with the Clerk, Mr. Speaker, so that it can be distributed to all Members of Council.

*QUESTION RE
FARO
SCHOOL*

Mr. Taylor: Mr. Speaker, I'd like to direct a question to the Honourable Minister of Education, this morning. I would like to ask her if she would be prepared to give a statement respecting the anticipated overcrowding of the Faro School in the coming year.

Mrs. Watson: Mr. Speaker, consideration is being given to the projected school needs of the Village of Faro for the year commencing 1971-72. If there is a substantial increase in enrollment, such as doubling from 175 to an anticipated 350, then, we will have no alternative but to place the students on a shift programme for one year.

*QUESTION RE
ECOLOGICAL
STUDIES
RESPECTING
PIPELINES*

Mr. Stutter: Mr. Speaker, I have a question that I would like to put to the Commissioner. In the House of Commons, on February 16th, during a Question Period, Mr. Douglas, asking a question concerning the pipeline, asked whether such studies on ecological consequences of the pipeline down in the MacKenzie River Valley had been undertaken. In the reply, the Honourable Jack Davis stated that "I can assure Honourable Members that studies along these lines are underway. The oil companies are also engaged in a major experiment at Inuvik, with a view to designing a pipeline which will be compatible with our environment". Later on, Mr. Davis goes on to say "I think we can assure the House that we will not only look into the ecological consequences of a pipeline, but also be communicating as effectively as possible, with the public." My question to the Commissioner is, will the Administration be contacting Ottawa requesting that this report, once completed, will also be made available to Members of this Council and to the people of the Yukon Territory?

Mr. Commissioner: Mr. Speaker, I would be most happy to do so. I am not aware of the particular programme that the Minister referred to in the House of Commons. The only projects that I know that are under way in the Yukon Territory that are specifically designed along these lines, is that which I referred to here, several weeks ago. It is financed to the tune of a half a million dollars, I believe, this last year, and I believe, for a similar amount this year. The only group that I know of, was located in Watson Lake area and were doing land usage type research in the Liard River area. I will, however, be certainly, most happy to communicate with the Federal Government and ask that the report referred to be made available to us.

*QUESTION RE
TOURIST
BOOTH*

Mr. Taylor: Mr. Speaker, it has been brought to my attention by some of my constituents, that there is a possible move afoot to take the tourist booth from the signpost area in Watson Lake and move it to where the existing Check Station, now is. I'm wondering if the Administration could assure me that the tourist booth will not be moved from its location by the signposts in Watson Lake.

Mr. Commissioner: Mr. Speaker, I am not prepared to give that assurance be-

Mr. Commissioner continued.....

cause it is not a practical place to have it. There is definitely consideration being given to a more practical location because we are finding that only a very small portion of the tourist traffic that is coming through Watson Lake is actually coming into the booth and using it for the purpose that it is designed for due to the location. I am sure that the question of the practicality of the installation is the important thing, and this will be the over-riding consideration in regard to its future location, Mr. Speaker.

Mr. Taylor: Mr. Speaker, supplementary; does Mr. Commissioner not feel that this should be, at least in part, a decision of the people, or is it the intention of the Administration to dictate this situation upon the people? These people would have to live with it.

Mr. Commissioner: Mr. Speaker, we have an administrative responsibility in the Department of Travel and Information with regard to the travelling public and I'm afraid that these will be the dictates that will have to be used. I'm sure that the Honourable Member will agree with me that, in the final analysis, it is the use to which the booth is put that is going to have to dictate where it is located.

Mr. Speaker: Are there any further questions? We wish to thank the Commissioner for his attendance. As there are no Private Bills and Orders, we will proceed to Public Bills and Orders.

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson, that the amendments to Bill No. 9, An Ordinance to Amend the Taxation Ordinance, be given First Reading at this time.

*BILL #9
AMENDMENTS
FIRST
READING*

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that the amendments to Bill No. 9, An Ordinance to Amend the Taxation Ordinance, be given First Reading at this time. Are you prepared for the question? Agreed?

Mr. Taylor: Contrary.

Mr. McKinnon: Contrary.

Mr. Speaker: I declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

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

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson, that the amendments to Bill No. 9, An Ordinance to Amend the Taxation Ordinance, be given Second Reading at this time.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that the amendments to Bill No. 9, An Ordinance to Amend the Taxation Ordinance, be given Second Reading at this time. Are you prepared for the question? Agreed? I declare the motion carried.

*BILL #9
AMENDMENTS
SECOND
READING*

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chamberlist: I would move that Third Reading be given, seconded by Councillor Watson, to Bill No. 9, An Ordinance to Amend the Taxation Ordinance.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that Bill No. 9, An Ordinance to Amend the Taxation Ordinance, be given Third Reading at this time. Are you prepared for the question?

*BILL #9
THIRD
READING*

BILL #9

Mr. Taylor: Mr. Speaker, I would like to speak to the motion. I am asking all Members of Council to vote negative on Third Reading of this Bill for one very good and sound reason. This Bill, now for Third Reading, has not been amended. It was not amended in the House, yesterday. There was one amendment proposed which would have had the effect of taking the power of taxation from the Commissioner of the Yukon and placing it in the hands of the Council where it properly belongs. It was proposed that this be done. This was refused by Committee and there were no other amendments moved in that Committee respecting that Bill. So, what you have at Third Reading of this Bill is not an amended Bill at all. What you have is the original Bill before consideration to it. Some Members, on the Government side of the House, suggested amendments to it, and admitted that, indeed, it did need changing, and proposed that they would, by motion, amend this particular Bill to bring it into line with the thinking of the Committee. This has not yet been done and was not done. Consequently, this invalidates any amendment or any suggestion of any amendment. Therefore, I would feel that it behooves all Members of the House to vote negative in this matter, because if you vote in favour of this Bill, it would still be unlawful in the sense that it has not been amended. I say to you now, Mr. Speaker, that this Bill is completely unconstitutional, as it stands. It attempts to collect taxation from a minority of the, minority group, mobile homeowners within the Yukon Territory, in respect of this fiscal year on a retroactive basis. Furthermore, it is an attempt to correct an earlier tax collecting process which was ruled invalid by the court. It fails to spell out the method of registration in the Ordinance, of mobile homes, and the method by which these mobile homes will, in effect, be assessed. It leaves all these matters in the hands of the Commissioner, for him to decide how these people are to be taxed. It takes it out of the hands of Council. In my opinion, this is an erosion of the responsibilities of this House. This Ordinance was constructed and the amendments which were proposed towards this, were given little thought. People were running back and forth on an hour to hour basis, here a few days ago, attempting to straighten out what they agreed, the Administration agreed, was an imperfect Bill. No amendments were forthcoming. This was done in a manner inconsistent with the practice of trying to provide the people of the Yukon with good, sound and fair legislation. Further, it is noted in this Bill that there was an amendment turned down that would have provided the power of taxation back to the legislative Council and not to the Commissioner. This, of course, was refused by a majority of the Members of the House, unfortunately. As long as this power does exist and is vested in the Commissioner, then, we are inconsistent with the democratic principles as laid out in the B.N.A. Act and the Yukon Act. So, for all these various reasons, more particularly, the first, that the Administration, themselves, agreed that this Bill is incomplete, I would ask that the -- any vote taken upon this Bill be in the negative. It has got to be.

Mr. Chamberlist: Mr. Speaker, I'm not standing up to speak right now, because I don't wish to cut off the debate, but I would like to point out, Mr. Speaker, that unless other Members wish to speak, I will then be speaking to end the debate.

Mr. Stutter: Mr. Speaker, I think that the Member from Watson Lake has probably come up with a good point, and I, personally, would like to be sure that I am voting on the amendment and not on the original Bill. As I stated quite clearly, yesterday, I am fully in favour of the principle of this Bill, but, I also need to be perfectly sure that I am voting on the amended Bill and not the original one. I cannot support that original Bill.

Mr. Chamberlist: Go ahead, Ken.

Mr. McKinnon: There is no way that I am going to be coerced into speaking, except when I feel like speaking. The Honourable Member stands up and says that he wants all Honourable Members to speak so that he can be the final speaker and close the debate. That's a decision that each Member of this House has to make and he himself, as to what order anybody is going

Mr. McKinnon continued.....
to speak.

BILL #9

Mr. Chamberlist: Very well, then. Okay. Mr. Speaker, in this case, where I am the mover, when I do speak, the debate closes after I've completed. I was just trying to give the Honourable Members an opportunity to have any say on the motion. Mr. Speaker, I visualized, last night, as a result of an error that had occurred by Mr. Chairman, reporting to the Committee the passing out of Committee of the Bill as amended. You will recall, I made a specific point when the Chairman had said that the Bill without amendment is passed. I said with amendment and then he corrected it. Mr. Chairman reported that accordingly. However, I did a little search in Beauchesne's and I would like to point out a few of the areas where certainly, we are covered completely. The amendments to the Bill have been made, have been accepted. I refer, firstly, to page 371 of yesterday's Votes and Proceedings. Mr. Taylor, when he was addressing Councillor Stutter who was in the Chair, started out by saying, "Mr. Chairman, in relation to the changed or the amended 5A(1), the registered owner of these units ..." etc. etc. So, he recognized, himself, the amendment. Now, it is not for me, Mr. Speaker, to be critical or attempt to be critical of the Honourable Member from Watson Lake who has had long experience in the operation of his duties as a Chairman of the Committee of the Whole. It is a job that he has fulfilled very well. Mr. Speaker, also, further on, on the same page, when I spoke I said, "Well, Mr. Chairman, we are just dealing in this amendment to the Ordinance..." Nobody had objected as we went on in that debate that the amendment had not been brought forward. If we go, right the way through, in the various areas of discussion of the debate yesterday in the Committee of the Whole, the whole debate was based on the basis of the amended sections that were brought forward. However, Mr. Speaker, on page 60 of Beauchesne's in No.4, annotation 70, "A point of order against procedure must be raised promptly before the question has passed to a stage at which the objection would be out of place". Mr. Speaker, there was no point of order taken prior to permitting the motion to pass the Bill out of Committee as amended. Therefore, it was too late. Further, Mr. Speaker, page 60, (5) of annotation 70, "When a bill is under consideration, points of order should not be raised on matters which could be disposed of by moving amendments". No Honourable Member raised any objection at the time that the motion was moved to put the Bill out of Committee. There a point of order is justified when there is some flagrant misuse of the rules, but they are unfortunate necessities which should not be regarded as usual phases of procedure and not to develop into long arguments. Mr. Speaker, we will then go to Standing Order 78(2), "All amendments made in Committee are reported by the Chairman to the House and the same shall be received and the motion for compellence therein shall be disposed of forthwith before the bill is order for a Third Reading at the next sitting of the House". Mr. Speaker, the question was raised by yourself whether the motion was agreed to by Members of the House and it was agreed. Page 284, annotation 402, "In Committee, all the clauses of the bill are considered before any new clauses are brought up and added to the bill, but, this practice is not rigorously followed, and the Committee is generally guided by what is most convenient in each particular case". Page 285, annotation 405, "If it should appear in the course of discussion that an amendment which has been allowed to be moved is out of order, the Chairman directs the Committee's attention to the fact and withdraws the amendment from the consideration of the Committee". Mr. Speaker, it is obvious that Mr. Chairman could recognize these things and found that it was not necessary to withdraw the amendment from Committee. The amendments therefore resulted. Annotation 408, page 285, "The Committee can so change the provisions of the bill, but when it is reported to the House, it is in substance the bill other than which was referred. The Committee can negative every clause and substitute new clauses". Mr. Speaker, it would promptly cut it out. Page 286, annotation 413, "When the bill has been fully considered, the Chairman puts the question, 'Shall I report the bill without or with amendment?'" Upon which, Mr. Speaker, the Chairman reports from the Committee that they have considered the bill and instructed him to report the same with or without amendment. This was carried out, Mr. Speaker. Page 288, annotation 418, "The question" and the first two lines are the most important, "from the Third

BILL #9

Mr. Chamberlist continued.....

Reading is put immediately after the report from the Committee of the Whole". Mr. Speaker, I would suggest, very strongly, that this is being done now. Towards the end of annotation 418, it reads, "The question for the Third Reading may be negative. As is previously stated, in reference to the Second Reading, such a vote is not fatal to the bill". And, Mr. Speaker, I would refer to the formula being used in the form for passage of bills on page 409, Formula 125. The procedure is for the report of the Chairman to state that the Committee of the Whole has considered Bill No. etc. and directed him to report the same with amendment. Then, when shall the report be received, and so on. Mr. Speaker, then, the clerk assistant will, for the First Reading of the amendment and the Second Reading, then the question as Mr. Speaker has now put it, and the bill will be read for the third time. That is the procedure. It's quite clear and arguments are being put up by the Honourable Member from Watson Lake. There is no possible way at all that anybody with any experience in parliamentary procedure can accept the suggestion that is now being made by the Honourable Member, who, as Chairman of Committee, carried out his duties and his functions and instructed the Speaker accordingly. By the Speaker being instructed, the Speaker passes on his request, as is required. This is done. The Third Reading has now been moved and we must proceed with it. I'm sorry. I regret that other Members have not had the opportunity to speak on this. I thought they might have had something to say. I can only assume, in this case, that there is no objection.

Mr. Taylor: Point of order, Mr. Speaker. I think the Member is somewhat inconsistent. I compliment him on his homework. He obviously has given some time to this subject but, many of the areas he has quoted from are irrelevant in respect of the question which now is before you. It is clear, and, I think, the question you must consider, Mr. Speaker, is whether or not this Bill was, indeed, amended in Committee of the Whole. As Chairman, Mr. Speaker, of that Committee I can say without any doubt whatsoever, that no amendment to this Bill was presented at any time in Committee except for one amendment which would have dealt with section 50 of the Taxation Ordinance, taking the power of taxation from the Commissioner and giving it to Council. This was negated. Therefore, there were no motions received by the Chair, and, indeed, an amendment must be read from the Chair before it is considered to be a proposed amendment. Having been read from the Chair, where any amendments are proposed, this would then have to be voted on by Committee. Neither process was undertaken in Committee of the Whole, Mr. Speaker. An amendment was not proposed in Committee to this Bill nor was there an amendment read from the Chair, obviously. Therefore, there are no amendments to this Bill. his is pure and simple.

Mr. McKinnon: Mr. Speaker, speaking on the point of order. I'm just trying to guide you in your deliberations. I don't think that there is any problem here at all. The Chairman of Committee boomed; every Member of this Council boomed and there were no amendments proposed to the Taxation Ordinance. We dealt with the Bill as a Bill rather than an amendment. Now, we just make a farce of this House if we don't agree that the procedure that we followed was wrong. We didn't pick it up. We were stupid not to pick it up at the time, but, unfortunately, that is exactly what happened. The only way out of the dilemma is to present the Bill as the amendment, read it as an amendment, in the House and in Committee, and process this Bill in the proper order. Any other way is just to completely destroy the position and rules of the House. We made a mistake. We see where we made the mistake. Now, let's go about processing this Bill properly.

Mr. Chamberlist: Mr. Speaker, speaking on the point of order. The Honourable Member from Whitehorse West who, yesterday, spoke with strong words about the decadent type of democracy that is destroying and so making governments fall, all of a sudden, he is returning now to democratic procedure. The wind blows from all directions with the Honourable Member. However, I will be pleased to point out, Mr. Speaker, that on page 390 of yesterday's Votes and Proceedings, in the report of the Chairman, midway, at the bottom of the last paragraph these are the words of Councillor Taylor, "it was

Mr. Chamberlist continued.....

moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill *BILL #9* No. 9 be reported out of Committee as amended". Now, this is the report of Mr. Chairman. Mr. Chairman now is saying, no. He hasn't said he's made a mistake, Mr. Speaker. He's now going on the basis that it wasn't amended. However, this morning, you will note, in the House, the First and Second Readings were given to the amendments. Now, it doesn't really matter. The amendments have now been approved, in any event, in the House. Never mind about the Committee. That's already been taken care of. So what we're going through now is an exercise in futility by the Honourable Member, I would suggest, because the amendments have now been passed in the House. However, as I have indicated, in the various annotations, the consideration is consideration of the Honourable Mr. Speaker. I would suggest that we, perhaps, recess for a while so that we can discuss with the Legal Adviser to the House, whether or not you can make the decision or otherwise.

Mr. Taylor: Mr. Speaker, further to this point of order, I think the Honourable Member is beclouding this issue. As Chairman of Committee, I might state that the Committee received the motion and reported it as it was received and dealt with. It was moved by the Member from Whitehorse East, you will find this on page 386 of your Votes and Proceedings. It was moved by the Member from Whitehorse East, possibly in haste, seconded by the Member from Carmacks-Kluane, that Bill No. 9 be passed out of Committee with amendment. Then, it was voted upon. So, the mistake was made by the Honourable Member himself, in this case, in an effort to close debate and get this matter out of Committee.

Mr. Speaker: We will now have a short recess. I will take the matter under advisement.

RECESS

RECESS

Mr. Speaker: The House will now come to order.

Mr. Taylor: Mr. Speaker, I rise on a point of order. In respect of the decision which your Honour has to make in regard to this bill, I feel that it is important that I inform all Members of just what the rule is in this regard. I refer you to section, Annotation 191, subsection (1) to be found on page 163 of Beauchesne's. "Every matter is determined in the House of Commons upon a question put by the Speaker on a proposition submitted by a member and resolved either in the affirmative or negative as the case may be. A motion is a proposal made by one member, in accordance with certain well established rules, that the House do something or order something to be done, or express an opinion with regard to some matter or thing. The proposal is not a motion until it has been actually moved." Mr. Speaker, I submit that in making a decision that you give consideration to this annotation. Further, when you look at Annotation 63 to be found on page 51 of Beauchesne's. "When the debate on a question is closed, and the House is ready to decide thereon, the Speaker says: "Is the House ready for the question?" If it is evident that no member claims the right of speaking, the Speaker proceeds to put the question by reading the main motion, and then the amendment", I submit to you Mr. Speaker, that this was not done in Committee yesterday. Further, in Annotation 64, subsection (1), "Putting the Question" means the reading of the motion or amendment from the Chair before the votes are called and recorded." I submit, Mr. Speaker, that it is not possible for us to accept an amendment which does not exist, and I would ask all Members, Mr. Speaker, to support the proposal that this bill is now completely out of order, no amendment having been produced, nor read nor voted upon in Committee of the Whole.

BILL #9

Mr. Speaker: The motion presently before the House, is that Third Reading be given to Bill #9. The Honourable Member for Watson Lake in speaking on this point has indirectly raised a serious point of order. He points out to the House, that the report that he presented to the House yesterday evening was in error. The error being that although the Chairman said that the bill was reported out of Committee with amendment, in fact, during the proceedings in Committee of the Whole formal reading was not given to the amendment, and a motion to give effect to the amendment was not moved and carried by the House. During the reading of his report, it was open to any of the Honourable Members to raise the matter in the House. The correct time to make this query was at that time. However, although the amendments were given First Reading and Second Reading since that time, the first time the point was raised was at the fourth procedural stage of this bill since the bill was discussed in Committee. If the point had been raised at the proper time, and a motion to that effect had been made and carried by the House, I would have been prepared to recommit the bill to the Committee of the Whole. After much anxious consideration, I am coerced to find that the substantive motion now before the House is that Third Reading be given to this bill, and this motion has been duly moved and seconded. Members will be aware of the points which have been raised during debate. In case there is any doubt on the subject, I am now calling upon the Clerk to certify the terms of the bill on which the vote is now being taken and it is this bill and this bill only, which is presently before the House for Third Reading. In case there remains any doubt on the subject, I declare that I have in case the same should be necessary, dispensed with any rules concerning this matter which may prevent this decision. Mr. Clerk will you please consider this matter and certify to me the bill which is before this House.

Mr. Clerk: Yes sir, it is so certified.

Mr. Taylor: Mr. Speaker, I was unable to hear from this end of the table just what is going on here respecting certification. I wonder if I could have some clarification on this.

BILL #9 Mr. Chamberlist: I suggest, Mr. Speaker, for your guidance perhaps, the Honourable Member would like you to read your statement once again so that he can hear, now that the window is shut.

Mr. Taylor: Yes, Mr. Speaker, if you would please.

Mr. Speaker: The motion presently before the House, is that Third Reading be given to Bill No. 9. The Honourable Member for Watson Lake, in speaking on this point, has indirectly raised a serious point of order. He points out to the House, that the report he presented to the House yesterday evening was in error. The error being that although the Chairman said that the bill was reported out of Committee with amendment, in fact, during the proceedings in Committee of the Whole, formal reading was not given to the amendment, and a motion to give effect to the amendment was not moved and carried by the House. During the reading of this report, it was open to any of the Honourable Members to raise the matter in the House. The correct time to make this query was at that time. However, although the amendments were given First Reading and Second Reading since that time, the first time the point was raised was at the fourth procedural stage of this bill since the bill was discussed in Committee. If the point had been raised at the proper time, and a motion to that effect had been made and carried by the House, I would have been prepared to recommit the bill to the Committee of the Whole. After much anxious consideration, I am coerced to find that the substantive motion now before the House is that Third Reading be given to this bill, and this motion has been duly moved and seconded. Members will be aware of the points which have been raised during debate. In case there is any doubt on the subject, I am now calling upon the Clerk to certify the terms of the bill on which the vote is now being taken and it is this bill, and this bill only, which is presently before the House for Third Reading. In case there remains any doubt on the subject, I declare that I have, in case the same should be necessary, dispensed with any rules concerning this matter which may prevent this decision. Mr. Clerk, will you please consider this matter and certify to me the bill which is before this House.

Mr. Clerk: Mr. Speaker, I certify the bill that is before the House. I have a certified copy.

Mr. Stutter: Mr. Speaker, I wonder if we couldn't have Mr. Clerk read the bill. It is just a short one, and read it into the records, so that I, for one, am absolutely certain upon which I am voting.

Mr. Speaker: Order, order.

Mr. Taylor: Mr. Speaker, the point of order of the reading of the bill at this time is not going to validate the bill in any way, shape or form, because the bill that is before us, Mr. Speaker, is one which has yet to be amended.

Mr. Speaker: Mr. Clerk, will you please read Bill No. 9.

Mr. Clerk: This is An Ordinance to Amend the Taxation Ordinance. "The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: 1. Section 2 of the Taxation Ordinance is amended by adding thereto immediately after paragraph (c) the following new paragraph: '(ca) "mobile home" means a vehicle, whether equipped with wheels or not and whether self-propelled or not, that is used or designed as a dwelling or sleeping place.' 2. The said Ordinance is further amended by adding thereto immediately after section 5 the following new section: '5A (1) Every registered owner of a mobile home is liable to taxation in respect of such mobile home in the same way as if such mobile home was real property. (2) Notwithstanding any other provision of this Ordinance, where an assessment was made on any mobile home in the fiscal year 1st April, 1970 to 31st March, 1971, the registered owner shall pay taxes in respect of such mobile home on the 1st of April, 1971. (3) The taxes payable pursuant to subsection (2) shall not be subject to penalty or interest if the taxes are paid not

Mr. Clerk continued ...

later than the 30th of June, 1971. (4) Every person that owns a mobile home in the Territory shall register his mobile home with the Registrar of Motor Vehicles and pay such registration fee as may be prescribed. (5) The operator of every place in or upon which any mobile home used for living, sleeping or eating accommodation of persons therein is placed, located, kept or maintained as a campground for the public whether or not the fee or charge is paid or made for the rental or use thereof, shall maintain a register of all mobile homes located on his property, which register shall be open to inspection by any person authorized in that behalf by the Commissioner, and such operator shall make such returns from time to time as may be prescribed. (6) Tax notices in respect of taxes payable pursuant to subsection (2) shall be mailed to the registered owner prior to the 15th of March, 1971, in respect of the taxes payable on the 1st of April, 1971. (7) The Commissioner may make regulations for the registration of mobile homes, and such regulations may provide by means of in transit permits or otherwise for exemption of mobile homes in transit through the Territory or bona fide use for tourist or recreational purposes, from the provisions of this Ordinance. (8) Where an owner of a mobile home is not known, the occupier of such mobile home shall be deemed to be the owner. (9) Every person who fails to register his mobile home pursuant to this Ordinance commits an offence and is liable, upon summary conviction, to a fine not exceeding two hundred and fifty dollars or to imprisonment not exceeding three months, or to both fine and imprisonment."

Mr. Chamberlist: Question. Question.

Mr. Speaker: Are you agreed?

Mr. Taylor: Mr. Speaker, I propose an amendment.

Mr. Chamberlist: Question has been called, there can not be an amendment.

Mr. Taylor: I propose an amendment, Mr. Speaker.

Mr. Chamberlist: Once a question has been put , finished.

Mr. Taylor: Mr. Speaker, I have an amendment to

Mr. Chamberlist: Out of order, out of order, you are out of order once the question has been called.

Mr. McKinnon: Mr. Speaker, I think that it is my duty to rise on a question of personal privilege at this time. It is pretty basic and pretty important to this House, Mr. Speaker. First of all, as far as I can ascertain, it wasn't the Speaker of this House, who all Members should have absolute confidence and trust in, who drafted the statement that the Speaker has just read to this House. I submit, Mr. Speaker, that statement was drafted by Mr. Legal Adviser. Mr. Speaker, I further submit that in the statement, it admits that a mistake in procedure has been made in this House. When a mistake is made in procedure , Mr. Speaker, it is a simple matter of fact to admit that an error has been made, and revert to where the error has been made, and then proceed in the proper, right and orderly fashion. I have no intention at all of holding up the business of this House. If the House wanted to revert to any state for the proper processing of this bill, they would have my absolute agreement to reverting back to the procedural point where we could go about processing the bill in the proper manner, and just to compound the error that was made by overriding it, by saying that it isn't the proper time to raise the point of order, I think, Mr. Speaker, is not the correct manner of dealing with this. To compound what I think is almost a farcical situation, is for Mr. Clerk to usurp the duties of the Chairman of Committee and read the amendments which should have been read in Committee, which is the Chairman of Committees job, and a duty and a right of the Chairman. I find it very, very difficult to go along with the procedures that are being followed in this House at

BILL #9

Mr. McKinnon continued ...
this time. I feel that the Speaker's duty has been usurped by Mr. Legal
Adviser, and I feel that the Chairman of Committees duties and rights
have been usurped by Mr. Clerk. It is rather sad for me to stand up and
have to say, that I find the proceedings of this House very wrong at
this point in time.

Mr. Chamberlist: A real Lionel Barrymore, that was, a real Lionel
Barrymore.

Mr. Speaker: The motion that is presently before the House, is that
Third Reading be given to Bill No. 9.

Mr. Taylor: Mr. Speaker, I have

Mr. Chamberlist: Question, you are out of order.

Mr. Taylor: I have an amendment

Mr. Chamberlist: Question .

Mr. Speaker: Agreed? Mr. Clerk, will you call the House please?

Mr. Clerk: The Member from Dawson.

Mr. Stutter: Yea.

Mr. Clerk: The Member from Whitehorse East.

Mr. Chamberlist: Yea.

Mr. Clerk: The Member from Whitehorse North.

Mr. Tanner: Yea.

Mr. Clerk: The Member from Carmacks-Kluane.

Mrs. Watson: Yea.

Mr. Clerk: The Member from Whitehorse West.

Mr. McKinnon: Nay.

Mr. Clerk: The Member from Watson Lake.

Mr. Taylor: Nay.

Mr. Clerk: Mr. Speaker, the vote is four yea, two nay.

Mr. Speaker: I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

BILL #9
TITLE
ADOPTED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that
the title to Bill No. 9, An Ordinance to Amend the Taxation Ordinance,
be adopted as written.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 9 has passed this House.

BILL #26
THIRD
READING

Moved by Councillor Chamberlist, seconded by Councillor Watson, that
Bill No. 26, An Ordinance Respecting the Preservation of Archives of
the Yukon Territory, be given Third Reading.

MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 26, An Ordinance Respecting the Preservation of Archives of the Yukon Territory, be adopted as written.

*BILL #26
TITLE
ADOPTED*

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: I declare that Bill No. 26 has passed this House. Mr. Commissioner, the Council of the Yukon Territory at its present sitting, has a number of bills to which in the name and on behalf of the said Council, I respectfully request your assent.

Mr. Clerk: An Ordinance Respecting a Financial Agreement between the Government of the Yukon Territory and the Government of Canada; An Ordinance to Amend Certain Ordinances Respecting Fees and Licences; An Ordinance to Authorize the Commissioner to Lend Money to the Village of Faro for Various Purposes; An Ordinance to Amend the Yukon Loan Ordinance 1955; An Ordinance to Amend the Taxation Ordinance; An Ordinance to Authorize the Commissioner to Borrow a Sum Not Exceeding One Hundred and Fifty Dollars from the Government of Canada for the Purpose of Making a Loan to the City of Whitehorse and to Authorize the Commissioner to Enter into an Agreement Relating Thereto; An Ordinance to Authorize the Commissioner to Lend Money to the City of Whitehorse for the Updating and Upgrading of Whitehorse Water and Sewer System; 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 Companies Ordinance; An Ordinance to Amend the Workmen's Compensation Ordinance; An Ordinance to Amend the Motor Vehicles Ordinance; An Ordinance to Constitute the Territorial Court of the Yukon Territory; An Ordinance to Constitute the Magistrate's Court of the Yukon Territory; An Ordinance to Constitute a Court of Appeal for the Yukon Territory; An Ordinance Respecting Justices of the Peace; An Ordinance Respecting Elevators and Other Fixed Conveyer Systems; An Ordinance Respecting the Preservation of Archives of the Yukon Territory.

Mr. Commissioner: Mr. Speaker, I am very pleased to give my assent at this time to the bills enumerated by the Clerk. I would bring to the House's attention, Mr. Speaker, that Bill No.4, An Ordinance to Amend the Fuel Oil Tax Ordinance; Bill No. 6, An Ordinance to Repeal the Amusement Tax Ordinance; Bill No. 8, An Ordinance to Amend the Fur Export Ordinance, the assent to these will be given as of April 1st, 1971, Mr. Speaker.

Mr. Speaker: Thank you, Mr. Commissioner. We will now have a short recess.

RECESS

RECESS

Mr. Speaker: The House will now come to order. What is your further pleasure?

Mr. Chamberlist: Mr. Speaker, I would move that Council recess until March 22nd, 1971.

Mrs. Watson: Mr. Speaker, I second the motion.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane that Council recess until 10:00 a.m. March 22nd. Are you prepared for the question? Agreed? This House now stands in recess until March 22nd, 1971.

ADJOURNMENT

ADJOURNMENT