

1971  
15<sup>th</sup> Session  
Vol. 2

2<sup>nd</sup> Session of  
the  
22<sup>nd</sup> Wholly Elective  
Council of the  
Yukon Territory

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. Are there any Documents or Correspondence to be tabled?

Mr. Chamberlist: Yes, Mr. Speaker. This morning we have for tabling Legislative Returns No. 10 to 18 inclusive, and Sessional Paper No. 13.

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. 28, An Ordinance Respecting Mentally Disordered Persons, be introduced.

*BILL #28  
INTRODUCED*

MOTION CARRIED

*MOTION  
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 29, An Ordinance Respecting the Expropriation of Lands and the Determination of Compensation for the Expropriation or Injurious Affection of Lands, be introduced.

*BILL #29  
INTRODUCED*

MOTION CARRIED

*MOTION  
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 30, An Ordinance to Amend the Evidence Ordinance, be introduced.

*BILL #30  
INTRODUCED*

MOTION CARRIED

*MOTION  
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 31, An Ordinance to Amend the Municipal Ordinance, be introduced.

*BILL #31  
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 Papers or Motions 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?

Mr. Stutter: Mr. Speaker, I have a question here for the Commissioner. It is rather a lengthy one. I would like to know the number of trucks getting permits at the border for travel into the Ogilvie River area of the Dempster; the mileage being declared by those trucks; the tax being collected; the fees being collected. I would like to know if there are any exemptions as far as the fuel tax is concerned for operation of oil wells, seismic machines and bulldozers in this area. If possible, I would like to know the total number of gallons, or the approximate number of gallons being used in the Dempster area. Further to that, I would like to know the number of licences that were issued to automobile owners in the last fiscal year and also the number of licences sold to truck owners in the last fiscal year.

*QUESTION RE  
OPERATION  
OF MOTOR  
VEHICLES  
AND FUEL  
OIL TAX  
ORDINANCES*

Mr. Taylor: Mr. Speaker, I have a question that I would like to direct to Mr. Commissioner this morning. I would ask if the Administration could advise me as to whether these new or changed regulations respecting the area development in Watson Lake and also respecting the area development in Teslin, have been discussed with the representatives of those communities.

*QUESTION RE  
AREA DEVELOPMENT  
REGULATIONS*

Mr. Commissioner: Mr. Speaker, I can't answer the question at this time but I will certainly be prepared to give the answer tomorrow morning at the Question Period.

*QUESTION RE  
PROTECTION  
OF LABOUR  
FORCE*

Mr. Stutter: Mr. Speaker, I have another question for the Commissioner or any Member of the Executive Committee. In the Commissioner's Opening Address for this Session of Council, and I quote, "The protection for our labour force of available jobs in the Territory is an item of considerable concern to my Administration. It is incongruous when we have a qualified pool of labour to fill the major part of industry's needs, employers and unions alike continue to ignore this fact and import labour, some of it even unskilled, from centres hundreds of miles to the south of us. Whether there is a legislative remedy for this problem is questionable, but a solution must be found and we hope to discuss the matter fully with you this Session", my question is, has the Executive Committee looked further into this matter and may we expect some action on it at this Session?

Mr. Commissioner: Mr. Speaker, there are two aspects to the question that the Honourable Member has raised. First the question of whether there is a legislative remedy currently being discussed in the Subcommittee on Legislation, this I would confirm, Mr. Speaker; the second aspect of it is the possibility of discussion here during the Council Session and if indeed the Council would like to discuss this matter, I would certainly be very pleased to hear what Council's suggestions and thoughts are on those aspects which would be outside of a legislative remedy, Mr. Speaker. I may say that there was a very good article in the Globe and Mail on this very subject just two days ago. I believe that really it was more slanted towards the Northwest Territories but the basic problem was precisely the same. With the possibility of pipeline building and other economic -- things of great economic impact on the horizon, I think it behooves us to try and see just how indeed we are going to try and bring about some type of protection for our labour force in this regard, Mr. Speaker. The first aspect of legislative remedy is definitely being looked at; the other aspects of it as to what we might do in the way of persuasion or otherwise, I hope that Council would see fit to discuss it before this Session is over, Mr. Speaker.

*QUESTION RE  
CLASSIFIED  
OPERATORS'  
LICENCES*

Mr. Taylor: Mr. Speaker, I have a further question. I would like to direct the question to the Administration with respect to a set of classified operator's licence regulations which were issued during the recess period, in which it contains reference to medical standards and the type of standards which must be met in order to get an operator's licence in the Yukon Territory. I would like to ask the Administration, Mr. Speaker, as to where they arrived at this standard and whether this is common practice throughout Canada or not.

Mr. Commissioner: Mr. Speaker, I cannot answer either of these things definitely at the moment but I think it would call for a written answer and I wonder if the Honourable Member who has raised the question would allow me to bring a written answer forward on this?

Mr. Taylor: Agreed.

*QUESTION RE  
C.N.T.  
RELAY  
STATION*

Mr. Stutter: Mr. Speaker, I have one further question to the Commissioner. What company will be doing the hauling of material into the C.N.T. relay station in the Northwest Territories - Yukon border area, east of Old Crow; what are the terms of contract and the price; was the contract awarded through public tender; what other companies bid on the contract and what were their bids?

Mr. Commissioner: Mr. Speaker, this is a matter which is completely outside our jurisdiction. Canadian National Telecommunications operate as an entity under themselves. I am sure that they would supply this information but they do not come under our purview insofar as any of our Government contract regulations are concerned. I can assure you that we will make the request of the Canadian National Telecommunications and I am quite

Mr. Commissioner continued ...

confident that they will provide the information as asked by the Honourable Member.

Mr. Taylor: Mr. Speaker, I have a question that I would like to direct to Mr. Commissioner this morning. I would like to ask him if the Administration has ever looked into the actual cost per annum of providing this Legislative Council with its own Fiscal Adviser and with its own Legal Adviser?

*QUESTION #9*

Mr. Commissioner: Mr. Speaker, the question has never been raised but if Council wishes to be advised of this, I would only be too happy to do so.

Mr. Taylor: I will prepare a written question in this regard.

Mr. Speaker: Any further questions?

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner a question. Are you aware since our recess that the price of beer in all the lounges in the Whitehorse area at least went up a dime to 70¢ per bottle and all beer to go are -- that licensees that are allowed to sell beer after hours went up to \$7.00 per case to go; and, whether or not -- how far he is prepared to allow the operators to go before he steps in and sets a price on beer as he did with draft beer in the beer parlour?

*QUESTION RE  
BEER PRICES*

Mr. Commissioner: Mr. Speaker, the line has been crossed. I have nothing further to say at this time except that we view with alarm the manner in which this was done. It has been the policy of this Administration with the concurrence of past Councils and, I am sure with this one that if anything, the price of beer was to be reduced wherever practical and possible to do so and we are actively, at this moment, seeing what the proper and justifiable steps are to take with regard to some means of seeing that the policy that we have at the Administrative level was carried out by those people who have licences and are in a position, at this point in time, to do as they so see fit in this regard, Mr. Speaker.

Mr. Speaker: Are there any further questions? Will the Honourable Member from Watson Lake please take the Chair?

Mr. Taylor takes the Chair.

Mr. Rivett: Mr. Speaker, I would like to address a question to the Minister of Health. Has there been an official report as yet on the Board of Inquiry at the Mayo General Hospital?

*QUESTION RE  
MAYO  
HOSPITAL*

Mr. Chamberlist: Mr. Speaker, I can say that at this time that the Government of the Yukon Territory has not received a report from the Investigating Committee.

Mr. Rivett resumes the Chair.

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 that Council resolve in Committee of the Whole for the purpose of discussing Public Bills.

Mr. Tanner: I second the motion.

Mr. Speaker: Moved by the Member from Watson Lake, seconded by the Member from Whitehorse North, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss bills. 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. Taylor takes the Chair.

BILL #14

Mr. Chairman: You have before you in Committee a proposed amendment to Bill No. 14. Do you wish to deal with this at this time? I believe this is an amendment to section 18.

Mr. Legal Adviser: Mr. Chairman, this is an amendment -- new subsection (2), section 18. It is to establish schedules of Members of the Executive Committee as being at Whitehorse which is, in fact, the seat of Government.

Mr. Chairman: There were a couple of other amendments, I believe, to the -- or proposed amendments, I should say, with the inclusion of the words "and including" in subsections (a) and (b).

Mr. Legal Adviser: We made it clear that the day immediately following such session or meeting is included and the Member is not free to spend a week on his way home and still draw travelling expenses. The phrase is also used in subsection (b) "and including the day of return."

Mr. Chamberlist: Mr. Chairman, I would like to move that the amendment to Bill No. 14 be approved.

Mr. Chairman: The Chair has yet to receive an amendment in this regard. It would be necessary to propose an amendment that this Bill be amended by ...

Mr. Chamberlist: Mr. Chairman, I would move that section 18 of Bill No. 14 be amended by adding subsection (2) ...

Mr. Legal Adviser: The simplest way of doing it, I would suggest, is to delete it and the present section 18 be substituted therefore as written. Would that be an acceptable form?

Mr. Chairman: I declare a brief recess at this moment and I will assist the Member in preparing a proper amendment.

RECESS

RECESS

Page 408.  
Monday, March 22nd, 1971.  
2:00 p.m.

Mr. Chairman: At this time we will call Committee back to order, and we have before us Bill No. 14 . What is your pleasure in relation to this Bill?

*BILL #14*

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 14 be amended by deleting the proposed new section 18 of the Ordinance and substituting therefor the following: "18 (1) There shall be paid to every member of the Council expense allowances as follows: (a) twenty-five dollars per day to members of the Council who are absent from their normal place of residence attending (i) Sessions of the Council, (ii) meetings of committees of the Council, or (iii) meetings at the request of the Council within the Territory, from the day immediately prior to the Session or meeting until and including the day immediately following such Session or meeting; (b) thirty-five dollars per day to members of the Council attending (i) meetings of committees of the Council, or (ii) meetings at the request of the Council outside the Territory, from the day of departure from their normal place of residence until and including the day of return; and (c) travel allowances to and from (i) Sessions of the Council, (ii) meetings of committees of the Council, or (iii) meetings at the request of the Council not exceeding seventeen cents per mile, and (2) for the purposes of this section, members of the Council elected by the Council to the Executive Committee shall be deemed to reside at the seat of government."

Mr. Chairman: Is there a seconder?

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

Mr. Chairman: It was moved by Councillor Chamberlist, seconded by Councillor Tanner, that Bill No. 14 be amended by deleting the proposed new section 18 of the Ordinance and substituting therefor the following: "18 (1) There shall be paid to every member of the Council expense allowances as follows: (a) twenty-five dollars per day to members of the Council who are absent from their normal place of residence attending (i) Sessions of the Council, (ii) meetings of committees of the Council, or (iii) meetings at the request of the Council within the Territory, from the day immediately prior to the Session or meeting until and including the day immediately following such Session or meeting; (b) thirty-five dollars per day to members of the Council attending (i) meetings of committees of the Council, or (ii) meetings at the request of the Council outside the Territory, from the day of departure from their normal place of residence until and including the day of return; and (c) travel allowances to and from (i) Sessions of the Council, (ii) meetings of committee of the Council, or (iii) meetings at the request of the Council not exceeding seventeen cents per mile, and (2) for the purposes of this section, members of the Council elected by the Council to the Executive Committee shall be deemed to reside at the seat of government." Are you prepared for the question on the amendment? Are you agreed? Contrary? I shall declare the motion as carried.

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Chairman: What is your further pleasure?

Mr. Chamberlist: I would move that Bill No. 14 pass 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. 14 be reported out of Committee as amended. Are you prepared for the question? Are you agreed? Contrary? I declare this motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Chairman: In respect of the agenda at this time, I would like to advise Members that we have made arrangements with the Office of the Clerk to have representatives of the Y.M.S.A. and Mr. Armstrong from the Department of National Health and Welfare to be with us on Monday the 29th for discussion of the Medicare Bill, and we also have made arrangements with Mr. Gordon Gee for tomorrow morning at 10:15 or 10:30 to discuss the Transportation Ordinance. We have with us at this time Mr. Fitzgerald, who is in the public gallery, and if you wish now, we can proceed with the Game Bill. Is that agreeable? Mr. Clerk, will you so notify Mr. Fitzgerald? I will now declare a short recess.

RECESS

RECESS

BILL #25

Mr. Chairman: At this time I will call Committee back to order. We have with us Mr. Hodgkinson and Mr. Fitzgerald to assist us in discussions relative to Bill No. 25.

Mr. Chamberlist: Mr. Chairman, the purpose of this bill is to improve the general provisions in a number of detailed ways shown necessary by recent experience. 1. "Wolverine" becomes a fur-bearing animal and no longer a predator. 2. The block on issuing licences to game and fisheries officers until they have been employed within the Territory for six months has been removed. 3. A new Assistant Trapper's Licence is proposed to enable neophyte trappers to gain experience and be utilized by holders of full trapping licences. 4. Harassment of game by aircraft and vehicles is more closely controlled by curing what may have been a drafting error. 5. Possession of unlawful game, wild animals or birds is made an offence. 6. Provision is made for dealing with the increasing numbers of hunters now being catered for by outfitters. 7. The provisions whereby a resident can bring a non-resident friend hunting are changed to remove the possibility of commercial exploitation. 8. The control given to the Director of Game concerning taking live game is extended to wild live animals. 9. A drafting fault shown up in a recent case is cured by providing penalties for a person who buys a fur pelt illegally similar to those for an illegal seller. 10. The Director of Game is given some control over wildlife photographers who have on occasion harassed game. 11. The "Pine Creek Game Sanctuary", being no longer required, is abolished.

Mr. Chairman: This is Bill No. 25, An Ordinance to Amend the Game 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. (1) Paragraph (e) of subsection (1) of section 2 of the Game Ordinance is repealed and the following substituted therefor: '(e) 'fur-bearing animal' means beaver, fisher, fox, lynx, marten, mink, muskrat, otter, squirrel, weasel, ermine or wolverine and any other animal declared by the Commissioner to be a fur-bearing animal.' "

Mr. Stutter: Mr. Chairman, I wonder if I might ask a question of Mr. Fitzgerald at this time? Could you tell us what the thinking behind a wolverine being a fur-bearing animal is? I mean, I think that it is relatively rare and not seen very often, but there must be some other reason as to why it is included as a fur-bearing animal.

Mr. Fitzgerald: It is not rare in the Yukon Territory. A wolverine is a valuable fur bearer and our thinking was to have it included as a fur bearer who will be only taken by trappers, instead of being shot as a predator on a trapline held by someone who could make very good use of it -- the pelt. It is considered very valuable at this time.

Mr. Stutter: Is it not so that it is also -- is it not regarded as quite a trophy for hunters?

Mr. Fitzgerald: Yes, the wolverine and wolf are sought after by hunters. I would suggest if it is not included in being a fur-bearer, it should be included as a big game animal and maybe the wolf as well in some stage when

Mr. Fitzgerald continued.....  
we have to, I think, then have them both removed from the predator list.

Mr. Stutter: I mean, once we include this as a fur-bearing animal, then in order for a person to acquire wolverine as a trophy, he would then have to buy it from a holder of a trapline or a fur trader?

Mr. Fitzgerald: Right.

Mr. Stutter: Is there a possibility that this could be put into a class with wolves and then classed as a trophy animal?

Mr. Fitzgerald: This possibility has been explored.

Mr. Chairman: 'Subsection (2) Paragraph (r) of subsection (1) of section 2 is amended by deleting the word 'wolverine' where it appears. (3) Subsection (4) of section 2 is amended by deleting the full stop at the end thereof and substituting a comma and adding the words 'and includes a game guardian and deputy game guardian.' "

Mr. Tanner: Mr. Chairman, do you have the original Bill with you? The one that we are amending now?

Mr. Chairman: I am trying to dig it out now.

Mr. Legal Adviser: It refers to the definition of "resident". The word "resident" means a Canadian citizen or British subject who has resided for six months prior to the licence, or thirty days immediately prior to the date that the licence was issued if he has resided here in the past, or a Canadian citizen or British subject who has resided for two years immediately prior to the day of the licence, or has resided in the Territory for thirty days immediately prior to the date that the licence was issued and if he has resided here for a continued time of at least two years.

Mr. McKinnon: Why should they have to wait six months?

Mr. Legal Adviser: The thinking on it is, we have got Federal Officers now who have been appointed game guardian and increasing our staff and there is a block here on giving them a licence of -- when you are not paying a person and he comes here as a Federal Fisheries Officer or something, he can't go and fish if he doesn't do work for you and you can't get him out during the season -- during hunting season.

Mr. Chairman: Anything further on section 1?

Mr. McKinnon: Yes, I don't agree with this block on issuing licences to game and fisheries officers. And the explanation the Legal Adviser gives me even makes me more pro not to accept the -- this block that is now there, that you reside in the Territory for a period of six months, just as anywhere else. It is to say that you can affect his duties as a game guardian because he is not allowed the privilege of hunting and fishing until he has been here six months. It is just asinine in my estimation and we went through this before with the service personnel who were crying that they should also have licences as soon as they come into the Territory and the resident qualifications lifted for them to get the licence. We disagreed with giving them this right. . When they did their six months residency, they got licences like anybody else, and I don't see why we have to lift this prohibition with fishery and game officers. If they have done their six months residency in the Yukon, they apply for their licence as anybody else. Why do they have to be able to hunt and fish to be an effective game officer? Why should they be given the privilege while the other citizen aren't.

Mr. Chamberlist: I agree with him.

BILL #25

Mr. Chairman: A question from the Chair, Mr. Fitzgerald. I am just thinking back. I believe it was at one time suggested that the R.C.M.P. have this privilege. Is this not a way to get around to the game guardians?

Mr. Fitzgerald: Well, it is pretty well what the Legal Adviser suggested. That is the only explanation I have.

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

Mr. McKinnon: I would move that subsection (3) of section 1 be deleted from Bill No. 25.

Mr. Chairman: Is this seconded?

Mr. Tanner: I'll second that.

Mr. Chamberlist: Mr. Chairman, the Members of the Executive have no objection to this section being deleted.

Mr. Chairman: It was moved by Councillor McKinnon, seconded by Councillor Tanner that subsection (3) of section 1 of Bill No. 25 be deleted. Any discussion on the motion?

Mr. Chamberlist: Question.

Mr. Chairman: Question has been called. Are you prepared for the question? Do you agree? Contrary? I shall declare the motion as carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. McKinnon: What is a prime wolverine pelt worth now?

Mr. Fitzgerald: It depends a little on how you dispose of it, whether you sell it locally, or have contact with the furrier people at Inuvik or up in that country, or send it directly to a well known auction outside. They run as far as I know, they are running over \$60.00.

Mr. Chairman: "2. Section 6 of the said Ordinance is repealed and the following substituted therefor: '6. (1) Except as provided by subsection (2), no person shall set out, use or employ a snare for the taking or killing of game. (2) Notwithstanding subsection (1), the holder of a General Hunting Licence or an Assistant Trapper's Licence may set out, use or employ snares for the taking or killing of fur-bearing animals within his registered trapping area.'" Mr. Stutter, will you take the Chair for a moment?

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, since we have got some game wardens around the Territory, we are getting quite a few complaints with respect to people being harassed for the taking of rabbits by snares or by any other means for that matter, and it was my intention when the Bill came up to clarify these points, that we make it clear if necessary, that people in the Territory irrespective who they are or what they are, can take rabbits for their own consumption without being harassed by the game wardens or the R.C.M.P. I wonder if I might have a comment on this from the Director of Game?

Mr. Fitzgerald: Yes, Mr. Taylor, the rabbit is not game. It is not classed as game. But do you know that even apart from snares set for rabbits, trappers are using snares to take winter beaver. They use snares for other animals, although at the moment it is contrary to the Ordinance. We are just now trying to legalize it.

Mr. Taylor: Well, Mr. Chairman, also we are talking here about snaring squirrels. It has been common practise in the Yukon -- I see, you have

Mr. Taylor continued.....

them classified here as fur-bearing animals. You are saying here that the holder of a General Hunting Licence may use snares for the taking or killing of fur-bearing animals within his registered trapping area. Well, this is another question I want to get on after, but what I am talking about is the rabbit in this particular instance. Now, is this spelled out clearly to the R.C.M.P. and to the officers of your department and everybody else in the Yukon that you can take rabbits to eat?

BILL #25

Mr. Fitzgerald: There is nothing to prevent an individual from shooting a rabbit to eat, but when he locates snares on a trapline other than his own, he is committing an offence in that he is on somebody else's trapline. That is the only point there. We are not trying to stop anybody from taking rabbits, but if he is putting snares out, he is very likely putting them out on a registered trapping ground held by somebody else.

Mr. Taylor: Well, Mr. Chairman, that brings up another very interesting point. Why do we need registered traplines? Why should this not be open trapping for anybody in the Territory who wishes to trap.

Mr. Chamberlist: Well, Mr. Chairman, the interpretation section of game in (2) (g) means big game fur-bearing animals and game birds, etc. Now, I see the point that the Honourable Member from Watson Lake is making, although of course as the Director of Game has indicated, this section does not prevent a person from shooting a rabbit, or catching a rabbit, except in the manner that is designated here, that is the use of a snare. There is nothing to suggest that a rabbit could not be taken for eating purposes. If Members of Committee feel or wish that we even take this out, there might be a way found, but I must take into consideration, Mr. Chairman, that what the Game Guardian has indicated with reference to using other people's traplines as it exists now -- it is a different matter if it didn't exist.

Mr. Taylor: Well, Mr. Chairman, I cannot agree, because I think that under this existing system that we have today, registered traplines, everything is a trapline, and I notice we can go and shoot moose on existing trapline and this sort of thing. We can go and fish there, and it should be possible, my gosh, to be able to go out and snare rabbits anywhere in the Yukon Territory, irrespective of whose trapline it is. And it is also my opinion that there should not be such a thing anymore as a registered trapline in the first place. It is not required, and I think it would do much to stimulate the industry by taking away the registered trapline throughout the Yukon Territory and issue licences for people who trap and trap it as open territory. This would be more sensible in this day and age. But there is certainly the taking of rabbits. I feel this must be spelled out here. This is very recently, within the last week; I have had a report that the R.C.M.P. and an officer of the Territorial Game Department, in a chartered airplane, flew in to somewhere around the Francis Lake area, harassed them and inventoried all their groceries. They have been living out there, trying to make a winter out of it. They lost some of their livestock, goats and horses, and such. They had a pretty tough time of it, but apparently the police and the officer of the Game Department walked in there and inventoried all their food supplies and harassed them and told them they could not take rabbits and this type of thing. I think this is just going a little too far and I think we have to spell out in this Ordinance that people can take rabbits to eat in the Yukon Territory. If we can't do that, we might as well shut the whole thing down. Give it all to the people in Ottawa and to B.C. This is getting a little ridiculous.

Mr. Chamberlist: Well, Mr. Chairman, I have a comment. I would like to draw the Honourable Member's attention to 2 (e) which designates what a fur-bearing animal is, and also goes on to say "and any other animal declared by the Commissioner to be a fur-bearing animal". The Commissioner has not declared a rabbit to be a fur-bearing animal. So therefore, I don't think that the point applies as far as the matter of disposing with trapline licences, etc. It may be a different thing, but in this particular

Mr. Chamberlist continued.....

BILL #25 area I really cannot see any objection to this subsection as it is now intended.

Mr. Taylor: Well, the Honourable Member said he didn't think. He should have stopped at that point. What I am trying to say is, that the R.C.M.P. and the Game Department in this Territory are harassing people in the Territory who are snaring rabbits to eat. And this has not only happened here, it has happened all over the Territory, and this is the time and the place where this Ordinance can be enforced to resolve the problem. And if necessary, we must have two things done, either an instruction must be issued throughout the Yukon by the Commissioner or by the Game Director to the R.C.M.P. and to the officers of the Territorial Game Department, to leave people alone who are trapping, snaring, or otherwise requiring rabbit. Either that, or change the Ordinance and spell it out, that anyone may take rabbits.

Mr. Chamberlist: Mr. Chairman, one of the benefits of legislation where the language is clear, one does not have to think, one only needs to read. I suggest, Mr. Chairman, that the language is clear, but a rabbit is not a fur-bearing animal. It is not being designated as such by the Commissioner, and therefore I would suggest that it does not apply to that particular subsection.

Mr. Taylor: Mr. Chairman, I don't know why everybody beats around the bush when I mention something like this. It seems to me a very simple thing. I will put it this way. Is the Game Director prepared to advise the members of his Department and the officers of the R.C.M.P. to leave people alone who are snaring, or shooting, or otherwise requiring rabbits in the Territory for the purposes of eating?

Mr. Fitzgerald: I don't think we will have a problem there, Mr. Taylor. Now, I would like to answer your comments you made a while ago. I was responsible for the aircraft going to the eastside of Francis Lake. There were two different outfits there, and we didn't know, really, whether they were starving to death, or how they were doing, and there were a lot of comments about them being there, and having problems. Maybe they were living off the land and the rest of all that. The Game Guardian and I guess a member of the R.C.M.P. flew into the area and found that one outfit had left. The other people, I think a couple were still there. Their goats had died, they still had a horse there, and if an inventory of food was taken, this was merely done, to make sure that they had enough food to get by on. They had killed a black bear. The circumstances have changed surrounding the killing of black bear and it appeared, that the man had to kill it. There was a small exhibit brought back measuring several inches, to show it was a portion of a black bear's skin, and that was it, except when they went in there to check a complaint the other day, he returned the little piece of black bear skin to the man. Now, there is no comment in his report about him telling these people not to take rabbits.

Mr. Taylor: Well, Mr. Chairman, indeed if there is no comment then it would not have come to me. Incidentally, the second party has now returned, and there is also another party there and that is a mining company, who are on the east side of Francis Lake and I am quite sure that these people are not going to starve, because this will offer employment for them, and no doubt -- certainly, these people in this organization that are involved with the mining company are well aware of the situation, but this report came back to me, that they had been told that they cannot take rabbit and therefore I am bringing this subject before this House. I think it should be made clear that people should at least retain that privilege of being able to hunt rabbit in the Yukon Territory, without having to get licences and permission to go on traplines and this type of thing. It has always been a basic right in this Territory, and I don't see why it should be changed now. And this brings me to another area. This is just a most recent case and this is why I am asking either to get some directions or get an amendment placed in the Ordinance

Mr. Taylor continued.....  
spelling this out.

Mr. Commissioner: Mr. Chairman, where is it that it says in our ordinances, that the taking of game for food is permissible under certain circumstances. It states this somewhere.

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Mr. Taylor: Mr. Chairman, there is provision somewhere in emergencies you can take game. I just cannot say where -- maybe Mr. Game Director could, but these people supplement food supply with rabbits. Mr. Chairman, you people may make a joke of this, but it is no joke, I'll tell you. It would do you people some good to go out and live off some rabbits for some -- once or twice in your life. It might smarten you up, and I am still asking if we can have some direction that people who are snaring or trapping or shooting, are not harassed by the Game Department, nor the R.C.M.P.

Mr. Chairman: I wonder if I can ask one more question from the Chair, Mr. Fitzgerald. Are members of your Department and members of the R.C.M.P. presently directed to stop snaring and shooting of rabbits?

Mr. Fitzgerald: Certainly not. No. No direction at all in that type from my office.

Mr. Taylor: Will such direction be given to ensure that this will not happen?

Mr. Fitzgerald: If it will help, Mr. Taylor, I will gladly do that after consulting with my boss.

Mr. Taylor: Now, Mr. Chairman, what we are asking, Mr. Fitzgerald states he is willing to give this direction with the concurrence of his boss who, I assume, is Mr. Commissioner.

Mr. Commissioner: Well, Mr. Chairman, you don't need a programme around this place to know who the players are and if this is what Mr. Fitzgerald is prepared to recommend, so be it.

Mr. Chairman: Are you prepared to resume the Chair, Mr. Taylor?

Mr. Taylor: Yes, I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: Anything further in section 2? (Mr. Chairman reads section 3.)

Mr. McKinnon: Will you explain the changes in this section of the Ordinance?

Mr. Fitzgerald: Yes, Mr. McKinnon, the change is suggested as a result of the answers we got from a questionnaire at the end of the 1970 hunting season to resident hunters in the Yukon Territory. Really an overwhelming number of them complained about skidoos being used which chase game and so on. And this is the reason for the...

Mr. McKinnon: This eliminates hunting by skidoo than. You classify a skidoo now as a vehicle?

Mr. Fitzgerald: Right, right.

Mr. Chairman: But it would not interfere with a person retrieving their game with it.

Mr. Fitzgerald: Right.

Mr. McKinnon: Subsection (3) remains the same, does it?

Mr. Fitzgerald: Yes.

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Mr. Tanner: Mr. Chairman, it seems to me from a public point of view, that section 3 should be spelled out more clearly. I don't know how we can do this, but I don't think that this is sufficient to let the public know that you cannot hunt by snowmobile anymore. I think we should stress this more clearly than it is in here. As I said, I don't know how to do it, but I would like to hear somebody else's opinion on this.

Mr. Stutter: Mr. Chairman, wouldn't this be a licenced vehicle. I think now skidoos have to be licenced also.

Mr. Legal Adviser: The word motor appeared in front of vehicle in (b) as it was and probably was a mistake by somebody to write in the word motor, because we intended to cover the word motor vehicle. A motor vehicle, everybody knows what that means, but we are trying to include in the definition of vehicle, motorcycles, automobiles, snowmobiles, snowplanes, toboggans, tractors, airplanes and helicopters and none of those come with the normal accepted definition of motor vehicles. So we are trying to eliminate that drafting error and make it illegal to discharge a firearm from any vehicle, motor or otherwise, airplane or otherwise, or to have a loaded firearm on any vehicle, or in any vehicle. And we are doing it this way, to make it as broad as possible.

Mr. Chairman: Anything further on section 3? Clear on section 3? Are you clear on section 3? (Mr. Chairman reads section 4). Anything further on section 4? (Mr. Chairman reads section 5). Does this include any resident hunter who legally takes a moose and decides to sell the horns to somebody? Does he have to get permission first to sell them?

Mr. Fitzgerald: Yes, he has to ask permission to sell them.

Mr. McKinnon: How about a person who kills a moose and tans the hide and want to sell the skin. Do they have to get permission from your department to do this?

Mr. Fitzgerald: They are selling it.

Mr. McKinnon: But this is unenforceable certainly. You know as well as I do the number of hides that are being sold without permission obtained from your department. To think that a person from Haines Junction who shoots a moose and tans the hide and sells it to someone out there, has to get permission from your department prior to doing it.

Mr. Fitzgerald: We usually consider a hide that has been tanned -- mind you, there is no firm ruling on this, a hide that has been tanned or a hide that has been sent outside and tanned, as long as it is a commercial article. But if you check with any of these people, they didn't sell it at all, they just gave it to the person, and so on. But what this covers here is that animals, like the two big bulls that were killed just north of town here, were left laying beside the road and the horns were taken from the animals to sell.

Mr. McKinnon: I am pretty aware of the problem that usually goes on with selling or, as you call it, giving away hides. If I saw a person being prosecuted by your department for the way that they were disposing of hides by barter or by sale, call it what you want, I would be pretty darned angry at the Territorial Game Department for taking a prosecution of this nature to the court.

Mr. Chairman: What brought this section to life, why we are rehashing at the moment, I think was a case that occurred down the road, where an Indian was charged with selling grizzly bear pelts. It wasn't. He was charged with selling big game, but the pelts were not included in that section and, as you know, quite often in the spring the Indians meet grizzly bears on their traplines head on and they have to dispose of them, and in some cases there might be some questions, but in a good

Mr. Chairman continued.....

many cases they take the bears legally, just to protect themselves and then they go through the trouble skinning it out properly and then they try to sell it. Well, I don't think in a case of this nature you would hesitate in giving him a permit.

Mr. McKinnon: I guess this kind of thing goes on all the time, without your Department giving permission.

Mr. Fitzgerald: Not on a commercial basis, I wouldn't think.

Mr. McKinnon: Right, and this is why it would be done legally. You can take this kind of a transaction to court. I think that the Territorial Game Department would look like an ass if this type of disposal ever came before the court and I would like to say it allows it to do it that I agree with your discretion, but I see so many things go to court which should have never ever got there, but the head of the department or some civil servant just didn't have the discretionary ability to act with common sense and it just could cause a lot of embarrassment for the Territorial Government if some of these transactions that you know and I know that take place ended up in the Territorial Court.

Mr. Chairman: I wonder who is going to be the one to report to the native people of the Yukon that they can no longer sell bear hides.

Mr. Legal Adviser: What we should try to do is make it possible for them to sell a pelt, because in the case that occurred in Watson Lake, an Indian sold a pelt to a white man, and a prosecution launched and it turned out that the Indian had committed an offense by selling, but the same section was not broad enough to catch the white man. So the prosecution was dropped because it is unfair to prosecute one half of the transaction and not the other, so this shows the fact that there was no way that the Director could have given permission to that Indian to sell that fur.

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

Mr. Stutter takes the Chair.

Mr. Taylor: So to the Indian it is even more -- all these licences you have to buy to live in this North anymore is confounding enough for the white man. You have to explain this to the Indian person, and the Indian is going to go on taking his pelts, selling them in the beer parlour, selling them any place he can sell them. If he doesn't like the furtrader's deal, he will sell them to tourists. He will go on doing this. All I am trying to really say is that we are making it tougher for the Indians, because now we can really jump on him. This situation at the Liard I am quite conversant with and this has always been the right of these people as the Director of Game has pointed out, is quite common practise for these people and particularly after their spring beaver hunt with the odd bear hide and if they cannot get a deal on this bear hide from whoever they might be dealing fur with, they certainly sell it to a tourist, or take it to the beer parlour and sell it, and this has always been their way. That's why I said, who will have the courage to go down to the Indian people and tell them they cannot do this anymore. Maybe we should move them out to B.C. too, and maybe we can get a decent shape, but I don't know, I really don't go along with this as far as it affects the native people. As far as it affects the white people, I am with it, but I don't know, I think that the native people should be given a little more consideration than what we are giving them here.

Mr. Chamberlist: I wonder if there is a misunderstanding here, Mr. Chairman. Now, there is this safe attitude, that anybody can sell a pelt. They do not need permission, they are doing it legally. So that care has been taken all along the line to make sure that the Indians especially cannot be prosecuted by some enthusiastic young R.C.M.P. or some enthusiastic Game Warden.

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Mr. Taylor: Yes, as long as he can find the Director. It says, the Director may grant permission to any person to sell these pelts, or these bear hides and this is almost impossible for these Indian people. They don't even know who the Director is.

Mr. Tanner: Mr. Chairman, could we ask the Director in this particular case, does he see that this is implemented to prosecute Indians selling pelts, or even if he does not have permission, do you go out and prosecute every case you hear about, an Indian selling a pelt to a white man, whoever.

Mr. Chamberlist: No, he can't.

Mr. Fitzgerald: Certainly not. The reason for having pelts in the section is so they can obtain a permit to sell the thing. It is game you see, and these permits to these people will be issued free of charge.

Mr. Tanner: Mr. Director, I would like to go a little further. What I am saying is, should it be, as Mr. Taylor says, that an Indian through ignorance does not know that he has to have a licence to do what he is doing and he is finding out that he is doing it, I dare that it is the intention of the Department not to prosecute these people who are I suppose breaking the law.

Mr. Fitzgerald: Well, I think we will have to go into the whole rigamarole of -- the Indian sells a grizzly bear pelt or a pelt, how is he going to get it out of the country. The person who bought -- they come to one of our branch offices and want an export permit to export this grizzly bear. No chance is he going to get an export permit to export this bear, unless he can show us a hunting licence. The whole Ordinance delves into this for the protection of our game. Well, he then has to admit pretty well were he obtained the bear. Well, now, if it is an Indian, and he did not know, when it is readily available, I don't think I would hesitate in explaining to the Indian what happened and have a permit drawn up for him.

Mr. Taylor: Mr. Chairman, this was the case in Liard. There was no permit drawn up, as it was not required, I guess. The guy was simply charged. He didn't have any idea he was breaking the law. He had been doing it for years and years, until we had a new game warden come in and he said that's ano-no and charged him. Well, under the Ordinance he was right and performing his duty properly, but it all ended up I think, that everybody was...

Mr. Chairman: I wonder if I can ask a question from the Chair to Mr. Fitzgerald. It states here that the Director may grant permission. I take it that permission would be taken or given by any of your staff, or by members of the R.C.M.P.

Mr. Fitzgerald: Absolutely.

Mr. Taylor: I will now resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: Anything further on section 5? At this time I will call a short recess.

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Mr. Chairman: At this time we will call Committee back to order. (Reads *BILL #25* section 6). Clear?

Mr. McKinnon: Has this been abused, and is it being abused?

Mr. Fitzgerald: Well, it seems that some people come in here, and not necessarily non-resident Canadians either, and found that they couldn't hunt without being booked with an outfitter and so on. After being around town for awhile they have heard of section 17, so they started soliciting people in the street to obtain a permit so they could get out in the bush and hunt. I thought that probably this may make it a little more clear in defining that the resident must ask for the permit, and not the non-resident.

Mr. Tanner: This isn't selling short our big game outfitters at all, is it?

Mr. Chamberlist: On the contrary, it tightens up the situation.

Mr. McKinnon: You see they didn't have to have any permission, they could just go out.

Mr. Chairman: Anything further on section 6? (Reads section 7). What did this section formerly say?

Mr. Legal Adviser: It used to say that "the trophy fee set out in Schedule A."

Mr. Chairman: Clear? (Reads section 8).

Mr. Chamberlist: Just added "or have in his possession."

Mr. Chairman: Clear? (Reads section 9). Just what had you envisaged on other contrivances, is this bear traps or...

Mr. Fitzgerald: As you know, there are other contrivances used by some of the older trappers, like the small deadfall and so on. Just to prevent this being molested, or if it is destroyed or torn down, there would be some -- the aggrieved party would have something to go on, providing he has some evidence as to who caused their destruction.

Mr. Chairman: A question from the Chair. Should you say -- should you not say 'knowingly remove, molest or spring,' because if you are talking about deadfalls, I think that most white men wouldn't know how to build one, let alone recognize it if he saw it?

Mr. Legal Adviser: It is not in the Ordinance now, the word "knowingly", it is just an after thing. Most people recognize a trap when they see one, especially if it springs on his foot. The word "other contrivances" is put in partly because it is used in the next succeeding section, which is section 22, which reads "except during the open season, no person shall set or reset a trap or contrivance used in connection with trapping operations." It appeared elsewhere, and it should have, in the correct drafting, appeared in section 21. It is used in section 22 and section 23.

Mr. Chairman: But again from the Chair, on the point -- for instance a deadfall. If someone was to destroy deadfall, he would be subject to prosecution, although they didn't recognize that this was indeed a deadfall.

Mr. Legal Adviser: That would be a good defence, if it was done by accident, because he has got to contend the consequence of his act. He

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Mr. Legal Adviser continued ...  
would have to prove in court that he knew what he was doing when he did that, not that it was done by accident.

Mr. Chairman: Anything further on section 9? (Reads section 10).

Mr. Legal Adviser: At some point in the distant past, a typing error must have crept in here, because the wrong section is quoted and Mr. Fitzgerald picked it up by accident in going through, and is held in reserve until the next amendment. This was just put in as a matter of routine.

Mr. Chairman: Clear? (Reads section 11). Councillor Stutter, will you take the Chair?

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, this question has arisen in respect of the big game outfitters, and I know of one in British Columbia that caused a bit of a problem because he was a British subject and he was not a Canadian citizen. The question was raised in that department as to why a person should not have to be a Canadian citizen in order to enjoy the benefits of big game outfitter rather than being a British subject.

Mr. Chamberlist: You would have to change the whole Federal Law.

Mr. McKinnon: Under the present section of the Ordinance, a person just has to be a resident of the Yukon to qualify to be a big game outfitter. Now, why should we be discriminatory if an American, an Alaskan wants to purchase a Yukon outfit, why should we discriminate against him? If he wants to become a resident of the Yukon Territory for six months, become a resident and qualify as a big game outfitter, why should we preclude him from becoming an outfitter in the Yukon Territory? I think that it is discriminatory legislation. I have no qualms at all about a person from the United States, or from anywhere buying a big game outfitting -- outfit in the Yukon providing he wants to become a resident of the Yukon which is all he has to be under the present terms of the Ordinance, and I think that is all he should have to be under in this new section. I would like to hear arguments why we make it discriminatory, and why he now has to be a Canadian citizen or British subject to run an outfit in the Yukon Territory.

Mr. Chamberlist: As far as I am concerned, Mr. Chairman, I am with Councillor McKinnon, I raise this point myself.

Mr. McKinnon: Why? Why is that?

Mr. Fitzgerald: Well, subsection 2 of 42 reads, "the Director may upon application therefor issue an assistant guides' licence to a Canadian citizen, who can satisfy the Director that ..." etc. In order to obtain an assistant guides' licence, you must be a Canadian citizen. Now, the idea was to try and bring the two sections in line.

Mr. McKinnon: Make them both residents.

Mr. Fitzgerald: What they are trying to do here, is to give the local a chance, if he wishes to, to go into this type of business. Now, if somebody else is going to appear on the scene with a lot of money, and sweep this outfit right into his possession, the outfit here, and then spend all his winters outside the Territory, and take the money that he has earned in connection with the outfit out of the Territory, this is really what we are trying to avoid. We have a couple of examples of this now in the Territory. Personally, I don't think that it is good. I would like to make sure that -- personally, I would like to see everybody who outfits here has to be an actual resident and a citizen of the country.

Mr. McKinnon: Of the Yukon?

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Mr. Taylor: No, Mr. Chairman, I agree this should be a right given only to Canadian citizens.

Mr. Chamberlist: Oh, nonsense.

Mr. Taylor: I certainly feel this way, and I think that there are other areas that this should apply to as well. I don't think that a person, by the virtue of the fact that he for instance lived in Australia and maybe outfitted in the outback of Australia, maybe he was in Africa in one of the British Commonwealth countries, and just because he had been hunting and in that business over there, decided to come to the Yukon and not even being a citizen of Canada, he is still entitled to an outfitters' licence if he so chose. I think that this should be restricted to Canadian citizens. This is Canada, and this is something that the citizens should enjoy, and I don't think that other people should have this right. If you won't do that, then you have got to follow the thinking of Councillor McKinnon, and say "well all the Americans can come in and all the Czechoslovakians and everybody else, and anybody can have a licence."

Mr. McKinnon: As long as they keep the British out.

Mr. Chamberlist: Mr. Chairman, I find something very wrong with the Honourable Member's for Watson Lake's speaking. He is a man that insists that American capital and American people come into the mining industry; he doesn't say that the mining industry should be just for Canadian citizens only. He doesn't say that only a Canadian -- only a person who has Canadian citizenship can mine. He doesn't mind other people coming in for that purpose, but he would restrict for the business of a guide and anything like that. As far as I am concerned, this is wrong. Canadian citizen or other British subject is out, the whole idea is a person is a resident. A person might be a resident for a number of years from Germany or anywhere else, what is the difference? He is a resident here, and as long as he fulfills the requirement, why shouldn't he get the same right. I go along with that thing, but when the Honourable Member talks about separating Canadian citizens from other British subjects, let him remember that the British North America Act has something to do with it. Let the Federal Government deal with that, and they are dealing with that, but until such time let's keep the law the way it is.

Mr. Taylor: Mr. Chairman, I don't fully agree with the Honourable Member. I think that it seems -- a very proud thing to be a Canadian, and I think that it should be -- you should have to be a Canadian to enjoy some of these privileges here in the Yukon. I really do. I think that if a person is that intent on living in this country, there would be no problem in his taking out citizenship. It might take him four or five years, and then at that time he becomes a Canadian citizen, if he still wants to get an outfitter's licence, he is then entitled to it. It depends on how badly he wants it. I don't think that I could go over as a Canadian into other countries in the world and quite get the same privileges that we are offering here. I think that I would have a tendency to say that we should restrict this to Canadian citizens only, or just open the whole thing up to anybody from any country in the world, but take one course or the other. Just don't say Canadian citizen or other British subject. One way or the other, either restrict it to Canadians or open it up to anybody anywhere.

Mr. McKinnon: I wonder if the Director of Game can tell me whether Canadians can go to Alaska and buy an outfit.

Mr. Fitzgerald: You can't even get a guide's licence in Alaska if you are a Canadian, legally. Now, this applies to Indians as well as white men. Some of our Indian guides here have entered Alaska, and guided. It wasn't until they returned here that the authorities in Alaska learned about it and queries followed through.

BILL #25 Mr. Chamberlist: I will say that Councillor Taylor can go into any British Commonwealth country and get the right to start a job anywhere he likes. Anywhere.

Mr. Chairman: I wonder if Councillor Taylor would take the Chair.

Mr. Taylor resumes the Chair.

Mr. Stutter: I would like to ask a question of either the Legal Adviser or Mr. Fitzgerald. For purposes of this act -- of this Ordinance, how would you define resident. Is it the same definition that is used in other Ordinances of the Territory? That is three months residency here or...

Mr. Fitzgerald: Depending on who the individual is, Mr. Stutter. If he is a Canadian, he would have to live here continuously for six months; if he is an alien, he has to live here two years continuously. Now, some of the people who are trying to get into the outfitting business here in the country, they may have been in and out of the Territory over a period of two or three years, but they haven't even lived here two years continuously. Now, for citizenship purposes, this may be good enough if they arrived here as landed immigrants, but not for the Game Ordinance. They have to be here two years immediately prior to their application, that is an alien, but a Canadian non-resident, only six months, a Canadian non-resident or British subject, only six months.

Mr. Stutter: But, Mr. Chairman -- Mr. Fitzgerald, you made the objection a while ago that if we did permit Americans for example, to come in and buy an outfit, that he could take the profits from the outfit and take them right out of the Yukon. If under the terms of this Ordinance, a resident must be at least six months, and in some cases up to two years, surely then this doesn't really happen.

Mr. Fitzgerald: If you restrict it to residents. The people to whom I am referring will endeavour when they figure they have been here two years, they will certainly endeavour to get an outfitters' licence.

Mr. McKinnon: If they have been here two years, what is the objection?

Mr. Fitzgerald: Excuse me, Mr. McKinnon, when they arrived here as landed immigrants, they didn't spend the winter months here, neither one of the two that I am thinking of at the moment, neither one of them have spent the winter months here.

Mr. Stutter: You have some actual cases in mind at the moment.

Mr. Fitzgerald: It wasn't too long ago that a company was formed in Alaska to move in here and take over the outfitting business in the Yukon Territory, and right away at that time there was some legislation come up that you had to be -- a company couldn't do it. A company could not go into this business, it had to be an individual. They described it, but I just forget what year the amendment came in. They cut it off at that time too.

Mr. Legal Adviser: 1959.

Mr. Fitzgerald: Incidentally, Mr. Chairman, the President of the Outfitters Association is present here. Would you care to ask him a question as to how the outfitters feel about this?

Mr. Chairman: Is Committee agreed? Mr. Clerk would you so make the arrangements?

Mr. Fitzgerald: Ladies and gentlemen, this is Mr. Stan Reynolds, President of the Yukon Outfitters Association.

Mr. Chairman: Gentlemen, we have with us, Mr. Reynolds as well as our other two witnesses today. Do you have any questions that you would like to direct at this time to Mr. Reynolds?

Mr. Tanner: Mr. Chairman, Mr. Reynolds could we, I believe that you have heard the previous comments from Council in this regard, having sat in the public gallery. Could you give us your opinion, or your feelings on the Canadian citizenship or British subject conditions of this paragraph concerning licencing of outfitters?

Mr. Reynolds: I am speaking on behalf of the Association here and the majority of them are in accord. Now, it seems to me, I have been in the business for quite a few years, and one of the problems we are trying to upgrade the standards in the Yukon, and also it is a privilege to be an outfitter, because our areas are licenced to us by the Territorial Government, it is Crown property. One of the provisions in the Ordinance states that an assistant guide must be a citizen. It is a progressive thing, this outfitting business. To be an outfitter, you have got to have a certain amount of experience, and it seems unreasonable to any outfitter that has been in the business, that some-- for instance, a grocery man from outside Canada, from some other country, can come in, buy an outfit, he is not a citizen, and the Government will licence him to an area and permit him to take out hunters. He has had no guide licences whatsoever, and basically he has had no experience in this field. As a result, we end up with complaints coming back, and the business is certainly not upgraded. That is one of the reasons, and I think that is one of the main reasons. As I said, it is a privilege, these areas are Canadian Crown property, and we are licenced to outfit in this area, and I think that there is a lot of resentment by other citizens when they see someone coming in from the outside, they have more money, and they are given this privilege without being required to be a citizen. I don't know if that has answered the question or not, but that is how the majority of the outfitters feel on this.

Mr. Stutter: Mr. Chairman, I would just like to ask Mr. Reynolds if he feels that it makes much difference whether the grocery that comes in to buy your outfit is an American grocer or a Canadian grocer? Does that in any way make any difference to his qualifications as an outfitter?

Mr. Reynolds: I don't feel that it makes any difference whether he is a Canadian grocer or an American grocer. You have a point there. But, the way the Ordinance is right now, this is something that we will always have a problem with, someone inexperienced getting an outfit. Right now, there is a move on from the United States and Alaska, they are getting crowded and there is a very definite move of people coming north, outfitting, and a lot of times, it is people that have money but no experience.

Mr. Stutter: Mr. Chairman, I would like to ask one question of Mr. Fitzgerald. Are you limiting the number of outfitters that will be able to operate in the Yukon? Is this number limited by the areas, by the demand? How do you come up with this?

Mr. Fitzgerald: Well, most of the Territory right now is covered. I beg your pardon, most of the Territory right now where we can produce or where proper trophy animals occur in, are now in the possession of outfitters who have registered guiding areas. They enjoy the sole right to outfit there, and to guide hunters there. There is a possible few other areas -- few other areas that could possibly be opened up, but there is, I think, considerable checking out before we make that move, before I would suggest it anyway. Also, there is possibly when you look at the map of the guiding areas, that you may feel that some of the areas are much larger than others, and they could be broken up into two or three outfits. There is a possibility that we could have thirty-five or forty outfitters, but I would strongly suggest that if this should occur, our quality and conditions under which visiting hunters hunt here fall off, game would become more scarce. I think that the holding game out-

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Mr. Fitzgerald continued ...

fitters at the number of twenty-two at the moment, I think that we have an industry going on here, that will go on indefinitely if it is handled right, and the outfitters farm their areas and don't take the crop right off. I am not in favour of any more areas at this time.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Reynolds could answer this question for me. Mr. Reynolds, if you were going to sell your outfit, and the price was right, would it bother you, really, if it was a grocer that you were selling it to?

Mr. Reynolds: Well, personally, it would bother me.

Mr. Chamberlist: But, you would take the money?

Mr. Chairman: Well, I don't think that Mr. Reynolds is on trial here.

Mr. Chamberlist: With respect, Mr. Chairman, the intimation has been by Mr. Reynolds, with all due respect to him, that there is a difference as to anybody who wants to buy into an outfit, and a reference was made to that of a grocer, and I don't know, Mr. Chairman, what Mr. Reynolds has been doing in the past. Whether he became a game outfitter from birth himself, I don't know, some people are talented enough to be that. This is why I would like the question answered. Although it does, as you say, bother him, whether in fact, the fact that somebody who has sufficient money to buy your outfit at the right price, whether or not you would indicate that you would take that money, notwithstanding if he was a citizen of anywhere in particular? I am a business man, answer in that way, this is what I am concerned about.

Mr. Reynolds: I haven't been faced with this problem, but I do know of outfitters that have, and they have refused to sell. It is a very personal business, and also I might add that for instance British Columbia has just put this into effect, that you must be a citizen, and it has created problems when it wasn't a requirement as far as upgrading the business and keeping it at a standard that is good for the Territory.

Mr. Fitzgerald: Mr. Reynolds, where were you born?

Mr. Reynolds: I was born in Pennsylvania.

Mr. Fitzgerald: Mr. Reynolds, you moved, I believe, to British Columbia, and went into the outfitting business there. At that time, did you have to be a Canadian citizen before you got your licence in outfitting?

Mr. Reynolds: In British Columbia at that time, there were some -- an Ordinance that permitted a farmer or a rancher to hold an assistant guide licence, so at that time I didn't have to become a Canadian citizen in order to hold an assistant guide licence because I was classed as a rancher, but by the same token, I was required to be a citizen in order to obtain an outfitter's licence, which is not quite the same as in the Ordinance in the Yukon. It has been changed, recently down there, but as I progressed from assistant guide on through, it was necessary for me to become a Canadian citizen. I have become a Canadian citizen.

Mr. Tanner: Mr. Chairman, I would like to suggest to the committee, that we are dealing with two things here. Two entirely separate things. I think what Mr. Reynolds is trying to say is that the conditions for becoming an outfitter, here, should be quite rigid. I think what Mr. -- the Director of the Game Department has done, he has seen one area where we can make these restrictions rigid, by making it a Canadian or British subject. What I suggest is that it should be open to anybody who is a Yukon resident, but make the conditions for becoming one far more stringent.

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

Councillor Stutter takes the Chair.

Mr. Taylor: No, I don't think that I can agree, because then we get into the position as stated by the outfitters themselves, they certainly agree that this should be up to a Canadian citizen. Just in listening to the discussions so far, I am firmly of the opinion that this should be a right, and a right only of a person who is (a) a Canadian citizen, and (b) who is a resident of the Yukon, and has established residence here. I think that this has got to be done. I would like to propose an amendment to this section which would have the effect of restricting the application of an outfitter's licence, and the granting of it to a person who is a Canadian citizen, and who is a resident, and a bona fide owner of equipment in good condition and so forth, by moving Mr. Chairman, that subsection (1) of section 39 of section 11 of Bill No. 25, be amended by deleting from line three thereof the words "or other British subject", if I can find a seconder.

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Mr. Tanner: Could you read it again please?

Mr. Taylor: It would be moved, that subsection (1) of section 39 of section 11 of Bill No. 25, which is the subject now under discussion, be amended by deleting from line three thereof, the words, "or other British subject".

Mr. Chairman: Is there a seconder for this proposed amendment?

Mr. Taylor: Can't say we didn't try, Mr. Chairman.

Mr. McKinnon: Mr. Chairman, I think that there is only one thing that this Council has to concern itself with in this instance, and that is that the person who is buying an outfit, we want him to become, and we want to ensure that he be a bona fide Yukon resident, and I don't give a damn whether he is black, white, purple, American citizen, a British subject, from West Germany, from Communist Russia, if he comes here, and becomes a bona fide Yukon citizen, then that person should have the rights and privileges to be able to enjoy his occupation the way he sees fit, and the way he wants to pursue his vocation. Now, as Mr. Fitzgerald said, if he is a Canadian subject, residency, he has to live continuously in the Yukon Territory for a period of six months prior to making application to be able to purchase an outfit; if he is an alien, he has to prove continuous residence in the Yukon for two years prior to making application. Now, certainly, if a person fulfills these qualifications, shows his interest in the Yukon by living here, domiciling here, establishing his residence here, bringing his family here, bringing his money here, then he deserves, and he should be able to have the right and privilege of being able to buy an outfitting business. I just detest in all its forms, discriminatory type legislation in this matter, and the only thing that all of us--I don't think that there is a person at this table who was born in this country, and hasn't come here and been allowed to make his living at his profession in the Yukon, and hasn't been discriminated against. We are all living here, we are all -- we all have our homes here, we are all investing our money here, and that is for all Yukon residents, and that is what counts. This is exactly what we should be looking for, if a person proves his good intentions, wants to become a Yukon citizen, then certainly, he should not be discriminated against in purchasing a business. The thing that we have to watch is that this person is trying to get away, circumvent the law, by just appearing here and taking off and living somewhere else. That person has to domicile himself here continuously for the periods that are in question, and this has to be examined scrupulously, it has to be studied carefully, and Mr. Reynolds, I don't really think that if this type of person were serious, and we know that he is serious about establishing himself and his family here and becoming a resident, then we are not really that concerned whether we should allow them to go into the business or not. He is going to be a good Yukon resident, then more power to him if he wants to take over an outfit and wants to remain in the Yukon, and be a serious outfitter. We have to worry about it, and I agree with any

Mr. McKinnon continued ...

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thing that was said here against a person that just wants to move in, doesn't want to live here, isn't going to raise his family here, isn't going to domicile in the Territory, is just going to come and milk out the money out of the big game outfitters, and probably destroy a Territory, which he could do, and then leave the Territory, and not be a resident here. I think that this really has to be examined closely, and if we have to tighten the regulations, even, for the purposes of this Ordinance, put the residency qualifications, as the Councillor for Whitehorse North recommends, up to a longer continual residency period, then I go for this, but I just can't go it, it is abhorrent to think of this type of discriminatory, because so many people in the Yukon, just everyone you meet is from somewhere else, and they are looking to find a home here, in something new and something better, and to start discriminating at this point in time in the Yukon, is just -- no, it is abhorrent.

Mr. Commissioner: Mr. Chairman, can I ask a question here that is raised in my mind by Councillor McKinnon. Is Councillor McKinnon suggesting that this is a prior qualification to get an outfitting licence? What about the continuing - are you suggesting, Councillor McKinnon, that this would be a continuing requirement as well?

Mr. McKinnon: I would like to see it, if it could be made continuing, yes.

Mr. Commissioner: In other words, excuse me, Mr. Chairman, what the Honourable Member is really saying then, is that the prior condition be .....

Mr. McKinnon: Is a bona fide resident of the Yukon Territory.

Mr. Commissioner: ... and the continued holding of this licence is dependent upon the prior conditions being completed.

Mr. Chamberlist: Absolutely.

Mr. Chairman: I wonder if, from the Chair, I could ask Mr. Reynolds what his thinking, or how perhaps his association might feel about this suggestion? Surely this, in actual fact, gives more protection for the association. At least they are Yukon residents. Naturally the present Ordinance would have to be changed to allow an assistant guide to become an assistant guide under the same terms.

Mr. Reynolds: Well, I think that we are in favour of -- we are trying to have the outfitter - a bona fide resident or citizenship was one way of maybe being certain that this person was going to remain here, or would show his interest in becoming part of the country that he was outfitting in - if you can find some way of enforcing what has been recommended.

Mr. McKinnon: Continued residency is the criteria we are looking for, I think.

Mr. Taylor: Mr. Chairman, what of some of these other jurisdictions, will we exercise the right by reciprocity in these other areas, for instance, if we allow Alaskans to come roaring in here and take over by virtue of great funded capital, to take over the big guiding industry of the Yukon by simple purchase, then do we have that same right in the State of Alaska? If we are going to go this route, then should we not ask for reciprocity in this area.

Mr. Chamberlist: Mr. Chairman, with respect to the Honourable Member from Watson Lake, he might be a little bit confused on the point that is being made. The point that is being made, the people that purchase must be a resident, a continuing resident, so that nobody could come along from Alaska and say I am purchasing so and so outfit, because they couldn't operate. They would have to be residents, and this was the

Mr. Chamberlist continued ....

clarification, as I see it. Perhaps the Honourable Member from Whitehorse *BILL #25* North, perhaps, can further clarify this is the intent, that they must be continually residents. Quite frankly, I feel that section 11 should come out completely now, because of that, it is discriminatory, and I agree, and I am a British subject.

Mr. Taylor: Well, Mr. Chairman, just before I resume the Chair, I just want to say that I think that this is wrong, I think that it should be restricted to a Canadian citizen at this time. I think that this should be the initial qualification and then in addition be a resident of the Yukon, but I think that it should be insistent that these people be Canadian citizens before they are allowed to take out this licence.

Mr. Tanner: Mr. Chairman, I would suggest for the Committees' consideration, that paragraph 11 be rewritten, basically along the lines of what Councillor McKinnon has said, and what the Commissioner has said. In fact, what we are doing in that case, we are almost reinforcing what Mr. Fitzgerald is asking for, we are giving them more strength, and without the problem of saying that some people who haven't -- not to be Canadians can't have the same rights, but if they get that right to hold a licence, then we strengthened the legislation. Now, I would ask them to rewrite that paragraph.

Mr. Chamberlist: It's already in there.

Mr. Taylor resumes the Chair.

Mr. Fitzgerald: Right now, anybody can come into the Territory from any place, and he can buy all the outfits, but the stickler is the guiding area. We have two cases now that I know of, Americans that have bought into these outfits; I am almost positive, they fold up in the fall, and they take off. Next spring, after breakup, they are back. Now, two years from now, these people are going to approach me, and they are going to want an outfitter's licence, saying they have purchased so and so's outfit, and they would like to have the area change hands, and he would like to get an outfitter's licence after two years have passed. Well, in these particular cases, we know where these people are, and what they are doing, or where they are; they are certainly not in the Territory. You then confront them with the fact that, "well you haven't lived here for two years immediately prior to this application." "I have been outside booking hunters, and this is what I will be doing every winter." I don't know how you can enforce this, as Mr. Reynolds suggested. This will be the stock answer, I have been outside booking hunters.

Mr. Chamberlist: But surely, Mr. Chairman, this same thing can apply to a Canadian citizen or other British subject, they can say exactly the same thing, that I have been outside booking hunters. The same thing applies, doesn't it?

Mr. Fitzgerald: If the particular person has his home here, his family here, and he has his roots down here, he may have good reason to say I am going to some game convention in Dallas, Texas, and I am going to book some hunters. This is fine. This one case, there has been equipment brought in here, landed immigrant status, and this stuff is all under seizure at the moment. This is one case.

Mr. Chamberlist: The point that I made, Mr. Chairman, was that I am not talking about a resident now of the Yukon. The way that this reads is that a Canadian citizen or other British subject, this may apply even if they are from else -- they have gone out, they can say, "well we have been out booking hunts for next year." The same thing may apply. The idea is to make sure that they are permanent bona fide residents with a continuing residency, even after they have purchased somebody else's outfit. This is where we have to find out exactly what a residency is, and not necessarily take a company, because a company can be a resident company if they are just an extra territorial company. It should be the

Mr. Chamberlist continued ...  
*BILL #25* individual, perhaps we should be looking for some rewrite of this particular part of the legislation, so that we make it clear that it refers to the individuals, and not companies.

Mr. Legal Adviser: Mr. Chairman, that is already in, and it says natural person, and despite what some Members point out, there is a taint of illegitimacy about this; it doesn't mean -- it means a non-company.

Mr. McKinnon: I think that this is what we have to look at for the criteria of residency. If the person is a resident here, does have his home here, has his family here, is a taxpayer in the community, and he does go out and book hunters, well fine, we know that this person is normally resident, he is domiciled here, this is where he is living permanently. If a person buys an outfit, keeps his family down in Pennsylvania, or wherever, and goes out in the winter and stays at that place of residence, then certainly he is not a resident of the Yukon Territory, and that is not the criteria of residency that we are talking about. It doesn't bother me, knowing that a person like Stan is contributing to the outfitters, to the community, if he was still an American citizen even though he did take out his Canadian citizenship; he was still an American citizen, he was a resident here, his family was here. It doesn't bother me at all, that he would be qualified to hold an outfitter's licence in the Yukon. I think that this is the thing that we should be looking for, that there is an honest evaluation of whether that person is domiciled in the Yukon Territory, and is a resident that is going to continue to be a resident of the Yukon. That is what we are looking for, we have got to look to find some way by legislation to make sure that that is the fact of continual residence and being domiciled in the Yukon, that that makes him eligible to purchase a big game outfit, and that alone. Let's forget about whether he is a Canadian citizen, an American citizen or British subject or not, let's have him as a Yukon resident, have some legislation that makes positive that he is going to be a continued Yukon resident, and if he doesn't, then he is liable to lose his licence. This is what we have got to have.

Mr. Tanner: Mr. Chairman, as another suggestion, I wonder whether the Director has ever considered -- if it would help him to make his decision if he had some other board perhaps to appeal to, rather than just himself. This can't happen very often, these applications for big game licences, they can't be that frequent. Could it be that there should be some other regulatory power, maybe consisting of, for example, a board of three people, one of whom would be a big game outfitter, somebody else, and himself.

Mr. Chamberlist: Mr. Chairman, while I am on my feet, I would suggest, Mr. Chairman, if it is agreeable with Committee, that we just report progress on this bill, and this bill will go back to the Legislative Programming Committee for reconditioning.

Mr. Legal Adviser: Mr. Chairman, reconditioning is fine on this, it is not an easy thing to draft exactly what a resident is, especially when he continues. You see, it is easy enough for Mr. Fitzgerald, or any one else to make a decision when a fellow comes up for a licence the first time to say he is a resident or he isn't a resident, but there is a sort of creeping into the debate, the idea that he must continue to be a resident. Now, this may need extreme tight drafting. Very tight drafting because you are faced with the position as Mr. Fitzgerald will be or the Commissioner will be, of taking away a man's licence ten years after he got it because maybe he spent an extra fortnight in Florida or something. It is quite different.

Mr. Chamberlist: Could we get agreement on this, Mr. Chairman, that we report progress, and the matter will be dealt with again by ...

Mr. Chairman: You mean just this section, you don't mean the whole bill?

Mr. Chamberlist: This section, yes. We can go on reading the rest of it, and see what else, if anything.

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Mr. Chairman: (Reads section 12). What you are saying -- this seems to me to be very loose, Mr. Fitzgerald.

Mr. Chamberlist: We will have to deal with that section as well, Mr. Chairman.

Mr. Legal Adviser: The intention of this section is to protect the outfitters from people who are poaching on their reserves, basically. It is loosely written as it is, and this is an attempt to tighten it.

Mr. Chairman: Unfortunately, it doesn't meet the need. It says, it is just repeating the section that is already in the Ordinance, except for the deletion, the deletion of what?

Mr. Fitzgerald: For a gain or reward or hope thereof.

Mr. Chairman: It is a pretty hard thing to prove. Councillor Stutter, will you take the Chair a moment, please?

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, for instance, let me give you one good example -- these river hunts, and if some of these people come down, and they decide that they wish to rent a boat, Joe Blow has got a boat, so he has got an opportunity of renting that boat at so much a day. Why should he not be able to rent it, without having first to obtain an outfitters' licence, which obviously he won't be able to get for some time and much difficulty, and probably doesn't want anyway? All he wants to do is rent a boat, why can't he do that?

Mr. Fitzgerald: There is no problem at all for a resident to do this, to rent horses or a boat.

Mr. Taylor: Mr. Chairman, how do you know this non-resident? We have a lot of people coming in here doing a lot of things, how do you know that this person is indeed hunting? In other words, you have got this guy, you find him, you are flying along in the airplane, there is a guy down hunting, you check him out, sure he is a non-resident hunter, he is out shooting game or something like that; theoretically you have got him. You have also got the boat owner for renting him the boat, and maybe the boat owner didn't know that this guy was hunting. But, all of a sudden, you have got him into trouble, and you drag him into court through a battery of lawyers and everything else. Again, I can see where this section can be abused. The way it is written, the intent is .....

Mr. Fitzgerald: It is the same as Mr. Legal Adviser mentioned awhile ago, you must prove he knew. The man could say that these people showed up, "I didn't see any firearms or anything, and they rented my boat, and they go down stream a bit, they open up their duffle bags and pulled out a couple of rifles." He doesn't even know they are hunters at the time they get into his boat possibly.

Mr. Taylor: It is just up to the discretion, Mr. Chairman, of the Game Guardian, or the R.C.M.P. Constable, and in the case of some of the constables in their knowledge of game, I am a little doubtful as to how this might be used.

Mr. Taylor resumes the Chair.

Mr. Chairman: Have you anything further on section 12? (Reads section 13). Clear? (Reads section 14).

*BILL #25* Mr. Chamberlist: There shouldn't be a hyphen between "a field".

Mr. Chairman: Section 15.

Mr. McKinnon: Can I have section 14 explained to me? What does it in fact do, section 14?

Mr. Fitzgerald: Well, it prevents a non-resident from coming into the Territory and picking up somebody to take him out in the bush on a hunt who is not a guide or is not connected with an outfitter in any way.

Mr. Chairman: This I believe refers back to the section where a resident can -- section 17.

Mr. McKinnon: Now, if I get permission from you to take out a non-resident in the field, do I have to get a guide's licence?

Mr. Fitzgerald: We can issue a permit under section 17, providing that we know that there is going to be no money change hands, and so on. We can issue a permit under section 17. and this starts off with "Except as authorized by this Ordinance, ...".

Mr. Chairman: At this time we will take a brief recess.

*RECESS*

RECESS

Mr. Chairman: At this time, I call Committee back to order. Order, please. *BILL #25*  
Have you anything further on section 14? (Mr. Chairman reads section 15.)

Mr. Stutter: Mr. Chairman, I wonder if I could propose an amendment to delete on the third line, the words from "is" to "over", inclusive. This would be the same as section 11, I take it?

Mr. Chamberlist: Yes, this will go back again to Legislative Programming. But, you notice, Mr. Chairman, in here there is a condition that has been put on for three years. This is the type of condition that we have to consider. Does it lose you?

Mr. Chairman: Well, is it your wish that this be deferred? Agreed? Do you have a comment?

Mr. Fitzgerald: Well, this three year thing on trapping has been in effect here for years and years. It's worked well.

Mr. Chairman: You still wish it deferred though, do you? Is Committee agreed? We will defer it. (Mr. Chairman reads sections 16, 17.) This is a new licence. Are all these forms made out, these new licences? How much are they going to cost?

Mr. Fitzgerald: Well, going back to old '58, in the present Ordinance we already have a licence in effect covering the taking of wild live game for propagation, display or export. However, by having just the wording "wild live game" there, certain animals are not covered. In other words, there is a narrow licensing.

Mr. Chairman: What does this cost?

Mr. Fitzgerald: Two dollars for the permit and two dollars for each animal exported.

Mr. Tanner: Mr. Chairman, I would just ask one question of the Director on this. I can think where this particular section applies to a particular person in the Territory right now, the Game Farm along the Takhini Road. What would happen in the case where your Department, or even you or one of your officers, didn't agree with the way the Game Farm was being run and he didn't agree with your assessment of the case. Where can you appeal; to what body or to whom?

Mr. Fitzgerald: Well, we would have to be at the point where we would be suggesting cancellation, I imagine. He could state his case, I would imagine, to the Commissioner.

Mr. Tanner: I wonder, do the other Members of Committee consider that this should be written into the legislation? I can see this arising somewhere. It might possibly arise.

Mr. Fitzgerald: I might mention, this man is doing a very good job. I think from the Game Farm, we can inspect it at any time. It's not that the licence only runs for -- as far as I'm concerned, if there's any problem with the manner in which he is keeping game, I would think I'd have a biologist go over there and take a look at it. It would give him an opportunity to straighten out the situation.

Mr. Chamberlist: There are, Mr. Chairman, provisions for appeal in section 85, subsection (2). "An appeal lies from the decision of the Director to a police magistrate." The procedure for the appeal is laid out in the Appeal Section.

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Mr. Fitzgerald: Would you call this a dispute, Mr. Chamberlist?

Mr. Chamberlist: Yes, certainly. I think any decision that is made by the Director may well be in dispute. So, the appeal, therefore, lies.

Mr. Fitzgerald: I thought that this was just where there was a settlement of any dispute in connection with hunting or trapping operations, what is referred to there.

Mr. Chamberlist: I think that the law can call a dispute a dispute and I would put up a good argument for it.

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

Mr. Tanner: Mr. Chairman, I'm just a little concerned in case something like that pointed out does arise. I'm not talking about the specific people, either this director or that game farm, but I'm wondering, if it did arise, even under paragraph 85, whether the person has got a right to appeal to anybody. It seems to me that he's only got the right to appeal at the discretion of the Director.

Mr. Chamberlist: With respect, Mr. Chairman, I differ there. I know Mr. Legal Adviser might differ with me as well. However, the section, 85(1), says "the Director has power to settle any dispute in connection with closing of trapping operations". And, "an appeal lies from the decision of the Director to a police magistrate". Further, "notice of appeal shall be given within thirty days from the day upon which the decision appealed from is pronounced or given, or within such further time as the Director may allow and not from service upon the other two parties to be filed by the Director". Now, right in there, "upon which the decision appealed from is pronounced or given" -- obviously, the decision that would be made would be the decision of the Director. I would say that is pretty proper grounds for appeal of the Director's decision. I think that the law would, quite promptly, allow an appeal. As far as I'm concerned, to me it looks like an appeal because the police magistrate shall fix a time for hearing. An appeal from a police magistrate lies to a judge. So, there are steps and procedures for an appeal. As far as I'm concerned, the decision of the Director can be appealed.

Mr. Legal Adviser: Mr. Chairman, I hate to show disunity in the ranks, but it would appear to me, on first glance, that section 85 is designed to give the Director power to settle a dispute between two people. He is acting as a judge if there is boundary dispute of trapping operations, or there is a dispute between two people. He gives a decision. Then, he is the lower in the structure of the ranks and an appeal can be made from him to the magistrate and from the magistrate to the judge, and so on. It doesn't appear to me that this section could be used to give an appeal in every instance to a decision of the Director of Game. If this section is used in that way, it means that every single decision on all the discussions that the Director has, is an appeal to the court.

Mr. Chamberlist: Why not?

Mr. Legal Adviser: That's a different question. Whether why not or not. It's not the way that the Ordinance appears to me to be written. A certain discretion is given to give an export licence or to refuse an export licence, and so on, right through the Ordinance. Those particular decisions don't appear to me to be subject to appeal under section 85. There may be some other way of dealing with this, by mandamus or certiorari, but it's not set up in that way at the moment.

Mr. Tanner: Mr. Chairman, if you pursue the point a little further, reading the first paragraph of 85, it says "the Director has the power to settle any dispute in connection with hunting and trapping". We're not really talking about that in 17, here. We're talking about someone who keeps live

Mr. Tanner continued.....

animals in this particular case, a game farm, and he's not covered, I don't think, in that particular area. I think he should have some protection. I think this should be clarified. It's not my intention to detract from the authority of the Director, but it is my intention to give some right of appeal to an arbitrary decision of the Director which could affect the life and investment of a man who has been in business for a great number of years. I think that should be spelled out, either in this paragraph, or in paragraph 85 of the present legislation.

Mr. Fitzgerald: Would that be a civil thing, Mr. Legal Adviser? A civil act?

Mr. Legal Adviser: I would hate to take just one aspect and say one particular individual operating one particular type of business gets special rights of appeal for himself, while other people do not. Right through the Ordinance, the Director has the power to issue or not to issue, for certain stated reasons, a licence to an outfitter, a licence to a chief guide, a licence to a guide, a licence to a trapper, a licence to an assistant trapper, a licence to a non-resident for hunting, and so on. Now, it's very difficult to suggest that one particular operation, an isolation, should merit a special court of appeal for one individual, more especially, when no dispute has arisen and a dispute is unlikely to arise, but it's just looking at the future. Some of these things are discretionary and it may very well be that, acting on advice at some time in the future, other people may set up game farms and then it might be decided to abolish the game farm because they might not want certain animals in it. The Director might have to say, we can't continue your licence, and this would automatically put the discretion which would be best in the Executive into the power of the court. If he did it for an improper reason, this is something else again. The Criminal Code is what you would be operating, basically. If this man keeps animals under cruel conditions, well, then no case is going to be taken except with the advice of competent specialists in the field, mammologists and biologists. The thing would then be thrashed out and the licence might be refused. I can't see any other way out.

Mr. Chairman: Clear on section 17? (Mr. Chairman reads sections 18, 19, 20.)

Mr. Legal Adviser: Mr. Chairman, this is a technical amendment. In the particular case that occurred, a person said that he was entitled to purchase pelts of any animal, and the intention of it was of only a fur-bearing animal. So, this is the reflection in the addition to the section.

Mr. McKinnon: Why wouldn't hides be included in section 78(1)?

Mr. Chamberlist: Skins cover everything there.

Mr. McKinnon: It does, eh?

Mr. Legal Adviser: Yes.

Mr. McKinnon: Oh, okay. It reads "skins or pelts of a fur-bearing animal". I mean hides of a big game animal, skins of a big game animal not a fur-bearing animal.

Mr. Legal Adviser: It was a bear in the case in question.

Mr. McKinnon: Why should a person not be able to purchase a skin of a big game animal for his own use or the use of his family?

Mr. Fitzgerald: We would have to go back to section 13, I would think, Mr. McKinnon. Originally, the idea of this was to buy up enough furs and what have you to make up clothing or jackets, parkas, etc. We wanted to just make it clear that this was for fur-bearing types.

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Mr. McKinnon: Yes, this is just for residents to buy hides for their own or their family's purposes. For the purposes of making jackets and mukluks and things, I don't see what the insistence is of having the Director give permission for this type of transaction. I was just wondering why it couldn't be included somehow under section 78(1), this item, if a person wants to buy the skin for use by himself and his family. Why couldn't that be done the same way as the skin of a fur-bearing animal is handled, rather than having to seek permission from the Director to do this type of transaction?

Mr. Fitzgerald: Then, I would think, Mr. McKinnon, we would have people, as an example, in a beer parlour waiting for the guy who says, "I'll go out and get you grizzly bear, and I'll be back tonight with it; you give me a hundred bucks, I'll be back with a grizzly bear for you tonight".

Mr. Legal Adviser: The reason for the introduction was to prevent the casual bringing in of bears -- bearskins.

Mr. Chamberlist: Well, a bearskin is included as a fur-bearing animal, but, perhaps the Honourable Member from Whitehorse West is referring to animals other than fur-bearing animals.

Mr. McKinnon: Right.

Mr. Legal Adviser: A bear is not a fur-bearing animal.

Mr. McKinnon: An Indian is allowed to shoot a moose for consumption whenever he needs the meat. Now, why shouldn't he be allowed to sell the skin of that animal for use by a resident of the Yukon or use by his family? Someone wants to make jackets or mukluks. Why shouldn't this be done without getting the permission of the Director of Game to be able to do it? This he has to do under section 13. This seems to me -- he's not going to do it. He's not going to, but why not make it legal, what he is doing now anyway?

Mr. Fitzgerald: Well, I've had them pick up these permits to get rid of antlers, material like this.

Mr. McKinnon: Antlers, I'm not -- I'm just talking about the skin.

Mr. Chamberlist: There is a section that gives this permission. Could we not say there, "of animals" instead of "fur-bearing animals", and make it apply to local people? Is there any objection to it?

Mr. Fitzgerald: Well, then, I think we would just develop into meat hunting situations, a black market in hides, everything else. I think that, in checking out all the game acts that we picked up before we took certain legislation from them to try to put in these amendments, we found that every act was tougher than our Ordinance, in every way, almost. I agree that the Indian should have the right to shoot game for food at any time on unoccupied Crown land, but not to sell it.

Mr. McKinnon: No, not to sell the food, but what about selling the skin?

Mr. Fitzgerald: If he wants to sell the skin, we'll give him a licence to sell it, for free.

Mr. Chamberlist: This is purchasing for himself. This is the way this reads, "a resident may purchase without a licence, skins or pelts..." for himself. Why can't he purchase from somebody a skin for his own family's use?

Mr. Fitzgerald: You are referring to the new part here "fur-bearing animals for use by himself and his family". What was your question?

Mr. Chamberlist: Why can't he purchase the skin of any animal for his own family? What's the difficulty there?

Mr. Fitzgerald: Well, then you're dealing in big game. We are then dealing in big game. BILL #25

Mr. Chamberlist: Yes, but is there an objection for anybody to purchase these for his own family, the skin of big game? Is there anything wrong with it? I would like you to explain this; is there anything wrong with it?

Mr. Fitzgerald: In my opinion there is, because you would be encouraging this to be thrown wide open for people to get out and hunt and drag this stuff in here to sell. Otherwise the animal may be living next game season, or next year. I think that it's just opening the door to an absolute game marketing thing.

Mr. Chamberlist: But, wouldn't a person that takes game, in any event, have the right to sell the skin?

Mr. McKinnon: Not without the permission of the Director.

Mr. Tanner: Mr. Chairman, just following the same line of thought, if an Indian goes out and shoots an animal for food, we're telling him to leave the hide or the skin, but he can bring the meat back. Why the hell shouldn't he bring the hide back and let someone make use of it?

Mr. Fitzgerald: I'm not suggesting that he leave the hide out there. Every Indian brings a hide in, every bit of it. The only thing they leave out there is the paunch. Everything, the legs, the head and everything else, is brought in, and the hide, definitely.

Mr. Tanner: Well, suppose he does bring it back and he doesn't want to use it himself. Why shouldn't he sell it? I don't see anything wrong with selling it.

Mr. Fitzgerald: Well, he can, providing we know that this hide is from that particular animal, and how many hides he has sold. Is he just in the business of selling hides? Maybe the hide is worth more to him than lugging the meat in.

Mr. Chamberlist: Yes, that's one point. This is the thing, yes.

Mr. Fitzgerald: Some of our game is getting scarce enough now, as it is. Even some of our outfitters are starting to cut back on the customers they're handling for this purpose.

Mr. Chamberlist: They're cutting back on the feeding of their customers, too. Mr. Chairman, I would like to ask, at this time, a question of Mr. Reynolds. Everybody seems to be very interested in what we can do for the game guides. I wonder what the game guides are doing for the customers who pay so much money to come in here and hunt under a game guide and find that, when they get here, they don't get enough to eat in the period of time that they are away. I wonder if Guide Association is doing something in regards to that, disciplining their own people.

Mr. Chairman: I don't know if that's a very, very fair question, at this time. Are we not discussing something relevant to section 78 of the Game Ordinance?

Mr. Chamberlist: With respect, Mr. Chairman, Members of Committee have allowed you to go into areas which are not specific with these sections. There has been no objection. Now, I would like to know from a point of interest, what is being done about the many complaints that have been made about game outfitters who have not properly fed their people. This is all to do with the matter of the Game Ordinance.

Mr. Chairman: Yes, well, I'm wondering if -- we would be very pleased to deal with this matter as soon as we have resolved the section that we are now dealing with. Rather than complicate this issue, let us deal with one

Mr. Chairman continued.....

BILL #25

issue at a time. Have you anything further on section 20?

Mr. Stutter: Mr. Chairman, just before we leave that, I wonder if I could just -- this is partly the same section -- referring back again just for a moment back to section 13 of the Game Ordinance, section 5 of the amendments. A point has been brought up that I hadn't, at that time, got quite clear. Would both the buyer and the seller have to get permits in this case. It is written right here, "The Director may grant permission to any person to buy, sell or barter the antlers, horns or cape or pelt of any big game". Would both parties have to get permission?

Mr. Fitzgerald: Not necessarily.

Mr. Stutter: But, it states here, the way I would read it now, both parties do, both the buyer and the seller. Two permits are required to make a transaction. The way it reads now, a permit is required for both buyer and seller.

Mr. Fitzgerald: Maybe we should hear from the Legal Adviser on this.

Mr. Legal Adviser: I wouldn't think that there is a habit of drafting two permits. It is just whoever is selling is the person usually asked for the permit. Occasionally the person who is buying is asked for a permit. But, I think one permit appears to be enough -- for one transaction.

Mr. Stutter: Then, Mr. Chairman, surely, if we deleted the word "buy", that resolves the problem that was brought up by the Member from Whitehorse North.

Mr. Chamberlist: You've got a good point and we'll straighten that out.

Mr. Fitzgerald: This may have come up some years ago. It's been in the Ordinance for quite a while. A person wishing to buy, or the person who is out to sell the item is not available to obtain the licence, but you as a buyer could obtain the licence and then approach the individual. Maybe this is the way it was done. Maybe it is there for that purpose.

Mr. Stutter: But then, you're getting back to the problem that was brought up a while ago.

Mr. Chairman: I would like to draw your attention to the time. Is it your wish to defer this particular item for further consideration? Or, is it your wish to propose further amendment to it?

Mr. Tanner: Mr. Chairman, could I suggest that while we have our witnesses here, we could just finish the reading of this?

Mr. Chairman: Agreed? Have you anything further then, on section 20? Are you agreed?

Mr. Chamberlist: Well, this section will be going back into Legislative Programming for further discussion on the points that have been raised.

Mr. Chairman: Well, then, is it your wish to have this deferred? Alright, I will so note. (Mr. Chairman reads section 21.) Cleared? I wonder if we could have an explanation on this. Why is there a necessity for it?

Mr. Fitzgerald: Well, we have had cases where -- we are talking about actual people now, in the actual business of photographing wild game. These people have come into the country and, by different means, get into game areas, by helicopters, fixed wing, and so on, and chase game all over the mountainsides in order to get pictures of them tearing around. They have interfered with the resident hunters. This has gone on and on. These people are usually people in the business who can afford this means of transportation and one thing and another. It doesn't mean, in any way,

Mr. Fitzgerald continued.....

to interfere with a local resident who decided to get a photograph of an animal, by any stretch of the imagination. Basically, that is the reason for it.

BILL #25

Mr. Chairman: Are we clear? (Mr. Chairman reads section 22, subsection (1).)

Mr. Stutter: Mr. Chairman, that's just the way it is worded in the Ordinance.

Mr. Legal Adviser: Mr. Chairman, the word "pelts" has been omitted. The old Ordinance reads "respecting the sealing and marking of pelts of any specified species of game..." It may be that other parts of an animal, apart from pelts may have to be marked.

Mr. Chairman: Why was that word, "pelts", taken out?

Mr. Legal Adviser: Well, there are other parts of an animal that may require marking, such as antlers and so on, in accordance with permits and so on. It is restrictive to say "pelts".

Mr. Chairman: Clear? (Mr. Chairman reads section 22, subsection (2), and section 23.)

Mr. McKinnon: Mr. Chairman, I've made my point on like sections of 22 and 23 before. I'll repeat them. I don't think that the schedules should be removed from the Ordinance. I also think that a schedule of fees should be included with the Ordinance. If there are licence fee changes coming about in the Ordinance, they should be included as part of the Bill that we are studying. I think that we should have a schedule of the fees before us at this time.

Mr. Chamberlist: Mr. Chairman, does the Honourable Member suggest that the schedule should be in the Ordinance or with the Ordinance at the time of the reading?

Mr. McKinnon: Both.

Mr. Chamberlist: Well, when the Honourable Member says both, I want to get it clear whether he wants -- we would be quite prepared to get a schedule for when we go through this Bill again and present it, but it will not be in the Ordinance. It will be in the regulations.

Mr. McKinnon: I disagree, number one, that the schedules are removed from the ordinances, which has been a practice. I've made the case before and I've lost it. I'm not going to take the time of Committee by making the same arguments again. I disagree all the way through where you have removed the schedules of fees. I think these should be in the Ordinance. These should be part of the Ordinance. Number two, if they aren't going to part of the Ordinance, then at least the schedule should be brought before the Council at the time of discussion of the Bill, so that we can see what the fees are. I disagree with the removal of the schedule and also with not having the schedule here.

Mr. Chamberlist: Mr. Chairman, I can assure the Honourable Member that there will be the schedule available next time we read this Bill.

Mr. Chairman: Clear? (Mr. Chairman reads section 24.)

Mrs. Watson: Mr. Chairman, this game sanctuary is no longer required. At one time, I believe, the Superintendent of the Experimental Farm thought it was necessary to have a game sanctuary to protect the herds of cattle that they had on the farm. Since the farm does not operate as such, there is certainly no need to have this game sanctuary, particularly when it is in the same area where we have the huge Kluane Game Sanctuary.

Mr. Chairman: Clear?

BILL #25

Mr. Chamberlist: Yes, Mr. Chairman, I have waited until the end to get an intimation from Mr. Reynolds as to whether he can tell Committee if his own organization is disciplining members of the organization who have failed to supply the needs of hunters who come in and pay to hunt.

Mr. Reynolds: Are you asking the Association and the members of it to tell another outfitter that he has not the right to continue outfitting?

Mr. Chamberlist: No, I didn't -- I will repeat my question. As president of the Association, I understand that Mr. Reynolds is the president, has the Association, in any way, set up a disciplinary committee where there have been complaints made that the hunters who have joined their guiding outfits have not had sufficient food during the time that they have been out on a hunt?

Mr. Reynolds: No, there is no committee or ...

Mr. Chamberlist: That's all I wanted to know.

Mr. Chairman: Have there been any complaints, possibly?

Mr. Reynolds: There haven't been any complaints aimed at the Outfitter's Association.

Mr. Chamberlist: Well, now that Mr. Chairman has helped you -- I wasn't going to go any further. Mr. Chairman, when Mr. Reynolds said that there haven't been any complaints to the Association, is Mr. Reynolds aware that there have been complaints made, notwithstanding?

Mr. Reynolds: I am aware that there have been complaints made to the Game Department.

Mr. Chamberlist: Thank you.

Mr. Tanner: Mr. Chairman, could I ask Mr. Reynolds if his Association, having heard of these complaints, has talked to these people or done anything about them, or did they leave them up to the Game Department to look after?

Mr. Reynolds: I might say that the type of complaint was not what has been implied. I have heard no complaints of being underfed. There have been other complaints. One of the things is covered here, section 11 of the proposed amendments. This was omitted from discussion here. The other half of it, we were dealing with Canadian citizenship, and the rest was omitted. It is lack of equipment and so on.

Mr. Chairman: I wonder if the witnesses may be excused at this time. Is it your wish that I report progress on this Bill? Thank you very much, gentlemen for joining us this afternoon.

Exit Mr. R. A. Hodgkinson, Mr. J. B. Fitzgerald, and Mr. S. Reynolds.

Mr. Chairman: What is your further pleasure?

Mr. Chamberlist: Mr. Chairman, I move that the 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? I declare the motion carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker resumes the Chair.

Mr. Speaker: This House will now come to order. May we have the report from the Chairman of Committee?

Mr. Chairman: Mr. Speaker, Committee convened at 10:25 a.m. to discuss Public Bills. Committee recessed at 10:40 a.m. and reconvened at 2:00 p.m. this afternoon. It was moved by Councillor Chamberlist, seconded by Councillor Tanner, that Bill No. 14 be amended by deleting the proposed new section 18 of the Ordinance, and substituting therefor the following: "18. (1) There shall be paid to every Member of the Council, expense allowances as follows: (a) twenty-five dollars per day to Members of Council who are absent from their normal place of residence attending (i) Sessions of Council, (ii) meetings of Committees of Council, (iii) meetings at the request of Council, within the Territory from the day immediately prior to the Session or meeting until and including the day immediately following such Session or meeting; (b) thirty-five dollars per day to Members of Council attending, (i) meetings of the Committees of Council, or (ii) meetings at the request of the Council outside the Territory from the day of departure from their normal place of residence until and including the day of return; and, (c) travel allowances to and from, (i) Sessions of the Council, (ii) meetings of the Committee of the Council, or (iii) meetings at the request of the Council, not exceeding seventeen cents per mile; (2) For the purpose of this section, Members of the Council, elected by the Council, to the Executive Committee shall be deemed to reside at the seat of government." This motion referred to the Elections Ordinance, Mr. Speaker, and it was carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 14 be reported out of Committee as amended. This motion carried. Mr. R. Hodgkinson, Mr. Stan Reynolds, and Mr. J.B. Fitzgerald, Director of Game, attended Committee to discuss Bill No. 25. It was moved by Councillor McKinnon, seconded by Councillor Tanner, that subsection (3) of section 1 of Bill No. 25 be deleted. This motion carried. I can report progress on Bill No. 25. 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? I declare the motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Speaker: May I have your further pleasure.

Mr. Taylor: Mr. Speaker, in respect of the agenda, I believe it is the intention of Committee to meet tomorrow to deal with the Transportation Bill, shortly after Orders of the Day.

Mr. Speaker: May I have your further pleasure.

Mr. Stutter: Mr. Speaker, I move that we now call it 5:00 o'clock.

Mr. Tanner: I second that motion.

Mr. Speaker: It has been moved by the Member for Dawson City, seconded by the Member for Whitehorse North, that we now call it 5:00 o'clock. Are you prepared for the question? Agreed? I declare the 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 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 ...

Mr. McKinnon: Mr. Speaker, I would like to rise on a question of personal privilege at this time. I think that there was misinterpretation and perhaps there was actually some mistake in some of the remarks and misinformation given to the House according to the price of beer for off premises sale and consumption, yesterday. I would like to clarify the issue, if I may, so that there will not be any information that I gave misinformation to this House intentionally. The fact of the matter is that the fee for the twenty-four hour sale of beer, and this is the only licence that I was talking about in my remarks, the beer has been raised and it runs now from \$6.50 in some licensed outlets, \$7.20 to a maximum. There has been actually no fixed set rate of beer for the twenty-four hour licence set by the operators of these licences. The beer does run, in different categories, anywhere from \$6.50 to \$7.20. The point that I made, and I think it is still valid, is that \$6.50 is pretty close, I feel, to a maximum that can be charged at this time because this means that there is \$2.40 being made for just the privilege of setting a twelve pack of beer over the counter. However, it is not the same price amongst all licensed outlets. There is still some competition allowed and, I think, at this time, because I abhor the idea of fixing prices but as long as there is a variation in prices, it doesn't appear that a level has been set by all the operators, then I would indicate or would suggest that there be a price fixed by the Government at this time. The licence I was talking about was only the licence for the twenty-four hour sale of beer and there is not a set price. The price runs anywhere now from \$6.50 to \$7.20 and I think I intimated that it was \$7.00 right across the board; this is incorrect. There is still a level of prices so the price is not set everywhere the same. Thank you, Mr. Speaker.

Mr. Speaker: Are there any Documents or Correspondence to be tabled? Are there any Reports of Committee? Are there any Bills to be introduced?

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 32, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be introduced.

*BILL #32  
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 Papers or Motions, 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?

Mr. Tanner : Mr. Speaker, I have a question for the Commissioner. In the Second Session of the last Council, Sessional Paper No. 8

*QUESTION RE  
SESSIONAL  
PAPER #8*

Mr. Tanner continued ...

presented an investigation into the high cost of living and also the Honourable Ron Basford, Minister of Consumer Affairs, would report to the Yukon to investigate the high cost of living. Could the Commissioner tell me what action has been taken since the Minister's reply saying that he was unable to advise regarding a visit to the Yukon at this date. What further action has been taken?

Mr. Commissioner: Mr. Speaker, the whole exercise is buried in the greatest amount of bureaucratic gobbledegook that you could ever see in your life. The thing has come absolutely to naught and I can assure you that that is exactly where it is going to stand because I don't see any way of doing anything at all about it. I believe there has been correspondence back and forth between the Honourable Minister's Office and my Officers and nothing has come about. I believe there was some suggestion that we go out and hire somebody to take a look around, and I think my reply was that it was costing us enough money to live now, without hiring some more experts to tell us how much more it was, so that is where the matter stands.

*QUESTION RE NORTHWEST TERRITORIAL COUNCIL* Mr. Taylor: Mr. Speaker, I have a question that I would like to direct to the Administration this morning and ask Mr. Commissioner a question referring to a request to the Northwest Territorial Council for a meeting with this body, and I am wondering if the Commissioner has yet received that request.

Mr. Commissioner: Mr. Speaker, it has never come to my attention. I think I am perfectly correct in saying that it has never been received, period.

*QUESTION RE LABOUR* Mr. Stutter: Mr. Speaker, I have a question for the Commissioner. Can the Administration give some assurance that protective measures are about to be taken to ensure that local labour will be used within the Yukon wherever possible?

Mr. Commissioner: Mr. Speaker, this assurance I cannot give. I answered a question yesterday in this connection in which I intimated that a legislative remedy was being looked at and further discussions hopefully would emanate during this Council Session. As far as being able to give the assurance that the Honourable Member is asking for, Mr. Speaker, it is absolutely beyond my competence to do so.

*QUESTION RE LABOUR LEGISLATION* Mr. McKinnon: A supplementary question, Mr. Speaker. I wonder if Mr. Commissioner could tell us what the basis of the legislation will be and whether it will be ready for this Session of Council.

Mr. Commissioner: Mr. Speaker, there are several basis that are being examined. It will not be ready for this Session of Council. Mr. Speaker, I promised an answer to the Honourable Member from Watson Lake, yesterday, concerning two Commissioner's Orders; one that applied to the Watson Lake area and one to the Teslin area. The Honourable Member's question was, "Was there consultation with the districts involved prior to the promulgation of these orders?" I can answer on behalf of the Watson Lake order at this time to say that this was promulgated as a consequence of suggestions from the Local Improvement District Trustees. I was not able to get an answer concerning Teslin, at this time, but I will do my best to have that available for the Honourable Member tomorrow. Mr. Speaker, a question that was raised some time ago, not at this Council but at a prior Council, had to do with a request that as a consequence of the equalization of power rates in the Territory that we would attempt to negotiate with the Northern Canada Power Commission for them to absorb the equalization which, at the present time, is coming from the general tax revenues of the Territory. I think that the Honourable Members will know that we have two sources of funds for the equalization of payments at the moment; one source is the income tax

Mr. Commissioner continued ...

rebates from the Yukon Electrical Company and this is used to equalize rates within the franchise areas of the Yukon Electrical Company. The balance of our funds for equalization comes from the general revenues of the Territory. I would like to confirm that we have been successful in the Mayo and Faro areas, and that is that the Northern Canada Power Commission has confirmed that it is prepared to absorb the equalization rebates for Mayo and Faro retroactive to April the 1st, 1970. I am sorry I cannot extend that further, but I wanted to confirm to Council that this has been received and will be forthcoming.

Mr. Taylor: Mr. Speaker, as much as these funds arrive on a yearly basis, in light of the amount of money which may be received this year, will it be possible to further extend rate equalization to commercial operators during this fiscal period?

*QUESTION RE  
RATE  
EQUALIZATION*

Mr. Commissioner: Mr. Speaker, this has been looked at and the answer, I am afraid, has to be in the negative. We are not in a strong enough financial position with regard to rebate money to extend the equalization anything further than the residential users that it is going to at this time.

Mr. Taylor: Mr. Speaker, I have a supplementary question. In relation to these funds and the unused portions thereof; will the interest accruing from the investment of these funds be put back into the fund or do they go into general revenue?

*QUESTION RE  
FUND INTEREST*

Mr. Commissioner: Mr. Speaker, this is being accounted for as a separate item and any interest that is attributable to these funds becomes part of the total package.

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner whether there has been any correspondence between the City of Whitehorse, the Territorial Government and the Central Mortgage and Housing Corporation on the availability of funds for a sewage treatment plant for the City of Whitehorse.

*QUESTION RE  
SEWAGE  
TREATMENT  
PLANT*

Mr. Commissioner: Mr. Speaker, I cannot confirm that there has been correspondence between the three parties that the Honourable Member refers to. I can say that we have made a representation to the Federal Government, to the Department of Indian Affairs and Northern Development, concerning sewage treatment facilities throughout the Yukon Territory. This was as a consequence of a report that was made on our behalf by the engineer, the sanitary engineer, for the Department of Health and Welfare from Vancouver, a Mr. Wishart, and I am not in a position to confirm that funds will be made available for the requirements of this report, but I am certainly very hopeful that there will be some indication in the near future that we will be able to pass on in this connection. It is not only the question of the City of Whitehorse. I realize that the element of concentration is great here, but we have problems in other communities. In fact, there are only, to my knowledge, two areas in the Yukon where raw sewage is being treated before being emptied into the water sources of the Territory. One treatment plant is at Faro and the other is at Clinton Creek. I am sorry that I cannot confirm or deny the immediate question that the Honourable Member asks, but what I have stated is what is going on at this time.

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to the Minister of Health, Welfare and Rehabilitation this morning related to the anticipated influx of transients this summer seeking employment in the North and in the Yukon Territory, and I am wondering if he can inform me as to what the policy will be in relation to these people. Will we feed them all summer or will we buy them a bus ticket and send them back to provincial jurisdiction?

*QUESTION RE  
SUMMER  
TRANSIENTS*

Mr. Chamberlist: Mr. Speaker, in answer to the Honourable Member's question. Each matter will be dealt with on its own individual merit. It is not the intention of the Government of the Yukon Territory to use the government's funds for purposes of maintaining a high influx of people who are looking for handouts. However, we will deal with each individual case.

*QUESTION RE POLLUTION - VENUS MINES* Mr. McKinnon: Mr. Speaker, I wonder if I could ask Mr. Commissioner whether he would have his staff prepare a Sessional Paper on the pollution problems that are being faced out at Venus Mines.

Mr. Commissioner: Mr. Speaker, I think that this can be done. I will have the Resources people put this package together. I have had the opportunity and the Honourable Member from Whitehorse East has too, of seeing this particular problem from the air last week. I can only say that it appeared to have the possibilities of seriousness particularly when the weather gets a bit milder and I would only be too happy to request the resources people to bring forward the paper that the Honourable Member has asked for.

*QUESTION RE PAYMENT DELAY* Mr. McKinnon: Mr. Speaker, I would like to ask the Commissioner another question. I am constantly hearing complaints from suppliers to the Government that there are long delays in getting paid for the supplies that they provide to Government. The Northwest Territories just passed a motion and by it the Government is going to have to pay interest on unpaid accounts. I wonder whether, if such a motion were passed by this House, whether the Government of the Yukon Territory would look upon it favourably and put it into action.

Mr. Commissioner: Mr. Speaker, I am not very proud of the fact that we find ourselves in the position of being properly criticized for our apparent administrative incompetence in this matter. It is one thing being criticized for our policy, I think that is justifiable criticism, but when we are not able to justify our ability to pay our bills, I think that we have to do something about it. I am hopeful that as a consequence of internal discussions that such a motion or such a request as has been suggested by the Honourable Member will not be necessary. Therefore, I will hope that I will be excused for answering the finality of this question.

Mr. McKinnon: Mr. Speaker, I have one final question for the Commissioner that was asked of me by a member of the public this morning, and I am afraid that I couldn't answer him. It was, considering the way the Government of the Yukon Territory was behaving these days, whether there was any significance at all in the timing of the takeover of Justice being on April Fool's Day.

Mr. Commissioner: Mr. Speaker, this was a date that was negotiated by the Honourable Members of this Council in consultation approximately 18 months ago, with the Minister of Justice. The Administration had nothing at all to do with the date.

Mr. Speaker: Are there any further questions?

*QUESTION RE TRAILER ASSESSMENT* Mr. Taylor: I have just one further question, Mr. Speaker. I am wondering if Mr. Commissioner would, if possible, table briefly a document which would indicate how trailers were assessed in the Yukon Territory -- by what method?

Mr. Commissioner: Mr. Speaker, the answer is in the affirmative.

Mr. Speaker: 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.

*BILL #14 AMENDMENT FIRST READING* Moved by Councillor Chamberlist, seconded by Councillor Watson, that the amendment to Bill No. 14, An Ordinance to Amend the Elections Ordinance, be given First Reading.

MOTION CARRIED

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

*MOTION  
CARRIED*

*BILL #14  
AMENDMENT  
SECOND  
READING*

MOTION CARRIED

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson, that Third Reading be given to Bill No. 14, An Ordinance to Amend the Elections Ordinance.

*MOTION  
CARRIED*

*BILL #14  
THIRD  
READING*

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that Bill No. 14, An Ordinance to Amend the Elections Ordinance, be given Third Reading at this time. Are you prepared for the question?

Mr. McKinnon: Mr. Speaker, before the question is called on Bill No. 14, I will be opposing this Bill as I have opposed the increase in increments all the way through. However, I think there is one very important aspect of this Bill which hasn't been taken into consideration but I stood on my feet numerous times and asked for it. I find it extremely difficult, in fact next to impossible, to operate and give the best service available to my constituents with the availability of office space and personnel that is given to Members of Council. I say that I have, not by choice but rather by design, found myself in a position of opposing both of the policies of the Government of the day and I find it very difficult with my filing cabinet up on the window sill, spread over various coffee rooms and offices around the Federal Building, no place to interview a constituent; no place to be able to make a phone call; no place to get secretarial help; no place to be able to find an office where one can work undisturbed with some secretarial help. I find it extremely difficult and almost impossible to give my best to my constituents and to the people of the Yukon Territory. You will also find, Mr. Speaker, that this is the only legislative body, I think outside of the Northwest Territories, that has any type of representative government that doesn't provide some indemnity or some type of availability of staff and space for opposition members to be able to work for their constituents and on behalf of the people that they represent. I think that it is an extremely dangerous practice being set here, making it extremely difficult for members of the opposition to fill their roles properly, and I pleaded with Members of the Administration and Members of the Government before to make some space, to make some money, to make some help available so we can effectively and properly fulfill our function. I think all Honourable Members, whether Members of the Government or not, will realize that the only way that this House can function properly is if those Members who are in opposition are given full latitude to be able to express and to be able to cope with the problems that they face every day. I have asked before on several occasions for the Government to give some consideration to the very perplexing, very important problem. I find nothing in Bill No. 14 that will allow any succour at all to those people who are in an opposition type of situation and I think it is incumbent upon the Government to provide the facilities, to provide some help so that we may effectively function. Thank you, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, if I might reply to the Honourable Member that the Government of the Yukon Territory is quite in agreement with the outline that has been given as far as the lack of space and facilities for Members of Territorial Council. It is hoped that within the very near future, after the administration of Justice has been taken over and more space may become available in the Federal Building, that every consideration will be given to the requests that have just been made and quite properly made, Mr. Speaker.

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

MOTION CARRIED

*BILL #14  
TITLE  
ADOPTED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 14, An Ordinance to Amend the Elections Ordinance, be adopted as written.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 14 has passed this House.

*BILL #28  
FIRST  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 28, An Ordinance Respecting Mentally Disordered Persons, be given First Reading.

*MOTION  
CARRIED*

MOTION CARRIED

*BILL #28  
SECOND  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 28, An Ordinance Respecting Mentally Disordered Persons, be given Second Reading.

*MOTION  
CARRIED*

MOTION CARRIED

*BILL #29  
FIRST  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 29, An Ordinance Respecting the Expropriation of Lands and the Determination of Compensation for the Expropriation or Injurious Affection of Lands, be given First Reading.

*MOTION  
CARRIED*

MOTION CARRIED

*BILL #29  
SECOND  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 29, An Ordinance Respecting the Expropriation of Lands and the Determination of Compensation for the Expropriation or Injurious Affection of Lands, be given Second Reading.

*MOTION  
CARRIED*

MOTION CARRIED

*BILL #30  
FIRST  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 30, An Ordinance to Amend the Evidence Ordinance, be given First Reading.

*MOTION  
CARRIED*

MOTION CARRIED

*BILL #30  
SECOND  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 30, An Ordinance to Amend the Evidence Ordinance, be given Second Reading.

*MOTION  
CARRIED*

MOTION CARRIED

*BILL #31  
FIRST  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 31, An Ordinance to Amend the Municipal Ordinance, be given First Reading.

*MOTION  
CARRIED*

MOTION CARRIED

*BILL #31  
SECOND  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 31, An Ordinance to Amend the Municipal Ordinance, be given Second Reading.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Speaker: What is your further pleasure?

Mr. Chamberlist: 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 Bills.

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

Mr. Speaker: Moved by the Member from Whitehorse East, seconded by the Member from Dawson, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills. 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. Taylor takes the Chair.

Mr. Chairman: In Committee this morning, we will be starting with Bill No. 17, An Ordinance to Establish a Transport Public Utilities Board in the Yukon. I think at this time we will take a brief recess.

RECESS

*RECESS*

Mr. Chairman: At this time we will call Committee back to order. We have with us today, Mr. Gordon Gee of the Transport Association, and Mr. H.J. Taylor, Registrar of Motor Vehicles, who will assist us in further discussions in regard to Bill No. 17, namely An Ordinance to establish a Transport Public Utilities Board in the Yukon Territory. I believe when we last sat on this matter, we asked Mr. Gee and his Association to prepare some suggestions in relation to this Bill, and I believe Mr. Gee has the -- and would like to circulate the suggestions now. Inasmuch as the Bill has been read, I think if Committee would agree, that possibly the best approach to this matter would be if we take clause by clause, section 1, 2, 3 and so forth, and if anyone has any comment to make on it, or a recommended change, we can deal with it at that time. Is this agreeable? Before we proceed, do you have any preliminary remarks you would like to make, Mr. Gee? BILL #17

Mr. Gee: No, I don't think so, Mr. Chairman. I would say we can deal with each section as we come to it.

Mr. Chairman: Okay then. Are we clear on section 1? Clear? Now we come to section 2. I believe, Mr. Gee, you have some recommendations in respect of section 2.

Mr. Gee: Yes, I have, if I can find it. Yes, on section 2, we have a recommendation here that the Ordinance be amended to include definitions of various classes of vehicles. We have a copy of that here, the way we have spelled it out.

Mr. Chamberlist: The object, Mr. Chairman, I wonder...

Mr. Gee: The object is to define -- to be able to define whether a vehicle is a public service vehicle, or a private vehicle, or a restricted vehicle. In this Ordinance here it is not spelled out. It is just a public service vehicle. It is not spelled out what would be a public service vehicle.

Mr. Chamberlist: Well, Mr. Chairman, I would like to draw the witness's attention to section 2 (2). Any term used in this Ordinance which is defined in the Motor Vehicles Ordinance and not in this Ordinance, shall have the meaning given to us in the Motor Vehicles Ordinance. So it is spelled out in the Motor Vehicles Ordinance.

Mr. Legal Adviser: Not all the time. Well, Mr. Chairman, there is just one point about this of which I am not sure that the witness and Committee would understand the basis. When you are formulating legislation, you define something which is afterwards mentioned in the Ordinance itself. The purpose of the Ordinance is not to define the various classes and give conditions. This should be done by the Board, and by regulations under the Ordinance. So the various prices for licences, the various categories into which they will be divided will be segregated by regulations and most of these categories will in fact be used in the legislation. Definitions do not lay out conditions. They only define what you are talking about legally in the Ordinance.

Mr. Gee: Will it not be a separate licence? This is not your actual registration of vehicles, though?

Mr. Legal Adviser: This is not a registration of vehicles as such, this is merely designed to give an authority. The authority will contain the conditions. So, an authority will be given to a transport public utility and that authority will set out the classes of vehicles they can operate within that authority and presumably whether they are a locally registered firm or an outside firm, the numbers of vehicles they can operate on the terms of the authority.

BILL #17 Mr. Gee: Where are they spelled out. I don't see anything where it is spelled out how a vehicle is classed.

Mr. Legal Adviser: The classification will be in the -- either the motor vehicles in relation to the type of vehicle, a truck, tractor and so on, which is one form of classification, that is the width of the thing, whether it is a pickup, the size of it, whether it is a carrier which has got a truck tractor, plus trailer, truck tractor plus two trailers and so on, they will be all in fees; but the authority to charge money to the public for bringing up we'll say, a load of furniture from Calgary, only people who have an authority under this Ordinance will be able to do that, and the Board will not in the first instance be particularly concerned whether or not the person operating the authority chooses to use a pickup or a pantencahiton.

Mr. Gee: The question is not the type of vehicle used. The question is, is it a public vehicle, or is it a contract vehicle, or is it a limited public vehicle. On a restricted licence, when it is granted there are restrictions spelled out on a certificate. Now this would be a limited freight vehicle, but in a private carrier, if a person carries his own goods, then I say that this should be spelled out in this Ordinance. How are you going to tell which is which?

Mr. Legal Adviser: First we will get an authority to operate as a public carrier. You get authority to operate a certain number of vehicles or vehicles of a certain size, or in the case of a Yukon company, presumably the same system will continue and an expanding Yukon company will be able to add vehicles to its authority. Armed with that authority, he goes across to Mr. Taylor's office and he licences them. Now when the Board is having a hearing, it will say, we will not grant you a full operating licence; we will grant you a restricted licence. The authority will then specify on its face what he is granted and for the purposes of defining the terms easily, regulations will have to be produced, dividing the various types of authority to operate into classes pretty much the same as these. Whether it is a restricted licence for haulage, or a restricted licence for let's say, moving something or other, or a restricted licence for steel hauling, a restricted licence to a certain area, a restricted licence to a through route and so on, which are conditions attached to it. But that would be done by regulations and the Board would gear its conditions to the regulations. If we put a series of definitions in the front of the Ordinance in the manner suggested, we would be liable to have just a series of definitions never referred to a second time in the Ordinance. Our definition section is used for -- we define an inspector. An inspector means an inspector appointed under this Ordinance, and wherever inspector appears in this Ordinance, we know that it means the inspector who is appointed under this Ordinance. This is the purpose of the definition section. You don't have to put the conditions in the definition section.

Mr. Gee: Would it not be simpler to have it spelled out? Would it not be better to have it spelled out in front of the Ordinance, rather than go through regulations? Should it not be spelled out what is a public vehicle, what is a private vehicle, what is a limited type vehicle?

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

Mr. Stutter takes the Chair.

Mr. Taylor: Well, Mr. Chairman, I think that the Transportation Association raised a pretty good point here. I would like to firstly, before proceeding, I would like to ask the Registrar of Motor Vehicles a question, Mr. Chairman. I believe, it is my understanding, Mr. Taylor, that an

Mr. Taylor continued.....

attempt is being made to bring new uniformity of legislation across Canada in the area of motor vehicle legislation, and I am asking if this Bill as prepared here is keeping with provincial legislation or not, or do the provinces deal with this in a different manner than we are about to deal with it the way this Ordinance is presented?

Mr. H.J. Taylor: Well, Mr. Chairman, the Bill that you have in front of you was taken from the various sections of the provincial legislation. It is right along the same line as all the provinces have.

Mr. Taylor: Mr. Chairman, what particularly, in the two nearer provinces, for instance Province of B.C. and Alberta, is this the way that they do it?

Mr. H.J. Taylor: Well, B.C. and Alberta both -- they each have a different system. In Alberta, for instance, the Board members are all members of the Government of Alberta. In B.C. there is a entirely separate Board, but generally speaking, this is based on B.C. and the Northwest Territories legislation.

Mr. Taylor: Well, Mr. Chairman, I know there is a submission made by the Yukon Transportation Association spelling out really what we are talking about. If you go to page 3 and at the top of page 3 you'll find section 2 (2) should be deleted. This Act should contain the necessary definitions. It makes for very cumbersome legislation which refers to another act for the definitions, and I can no more than wholeheartedly agree, if we are going to set up a Transportation or Transport Public Utilities Board and provide an Ordinance under which they can work, I think that we should make every effort to spell out in this particular Ordinance all the necessary facets of the problem, and it would seem to me however we do it, if we do it by regulation, or otherwise, we should spell out what the various motor vehicles are, what they refer to, because when we get a little further on, I think section 22 for instance, where you are starting to ask these people to set out a rate, or file a rate and so forth, and various areas throughout the Ordinance you have to find out what has to be exempted and what should not be exempted, and if you classify these vehicles, then simply you can say that only this group be covered by this section and that section and so forth. Right now, I think it is too broad and I agree in essence with what is said here.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Gee can indicate whether you had some legal help with this.

Mr. Gee: Oh yes, we did.

Mr. Chamberlist: Well, Mr. Chairman, it surprises me that in the definition of a motor carrier, any person operating a motor carrier means any person operating a public vehicle or a limited vehicle. It includes any person who is the holder of a certificate. Now, a vehicle doesn't necessarily mean a motor vehicle. That has to be spelled out and yet this has not been spelled out in what a motor carrier can do. A public vehicle for the purpose -- something with four wheels on, pulled along by a horse, can be a public vehicle.

Mr. Legal Adviser: Mr. Chairman, the definition of public vehicles is an exact definition of what we call a public service vehicle.

Mr. McKinnon: Mr. Chairman, I would like to ask the Territorial Secretary whether -- how they go about -- I see the point that the Transportation Committee is trying to make, that they specify 9 different types of carriers here and they feel that there are different rules and different conditions laid down for each of these various types of definitions that they brought forth. Now, how is this taken care of -- this

Mr. McKinnon continued...

BILL #17 problem of different rules, different types of licences under the present or under the amendment of the Motor Vehicles Ordinance and the Ordinance to establish a Transport Public Utilities Board. I see that they do have a point, that there are going to be different conditions and different licences laid on for different types of vehicles. Now, how does the Board and the Motor Vehicle Ordinance solve this problem in its present form?

Mr. H.J. Taylor: Well, the authority in this Ordinance is given to the Board to issue a certificate of authority and every one of them could be different. You couldn't begin to set out all the definitions you might need in the Ordinance. Every certificate of authority could be a little bit different and you only have several definitions here, but it would not begin to cover it.

Mr. McKinnon: Well, then your point would be that you cannot cover it in these 9 definitions. You have to be flexible enough to allow for maybe each application to be somewhat different than the one prior, and under these 9 different definitions, instead of being flexible, you will be tied into quite a rigid position without being able to -- the Board would not be able to make different regulations and different circumstances for different situations.

Mr. H.J. Taylor: That is exactly right, Mr. Chairman. You couldn't tie us down to these definitions anyway, because it doesn't cover -- it is not broad enough.

Mr. Gee: I would like to hear, for instance, why it would not come under one of these definitions.

Mr. H.J. Taylor: Well, I have to know what we are speaking about. Every motor carrier, every application is possibly for a different type of commodity, which would be listed on their authority, and we would not need any of these at all. The certificate itself defines exactly what that motor carrier can do with his vehicle.

Mr. Gee: If it is not a full licence to haul anything and everything for hire, it would come under limited freight vehicle. It would be a limited freight vehicle, because it would be spelled out on the conditions of the certificate what they are limited to.

Mr. H.J. Taylor: Well, if you get down to that point, every certificate that is issued will probably be for a limited freight vehicle. I don't think there will be such a thing as a wide open authority to do anything and everything. I think, nearly every one of the provinces now specifies the actual commodity that most of the carriers can haul.

Mr. Gee: That is not true. For ourselves -- my own company, we have a licence to haul any commodity from Vancouver or from Alberta or within the Yukon Territory, and that is what you call, as far as we refer, a non-restricted licence, and we can haul any commodity. Now this is what we refer to as a public freight vehicle and it is not restricted in any manner as to what freight is being hauled. If it was restricted in any manner, then it would be a limited freight vehicle.

Mr. Chamberlist: Mr. Chairman, could Mr. Secretary indicate whether or not the certificates that are issued spell out these different classifications available.

Mr. H.J. Taylor: They don't.

Mr. Chamberlist: In that particular case, I wonder if then perhaps to satisfy the requirement, I think, I agree with other Members, the point is well taken. To satisfy the requirement, could we not in the regulations indicate, for the purpose of this Ordinance, these are the

Mr. Chamberlist continued...

specific types of vehicle type of operations, and I suggest that it's in regulations because you might want to add another classification at some time or another and it would be inconvenient to change the Ordinance to add another classification. I think this way, Mr. Chairman, it would at least spell out in the regulations the different types. I mean, would that be a sufficient compromise to Members of Committee if this was done.

BILL #17

Mr. Gee: It would be as far as we are concerned, as long as it is spelled out what a vehicle is classed, how it is classed.

Mr. Legal Adviser: Oh yes, I think this can be done. In the regulations section on the back, we can say that the regulations may divide public service vehicles into a number of classes, including -- list them out, you see, instead of the question of choosing euphonious names.

Mr. H.J. Taylor: Well, that was the intent of the Bill. The authority is already in the regulations section of the Bill as it stands right now.

Mr. Taylor: Mr. Chairman, a point of interest, when we are talking about limited passenger vehicles and so forth, we are getting into an area now in recent years whereby you can go down and lease a U-drive car, you can go and lease a 4 x 4 or pickup or indeed you can lease a tractor-trailer, if you want to, and I am just wondering what kind of licence you sell these people? Certainly a U-drive is like a car as such, you have a U-drive plate, but you see vehicles, 4 x 4's and other trucks around the Territory that are on a rental basis that don't have a U-drive licence. In other words, how do you licence these things without having this type of category.

Mr. H.J. Taylor: Well, I don't think I follow the question.

Mr. Taylor: Well, they are public service vehicles, because they are hired out for compensation and reward.

Mr. H.J. Taylor: They are hired out to an individual or a company. They then have to be licenced by the individual or the company that leases them.

Mr. Taylor: Yes, but in what category; for instance, a 4 x 4 is a truck.

Mr. H.J. Taylor: Well, in whatever category they come under the gross vehicle weight section of the Motor Vehicles Ordinance or under -- they could be under one of these of course.

Mr. Legal Adviser: I think the answer is, and Mr. Taylor may agree with me, if the person, let's say, has got a licence of the type which Mr. Gordon Gee has and he gets a contract for a special load or a special series of loads, but he hasn't got the trucks himself, his licence is broad enough to allow him to bring in from B.C. or Alberta a special vehicle of this type, obtain an extension of his licence or the necessary authority to operate it under his public freight service licence and operate that vehicle. He registers then for freight purposes and taxation purposes. He registers in Mr. Taylor's office and he registers as the owner, even though he is renting it and the person registered in that way is deemed to be the owner for all purposes. Now, again, this leads to a difficult situation. As I understand it, no province has yet succeeded in solving this problem of firms which are in specialized businesses providing tankers and large trucks, and lease their operation out truck by truck or a group of trucks on through-haul through the various provinces, and they in effect are evading by using operators' licences who are legally licenced in the various jurisdictions. They are evading the totality of federal regulations and provincial regulations to drive a coach and four thru the controls which this House is trying to impose on outside businesses. Now, this is a problem and it is like a boil. It

Mr. Legal Adviser continued...

*BILL #17* may have to be lanced, but we may have to wear it until it is ripe enough to be lanced.

Mr. Taylor: Mr. Chairman, this is just the point though. It seems so clear the way it is set out, that you don't run into this problem of trying to interpret what is what; you know, how you licence a 4 x 4. People don't licence, they go out and rent a tractor-trailer and they'll say okay, what do you want for this tractor-trailer - so much a mile, so much a day - fine and they'll go out and haul goods for somebody else, and it becomes rather complicated to cross provincial jurisdictions, and they are all over the country. Maybe they work for a mining company, or -- it is very difficult. But it seems to me that under the proposal here to spell out these various categories, we can solve this problem and I think it would save what you might term, a lot of administrative hangups in the operation of this particular piece of legislation, and it seems to me a very logical approach to what could be a very difficult problem.

Mr. Legal Adviser: I don't think Mr. Gee would be vain enough to suggest that this actually is such a big problem. If this piece of legislation or this suggestion could solve this problem, it is going to get worse before it gets better. Mr. Gee could retire on the copyright of this brief and he would be paid a consultant's fee by every province in Canada for life.

Mr. Gee: My only answer there is that as we deal with it, we do say that a private carrier must have bona fide freights, i.e. it must be his own freight. I don't know if I will get away with that; I don't know if that is legal.

Mr. McKinnon: Mr. Chairman, I wonder if we are not approaching this the wrong way. I am really amazed to see the amount of work that the Transportation Committee has done on this. I wonder if it wouldn't be in the best interest and in the interest of this House, if the Transportation Committee, their legal representation, were to meet with Mr. Taylor and with Mr. Legal Adviser, because I am sure there are many areas here that will be acceptable to the Government of the Yukon Territory, and it will need redrafting. And those areas which are acceptable to both sides could come back in a final draft form; in those areas on which there is not a meeting of the minds, they are areas on which the Council will have to make a decision, and what really should be the work of this Council before this table. I think that we are going to spend an awful lot of time involved in something that I know very little about and really don't understand that well. It could be resolved at a meeting between the Transportation Committee and our Director of Motor Vehicles and our Legal Adviser, and the only decision that would have to be made by the Council is on those areas where the two people cannot see eye to eye, and I think it would really save the time of this House, and it would be a much more effective way of dealing with the legislation that is before us at this time.

Mr. Chamberlist: The Honourable Member has some merit, but the time factor is another thing. Now, whether or not we will be able to, as has been suggested, get this through in this Council Session, is not a problem. Now, it is according to how seriously the Transportation Association wants this legislation worked through here, as long as they understand that if this recommendation was made, and it was carried out, and we were unable to complete this in time, it would mean at least the next Session of Council in the fall before anything would be done. And I would like to hear what Mr. Gee has to say in regard to this particular suggestion that has been made.

Mr. Gee: Now, the Association wants to see some kind of a transport act as soon as possible, but I don't think that they want it bad enough that we may end up with some bad legislation.

Mr. Chamberlist: Right.

Mr. McKinnon: This is the point that I am making, Mr. Chairman, if we are making an act like this, we should have the best possible act that we can manufacture at the territorial level. I think that the best way to go about this is, and I am positive -- we come to the first section here and we see where the Territorial Secretary's office says that this is much too rigid and the head of the Transportation Committee says you show me why all these different classifications are not included. I don't think that the Council should be interested in this type of a squabble between -- this type of disagreement, and you can hammer it out and come back to Council. I think we could save a heck of a lot of time of Council and I think that we all end up with better legislation. I would like to congratulate the Transportation Committee for the thorough work that they have done on this; I thought that we might get a few minor changes proposed to us and I really think that they have gone into this in depth. This is good and I think that out of this work the best legislation possible will come forth. I agree wholeheartedly with Mr. Gee. Why be in a real rush for legislation? It might not be just what we want, but look at it and look at it hard and long and come up with the best type of legislation we can. I think that this is the type -- the way of going about it and I would suggest, Mr. Chairman, if it is possible, we ask Mr. Gee, his legal advisors, the Territorial Secretary and our Legal Adviser to get together and see how much of a meeting of the minds they can have with the proposed Ordinance and the amendments the Transportation Committee has come up with, and then come before Council for a decision on this.

BILL #17

Mr. Chamberlist: Mr. Chairman, there is of course a very important factor that perhaps has been overlooked and that is the recognition of this piece of legislation. It is not specifically there for the protection of the Transportation Association. It is there for the protection of the public, and this is where we have to give consideration to this as well, and whether or not it is necessary for the public to be protected earlier than next fall. Now, I am wondering, Mr. Chairman, if Mr. Legal Adviser can indicate whether this suggestion that has been made by the Honourable Member from Whitehorse West can be carried out and still that we can complete this piece of legislation this Session.

Mr. Legal Adviser: Well, Mr. Chairman, I just had a quick glance through this, the first chance I had this morning, and it appears to me that the members of the group who are submitting the brief are confining themselves basically to the terms which deal with giving authority to them to operate, and the protection. It seems to me that this -- take all of the suggestions. It is quite a bit tougher, as far as the members themselves are concerned, than this House was prepared to pass. So, I can't say I am glad of this; I am just cheered up by it. So, I certainly have no objection, and if you want this legislation through, I would like the House briefly to discuss a few of the highlights of the brief. The details as far as I can see -- it looks as if all the details can either be accepted, or is already in, in a slightly different form. Now, if we work at night at it, if somebody is prepared to organize a few dinner meetings, I am prepared to attend. I think with a couple of evenings' work, if they attended with the Territorial Secretary and myself, then if we just either satisfy them that this would be acceptable to them in the framework of their brief, or where it was not acceptable, we would -- I think the correct group of people that we would report back to would be the Members of the Executive Committee, and then if the Executive Committee accepts the policy, then it would come back as a changed bill in due course, because it is the Executive Committee basically that decides the -- the Sub-committee on Legislation of the Executive Committee, which basically has to decide on this policy.

Mr. Legal Adviser continued...

*BILL #17* But the House is meeting and this urgent legislation is before the House, and if this legislation is wanted, these changes of details -- I think we could have a piece of legislation ready for the House before the House rises, if, as my guess is, the House was hoping to rise on next Friday fortnight. We would try and have it ready before that time. To guide the people who are going to put input in the draft, I think there are a few points here that need to be expanded on by Mr. Gee. One of them is that the suggested draft changes where Commissioner appears, Executive Council. In the first place, there is no Executive Council; it is Executive Committee and the Commissioner acts on the advice of the Executive Committee. I don't think it is necessary to insert this. The whole House has seen how the Commissioner has acted since this Committee was appointed, but apart from a few points like that, I think it's a tougher bill and 90% of it could be either incorporated or explained, and this might save the time of the House.

Mr. Chamberlist: Well, Mr. Chairman, can we not then follow the suggestion that has been made, that we go through it and raise a particular point and at least when the -- both groups get together, they have something specific on which to -- they can look into. So, I wonder if we can continue. We have already indicated that this first area should be spelled out in the regulations.

Mr. Taylor: Mr. Chairman, just before we conclude here, I would like to say, you must understand that if we do this, it is all going to be duplication. It all has to be done twice, unless as Mr. Legal Adviser suggested, there may be some highlights that possibly over the noon-hour recess we're able to determine what these general highlights are and maybe we can deal with them, rather than go in detail twice over the same piece of legislation. If this is acceptable, Mr. Chairman...

Some Members: Agreed.

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

Mr. Taylor resumes the Chair.

Mr. Chairman: Are you prepared to come back at 2:00 o'clock?  
Excellent. I think in light of the situation at the moment, we will stand Committee in recess till 2:00 o'clock.

*RECESS*

RECESS

Mr. Chairman: At this time we will call Committee back to order. I wonder, Mr. Legal Adviser, if you would care to elaborate on where we sit at this point.

Mr. Legal Adviser: Mr. Chairman, what we have attempted to do, is to sit down and summarize the brief which was submitted by the Transport Association and try to separate the wheat from the chaff, so to speak. Where there is minor drafting changes these would automatically be conceded, assuming that we could fit them in. Where there are major things, we have attempted to comment on what they are. The first section of the brief, is in section 2, and so far as we can see, these are all suggestions concerning definitions and classifications, and we intend to take care of these points all in regulations. The main point was, that when -- Mr. Gee made the point, that when an operator is applying to the Board he wants to know in advance the classifications available to him to apply, when the applicant advertises, his opponents want to know the particular classification into which he is fitting so that if they have a valid objection, they can legitimately make it. At present, the form of advertising doesn't necessarily reflect the application and there is a certain amount of doubt. There is no question that this area should be tightened up in regulation, and they should know what they are facing, both sides; both the applicant and the objectors.

Mr. Chairman: I wonder if we could just deal with them a section at a time? Is this agreeable to Mr. Gee?

Mr. Gee: Yes, it is agreeable to us, so long as the classifications are set out somewhere. As far as I am concerned, I would say it is okay if they are in regulations, so long as it is spelled out, and that a person knows exactly what he is applying for, and an objector knows what he is objecting to.

Mr. Chairman: Would Committee agree? Alright, now we will move to section 3.

Mr. Legal Adviser: In section 3, the suggestion is that they tighten this up a little bit. They suggest that in addition to having the certificate, that he display a copy of the certificate on his vehicle, and this certainly appears a very reasonable suggestion.

Mr. Gee: Either displays or carries a photocopy of the conditions of licence.

Mr. Chairman: Does Committee agree?

Mr. Legal Adviser: On section 4, it is a tough one. What they basically want is a full-time Chairman, and they want the Board to be appointed by the Executive Council, which I take it, that they mean the Executive Committee. I don't think the Administration would accept the change, and this will affect these ten sections throughout. I don't think that the Administration, I know the Council will have individual views on this, will accept that the Executive Committee, or the Executive Council, should be involved in these appointments. It is a thing that has been thrashed out before, and the Commissioner is directed in this field to accept the advice of his Executive Committee, he must accept it by this direction, and we have always used the expression 'Commissioner' and this is all I have to say about the appointment section. Now, so far as a full-time Chairman is concerned, there is no doubt that what the Association suggests is the ideal, but he wants this Board to wear a mink coat instead of a cotton frock, so to speak. This is purely a matter for the people who control the purse strings, as to whether they are prepared to pay the price for this highly desirable person, or whether we should make do.

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Mr. Gee: That isn't the intention. The mink coat isn't the intention of the full-time Chairman. The intention is that you have an act and carry out what the act spells out the Board must do. If they are going to carry out this act, and act on it efficiently, then it has to be a person that has time, ability and knowledge of running such a Board. I don't think that the suggestion that Mr. Herb Taylor, as the Secretary or Registrar, be the Chairman is the right thing to do, because I do not think that he has the time to carry out investigations, or to do any inspection work. He is a pretty busy man right now, I would say.

Mr. Chamberlist: Well, Mr. Chairman, I think that this is purely a matter for the Government of the Yukon Territory, not for the Legislation, as to who shall be a Chairman or whether there shall be a full-time Chairman. This is not a matter for legislation.

Mr. Chairman: This is a matter for the Council, is it not, Councillor?

Mr. Chamberlist: I am suggesting that it is not a matter for legislation, I am speaking as an Executive Member. It is not a matter for legislation.

Mr. Tanner: Mr. Chairman, the reason this is brought up in this brief, as I understand it, is that during the course of the first debate, the initial reading of this bill, it was mentioned that Mr. Herb Taylor would be the Chairman, it wasn't made official but it was mentioned. I personally do take exception to that. I think that Mr. Taylor's greatest function is, because he has the facilities, is to be the Secretary to the Board. As far as the appointment of permanent -- permanent appointment of a Chairman is concerned, I think basically this is a matter of trust, as the Legal Adviser has said, can we afford it? As a suggestion, would the Transport Board be prepared to make a contribution in this regard?

Mr. Gee: We already did. We have paid more licence fees, fuel tax is up. What next Well, if the act is going to be enforced, though, I think that it may cost the Territorial Government for this man, but if the act is to be enforced fully, it will take the attention of one person full-time, period.

Mr. Chamberlist: Mr. Chairman, I am not opposed to there being a Chairman, you know, because all Committees and all Boards have Chairmen. But, the suggestion that by legislation, we rule that there be -- that Council is asked to rule that there be a full-time Chairman by legislation, to me appears to be improper and an unreasonable request that is being made by the Association. I don't mind leaning over, but I have to, as well, consider many areas. To me, we are being asked to legislate something that should not be legislated, this should be left to the Government to decide as to what is the best procedure. Certainly, we agree that there should be a Chairman of the Board and also there might be much merit, Mr. Chairman, in the suggestion made by the witness, that the Secretary should not be the Chairman. This is something that should be -- must be considered, and I am not prepared at this time to give a commitment, that the Secretary, or any particular person, is to be or is not to be the Chairman, nor would I want to agree that it be put into legislation.

Mr. Chairman: One question that I might ask from the Chair, possibly of Mr. Registrar. How is this coped with in the Province of British Columbia? Who is the Chairman of the Board in British Columbia? Is he in the Government or is he out of Government?

Mr. H. Taylor: He is part of the Government, yes. In Alberta the Chairman of the Utilities Board is the Registrar of Motor Vehicles. It is the same in the Northwest Territories, the Chairman is the Registrar of Motor Vehicles.

Mr. Gee: Not in British Columbia.

Mr. H. Taylor: Not in British Columbia; they have a separate department, as a matter of fact, separate from the Motor Vehicles Department. It is a government department.

Mr. Gee: A government department, but he deals only with the Motor Carrier Branch of the Public Utilities Commission, as a full-time Chairman with a secretary.

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Mr. H. Taylor: That is because, of course, in the bigger provinces, like British Columbia and in Ontario, they are sitting every day and all day on applications; they do nothing else, but we are not quite ...

Mr. Chamberlist: That's right, circumstances are different, Mr. Chairman. I am sure that in two or three years' time as the Yukon grows and the necessity comes along where there might be a need for a permanent Board, and a permanent office, then there is no reason why the ...

Mr. Gee: We are saying that we need it now.

Mr. Chamberlist: This is a matter of opinion. I appreciate the opinion that has been given by the witness. Certainly, the way section 4 is written, that what the Board consists of, I find nothing wrong with. The consideration as to whether or not the Registrar of Motor Vehicles should be the Chairman, that is something to be discussed by the Executive Committee of the Government, and certainly we should be very careful not to put that in legislation, and I ask Members of Committee not to insist that that type of thing be put in legislation.

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

Councillor Stutter takes the Chair.

Mr. Taylor: You know, Mr. Chairman, it makes me immediately suspicious. There is two sides to this story; I wonder why it is so important, in respect of this piece of legislation, that the Director of Motor Vehicles be the Chairman. This is a two-edged sword. I certainly understand from the submission of the witness in this case, Mr. Gee and his Transportation Association, that they are looking for impartiality in the conduct and the duties of the Board. That only seems quite reasonable, and apparently they, the Association, are somewhat suspicious that possibly this impartiality may not exist by constituting the Board in the manner set forth in this Ordinance, and it seems to me to be a fairly reasonable request that not necessarily the Director of, or the Registrar, shall we say, of Motor Vehicles be this Chairman. I think that is quite a reasonable request, because I think that is what we are all at this table for, to ensure that there is capability and yet impartiality-- casting no aspersions upon Mr. Registrar.

Mr. Chamberlist: Well, Mr. Chairman, I didn't gather from Mr. Gee's remarks that he was unhappy with the Registrar of Motor Vehicles as an official being the Chairman of the Board. I just gathered that he didn't have the time, that he suggested because he didn't have the time, that it would be unsuitable. I wonder if the witness can correct me, Mr. Chairman, if I am wrong.

Mr. Gee: Not only the time, I don't feel that he has the time, period. We have a Board now, you know, that sits. There are three members, and through different hearings over the past three years, they have contradicted themselves on applications; there has been almost no investigation, almost nil to any hearing. Although there have been complaints, letters and everything else gone in, there has been no investigation on a new applicant where there have been objections. We feel that the Registrar does not have the time to hear a hearing, and to complete any investigations or every investigation, anything. It has to be done thoroughly, because when they reach a decision, it should be final.

Mr. Chamberlist: Is the Registrar of Motor Vehicles the Chairman of the existing Board?

Mr. Gee: No, he is not.

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Mr. Chamberlist: Well, Mr. Chairman, this is the point that I am making, that there has been no question now as to whether or not the Registrar of Motor Vehicles has or has not the time, because he hasn't been involved. Certainly with the Government facilities and the staff facilities available to him to institute any inquiries, it is quite logical that this position be fulfilled by the Registrar of Motor Vehicles. But, as I say, I am not suggesting that this is the thing that will be adopted; I am simply saying that I don't think that it would be proper for the Government of the Yukon Territory to accept the fact that because a Transportation Association requires a recommendation that there be a full-time Chairman, that specific statement be included in the legislation, and this is the thing that I am objecting to at this time, not the suggestion that there should be a full-time Chairman, or there shouldn't be, or that the Registrar of Motor Vehicles should be the man or should not be the man. I am objecting at this time that we should be forced into the position, because of the request of the Association that Mr. Gee represents, to have it put into the legislation itself, and this is where I find some objection. I would suggest, Mr. Chairman, that -- I take it that these are just suggestions of the Transportation Committee, and as you can see here, Members of this Committee here are quite willing to lean towards anything that is reasonable, but at the same time, we have a function to perform, not only of representing and seeing that the recommendations of the Transportation Association have been dealt with, but we, as legislators for the people, have a responsibility to look at the public thinking and the public's requirements as well. I would suggest that, Mr. Chairman, on this particular area, that the section as it is laid out now should be accepted as is, and it be left to the Administration to deal with the particular points that have been raised in discussion at a later time.

Mr. Taylor: Mr. Chairman, I can not agree with the Honourable Member. What he has stated in his last statement is that he doesn't feel, if I read this correctly, that this should be hard bound into legislation that the Chairman should be a full-time employee of the Territorial Government. I would immediately rise at this time to ask the Honourable Member as to why, from an administrative point of view or from a monetary point of view? I am wondering if I could have that answer?

Mr. Chamberlist: Well, it is simply a monetary point of view.

Mr. Taylor: If we consider a monetary point of view, I can see no reason why we can not find the revenues required to provide the Territory with such a gentleman to operate this most important department. The people we are dealing with here are paying great amounts of money in fuel tax. They are paying in licences, they are paying here and they are paying there, and indirectly, and directly, they are paying a great deal of revenue, or should I say, accountable for a great deal of revenue accruing to the Territorial Government. If we find ourselves hard bound, it has been brought to my attention that we are now carpeting the upper half of this building here. I was going to use this one tomorrow morning in order to determine how we could find a little more money for something else, like getting a Councillor an office, or maybe get our typewriter back. But, however, we could take some of the revenues that are being poured out by the Territorial Government into carpeting the upper top floor of this building, and put it towards the wages for a more useful project, such as described here, so consequently, I say to you that monetarily, I don't think that this is a great consideration, because this is not an argument, and I would suggest to you, Mr. Chairman, that maybe the problem is really administrative, is this not correct?

Mr. Chamberlist: Well, Mr. Chairman, I notice that the Honourable Member from Watson Lake was trying to put me on the carpet here, but I really have got to point this out very very properly that it is not just a matter of one person when you appoint a Chairman; this is just a beginning, because then you finish up with permanent secretaries, extra secretaries. Now, there is no reason if the Motor Vehicles Branch shows that there is a necessity that perhaps, perhaps I say, somebody might be added to the staff to fulfill this particular function, or fulfill it as part of one of the particular functions, or have somebody fulfill this function. But, I think we would be running

Mr. Chamberlist continued ...

into a very, very costly arrangement, to have a full-time Chairman. The suggestion has been made, and I think that perhaps it is worth some merit, that taxes have been raised with reference to the fuel tax and the like, has been made, this was for other purposes. This is an additional purpose, an additional plan, and perhaps if the Association, the Transportation Association, is prepared to come up with a proposition on a cost-sharing basis, perhaps the Territorial Government would take a very different view of this, and perhaps help towards this. I am wondering what the witness would say about this?

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Mr. Taylor: Mr. Chairman, I feel that that is an entirely unfair question, and I don't think that the witness should be compelled to answer such a question. The Honourable Member has stated that all these revenues from fuel tax and licensing are for another purpose, and yet they are accruing from revenues raised in relation to the Motor Vehicles Act and the taxation on fuel, as a result of the burning of this fuel and the purchase of it. Certainly, the Member can't tell me what that additional purpose is, outside of the fact of effecting general revenues of the Territory, so the redirection of a small amount of these revenues or capital monies into the acquisition of a full-time Chairman for a Board to regulate under the terms of this Ordinance, Motor Vehicle Transport Rules and Regulations in the Yukon Territory, is not an unreasonable request. We have a proliferating administration here, going high wide and handsome, and here we are asking for something a little bit under the control of the people, and again I say that a monetary consideration is no argument in this particular case. To ask the industry itself to go and put in some money, is an absolute irresponsible statement in my opinion. I think that we have got some very serious legislation here, and I think that it behoves us to provide the safety and the general good administration of this Ordinance with an impartial Chairman. This is exactly what the Transportation Association, I understand, have asked for, and it is a very reasonable request, and I certainly, as an individual, support it.

Mr. Chamberlist: Well, Mr. Chairman, I am not objecting to there being an impartial Chairman. I am simply objecting to a requirement to be placed within the legislation that would compel us to have a full-time Chairman. That is where my objection is. Now, an impartial Chairman, fine, the choice is then of the Committee or the Board to be given proper consideration, and an impartial Chairman would be found, and the recommendations of the Transportation Association will be requested and considered as well. They can put names up as well, and they will be considered, I am sure. The Government of the Yukon Territory is only interested in being fair to all concerned. We have to consider the public, we have to consider the Transportation Association as well, we have to consider what is good generally for the whole Territory. But, just to ask for legislation that we be compelled to employ a full-time Chairman, that I consider to be unreasonable, and this is what I am asking that we not be forced to do. Certainly, an impartial Chairman, I go along with you, no argument at all, but if the need arises at some future date for a full-time Chairman, this will follow itself without putting it into legislation.

Mr. Taylor: Then, Mr. Chairman, would the Honourable Member agree then, provided that we didn't have a full-time Chairman, that the Chairman could be -- doesn't necessarily have to be the Registrar of Motor Vehicles, but he could be anybody from the public who is appointed to this Board. In other words, could we then say, Mr. Chairman, that the Board when appointed can select their own Chairman? Maybe Mr. Commissioner would have some opinions on this.

Mr. Commissioner: Mr. Chairman, I have some strong opinions on it, and that is that there has to be a very strong and competent Board. At the present time this is the weakness that we have in our licensing system, and that is that the Board is, should I say, almost of a volunteer membership, and is called into session as and when required by the Registrar of Motor Vehicles. When applications are heard, the Board has no authority, basically speaking,

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Mr. Commissioner continued ...  
except that authority where we choose on an administrative basis to cloak it with. In this industry that we are talking about, we are being over-run in the Yukon Territory by the extra-provincial jurisdictions that the Boards in the three neighbouring jurisdictions are taking upon themselves and shoving down our throats. The Board in Alberta is extending its jurisdiction into the Yukon, the Board in British Columbia is doing this, and the Board in Alaska is doing this. We have no means of retaliation because we do not have a Board with any authority. The Board that we would like to see established with Council's concurrence under this Ordinance, would be a Board that has no less authority than what the Boards in neighbouring jurisdictions have. Certainly, the requirements of this Board, and what the Board can do, has got to be very clearly stated in this legislation, so that we have the direction of Council as to what they feel this Board can do and what it can't do. As far as the makeup of the Board is concerned, I certainly would ask in all sincerity that we be given the prerogative and the right at the administrative level to formulate this Board in the same manner as what we formulate other Boards, the Liquor Control Board, and such other Boards as we appoint. We have to have that right; this is a management prerogative, and we simply have to have it. What you want the Board to do, Mr. Chairman, has got to be clearly spelled out in this legislation. It has to be a Board with real powers. It has to be strong. The makeup of the Board, I would sincerely ask that this be left as an administrative prerogative; this is part of our management responsibility.

Mr. Taylor: Well, Mr. Chairman, why should this not be a legislative prerogative, if we indeed be Territorial Councillors, and work on behalf of the people of the Yukon? I agree with Mr. Commissioner that we must have the authority, but regardless of who chairs this Board, the authority must exist. This is what our exercise is all about today, is to attempt to come up with some piece of legislation which gives this power, and in that area. But, I find it difficult to believe that were the Chairman of the Board not selected from Members of the Territorial Administration, and indeed were selected from, where it is possible, or agreeable, from the general public, the expertise would not be made available to that gentleman or that lady or whoever it might be in this particular position. It seems to me that the input would be there, be it whether it is a Member of the Government or be it a member of the general public who is serving on this Board. The question that we are dealing with here is who is going to be Chairman, and here you say that the Chairman shall be appointed by the Commissioner, and we are led to understand that the Director of Motor Vehicles - there is no reflection, it is the office we are talking about, not the personality - that it has got to be a Member of the Administration, and I find that a little repugnant, because this is not really what I would call democratic process.

Mr. Gee: Mr. Chairman, I would think that the Registrar of Motor Vehicles would make a very good Chairman for this Board providing he left the job that he holds now. I think that he would make a real good Chairman. To answer Mr. Chamberlist on would we contribute to the wages of the Chairman, I would say yes, if we were allowed to choose the Chairman of the Board.

Mr. Chamberlist: That is what we are afraid of.

Mr. Chairman: I wonder if I could ask a question from the Chair to the Commissioner. It has been pointed out by Mr. Gee, that the Transportation Association feels that the position of the Board Chairman, that there is enough work to make this position a full-time position. Would the Administration consider making it a full-time position if it can be proved by the Transportation Association that the work is there?

Mr. Commissioner: Well, Mr. Chairman, this is a very simple answer. The question as to whether or not there is enough work, or whether there is not enough work, is something that comes after the fact, Mr. Chairman, not before the fact. Furthermore, the taxpayers of the Yukon Territory are the people who are going to be paying the shot for this Board, and

Mr. Commissioner continued ...

the people who are ultimately going to have to answer on behalf of that, namely the Government, and the Administration of the Territory, have got to have the right to appoint the people to this Board, with no outside interference from anybody at all. Now, what the Board is to do, Mr. Chairman, it is absolutely mandatory that this be spelled out clearly in the legislation. This is where the will of the legislature has got to be enunciated. As to who is going to be appointed to this Board, and who is going to be the Chairman, this is a right that the Administration has got to have as one of their management prerogatives.

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

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Mr. Chairman: I call this Committee back to order, and at this time, I would just like to ask Mr. Gee a question. From the discussion we had just before the recess, I take it that the Transportation Association's main concern is that anything that is enacted, is enforced properly, and that, in actual fact, you're not really too concerned as to the makeup of the Board. The main point is that you are concerned about the points of the Act being put in force properly. Is this your main concern?

Mr. Gee: That's right, Mr. Chairman. Our main concern is that there be a Board, a decision Board, set up so that they can enforce the Act properly, and be sure that it is in force. We don't have the right wording here, but what we are asking for is a full-time Chairman. All we are asking is that the Board enforce the act, period. It should carry out all the functions that we feel are necessary. We feel, you know, that it will be full-time, but this can be, as Commissioner Smith said, this can be and probable will be, dealt with itself at our next hearing. Maybe he will be full-time busy. We're not trying to tell the Administration how much money they should spend. All we're asking is that the Act be fully enforced by capable people.

Mr. Chairman: So really, you don't feel that it's particularly up to the Board Chairman to enforce the regulations and to make these investigations by himself. As long as the Board does it and these investigations are made as a responsibility of the Board itself, the makeup of the Board, then, is immaterial.

Mr. Gee: That's right.

Mr. Chamberlist: Well, Mr. Chairman, in view of the answer to your question, by the witness, I wonder if the witness can agree, at this time, that there should not be any reference to a full-time Chairman placed in the legislation, and that the section, section 4, remain as it is now, with the understanding that -- it is quite clear that there are four people on the Board and the appointment of the Chairman of the Board doesn't really matter, as long as the work is done.

Mr. Gee: I don't know how to answer that. I said that we want a Board which will enforce the Act completely. Okay?

Mr. Chamberlist: I think that we can go on to the next item, Mr. Chairman.

Mr. Chairman: I wonder if we could proceed then to the next item, which, I think, is section 6. Could the Legal Adviser just outline this?

Mr. Legal Adviser: Mr. Chairman, this a matter of choice, really. The Association has suggested one year terms for the members, instead of three year terms. The reason three year terms are in is to let the Board bat themselves into the wicket for a while and to acquire experience. Experience with other boards has suggested that when they get a reasonable time, they settle down better. But, it is only a matter of taste, really, because the words "at pleasure" appear there, so that the Board member can be dismissed, notwithstanding the fact that he is on a one year or a three year term.

Mr. Gee: Our reason for requesting a one year term was that, this is new legislation and, if we were to get a Chairman of the Board who, say, wasn't desirable, or maybe we felt that he wasn't carrying out his job, he wouldn't be in there for a three year term. We wouldn't have to have that man for a three year term, if he wasn't carrying out his job in dealing with the Act.

*BILL #17* Mr. Chamberlist: I wonder, Mr. Chairman, if, as a compromise, we can change it to two years. Is this agreeable?

Mr. Gee: No.

Mr. Taylor: Mr. Chairman, why a compromise? Why is a compromise required here? Possibly, there is a good suggestion here. Possibly this should be one year, and renewable on an annual basis. What is the matter with that?

Mr. Chamberlist: Really, it doesn't matter, but there isn't nearly enough time for a board, a new board in a new operation with a new piece of legislation, to get working effectively. You will notice that this Council doesn't work effectively until it gets into the Second or Third Session. The same thing applies with every other organization.

Mr. Commissioner: Mr. Chairman, with respect, you're never going to get anybody to agree to sit for a three year term anyway. Furthermore, we are going to have a hard time finding the kind of people -- Mr. Gee has expressed concern here that maybe they will get a Chairman who will sit for three years, and they wouldn't like the guy, or something. I say this to you. This is one of the reasons why we want the authority right in the Ordinance to appoint the Chairman. Certainly, it is our intention, subject to the legislation being passed here, to appoint the Registrar of Motor Vehicles in the first instance to be the Chairman. This is the man who has the expertise, who understands the workings of the Act, and we would be stupid to deny ourselves the opportunity of using his expertise in any less capacity than being the Chairman. Okay, fine, after the thing gets under way, and we find that it is going to take a lot of his time which he doesn't have, we have to reconsider the question of appointing a part-time person who would be the Chairman of this Board. Certainly, Mr. Gee hit the nail on the head, Mr. Chairman, when he said there is a possibility of an undesirable individual in the chairmanship for three years. This is spectre that the industry doesn't want to face and, I couldn't agree with him more.

Mr. Chairman: Could not the appointment be made from year to year so as to avoid this.

Mr. Commissioner: Day to day, sitting to sitting, we couldn't care less.

Mr. Chairman: Would you agree to this, if they were made from year to year?

Mr. Gee: Oh, yes.

Mr. Legal Adviser: Mr. Chairman, sections 9, 10, 11 and 13 are all limited suggestions that, instead of the Commissioner, we use the expression "Executive Council", which I take to mean Executive Committee. My comment is that this cannot be conceded at this particular time.

Mr. Taylor: Mr. Chairman, might we have a little more clarification on just what Mr. Legal Adviser means as to why the Executive Council cannot fulfil this function.

Mr. Chamberlist: Mr. Chairman, I can tell you this. Mr. Commissioner doesn't appoint any boards, nowadays, without the members of the Executive being involved in them. So, it really means, when it says the Commissioner, the Commissioner upon the advice of the Executive Committee. This is what it means.

Mr. Chairman: Then, from the Chair, why do you object so much to the words "Executive Committee" being put in there?

Mr. Chamberlist: It's superfluous. It doesn't mean anything.

Mr. Legal Adviser: It doesn't mean anything at this time. It has no legal significance at this time, because we are operating under a flexible constitution.

Mr. McKinnon: Or practical significance.

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Mr. Legal Adviser: Now, in section 16, what the Board wanted was a limitation to the sole statutory function. As section 16 reads, they may have additional duties assigned to it, as the Commissioner directs. I have already explained that this is as the Executive Committee directs through the Commissioner. The feeling in drafting the original section was that there could be areas where expertise which is available to this Board through virtue of experience in these matters, may be desirable and the Commissioner would have the power to refer to the Board for an investigation or advice, or possibly to consider some other ordinance or new amendments, new regulations and so forth. In the drafting, that is wide enough. It is a matter for the Council to decide whether they should have this additional power or not.

Mr. Chairman: Mr. Gee, do you have any further comments on that section?

Mr. Gee: Well, the only comment I have is, in that section, as the Commissioner directs, will these people move from one board to another? You know, from one specific duty, will they be taken, say, from the Utilities Board to another board?

Mr. Legal Adviser: No, Mr. Chairman. That's not the intention of the drafting. A typical matter would be that the Federal Government would ask us to consider adopting certain types of federal legislation here, under the Federal Transport Act. In that matter, it would closely involve administration of this particular Ordinance, and the correspondence might be referred by the Commissioner to the Board for an opinion as to whether or not it was practicable to adopt the federal legislation. I think these are the proper people who should, in that field, in the first instance, tender their advice to the Commissioner from their experience. They would have been in touch with the trade and the enforcement of the Ordinance. There is currently, as the witness is aware, Mr. Chairman, under constant review the changing relationships between the Federal Transport Board and the various provincial boards. This will be one of these things that obviously, we would expect advice on.

Mr. Chairman: Section 17, Mr. Legal Adviser?

Mr. Legal Adviser: Mr. Chairman, on section 17, it was again, a change to Executive Committee which I don't think could be agreed to. In addition, they put in that the Executive Committee provide the expenses -- prescribe the expenses. This is basically a function of the Commissioner. He is the paymaster, in reality, of the government and he prescribes the expenses, the payment of salaries, for all civil servants on all boards and I don't think there should be any difference for this Board. It's on a scale, Mr. Chairman.

Mr. Chairman: In section 18, the Association wishes to strengthen this section by adding a duty of secrecy to the Board and the staff.

Mr. Legal Adviser: Well, in this section, Mr. Chairman, the House will be aware that during the first passage of this Bill through the House, section 18 took a bit of knocking. The opinion of some of the Members was that the privilege given to the Board to hold on to its information was going too far. In fact, when the Association came to consider this, they asked that, in addition to the section which allowed the Board the privilege of holding on to its information, an additional duty be imposed on the Board and its staff of taking an oath of secrecy, of being under a duty of secrecy, in regards to all the information that comes to their hands about individual people who have to put their books on the table, or their operation on the table, not to disclose it to the public or to competitors. So, in fact, as I see it, from their suggested draft, section 18, instead of being loosened, is being toughened up quite considerably.

Mr. Taylor: Well, Mr. Chairman, I don't necessarily agree with this argument. What we have said in relation to section 18 is that, where it now reads "where in the opinion of the Board, it is not in the public interest,

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Mr. Taylor continued.....

no member of the Board or its staff shall be compelled to give testimony..." we said, without any qualification whatsoever, that this should be the opinion of the court of the judicial process. I would certainly stand strong on this point. It's got to be the opinion of the court that decides what is in the public interest and what is not in the public interest, not the Board.

Mr. McKinnon: Mr. Chairman, certainly, we are being misled by the Legal Adviser because I have no objection in any way, shape or form of the Board taking an oath of secrecy of not providing pertinent information to anybody in any organization that wants to question them on it. That completely differs from refusing a court order. If a court order feels that it is in the public interest for them to relinquish this information -- I don't find it too incompatible in any way, shape or form. You can strengthen it by making them take the oath of secrecy. It is not the opinion of the Board but the opinion of the court whether it is in the public interest for them to release facts.

Mr. Legal Adviser: Mr. Chairman, I don't think that the Honourable Members understood what I meant. During the debate, the opinion was expressed by Council that the decision as to whether or not a disclosure should be made, in each instance, should be a court decision. The Members requested that this change be made. The Association has requested that it be put back as it was in the original draft, to wit, "where in the opinion of the Board, it is not in the public interest...". They want the section strengthened back to give the Board the power which the Council wishes to take away, and, to add to it, that every officer and employee of the Board shall keep secret that information.

Mr. McKinnon: Well, I have no objection at all to having the information that the Board has kept secret. Also, I still maintain that it should be the opinion of the court which decides whether it is in the public interest if information has to be released to the court or not. The two could --- I suggest that the perfect melding would be the oath of secrecy of giving information to just anybody or any organization or individual who comes along, but if the court feels that it is in the public interest, this information should be given to help them make a decision in the court. They should have the ability to do that, right in the court.

Mr. Chamberlist: This is the idea.

Mr. Taylor: Yes, Mr. Chairman, it is well to remember, when considering section 18, that we look at section 41, because therein lies the truth of this whole matter. In 41, you say "except as provided in sections 35, 36, 37 and 38...", four sections of the Ordinance, "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 any proceeding in any court. This is pretty binding, and I certainly feel, and I'm sure many Members would agree, that this has got to be amended to say "where in the opinion of the court, it is not in the public interest" rather than in the opinion of the Board.

Mr. Legal Adviser: Well, I'm not contesting this. As I say, we were making the change, but then, the Association suggested that we change it back. I point this out, that the Board, the Transport Association, have in their draft the word "Board" not "court". We will make this change because this is what Council wants. We will put in "court".

Mr. Taylor: Possibly, Mr. Chairman, the Transportation Association didn't look at this aspect of the situation.

Mr. Gee: Yes, when I read through this again, Mr. Chairman, what we would like to do -- I'm not a legal mind, I can't word it right -- but, there should possibly be one paragraph excluding some of these words and adding others into the one paragraph with the officers and the employees. I can't

Mr. Gee continued.....

comment on the opinion of the Board. I don't know.

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Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Gee could indicate whether he has any objection to a Board sitting in public or in private, when hearing a situation.

Mr. Gee: Meaning what type of situation?

Mr. Chamberlist: Any application. If a Board is dealing with a particular matter, is it the opinion of Mr. Gee that the Board should sit privately or the hearing be open to the public, the hearing of the Board?

Mr. Gee: Is this on an application, or rate scales?

Mr. Chamberlist: Application, rate changes, any matter.

Mr. Gee: A public hearing.

Mr. Chamberlist: Everything should be a public hearing.

Mr. Gee: As far as I know, they are all public hearings.

Mr. Chamberlist: I wanted to get that clarified. Thank you.

Mr. Chairman: Are we clear on section 18, up to this point?

Mr. Taylor: No, Mr. Chairman. Do we have concurrence that this opinion should be in respect of the court rather than the Board? Could we have some clarification on the record?

Mr. Chamberlist: Well, this will go back to Legislative Programming for further discussion.

Mr. Taylor: No, but regardless, with respect, Mr. Chairman, and due respect to the Honourable Member, of whether it goes back to Legislative Programming or not, what is the concurrence of Committee? Do they concur or do they not concur? Should the power be vested in the court or vested in the Board?

Mr. Chamberlist: In the court, it should be, I think.

Mr. Chairman: Is this agreed by Committee, in the court?

Mr. Legal Adviser: Now, Mr. Chairman, in section 19, the change suggested by Mr. Gee is again, that Commissioner should be deleted and Executive Committee be put in.

Mr. McKinnon: I would agree with deleting them both.

Mr. Legal Adviser: This is the annual report and the annual report must be submitted to the Commissioner. The Commissioner must lay it on the table of the House at the first opportunity. May I go on to section 21? In section 21, there is a necessity that their financial statements be produced annually, that is, the financial statement of the operator who operates under a certificate issued by the Board. He must produce annual financial statements. Mr. Gee's Association has asked to be relieved of the necessity of producing annual financial statements, and points out that, in fact, on the first application for a licence or a certificate, they do produce financial statements. I understand from him that they would be willing, on demand for a particular event, such as change in rates or such like, where they might be called on as a matter of evidence, to produce financial statements. However, they do not wish to do this as a routine, annual event on the thirty-first of March, or whenever their year ends.

Mr. Chamberlist: Doesn't a business produce an annual statement in any event, every year? What's the difficulty with making an extra copy and supplying

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Mr. Chamberlist continued.....

it? I don't see anything wrong with that. Do you see anything wrong with that?

Mr. Gee: Yes, why should a business concern have to supply anyone with a copy of a balance sheet, unless there is some infraction or there is, supposedly, a fraud or anything else? What we are saying is that you have the power here in the Act to ask -- you say that we must produce to an officer, any papers, any matter that may be of concern. So, if any question comes up, you have the power to ask for these statements. We're only asking to be relieved of filing this with the Board annually, and only filing on application to show that the concern is financially stable and will be an asset to the community rather than one that may have possibly gained a licence and not have had the monies to actually perform their duties, once they've been granted their certificate.

Mr. Chamberlist: Isn't there a possibility that -- supposing the licence, or the statement, rather, wasn't filed and let's say there was a change made two years afterwards. In the two years from the filing of a statement, something could have happened to the affairs of this particular operation and they haven't got the financial capabilities. This is where there is a necessity for public protection. This is why it is put in, you see. Everything isn't put in there simply for the Transportation Association is protection. This is a requirement where the public has got to be protected. I think that is a necessity. Now...

Mr. Gee: Do you think it is a necessity that the public know the balance sheet of the businesses?

Mr. Chamberlist: Well, the public doesn't know it. It's only the Government that knows it. The Government doesn't publish that.

Mr. Gee: Yes, but you have the right to demand any books, any statements, at any time, and the statement.

Mr. Chamberlist: Oh, I understand. This should be available on demand, but not as a compulsory area.

Mr. Gee: Right.

Mr. Chairman: Speaking from the Chair, I would have to agree with Mr. Gee. I'm just wondering whether the books of the local hotels were brought in for examination before the price of liquor was put up.

Mr. Chamberlist: That's a point, too.

Mr. Commissioner: Mr. Chairman, can I ask a question, please. I wonder if the Registrar of Motor Vehicles can tell us, from his research on this, do other public utilities boards in neighbouring jurisdictions make this requirement of the industry?

Mr. H.J. Taylor: This is in one of the Acts; I forget which one it was that we took it from. It was either in the B.C. Act or the Northwest Territories Act, this requirement.

Mr. Commissioner: Could I ask, Mr. Chairman, if Mr. Gee's company, that he operates in Alberta and British Columbia, as a requirement of continued licensing in these areas, is required to do this in either of those two jurisdictions.

Mr. Gee: Only on application, Mr. Chairman.

Mr. Commissioner: What about on a continuing basis? For example, in British Columbia, Mr. Chairman, it is my understanding that there is a continuous review going on by the Board in B.C. of rate structures, etc. As an on-going requirement of your continued licensing in B.C., are you called upon to file

Mr. Commissioner continued.....  
annual financial figures?

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Mr. Gee: No, we are not. Neither in B.C. or in Alberta. The only time we are required to file is when we apply for a certificate to haul. At that time, you are required to submit a balance sheet to the Board, but, not annually thereafter.

Mr. Tanner: Mr. Chairman, I would like to support the witness in this particular stand. I, as a businessman in this town, find it really galling to, every month, have to send all my figures to Ottawa. It's bad enough sending them to Ottawa which is a long way away and it won't affect my business closely. But, I would be very reluctant to give them to a board in this town, unless it were required for a rate change, or something like that, where other businesses, rightly concerned with mine, could -- they might, there is just a slight chance that they might be made available. I concur with what Mr. Gee says entirely. I think this should be taken out.

Mr. Chairman: Is it the wish of Committee, then, to go along with the suggestion of the Transportation Association?

Mr. Legal Adviser: Mr. Chairman, section 22 is merely -- well, there are two things. One of importance is a request for time change on a notice to be given. It is to insert thirty days instead of ninety days. This is on a rate change you can charge after giving notice to the Board. This would shorten it. In subsection (2), as our draft has it, we can proceed to people who overcharge on the published rate schedule. The Association wishes undercharges to be prohibited as well.

Mr. Chamberlist: Well, Mr. Chairman, I think that you are taking away the free enterprise trading system. I think that the Honourable Member from Watson Lake raised this particular question and I felt it was very valid at that time. If somebody wants to go and make a deal for under, that's fine; but, I think there should be a maximum charge. If somebody wants to go under, why not? Perhaps somebody with one truck could operate more cheaply than somebody with ten trucks, or vice versa. I think you are interfering with the private enterprise system.

Mr. Taylor: Mr. Chairman, you have many circumstances. I thought, when we were dealing earlier with section 2 and the classification of vehicles, that we might somehow overcome the difficulty that I have been having with this particular section, section 22. That is the small trucker who is not an inter-provincial carrier or carrying on a scheduled basis. The little guy with the small truck would not have to be bound to a specific tariff and could take advantage of either a contract basis or a straight rate basis. He could take advantage of agreeing between a customer and a client. Now certainly, in areas of inter-provincial or scheduled carrying, yes, I agree, this should be controlled. There the commodities you are hauling are going to grocery stores and this type of thing, and that's all we hear now, about the high price of freight and all this sort of thing. This I can see a control on, but for the small trucker, the little independent guy who is not a big trucker but the little man, I think that he has got to be able to exercise the option of making individual contracts with people and not being bound to changing his tariffs in the manner suggested in section 22. Again, I say, I was hopeful that by categorizing along the lines the Association had proposed, that this would be considered.

Mr. Gee: Mr. Chairman, it was my intention, or the Association's intention, to ask for anything dealing with tariffs here to be deleted from the Act at this time. Anything dealing with fixed rates or filed tariffs.

Mr. Chairman: Perhaps you could enlarge a little bit on that, Mr. Gee.

Mr. Gee: Well, if we are going to have a controlled tariff, it must be controlled to ensure the better interest of the public and it has to be controlled properly. Mr. Chamberlist says that the words "no less" shouldn't be there,

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Mr. Gee continued.....

but that's not the case. Wherever there is a controlled tariff, you file a tariff and you must adhere by it. You must charge no more or no less, unless you file as the rulings are set out to change your tariff. You must file a change of tariff rate, especially on inter-provincial. We have a situation here in the Yukon where the members of the Association, ourselves namely -- a trucker from outside can apply here, gain a licence to work in the Territory. Now, it has happened on many, many occasions. Their union rates are very much lower than ours; their cost of operation is much lower than ours; they do not have established warehouses or shops; they don't employ people here. If you go up to the Arctic right now, you will find possibly ten or twelve trucks up there that are from Alberta. They've gained licences to work in there, directly or indirectly. They are paying their men somewhere from \$3.00 an hour while the wage rate here is \$4.25. These people are being flown back and forth from the Arctic to Edmonton or Calgary, Alberta. An operator outside can run his equipment cheaper. He can come in, drop off a load and go back out, and his operating cost is nothing compared to ours. If the tariff is going to be controlled, then it should be controlled on both sides. This man must file a tariff and he cannot charge less or more. Another comment, it says here "that the Board may fix rates". If the Board can fix rates, and we can charge no more, then how are we going to live with the increased union contracts every year, any increase in fuel tax or sales tax -- we don't have sales tax here but they do in B.C. Now, if the Board could possibly fix the wages and everything else, we will go along with the fixed tariff. "The Board may fix a tariff", it's not fair to the carriers, to have a fixed rate.

Mr. Chairman: This fixing of rates that you are referring to here, I notice it is paragraph (a) of subsection (2) of section 24. These are the rates that are set out by the transport public utility itself.

Mr. Gee: Right.

Mr. Chairman: It's only at their suggestion then, that the Board would fix the rate. It would be only at their suggestion, the rates that you have suggested as a public utility company.

Mr. Gee: We say in there that the Board will approve a rate, not fix. Which section was that?

Mr. Chairman: It's paragraph (a), subsection (2), section 24, "fixing rates and classifications to which these rates shall apply, which the transport public utility may charge;". This is referred to in section 22, the objection that you were making here to fixed rates. I wonder if, perhaps, the Legal Adviser could clear us on that point. The fixing of rates, as stated in 22(2), the rates fixed by the Board, are these the rates that are filed by the public utility company and just fixed as such by the Board? The Board hasn't exactly told the public utility company what they can or cannot charge.

Mr. Legal Adviser: No, as I understand it, the design of the Ordinance is that, in the first instance, they file a rate. They can file any rate they wish. If they want to change the rate and depart from that, then they must file a new rate. Until there is a time lapse from the filing, the rate cannot commence to be charged. On the other hand, a complaint can be filed under section 24 about the rates which are being charged or a proposed rate increase, and in that case, then the Board may fix a rate. In doing that, they take certain things into account. In relation to that, Mr. Gee's point is, in the first instance -- I don't think he is really against defining or fixing a rate. I think he feels that at this juncture, for a Board like this, it might be premature to give to the Board the power to fix rates at this time. This power should be reserved for a future time, say, for after the Board has operated on its normal functions for a year. If it is working reasonably well, then give it the power from that point on to fix rates. In other words, the operation is to be suspended of these sections, or postpone their implementation for twelve months or two years, to see how the

Mr. Legal Adviser continued.....

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thing is going. If it is going well then, the power to fix rates would be allowed. I think this is basically what Mr. Gee is really saying.

Mr. Gee: Yes, there is no objection to the carriers for filing a rate. This we are not objecting to. However, if you say here that we can charge no more than the filed rate, or you fix the rate, then we can't go along. As Mr. O'Donoghue says, we feel, at this time, that it is premature to fix rates or file rates or even touch the rates at all, because a filed rate system takes experts. They spend many, many hours and days and days -- they are like a rate clerk -- following these filed rates, and it is a long, continuous job and unless it is carried out completely, there is no point in having the controlled rate system.

Mr. Taylor: Mr. Chairman, I was just going to say, along the lines that have been suggested on this point, would it not be well to delete, then, section 22 in toto, and section 23 in toto? Revise section 24, I believe there are some other areas incorporated in section 24, for the time being. When the Board begins to function, then make a request to Council for legislation such as is provided here which we find disagreeable.

Mrs. Watson: Mr. Chairman, section 22 refers back directly to the rate fixed by the transport public utility itself, a statement showing the rates which it charges. If there is a complaint filed against the rates, then the Board fixes a rate. Am I correct?

Mr. Legal Adviser: Yes, under section 24(2)(a).

Mrs. Watson: Sections 22 and 24. So, I don't think we can, at this time, not throw this out completely. I think we should reconsider it. The transport public utility there is fixing its own rate to start with, and it is only when a complaint is filed that the Board sits in on the case and decides whether the rate was unfair or not. If they feel that it was unfair, then they fix it. This would be defeating the Ordinance if we threw this out.

Mr. Taylor: Well, Mr. Chairman, respectfully, might I say to the Honourable Member that it seems to be, and I certainly enjoy the suggestion made by the witness today -- possibly we shouldn't concern ourselves with rates in the initial phase of construction of this Board. Until such time as we can come up with a workable scheme to get this thing on the road, I would be quite amenable to see the deletion of sections 22, 23 and a rehash of section 24. In section 24, if you look at subsection (1), it gives the Board, "Any person may file a complaint..." -- wipe out (a), (b) and (c). The manner in which the transport public utility provides service should remain. The areas to which the transport public utility provides service -- in other words, we would need a rehash of section 24. Certainly then, 22 and 23 would disappear from this.

Mr. Chamberlist: Mr. Chairman, it seems to me that if we started diluting this piece of legislation, we would finish up with only half of what we've asked for. There are two specific functions in this legislation as I see it. One is the vehicles that are being regulated, and the other is the rate structure. Now, if we pull out the rate structure, we have very little left. Then, you might ask what do you want the public utility transport for.

Mr. Gee: I wouldn't want it under these terms.

Mr. Chamberlist: The only thing that I can see that the Association is objecting to right now, as I see it, is the fact that there is a possibility that somebody, an individual with his own trucks that doesn't belong to the Transportation Association, might go into competition with them by offering to perform a function or move goods at a specific price, which he, as the owner-operator, can afford to do for less than somebody who is operating a company. Now, this again is where I say that we have to go further than to look at the needs of the Association. We have to go

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Mr. Chamberlist continued.....

further. We have to look at the needs of those individuals who are in business for themselves, the truck owner-operators, and do not employ people. They perform a certain function and I'm sure, Mr. Chairman, the witness, when he started in his trucking industry, made deals and moves wherever possible, because that's how people get started. They set price structures for what they can afford to do a specific job for. If they do not -- if we start taking out sections which deal with rate structures, I think we will be hurting the whole piece of legislation and hurting the functions for which this piece of legislation was intended. The objection, as I see it, that Mr. Gee has made right now, and what Committee has to deal with, is whether or not the price structure should be a fixed price structure so that everybody, whether they own one truck or ten trucks, operates on the same basis of rate structure. Is this the idea, Mr. Gee?

Mr. Gee: Not completely.

Mr. Chamberlist: Not completely? I wonder then if you could explain the difference in what I have been understanding you to say.

Mr. Gee: I don't think there is anyone in this room, and I don't think there is anyone in the Yukon capable of carrying out a controlled rate system. As you say, it may be that we are trying to take protection away from the smaller carriers -- that isn't true. The thing is that if there is going to be a filed rate, I would say that everyone files their own rate. There should be no fixing of rates. Everyone files their own rates. If one guy wants to operate cheaper than the other guy, fine. I couldn't care, because competition will eventually establish a rate. What I'm saying is that the Board must not fix those rates. We file a rate and if we want to increase this rate, then we are able to do so, or lower it. We don't want a ceiling on the rates.

Mr. Chamberlist: Mr. Chairman, is the witness indicating then that they will be able to raise or lower without notifying the Board, or after notifying the Board?

Mr. Gee: Without notifying the Board.

Mr. Chamberlist: Then I'm beginning to lose the idea of the function of the Board.

Mr. Taylor: Mr. Chairman, if I might intercede at this moment. I heard some dissertation at some point in time about the desirability of this Board. At one time or another, it was to look after the licensing process. Now, into this legislation has crept a matter of the establishment of rates, a ceiling on rates and this sort of thing. If the Honourable Member is having difficulty in determining the other functions of the Board, I think I've heard this on several occasions and he might recall that it was for the licensing and control and this type of thing, apart from the setting and filing of tariffs.

Mr. Chamberlist: Yes, I am aware of this. This is what I say. There is a possibility that the Board will be performing only a part of the functions of a Board per se, boards in other jurisdictions. Now, this is why I'm trying to ascertain from the witness, Mr. Chairman, whether the fixing of rates, as indicated in sections 22 and, subsequently, 24, is obnoxious to the trucking industry in general.

Mr. Gee: Well, if you're going to put a ceiling on rates -- in other words, what we can charge, period, but yet, not less. If we file a rate, we feel we can operate on this rate. All of a sudden, what you are saying now, I'm trying to get this right -- if there comes a contract and you want to bid on it, you have to go to the Board to file a lower rate. Right? It's approved by the Board, if this is what you are going to do. But, you also file for a higher rate. Do you understand me?

Mr. Chamberlist: Mr. Legal Adviser, can we say how we can overcome this

Mr. Chamberlist continued.....  
particular point?

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Mr. Legal Adviser: Providing we know what the House wants, there is very little that the Legal Adviser cannot do with the use of English words to represent what Council thinks. Basically, I think, to a certain extent, the Honourable Member and the witness are really pulled apart on this and not getting closer. Mr. Gee's Association wants the power to file a rate. As of that moment of filing it or giving public notice in some form, that is the applicable rate which they will take goods at to any comer at any time to any place specified in the list of rates. What the Bill says is that they must have a thirty day period before they change the rate, and therefore, if you want to apply for, say, some contract, they should change their rates at the same time that they file if they are filing a lower bid. In addition to that, the Bill says that, although in the first instance, the Board will not fix rates as a matter of routine, whenever a complaint is made, which would normally come on a particular company or group of companies increasing the rate, -- whenever a complaint is made against an increased rate which is filed, the Board, in this Ordinance, has the power to decide what the rate should be. Mr. Gee is saying, the Board, as of this time, has not got the necessary expertise to work fairly at it and get an account of all the multitude of things, transport conditions, costs and so forth, that must be taken into account, capital cost and so on, to actually fix a rate. There is no agreement on this and no possibility of agreement because Mr. Gee's people are dug in on one side, and the Bill is dug in on the other side.

Mr. Chamberlist: Well, we have to find a compromise to this question, anyway.

Mr. Chairman: Speaking from the Chair, would it not be possible for the public utility company to set their rates, their maximum rates, and then if, as you have suggested, Mr. Gee, a contract comes up and they wish to bid on it, I personally see no reason why they shouldn't be able to operate at a less price than your maximum listed rate.

Mr. Chamberlist: That's what I'm getting at.

Mr. Gee: Did you read what we have set out on rates?

Mr. Chamberlist: You say you wish undercharges to be prohibited as well as overcharges.

Mr. Gee: Right.

Mr. Chairman: You couldn't possibly work on a contract at that rate, if it were worded that way, with one set price. There is just one set price, not a maximum price. Then you couldn't work on a contract basis, according to that. If that were written into this, there would be no way you could work on a contract because you are bound by that rate to bid one price.

Mr. Gee: Right. Unless you want to lower it; then, you file to the Board to lower the rate.

Mr. Chairman: This is after a thirty day period, according to this.

Mr. Gee: Right.

Mr. Chamberlist: May I ask whether it would be before or after?

Mr. Gee: No, no. I'm trying to say that if we have to have a controlled rate, we don't want to have the fixed rate with the condition here that they shall charge no more, unless we have the protection of charging no less. If we do have a controlled rate system, we ask that you take our suggestions in section 22(2).

*BILL #17* Mr. Chairman: I wonder if, perhaps, there isn't a little misunderstanding here. Maybe I'm the one who is reading this wrongly, but, I don't take it from section 22, the way it is drafted at the moment, that the Board does intend to fix a rate for all public utility people.

Mr. Legal Adviser: No, this is correct. It doesn't intend to fix a rate but the operator gets, shall we say, sucked into fixing their own rate.

Mr. Chairman: Yes, they fix their own rate.

Mr. Legal Adviser: This is the first instance. The next thing that happens is this. We know that costs automatically escalate between six and seven percent per annum, so everybody knows that they will have to file fresh rates in twelve months' time. At that point, a complaint can come in. If the complaint comes in, the Board can fix the rate. That's laid down in section 24(2)(a).

Mr. McKinnon: In section 22(2), why should it be "where the Board fixes a rate"? That's not actually what they do. Why shouldn't it be "where the Board approves a rate"? They don't fix the rate.

Mrs. Watson: No, no. It refers back down to 24(2)(a). That's where the fixing comes in. In section 24, the fixing is done after a complaint. The Board adjudicates the complaint and then they fix the rate.

Mr. Chairman: But, once again, speaking from the Chair, if Mr. Gee's company fixes a rate, or rather, files a rate with the Board and it so happens that his rate is higher than anybody else's in the Territory, surely, anybody wanting to truck via your company realizes that the maximum rate can be that rate that you have filed. They could expect, at least I should hope that they could expect, that on a large contract they would get some sort of a reduction.

Mr. Gee: This is covered under the provision of filing to the Board to lower a rate. If you want to change your rate, you file with the Board to lower it.

Mr. Chairman: I don't know whether I've read it wrong and I don't see where it says that. I don't see where it says in section 22 that you must file a lower rate.

Mr. Legal Adviser: You cannot charge any other rate, it says, except the filed rate.

Mr. Chairman: It says, in excess of that rate.

Mr. Gee: Right, exactly.

Mrs. Watson: Yes, but that refers back to the rate set by the Board upon adjudication of a complaint, section 24.

Mr. Gee: If we're going to deal with tariff rates, it has to be done by experts, or it is not worth having. What we set out here -- if we should have to have filed rates, as we have it in section 22(2) where everyone files their own rate -- we're not saying that it's one or the other. If I want to file a rate lower than someone else, all I do is figure out what I need to carry out a job and I file that rate. Now, if someone else needs more, or less, they file it. Competition will eventually establish a rate. But, I don't think that the Board should have the power to fix that rate where we can't charge more or less. If you really want to get into filed tariffs, I can bring you books that thick on tariffs.

Mr. Chairman: This was the point that I was trying to make and I don't think it was the intention -- at least, I don't read the intention here that the Board does intend to fix a rate for all public utility companies in the Territory. You fix that rate yourself.

Mr. Gee: No, it says in here that if there is a complaint, the Board may *BILL #17*  
fix the rate.

Mr. Chairman: If it's in an overcharge.

Mr. Gee: If there is a complaint; overcharge, lesser charge, I don't care.

Mrs. Watson: Mr. Chairman, I think if 22(2) was taken out of there and put as a third part of 24, it would clarify quite a great deal of it. Section 22(2) refers to section 24 and section 22(1) refers to section 21. I think we are being confused.

Mr. Chamberlist: It appears to me, Mr. Chairman, that there's a requirement for the Board to approve rates. Then, as a result of any complaints and after certain things happen, let's say a discussion between the Association and the Government, and there is not a meeting of the minds, then the Government can fix the rate; or, the both, between them, can say "They've been approved and we feel that they should be fixed at such and such rate". Correct me if I am wrong, Mr. Legal Adviser. This is what it appears to me. The rate can be fixed afterwards.

Mr. Legal Adviser: Mr. Chairman, Mr. Gee is looking to next year. Some of the Honourable Members are talking about this year. Now, Mr. Gee knows that as certain as night follows day, transport rates will continue to increase. So, the Board will, twelve months from now, assuming the Board is appointed today -- at the foot of page three of the Bill, you see that they must file a statement showing the rates they charge. They've got to stick to that for the rest of the year, unless they've had an increase. If they've had an increase, then, three weeks later or four weeks later, the increase comes into effect and everything in the garden is rosy until some dissident citizen complains. At that point in time, the Board must either approve the increase or disapprove. So, the effect of disapproving of the rate is the effect of fixing the rate they may charge. Whether you call it fixing or approving is only semantics. It's going to happen from next year on and there's no point in trying to conceal it. The Board will be in the position to fix the rates.

Mr. Gee: Not necessarily, Mr. Chairman. They approve or disapprove a rate, but it doesn't say the rate has to be fixed. The man can go back and file a different rate and it may not have to be fixed. If the Board is going to fix a rate that you can charge no more than, then they are certainly duty bound to fix rate where you can charge no less. It's part of a filed rate system. You can't have a filed tariff system and fix the top and not the low.

Mr. McKinnon: In the filed tariff system that you operate under in either B.C. or Alberta, do they have a scale that you can charge no more and no less also? It seems to me here...

Mr. Gee: Not in Alberta.

Mr. McKinnon: Not in Alberta, but in B.C., then, they have a no more and no less scale. It seems here what we are trying to do is make a no more scale but no protection of a no less scale.

Mr. Gee: Exactly.

Mr. McKinnon: I get it.

Mrs. Watson: What do you do in Alberta? You say they don't fix rates. Do they not fix rates in Alberta?

Mr. Gee: No, they don't. There is no filed tariff system, no rates system at all in Alberta.

Mr. Legal Adviser: There is no filed tariff system, at least by the Government.

BILL #17

Mr. Legal Adviser continued.....

It's been a long time since there was a different bid coming in. When furniture is moved, say, from an officer coming up from Alberta, the contract tends to be the same right down to the thousandth point of a decimal when the estimate comes in. This may be a coincidence.

Mr. Gee: That's another thing, if I might make the point. There was a tariff bureau operating out of Calgary, Alberta. The Association worked with this bureau and they fixed a rate and they were charged under the Combines Act. But, if you have it here where you approve or disapprove a rate and you file your own rates, then there is no possibility of this. These people were charged under the Combines Act because they all filed rates under this western tariff. I say it should be approved or disapproved, not fixed.

Mr. McKinnon: I would like to ask Mr. Gee, so we leave the free enterprise system alone and you file your rates and you can move back, or, you don't file your rates. You have the Board doing its licensing and its different operations. What happens if it arrives at a point in time where all the carriers in the Yukon, there aren't that many, get together and say, "Let's all start charging the same rate in the Yukon for moving the goods about." What protection then does the consumer and the public have and what protection can the Board give them? Can they say "No, you can't do it and we've got the ability to be able to say that you can't do it."?

Mr. Gee: The Combines Act, I guess. Or whatever you call it.

Mr. Chairman: I wonder if I might ask from the Chair, Mr. Gee -- you suggested that if we are fixing the high rate, we should also fix the low rate, not necessarily the same rate, though. There would be a range. Each individual would file his own rates, his own high and his own low rates.

Mr. Gee: What we're suggesting is that if you -- if Council feels that we have to have a filed rate system, let's follow what we have outlined here rather than what you have in the Ordinance. We prefer at this time, that there be nothing on rates because there are no experts here to deal with rates. If you're going to deal with rates, then they have to be dealt with by experts. That's what we are saying.

Mr. Chairman: But, surely, if you are putting in your rates, you in this particular case are the expert. It is your business. You are putting in your high rate and also your low rate.

Mr. Gee: Who's going to determine who is right or who is wrong?

Mr. Chamberlist: The law, police.

Mr. McKinnon: The guy who pays or he doesn't pay.

Mr. Gee: Exactly right. But, then don't you class the carriers as public? Don't we -- should we not be protected in some way? If we are protecting the public, why shouldn't we be protected?

Mr. McKinnon: I agree with your concept. I've always pushed for the protection of Yukon business operations in the Yukon. I know exactly. We hear these questions every morning in Council and it comes to me every day, how people in the Yukon aren't being protected as to jobs and as to the resource development of the Yukon. The examples that you made are extremely valid and it's absolutely the same thing that's happening every day in the Yukon. Outside carriers are coming in, not employing Yukon residents who are fully capable of operating trucks and guiding them and flying them out after they've made their dollars in the Yukon and us never seeing a penny of it. I agree with you wholeheartedly; I agree with you that you should have protection and I disagree completely with the concept of more boards, more agencies, more people poking into every aspect of a guy's daily life, a guy's bread and butter and a guy's business. As far as I'm concerned, at this moment

Mr. McKinnon continued.....

with the fixed rate tariff, the more boards and agencies -- you're better off without the whole rigamarole of this board and agency and everything else. I'm telling you it's getting so you can't even sneeze any longer in the Yukon Territory without having to apply to five inspectors or forty-three agencies or Crown corporations or something to be able to do it. I'm telling you, the day of the laws in the land of the free is so far gone it's not even funny any longer. BILL #17

Mr. Gee: How are we going to get out protection without a Board?

Mr. McKinnon: Your protection comes through legislation to protect the person, the public, and the operator and the businessman. and the employer and the employee in the Yukon. That's where it comes from.

Mr. Chamberlist: Well, this is what we are trying to do. We don't want to run into an area of complete anarchy where people can do whatever they want, whenever they want. We have to have it. What I'm really concerned about is the fact that we have got to give protection to that other segment of the public who is the guy other than the Association, other than the truckers. This has to be a joint thing. I'm hoping that the only way we can overcome this is to agree, at least, on the basic things. If we allow the Association to have no limits at all, then, we are failing in our duty to the other segment of the public where they should be limited. I agree that there should be a maximum and a minimum. I think we can support that, because that means an advantage or disadvantage, as the case may be, for small people, individual owners, to file their particular rate structures with the Board. I see nothing wrong with that. I think that this is what we should do as a Committee. We should see that this particular area is there. I think that Mr. Legal Adviser has anything to the contrary if this doesn't take care of that particular concept. If it doesn't we should alter it, but, this is what we should really be doing.

Mr. Legal Adviser: Mr. Chairman, everybody has given forth their philosophy on this, in the House. Possibly, Mr. Gee can give us comparisons of, you know in the next few days, exactly, precisely, in legislation what other provinces do. We may be able to justify this. We know the feelings of the House on it. We know the feelings of the Administration, up to a point. It's possible, after discussion, they may bend on how this is actually organized but we don't seem to be getting much farther. We could have another look at it in the next few days and try to get some expert opinion. It may mean getting a man somewhere or telephoning somewhere to formulate something.

Mr. McKinnon: What's wrong with section 22 as they have it on page 6 of their Brief, as they ask it to be amended?

Mr. Legal Adviser: The thing is, on their Brief, they say that if you're going to have a rate structure they want undercharges prohibited as well and they want thirty days for ninety days. The main reason for the ninety days was to give time for objections to come in, originally, but nobody is tied to time in the number of days. There is room for manoeuvre on this. As far as undercharge is concerned, again, it's a question -- I'd like, after hearing this debate, to look at parallel legislation in other jurisdictions to be exactly precise and Mr. Gee will be able to help us, if he can produce the texts, and we can have a look at them.

Mr. Chamberlist: I don't think, Mr. Chairman, that anybody is objecting. As I hear it, no one is objecting against overcharges and undercharges, as long as the rates have a minimum and a maximum. Then you don't have an undercharge of the minimum and you don't have an overcharge of the maximum. Now, if -- you have a fixed area then. You have a dollar minimum, five dollars maximum. You have an area to work in. I agree that it shouldn't go under the dollar and it shouldn't go over five. If this is what Mr. Gee intends, there is no problem. I can't see that he intends that now, after everything that has been said.

BILL #17

Mr. Taylor: Mr. Chairman, the aviation industry has plagued long with this same problem that we're talking of now. Many years ago they embarked on a programme of filing tariffs and the general opinion from many of the people involved across Canada in the aviation business now is that it is becoming a bit of an unworkable sort of a situation. I can certainly say, at this point in our discussion, and up to this point, that as long as section 22 (1) and (2) remain as stated in the Ordinance, or, indeed, as suggested by page 6 of the proposal from the Yukon Transportation Association, I will firmly and most solidly vote against the Bill. I don't think that we should, at this time, certainly, embark upon a programme of tariff filing unless, with this one qualification that was stated by the Association, we have expertise. And, I mean expertise in this particular field. Now, obviously, we cannot find this because, already, it's been suggested by the Administration that we can't afford a full-time member on this Board. The kind of expertise you are going to have to get to provide -- or the kind of person you are going to have to get to provide this expertise doesn't come very cheap. Secondly, I don't think that, at this point in time -- I'd sooner see the Board develop. Get it started. Get it fulfilling its licensing function, holding its hearings, attempting to regulate all other areas of the public utility transport, or whatever we call it. But, exclude, at this point in time, the necessity for the filing or adjustment or otherwise of any tariff whatsoever. Otherwise, if 22(1) and 22(2) and all other pertinent sections related to the filing of tariffs exist, you have my negative vote for the Bill. I just won't go for it. I don't feel that we should have it at this time and I feel it should be wiped out at this particular point in time. I will vote against it.

Mr. Gee: Mr. Chairman, as Mr. Taylor has said, the Air Transport Board is having problems with their filed tariffs now and I would like to ask Mr. Taylor if he feels that the officials or the Administration don't have the expert people to work out the tariff system so that it is satisfactory to both the carriers and the public.

Mr. Taylor: Mr. Chairman, they do have experts. They have experts in Ottawa. No end of them. They have experts. As fast as they need one, they lay out another \$30,000 or \$40,000 and they get one. However, it's still not working. The general trend in most editorial comments in the aviation press and in talking to the operators, is that the filing tariffs will eventually disappear in the aviation industry.

Mr. Chairman: I wonder if, perhaps, we couldn't go along with the Legal Adviser's suggestion and have Mr. Gee produce some of the sections from the Alberta and B.C. Acts.

Mr. Gee: I can do that.

Mr. Chairman: Is that the wish of Committee, then? May we go on to section 23?

Mr. Legal Adviser: Mr. Chairman, this is a section which gives the Commissioner power to request the Board to give a report concerning the granting of certificates or a contemplated certificate. The design of the section is if some tremendously important thing is happening, and maybe the Board might be thought to be giving it a short deal, the Government can send for a report of what has happened in detail. It gives the Commissioner power to ask for a report. It doesn't say what the Board shall do or order the Board around, but, it may be politically important. Council may ask for something and the Commissioner would send a request to the Board, "Please send report of such and such a case". Perhaps it would deal with rates in a certain district, and so on.

Mr. Tanner: Mr. Chairman, it seems to me that time and time again, the Commissioner has been on his feet in both the last time we were discussing this Bill and on a couple of occasions this afternoon. Mr. Chamberlist

Mr. Tanner continued.....

has been on his feet discussing exactly the same thing. They've both been saying the same thing. You've got to give this Board confidence to fulfil its functions. Now, having given them these functions, and having given them this authority, it seems to me, from paragraph 23, that the Commissioner then, wants to review them. It doesn't seem correct. BILL #17

Mr. Chamberlist: Perhaps I can explain it. Mr. Chairman, if the Honourable Member from Whitehorse North has one of his constituents come to him and say, "I've been given a bum steer by this Board and I want to know why", and the Honourable Member goes along to the Commissioner and says "Well, look, I've had a complaint from one of my constituents. I'd like to know why." Under this section, the Commissioner has the power to ask for a report respecting the granting of a certificate. So, if he wishes to, he will be able to answer the question that has been raised by the Honourable Member. The same thing could apply in the House. A question could be asked; any Member can get up and ask about the result of an inquiry on behalf of his constituent. He could ask if the Commissioner could indicate why such and such a person was refused, or why his licence suspended, or the like. Surely, the Member would want an answer, and this is the only reason for that answer to be given.

Mr. Tanner: Mr. Chairman, I'd point out that in two cases -- first of all in section 24, any person can file a complaint with the Board. Why make a special case of the Commissioner? Secondly, the Board is appointed by the Commissioner and the Executive Committee, or the Commissioner in actual fact. Why, if they are appointed by the Commissioner, does he have to have a special report. It looks bad. I don't -- I'm not really happy about the Honourable Member's explanation of that particular section.

Mr. Chairman: Speaking from the Chair, I would like to point out that even though the Board is appointed by the Commissioner, it doesn't necessarily make -- in fact, it doesn't make the Commissioner a member of the Board. Therefore, he is not aware of all the proceedings of the Board unless he is requested to find out.

Mr. Taylor: Mr. Chairman, I just want to clarify one point that the Honourable Member from Whitehorse East very smoothly smoothed over. He said that anybody can ask the Commissioner for a report. If you reread this section, the Commissioner can demand and shall receive a report. It isn't a case of asking. It's a case of saying "I want it; get it here." There is a difference.

Mr. Chamberlist: Well, that's the way it should be. The point is this. Since he's requested it, there is no reason why the report should be refused to the Commissioner. I really don't see any ulterior motive in this particular section, but to be in a position for the Commissioner to answer the questions of Members of the legislative body. This is the main reason why it's there. If you want it out, go ahead, take it out. But, don't let any of you come back and say afterwards, "You know, we couldn't get any information". It puts this specifically so that Members of Council shall have the opportunity to find out what occurs. This one beats me, when you object like that.

Mr. Taylor: Mr. Chairman, I thank the Honourable Member for not being too concerned about this, and he would not object then, to removing the word "shall" and replacing it with the word "may" in section 23. Would this be agreeable?

Mr. Chamberlist: That's alright. I don't think there is anything wrong with it.

Mr. Legal Adviser: Mr. Chairman, I think the Honourable Member should be reasonable. We are trying to get, and hopefully will get, a strong Board and a strong Chairman, and we want the kind of Chairman who would when the Commissioner, without this section, will try to tell them what to do, give him a short quick answer in two words.

BILL #17

Mr. Chamberlist: Fuddle duddle.

Mr. Legal Adviser: Now, if you have that kind of a Board, the House needs the power to find out what is going on from time to time, when a question is asked, or the Board is going at an angle, or something. It is necessary to have this down in legislation because if you have a strong Chairman, you don't want to get the answer too often when you ask him just a well-mannered question.

Mr. Gee: If you have a strong Chairman, why do you have to have him reporting to the Commissioner?

Mr. Legal Adviser: Well, he's not reporting to the Commissioner.

Mr. Chamberlist: He's not reporting to the Commissioner. It's at his request but he's not reporting to him. The Commissioner, Mr. Chairman, is not asking for a report on every matter. Now, the same thing applies to the request that was made by the witness with reference to the supplying of statements, only on application. The same thing applies. It's exactly the same where we gave way to the Commissioner to permit Mr. Gee only with an application for a statement to be filed. This is exactly the same thing. Only upon application will the Board give a report. It's exactly the same.

Mr. Taylor: Well, then Mr. Chairman, does the Honourable Member not still agree that we should change the word "shall" to "may", irrespective of the advice of the Legal Adviser?

Mr. Chamberlist: I have no objection, myself. Of course, we will take it under advisement with the Executive Committee, as usual.

Mr. Legal Adviser: The House would be very sorry if they took it out.

Mr. Tanner: Mr. Chairman, either you take it out or you don't. You don't water it down. It's got to be 'shall' if you leave it there.

Mr. Chairman: I wonder if we could get the feeling of the Committee on this.

Mr. McKinnon: With respect, Mr. Chairman, it's not enough to worry about. It's not one of the important sections. There are an awful lot of more important sections to worry about than section 23.

Mr. Taylor: Mr. Chairman, I wonder if, at this time, -- I believe a matter of some urgency has arisen this afternoon, requiring some discussion in caucus by some of the Members. I'm wondering if it might not be a good time to consider shutting down for the day. Possibly, we could proceed tomorrow morning.

Mr. Chairman: Can we consider that we have dealt with section 23 and we will be ready to proceed from section 24 and on in the morning?

Mr. Gee: Well, the Association has said that we would like it deleted, but we've heard the arguments.

Mr. Chairman: I would like to thank the witnesses, Mr. Taylor and Mr. Gee, for attending Committee and would request that they attend again tomorrow morning at about 11:00 o'clock.

Exit Mr. H.J. Taylor and Mr. G. Gee.

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

Mr. Taylor takes the Chair.

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

Mr. Stutter: I second that motion.

Mr. Chairman: Is it your wish that I report progress on Bill No. 17? Agreed? 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: This House will now come to order. May we have the report from the Chairman of Committee.

Mr. Chairman: Mr. Speaker, Committee convened at 10:55 a.m. to discuss Public Bills. Mr. Gordon Gee and Mr. H.J. Taylor attended Committee to discuss Bill No. 17. Committee recessed at 12:00 noon and reconvened at 2:30 p.m. I can report progress on Bill No. 17. 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? I declare the motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Speaker: May I have your further pleasure.

Mr. Taylor: Mr. Speaker, in respect of the agenda for tomorrow, I believe that it is the intention of Committee to proceed with further discussion relevant to Bill No. 17.

Mr. Speaker: May I have your further pleasure.

Mr. Chamberlist: Mr. Speaker, I move that we call it 5:00 o'clock.

Mr. Stutter: I will 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? I declare the motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

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

Mr. Chamberlist: Yes, Mr. Speaker. I have this morning for tabling the Annual Report for 1970 of the Yukon Hospital Insurance Services.

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 or Motions, 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?

Mr. Taylor: Mr. Speaker, yesterday, in Question Period, there were a couple of questions asked of the Administration relative to local hiring practices by unions in the Territory. The Commissioner replied that he didn't feel that we should have legislation at this Session and in view of the fairly high unemployment rate; I think it is about 8 to 9% of our labour force, as closely as I can determine. In view of this high unemployment rate and in anticipation of a fairly active summer, could the Commissioner not reconsider this position in relation to this legislation and, indeed, provide this Council, at this Session, with amendments to the Labour Provisions Ordinance enforcing provisions whereby people must hire locally?

QUESTION RE  
LOCAL  
HIRING

Mr. Commissioner: Mr. Speaker, I am very reluctant to make any promises that we might not be able to keep. However, the matter has been further discussed since the question was asked in Council, yesterday, and every effort will be made to provide amendments to existing legislation that will, at least we hope, provide some kind of legislative remedy in this regard. I am sorry I cannot be any firmer in my answer, but certainly every consideration will be given to the attempt, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, a supplementary question. I remember, with the Commissioner in attendance -- the Yukon Council -- the Yukon legislature in attendance, and the majority of union leaders whose unions were working in the Yukon, sat around and discussed this very problem about hiring locally and they promised that they would make every effort to hire locally. They were warned at that time that if this wasn't done, then legislation would be brought in which would force them to open hiring halls in Yukon and hire locally. Mr. Speaker, I think the time has come for that type of legislation. I would ask, Mr. Commissioner, if this is the type of legislation that he is proposing to bring before the House at the earliest opportunity?

QUESTION RE  
LABOUR  
LEGISLATION

Mr. Commissioner: The answer is in the affirmative.

Mr. McKinnon: Mr. Speaker, this is going over water that we have gone through many times, but we have never received an answer. Can the Commissioner give any reasons why, when the Yukon Territorial Government was so close to taking over the Department of Fisheries, that all of a sudden it was refused by the Cabinet and it seems like we are never going to take over the Department of Fisheries. Now, has any reason been given to the Commissioner for the Cabinet denying the right of the Yukon to have control of their Fisheries?

QUESTION RE  
TAKEOVER OF  
FISHERIES

Mr. Commissioner: Mr. Speaker, I would say that the right to the Yukon -- of administrative's control of Freshwater Fisheries is something that can be given or can be withheld by the Federal Government. Fisheries are by the Statutes of Canada and by the Constitution of Canada a Federal responsibility. In the provinces it has been the practice of the Federal Government to delegate to the provinces the administrative control of the Freshwater Fisheries. It was this that we attempted to get. From the Administration's point of view and the Council's point of view, it is our understanding that as long as Council gave their sanction that it would be forthcoming. The sanction was given and, of course as the Honourable Members know, the administrative control of our Freshwater Fisheries has never been delegated to us by the Federal Government. No reason has ever specifically been given to me but, I think, it is a reasonable assumption that as the Honourable Members know the Ministers that control Fisheries and Forestry at the Federal level have or will be assigned the responsibilities for environmental protection and I believe that until such times as that role has been accomplished, because in the meantime the Fisheries Act, the Federal Fisheries Act, is being used in the northern areas of Canada as the one effective means of pollution control, that until those responsibilities are clearly defined in the environmental protection agency that there is not very much hope of us getting administration of the Freshwater Fisheries here in Yukon. I am sorry that I can't give any better an answer, Mr. Speaker. That is to the best of my knowledge where the situation is.

*QUESTION RE HOUSING RENTAL POLICY* Mr. Taylor: Mr. Speaker, I have a further question to ask Mr. Commissioner this morning. I would like to know if the Administration has yet been able to produce the Territorial Housing Rental Policy for their own employees as it relates to outlying districts?

Mr. Commissioner: Mr. Speaker, there is and has been for a long time a proper rental housing -- a proper rental policy for employee housing in the Yukon Territory. In the metropolitan area the economic rent in other words the rent that we have to pay, or would have to pay, if were we out on the open market where the housing is charged to our employees. In other words, if we rent a house from any agency, this is the Federal Department of Public Works or any private agency, and that house costs the Yukon Territorial Government \$200 a month when we have an employee in that house we recover from them that number of dollars. In the outlying areas the rents are established on a regional basis, based on Whitehorse being the economic rental and on a graduated scale where further away from Whitehorse you are in a small center of population -- the smaller the center of population that you are in the greater the subsidy, if you wish to call it that, Mr. Speaker, is allowed off of that economically. That is the policy that has been pursued for the last three years and it is the policy that is pursued now. These rentals all come up for annual review on September 1st, of each year.

Mr. Taylor: A supplementary, Mr. Speaker. I am wondering if Mr. Commissioner might be prepared to table an example of how these rates would apply from the urban center to the ultra-remote center.

Mr. Commissioner: Mr. Speaker, I think the best thing to do here would be to simply table a listing of all the units that come under our control and the rents that are charged. I think this is the proper thing for us to do.

Mr. Taylor: Fair enough.

Mr. Speaker: Any further questions?

Mr. Commissioner: Mr. Speaker, I wonder if I may have the opportunity. I said yesterday morning when I rose that there was one part of the

Mr. Commissioner continued ...

Honourable Member's from Watson Lake question from the day prior that I was unable to answer. I am in a position to answer now. It has to do with the question of Council regarding the Teslin Area Development Regulations. I think, as the Honourable Member who asked the question is aware, that there was a change in the management of the Department of Local Government and the answer supplied from that Department indicates that they cannot determine from their files whether any consultation took place with the community organization in Teslin on these regulations or whether they didn't. We cannot answer for what has already gone on. We are prepared to commit ourselves to see that any regulations in the future that affect any district where there are community organizations, a consultation will take place. The Area Development Regulations were instituted for the Teslin Area for the following reasons: 1. to provide direction into the future development of the area; 2. to ensure that proper planning procedures will be followed in all future land development in the area; and 3. to educate the community in question in the objectives of planning and compatible land use. The regulations that the Honourable Member asked of, this is why they were promulgated, Mr. Speaker.

*ANSWER RE  
AREA  
DEVELOPMENT  
REGULATIONS*

Mr. McKinnon: Mr. Speaker, I thought the greatest schmozzle I had ever seen up here to date was the takeover of the Alaska Highway by the Department of Public Works from the army. This was mild compared to the lack of information available, now, about the takeover of the Alaska Highway by the Territorial Department of Public Works and I am wondering if Mr. Commissioner could give the House any information at all about the proposed takeover of the Alaska Highway by the Territorial Engineering Department.

*QUESTION RE  
TAKEOVER OF  
ALASKA  
HIGHWAY*

Mr. Commissioner: Mr. Speaker, the finalization of this question was before a sub-committee several weeks ago. At that time, representations were made by a member of the Federal Cabinet asking that the decision be postponed until a further paper could be made available to the Cabinet Committee and until that matter is resolved there is just nothing further that I can report at this time to the Council, Mr. Speaker. To the best of my knowledge the administrative homework both at the Territorial Public Works level and at the Federal Public Works level as they apply here has been well done. I believe it would be similarly correct to say that it has been well done at the Department of Indian Affairs in Ottawa and the Department of Public Works level in Ottawa. It depends upon the final decision of the Cabinet Committee as to if and when this matter is proceeded with.

Mr. McKinnon: A supplementary question, Mr. Speaker. Has there been any information given to the employees of the Department of Public Works as to what their status will be when the Yukon Territorial Engineering Department takes over the maintenance of the Alaska Highway?

Mr. Commissioner: Mr. Speaker, I cannot answer that one way or the other but it would be the responsibility of their present employer, the host department being the Federal Department of Public Works to still apprise their employees. I am sorry, but I cannot say whether this has been done or not, I don't know.

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.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 32, 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.

*BILL #32  
FIRST  
READING*

MOTION CARRIED

*MOTION  
CARRIED*

*BILL #32  
SECOND  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 32, 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

Mr. Speaker: What is your further pleasure?

Mr. Chamberlist: Mr. Speaker, I 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. Tanner: I second the motion, Mr. Speaker.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Whitehorse North, 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? Agreed?

*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.

*BILL #17*

Mr. Chairman: This morning in Committee we will be dealing with Bill No. 17 and I am wondering, Mr. Clerk, if our witnesses are available at this time. I declare a brief recess.

*RECESS*

RECESS

Mr. Gordon Gee, representative of the Transport Association and Mr. H. J. Taylor, Registrar of Motor Vehicles enter as witnesses.

Mr. Chairman: We have with us the Registrar, Mr. H.J. Taylor and Mr. Gordon Gee, representing the Yukon Transportation Association. When we left off yesterday we were at section 23. Do you have anything further on section 23? The next section is section 24. Mr. Legal Adviser will comment on this.

Mr. Legal Adviser: Mr. Chairman, the Association has requested changes in the method of hearing and dealing with complaints. These are basically drafting suggestions for improvement and I think it could easily be dealt with between the Association people and the Administration without much discussion.

Mr. Chairman: Clear. Have you any further comments, gentlemen?

Mr. Legal Adviser: Section 25. Mr. Chairman, the Association say this is unnecessary because the Commissioner -- it's a section that gives the power of complaint to the Commissioner. They say it is unnecessary, we say elsewhere that any person may lay a complaint. It is thought that the Government should be put in a proper position open and above board as being capable of making a complaint.

Mr. McKinnon: They are not considered a person?

Mr. Legal Adviser: The Commissioner is a person, Mr. Chairman; but, he is in a special position. He is there as a representative of the Government of the whole.

Mr. Chairman: It is noted there that reference is to section 24 rather than section 23, is that correct?

Mr. Chamberlist: Yes, that is correct.

Mr. Legal Adviser: Yes, that has been changed, or it will be changed. *BILL #17*

Mr. Chairman: Any further comment on this section?

Mr. Legal Adviser: Mr. Chairman, in section 26, it is basically a question of a definition change but, there is also an insertion to deal with the question of the current financial statement; the Association having earlier said that they shouldn't have to give annual statements, this gives the power to demand a statement which would then be supplied. It is the parallel of the earlier section. The other reference to section 22 was section 26, paragraph (a) of subsection (2) and subsection (3). In the reference on the extra sheet has 26(a). They want a new section which will take account of existing interests in hearing a new application and there is no question, that is a reasonable request. Section 26(2); they are requesting tightening up which can be ironed out in discussion. Section 26(3); they want an increase in time from fourteen days to twenty-one days for publications and extra days before the hearing is held after the last insertion. I think that these time details are arbitrary in the sense that the insertion here is what the Administration thinks is reasonable and certainly it is just a question of agreeing on it, the correct number of days to ensure that justice is done.

Mr. Chairman: Have you anything further on then on section 26? I note that you say that the Association wants a definition change and also wish a current financial statement submitted with application. What are the feelings there?

Mr. Legal Adviser: This is the part where there was a discussion at length as to whether or not they should hand in every year a financial statement. They say no. Give it the first time and give a proper one then afterwards give it whenever it is demanded. This is the power to their area of quest which the Council I think held and was a reasonable one. So, it is reasonable in an earlier section and reasonable here.

Mr. Stutter: Mr. Chairman, I wonder if I might ask what is the point of having to produce a financial statement even with application. Why is the financial statement required?

Mr. G. Gee: In the past there has been certificates granted to carriers that weren't financially stable, they have tried to operate and have been unable to do so and therefore they have gone out of business and left many people in the Yukon holding their bag for dollars. I think it is only right that they should show a current financial statement to show that it is a reasonably solid company that will be able to carry out any operation that they declare they are going to do in their application.

Mr. Stutter: Mr. Chairman, it seems to me that this is perhaps discrimination against the small operator. Perhaps the small operator's financial statement, maybe the picture shows that he has even had some losses. Is this going to make it, perhaps, so that he can't get a new certificate.

Mr. G. Gee: Some of the financial statements of some of the bigger companies have showed great losses.

Mr. Stutter: Mr. Chairman, there again, what is the point of a financial statement?

Mr. G. Gee: On a new application, I think, we feel that the company should be prepared and financially capable of carrying out the work or whatever their licence is granted for. They should have to show that they are stable enough to carry out any function of transport.

Mr. Stutter: Surely, Mr. Chairman I don't wish to pursue this point indefinitely, but on a new application where is the financial statement going to come from anyway if it is a new application?

BILL #17 Mr. G. Gee: It is a new application for a licence, not for a company.

Mr. Chamberlist: Mr. Chairman, on the new application, I take it that the applicants financial statement would show the assets of the person who is applying for the application. There is a lot of difference between somebody -- a business showing a loss in its business and at the same time showing, at least, that it has assets. You can lose money in a business during the course of the year but it doesn't necessarily mean to say that they haven't sufficient assets to meet your commitment. One of the good reasons why this should be here is the fact, and I recall a few years ago when one particular transport company was accepting C.O.D. payments and then you couldn't get the money out of them. People would ship C.O.D. to Dawson or to Mayo and it would take anywhere from three to four months to get C.O.D. monies paid. What had been happening was that the operator would use the money he had collected on C.O.D.'s to operate his business and fall behind and then would have to raise money, after pressure of a customer who would ship the certain freight to get the money back from him. Now this is a sound reason for there to be a necessity of a statement showing -- certainly if a statement would show right at the beginning that an applicant had no assets at all, didn't even have ownership or an equity in a vehicle, he shouldn't be granted a licence because of the danger to the public in this instance.

Mr. Stutter: Mr. Chairman, I can't let this drop at this point. I would like to ask if other companies that are providing public service of a different type, not necessarily trucking, if other companies are required to produce financial statements before they are issued with licences or permission to continue on working. Maybe the Legal Adviser could answer this.

Mr. Legal Adviser: I think it is normal, Mr. Chairman, for public utilities that are undertaking in public to get a privilege, a basic monopoly privilege, that they would provide a certain service and undertake to provide the service; to submit to the question, are you physically and financially capable of providing the service in return for which you are getting the monopoly. This is all in all right across Canada.

Mr. McKinnon: Mr. Chairman, in section 21 we relieve the operators with Public Service Licences of the responsibility of producing annual financial statements but have left it to the discretion of the Board. If they felt that they should have a financial statement they could demand. I think to parallel that the same should be in section 26; that if the Board considers that it is pertinent to the hearing of a licence application to ask the applicant to produce the financial statement, they should have the discretionary power of being able to do so. I think it parallels the same feeling in the legislation and it gives the Board the discretionary power of whether to do so or not. Certainly, if the Board feels that there is a pertinent point, they can ask and demand a financial statement and receive a financial statement from the company. I think it would be in the Board's interest to do this in most cases, that perhaps they don't wish to do in other cases. If we have confidence in the Board and trust in the Board then I think the problem is resolved.

Mr. Stutter: This is fine, Mr. Chairman, I could agree with the point that has been raised by the Honourable Member as long as there isn't a requirement that the applicant must, in all instances, produce a financial statement. I can agree that if the Board for some reason feels that the financial statement should be brought forward, this is fine. Why should it be just an automatic thing at the time of application?

Mr. G. Gee: That is what we are asking for, that it must be one of the conditions of application.

Mr. Stutter: Mr. Chairman, this is the part that I find discriminating.

Mr. Chamberlist: On a new application?

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Mr. G. Gee: On a new application.

Mr. Chairman: I am wondering what the feeling of the Committee is on this matter so that we might direct Mr. Legal Adviser. Is it your wish that it be mandatory or that it be discretionary?

Mr. Chamberlist: They both have to be the same, Mr. Chairman. If the Association is asking that it be discretionary in one area, why shouldn't it be discretionary in the other area? I wonder if Mr. Gee could explain this? It seems to me that we would be making a special condition for those people that are in business, and different conditions for those people that want to go into business. I wonder if that could be explained as to why?

Mr. G. Gee: In the Act the Board has the power to ask for or to have produced from anyone any papers or financial statements or utility that he has. It is spelled out here that he must produce it. Right? So this is your financial statement. If there is a complaint of any type the Board can demand that a financial statement or a balance sheet be produced. What we are saying here is that on a new applicant, because of past history and licences being issued in the Yukon Territory where people have been issued a licence, they have tried to operate and have very inefficiently operated to the extent that they have eventually gone into bankruptcy unless -- they didn't only go into bankruptcy, they did work that the existing carriers could have done but could not do at the rate that they were charging. So, these people have gone bankrupt and left bills, unpaid bills, all over the Yukon Territory and we say that a new application must show that he is financially solid and capable of carrying out the services that he is asking for on a licence.

Mr. Chamberlist: Couldn't it be, Mr. Chairman, that an old applicant is just as liable to go bankrupt as a new applicant.

Mr. G. Gee: Certainly.

Mr. Chamberlist: Then why shouldn't the same policy apply to both? If those businesses could go bankrupt, the same things happening to them, how come we make a separate rule for an old business that could go bankrupt and a separate rule for a new business that could go bankrupt? They do not seem to fall in with each other.

Mr. G. Gee: I think you have missed my point. What we are trying to ensure is that a new applicant must show need and necessity for additional service. It must be a requirement. It is a protection of the carriers in the Yukon Territory. If it is going to be so, then he also must prove that he is financially stable. Whenever we make application to any other province or any state, one of the requirements is that you produce a balance sheet of profit and loss to show that you are capable financially of carrying out any services you are asking for on a licence. This is only under application. B.C. Motor Carrier Act, they demand it; Alberta demands that you show a financial statement, because they do not want to issue a licence to a person that may not be able to carry out the services.

Mr. Tanner: Mr. Chairman, I suggest that in most cases the Board is going to call for that information anyway.

Mr. Stutter: Mr. Chairman, Mr. Gee, you just stated that in the case of a new applicant, if this information isn't brought forward and if the new carrier goes bankrupt, you are more concerned not so much that the carrier has gone bankrupt, but he has taken away business from existing carriers. Isn't it the present practice that where an application is made, any existing public service carrier has the right to put a stop to that application if you can show that you are in a position to handle the freight or the service that is being applied for. Surely, this right in itself is protection enough.

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Mr. G. Gee: It is, providing the investigations are done and that everyone is fully aware of an application and what his capabilities are. I don't think that it is fair to the carriers in the Yukon Territory to have to show a financial statement to any other board in Canada, or the U.S., before they can obtain a licence; whereas, the same carrier may come into the Yukon Territory and doesn't have to comply with that rule that he has in his own province.

Mr. Chairman: Just in speaking from the Chair, here again we run into trouble because you are going to have people that are not all mainline carriers. You are going to have people applying, for instance, a lodge applies for a P.S.V. to operate a wrecker service in relation to his section of road. I think he should not be required to put out a balance sheet of the operation of his lodge or anything of that nature. You get people running expediting services. These aren't mainline carriers. They are other forms of licensing. It might be a little much to start asking ...

Mr. Legal Adviser: Mr. Chairman, I don't think the wrecker -- a tow truck you mean? At the moment they are exempt. Lots of these small things are exempt or will be exempt as well from the provisions of this Ordinance.

Mr. G. Gee: We are only talking about a public carrier, I believe.

Mr. Taylor: We are talking about public vehicles.

Mr. G. Gee: I know. This is why we were asking for the definition to start with.

Mr. Stutter: Mr. Chairman, I wonder if we could not leave it that the Board may require this information, but that this information doesn't necessarily have to be part of the application.

Mr. McKinnon: It either has to be discretionary or mandatory all the way through. One or the other.

Mr. Tanner: I think in this case, Mr. Chairman, that most of us agree that this should be discretionary.

Mrs. Watson: Mr. Chairman, I believe that every owner wishing to operate a public service vehicle would have to submit this financial statement when they apply for a certificate. When the Board first begins operation in the Yukon Territory, if this goes through, and every transport utility then comes up to them for certificates, it will permit the Board to get a picture of the financial stability of these companies that are applying and then from this picture they will know that in two or three years hence, they will have to ask this certain company for a financial statement again to see whether they are operating as a solvent company. I think in this light it should be necessary that they file.

Mr. Stutter: Mr. Chairman, again I would have to disagree with Councillor Watson. If we leave it at the discretion of the Board, for any reason if the Board, at the time of application, not only the Board, but any of the existing public utility carriers -- rather, any existing carriers want to block that application and have good reason to do so, they can do so quite easily without the financial statement. If the Board particularly wants the financial statement produced, they can ask for it. All I am asking is that it isn't a demand that the applicant must produce a financial statement before putting in an application. I see nothing wrong with the Board being able to ask, if for some reason they feel it necessary in the public's interest.

Mr. Chamberlist: Mr. Chairman, would the Members of Committee see any objection to any applicant, whether it is a new applicant or an applicant that is receiving a renewal, being asked to produce a statement if the Board required it at the time of the application? Is there any objection to that?

Mr. Tanner: At the discretion of the Board.

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Mr. Chamberlist: What I am saying is if, at the time the Board asks when dealing with an application or a renewal of an application, I take it that renewals will be dealt with by the Board but they would not come automatically. If the Board then requests a statement, would there be any objection to a statement being supplied?

Mr. G. Gee: On renewal?

Mr. Legal Adviser: Mr. Chairman, the Act doesn't provide for a renewal in what has become the accepted sense. You get a certificate of authority and it continues on. What you renew is your detailed licences in the Registrar's Office.

Mr. Chairman: Your operating authority is good then until removal?

Mr. Chamberlist: Until revoked, yes.

Mr. G. Gee: Is there not a time limit on whether or not an authority will be -- like, if you don't pick up a licence, for instance, you hold an operating authority, if you don't pick up your licence within a certain period of time during the year?

Mr. Legal Adviser: Yes, but this is absolutely different. When you get your certificate of authority then you must pick up your licence to put your trucks on the road, so to speak, within a certain amount of time; or if you fail to use it, something happens; or if the Board reviews the situation. There is some change in events or it comes to the Board's purview like pertaining to an increase in rate and these various things. In fact, without renewal they would be coming under regular scrutiny all the time with the Board.

Mr. Chamberlist: This raises a question, Mr. Chairman, and I think that we will have to look further than this point because what we have now is just a -- I mean what we have now, existing now, are people that have P.S.V. Licences and are doing nothing at all with them. Some of them are holding P.S.V. Licences for two years. Well if that were a continuing thing we would be defeating what we are trying to get at, that is to make sure that there should not be P.S.V. Licences issued when they are not being put to use. This is why I was thinking in terms of a renewal so that there should be a requirement that the licences should be renewed and where it is found by information submitted to, perhaps by an association or an individual, the Board that certain licences are not being used, and this is stopping other licences from being issued. Because of them not being used then, they should be withdrawn.

Mr. Legal Adviser: Mr. Chairman, the Honourable Member has a point, but as I understand the scheme of the Ordinance, people are going to get certificates of authority, which is a type of umbrella beneath which they would be able to buy the individual licences from Mr. Taylor's office. The first duty of this Board is to review every single licence that has been issued in the last ten years in the Territory and decide what its ongoing policy is going to be; what service is required in individual points; what authority should be actually issued or renewed and so on. They must set up a basic policy and working from that first block of policy in a hard few months of work then there will be an ongoing policy developed and there will be constant reviews of the situation, an automatic renewal coming up in March of every year.

Mr. G. Gee: Mr. Chairman, in section 21 it says " Every transport public utility shall within three months after the end of its fiscal year, file with the Board; (a) a statement showing the rate which it charges 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; (b) financial statements for the fiscal year in such form and verified in such manner as the Board directs." Now what possibly could be

ILL #17 Mr. Gee continued ...

done is that on the initiation of this Bill, every transport public utility would produce a financial statement, but not on renewal, only on new application. This means that everyone has filed a financial balance sheet.

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

Councillor Stutter takes the Chair.

Mr. Taylor: The only thing I can't seem to get clear -- the only thing you are going to learn out of this is that when the person at the time of application, that at that time he is solvent, well, he must be solvent or he wouldn't be applying. You are not going to stop any bankruptcy or anything of this nature because the guy could walk out and pick up his licence and three days later blow the money and go bankrupt. You are not going to stop any bankruptcies this way, that I can see. I really think it should be a discretionary sort of thing rather than mandatory. I just don't feel that we are ready yet. I think then, if the Board in working with this for a year or two, with this Ordinance, were then to feel, and give good reason to Council why it should become mandatory, fine. We review it at that time. I think it should be discretionary at the outset.

Mr. G. Gee: Mr. Chairman, Mr. Taylor said that the applicant must be solvent or he wouldn't apply. This isn't the truth. It has been proven in the past very few years that there has been application, they have been granted licences and they have not been financially stable to carry out these services. There have been communities hurt because of this. I am talking about the public, not the carrier; the community. There have been such cases where individual communities have been hurt because there has been a licence granted for a carrier to haul into that area as a public service, and they were incapable of doing so, and they have eventually gone bankrupt and that community has been hurt substantially by such a certificate granted to a person not financially able to carry out the services.

Mr. Taylor: Mr. Chairman, just one point and it refers back to a point I would like to have made when the Honourable Member from Whitehorse East was speaking about people not using their licences. I think it has got to be considered that people during periods of depression such as we have been experiencing here in the Yukon, during these periods you can't very well go to a guy and say, "Okay you have got no work, so consequently you are not using your truck; we are going to take away your licence." I don't think that is fair. By the same token maybe some of these -- I am thinking of the small trucker, I am not too worried about the big guy like the mainline carrier; I am thinking about the little guy. There are lots of these little guys around the Territory. Sometimes maybe his financial picture isn't all the very best but he should have the opportunity if he has got a vehicle and he seems to have enough money to buy gas for the thing, and to provide a service to the community and around the Territory. Let him get with it. To insist that he has to be at some level of solvency, which is much above his means, this is stupid. You just tie up the whole Territory to carriers who have money. You have got to give the guy a chance to grow.

Mr. Chamberlist: I do think that after all that has been said on this particular point that the vote must be that the Board must have some powers and must be able to use those powers in the best interest of all parties involved. I think that we would be right in saying that here is an area where the discretionary power should be given to the Board. In any event, the Board can ask for the statement if they so wish to. I would suggest that it be left for the discretion of the Board.

Mr. Taylor resumes the Chair.

Mr. Chairman: I think at this time I will resume the Chair and declare a recess.

Mr. Chairman: At this time we will call Committee back to order. Is there anything further on section 26?

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Mr. Tanner: Mr. Chairman, I have a question arising out of previous discussion before the recess. Councillor Chamberlist said that it's the intention of the Board to review all the previous licences over the past 10 years that have been issued. Should this not -- or the Legal Adviser, beg your pardon, said it is the intention of the Board, once it is set up, to review all the licences that have been issued in the past 10 years. If this is the case, and if this is what Council wants, should this be written into the legislation, or into the...

Mr. Legal Adviser: Mr. Chairman, it is written in -- when I say 10 years, don't take me as 10 years. They are going to review all the current licences. There are lots of dead licences on the books, and so forth. The whole thing needs to be cleaned up and this is the purpose of the Board and they have this power written into the Ordinance. One hopes that it will use it, because if it doesn't there is no use of having a Board at all.

Mr. Chairman: Anything further? Alright, Mr. Gee has some information relative to section 22. Just before we proceed, possibly we can pick that up at this time. This is respecting tariffs.

Mr. Gee: Well, I was asked yesterday to produce some of these tariffs from other places, I think. Is that not right?

Mr. McKinnon: I am just looking at the books and I am scared already.

Mr. Chamberlist: Mr. Chairman, they are not necessary, I would suggest.

Mr. Gee: The question was through yesterday at the reading of this Ordinance, that the Board may fix the rates and that the transport public services were not to charge more than filed rates, and we were objecting to that wording and put in a proposed section of our own that was not acceptable here. Is that not right?

Mr. Chamberlist: I don't see anything wrong with the rate itself. The amount that each rate is, isn't the point. The point that was raised as I recall it, is, whether it precedes above a maximum and below a minimum.

Mr. Gee: This is what we were asking.

Mr. Chamberlist: Well, perhaps Mr. Taylor can indicate, Mr. Chairman...

Mr. H.J. Taylor: With due respect, Mr. Chairman, I think the question was that Mr. Gee was asked to find out which of the neighbouring jurisdictions actually control rates, and we found out that they do control rates in B.C., but they do not control them in Alberta. I have to submit that Alberta is a much older Board than we are, and if they don't see fit to control rates there, they leave it up to competition and they used to do this in every province in Canada but I think less than half of them control the rates right now, so, I don't think it is a point that we have to worry about too much. We are going to be pretty busy as it is, without trying to control the rates, I might say.

Mr. Gee: Well, then is there going to be a fixing or filing of rates?

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, as I stated yesterday, I certainly agree with

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Mr. Taylor continued.....

the remarks made by the Registrar this morning, that I could never accept this Bill with section 22 remaining, and we had some discussion whether section 23 remains or 24. I certainly don't feel that there is any requirement or necessity at this time for the posting or filing of tariffs. I think that the Board can carry on with its other duties, and if the Board, again in another year or two years feels that it is absolutely necessary that we go into a tariff system, again come back to Council with some good reason why and then it can be considered at that time. But certainly I feel that section 22 has got to go out.

Mr. McKinnon: Mr. Chairman, I have heard no objections from any Member as to why the section 22 as amended by the Yukon Transportation Committee Brief shouldn't be accepted. To me it seems quite sensible and it fixes the minimum and the maximum. This seems to be the feeling of Committee when we were going through this section and I wonder if anybody can point out the objections that they have on the proposed section 22 -- the proposed amendment by the Yukon Transportation Committee.

Mr. Chamberlist: Mr. Chairman, the point that I made is that we should have a fixed minimum and a fixed maximum. It appears to me that the Association is objecting to a fixed minimum and a fixed maximum. Isn't this your understanding, Mr. Chairman?

Mr. Gee: That is right. We are objecting to the fixing of rates and holding to a maximum, but not a minimum.

Mr. Legal Adviser: I think the words maximum and minimum, Mr. Chairman, have been slightly misused, but Mr. Gee's point is that there should be a rate. There should be a prosecution if necessary for anyone who charges over the rate or under the rate, but as the Bill is drafted, enforcement would only be if the person overcharges. Now, the Association feels it is necessary for the protection of their members, that we stop people cutting prices. The House feels that it is necessary for the protection of the public to stop people overcharging the public.

Mr. Taylor: Yes, Mr. Chairman, it was pointed out yesterday that competition eventually will set a tariff, and by effecting section 22, you are being grossly unfair to the small operators and on main-line carriers and I can never accept this.

Mr. Chamberlist: Well, it is because of what the Honourable Member from Watson Lake has indicated that I am in agreement with him, that the small operators should not be restricted, except once he has filed his minimum rate and once he has filed his maximum rate, he should not be allowed to go over that maximum or under that minimum, because the public then and the competition would be in trouble, for the simple reason the Truckers' Association might find, after having a minimum rate set, that deals are being made under the counter, and this would interfere with the free enterprise system that they so properly want to protect, and I cannot abide by why there should be any objection that there should be a maximum and a minimum, and it being illegal to charge outside the maximum and outside the minimum. There seems to be a reason for this.

Mr. Taylor: Well, Mr. Chairman, if you were -- let's say you are charging \$1.25 a mile. Is it then conceivable that an operator could go in and say, okay, I'll file my low tariff at 10¢ a mile and my high tariff at \$10.00 a mile. What have you achieved? Nothing.

Mr. Gee: Mr. Chairman, our suggestion is that the Board establish a minimum and maximum rate, not the carriers. We have already -- if we

Mr. Gee continued.....

file a tariff, we have filed a tariff that we will abide by and everyone files an independent tariff, and the Board will establish a minimum or a maximum.

Mr. Taylor: Totally unacceptable, Mr. Chairman, from this side. I'll resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Stutter: Mr. Gee, I would like to ask you one question. Are you or your Association, let's say, scared of the free enterprise system?

Mr. Gee: Yes.

Mr. Stutter: Then why do you want rates at all? Why can we not use the Alberta scheme, of no rates whatsoever? Why must rates be spelled out in -- well, why must they be spelled out anywhere?

Mr. Gee: Why must we have the Ordinance, if it is free enterprise? Throw it all out. If there is going to be control on transport, let's have it controlled or not.

Mr. Stutter: Mr. Chairman, well what is the point of the Board in Alberta and what is their function? I mean, if it should be thrown out, as you say, just because the rates aren't fixed, then what is the function of the Board in Alberta?

Mr. Gee: I am saying they all should be thrown out across Canada. If one is going to work under the regulations and the other isn't, then what is the purpose? My feeling was that we would establish a Transport Utility here, comparable to other provinces and other states, to where we would be controlled on a fair basis, not an unfair basis. Alberta and B.C., they take jurisdiction on rates, some on rates, some on commodities, some on whereabouts, and we don't have any jurisdiction in the Yukon Territory at all.

Mr. H.J. Taylor: Mr. Chairman, it seems to me that either yesterday, or it was sometime yesterday, Mr. Gee stated that the Transport Association didn't want rate fixing.

Mr. Gee: That is right. That was our first request.

Mr. H.J. Taylor: Now, we start back there again, but they certainly did express their wish that they would have this Transport Public Utility Ordinance and the Board, but they didn't want them to fix rates. That was their first request.

Mr. Gee: Well, their request was worded differently, Mr. Chairman. It was worded that, if there had to be filed rates and fixed rates, that we follow the system that we suggest in our Brief.

Mr. Tanner: Mr. Chairman, could I ask Mr. Taylor a question, not concerning the rates, but his personal feeling? I don't know whether this is a fair question to a member of government, but I would like to know his personal feeling on whether or not we should have rates in the Yukon fixed rates, that is.

Mr. H.J. Taylor: I don't mind expressing my opinion at all, but the provinces have not agreed on this yet. Some of them do, some of them don't. I say that if you give this Board a chance to get on their feet first, then we would be in a much better position to fix rates and control rates. But I don't think we should even try it now.

Mr. Tanner: Mr. Chairman, I would like to suggest in that case,

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Mr. Tanner continued.....  
that since Mr. Taylor has been counted by the government and by everybody around this House as the expert, that we -- it is an English system. He should be the gentleman whose advice we should take in this case and we should not fix rates initially.

Mr. Stutter: Mr. Chairman, there is one point that has just come to mind. If we do fix -- file and fix rates, what is this going to do to the hauling of ore in the Territory, which must be, I don't know, I am just taking a rough guess, it must be well more than 50% of the total hauling that is done within the Territory, and I am sure that the rates that are given to the mines for hauling ore, they are either on a contract basis, or they are considerably lower than anything that we are able to put into this Ordinance or Act.

Mr. Gee: No, not necessarily. If the vehicle comes under the classification that we have asked for here, then there can be provisions made on contract hauling for a limited vehicle.

Mr. Chamberlist: Mr. Chairman, there seems to be merit in what everybody had to say about this. Everybody has put up a new argument. May I suggest that it be left to the Board for one year, and that they do not bring into effect certain sections of the Ordinance. In this way at least, I think, everybody could be satisfied in this regard. To withdraw the sections of the Ordinance completely, as the Honourable Member from Watson Lake has indicated he would like to have done, I think would destroy the makeup of the Ordinance itself. I think this is where the danger exists. The Ordinance itself has been initiated mainly because of the request made, not only by the general public, but by the Transportation Association, that they have some legislation to enforce and protect and this is merely what the government is trying to do. However, as I say, if there appears to be some reticence in accepting those particular sections that deal mostly with the filing of rates or the fixing of rates, these sections be not brought into force until a later time.

Mr. Tanner: Mr. Chairman, I am sorry, I am not in agreement at all with this suggestion that has been made. Either we take them out, and at such time that the Board recommends through the department they come back for discussion in this House, that is fair enough, but we are not going to leave them in, and at the discretion of the Board, they'll make this decision which we are having such difficulty to make now. Either we take them out and forget them, or we leave them in. There's no halfway measure.

Mr. Chairman: Mr. Gee is circulating sections from the B.C. Act applying to rates.

Mr. McKinnon: What does the B.C. ratebook look like?

Mr. Chairman: What is your decision in relation to section 22?

Mr. Legal Adviser: Mr. Chamberlist has indicated it may be possible to produce a compromise and in the redrafting, the Administration will take a second look. We will have to give the Administration a chance to examine the Brief.

Mr. Chairman: I believe it was the intention of this exercise to offer direction to Mr. Legal Adviser as to the dealings of the House, and I think what must be determined is, do we accept the posting of tariffs or the filing of tariffs, or do we not accept the filing of tariffs at this time.

Mr. Legal Adviser: I think the Legal Adviser has the feelings of the House, Mr. Chairman. BILL #17

Mr. McKinnon: Does this in no way restrict -- if the rates of filing and fixing were removed -- in no way restrict a person from complaining and having the authority of the Board, if he feels that he has been done an injustice by a charge that has been made, which he thinks is too much.

Mr. Chamberlist: What can the Board do, Mr. Chairman? What can they do if somebody came along and complained that in my opinion I have been charged too much for carrying certain freight. No recourse at all.

Mr. McKinnon: Yes, I can finally agree with one comment made by Mr. Gee, that if we leave room for fixing and filing of rates, that really the Ordinance is -- we shouldn't really consider ourselves with the Ordinance at this time, because the Board is in fact a eunuch -- powerless.

Mr. Chairman: Well, I believe this matter is going to be further considered, so we will proceed then back to section -- Mr. Legal Adviser, to section 32?

Mr. Legal Adviser: This is a -- it is not too minor a point, but comparably minor, Mr. Chairman. What the Association wants is, they want to leave in section 32 the power of the Board to order cost in the event of a hearing and they want a section which will include giving security for cost. Now, I take it that they mean by this that in certain cases when a complaint is laid, the person who is making the complaint and causing the hearing will have to give security in advance that he is capable of paying the cost, if the costs are ordered to be paid against him. This is what I take it to be the point.

Mr. Gee: What we are asking is that a cost be set out to establish what the cost will be for an application; what the cost will be for objection.

Mr. Chamberlist: That is a power that is laid down by regulation anyway, as to what cost will be involved.

Mr. Gee: Now, what we are asking is, the wording here: "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. Chamberlist: Well, because the Board happens to be a quasi judicial Board when it is sitting and it has the power to do that.

Mr. Legal Adviser: I would think so. I think they have the basic power.

Mr. Gee: Should there not be a prescribed fee?

Mr. H.J. Taylor: Mr. Chairman, the regulations section gives the Board the power to set the fees that are going to be charged and there will be a prescribed fee then.

Mr. Gee: A prescribed fee for what? This is what we are trying to establish, what is the fee going to be?

Mr. Chamberlist: That will be in the regulations.

Mr. H.J. Taylor: The section says that the Board may set the regulations for the fees that may be charged for certificates and other services provided under the Ordinance.

BILL #17 Mr. Chamberlist: It comes under the other services, that is a hearing.

Mr. Gee: That is the hearing, a complete hearing. It doesn't prescribe fees for someone having to go somewhere and obtain evidence or -- it will prescribe a fee for hearings and such.

Mr. Legal Adviser: Supposing he knows in advance he has no money to pay, what are you going to do then?

Mr. Chamberlist: This is not a function of the Board, you know, to do that.

Mr. Gee: Yes, but what we -- I understand now, but what we are trying to establish, what does the wording mean. Is this for -- it says: "any costs incidental to any proceedings."

Mr. Legal Adviser: Mr. Chairman, "costs" in this connection have a legal meaning. It means the lawyer's fee if a lawyer has been engaged and it means the expenses of bringing the witnesses to the hearing. This is what it means. Now under subsection (3), the Board may order, where an objector objects and it is an nonsensical objection, they may say the cost of this hearing has to be paid by the objector. What Mr. Gee, and I think Mr. Gee is not quite explaining what his point of view is, it will be occasionally known in advance that the objector is a man of straw, and as such there might be, as a result of his objection or request, a hearing -- results in a weeks' hearing with people coming up from Alberta, Victoria, and so forth to give evidence as to his trucker's operation, to prove his cost, experts being brought in from B.C. and Alberta on rate fixing and so forth and the cost could well run to \$3,000.00 - \$4,000.00. They often have. There have been hearings in this very room where the cost ran to \$80,000.00. So, at the end of a hearing like this, they order the man to pay the cost, and he ain't got any dollar bill to pay it with. He just puts it in his pocket and he goes away, but the people who brought their witnesses up have no means of reimbursing themselves. Now, Mr. Gee suggested that every so often the Board can fix in advance and say, you lay down a \$3,000.00 bond to cover the cost and we listen to your objection. That is what they call security for cost.

Mr. Chamberlist: Well, I don't think there would be any objection to that, because I think that there should be in some instances where a question raised might be put facetious or frivolous. Certainly the person to whom -- the person who makes the complaint against somebody else, should be -- it should be made known to him that you just can't go and make a complaint without any ground and if the Board tells him that it is facetious, it is able to award costs against him, but I think the intent now, as I see it, is that the Association would like provisions made that the Board can, prior to the hearing, order either one side or the other or both to place a deposit with the clerk of the Board, x dollars as security for the costs of the hearing. Is this the understanding that I have, Mr. Gee?

Mr. Gee: Yes, like any transport hearing that I have been to, there is an established cost an applicant must pay to be heard and there is also a cost established what an objector might pay to be heard at that hearing. And what we are asking here is that it be spelled out, so that we know what the costs will be to either objection or application.

Mr. Legal Adviser: It is not our intention to depart from an established practice. I think we can pick it up from the drafting. In section 32 I should have referred to it, it's not on the list prepared for the Members, there is a minor point in section 32 (2). The Association have asked that the words "reasonable and probable grounds" be added in to the protection section, so that the protection section would prevent an action

Mr. Legal Adviser continued.....

from being laid against the Board or a member of the Board, provided that the action has unreasonable or improbable grounds and they believe that such action was necessary in being done to carrying out the order. There is merit in it and I am not sure how far we should go in forcing the Board to prove unreasonable or improbable grounds in one of their actions. I suppose I should check back on this -- protection is given and should be the same to this Board, no less, no more than is given a similar Board in the neighbouring jurisdiction. I will have to check on this.

Mr. Chamberlist: Well, Mr. Chairman, further to Mr. Legal Adviser's remarks, the individual who shows he has been grieved by the action of the Board, has the right of claiming a prerogative writ for a hearing in that matter. Isn't this right, Mr. Legal Adviser?

Mr. Legal Adviser: That is correct.

Mr. Chamberlist: So, we have no difficulty there, although I am sure that the point that has been raised by Mr. Gee with reference to the matter of costs, can be adjusted to satisfy the means of his Association. I wonder if Mr. Legal Adviser can agree on that point?

Mr. Legal Adviser: I think we can adjust on this.

Mr. Chamberlist: Perhaps Mr. Gee hasn't got what I am getting at. We cannot say x dollars in legislation, but we can say that the Board may request that security for costs of the hearing be given. And I say it is up to the Board how much. Okay?

Mr. Chairman: Alright, then this is going to be picked up in the re-draft, is it?

Mr. Legal Adviser: Yes, Mr. Chairman.

Mr. Chairman: The next section is 33.

Mr. Legal Adviser: Section 33 is a necessary section. The Board can make rules for its own procedure. The suggestion is that the -- from the Association, it should be dealt with in the regulations. In fact, this is what is being done, but we have to give the Board power to make these regulations.

Mr. Chairman: Yes, I think this is normal in all things -- the Board has the right to rule its own membership and regulate its own sittings.

Mr. Legal Adviser: The next thing -- a minor drafting suggestion which can be ironed out I think in section 35. But in section 36 there is a difficult point. The Association wants the Board order to be final, but section 36 as drafted gives them power to review or rescind, or rehear any application.

Mr. Chairman: Yes, this is where on new evidence you...

Mr. Legal Adviser: From the administrative point of view, this is an ongoing thing. A person makes an application, he is refused. There is no reason why he cannot make a fresh application in a year's time if the circumstances change. Conversely if a person's operation is suspended by order of the Board, or cancelled by order of the Board, then in a year's time or two years' time circumstances again change, and he may be given back his licence.

Mr. Chamberlist: Oh well, wouldn't he be making a new application in two years' time?

Mr. Legal Adviser: No, but a Board is not a court in a real sense.

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Mr. Legal Adviser continued.....

It is an administrative tribunal. Occasionally it makes minor mistakes in its orders, or somebody dashes in and says before you actually sign the order you should hear fresh evidence, when they have already come to a decision, but haven't written it up, or something. They should be able to reopen something and not of the same -- the exact same finality as the court.

Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Legal Adviser can indicate whether or not it would be wise for us to say how long after should the Board review, because this leaves it open for evermore. Surely there should be a time limit after and this just struck me to fit in perhaps with the thought of the Association. The way it is written now, this gives the Board the power to review that application at any time infinitum, 10 years after. Perhaps we should limit -- the Board may review for a period of 6 months after if new evidence is brought. I think this would be important.

Mr. Legal Adviser: As it happened, this legal section is being written into the powers of the Boards across Canada, largely to overcome minor injustices which happen. The usual reason is, somebody has forgotten something, or somebody did something wrong, an injustice results. It might be two years afterwards. The thing has to be cleared up. It is not intended and is never used in this force. The same with the Labour Relations Boards, and so on -- the various administrative tribunals set up by the different provinces in Canada; but they are writing into their Ordinances, province by province, because it is the minor injustices that are picked up. No major things happen.

Mr. Chairman: The next section is 37.

Mr. Legal Adviser: Here is some other similar point, Mr. Chairman. They are asking that a time limit should be on an interim order. There is merit in it, except it is hard to see how you can put a time limit, because in some cases you would want to give it a trial run for a year, in other cases you would want to give a trial run for a season. A doubtful applicant comes who says "I am going to perform this new service in this new area." A transport operator may say, "I will go up the new track to Old Crow and I want a licence." The Board say, "Well if you want to invest or lose your money on that track, that is okay with us, but we give you an interim licence and then confirm it, if you in fact you can perform your promise", and this is the main problem of interim orders, to give the Board a certain amount of flexibility. So, if they are giving flexibility with one hand, it is hard to take it away with the other and say they can only give it for 6 months, or 9 months. Mr. Gee may have some observation on this.

Mr. Gee: The only comment that I have on that is, the reason for the interim, for a period of a month, or days, or whatever it is, if it is a matter of urgency, or anything else, providing that they do carry out a service that is needed in the area, or required and possibly the service is over within 3 months. Like for instance the work that is being done in the Eagle Plains area now. I think that we feel that if there is to be an interim licence, there should be a time on it, and if the operator is still operating on that particular job, he should then apply for a licence to carry out that service, after an interim period.

Mr. Legal Adviser: Mr. Chairman, I think this will be overcome in the redrafting. I will use a subsection dealing specifically with interim orders and say that an interim order may last for say 60 days or 3 months, but must during that time revert back to the normal formalities and be dealt with as a full thing. But the Board may still need the power to actually make up the order -- permanent order as a matter of urgency, without holding a hearing. Occasionally it is known that nobody is

Mr. Legal Adviser continued.....

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objecting and the thing is a matter of urgency. The case which brings it to mind, with which Mr. Gee will be familiar, the case where the D.P.W. had a contract for paving the Alaska Highway, outside Whitehorse. The particular contractor who got the main sub-contract was not acceptable to the trade unions, as he was not unionized. The result was there was a shutdown threatened on a Wednesday for the following Monday, and lots of people might be out of work over a labour dispute, so the person with the contract had a sister company in Vancouver, which was unionized, and everyone agreed that it would solve the technical problem by giving that sister company a licence to operate, so the Board held a quick hearing and gave this. But of course they had to abridge the notices. But the trade in fact was consulted and Mr. Gee was specially telephoned to come to the hearing at which the notice was abridged. I forgot whether he was for or against it. He is usually against most of these things, and the order in fact was made, but you only occasionally need this power.

Mr. Gee: I agree. It could be dealt with by an interim order with time spelled out.

Mr. Chairman: The next section then is 39. Well, I guess we had better hold up at this time and possibly pick up again at 2:00 o'clock. We will stand Committee in recess till 2:00 p.m.

RECESS

*RECESS*

Mr. Chairman: At this time we will call Committee back to order.  
Are we clear on section 37? The next section is 38, Mr. Legal Adviser.

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Mr. Legal Adviser: In relation to this, Mr. Chairman, this is a section giving certain discretions to the Board. What the Association wants in it, is that subsection (2b) should be deleted, which gives them the power to "exempt the application from any of the provisions of this Ordinance," subject to conditions. What is visualized here, is, that there may be some particular thing that should be done, but is impossible to be done at the particular time, or may be admitted by everybody, so the board would have the power to exempt them from the technical compliance with some particular thing. This has been necessary in the past on occasion. It is pretty much the same thing as the court has the power to do this too, by consent to waive technical complaints as a rule.

Mr. Chairman: Is there any further comment on this section? Alright, the next section, then, is 39. I believe sections 39 and 40.

Mr. Legal Adviser: Sections 39 and 40 are both drafting changes, which can be ironed out in discussion, I think, Mr. Chairman.

Mr. Stutter: Mr. Chairman, I see that, Mr. Gee, has put a note in the margin regarding section 40 (1) subsection (a), senior personnel in the area. Do you feel that the notice should actually be served on one of, or at least a director of a company rather than just on some adult employee of the company? I notice later on, you also have suggested that a notice should be served on -- or if it is to be served on one of the partners, it should also be served on one of the directors?

Mr. Gee: "in the case of a corporation, on some adult person in its employ, or at its registered office or chief place of business in the Territory;". What happens if there is nobody there? There is somebody at your place of business, but he is not employed as -- with any capacity in the organization, you know, somebody come along and serve him with a summons, it may be a truck driver or a swamper just sitting there, he accepts some type of notice that nobody knows anything about?

Mr. Stutter: Mr. Chairman, I have a tendency to agree with Mr. Gee, there. I would think that in the case of a corporation, the notice should actually be served upon at least one of the executive members, and in the case of a partnership owner, one of the partners, and in (c) "in the case of an individual, on him." I agree that it is hardly right to just to serve the notice to an adult employee.

Mr. Legal Adviser: We can see that there is a point there, if we can get the drafting on it, so that we are committed in the case of a corporation, if we go to the office, to go to the main office and serve some executive, if there is someone there, if there is no one there, what can you do? It is an empty place, and you can't serve it at all, but you can always serve at his registered office if it is a company, because the registered office is usually a lawyer who receives it, and would then take cognizance of it for a fee, and get in touch with his client.

Mr. Chairman: What you are trying to do, is say, some responsible person.

Mr. Gee: Yes, right.

Mr. Legal Adviser: Yes, we are just trying to put it into English.

Mr. Chairman: Have you anything further on section 40?

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Mr. McKinnon: Mr. Chairman, I find it only right to call to the attention of the House, that there are only four Members of their quorum of Members of Council present in the Chambers at this time. This is an important piece of legislation, and I don't think that it is fair to the people of the Yukon Territory, or the Yukon Transportation Association to have four Members of Council only dealing -- you know the rules of the House state that all Members of Council are bound to attend the duties of the House, unless expressly excused by the Speaker of the House, and I don't think that this is fair at all.

Mr. Chairman: Your point is very well taken, Councillor McKinnon. However we do have a quorum, and I think that we must proceed with the business of the Territory. Your comment is so noted. Have you anything further on section 40? Mr. Gee, have you anything further on this?

Mr. Gee: Yes, we have a note here on section 40, subsection (2), on the complaint. In (2) here, "if in any case it is made to appear to the satisfaction of the Board that service of any application, complaint, order or notice cannot be made in the manner provided in subsection (1), the Board may allow service to be made by publication in a local newspaper or by prepaid registered mail." We have a note here, on this, to delete the word "application" from that section, and rewritten as, "if in any case it is made to appear to the satisfaction of the Board that service of any complaint, order or notice cannot be made in the manner provided in subsection (1), the Board may allow service to be made by publication in a local newspaper or by prepaid registered mail." It is just the word "application" out of there.

Mr. Legal Adviser: I can't see the point of taking out one particular thing, and leaving all the others, but there may be a point, and I am sure that it can be picked up in drafting.

Mr. Gee: The idea here is, that the notice of application may not be noticed by anyone that may object to the application notice. Like, you put it in a local newspaper, any local newspaper, it is not gazetted or anything, and it is quite possible that a complaint or an opposition would miss the application, because it already -- the application is dealt with in section 26.

Mr. Legal Adviser: Not that type. The particular point here, Mr. Chairman, is that all applications must be advertised.

Mr. Gee: Right.

Mr. Legal Adviser: But, when the Board receives an application in certain circumstances, it may affect, in the opinion of the Board, a particular rival, so the Board may say, serve that particular rival with a copy of the application, and that is it. You then get it served, but you have got to guard against the fact that the rival may not be in a position to accept service for some technical reason, so does that hold up the application forever, because there is nobody there to accept service, or can they say, okay, publish an advertisement in the paper of the fact that you are calling on him to accept service? See, the application in the first instance comes into the Board, and it is not served on anybody, and an advertisement is published in the paper, then they may say, Mr. Gee, somebody wants a service into Edmonton; nobody else may run a service into Edmonton except Mr. Gee's firm; so the Board may say, make sure that you serve Mr. Gee, and then rightly serve Mr. Gee with a copy of that application, so that Mr. Gee will know. If Mr. Gee is in Hawaii, and has no registered office in the Territory, then that is the end of it, the fellow can never get his licence, until Mr. Gee comes back. We can't hold up the business of the Board, forever.

Mr. Chairman: Are you clear on section 40? Section 41.

Mr. Legal Adviser: Mr. Chairman, there is some importance in the objections made here. Mainly they are drafting suggestions, and they roughly

Mr. Legal Adviser continued ...

parallel the idea of how the appeal should go and so forth, of the Administration. They have transferred the right of appeal from the courts to the Executive Council, and I doubt if this will meet with the wishes of the House.

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Mr. McKinnon: Well, I would take my chances with the court anyway.

Mr. Chamberlist: I agree.

Mr. Gee: Our only objection was to the court on that, Mr. Chairman, is that once something gets into court, say it is a small infraction, how long is it going to be held up in court? The reason for the appeal -- I am not saying that we are suggesting the right people by suggesting the Board, but any small complaint or anything could be tied up in court for maybe a month, maybe three months. We are suggesting that there be a provision of appeal somewhere that would be faster than the court. It may be some small thing, you know, that could tie up -- that may hurt someone eventually, because it has been tied up in court, either the public or the carrier.

Mr. Chamberlist: Well, Mr. Chairman, it is not the courts that usually tie these matters up, it is the people that practice in the courts.

Mr. Gee: It was suggested to me that there be an Appeal Board set up; one would be a member of the Board, one would be a member of the public, and some other member, where they could appeal. Anyone could appeal to an Appeal Board that was specifically set up. You had an Appeal Board, on what was it, accidents or something a while ago.

Mr. Legal Adviser: In many places, this appeal does not go to the court except in a matter of law, but you provide an appeal to the minister. We just don't happen to have a minister, but the Executive Council is not the proper; the Commissioner might, but I can inform the House that the Commissioner has no intention at all of acting as an Appeal Board for anything.

Mr. Chamberlist: I am sure, Mr. Chairman, if this was written, that the appeal was to the Commissioner, then there would have been an objection that the appeal should not be to the Commissioner, in exactly the same manner as we have -- when it comes to Federal Acts, like Bill C-187, where an appeal lies to the minister. Everybody is objecting to the appeal lying to the minister, so now the suggestion is being made that the appeal should lie to the court. Now, we want to make it that the appeal lies to the courts, there is an objection there, you see; so it is very difficult to ascertain what is the correct thing to do. But, really we should depend on the judiciary, who are trained to deal with the matter. I hope everybody gives approval to that particular item.

Mr. Chairman: Well, this takes us back to section 18, where we talked about the opinion of the Board, and the opinion of the court. In section 18 I assume that we are changing that to read, "the opinion of the court", and certainly ...

Mr. Legal Adviser: Yes, Mr. Chairman, oh yes, but the thing is that this is an administrative board. The Board as such has got to, insofar as the discretion is concerned. If it is a question that the Board can decide of its own volition, that there should be only four through freighting lines to Edmonton, then that is the opinion of the Board, and that can't be questioned by the courts. If they wrongly decide a question of law, the rights of the individual are wronged in any way, then, of course, the appeal should lie with the courts, because, the courts are much stronger and efficient, really, although people won't believe this, and certainly not the Honourable Member on my right. The courts are very efficient in dealing with these appeals.

*BILL #17* Mr. McKinnon: I really find it impossible to see how an appeal could lie with the Executive Committee. Here you have the Executive Committee who makes the law, and yet the Executive Committee only lasts as long as they have the majority of the House in their confidence. They make the law, and here is a person who feels himself aggrieved against the persons who have actually set up the laws and set up the Board to administrate the laws that they have seen fit to legislate. I find it impossible to think that these people would go against the Board and the concept of the Board that they set up, and allow the appeal to -- because then they completely destroy the legislation that they created in the beginning. It is an impossible situation for me to see how it could ever work, that the appeal could lie to the Executive Committee, it has to lie with the courts. I have some sympathy with Mr. Gee, because I have been involved in areas before the courts and seen the length of time that it takes, often for these matters to be heard, but it is the only way in this area, that I see that justice can be done.

Mr. Chamberlist: Except in your case, it wasn't the court itself, it was smart lawyer tactics.

Mr. McKinnon: It's because I wasn't in the country.

Mr. Chairman: Order please.

Mr. Gee: I would like to ask for some of the legal opinions, now supposing that someone was aggrieved by a decision, or say that all of a sudden the Board decided to take an operating authority away from a particular carrier, and there is no appeal other than court, so you go to the courts. How long is it going to be before this poor fellow gets his licence back again? It may not have been a major infraction?

Mr. Chamberlist: Well, the wheels of justice grind slow, but they grind indeed, and this is one of those things that you have to be prepared to accept. You have got to be faced with the principle that the courts deal with matters of law, and this is the idea there, that the courts should be in a position to be appealed to where a person is aggrieved. Now, certainly, it might take longer, because there might be other matters on the court's docket, but at the same time some of us say it as well. Mr. Chairman, I am sure that the witness will agree, that in many cases, it might be to the advantage of a person that appeals, for the court not to deal with it quickly, so that he could perhaps bring forward further evidence and further information for the court's benefit to adjudicate.

Mr. Gee: Mr. Chairman, as we go on further, we will come to section 51, where, if you follow the wording of this, if a vehicle is seized ...

Mr. Chamberlist: That is another section.

Mr. Gee: I know,

Mr. Chamberlist: Well, let's come back to that, that is not the same-thing.

Mr. Legal Adviser: Deal with that when we come to it.

Mr. Chamberlist: We haven't come to that, yet. That is a different thing. With respect, Mr. Chairman, this is the principle of appeal.

Mr. Chairman: Yes, but I think Mr. Gee is trying to strike a comparison here somewhere.

Mr. Gee: Well, this is what I am trying to do. If section 51 is followed, it says, "if an information is laid within seven days of the date of seizure, until the case is judicially disposed of." What happens if a carrier happens to arrive in the City of Whitehorse, or may be he doesn't get to the City of Whitehorse, he is charged with carrying illegal

Mr. Gee continued ...

freight or any infraction, and they seize the vehicle until it is disposed of through the courts? What happens if he has got a load of ice cream or produce?

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Mr. Legal Adviser: It would make a hell of a mess.

Mr. Chamberlist: First of all, I guess Mr. Legal Adviser will correct me if I am wrong on this that I make. If a vehicle is seized, the person would be charged, and the person would -- and the police would have to bring that party before a court in a given time. At that time the court will judiciously say what is to be done with the contents of the truck. Is this satisfactorily expressed here?

Mr. Legal Adviser: Yes, Mr. Gee has made this point already, and I told him that I would accept the drafting suggestion that he made, and that is, that provision be written into the Ordinance, that in the event of a seizure of a truck, the truck can be released on a bond.

Mr. Chamberlist: What is the matter with that? That is fair.

Mr. Legal Adviser: This seems eminently fair, because there may be thousands of dollars tied up in the load, apart from the illegality of the truck doing the particular thing that it has done.

Mr. Gee: Well, I can understand that, but what we were trying to do here is have an appeal section. We are not trying to say where it should be, but there should be provision where a person, be it a carrier or the public have the right to appeal and get a decision in a reasonable length of time.

Mr. Chamberlist: The only way is the courts that this can be done, because a reasonable length of time, might be to different people's interpretation different lengths of time. It must be dealt with by a court of appeal. I am pleased that the Honourable Member from Whitehorse West is agreeing on this particular point, because it is very important, that when it comes to appeal that the courts should be able to deal with it, and not the Executive or any other group.

Mr. Chairman: Is it generally agreed by Committee that this section must be changed, section 41, to provide for appeal and indeed ...

Mr. McKinnon: No, section 51.

Mr. Chairman: Well, section 41 that I am talking of right now. ...that where the decision of the Board is not necessarily final, and this is appealable to the courts.

Mr. Legal Adviser: On a point of law, certainly we must have an appeal to the courts, but when it is a question of exercise and discretion, the courts don't want an appeal on a question of discretion, because how are they to make up their minds. They are put in the same position as a Board, it is just a guess, like, say the Liquor Board deciding we only want fifteen full licences in Whitehorse, and a person comes as the sixteenth. The criterion is, we have decided last year to have only fifteen, well, what is the court to do?

Mr. Chamberlist: Section 42 does take care of the appeals on points of law.

Mr. Chairman: I note in the report of the Association, they make a recommendation affecting section 41, and I would like to ask Mr. Gee, if this is taken from the British Columbia Act or provincial act?

Mr. Gee: The British Columbia Act.

*BILL #17* Mr. Chairman: Here it is possible to appeal practically anything, the granting of a licence to the refusal to grant a licence pursuant to the Act, the attachment of terms and conditions, the amendment, suspension or cancellation. Apparently in the provinces, these things are appealable.

Mr. Legal Adviser: Yes, but to the government. I think it is the Attorney General in Council is in fact the Minister for Justice. They are appealing to a Member of the Cabinet. It is may be wrong of this Administration, but this Administration doesn't particularly want to be involved in hearing appeals. That is what they set the Board up for in the first place.

Mr. Chairman: Well, certainly somebody has got to be involved in hearing an appeal.

Mr. Chamberlist: Of course, that is what they are there for.

Mr. Chairman: But, you are saying here that they are not, except on points of law.

Mr. Chamberlist: Well, the thing is, Mr. Chairman, we have already agreed, and this was brought out in a previous section, where the Board can review its decision. Now, if at any time further -- supposing for -- here is an example, supposing a Board refuses an application for a licence, and after a certain time, further information is brought forward to the Board, and the Board can then review it. In other words, you have the right of appeal to the Board. They can review their decision. This has already been provided for, this is in section 36, "the Board may review, rescind, change, alter or vary any decision or order made by it, and may rehear any application or complaint before deciding it." So that, in actual fact, there is a right of appeal, for those particular areas that have been indicated in page 11, are dealing with section 41 of the Association's recommendations. You have that clear, so the provision for that part of appeal is already there, to the Board itself. The other appeal, deals with matters of law, where you can appeal to the judiciary. This is the difference. In one area, as I say, you can go back to the Board, and in the other area, matters of law, you go to the judiciary. Quite frankly I find no conflict in my mind or no harm can be done to the Association, to the industry, or the public in general, as a result of the particular sections that are in there.

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

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, what happens in the instance, when someone has made an application to the Board for the granting of a P.S.V. Licence. For one reason or another, the Board has decided in its wisdom, no, that they are not going to grant this licence. The party who is aggrieved, suddenly decides, or has information which would indicate that the Board were prejudiced by some means or another, what right would he have then to appeal?

Mr. Chamberlist: Law. You see, the appeal lies to law, because if you read section 41, there is, and I have said this earlier on, used the words "prerogative writ". The prerogative writs of course are, prohibition, certiorari or -- you can't -- and even mandamus in certain areas can be applied for. I have gone to the trouble of proving this myself; Mr. Legal Adviser will agree, that you have the right to do this. So that if that particular instance came along as indicated by the Honourable Member from Watson Lake, that a person feels that there has been prejudiced shown by one or all members of the Board, in refusing him a licence based on what he considers to be a sound application, with sound backup material, then he would have the right to go before a court, and say, I require a writ, because; these are the reasons. He has the right to appeal there, and there is no doubt, no question at all about that.

Mr. Legal Adviser: This is correct, Mr. Chairman. The courts apply what they call the Rules of Natural Justice; every person must be given a fair hearing, every person must be heard by an unprejudiced Board, every person must be given the right to cross examine witnesses, every person must be given the right to call witnesses himself. Nobody has yet discovered, and like the offer I made to Mr. Gee sometime ago, if any lawyer discovers a method of drafting to stop the courts interfering in those cases, his fortune is made.

Mr. Taylor: Yes, well, Mr. Chairman, although I still fail to see -- in the provinces it would appear, now I don't know about Alberta legislation, but certainly in the Province of British Columbia, as exhibited here in the submission of the Association, all these areas are appealable, and irrespective of, be they points of law or not, and any person who thinks themselves aggrieved by any regulation or order made by the Commissioner and so forth, may appeal. There is a thirty day appeal period, but what you are saying here is, that there is no appeal in section 41 and there ...

Mr. Chamberlist: No, no, that is not so. With respect, the Honourable Member is misinterpreting the section. It is quite clear that he may appeal under those things, but it instructs how you can appeal. When it says that "every decision of the Board is final," then you look back, and it certainly is final, but section 36 indicates that the Board can review; notwithstanding that it is final, it still can review, and a person has the right to go before that Board, and say, I want to take advantage of section 36, and ask you to review the decision, because here is some further information. Now, the point that the Honourable Member from Watson Lake has made again, he says that you can not appeal. Now, if we read section 41 from and, "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.", no ruling that they have made with reference to these things, but if they have not been dealt with properly according to law, then they seek the writ of certiorari, prohibition or mandamus if they have to. To go before the court, and say, I have not been dealt with judiciously, the Board has not taken note of certain facts, they have in fact ignored me, they have been prejudiced towards me, and therefore I go to law. This is what the court allows him to do. There is really nothing wrong with all of that. This is what we have actually said, we are actually given, we are actually saying you have an appeal at law, you have an appeal if you feel that you are being improperly treated. You have an appeal if you feel that members of the Board are prejudiced against you, and notwithstanding that, even if you feel that the decisions of the Board are such, that they do not fall into those categories, I have further information to give to the Board, would the Board hear me. Under section 36, the Board can hear you.

Mr. Taylor: Well, Mr. Chairman, there is no compulsion for the Board to hear anything under this existing legislation, and I don't give a toot how you look at it. For all the verbiage that we have just heard, it still does not force the Board to ...

Mr. Chamberlist: Now, now, don't get smart, because I will have to bring it up in .....

Mr. Chairman: Order please, order please.

Mr. Taylor: There is no compulsion for the Board to review or rescind changes; they may review at their own pleasure, and there is no appeal for anyone who feels himself aggrieved, except in points of law under section 42, and this will also have to be written into this section 41.

Mr. Tanner: I don't think anybody can deny that there is an appeal in law. Nobody is arguing that, and the only other appeal of a decision of the Board, is to the Board itself. It is generally accepted, that if you are appealing a decision of any authority, you appeal it to another authority, and I think this is what Councillor is trying to say. The argument here, basically, is whether we think there should be an appeal other than law to

Mr. Tanner continued ...  
BILL #17 something other than the Board.

Mr. Taylor: Right.

Mr. Legal Adviser: Mr. Chairman, can I say that I know of no Board in Canada, where an appeal lies with the courts on matters of fact, when that Board has been set up as a discretionary board by one of the provincial governments or the federal government itself. Nor, do I know of any appeal in England, or any other Commonwealth country, whereby a decision on a question of fact is appealed by the court when a Board is a discretionary board. If that kind of tribunal is set up, and a structural appeal on questions of the fact is necessary, then the court itself should be the people who would be dealing with the thing in the first instance, it would save a lot of time and trouble on behalf of applicants. The proper thing to do is to wipe out the Board and appoint the Territorial Court Judge as the person who gives these licences, and hears these applications, then the appeal lies with the Court of Appeal on both fact of law and then an appeal lies from that with the Supreme Court of Canada, and we don't need a Board at all. If we set up a Board, we set it up to act as a discretionary board to put its own personal views on its experience, as to when and where applications should be granted, who they should be given to, conditions under which they be given. If we don't want a Board of this nature, there is no purpose having the Ordinance, we might as well just say, the courts shall give out these licences. This has been done in some instances, throughout the provinces in other fields. This is the basic issue.

Mr. Taylor: Alright, Mr. Chairman, then what is the matter with the suggestion that, I believe Mr. Gee had ventured here a short while ago, that we create within this legislation, provision for an Appeal Board under this Ordinance, where again you summon from the street, and from up and down, and where ever throughout the community, you summon three, or four, or five people to sit on a Board to hear this appeal. There has got to be a right of appeal under this section 41. It has got to be appealable to somebody. You just can't say, the decision of the Board is final, and that is it. It is not good enough.

Mr. Chamberlist: Mr. Chairman, the Honourable Member from Watson Lake, has heard Mr. Gee quite clearly say that he is concerned with having a good strong, experienced Board. Now, the Honourable Member is suggesting that we go and take people up from the street, whether they are experienced or not, and say you are a Board. You just can't do that. I would ask the witness to consider that there is an area of legislation here for the Board to review, and this is the important factor, and this is the Board that Mr. Gee wants, Mr. Chairman, to be a strong Board, and I think that he must appreciate that.

Mr. Taylor: Well I can only say, for my own part, this is another area unless there is a right of appeal here, you will not get my support for the bill. You might as well chuck it, and I hope that enough other Members will buy that same argument. There has got to be a right of appeal, somewhere.

Mr. Chamberlist: There is.

Mr. Taylor: The Honourable Member from Whitehorse East was always the one -- in the old days, he used to battle for these rights of appeal, but I don't see that happening anymore for some strange reason.

Mr. Chamberlist: Because, unfortunately, Mr. Chairman, I am battling for that same thing and it is because I have battled for the same thing that that is in there. I can assure you of that, it is unfortunate that the Honourable Member from Watson Lake, notwithstanding the fact that he thinks what I say is verbiage, just doesn't understand. Perhaps if he were to appreciate the fact, that I do understand a little bit more about it than he and about the common methods of operating law courts and law procedure that he would bow to that, and then he would understand that what I say in there is

Mr. Chamberlist continued ...

quite correct. That the Board can review, and that is on one side; now I think that this should be enough of this nonsense.

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Mr. Taylor: Yes, as I say again, I restate, verbiage, this is a Legislative Chamber, not a court.

Mr. Chairman: I wonder if we might go onto the next section? Section 43, I believe is the next section.

Mr. Legal Adviser: But, in both sections 43 and 47, Mr. Chairman, they are basically drafting changes, and I think that it will be ironed out in discussion with the Association.

Mr. McKinnon: Do you agree with the brief of the Transportation Committee?

Mr. Legal Adviser: Well, let us put it this way, I half agree, that it is practical that we put it in.

Mr. McKinnon: Well, because I agree wholeheartedly, because section 43, "the Board is entitled to be heard by counsel or otherwise upon argument of an appeal.", means absolutely nothing to me, and the way they have it, section 43, "the Board is entitled to be heard in appeal, and may be represented by counsel", I don't think that anybody could misunderstand it, if they both mean the same thing why in heaven's name do we have this difficulty in comprehensibility in the original Ordinance to the layman who is looking through it?

Mr. Legal Adviser: They both mean the same. Some people may find that the language more elegant than others.

Mr. Chamberlist: Well, it is simply that both -- an appeal is heard; the Board itself is entitled to be heard, because it's two sides in a hearing of an appeal, the Board against the applicant and vice versa. This is why you have that, so that the Board can be heard.

Mr. McKinnon: I understand it now in the brief; I don't understand it in this.

Mr. Legal Adviser: The difference is, that we say by counsel or otherwise, it means that the Board does not necessarily have to have counsellors; it might be their secretary who appears at the hearing, or an agent or somebody, that's all. By counsel or otherwise. The Board Chairman might happen to be a lawyer.

Mr. Chairman: Section 47, I believe is the next one.

Mr. Legal Adviser: This again is a drafting change, which I think that we can incorporate. It is basically a difference as to whether or not a person should advertise when they intend to change ownership or not, and we can incorporate the section in our Ordinance.

Mr. Chairman: I would just like to ask a question from the Chair of Mr. H. Taylor at this point. Under the present regulations, what must a licensed operator do who wishes to sell, let us say to an outside company? Are there any restrictions at all?

Mr. H. J. Taylor: If he wishes to transfer his P.S.V. Licence, he has to advertise now.

Mr. Chairman: He has to advertise that sale?

Mr. H. J. Taylor: Yes.

Mr. Tanner: Mr. Chairman, could I hear that answer again, or may be a little elaboration? Did you say if a P.S.V. Licence is to be transferred

Mr. Tanner continued ...  
BILL #17 he has to advertise.

Mr. H. J. Taylor: If an application is made to transfer a P.S.V. licence from one owner to another, it must be advertised in the paper.

Mr. Tanner: And does it come before the Board?

Mr. H. J. Taylor: Yes, it does.

Mr. Tanner: And the Board can make .....

Mr. H.J. Taylor: If there are objections, it comes before the Board.

Mr. Tanner: If there are no objections, then the Board won't sit?

Mr. H. J. Taylor: If there are no objections, the Board can hear it or dispense with it as they see fit.

Mr. Tanner: Now, if this is a transferred licence, what happens when you are selling?

Mr. H. J. Taylor: The same thing.

Mr. Tanner: The same thing?

Mr. H. J. Taylor: That's a transfer.

Mr. Tanner: Virtually the Board has the control. In other words, if I have got a company and I am going to sell it, I am not selling just a P.S.V. Licence, I have got to get the permission of the Board, to either transfer or to sell?

Mr. H.J. Taylor: Yes, that is right.

Mr. Chamberlist: With respect, not if a company is being sold, because when you are selling a company, the licences are made out in the company. It is just the shareholders that are being transferred over. This is the way I read it. Are we suggesting that something different now .....

Mr. Legal Adviser: Mr. Chairman, we have come up against that particular fence, and had to jump it. The particular rules now are that when, in a year, a sizeable block of shares has been transferred from one person to another within a company which is the holder of a P.S.V. Licence. On the first of April, they must notify the Board, and it is not renewed unless the Board agrees to this sale, because the selling of the shares is in effect a sale of the P.S.V. Licence in very many cases. I could paraphrase the policy which apparently the Board has adopted, as being that a normal business transaction is regarded as the normal thing, or a transmission on a debt or an inheritance and so on. But, where a person happens to go in under a colour of a P.S.V. Licence which he has applied for, and lies in the bushes for a year, and then is selling it to an incoming outside company, which is going to be a big competitor, then the Board examines that kind of deal very, very closely indeed. Whether it is the transmission of shares of a P.S.V. Licence.

Mr. Chamberlist: Well, I want to question further on this, Mr. Chairman, because I think that the Legal Adviser would have to find a way to put this particular item in here. Now, in section 47(2) "where in the opinion of the Board, an issue or transfer of shares of capital stock of a corporation that is the holder of a certificate is a transfer of a substantial interest in the corporation, such issue or transfer may be deemed by the Board to constitute a transfer of such certificate held by such corporation." I find that very distasteful. As a matter of fact, I have put a question mark on this, and I brought this forward for the simple reason, that it might be as a result of an amalgamation for two companies, there might be the necessity to continue

Mr. Chamberlist continued ...

the operation of both the businesses. Are we going to restrict these people from entering into business with each other?

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Mr. Legal Adviser: Again it is an Irish answer; in some cases yes, in some cases no.

Mr. Chamberlist: It is Irish, alright, and let us have a good Canadian answer now.

Mr. Legal Adviser: There have been several cases this year, where an ongoing company, which was in a substantial way of business was bought out by another company, then the Board sanctioned this purchase, because it is the normal commercial thing, that one company eats up another. But, where a moribund company, some several years in existence, that had a truck which was on blocks, but paid to Mr. H.J. Taylor the fee for three of four years, and then was offered \$5,000. for the total shareholding, when all it had, was \$500 worth of debts, no property except an old truck on blocks, and I think a second truck that was on lease in Edmonton, then the Board looked at it very closely, and said this doesn't appear to be a genuine share transfer of the kind mentioned by the Honourable Member.

Mr. H. J. Taylor: Mr. Chairman, I could -- I would like to offer another explanation of why this section is here. That is because this very same exercise was pulled on us. There was one individual applied to the Board for a P.S.V. Licence, he gave the Board a long song and dance, and a bushel of tears about him being a Yukoner, and only wanting to go into business for himself, and what not, so they granted him an open P.S.V. Licence. One month, or within two months from the date that he got the licence, he incorporated himself. One month later, he tried to sell his business to an Alberta company who was a big trucking company. The whole operation was set up precisely for this Alberta company to bypass the conditions of the Motor Vehicles Ordinance and the Board. They had already been turned down by the Board. So, they set up this whole thing. It was as obvious as anything, and when the Board told him that they wouldn't grant the transfer, the one P.S.V. Licence and everything disappeared. No application was made, but that is exactly why this section is in here. Because, this happens all the time. As a matter of fact, we had an instance where somebody actually put a notice in the Edmonton Journal, "open P.S.V. Licences for sale in the Yukon Territory", and I had one of these big companies from outside, who did come in here, and buy out a small operator, and it was what the Board considered to be a perfectly legitimate business deal, and they let it go through. This large company told me that they had had letters from a couple of one man operators who had wanted to sell. Now, this is in here to keep this sort of thing from happening, from people who absolutely circumvent the Ordinance. It is one of the reasons why the Transportation Association has asked for this piece of legislation, is to get this kind of thing stopped.

Mr. Chamberlist: Well, I would question whether a court would hold, if this would be a legitimate piece of legislation? That is my feeling on it.

Mr. Legal Adviser: This section was not in our own Ordinance for a long, long time, until it came into effect. We were under, by we I mean the Administration, were under constant pressure over evasions, open evasions and semi-open evasions. There was a case -- the particular case which caused this to be drafted up was, where an individual acting for the owner of a licence who had told this tale. He was retiring from the Public Service, I think that it was the Federal Public Service, and he was going to go into business, and he was going to buy a garage, and he was going to have a truck and what have you. He then incorporated, and then through, what can only be termed as subterfuge, his agent had the name on the face of the licence changed from Mr. A. to Company A, then the next application was to change the name of Company A to a name

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Mr. Legal Adviser continued ...

like, we say, Edmonton Through Hauling, although an Alberta company, which by coincidence happened to be the name of one of the mammoth companies outside. So, the idea was going to be, then, that he would own the trucks from the border in on paper, and the Alberta people would come in and just break a coach and four through our regulations. There is not much point in trying to service the community, and operate a Board if you leave a gate as wide open as this particular gate was for a couple of years.

Mr. Chamberlist: Mr. Chairman, I wonder if the witness could indicate if there is anything like this particular section in other jurisdictions, in Alberta or British Columbia? This is a question that is being asked in other things.

Mr. Gee: Section 47 as it is written in the Ordinance?

Mr. Chamberlist: The question of the transfer of shares of a corporation?

Mr. Gee: As written in the Ordinance?

Mr. Chamberlist: Yes.

Mr. Gee: No, there isn't, we never found .....

Mr. Chamberlist: No, there isn't because I looked at a few.

Mr. Gee: The only thing that we have done here, is that we have suggested the change on section 47. What were -- we are not really talking about the sale, it is the right of the selling of the certificate, not the company. It is only the certificate that is involved.

Mr. Chamberlist: With respect, I would like to interrupt the witness for a moment. With respect, I appreciate what you are talking about, but now I am talking as a legislator. I am saying, that as far as I am concerned this particular section should not be in here, because it is not in any other jurisdiction in Canada, and I have looked at a number of things. In this particular section about restricting of companies selling their operation, and going before a Board, before they can sell their operation. If they are selling the whole company, a new principal might buy the company, and that's what it is, that is why you incorporate companies. I know the other particular case that is being referred to, and I know there was -- the manner in which it was done, was done because there wasn't any other type of stop gaps that should have been in, but in this particular instance, the last one as I recall it, was where a person had asked for the licence in his own name, and then was allowed to transfer it into a company. But, I am talking about here, where a company has the licences issued to them, directly to the company and the company operates. A company might operate a business for ten, fifteen or twenty years, and the principals might become too old to operate it any more, and they might decide they want to sell their business, they want to go into retirement. You are leaving this to a Board to say whether or not this company can maintain their operation of its business or allow it to sell its business, after it has built up the good will of so many years of business. No, I don't see that at all. This is one area, that I would suggest we would have to deal with, but that we will deal with it in the Legislative Programming Committee.

Mr. Legal Adviser: Alright, let's put it this way. If the operators don't want it in, and they don't want control on the selling of shares being deemed to be a transfer of a certificate, then we don't have an Ordinance, because every single licence can be sold in this manner. All they have got to do, is transfer into a company, a small company with a \$100 capital and transfer it outside, and we have no more control over who comes to the Yukon and who does not.

Mr. H. J. Taylor: Mr. Chairman, with the respect to Mr. Chamberlist, I could probably bring him a document which sets out hearings of this very

Mr. H. J. Taylor continued ...

nature held at some of the provincial boards, where any amalgamation, or any sale of a company is examined by the board, and it has been rejected in the past. Has been rejected by the provincial boards. I would like to make a little research and find you their authority to do it if you wish.

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Mr. Chamberlist: I am not specifically, Mr. Chairman, dealing with the matter of where, one company amalgamates with another company. That is not what I am concerned about. I am concerned about the fact of a principal of a company, it might be a business, it might be a family business decides to sell their business. By this section being in there, a Board may say that you can't sell your business. Now, the man, he can no longer operate his business, you see, he is going into retirement, he might be sick, so then we have a Board set up to restrict him from operating his business. He can't operate it, so he has to wind up. He is compelled by a Board to wind his business up, notwithstanding that he has conducted himself in an exemplary manner. To me, this is the worst thing that can possibly happen to anybody who has spent many years in their own operation, in their own business.

Mr. H. J. Taylor: Mr. Chairman, we would be quite happy, I am sure to have the permission of the Transportation Association, regarding advertising of these kind of transfers, but we certainly don't want to see it taken out entirely.

Mr. Legal Adviser: I don't think the Transportation Association has asked to have it taken out.

Mr. H. J. Taylor: No, they have asked to have the transfer advertised, which is quite proper. That's the way it is right now. We would be quite happy with that.

Mr. Gee: Mr. Chairman, if I may speak on this. We have -- the Association has stroked that section 47(2) out, because it restricts the sale, and we have submitted, it is not our intention to restrict a sale of a company, it is only the certificate of operation that we don't want to be sold. The company itself, as far as we are concerned, can be sold. It is the same all over Canada. If you want to buy something, you buy it. The only thing is, we want to restrict the sale of the operation, of the actual certificate, where it must come to, if you read what we have suggested here, "it must come to any sale, lease or agreement must come to a public hearing", and here it will be brought out whether a truck is sitting on blocks for a year, and he picked up his licence for year in and year out, so then it is not a legitimate sale. If it is a legitimate sale, they ask for a transfer, and it comes before the public in a public hearing, then it is up to the Board to decide whether the licence should be transferred or not.

Mr. Chamberlist: With respect, the licence is not being transferred when the company is being sold. It is the name of the company, Joe Smith Ltd. Truck Hauling, and the licence is made out in the name of Joe Smith Ltd. Truck Hauling, there is no question at all of any transfer of the licence itself. No question whatever. It is in exactly the same way as any particular company, there is no reason why, if the witness's own company is being sold. His licence is not being sold. He is selling his interest in the company. The name of the company, the charter of the company, and everything goes along with it. It seems to me, a situation that should not be allowed to develop; where a person can not sell his interest in his own company to some other group. He is not changing the name of the company, he is not transferring the licence to anybody else, the licence is still in the same company name. Certainly, I would agree, if somebody wanted to wind up his company, then take his licence, his certificate and sell it separately to some other company, this I can understand; but as it is now, I can't support that particular item at all. However, this will be a point which we will go back on anyway, and I will speak on it further.

BILL #17 Mr. Chairman: Councillor Taylor will you resume the Chair?

Councillor Taylor resumes the Chair.

Mr. Stutter: Maybe I could ask this question of either Mr. H.J. Taylor or Mr. Gee. If a company, an existing company at the moment wants to sell, surely they are not just selling their equipment, they are also selling their right to operate that equipment? Now, let us assume, just for the sake of argument, that an existing company has about six trucks, and they have been operating about six trucks for a number of years. They wish to sell to an outside company. Now, how would this person go about selling that, and if he made the sale, would you restrict the operation of the new owner again to those six trucks, or how would it be handled under the present arrangements?

Mr. H. J. Taylor: Well, Mr. Chairman, each one of these situations would be looked at on its own merits. Right now, if a person, or if a company is operating, and has a certificate of authority under the P.S.V. Regulations, and they wish to sell their company to an outside company, or to anybody else, it is not the company, it is not the equipment, as you say, that they are selling, it is not the P.S.V. Licence, it is the certificate of operating authority that this other company wants to buy. Before they can do that, they must advertise, and if there are any objections, the Board can have a look at it. The Board can refuse it, and the Board can, if it is granted, they can restrict the outside company to the same number of licences which this local company has had; indeed they do that lots of times. They restrict the outside company to so many units, but they do have this power right now.

Mr. Stutter: Well, this was a question that I was just about to ask; if they do have this power right now, why is it that there are at least two companies, that I have in mind, that have done just that in the last two or three years. Large outside companies have come in and bought out small outfits, and are now large companies operating in the Yukon. How have they managed to pull this off, if this was in existence, is in existence now?

Mr. Legal Adviser: Mr. Chairman, it is only been in operation for approximately a year, when the scandal got too big, and the regulations had to be made to tighten it up, because this was what was happening.

Mr. Stutter: Again, Mr. Chairman, this just seems to me to be absolute protection for the big fellow and not enough protection for the little fellow. If the Board has to approve the sale of a small outfit, and it sounds to me as though, in many cases they are not going to approve it. If this power has been given, if the new owner doesn't have a chance to expand in any way in the Yukon, then I don't see how a small operator is ever going to get rid of his outfit. Not selling his rights, all he will have to sell is the equipment that he is using.

Mr. Chamberlist: And further, Mr. Chairman, Mr. H.J. Taylor made the suggestion that anybody that is buying, is buying the certificate. Well, I don't think businessmen look at it that way. Businessmen look at the operation of a business, and whether it has a potential of making money. This is what he looks to buy; he looks to buy the whole operation, not simply a certificate. Quite frankly, the points that have been raised, by the Honourable Member from Dawson, also clarify quite clearly what I have to say -- what I have said on this, that it is in -- absolutely inequitable manner in which to deal with an area of what people have struggled to build up a business, and now he wants to retire, and then have to go before a Board to actually get permission to sell their business, because this is what we would be saying to the Board, can I now sell my business and this is a ridiculous thing, and I might indicate that when this had previously come before the Legislative Programming Committee, I was away. There are some areas here that I am arguing about now in exactly the same manner that I would be arguing about before I was a Member of the Executive Committee. I am here, as far as I am

Mr. Chamberlist continued ...

concerned, Mr. Chairman, to protect the public at large, and that includes *BILL #17* all segments of the public, the Truckers' Association, the businessmen, the man on the street, and there is no way that I could support a principle whereby we can say to a man that has worked hard and diligently over a number of years, 20, 25, 30, and say, tough on you now because if the Board doesn't want your certificate to go to anybody else, you can bet your britches they can't have it, and this can happen. It is alright to say that it may not happen, or it will not happen, but while that is in there it can happen. That is what concerns me.

Mr. Legal Adviser: Mr. Chairman, there is just one point. This section if it is taken out, gives a privilege to a corporation, which is not given to a private individual. It means a corporation, however formed, can sell its certificate without going through the Board, and an ordinary Joe Doe on the street, can never transfer his certificate, not to his son or his wife without the permission of the Board.

Mr. H. J. Taylor: Mr. Chairman, I would like to -- before we forget what Mr. Chamberlist said, I would just like to state, that I happen to have had a gentleman in my office just yesterday, yesterday, checking on a local company which he was thinking of buying. The company had gone belly up, and they had nothing what so ever to sell, and he was checking up to see if they did have a certificate. These outside companies are only interested in buying a certificate of authority. They don't care about a local small company, they have got all the money they want, they can buy all the units they want. It is the certificate of authority we don't want them to be able to buy, period.

Mr. Chamberlist: Well, alright then, I would suggest when this comes back, that it should be brought back to Committee with a provision in there that where there is a business that has been operating continuously and in a satisfactory manner, that no restrictions as to the selling of the business would be imposed upon him. This would be fair and reasonable, but not leave it open like this, to allow for Member of a Board to act in a manner that may prejudice a man's whole life's savings, who has struggled to build a business; this is what this section is doing and I can't see it.

Mr. McKinnon: What is the name of your truck line, Norm?

Mr. Chamberlist: I haven't got one, as a matter of fact. It is one business that I never got into.

Mr. Chairman: Order, please. What is your further pleasure in relation to this section? Order please. What is the next section? Section 50?

Mr. Legal Adviser: Section 50 is basically a redraft of the section 50 which is here. It would take a lot of analysis to get at the difference, but basically I think that they seem to be the same. If anything, the section suggested by Mr. Gee is tougher than our own, except in the amount of the fine.

Mr. Stutter: Mr. Chairman, there is just one point on section 49, that I would like to raise, I believe that I raised it once before, but I would like to be absolutely clear on that, and it states that, "no holder of a certificate shall, without the authority of the Board, abandon or discontinue a service established under such certificate." Is there any assurance that a summer time operator or part-time operator wouldn't have his certificate cancelled just for the fact that he isn't operating on a year around basis? I mean there are many such operators, particularly in the rural areas. They would need assurance, that just because they had given the Board notice that they weren't available for that type of services for the next few months, if their certificate wasn't in fact going to be cancelled.

*BILL #17* Mr. H. J. Taylor: The Board has the power to extend that time limit. If you look in section 53, subsection (2).

Mrs. Watson: Mr. Chairman, wasn't this section 49 put in to protect the public also? Say a bus line, applies for a certificate to carry on a bus service in a certain area. They carry it on in the summer months, and the business was good, and in the winter time business wasn't very good, so they decided to discontinue their service. Isn't this one reason why section 49 was put in there, and a good reason why it should stay in there?

Mr. H. J. Taylor: Yes it is.

Mr. Chairman: Have you anything further on section 49, then?

Mr. Chamberlist: I thought we were on section 50?

Mr. Chairman: We were, but we went back to section 49. Alright, have you anything on section 50, then?

Mr. Tanner: Mr. Chairman, I asked a question the last time around on section 50, and at that time, the Legal Adviser said, he would have to look into the fine as related to the amount, or the term in prison. I notice that Mr. Gee's suggestions are lowering it. Has the Legal Adviser given this any consideration at all?

Mr. Legal Adviser: Not really, all I have done is check through sections, and they look roughly speaking, very much alike. It is just a question of style, Mr. Gee, naturally is inclined to be a bit gentle with the whip.

Mr. Tanner: Mr. Chairman, my point was, is the alternative of six months in jail or \$500, I am saying -- or what has Mr. Gee got?

Mr. Legal Adviser: \$250.

Mr. Tanner: \$250 or six months in jail, too?

Mr. Gee: You have to read on.

Mr. Tanner: Well, it is going to take a lot of reading, could you tell me what it says. Is it \$250 or six months in jail?

Mr. Legal Adviser: \$500 for each day in default.

Mr. Tanner: And if they haven't got the money, what is the alternative?

Mr. Legal Adviser: It is a question of a live horse can get grass, I suppose.

Mr. Gee: There is one thing here that the Association doesn't like. It says, if an individual, a fine not exceeding \$200, it says, if a corporation not exceeding \$5,000. Should a rich man or a big person be -- should he get more years for stealing a fire arm than an individual?

Mr. Legal Adviser: Yes.

Mr. Gee: Why?

Mr. Legal Adviser: It is a group. The suggestion is, that in a corporation -- that a corporation is a group of people who have come together for the purpose of doing business. An individual is a small trucker from Watson Lake.

Mr. Gee: We can't accept it anyway.

Mr. Chairman: I did have a query in relation to subsection (3) which says

Mr. Chairman continued ...

"The Board may amend, suspend, or cancel any certificate on conviction of the holder of the certificate in any court for any offence against this Ordinance, the Motor Vehicles Ordinance or any provision of the Criminal Code relating to driving on highways." I question the Motor Vehicles Ordinance, because theoretically you could cancel a guy right out of business because he got a speeding ticket, or a parking ticket.

*BILL #17*

Mr. Legal Adviser: I think that it was said, Mr. Chairman, that was discussed the last time, and it is going to be reviewed.

Mr. Chairman: Have you anything further on section 50?

Mr. Gee: I am sure we had something on it, section 50 (3).

Mr. Legal Adviser: We are going to review that.

Mr. Gee: Oh, alright.

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

RECESS

*RECESS*

Mr. Chairman: At this time, I will call Committee to order. We are now *BILL #17* at section 51, I believe.

Mr. Legal Adviser: Section 51 has been discussed earlier, and it was conceded that there is merit in the suggestion that vehicles could be released subject to a bond.

Mr. Chairman: This is all agreeable to the Association, as well?

Mr. Gee: Yes.

Mr. Chairman: The next section is 52.

Mr. Legal Adviser: This is purely a question of drafting, Mr. Chairman. This Ordinance is inextricably linked with the Motor Vehicles Ordinance and the powers of an inspector appeared in various places throughout that. These are mainly powers to check and see that the rules are being observed. The convenient thing appears to be to leave it as is, because all the operators are in possession of both Ordinances at all times.

Mr. Chairman: Clear on section 52? Section 54.

Mr. Legal Adviser: These appear to be, Mr. Chairman, changes in the regulations making power. The main one appears to be that a few deletions are suggested. The main suggestion is that the regulations be made by the Executive Committee. This, of course, is in fact what happens when it's expressed as "Commissioner".

Mr. Chairman: Sections 56 and 57.

Mr. Legal Adviser: These, also, appear to be very minor drafting changes to delete a particular word. We call them Public Service Vehicles; the Association wants to call them Public Vehicles. We can't at this stage change this. It means too much typing in the two Ordinances.

Mr. Tanner: Mr. Chairman, I would like to go back to section 54, the regulations under this Ordinance. I have a note there, where it reads the "Commissioner", it should read the "Board". Is there any way that the Board can make the regulations rather than the Commissioner?

Mr. Legal Adviser: Well, I hesitate to find out for the Honourable Member, Mr. Chairman.

Mr. Tanner: No?

Mr. Legal Adviser: It's not a question of "no". In an earlier Ordinance, about a year and a half ago, we attempted to have a particular board have the power to make regulations. We ended up very sorry that we'd ever made the suggestion, when this suggestion was thrashed out by the House.

Mr. Chairman: Well, this seems to have taken us through the Bill, thus far. Is there any other comment prior to a redraft, on any other section? Should we, possibly, refers this back to the Legal Department for a redraft? Mr. Gee, do you have anything else you wish to comment upon?

Mr. Gee: Well, I would hope you put some of our suggestions in the redraft. I want to thank the Council for giving the Association the opportunity to present its arguments, or Brief, or whatever you want to call it, on this. I only hope that it isn't held up for a great long time. I think we are very direly in the need of a Transport Act, of some kind, in the Yukon Territory.

Mr. Chairman: Committee would very much like to thank you, Mr. Gee, and your Association, for the hard work and representations you have made before us. For this, we thank you very, very much. We'd also like to thank the Registrar of Motor Vehicles for his attendance, and participation in the Committee hearing. You are now excused.

Exit Mr. H.J. Taylor and Mr. Gordon Gee.

Mr. Chairman: Is it your wish that I report progress on Bill No. 17? Inasmuch as it is fast approaching the end of March, the Administration has inquired as to whether or not we could proceed with Supplementary Estimates, in order that these could be approved prior to the first of April. Is it your wish, then, that we proceed to that Bill?

Mr. Chamberlist: Might I suggest, Mr. Chairman, that we commence that first thing in the morning, so that we can have Mr. Treasurer here, should any inquiries be made of him.

Mr. Chairman: Well, I do believe that there is a retyping, or there is a typing error in the Bill, so, possibly, we should await the morning for it. I guess, maybe, we could proceed with the Municipal Ordinance, and maybe take Supplementary Estimates whenever we finish that. This makes it a little easier on the Chair because if we get bits and chunks of ordinances here and there, why...

Mr. Chamberlist: Mr. Chairman, there are some very small ordinances which I think, perhaps, we can clear pretty quickly. Let me see now; there's the Evidence Ordinance, which is a very minor thing.

Mr. Chairman: I think what the Chair would like to do is to try and leave some of this other work for fillers. If we could take the controversial bills and deal with them now, if there are any redrafts or amendments forthcoming, we can then deal with these other matters while Mr. Legal Adviser does his drafts. Is that agreeable? Bill No. 31, An Ordinance to Amend the Municipal Ordinance.

BILL #31

Mr. Chamberlist: Mr. Chairman, the purpose of this Bill is to enable the City of Whitehorse boundaries to be extended. Opportunity is taken to make provision for taxation of trailer owners and arrange that all members of Municipal Councils are elected and vacate office together. The voting age is reduced from twenty-one years to nineteen years in accordance with a previous request of Council. Mr. Chairman, Members of Committee have been supplied with a Sessional Paper indicating the reasons why a new Municipal Ordinance is not available at this time and the purpose of this Bill is to fulfil certain functions that are required until such time as the new Municipal Ordinance will be available to Council.

Mr. Chairman: Bill No. 31. (Mr. Chairman reads section 1.)

Mr. Stutter: Mr. Chairman, I would like to ask the Legal Adviser if it wouldn't be possible to change that to 1973, because under the terms of the Municipal Ordinance, section 16B, the people who have just been elected to offices throughout the Territory have gone into office as of the first of January, 1971. It was their impression, at that time, that it was for a two year office. I don't see how we can possibly, now, turn around and cut their term of office down to one year.

Mr. Legal Adviser: Mr. Chairman, there is no technical reason, as far as drafting is concerned, why it can't be done. It's just that the policy of the Administration is to put this into effect as soon as possible. It's hard on a person who is elected for a two year term, in the first instance, to only get to serve one year. Of course, he would be eligible for re-election. It's just a question of the wish of the House as to when this "all in, all out" procedure should come into effect. Purely a question of policy.

Mr. Stutter: I still insist, Mr. Chairman, that, even though the Administration may be in a hurry to bring this into effect, just as soon as possible, there is one particular clause that is hardly right. It is my opinion that it is hardly right to expect that the new mayors and aldermen who have recently been elected, feeling that it was for a two year term, to now find out that, by legislation, this has been chopped in half. BILL #31

Mr. Tanner: Mr. Chairman, as far as the City of Whitehorse is concerned, it affects two aldermen, and it is my understanding that those two particular aldermen are in agreement with this. I wonder whether, in the case of the Councillor from Dawson, he could ascertain from the people who were elected in Dawson whether or not, maybe, they would be agreeable, too.

Mr. Stutter: Well, certainly, Mr. Chairman, I would be willing to do this, and if the Mayor and the Aldermen concerned are, you know, are not in objection to it, well, then I would no longer object. That's for sure.

Mr. Chairman: I wonder, from the Chair, why not extend it to two years to take in Faro as well?

Mr. Chamberlist: Well, Faro is under -- the Village of Faro came into being by an independent ordinance. When the new Municipal Ordinance will be ready, it will tie in everything then.

Mr. Chairman: Well, does the Chair have it then, that the matter is in abeyance until we hear from the people in Dawson?

Mr. Stutter: I would just like to pursue the point one step further. Maybe this is a hypothetical question, but, what if one of those members does object to having his term cut down by one year? Are you going to force it in anyway?

Mr. Chamberlist: Well, if this is the case, if Dawson doesn't agree with it, we will find a way to eliminate any problem that Dawson might have, so that, eventually, it will come into one thing. If the Honourable Member will try to point out that it would be much easier if they did agree to it?

Mr. Chairman: Clear? (Mr. Chairman reads section 2.)

Mr. Tanner: Mr. Chairman, I would like to make one further minor point here, for the Legal Adviser to notice. It's not very consistent in the fining and imprisonment. In one case, we're charging \$89 a month; in another case, we're charging \$60 a month. Shouldn't, in all our ordinances, this be kept in line so that it is consistent?

Mr. Legal Adviser: Mr. Chairman, if we charged the true cost of detention, it would be very much higher.

Mr. Chairman: Is there anything further on section 2? (Mr. Chairman reads section 3.)

Mr. Tanner: Mr. Chairman, I have a question in this area. I have to preface my question with a couple of assumptions. First of all, let's assume we have a plebiscite. Let's assume it goes through. Let's assume that we now have an extended City, which includes the present Indian Village. Under this legislation, we are denying those people a vote, are we not?

Mr. Legal Adviser: Mr. Chairman, that's not the purpose of this section. This section is merely to change one word in the existing section; otherwise it is unchanged. That word is to remove "twenty-one", the word "nineteen". That is the only change in this section. Now, the votes in a plebiscite, that's a horse of another colour.

BILL #31

Mr. Tanner: Mr. Chairman, I'm not talking about the votes in a plebiscite. I prefaced that; I tried to make it quite clear. In the Steering Committee on the extension of City boundaries, the opinions of the majority of the people on that Steering Committee were clearly that everybody should have a vote. If the City is incorporated in the extended boundaries, then in the new extended City, for the offices of Council and the Mayor, do the people of the Village have a vote?

Mr. Legal Adviser: Next section...

Mr. Chamberlist: The point is this. Next Session, you see, there will be a new Municipal Election. This, Mr. Chairman, is simply to provide for the right to vote and that is all.

Mr. Legal Adviser: The very next section answers the question.

Mr. Stutter: Mr. Chairman, there is one question I would like to ask on subsection (b)(ii) there. What about welfare recipients or indigents or people like this who have, perhaps, lived in an area for fifteen or twenty years? These people, under the terms of this Act now, and under the old Act, incidentally, do not have a vote. I would like to know what the feeling of the Committee is in this regard. I feel that these people should be eligible to vote.

Mr. Chamberlist: They are eligible to vote, Mr. Chairman. It doesn't matter who pays their \$180 a year. As long as -- you will see in section (b)(ii), "is liable for payment, directly or indirectly, of a yearly rental of not less than one hundred and eighty dollars a year in respect of his occupation of real property within the municipality". I mean, whoever is responsible for paying that -- the Honourable Member is thinking in particular of welfare recipients in the Dawson area where, indirectly, the Federal Government or the Territorial Government is paying by way of grant to the municipality for those people. This is still payment, an indirect payment, and this would make the person eligible for a vote.

Mr. Stutter: Mr. Chairman, I would like to point out that these people have never appeared -- perhaps it is an oversight on our part in Dawson -- on the Voters' List.

Mr. Chamberlist: It was an error.

Mr. Commissioner: Mr. Chairman, if I may be permitted; we have looked into this and this is definitely an error on the part of the people who are compiling the Voters' List in that area. The money is, indeed, being paid indirectly, as delineated in the Ordinance. There is a grant, Mr. Chairman, in lieu of taxes being paid by the Federal Government on behalf of these people who are concerned.

Mr. Stutter: Mr. Chairman, it has just been suggested by Councillor Chamberlist that they would send a letter to Dawson to that effect. I wonder if I could be assured that this letter will, in fact, be sent.

Mr. Tanner: Mr. Chairman, could I ask that the same letter be sent to the City of Whitehorse, to include and to make sure that the residents of the Indian Village are allowed the same? Mr. Chairman, I had better clarify that; if by such an event as we become an extended City.

Mr. Chairman: Alright? (Mr. Chairman reads section 4.) Here comes the crunch.

Mr. Tanner: Mr. Chairman, I want to make it very clear, before we get down to the crunch, that that, to my mind, still doesn't cover the people in the Indian Village. I want to go on record as being very strongly opposed to that, them not having a vote. If they don't get a vote, there is going to be all hell to break loose. That letter must go to City Council even before amalgamation of the boundaries and clearly state that,

Mr. Tanner continued.....  
should it be incorporated, they are going to get a vote.

Mr. Chamberlist: Mr. Chairman, they are going to get a vote, firstly, for the purpose of the plebiscite because the Plebiscite Ordinance makes provision for regulations for the plebiscite to be set up under that Ordinance. This, at the moment, is a filler until such time as the new Municipal Ordinance comes into effect. The time, with respect, Mr. Chairman, for Councillor Tanner to raise the question that he has raised now is when the new Ordinance comes before Council for discussion.

Mr. Tanner: Mr. Chairman, we have all been assured around this table that we were going to have a Municipal Ordinance to discuss in this Session. Circumstances did not permit it. I'm just trying to get for myself, a few personal assurances that should the same situation arise again, this is clear now.

Mr. Stutter: Mr. Chairman, should we not have altered section 7 of the Municipal Ordinance also, which states clearly that 'no proclamation altering the boundaries of a municipality shall be issued unless the petition requesting alteration has received the assent of (a) two-thirds of the rate-payers in a municipality voting thereon, and (b) at least two-thirds of those residents of the area to be included in the municipality who have reached the age", and it state here, " of twenty-one years and are owners of real property in that area". Should we not amend this section of the Municipal Ordinance to permit your plebiscite?

Mr. Legal Adviser: Mr. Chairman, the plebiscite will be held under a separate ordinance which covered by an undertaking which the Administration gave to the Council at the time of the passing of the Plebiscite Ordinance. That is, no plebiscite will be held unless specific funds have been appropriated by a Council for the specific purpose of holding that plebiscite. At that time, when the Ordinance is being discussed, the Council will have before it the rules under which the plebiscite is to be held. The plebiscite is only a method of obtaining the opinion of people. The legal method of changing the City boundaries can be either by a special ordinance for that purpose, or a section in a special ordinance for that purpose, or without benefit of legislation, by a certain machinery which is set up under the Municipal Ordinance. Either is equally valid, just as a marriage on the anvil in Scotland is equally valid with one in church. Or, it used to be. The choice which is now before the Council is, in section 5, to repeal Schedule B by the act of this House, and adopt another Schedule B. That act by this House will automatically mean that without benefit of an ordination ceremony or anything else, a new City comes into being. That's by the act of the House and they cut out the Commissioner's action of proclamations altogether.

Mr. Tanner: Mr. Chairman, I thought that Mr. Chairman was going to read section 5. We haven't got to 5 yet. We're not there yet.

Mr. Chairman: No, we're not there yet. Are you clear on section 4? Crunch. (Mr. Chairman reads section 5.)

Mr. McKinnon: Mr. Chairman, I move that section 5 of Bill No. 31 be deleted. Why bother going through this debate again? It's so obvious to everybody.

Mr. Chairman: Is there a seconder?

Mr. Stutter: I would request time to look into this. I'm still trying to find Schedule B.

Mr. McKinnon: It incorporates the City boundaries without a plebiscite or anything.

Mr. Chamberlist: No, no. That is not so.

BILL #31

Mr. Tanner: Mr. Chairman, if I may; if there's anything I've been vocal on since I've been in the Yukon, it is this. I want a great deal of assurance that this is just to implement a decision which might be made in the future.

Mr. Chamberlist: Well, Mr. Chairman. I am at liberty to give the assurance of the Executive Committee to Council that this section 5 is in there, and if you look at section 6, that this section 5 will not be brought into force unless the plebiscite is favourable. This is the assurance that I am prepared to give.

Mr. McKinnon: Mr. Chairman, this is exactly the same Bill that the Honourable Member moved the motion on. It is the exactly the same section to be deleted, that, in 1969, Volume 2, Third Session, page 568 of the Votes and Proceedings -- it was in exactly the same form at that time. By passage of this Schedule extending the boundaries of the City of Whitehorse, the Commissioner, at any time, shall proclaim that to come into force and with one fell swoop of the pen, extend the City boundaries without any plebiscite, without any asking of the people, without going to the polls, whatsoever. Now, I do not trust the Executive Committee and I do not trust the Commissioner that this, in fact, will not happen because I've been fooled before. I'm not going to be fooled again. There is no reason at all why this Schedule cannot be changed or why the Act cannot be changed at that moment, after the plebiscite is held. There is no way, in one thousand years, that I would relegate, delegate that power to the Commissioner and the Executive Committee. That's exactly what is done if the Members of Council go with this Ordinance. It says that the Commissioner can fix those boundaries and he can extend those boundaries whenever he so sees fit. Now, don't tell me different because I know it's right. It's exactly the same thing that all Members of Council unanimously opposed in 1969. There is no reason why that should be changed or the thinking should be changed at this moment. Everybody says that they are in favour of a plebiscite. Fine, let's have the plebiscite and then put in legislation stating what the Schedule and the City boundaries will be. We are putting the cart before the horse, absolutely. We are completely negating any responsibility that this House has and it would be folly; it would be a travesty; it would be ludicrous for this House to accept that Schedule at this time, and give the power to the Commissioner with the stroke of a pen. I don't care what assurances you give me. I've been fooled too many times in this House. Too many times the people of the Yukon have suffered because of assurances that have been given at this table. I'll believe it after the plebiscite. Then, you'll have my support for extending the City boundaries, absolutely, but not before.

Mr. Chamberlist: I think that there is no necessity for excessive emotionalism because I feel exactly the same way. I would not want to put it in the hands of the Commissioner to extend the boundaries without the authority being given, but, I have given my assurance that, when this has been decided -- this would not happen unless there is a simple majority as has been indicated. It only means this. I'm sure that if you recognize this particular factor -- it would mean a special Session of Council just for this one piece of legislation, if the plebiscite were successful. Now, if the Honourable Members are prepared to face up to the fact that it may be that a special Session of Council would have to be called, then I'm sure that the Executive Committee would have no objection in deleting that particular section.

Mr. Tanner: Mr. Chairman, before seconding Councillor McKinnon's motion..,

Mr. Chamberlist: Well, the motion has already failed.

Mr. McKinnon: I will make it again.

Mr. Tanner: Well, Mr. Chairman, if in paragraph 4, the changes can be made in the fall to incorporate all the electorals that might be in the

Mr. Tanner continued.....

BILL #31

City, why can't we again wait until the fall before bringing section 5 in?  
Could I have this explained?

Mr. Legal Adviser: That particular deal is a difficult deal to explain. It is partly administrative and partly legal. If the Members would riffle through the terms of the Municipal Ordinance, they would see that for the purpose of having elections and giving representation to these people who may or may not become citizens of the City of Whitehorse, you have to start on what you might term a critical path and it commences in August with provision of Electorals' Rolls, a court of revision, another Electorals' Roll, another court; then, there are registers, the fixing of dates, the appointments and so forth. These are all programmes commencing on a date in August, plus, of course, incorporation for taxation purposes and elimination from the Territorial Taxation Assessment Roll. These must go hand in hand to have a whole deal. Now, for legal reasons, the best time to have it, to give people their legal rights, is in sufficient time to enable the new people to have their full rights as citizens, both taxation wise and election wise, so they can stand their candidates and have their vote. A second reason is financial, in that, by reason of the difference in the taxation structure in the Territory and the municipality, there is a tax advantage to the newly incorporated entity the earlier in the Territorial financial year the change takes place. When the money has been voted and is available in this area, and the Territorial Government, as I understand it, will be budgeting for the payment of the expenses and what have you, the money is then handed over unspent to the new entity to spend during the year. A third reason, again, is administrative. The officials who will be handling this increased responsibility, even if it's only the foremen of works, the people who drive trucks and the people who collect garbage and so forth, the letting of contracts and so on -- the earlier in the financial year that you can have this, the more time they have. So, if the change is taking place, say, in May or June, which is the ideal time, then, they have had an eight month or six month period to run with the new responsibility in relation to the increased area when the thing gets going. Now, with machinery, a changeover in staff, the summer time is the ideal time to do this; not when the machinery is not working, not when all these things are happening, starting off in, what at first glance would appear to be the good date, January 1st. So, for many administrative reasons, to make the thing worthwhile, the earlier it's done, the better. The advice of the officials, for what it's worth, and all the officials concerned in this, both Legal, Administrative, Municipal and everything else, is that the ideal time is as early in the financial year as possible at the start of the summer. The ideal thing would be to postpone it for a year. If it's not going to take place in the May-June period, put it back for a year. There are really good reasons for this.

Mr. Stutter: Mr. Chairman, the reason that the Member from Whitehorse East has given us for section 5 being in here is to avoid bringing Council back to Session to put it in, if the boundaries are accepted or if by plebiscite, the people wish the boundaries extended. I'm not familiar with the way legislation is brought about, but would it not be possible to put that in, that it only comes into effect if the result of the plebiscite indicate that this is the wish of the people?

Mr. Legal Adviser: There are many reasons, experience tells us, for not making conditional legislation of this type. It would be better to have a special Session rather than write conditions in, because you have then to interpret the conditions. That just isn't easy. It's not like getting ready a deed or a contract where you can put "whereases" and "wherefors" in. You have to either do the thing, or you don't. The last section says that it will come into force on a date to be fixed by the Commissioner. This is subject to the undertaking given. It's better to either accept the offer of Mr. Chamberlist to tie it down to conditions or reject it and have a special Session, rather than to start the custom here of having a series of conditions, "ifs" and "ands" as you might have in a contract when you're buying a car.

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Mr. Stutter: Well, Mr. Chairman, there is only one other thing then. If it can't be changed with the "ifs" and "ands" clause, it was suggested also by the Member from Whitehorse East that the motion was out of order. It should have had a seconder before it was discussed. If he will recall, I asked for a moment or two to look into the matter before I could make up my mind whether to second it or not. I would ask that this view is not taken, that this motion is out of order.

Mr. Chairman: Order, please; there is no motion before the House at this time.

Mr. Chamberlist: Mr. Chairman, I would like to overcome this difficulty. I'm sorry that the mistrust of the Honourable Member from Whitehorse West is so strong. I'd like to feel that I trust all my colleagues. Supposing we find a way of passing this Ordinance, but putting in there that it shall not, none of this Ordinance, come into force until a date after May 15th, because it is expected that prior to May 15th, a plebiscite will be held. Is there any objection to this, Mr. Chairman?

Mr. Tanner: I have no objection to going to Timbucktoo -- this is so important to me that I have no objection to going to Timbucktoo if I have to to have a special Session of this Council. It'll take ten minutes to sit down and do this. I think that section 5 should be deleted. When the plebiscite is made, we should have a special Session of Council and everybody who is interested, as long as we have four Members to make a quorum, will come and we can vote on it.

Mr. Chamberlist: Well, then in that case, we don't need any part of this. By the same token, we don't need any part of this then. Or, we don't need any part of it now.

Mr. Legal Adviser: We need section 16D.

Mr. Chamberlist: It doesn't apply. We don't need any part of it now, Mr. Chairman. What I was going to suggest is that, tentatively the plebiscite will be held some time in May. Members of the Steering Committee will be discussing this. I'm prepared to say we will have an extra Council Session to indicate -- I'm not sure if there is any legal obstacle. If Mr. Legal Adviser would indicate this -- this Ordinance or any provision thereof shall come into force on a day later than May 15th as a result of a "yes" position in regard to the plebiscite. This plebiscite is to be held. This is what I understand Members want. They want to know that the result of the plebiscite will determine the result of whether or not this piece of legislation will come into force. This is what I want to overcome.

Mr. Chairman: Order, please. Councillor Stutter, would you take the Chair please.

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I want to say a word on this. I fought along side of the Honourable Member from Whitehorse East the last time this subject came up and it was a unanimous decision of Council that this Schedule B be kicked right out of the Municipal Ordinance, that particular day. It was and it didn't take very long for them to do it. The Commissioner, about two Sessions ago, or longer stated -- I guess it would be about three, it was in the old Council. The Commissioner stated in his Opening Address that, unless the outlying settlements around Whitehorse joined the City of Whitehorse, he would, by law, make sure that they did. He would make them a city anyway, and he proceeded to come up with the same idea we find in Schedule B attached to this Bill. This is an old hat. You remember. I think I told some of the newer Members that I fully expect to find all the old legislation, thrown out by the old Council, there. When you're new and when you're young and you don't know too much about, they will try to shove it down your throat. I mean

Mr. Taylor continued.....

young as a Council. The Commissioner says he is going to do it, one way or another. So, obviously, the Honourable Member from Whitehorse East is well aware of our suspicions and upon what they are founded because he argued the same argument that we are now arguing. The people still require the protection of this Legislature to ensure that their rights are protected at least. The matter of a special Session is a dandy idea. The matter is so important that, I think, it is very important that we do have a special Session whenever the Administration does decide, if indeed the plebiscite indicates that the people want this. We should then be here to resolve this matter and any other matter; but to give them any authority at all, at this time, -- if we were to allow this section 5 to stay, the Commissioner would have this mountain top to mountain top boundary established here within a month. I've no doubt about it at all. Just as quickly as he could run down and bring this into force, it would be. No sir. I would be very proud to second the motion as stated by the Honourable Member from Whitehorse East, Mr. Chairman, -- or rather, Whitehorse North -- or is it West. West, I guess it is.

Mr. Tanner: He gets around.

Mr. McKinnon: The Yukon is my constituency.

Mr. Tanner: Mr. Chairman, if I may, and much as I appreciate your loyalty to us Whitehorse Members, I wished to have the honour of seconding the Honourable Member's from Whitehorse West motion.

Mr. Chamberlist: Well, I could save everybody the problem, Mr. Chairman by -- we are quite prepared to withdraw the sections.

Mr. Legal Adviser: Mr. Chairman, I think, while I'm always loyal to my leader...

Mr. McKinnon: Who is he today?

Mr. Legal Adviser: I might suggest that if we leave in sections 1, 2 and 3 -- they are unrelated to anything to do with the increase in the Whitehorse City boundaries -- and delete sections 4, 5 and 6, if the Honourable Member would phrase his motion accordingly, then there is no need for a delayed period in bringing into force because 1, 2 and 3 can go into force when it is assented to. The special Session, or whatever decision is reached, will take care of 4, 5 and 6.

Mr. McKinnon: Mr. Chairman, I would move, seconded by Councillor Tanner, that sections 4 and 5 of Bill No. 31 be deleted.

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

Mr. Taylor resumes the Chair.

Mr. Chairman: You have all heard the motion. Is there any further discussion? Are you prepared for the question? Are you agreed? I shall declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: Inasmuch as we are awaiting information -- order, please. Inasmuch as we are awaiting information respecting the municipality of Dawson, would you wish me to report progress on this Bill?

Mr. Chamberlist: Well, I would suggest, Mr. Chairman, that we move it out of Committee, as amended.

Mr. Chairman: Well, I believe we are awaiting information, as a courtesy to the Honourable Member from Dawson.

Mr. Chamberlist: Oh, yes. Quite. We are waiting for one point. I agree. I'm sorry.

BILL #30

Mr. Chairman: Well, we will go to Bill No. 30, An Ordinance to Amend the Evidence Ordinance.

Mr. Chamberlist: Mr. Chairman, the purpose of this Bill is to facilitate proof of coming into force dates. Perhaps, we could get Mr. Legal Adviser to explain to you, in detail, what and why this amendment is necessary.

Mr. Legal Adviser: Mr. Chairman, in a recent case which was before the Court, the Court held that the Labour Standards Ordinance, which in fact has been in force since 1968 and replaced the Labour Provision Act which was in force nearly twenty years before that, was not in force so far as they knew, in the Territory. The particular point is a technical one. The Court held that because the physical proclamation made by the Commissioner back in 1968 had not actually been produced during the case, he refused permission to hand it in when the case was finished, and automatically threw out the case. Therefore, the workman, who was looking for his back pay from a firm here in town -- he was owed something \$700-\$800 -- lost his case. This is a technicality. There is an argument for it and there is an argument against it. The thing is that it was felt that surely, the Court could have taken judicial notice of the fact that an Ordinance in which it was deciding cases three or four times a week, was in force. People have gone to jail over this Ordinance and orders have been made out of this Ordinance three times a week; but, a technicality is a technicality. There's only one way to cure it and that is to make sure that it doesn't happen again. The way is to say that in addition to taking judicial notice of the fact of the Ordinance itself and its terms, the Court takes judicial notice of the fact that it came into force.

Mr. McKinnon: What's the argument against?

Mr. Legal Adviser: The argument against is based largely on things which have happened in B.C. There are prosecutions in B.C. dealing with the Lord's Day Observance Act which was an act, a federal act, which could be proclaimed into force on the petitions of different councils in towns in sections of the province. So, in a particular decision in B.C., the Court held that as there was no evidence before it at the close of the prosecution case, as to whether or not the Act was in force in that particular area, it thereby threw out the prosecution. What the Court was doing there was it was making quite clear that when you take prosecutions for going to football match on a Sunday, the Court was not going to have any sympathy with it. It's a horse of another colour, in an act which is in force and expected to be in force, not for a particular area of the Territory, but for the whole of the Territory, and continuously so. If we were in the habit of making laws which would only apply and be proclaimed in force by local plebiscite, like some liquor ordinances are, this would be a different thing. Then, of course, it would be up to the prosecution to show that it is in force in that particular area and not in others. This is a thing of common knowledge, our ordinances and federal acts, so far as applying to this Territory is concerned.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser could indicate at this time, whether or not there is an intention to appeal to the higher court in relation to this, so that the worker can get his money.

Mr. Legal Adviser: Yes, it is the intention of the Government to appeal to a higher court, but this doesn't stop the fact these cases are taken by everybody. They are taken by private people and it is a very easy thing to forget to carry with you at all times when you are in the Court. You must present it before the close of the prosecution's case if this technicality is not to operate against you. You can't wait until the defence starts and then remember. You've got to do it each time. It's putting, as I would see it, the ordinances of the Territory in the same classifi-

Mr. Legal Adviser continued.....  
cation as village by-laws, as far as the Court is concerned.

BILL #30

Mr. Chairman: An Ordinance to Amend the Evidence Ordinance. ( Mr. Chairman reads Bill No. 30.)

Mr. Legal Adviser: Let me explain, Mr. Chairman, that the opening words of the section read "a court shall take judicial notice of Acts of the Federal Parliament, Acts of a Province, and Ordinances of the Territories". That's the list of things it takes judicial notice of, and this would add the words, into that sentence, to take judicial notice of ordinances of the Territory including the date of coming into force of such act or ordinance.

Mr. Chamberlist: Mr. Chairman, I move that Bill No. 30 pass out of Committee without amendment.

Mr. Tanner: I second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Tanner, that Bill No. 30 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Any contrary? I declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chamberlist: Mr. Chairman, Bill No. 28 is a comparatively short Ordinance. It only requires reading. Perhaps we could deal with that and get rid of it before 5:00 o'clock. *BILL #28*

Mr. Chairman: You've taken away all my pillars, Norman. This is an Ordinance Respecting Mentally Disordered Persons.

Mr. Chamberlist: Mr. Chairman, the purpose of this Bill is to repeal and re-enact the Insane Persons Ordinance with modern terminology and accounting practice. The Bill eliminates the requirement for contribution from the property of the patient and provides that the medical evidence required should in the normal case include that of two doctors. Powers taken to make regulations and prescribe forms are also included as well. Mr. Chairman, in the past, much concern has been felt by consecutive Members of Council and consecutive Councils and by the Commissioner in relation to the compulsory edicts that the Insane Persons Ordinance had. Inasmuch as it was practically compulsory for the Government to charge back out of the estate of a person committed to an institution, this Bill will eliminate the requirement of a contribution from the estate of a person who is incarcerated in a mental institution.

Mr. McKinnon: I agree with the principles behind the Bill, Mr. Chairman; but, I wonder, before we go into the Bill, whether the Member can make us aware of what, approximately, this will cost the Territory in a year from fees that they usually got from the insane person's property.

Mr. Legal Adviser: I can say that the amount isn't very much. The custom had developed of a recommendation going forth from the Commissioner to remit the obligation under the terms of section 11 of the Financial Administration Ordinance, and the Commissioner invariably remitted the amount. This was imposing a burden. In each case, the family had to come in and make a pitch and get this done.

Mr. McKinnon: There are no recoveries in the Budget of 1970-71 for this type of money coming in to the Territorial Treasurer?

Mr. Legal Adviser: There may be. It may be hidden in the recoveries made probably by the Public Administrator, or in that area. But, it's peanuts.

BILL #28

Mr. Chairman: Bill No. 28. (Mr. Chairman reads sections 1 and 2.)  
Clear?

Mr. Legal Adviser: The only real change here is to eliminate the words "insane person" and "person alleged to be insane".

Mr. Chairman: Clear on section 2? (Mr. Chairman reads section 3, subsection (1).)

Mr. Legal Adviser: There is no change in the existing law in this section.

Mr. Chairman: Does that read correctly, this "or may be"?

Mr. Legal Adviser: Yes, it's a particular subjunctive expression of the verb "to be".

Mr. Chairman: It would appear that way. (Mr. Chairman reads section 3, subsection (2) and section 4.)

Mr. McKinnon: I have one problem, Mr. Chairman. Where the Justice of the Peace doesn't direct that it -- that the person should be dealt with by a judge of the Territorial Court and exercise his jurisdiction under the Ordinance, then this case actually never goes before a judge of the Territorial Court. It's the Justice of the Peace who, certainly, in both conditions isn't as well trained and as well versed in these matters as is a judge of the Territorial Court, who makes a very serious decision respecting a person's life.

Mr. Legal Adviser: The decisions that actually come before a Justice of the Peace, Mr. Chairman, are usually cases which are very, very clear. The person is alleging himself to be God, Napoleon, or he is wandering around the streets, or he is extremely disorderly, undressed, lying out in the snow and so on. The police pick him up for his own protection. The police normally act on complaints and they bring the person and have him examined by two doctors. The two doctors then give evidence before the Justice of the Peace. The Justice of the Peace makes a full report on the matter on a specific form, which used to be Form A or Form B in the back of the Ordinance, and then, accompanied by the two doctors' certificates, which must give reasons in the certificates, the physical condition and mental condition of the patient and their findings -- those certificates plus the findings of the Justice of the Peace and his report then come to the Commissioner. The Commissioner then approves the admittance of this person for treatment. This is the normal thing. Now, if it's a question of a private person dealing with an application, the place he would go is the Territorial Court and the Justice of the Peace would not handle the case.

Mr. McKinnon: That makes it impossible to commit the Commissioner.

Mr. Legal Adviser: In fact, it does. Yes.

Mr. Tanner: Mr. Chairman, has this been normal practice in other jurisdictions?

Mr. Legal Adviser: I think our practice is probably more restrictive in the sense that we have more precautions than is common. The other ordinances deal on a code with various forms of voluntary and involuntary commitment and everything else. They are great big ordinances. We have avoided going into the tremendous detail which is done in the other ordinances. It just seems inappropriate for the number of people who we send in and out. Of course, we will be handling, as long as Dr. Abbott is here, a certain number of these for temporary periods here. For quite a number of these people, it is a temporary derangement. Arrangements have been made and the Minister of Health will inform you about it, to handle these people temporarily to save the cost, the tremendous cost, of sending people

Mr. Legal Adviser continued.....  
outside for what happens to be a temporary lapse of a -- I was going to say a fortnight, but fourteen days, or three weeks.

Mr. Chairman: Clear? (Mr. Chairman reads section 5.)

Mr. Tanner: Mr. Chairman, the Legal Adviser was very strong on the fact that should there be a Justice of the Peace that this case comes before, he has the help of two doctors. Aren't we taking away that assurance in the second paragraph of...

Mr. Legal Adviser: Not quite, Mr. Chairman. In the old Ordinance, paragraph (a) merely read "the alleged mental disorder". There was no mention of the phrase "including the evidence of two medical practitioners". The suggestion is that the practice which has grown up, of having two doctors, is a sound one and should be recognized in legislation. The drafting committee was aware of the fact that if an insane person goes out with a rifle in Clinton Creek, you just can't get two doctors up there. You may have to actually give protection to people who picked him up. When he gets to Whitehorse, he gets two doctors, but you may have to have authority to hold him without landing yourself a charge of false arrest. The alternative is to lay a criminal charge and then you are in trouble.

Mr. Tanner: Mr. Chairman, right now, then, if I could convince the Commissioner and a Justice of the Peace, I could get Councillor McKinnon committed. Correct?

Mr. Chamberlist: Two doctors, you would still need two doctors.

Mr. Legal Adviser: The practice has grown up; in fact, a Justice will not make an order unless he has two doctors, although it doesn't say so in law. The Commissioner will assent.

Mr. Chairman: Clear? (Mr. Chairman reads sections 6, 7 and 8.)

Mr. McKinnon: How does he get back?

Mr. Legal Adviser: It's very difficult to say how he gets back; normally speaking, he's here for two or three weeks and he calls into the Public Administrator's office to say he is back. Then the discovery is back. The hospital authorities in B.C. seem to take a very casual and relaxed view of their responsibilities. When he is well, they just let him go and pay his trip back to Whitehorse and come to let us know that he is here, sometime. We don't have control over there, but as long as they are releasing patients who are cured, it's better than keeping them locked up.

Mr. Chairman: Clear? (Mr. Chairman reads sections 9 and 10.)

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 28 be passed out of Committee without amendment.

Mrs. Watson: I second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 28 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. Chamberlist: Mr. Chairman, I would move that Mr. Speaker do now resume the Chair.

Mrs. Watson: I second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committee. Are you prepared for the question? Are you agreed? I declare the motion carried.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Speaker resumes the Chair.

Mr. Speaker: Council will now come to order. May we have the report from the Chairman of Committee.

Mr. Chairman: Mr. Speaker, Committee convened at 10:35 a.m. to discuss Public Bills. Mr. H.J. Taylor and Mr. Gordon Gee attended Committee to further discussion related to Bill No. 17. Committee recessed at 12:00 noon and reconvened at 2:10 p.m. I can report progress on Bill No. 17 and Bill No. 31. It was moved by Councillor McKinnon, seconded by Councillor Tanner, that sections 4 and 5 of Bill No. 31 be deleted. This motion carried. I can report progress on Bill No. 31. It was moved by Councillor Chamberlist, seconded by Councillor Tanner, that Bill No. 30 be reported out of Committee without amendment; this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 28 be reported out of Committee without amendment; this motion carried. It was then 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? What is your further pleasure?

Mr. Taylor: Mr. Speaker, in respect of the agenda, I believe it is the intention of Committee to further proceed with Public Bills in the morning.

Mr. Speaker: May I have your further pleasure.

Mr. Stutter: Mr. Speaker, I move that we now call it 5:00 o'clock.

Mr. Chamberlist: I second the motion.

Mr. Speaker: It was moved by the Member for Dawson City, seconded by the Member for Whitehorse East, that we now call it 5:00 o'clock. Are you prepared for the question? Agreed? I declare the 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 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: Yes, Mr. Speaker. This morning I have for tabling Sessional Paper No. 14.

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

Mr. McKinnon: Mr. Speaker, I would like to move the introduction of Bill No. 33, seconded by Councillor Taylor, An Ordinance to Amend the Taxation Ordinance.

Mr. Chamberlist: Is this a Private Member's Bill?

Mr. McKinnon: Yes, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, any matter of Taxation Bills must be introduced by a message of the Commissioner.

Mr. McKinnon: Anything dealing with money; but this is form and substance, Mr. Speaker, nothing to do with the raising of monies.

Mr. Chamberlist: Bill No. 33, with respect Mr. Speaker, is a Bill that is being introduced today, in any event.

Mr. McKinnon: There seems to be some difficulty with the numbering, Mr. Speaker. I am sure the Clerk can give the Bill the proper numbering for the House to consider it. Minor matter, as Mr. Clerk can simply take it into his hands.

Mr. Chamberlist: At the moment we have before us Bill No. 33, which will be introduced today, Mr. Speaker, under Public Bills and Orders.

Mr. McKinnon: Mr. Speaker, could I ask Mr. Clerk what number he would like me to assign to the Private Member's Bill that I have just introduced.

Mr. Clerk: Mr. Speaker, we have assigned Bill No. 33 to a bill that is being introduced by the Government this morning, and the Private Member's Bill would therefore be Bill No. 34.

Mr. Speaker: We will have a short recess while I take this matter under advisement.

RECESS

RECESS

Mr. Speaker: The House will now come to order. It has been moved by the Member from Whitehorse West, seconded by the Member from Watson Lake, for leave to introduce Bill No. 34, An Ordinance to Amend the Taxation Ordinance. Are you prepared for the question? Agreed? Leave granted.

BILL #34  
INTRODUCED

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 33, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be introduced.

BILL #33  
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 Papers or Motions, 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  
POLLUTION

Mr. Stutter: Mr. Speaker, I have a question arising out of the mounting concern in Yukon over pollution. I would like to ask this question of the Commissioner. Have any extensive tests been taken of the water below major settlements along the Yukon River, or other rivers of the Yukon, to determine the safety for drinking purposes for settlements below?

Mr. Commissioner: Mr. Speaker, there are so many agencies involved in water control and water quality that it would take considerable research to determine, if indeed, the question proposed by Councillor Stutter has been done by some agency or whether it has not. I would be quite prepared to attempt to do this, but I wouldn't want Council to hold their breath while waiting for an answer. It is probably going to take at least a month of letter-writing to find out.

QUESTION RE  
DAWSON DUMP

Mr. Stutter: Mr. Speaker, I have a supplementary question. The students in Dawson City have taken it upon themselves as a private project to see that the dump in Dawson is relocated. Last summer, City Council had asked that an engineering study or rather a sanitation study be made at proposed relocation sites. At that time we were told to leave the dump where it was until the bridge had been put across the Yukon River. My question is, would the Commissioner or the Administration allow Mr. Wishart, or some sanitation engineer, to carry out further studies in the Dawson area so that that dump, which is one of the most obvious, visible signs of pollution in the Yukon River, which is seen by all tourists may be moved and the present dump buried?

Mr. Commissioner: Mr. Speaker, I am not aware of any reason why we wouldn't co-operate with the City Council in this regard. I would like to suggest that the Honourable Member from Dawson arrange to have a letter come to my officers or myself from the City making this request. I am sure it can be dealt with quite promptly.

Mr. Speaker: Are there any further questions?

QUESTION RE  
CORRIDOR  
CARPETING

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Commissioner this morning. I note great amounts of activity in the corridors outside this Chamber, and I understand that we are now laying carpet down the corridor here, and I am wondering who pays for this and what it is going to cost? Is the Territorial Government going to pay for this?

Mr. Commissioner: Mr. Speaker, I don't know exactly who is paying for it directly at the moment but I can well imagine, if not immediately, it will be calculated into the rent.

Mr. Taylor: Supplementary to this question, is this a gift from the D.P.W. or is this an idea of the Territorial Administration?

Mr. Commissioner: Mr. Speaker, there are no gifts from anywhere. I would say that this is a combination idea of the people who own the building, the Federal Department of Public Works, and the Territorial Administration who inhabit it.

QUESTION RE  
BILL #32

Mr. Stutter: Mr. Speaker, I have a question again either for the Commissioner or any Member of the Executive Committee. On March the 23rd, we had a Bill put before us which was Bill No. 32, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Yukon Territory. That Bill at that time went to two readings. Today, we have an amendment come before us which

Mr. Stutter continued ...

shows a difference of \$1.00 under \$1,000,000 less. I wonder if this could be explained for my benefit, as I have only had a few minutes to look at it.

Mr. Chamberlist: Mr. Speaker, I wonder if the Honourable Member would wait to ask his question when the Bill goes into Committee because a full explanation on that particular area will be given at that time.

Mr. Stutter: I am sorry, Mr. Speaker, for my ignorance, but I thought perhaps the public at this point might be interested in knowing why there was a \$9,999,999 difference.

Mr. Commissioner: Mr. Speaker, it isn't expendible money that we are asking to hold in this particular thing. It is the ability to deal with a revolving fund for equipment replacement. The maximum amount that the fund can ever accumulate or have available to it is \$1,000,000 and it is the authority to spend within this that we are looking for, not the expenditure of the \$1,000,000. It has been brought to our attention that the proper manner of presentation of this is as it is at the moment. I am sure that any further explanation that any of the Honourable Members wish to have would be forthcoming at the time the Bill is called for discussion.

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner a question. I think that we have one of the outstanding wildlife collection of exhibits anywhere in the Dominion of Canada. I wonder if there are going to be any plans made to be able to exhibit this collection to tourists and the public generally this summer.

*QUESTION RE  
WILDLIFE  
EXHIBITS*

Mr. Commissioner: Mr. Speaker, the question of stuffed ducks has been talked about many, many times around this table. The collection of wild animals that, I believe, is practically completed at this time has been made possible by the co-operation of various individuals and, of course, has been made possible by the money that has been appropriated by this Council. The original idea of making some arrangement with the local Historical Society to possibly co-operate, if we add to the local museum to permit these animals to displays, is still the idea that is being pursued. Funds are not immediately available for this but this is not deterring us from continuing to speak with this organization. We are hopeful that there will be something concrete to bring forward possibly for the next fiscal year. The amount of space that is required is possibly not the major criteria in cost here, it has to do with the proper displaying of the animals in question and in this regard we are seeking the help and the co-operation of the National Museum of Canada. I have reason to believe that there is, or has been, a presentation made to them and their reply has been received. I am sorry I don't know exactly where this matter stands but I would like to assure Honourable Members that we are actively attempting to come to grips with the problem so that the public can enjoy what is without doubt, as the Honourable Member has said, possibly one of the best wild animal displays in Canada.

Mr. Taylor: Mr. Speaker, apparently there is much discussion on an international basis respecting the northern part of the Yukon Territory in respect of a pipeline, an oil pipeline, which possibly could cross the northern Yukon. I am wondering if Mr. Commissioner could advise me this morning as to whether or not his Administration is being kept abreast of these discussions and negotiations, and if the -- indeed if the Government of the Yukon Territory is being considered or consulted in this matter.

*QUESTION RE  
OIL PIPELINE*

Mr. Commissioner: Mr. Speaker, in a general way we are being kept abreast of them, and I have directly requested to my Minister that as these talks progress, that representation from Yukon would be appropriated at the time of the discussions. I don't think that until now there has been anything other than, should we say, public relations discussions and I couldn't agree more with the thought behind the Honourable Member's question that if our future economic fate is being debated and discussed

Mr. Commissioner continued ...  
in hallowed halls many thousands of miles distant, it is only appropriate that, (a) we should know what is going on and (b) have some opportunity for some input into it. It is in this regard that I have already directed a communication to my Minister.

Mr. Speaker: Are there any further questions?

*ANSWER RE  
FIRE  
INSURANCE*

Mr. Commissioner: Mr. Speaker, I wonder if I could answer a question at this time which was not posed at this Session but has been the subject of questioning at prior Sessions. It has to do with fire insurance. I believe that all Honourable Members will remember that there has been considerable discussions around this table concerning the placing of fire insurance coverage by the Yukon Territorial Government. The last information that was given by the Administration to the Honourable Members was that we were negotiating with the Federal Government to get coverage under the Federal Fire Loss Replacement Contract. Also, the estimates for 1971-72 that had been passed by Council inferred that these negotiations would be successful. I would like to advise Council at this time that the inference contained in our estimates for 1971-72 has come about and as of April 1st, the Government of the Yukon Territory will become a self-insurer on fire losses. The effect of this will be that fire losses beyond \$75,000 will ultimately be covered under the Federal Fire Loss Replacement Account Act. The first \$75,000 of any loss will be the account of the Territorial Government and there has been an interim arrangement arrived at until this Act can be amended in the Federal Parliament to permit this to be done between the Department of Indian Affairs and Northern Development and the Federal Treasury.

Mr. Speaker: Are there any further questions?

*QUESTION RE  
EXECUTIVE  
COMMITTEE*

Mr. McKinnon: Mr. Speaker, I would like to address the question to Mr. Commissioner. As I understand the formation of government policy, the legislation comes to the House after going before the Legislative Programming Committee and is then accepted as government policy at that time. I understand that the two Executive Committee Members are now Members of the Legislative Programming Committee. I wonder if Mr. Commissioner could tell me that with the unanimous decision of this House to throw out section 5 of the Municipal Ordinance, does Mr. Commissioner still have confidence in the Executive Committee Members on the Legislative Programming Committee?

Mr. Commissioner: I would like to suggest that the particular point of the Municipal Ordinance that was thrown out by this Council hardly constitutes anything on which myself or anyone else should be called upon to accept or not accept the confidence of the Members of the Executive Committee and I furthermore would like to state that I have no reason up until now, and I hope that I won't have any reason in the future, to have anything else but the greatest of faith in the competence of all the Members of my Executive Committee in tendering advice to me on these subjects.

Mr. McKinnon: Here, here.

Mr. Speaker: Are there any further questions? We wish to thank the Commissioner for his attendance and on behalf of myself and the Members of Council, I would like to wish the Commissioner a speedy, fruitful journey.

Mr. McKinnon: I thought he was going to say recovery.

Mr. Commissioner: Thank you very much, Mr. Speaker.

Mr. Speaker: As there are no Private Bills and Orders, we proceed to Public Bills.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 28, An Ordinance Respecting Mentally Disordered Persons, be given Third Reading.

*BILL #28  
THIRD  
READING*

MOTION CARRIED

*MOTION  
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 28, An Ordinance Respecting Mentally Disordered Persons, be adopted as written.

*BILL #28  
TITLE  
ADOPTED*

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Speaker: I will declare that Bill No. 28 has passed this House.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 30, An Ordinance to Amend the Evidence Ordinance, be given Third Reading.

*BILL #30  
THIRD  
READING*

MOTION CARRIED

*MOTION  
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 30, An Ordinance to Amend the Evidence Ordinance, be adopted as written.

*BILL #30  
TITLE  
ADOPTED*

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Speaker: I will declare that Bill No. 30 has passed this House. What is your further pleasure?

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

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, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills. Are you prepared for the question? Agreed?

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 for business in Committee this morning will be Bill No. 32. I think at this time I will declare a recess.

RECESS

*RECESS*

Mr. G.K. Fleming, Assistant Commissioner (Administrative) and Mr. M.E. Miller, Territorial Treasurer were in attendance.

Mr. Chairman: At this time we will call Committee to order and our next item of business is Bill No. 32. BILL #12

Mr. Chamberlist: The explanatory note, the purpose of the Bill is to provide for the additional funds for the fiscal year 1970-71. Most of the funds have been expanded in this. Perhaps, Mr. Chairman, you can ask the Treasurer to explain these adjustments in section 2, so that the Members can understand why...

Mr. Chairman: (Mr. Chairman reads section 1, 2 and 3 of Bill No. 32)  
You have your support data and the first item is Yukon Council, \$45,400.00.

Mr. McKinnon: Mr. Chairman, there are several general questions that I would like to ask Mr. Miller. To start, the date on this Bill. The first one is, the vast majority of this money that we are appropriating at this time has actually been spent in the fiscal year 1970-71, as I can understand. Well, after the first question, this House could conceivably refuse to appropriate the money that has already been spent. I don't know how much good that would do us, because I think it is pretty well impossible to refuse to give money to the government that has already been spent. But the point that I would like to make is, that this expenditure almost totals 10% of the total budget of the Yukon Territory. Now certainly we should be a little closer on our estimation of what it is going to cost to run the Territory in the course of a fiscal year than to come up with a supplementary estimate to the tune of \$2,299,000.00.

Mr. Chamberlist: Mr. Chairman, I would like to point out at this time, that if there ever has been a lack of proper estimating that was done in this budget, one of the culprits in the matter is the Honourable Member who has just spoken, because these are supplementaries for this year in which the Honourable Member was Chairman of the Financial Advisory Committee and as a result of his unrealistic attitude towards the funds that are required to operate the Government of the Yukon Territory, it is now necessary to bring forward a supplementary to cover these areas which were badly neglected at that time, and I am pleased to say that nothing like this will occur again. We have a much more sensible Financial Advisory Committee and Project Programming Committee and also the fact that we are taking proper notice of the necessity to have a realistic budget in the future and not one that is totally unrealistic to encourage us to have to do this type of thing, which is most regrettable.

Mr. McKinnon: Mr. Chairman, when I was Chairman of the Advisory Committee I always voted against new supplementary estimates coming before the House, because I don't believe the public nor the elected representatives really get a true picture of what Government is costing them when supplementary estimates come up that total such a large amount of the Territory's budget. The problem is in the realistic estimation of Territorial department heads of what the actual operation of their department is going to cost over the course of the year. Now we tried to get the most realistic estimate we could from the department heads; evidently we couldn't and I would like to know how it is going to change in the future, so that we are not going to be presented with the type of supplementary estimates that we are now. How is it going to change so the same department heads leading the same departments are now going to come in with estimates on the running of their department that are going to be much closer to the real dollar than has been in the past and this has not been a matter just in the last year, the last two years. This has been a problem that has plagued this House since I first began sitting and also the Honourable Member from Whitehorse East, even when he was Chairman of the Financial Advisory Committee. These were the same problems that were being faced

BILL #32

Mr. McKinnon continued.....

by the Yukon Territorial Government. If it can be solved, I would like to listen to the explanation of how it can be solved and I think that it would be much better for the public of the Territory and for the representatives of the people if these estimates could be closer to the real dollar value. I'd congratulate him if in fact he can do this through his department head.

Mr. Chamberlist: Well, Mr. Chairman, I might answer very, very briefly, that the problem has been solved, inasmuch as it has been made clear to all department heads that there would be no supplementaries during this next year and that the departments will have to operate their departments on the basis of the funds that have been made available for the year 1971-72, and I trust that the Honourable Members will watch this and criticize it then, after the end of the year, if we come back again and ask for supplementary. But I can assure the Honourable Members that the instructions that have been giving out, and I repeat that these are the instructions the heads of departments have got, that there will be no supplementary for their existing programmes, but what has been supplied now.

Mr. McKinnon: Thank you, Mr. Chairman.

Mr. Chairman: You have your breakdown for Yukon Council on page 4. Do you have any questions in respect of the amount of \$45,400.00?

Mr. McKinnon: Well, Mr. Chairman, you certainly can't blame the department heads for this.

Mr. Chairman: The next item is Territorial Treasurer & Collector of Taxes, \$4,800.00. You find this on page 7. Clear on this item?

Mr. Tanner: Mr. Chairman, I have one question to ask Mr. Miller in this regard. I think this was asked when we discussed the budget previously and I would like to read what was said then: "the provision of payment of \$6,800.00 for contract to I.B.M. for getting the payroll printed and using a new system." Is it working out better, or are we -- have in fact had to employ more employees to put the new system into effect?

Mr. Miller: No, we haven't. We actually have decreased staff in our payroll operation in this last year. We have one person now essentially handling 750 employees on this I.B.M. system. Now the system itself is not designed for the Government of the Yukon Territory. It is designed as a general system. So it has inherent problems in it, but it is working adequately to this point within the constraints of the I.B.M. system itself.

Mr. Tanner: You mean the programme?

Mr. Miller: No, no, the system is working, but there are things that you can do on it, information that you can't get, because it was not designed for us. It was designed for the corner grocery store, or anything else that is a normal type of business operation. Government is somewhat different.

Mr. Tanner: Mr. Chairman, just one further question on this subject. It is my limited knowledge on the subject of this type of computer that there is a lot of stand-down time; they are not being utilized quite often to the full capacity, and it is an expensive type of equipment to adopt. To your knowledge, Mr. Miller, if the machine was not being used, and assuming it is the only one of its kind in the Yukon, of which I am not sure, would it be available for rental to other -- for other purposes?

Mr. Miller: Basically you have got two things. This payment we are looking at now is a contract payment. We are buying time in Vancouver on an I.B.M. computer. If you are talking about an in-house computer, the type of computer that we are looking at is a new mini-computer. There would be some excess time available on it. At this point we can't determine exactly how much. It depends on our own efficiency. Studies that have been done indicate that we might have as much as 50 hours a month free time. Whether or not the government is going into the business of selling time on a computer has still not been determined.

Mr. McKinnon: This is an interesting point of policy that I wasn't aware of, Mr. Chairman. Is the government seriously thinking of going -- of purchasing a mini-computer for the Yukon Territory?

Mr. Miller: The government is looking at the possibility of renting a mini-computer, not purchasing.

Mr. McKinnon: Is there any figure as to what the price would be for the rental of such a computer?

Mr. Miller: Yes, the approximate rental is \$2,500.00 per month.

Mr. McKinnon: Is this for the speeding up of payment for local Councillors?

Mr. Chamberlist: A fair question.

Mr. Miller: Now, it, and a lot of other procedure changes, could speed up the payment.

Mr. McKinnon: Is the Treasury Department seriously looking at those changes, to speed up the payments for local departments?

Mr. Miller: We are, yes.

Mr. Chairman: Are you now clear on Territorial Secretary, or pardon me, on Territorial Treasurer & Collector of Taxes, \$4,800.00? The next item is Territorial Secretary & Registrar General, \$10,850.00, page 11.

Mr. Tanner: Mr. Chairman, could we have some reason for the decrease in the Education Department budget?

Mr. Chairman: This will come up in Personnel Services. A question from the Chair relative to the Weigh Scales - Whitehorse. Will these scales be replaced, or moved to Watson Lake, or what will happen now with the putting in of the other scale at Watson?

Mr. Miller: I am sorry, I don't know the answer to that.

Mr. Fleming: No, I am afraid I don't know the answer on that one. I can't give it to you.

Mr. Tanner: Mr. Chairman, I am sorry, I did not hear your question. What was it concerning weigh scales? Were you asking whether the one at Watson is going to be removed?

Mr. Chairman: Well, I was just wondering what was going to happen here. Are you clear on Territorial Secretary & Registrar General in the amount of \$10,850.00? The next is Health on pages 12 and 13, in the amount of \$54,400.00.

Mr. Stutter: Mr. Chairman, I do have a question here. I notice all through this all the figures are so nicely rounded off. It makes one suspicious right of the bat. A saving of \$2,000.00 exactly on Venereal Diseases, \$2,000.00 on Cancer, \$10,000.00 on Social Assistance, \$20,000.00

Mr. Stutter continued.....  
*BILL #32* on the Whitehorse General Hospital, \$25,000.00. I wonder, if the Minister of Health could give me some ideas as to why they are so rounded off.

Mr. Miller: I think I can answer that, Mr. Chairman. The method that is used in doing these estimates is to attempt to round them off, set them to the nearest \$100.00 or \$1,000.00, rather than worrying about the dollars and cents. They are only estimates, let's face it, and, well they are estimates based on actual expenditure to January 31st, but they are still just estimates. Now, you can make each one of them an individual dollar item, you know, you could spell out the dollars and cents, trying to attempt an estimate on that basis, but it is a lot easier to look at it in terms of \$100.00 or \$1,000.00.

Mr. Chamberlist: Mr. Chairman, I think perhaps further, although when this was put forward, it is based on actual expenditure to January 31st, and the estimates are for the rest of the fiscal year and is added to the expenditure. This is how we come about these rounded off figures, you see, because we cannot tell exactly to the dollar how much is going to be an expenditure in February, March in another two months. And this is why you have an estimate based on the previous spendings.

Mr. Stutter: Mr. Chairman, this does not seem to be a consistent rule, because looking through the rest of it, in many instances they are right down to the last dollar, particularly page 2 on Operation -- well Operation and Maintenance is still supplementary estimates and it is still down to almost the last dollar. They don't go into the cents. It just makes me suspicious when they are so rounded off in many instances to the closest \$5,000.00.

Mr. Fleming: Mr. Chairman, where a firm figure is known, we will use it. In a case where it isn't, we have to adopt this method to come as close as we can.

Mr. Chairman: The next item is Local Government, \$234,030.00, page 16.

Mr. Chamberlist: It will be interesting, Mr. Chairman, for the Honourable Member from Dawson to note, that where you have on this page the Dawson City Conditional Grant, there is a rounded off figure there, and you will note that the provisions to increase expenditure is based on actual expenditure to January 31st. Now, there is no possible way that we can get the exact figure from Dawson City of the expenditure for two months, because they don't know what they are doing at the best of times. Of course the Honourable Member appreciates this, so he will understand.

Mr. Tanner: Mr. Chairman, may I ask a question of Mr. Miller in regards -- on page 14, no. 645 and 646, Porter Creek Water Services. When I see the details on page 17 -- could Mr. Miller give us some explanations as to why there is such an increase. It is double what the original vote was -- it is more than double what the original vote was. Why did this come about, what were the extra services that were received in Porter Creek and why is the cost so high in comparison to the previous budget?

Mr. Fleming: Mr. Chairman, in answer to 645, we found that after the work was done up in Porter Creek, the roads were in such poor condition, and there were some additional bits of roads to be put in, that we needed the money in order to do this increased work. It hadn't been budgeted for in the first instance. So, this is based on work -- this is based on the bills that have come in for work that has actually been done.

Mr. Tanner: Those bills are from D.P.W., I presume?

Mr. Fleming: No, from our own engineering department.

Mr. Chamberlist: I am sure, the present Member from Whitehorse North will be giving greater consideration to the work that is being done up there, than perhaps before.

Mr. Fleming: Mr. Chairman, on 646. In previous years the Salaries have been in Vote 16 and when the provision of them was transferred to this particular Department of Local Government, there was a slip-up somewhere and the transfer wasn't made, so there is no money provided. This is making provisions for the payment of these wages.

Mr. Chairman: Do you have anything further on Local Government? The next item is General, \$240,066.00, page 21.

Mr. Stutter: Mr. Chairman, I have a question here. I noticed that -- not that I am against these things, but 815,816 and 817, there were three grants given to Museum, Boy Scouts, Girl Guides and I noticed these were items that weren't budgeted for in any way. Is it going to be the continuing policy of the Government to make these grants available on a yearly basis?

Mr. Miller: Mr. Chairman, I think, you will find that those were in the main estimates. They were voted in the main estimates.

Mr. Stutter: Oh, I beg your pardon, I am sorry, I read it wrong.

Mr. Tanner: Mr. Chairman, I would like to ask a question in much the same vein. Studies of the Yukon Territorial Government, a dollar was voted in the main budget and we finally end up with Supplementary 32. Surely, in the long range planning of the Government, they must have some idea -- I cannot see where next year I am going to vote a dollar for an item with eventually is going to cost us \$32,000.00. Is there no estimate that can be made?

Mr. Miller: Yes, I think, Mr. Chairman, if you look at the 1970-71 main estimate, you will find that there is provision in there for a study to be made. If my memory serves me correct, we are looking at \$25,000.00 in next year's estimate, in other words we are not going to vote another dollar.

Mr. Tanner: This is going to be the policy then in the future, is it?

Mr. Chairman: Anything further on General? The next item is Highways & Public Works, \$91,810.00, page 28.

Mr. Stutter: Mr. Chairman, I would like to ask here, if there is any explanation as to why the increase in the Dawson Airport one. Is this extension or proposed -- oh, I see, additional clearing requested by M.O.T. -- for that brush cutting at the airport.

Mr. Miller: That is right. This is basically recoverable from the Department of Transport as well.

Mr. Tanner: Mr. Chairman, may I go back for a second. I would like to make a comment on the studies that were made by the Territorial Government and I noticed the third one, that the Reid Crowther - Metro Plan and it costs the Territorial Government \$15,100.00 and I understand that this is a costsharing scheme with the City of Whitehorse. No? Well, is that the full sum that is paid for that report? Didn't the City of Whitehorse also commission that report and have to pay some portion of the cost?

Mr. Fleming: Not that I am aware of.

Mr. Tanner: I am reasonably certain they did.

Mr. Fleming: No, this was the part that we paid for it, and I think

BILL #32

Mr. Fleming continued.....

they got the message that if they were going to contribute to it, they would have to give them the money in the first place to pay for it, and there was no point in this.

Mr. Tanner: My point in this is, as far as that Reid Crowther Report, which -- I was on the committee. My point is this, that in the future if we commission reports, I think it is most important that there isn't repetition of what happened in this case -- Reid Crowther did, in my opinion, they just lifted that report completely out of the previous report of 1964 and I think the \$15,000.00 is wasted.

Mr. Chairman: Do you have anything further on Highways & Public Works? The next item is Yukon Hospital Insurance Services in the amount of \$306,234.00. Are you clear? The next item is Welfare, \$287,240.00 on page 32.

Mr. Stutter: Mr. Chairman, I have a question here. I notice the greatest increase in cost there has been on the Child Welfare Services, and the reason given here is mostly on account of increased number of children admitted to care and two or three other reasons, and I would like to ask the Minister if there is any indication that perhaps this has leveled off and that we are not going to be faced with continual fantastic increases such as this. I mean, can he foresee in any way that this may level off?

Mr. Chamberlist: Mr. Chairman, I can indicate that it is an impossible thing to foresee, the situation in regards to Child Welfare. It is one of those sad areas where government has the responsibilities to take care of these child welfare cases. All I can say is this, that the expenditures of funds in this Department are being watched very carefully by myself and I can assure Members of Committee that there will be under no circumstances any wastage in any particular areas.

Mr. Stutter: Mr. Chairman, I just have one further point to make there. It was stated a while ago by the Minister of Health that all his Departments have been told that under no circumstances would they be allowed to go beyond their budget of last year. What is going to happen if such a needy service as this does come up? Is it just going to be denied or will funds be made available?

Mr. Chamberlist: Within the funds that are available to my Department, they would have to transfer from one section to the other, but we are going to maintain the amount of money that has been set aside for the Departments.

Mr. Chairman: Are you clear on this item? The next item is Personnel Services, which you will find on page 34, in the amount of \$88,799.00.

Mr. Miller: You are looking at two items there. \$298,730.00 less the Education.

Mr. Chairman: Right. We have \$298,730.00 less the Transfer from Education - \$209,931.00, giving us the result of \$88,799.00. I believe someone has a question in this respect on Education?

Mr. Tanner: I think my question was to the Minister of Education. Could the Minister of Education give us some indication of why the Education budget was so greatly reduced?

Mrs. Watson: Mr. Chairman, I believe it is what Councillor McKinnon referred to; it is in the estimate -- the original estimate that was put out and they were probably overestimating some of the areas. However, I would like to explain that Administration of Education, the \$14,000.00 there, particularly. We've been short staffed at the

Mrs. Watson continued.....

supervisory level and we haven't been able to do as much travelling and therefore there is quite an excess in this area.

BILL #32

Mr. Tanner: Mr. Chairman, as I recall and this is only from newspaper reports, there was quite a hassle in this Council -- in the previous Council about taking out some of the services of the schools last year and I am just wondering whether, if these services are taken out, we end up saving money; if the library for instance -- the library music services in the last year were taken out, if we at the end save \$99,000.00?

Mr. Commissioner: Mr. Chairman, with respect on this, we are attempting here simply to indicate that there is going to be an all surplus in the Education expenditure of \$209,931.00 and we are simply reflecting it here instead of waiting to allow it to be reflected in the Auditor General's report. This is basically what we are doing. Insofar as the curtailment of any services are concerned, any services that were curtailed, were curtailed at the time of the budget-making process. These are simply -- how would I say, apparent non-expenditures and will not be made in the current fiscal year. We are attempting to net out these things to give as close and true a reflection as we can of the absolute dollars made by the Government in total.

Mr. Tanner: Mr. Chairman, I am not questioning what the reason is that we have got these figures in front of us now. I am just questioning why in the previous Council, and I think this is probably a day or a day and a half debate, certainly there was a lot of questioning of the then Minister of Education -- the Director of Education -- and in fact when I come to think of it, the debate went on for three or four days on this particular item. There was a big hassle and then finally we turn up at the end of the year -- we've got money over and at that time we had to withdraw services from the school which were required.

Mr. Commissioner: Mr. Chairman, the question referred to by the Honourable Member was resolved to the satisfaction of the Council at the time. Certain other monies have possibly been made available as well. There was a special amount of money that is reflected in here, I believe the Treasurer could advise me on this, I believe to the extent to the amount of \$140,000.00 for the second language programme. Is that correct, Mr. Miller?

Mr. Miller: This expenditure was incurred, right.

Mr. Chairman: Anything further on this item? The next item is Capital - Project & Loan, \$930,057.00 on page 51.

Mr. Miller: This is 100% recoverable from Ottawa.

Mr. Stutter: Mr. Chairman, I would like to ask a question. I don't really know whether this is the right place to ask it, but I wonder if the Commissioner could tell us, now that this is being done, that water and sewer system is being transferred from N.C.P.C. to the Territorial Government, what actually will happen in the operation of it from now on? Do you have any set plans for it?

Mr. Commissioner: Mr. Chairman, I am sorry, but I cannot answer the question. I think it falls into two lines; what are the administrative plans, in other words who is going to continue to operate it, will it be N.C.P.C.; will it be the City of Dawson; will it be the Territorial Government. This is the administrative question. The other side of the question is the technical question, and the Honourable Member knows far better than I do as to what the technical problems are and these can only be resolved, as far as I understand it, by technical people. So, quite frankly, I would say that the Territorial Administration would be very flexible in their attitude toward further policies and we would appreciate hearing from the Honourable Member from Dawson as to what his thoughts and ideas were, and we will be prepared to give a lot of consideration to any suggestions that he, or the City Council, might have.

BILL #32

Mr. Chairman: Anything further on Capital - Project & Loan? The next item is Loan Amortization, \$5,720.22, pages 55, 56 and 57. Clear? The next item is Road Equipment Replacement - Special Account, \$1.00, and I believe you have all been supplied with a replacement sheet, or page -- it is the very last page in your book.

Mr. Chamberlist: Mr. Chairman, I wonder if perhaps Mr. Treasurer can give the reasoning behind the \$1.00 that is being put in the estimates at this time?

Mr. Miller: Basically what we are looking for here is authorization to create a special account, into which we are going to accumulate road equipment rental income to be used for replacement of road equipment. Now, at the moment the funds that are generated from the rental income will go in the Consolidated Revenue Fund. We are asking that we set this money aside in a special account to be used only for replacement of road equipment. Now, the reason for requesting it is, this is included in the revised Federal Territorial Engineering Services Agreement. This is the method that Ottawa prefers us to use in financing replacement of road equipment.

Mr. Chamberlist: It should also be explained that the -- that notwithstanding this, that any expenditures out of that fund will be brought to Council first for their approval.

Mr. Miller: That is right.

Mr. Chairman: Any further questions on this item? This gives us then a total of \$2,299,407.22.

Mr. McKinnon: Mr. Chairman, I wonder if I can ask one question. On page 43, the revenue side of the budget, the interest on assessments was estimated at \$135,200.00 and has increased to \$210,680.00. I wonder if we just could have a short explanation on the increase on the bank interest, fees registration and the sundry book.

Mr. Miller: Well, the bank interest was purely a question of bank interest rates have been so high this past year. They were up in the range of 7½% against the previous 5%. Incidentally they are now down in the range of anywhere from 2 - 5%. This was as of a couple of weeks ago. So, we just happen to hit a year when interest rates were very high. We have also attempted this year to employ all the money we can to earn interest for as long as possible.

Mr. McKinnon: How about the fees and registration, they went up from \$45,000.00 to \$78,000.00?

Mr. Miller: In the fees area, this is primarily a result of an accounting change. At one stage the leases of land were treated as recoveries, rather than revenue. So, if you go to the recovery side of it, you will find that there is a decrease, and there is an increase on this side.

Mr. McKinnon: And sundries?

Mr. Miller: Sundries, this is one that is very difficult to estimate at any time really. What it includes is prior years adjustments. In other words if we have revenue come in that should have come in the prior year, wasn't set up as an account receivable and it comes in the current year, it goes into sundry revenue.

Mr. McKinnon: What would be an example of something that wasn't set up as an account receivable?

Mr. Commissioner: Just what is on fuel oil taxes.

Mr. Miller: Yes, this is right. Well, we didn't know that there was

Mr. Miller continued.....

revenue earned in the prior year, so we didn't set it up. It then comes in a subsequent year and it just goes into this account. So, it fluctuates. The normal provision has been \$20,000.00 per annum as a provision and it fluctuates. In some years it has been a negative amount instead of a positive.

*BILL #32*

Mr. McKinnon: What is estimated for 1971?

Mr. Miller: If my memory serves me correct, it is \$20,000.00, but it is unknown. It is strictly a provision type of an item.

Mr. Chairman: Any further questions?

Mr. Stutter: Mr. Chairman, I have one sort of a bookkeeping question. I noticed under the expenses of Council that the total salaries of both our Ministers are put against Council. Is there no thought given to any portion of their salaries being put against their Departments? And another question I would like to ask is, since they have become Ministers of their various Departments, has there been any sort of reduction in staff? I realize that they are doing their jobs perfectly well and I would have thought that perhaps there might have been a slight reduction in staff, maybe one person anyway.

Mr. Chamberlist: Mr. Chairman, what I can say is this, that, and I am sure that other Members of the Administration will agree, if it hadn't been for the fact that Councillor Watson and myself are doing the work that we are doing, you would have to employ another four civil servants, considering the time factor we are putting into the work.

Mr. McKinnon: Is there any possibility that the Federal Government can pay their salaries?

Mr. Chairman: Well, if you have no further questions, I wonder if the witnesses can be excused at this time? Thank you, gentlemen, for your assistance this morning. What is your pleasure in relation to this Bill? Order, please. Order, please. What is your pleasure in relation to this Bill?

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 32 be reported out of Committee without amendment.

Mrs. Watson: Mr. Chairman, I second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 32 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: I think, in view of the time, we will stand Committee in recess till 2:00 o'clock.

RECESS

*RECESS*

Mr. Chairman: At this time we will call Committee to order. I wonder if you would go to Bill No. 31 at this time? I believe the Member from Dawson has something to report in respect to this.

*BILL #31*

Mr. Stutter: Yes, Mr. Chairman, as a result of a phone call put through by Mr. Bilawich, Department of Local Government, yesterday, he found that the Mayor and the City Council of Dawson are in agreement with leaving "16D" as worded in this present Ordinance, "1972" is fine.

Chairman: Is Committee agreed that section 1 stands? What is your further pleasure in relation to this bill?

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 31 pass out of Committee as amended.

Mrs. Watson: I'll second the motion, Mr. Chairman.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 31 be reported out of Committee as amended. Are you prepared for the question? Are you agreed? Any contrary? I will declare the motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Chairman: Now, Bills No. 33 and No. 34 cannot yet be dealt with. I would suggest we make a review right through the Ordinances, and the first one will be Bill No. 1, An Ordinance to Amend the Liquor Ordinance. Have you anything further on section 1?

*BILL #1*

Mr. Tanner: Mr. Chairman, as far as section 1 is concerned, "75(2)(a)", in my opinion should be moved out of this, of the Powers of Inspector, and moved into the appropriate place of the Ordinance, that is in the Specifications of Licensing Regarding Dining Rooms.

Mr. Chamberlist: Unless Mr. Legal Adviser has any objection to this suggestion, we do not have any objections?

Mr. Legal Adviser: Let us put it this way, Mr. Chairman, I would not be adverse to adding to the sections that liquor should not be sold as a matter of routine in some sections -- in the dining room section and the restaurant section. But, if that change is made in the dining room part, then the powers of the Commissioner must be left -- the Liquor Inspector must be left here to enforce what you put in afterwards. Assuming you have created a specific offence, then you must have the inspector power to enforce it. This is a power of enforcement, not creating a specific offence.

Mr. Chamberlist: Mr. Chairman, I think that the power to enforce should remain, but the place where it should be in -- should be in addition to it.

Mr. Legal Adviser: In addition, a second -- two places instead of one.

Mr. Chamberlist: Yes, I understand that.

Mr. Tanner: Mr. Chairman, I don't agree. You haven't specified in the powers of inspector here for every particular case, so why make a specific case out of the dining room?

Mr. Legal Adviser: Because it is a very difficult section to enforce, and we want to give the powers of the inspector to enforce it, and to make it clear to people that it is going to be enforced.

*BILL #1* Mr. Tanner: I am sorry, Mr. Chairman, I still don't agree. You are having a double standard here. Either that goes in where it should belong, in the specifications set out for dining room licences and the rest of that paragraph stands and gives the inspector power to enforce any part of the Ordinance, or else you are specifically picking out dining rooms to bring it to light that you are going to enforce that more stringently than the rest of the Liquor Ordinance.

Mr. Legal Adviser: In a manner of speaking, yes, Mr. Chairman. It is not easy, and possibly it is not proper, on an isolated instance, to close the dining rooms merely because one person is having a drink who is not a bona fide consumer of meals. But, if it happens frequently then the inspector should be able to take note of three or four occasions when he visits it, and then close it up subject to the right of appeal to the Board. The particular inequity that arose on several occasions is, that we get information, a course of conduct had developed in a particular licensed dining room, but instead of operating it as a dining room, he is operating it as a beer parlour. But, on any individual raid, for instance, he can say, oh, this is an isolated occasion, and these people were about to consume a meal or about to do something. But, if the inspector goes back two or three times, and finds that there are breaches of it, and it is being run as a matter of business as a bar, then he should be entitled to close it down, and see that the laws are observed. We don't want to be normally too stringent on dining rooms who are actually operating a good line of business. There are plenty of dining rooms that, I am sure that Members are aware of, where it would be a normal practice that a person would have a gin and tonic or scotch before they sit down for a meal. We don't want to stop that particular practice. It is the abuse, the frequent abuse of it that we want to stop.

Mr. Chamberlist: The only danger that perhaps the Honourable Member from Whitehorse North, is bringing forward, is the fact that it is left to the inspector to interpret what a bona fide meal is, and perhaps there would be a danger of allowing an inspector to interpret this area of a bona fide meal. I think that this is the fear that the Honourable Member has. I wonder if Mr. Legal Adviser can, in some way, overcome that particular objection?

Mr. Legal Adviser: The reason "bona fide meals" is put there, is in order not to just let it be a meal, because there is tremendous difference of opinion as to what a meal is, and what is not a meal. There is no question that a sandwich is a meal. But, a sandwich is used, and reused, although it is technically a meal, is not a bona fide meal. Bona fide is a word which is constantly used in the court to describe transactions whereby, under colour of a legality, the person is actually doing something quite different. We were discussing in relation to the transport bill the other day, the question of a person buying up a practically defunct company, whose only asset would be a certificate of authority for Public Service Vehicle. It would have no fleet, no warehouse, nothing, so when a person buys the shares in it, it is not a bona fide transaction merely for the shares, as such, it is an attempt to sell a certificate, so that would not be a bona fide transaction. Bona fide is the latin for "in good faith," so this is subject to interpretation by the court in the last resort, and it gives a defence to a person against the Liquor Inspector. If he says, yes, this is a meal served in good faith, then the courts can say it is or it isn't. But, in the first instance, the officer enforcing has got to make a judgement, which is subject to review straight away by the Board, and then by the courts.

Mr. Chamberlist: Mr. Chairman, I think I now have to support the argument that has been submitted by the Honourable Member from Whitehorse North, because I see some areas here which are pretty dangerous. Now, I know that a meal could be a sandwich which is the old term of a "rubber sandwich", which is just put on the table just to make it appear that the person has ordered a meal. Could we not say, a meal that is edible, and if somebody wants to eat a rubber sandwich, it would be bad for his digestion. But, could we make it quite clear, that instead of just being a

Mr. Chamberlist continued ...

bona fide meal, and leaving it to the inspector to decide what is a bona fide meal --because, it is alright, certainly, I agree that the courts can decide it, but in the meantime an inspector has issued an order closing the operation down. This just doesn't seem to be fair, and certainly not in the natural method of justice, and I would support the Honourable Member from Whitehorse North in suggesting to Mr. Legal Adviser, Mr. Chairman, that we find a means to overcome this particular wording there. BILL #1

Mr. Legal Adviser: I know that bona fide can be usefully translated as genuine. It just happens the courts are in the habit of giving -- assigning a meaning in a series of different transactions to the words "bona fide or bona fide", in good faith. If we were to sit down, and start defining a meal or a meal that is edible, well, there are lots of things that are edible, which one would not necessarily eat. I mean, quite often a person offers to eat his hat if something happens, you know. It is certainly arguable that that would be a meal. But, my suggestion would be to leave it to the courts to decide what is and what isn't, because, the officer must obey the law, and he must go by his directions.

Mr. Chamberlist: It is too late. He has closed the place down already. The inspector has closed the place down.

Mr. Legal Adviser: Yes, he has closed the place down, but the man has an immediate appeal to the Board, and if he is wrong, then it won't occur again.

Mr. Chamberlist: The damage, Mr. Chairman -- I am disagreeing with the Legal Adviser strongly here, because damage has already been done to the operator. We must protect the operator from having any -- any abuse by any over-zealous inspector. I think that there is a need to protect the public, let us say, the public who go into a place, and the public, per se, the people that own and operate.

Mr. Legal Adviser: This may be, Mr. Chairman, but it is an attempt to try and help the person who is trying to obey the law, by leaving him a reasonable laxity in the type of meal, the type of food he is serving so that if it is a bona fide meal, everyone knows what a bona fide meal is. But, if we start to talk about edible food or so many ounces of potatoes, and so many ounces of meat and vegetables; it is very difficult to define these, it defies creation. One man's meat is another man's poison.

Mr. Chairman: What is your pleasure in relation to section 1?

Mr. Tanner: Mr. Chairman, I would move an amendment to remove subsection (2) (a) from the amended bill that we have in front of us, and replace it as 43 in the present bill, and 41(5) in the present bill.

Mr. Chairman: Well, possibly you could get together with Mr. Legal Adviser, and draft up an amendment. I will declare a brief recess at this time while you accomplish this.

Mr. Legal Adviser: Mr. Chairman, could you go on with the bill, and then come back. We could do it over coffee break, I think about 10-15 minutes.

Mr. Tanner: Mr. Chairman, my intention is clear, and maybe the Legal Adviser and I could get together at the recess.

Mr. Chairman: Alright, we will return then to section 1. The next section, is section 2. Anything further on section 2?

Mr. Tanner: Mr. Chairman, on section 2, I believe the Legal Adviser was going to make and bring forward an amendment to say, "as when accompanied by". "No person under the age of nineteen years", after "years" and between "shall". Somewhere in that paragraph anyway.

BILL #1 Mr. Legal Adviser: The amendment that I have written in here is, to add the words after (b) "while accompanied by such parent, grandparent or legal guardian." That is all it needs.

Mr. Chamberlist: Instead of 'bf the consent."

Mr. Chairman: May we have those words again.

Mr. Legal Adviser: To add the words -- leave it as is, "provided by or with the consent", and then add the words, "while accompanied by such parent, grandparent or legal guardian".

Mr. Chairman: Does that seem to.

Mr. Legal Adviser: This appears to me to be wide enough to cover the situation where, when a father, mother and daughter go to a dance, she is in the general company of them at the function, even though she is not actually standing by their side.

Mr. Chairman: Well, I wonder if possibly, when the Legal Adviser prepares the amendment with the Honourable Member from Whitehorse North, if this could be incorporated into that amendment?

Mr. Tanner: That is agreeable with me, Mr. Chairman.

Mr. Stutter: Mr. Chairman, maybe I am looking ahead a little bit, but with that section written into it the way it is at the moment, unless this proposed amendment that you have is added in there, I feel that I will probably have to oppose the bill, because this is, as I have stated on a previous occasion, this in the rural areas, particularly in my area, is bound to cause a real problem, unless this amendment that you have proposed is added in.

Mr. Chamberlist: It is going to be.

Mr. Stutter: Well, that is fine then.

Mr. Chairman: Alright, section 2 is up for review again. Section 3. Anything on section 3? Are you clear on section 3? Alright, section 4.

Mr. Tanner: Mr. Chairman, in light of the experience that the city had over Rendezvous, and in view of the fact that there were fewer arrests here during Rendezvous than there were last year, I would amend this bill to delete section 4 completely.

Mr. Stutter: Mr. Chairman, speaking against this amendment, the people -- it is my feeling that we are here to bring in legislation for the benefit of as many people as possible in the Yukon. I know, for a fact, that the people at Dawson wish to see this particular clause in here; in other words, drinking no longer be permitted in the streets. Also, in a letter sent to Council by the City of Whitehorse, the City of Whitehorse feels exactly the same. In that letter, it states, that "Mayor Wybrew will be pleased to attend before your Council to enlarge on the above, or answer any questions in this regard which may be put to him." I would suggest we do that, before we eliminate this section of the bill.

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

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, when, on looking back on this particular section, when we brought it in, we were in hopes that this thing could run a year before we come to any firm decision on whether we should retain or reject the matter of public drinking. If it is the intention of Committee to bring into force this proposed section 4, I would certainly ask that another section be added to it excluding the municipality of Faro. If you so desire to change this thing, there is not much I can do about it, but I would

Mr. Taylor continued ...

frankly like to see it left as it is, and that this section be deleted from the bill, at least so this thing runs the course of a year, after which time we can see how it is working. As in all things new, just like when the native people received the privilege of drinking in the Territory, it was expected that there would be an absolute up-rising around the Territory. Everybody would be drunk and lying in the streets, and this indeed didn't happen. There were a few people, mind you, that took this new-found freedom a little serious, I guess, to start with, but eventually after some period of time had elapsed, things quieted down. I am hopeful that by deleting section 4, and leaving the areas open for public drinking, that maybe the same thing might occur here. I do say one thing, and I feel very strongly, that the municipalities should start enforcing their liquor by-laws; start enforcing within the municipality those areas that they can enforce under the Municipal Ordinance. This of course might help relieve the problem in Dawson or the problem in Whitehorse. Beyond that, I say, if you do retain this section 4, please exclude the municipality of Faro.

BILL #1

Mr. Tanner: Mr. Chairman, if I might make a suggestion to the Chair, I think that this is pretty well the accepted decision of the majority of Council. I wonder whether we should put it to a vote, but I don't particularly want to embarrass the Member from Dawson. I think that he is looking at one -- which he has to, of course, that is what he was elected for; he is looking at one particular facet of this. I think that the majority of -- looking at what happened in Whitehorse, the experience is not the same, and also the majority of the Territory don't want that piece of legislation.

Mr. Chairman: Mr. Taylor, will you resume the Chair please?

Mr. Taylor resumes the Chair.

Mr. Stutter: I am really surprised at this point, to find that one of the Whitehorse Members is going against the wishes of the Mayor of Whitehorse, in this particular case. I merely request that the Mayor be asked here to state his case, because the Mayor does represent people from -- in fact he represents the majority of the people in the Yukon. As I have stated before the people of Dawson ...

Mr. Chamberlist: Whoa, whoa, that's a pretty wide statement.

Mr. Stutter: Maybe my statistics are up for questioning, but Whitehorse, without doubt, and without argument, is the largest municipality in the Yukon. I can stand to be corrected on that maybe. But, he has asked that he be invited to appear before Council, if we have questions, and personally I do have questions. I don't think that it is right at this point to throw this section out without inviting Mayor Wybrew here. Perhaps he has changed his views since the Rendezvous, I don't know.

Mr. Chamberlist: Mr. Chairman, the policy, as I understand it, of the Members of this Committee has been -- I know that the Honourable Member from Whitehorse West will agree that when a Member of Committee asks for a witness to attend, that every consideration be given to the Member so I think that we should give consideration to his wish. We will leave that in abeyance until we get Mayor Wybrew.

Mr. Chairman: Well, is it Committee's wish that Mayor Wybrew be invited to attend Committee? Mr. Clerk, could you endeavour to see if Mayor Wybrew would be available this afternoon. I will declare a brief recess.

RECESS

RECESS

Mr. Chairman: At this time I will call Committee back to order. We have with us, Mayor Wybrew, City of Whitehorse. I believe that you have some questions that you wish to direct to Mayor Wybrew.

BILL #1 Mr. Chamberlist: Mr. Chairman, I would appreciate if Mayor Wybrew could give some indication of the City of Whitehorse Council's feelings in regard to drinking in public streets.

Mayor Wybrew: I will be only too pleased to do that, Mr. Chairman. I would like to give opinions on a couple of other things as well. As far as drinking on public streets is concerned, the City Council feels that it is unfortunate that they have to take this position. They have no wish to deny the liberties that people are entitled to, but unfortunately there are those that are taking advantage, and in effect are destroying these liberties. Council's position is, there should not be any drinking on city properties, lanes, etc., within the municipality of Whitehorse, also, in cars as well.

Mr. Chamberlist: Mr. Chairman, when the witness indicates, city properties, would he expand?

Mayor Wybrew: Any drinking in a public area within the municipality of Whitehorse.

Mr. Commissioner: Is this to include public parks, Mr. Chairman?

Mayor Wybrew: This includes parks, everything, you name it. No public drinking.

Mr. Stutter: Mr. Chairman, this would in effect then put the law back or the legislation back to the point that it was prior to April 1st, 1970?

Mayor Wybrew: Yes.

Mr. Commissioner: Mr. Chairman, with respect, within the confines of the municipality.

Mayor Wybrew: That is correct.

Mr. Tanner: Mr. Chairman, if I might ask the witness one question, when this subject came up in Council before, there was some concern by all Members to see what the reaction would be after Rendezvous. What was the reaction to drinking on the streets during the Rendezvous festivities? It is to my knowledge, a fact that there were fewer arrests for drunkenness this past Rendezvous than there was in the previous -- or when we had the more strict Liquor Ordinance. In view of this fact, would the Mayor still take the same stand that he has just enumerated?

Mayor Wybrew: I would like you to explain your question a little further. You say fewer arrests for what?

Mr. Tanner: Drunkenness.

Mayor Wybrew: I didn't think that you could be arrested for drunkenness.

Mr. Chamberlist: Taken into custody, of course.

Mayor Wybrew: Taken into custody you mean?

Mr. Chamberlist: Yes.

Mayor Wybrew: I am not in a position to answer that. I am not competent to answer that, inasmuch as that during the Rendezvous as you perhaps well know, I work during the entire Rendezvous and I never have seen a Rend. So, what goes on in the streets, I do not know. I have seen on odd occasions driving through, things that shouldn't exist, but generally speaking I can't give you a proper answer.

Mr. Stutter: Mr. Chairman, I believe I was one of the ones that asked before passage of this bill, that we waited until after the Rendezvous. At that time my reasoning was, thinking that perhaps it would have been a

Mr. Stutter continued ...

repetition of what had happened in Dawson last year around Discovery Day, would perhaps have happened here in Whitehorse. But, this year at Rendezvous, as everybody knows, it was anywhere from 15 to 20 below with quite a stiff wind blowing, and it was bad enough just to stand out on the streets and enjoy the Rendezvous without drinking on streets, and I suggest that this is perhaps one of the reasons why this wasn't obvious.

BILL #1

Mayor Wybrew: Well, the one Councillor has a point, but I would like to point out that the Council feels pretty strongly, especially during the summer months. The location of three of our taverns are very close to the source of tourism, that is buses and trains. This goes on all evening, the tourists, they feel, shouldn't be subjected to what they are subjected to, when they are leaving certain hotels to go to certain dining places. They feel that the children shouldn't see the carrying-on, and they feel that there should be stricter control of the little ones around these taverns. They feel also that there should be some teeth put into the law, to the point that any operator who serves a person while under the influence, should have their licence suspended for six months. That is how strongly the Council feels about it.

Mr. Chamberlist: I wonder, Mr. Chairman, if we can confine ourselves to this particular area, this particular section. The Honourable Member from Whitehorse West made some strong points when we discussed this bill previously, relative as to why this section should not be in. I wonder if he could now reiterate those points, so that the witness may be able to answer to the contrary, whether he agrees with the points that were put up before.

Mr. McKinnon: My strongest point, Mr. Chairman, has always been that the Ordinance -- the teeth are in the Ordinance. It is the lack of enforcement that has really been the problem with the passage of the new Liquor Ordinance, and I put this question to Inspector Marcoux when he appeared before Committee. Inspector Marcoux agreed with me that the lack of enforcement is a very real problem. If there were more constables on duty, perhaps the problem wouldn't have arisen. He made the point that from 3 a.m. to when the morning shift starts, there are only two constables on duty in the City of Whitehorse Proper. If they receive complaints for any number of reasons, there are actually no constables on the streets and lanes of the City of Whitehorse patrolling. It has always been my contention, I have argued with the Mayor this point before, that I think that if -- it is time that the City of Whitehorse started contributing to the payment of some of the constabulary in the policing within the Yukon Territory, and think about hiring enforcement officers, so that this problem that is a very real problem, doesn't arise, and doesn't continue. I would like to ask Mayor Wybrew whether any consideration is being given to employing constabulary, so that the provisions of this Ordinance, of some of their municipal by-laws, and other areas would be better enforced to the protection of the citizens of the City of Whitehorse.

Mayor Wybrew: We have to agree that the enforcement has not been in evidence, and certainly with more enforcement the situation would be in a more controllable area, shall we say. As for giving consideration to policing, I would suggest that if you could come up with the money for us, we would give it consideration.

Mr. Chamberlist: Well, Mr. Chairman, I am surprised that the matter of money has risen at this time, because it was only yesterday that I heard that there was a capability of the City to buy the hydro development, and now they are concerned about finding a few dollars for employing enforcement services.

Mayor Wybrew: I am glad that you mentioned that, Councillor Chamberlist, no, you changed, not I. But, I have the right to answer. The money is available for -- I am sure for the hydro establishment, and I would suggest that the moment that we take control, we will put water in your pipes.

BILL #1

Mr. McKinnon: There is one other aspect of the city brief. I do have a certain amount of sympathy with the streets and lanes. I am rather surprised, particularly knowing Mayor Wybrew's background on the elimination of any drinking in the parks within the municipality of the City of Whitehorse, I know that the Mayor was involved in the organization of the ball park and the ball tournament last year, where there was an amount of drinking going on in the ball park, where the City of Whitehorse ball park is constructed. There was no liter, there was no drunkenness, there were just ball players enjoying a few cold beers on a hot summer's day following a ball tournament. I am really surprised at the City Council's wishes that this be denied the citizens of Whitehorse in the parks of Whitehorse. I would like to hear the comments on that?

Mayor Wybrew: I agree. I recall the event only too well, and it was a well organized and disciplined affair. I am only echoing here the wishes of the Council.

Mr. Tanner: Mr. Chairman, could I then ask the witness the question --he personally doesn't feel that this brief that the City presented, doesn't represent his personal feelings?

Mr. Chairman: Well, just from the Chair, I don't know whether I would permit that question. I think that would be rather an unfair question in this particular instance. So, I wouldn't request that the witness answer that.

Mr. Stutter: Mr. Chairman, I would like to point out that during the coffee break, I took the opportunity to phone the Mayor of Dawson. It is his feeling and as far as he is concerned, the feelings of the majority of the people, that they will support the feelings of Mayor Wybrew and the City of Whitehorse.

Mr. Chamberlist: I take it, that you are not objecting to it?

Mr. Stutter: I obviously need to make myself clear. It is their opinion this is an from the letter, "...further it is their opinion that drinking liquor should not be permitted in a public place such as the streets and lanes or parks in the City of Whitehorse, nor for that matter should it be permitted in vehicles within City limits." The people of Dawson, or the Mayor of Dawson feels the same way about these laws within the municipality of Dawson, also.

Mr. Tanner: Mr. Chairman, I have no more further questions for the witness.

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

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I believe that we discussed this in part when last debating this Ordinance. But, I would like to ask a question of Mr. Legal Adviser. Is there no way or no possible way in which we could permit the municipalities themselves, by by-law, to place this restriction upon the municipalities rather than doing it under this Ordinance.

Mr. Legal Adviser: Yes, Mr. Chairman, it is quite simple, all we have to do is amend the section to say that any municipality may provide by by-laws that no person may consume liquor in the streets, and so on. The difficulty about that is that we are informed by the police, their function is to enforce Territorial Legislation, not City by-laws. So, if this is made a law, by this House, then the police will go some distance to enforce it. If it is made a by-law of the City, then they won't. Apart from that, the Administration feels that this House is the place to make by-laws dealing with the general moral conduct of the citizens, not normally City Council.

Mr. Taylor: Can you really legislate morality, Mr. Legal Adviser?

BILL #1

Mr. Legal Adviser: I didn't say morality, I said moral conduct.

Mr. Chamberlist: Mr. Chairman, I believe that it is a legislative function that liquor control remains in the hands of the Government of the Yukon Territory, and this is the difficulty. I have complete sympathy with the situation, because I have seen some pretty rough goings-on. However, if the Sourdough Rendezvous which was a time of enjoyment and liquid substance to many, was an example as to how people conduct themselves, I think in the last day and the last time, a month ago was Rendezvous, people certainly conducted themselves in the Whitehorse area in a fairly exemplary manner. There were very little complaints that could be made. Now, what we have to say is, whether or not we should allow the situation as it is, by deleting section 4, and then perhaps after a full year, as we had indicated at a meeting of Members of Council with the police at the time, that we would let it go a full year to see how it operates. Then perhaps, if there is another requirement from the City of Whitehorse and the City of Dawson that this be put in then, the Council come back again and we deal with the legislation again another time. I think that the point that Councillor Taylor makes in regard to Faro in his constituency, is also another valid one. You see, where we say, within a municipality, we are also including the municipality of Faro. Now, they have had no complaints or anything wrong with the conduct of people drinking in that area. I think it would be improper to impose a penalty in that particular area. I would ask, Mr. Chairman, that if this can be deleted, so that we leave it for another while, and then if necessary, we can come back to it.

Mr. Taylor: Mr. Chairman, as I stated earlier it is difficult to say in which way that I should proceed, not being a Councillor or representative from Whitehorse or from Dawson for that matter, but also it seems that we do have an opinion expressed by the elected representatives at a municipal level of these two places. I am kind of caught between two sides here. In one way, I would certainly like to see it stay for the balance of the year; on the other I can't really see how we can ignore the wishes of the Council. But, in any event, depending on whatever you decide to do, I do wish that you would ensure that this would not affect Faro.

Mrs. Watson: Mr. Chairman, when is your year up?

Mr. Chairman: Councillor Taylor, will you resume the Chair?

Councillor Taylor resumes the Chair.

Mr. Stutter: I must just say that I find exception to the argument that the Member from Whitehorse East has just used, in that we should continue for another year yet to give this Ordinance a chance to prove itself. We have already had it in existence now for seven days short of one year, and the municipality of Dawson and the municipality of Whitehorse both feel that it was a mistake to have brought this particular section in, as far as municipalities are concerned. I see no reason why there shouldn't be drinking permitted from here on in at picnics or areas outside municipalities. But, I must say that even if we do leave this section 4 in, it would have to be amended because, we are then faced with the problem of drinking on open lots, and in other areas. It only states in section 4 that the drinking is confined completely to streets and lanes. It doesn't prevent anybody from drinking on vacant lots in the City, so we would have to strengthen it even more than 4, if it is to be left in.

Mr. Chairman: Any further questions of Mayor Wybrew at this time? I would like to thank you for assisting us this afternoon, Mayor Wybrew, and we apologize for the hurried manner in which we summoned you. We appreciate your coming.

Mr. Wybrew: Thank you very much. If I had of had more warning, I would have worn a tie, but I was at work.

*BILL #1* Mr. Chairman: How do you wish to proceed in relation to section 4?

Mr. Stutter: Mr. Chairman, I would like to make an amendment, if I could find a seconder, that section 4 be amended to read, and perhaps if you want me to word it exactly, I would have to take a minute or two to prepare it, but it would in essence be to revert to the Ordinance prior to April 1st, 1970, within municipalities.

Mr. Chairman: I will declare a brief recess.

Mr. Legal Adviser: Mr. Chairman, before you go into recess, I would like to discourage the Honourable Member from producing the amendment which I think he might be producing. The question of imposing a ban on liquor consumption in public places was considered in detail by the Administration over several afternoons. We were unable to think of something which would meet the wishes of that particular Honourable Member. The problem is that, when you move into public places, you are encompassing campgrounds, picnic places and so on, which defy definition. A vacant lot, to put it, is anything, and the thing which concerned us at the time was, mainly to try and do it in parking places such as the parking place up in Tourist Services or other parking places, and at the same time permit the citizens to recreate themselves within Chadburn Lake, and such like places, so we decided that we would go for this amendment at this time, which confines it to streets and lanes and hit the nub of what we thought the problem was. That is how it came to be drafted in this constrictive fashion.

Mr. Stutter: Mr. Chairman, I would still like a brief recess in order to prepare this amendment. I may be wrong but the point is that we have heard the remarks now from Mayor Wybrew, and those basically are the same remarks as would have been made, I am quite sure, by the Mayor from Dawson. I am only asking that it be within the municipalities. I realize that the lake in question could possibly be within the municipality, but it seems to me that this is the wish of most of the people. I would put this amendment forward; if it is defeated, I have done my job.

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

*RECESS*

RECESS

Mr. Chairman: At this time, I call Committee back to order. What is your further pleasure in relation to section 4?

BILL #1

Mr. Stutter: Mr. Chairman, I would wish to make an amendment to section 4, if I could find a seconder. At this point, I'm not prepared to word the amendment exactly, but, in principle, it would be that within municipalities, the drinking laws revert back to legislation prior to April 1st, 1970. That's the basis of my amendment. If I can find a seconder, I would be pleased to get together with the Legal Adviser to word it exactly.

Mr. Chairman: Is there a seconder? There would appear to be no seconder at this time.

Mr. Chamberlist: Mr. Chairman, the Government of the Yukon Territory will be pleased to have deleted from the Bill, Bill No. 1, section 4 of the said Bill.

Mr. Chairman: Well, is there a motion forthcoming?

Mr. Chamberlist: Yes, there has been a motion to delete section 4.

Mr. Chairman: Is this that section 4 be deleted? Do I have the motion correctly, that section 4 of Bill No. 1 be deleted?

Mr. Tanner: Yes; I second that.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Tanner, that section 4 of Bill No. 1 be deleted. Are you prepared for the question?

Mr. McKinnon: Mr. Chairman, I would like to make a few remarks on the section before the vote is called on. I have a certain amount of sympathy for the Council of the City of Whitehorse and also for the Council of the City of Dawson, and also, with some members of the general public of the municipality of the City of Whitehorse, who I am aware of. However, I think the section, as it now stands, would be an absolute administrative nightmare in all areas in the ability of trying to enforce it. It would mean, Mr. Chairman, that a person could be walking down a street drinking a bottle of beer and if the police came after him, he could slide off into any one of these vacant lots on Main Street, stand there with the beer in his hand and taunt the police officer to come and get him. This he couldn't do, because he was no longer drinking in a street or lane within the municipality. It means that the right and the privilege which hasn't been abused, of families to go to a ball game, to go down to the Rotary Park and have a beer while they watch their children play, or have a beer while they watch a ball game, would be taken away from them. This freedom hasn't been abused. It has worked well. Even the Mayor admitted that it has. It would mean that a person could go and stand on the road on Two Mile Hill, by the sign stating that the City of Whitehorse commences -- he could stand on that side of the sign and drink all the liquor he wanted, publicly, and the police on the other side wouldn't be able to touch him in any way, shape or form. It means that if anybody wants to drink in a vehicle or any public place, they could move out to the streets of Porter Creek and Crestview and there, they would be able to drink and there, they would be able to drink in vehicles. But, as soon as they enter into the Municipality of Whitehorse, that right and that privilege would be prohibited. Mr. Chairman, I think it would be an absolute administrative nightmare; I think it would be unenforceable as far as the police are concerned, and I think that we would be really going a very great step backward in the proper order of alcohol control in the Yukon Territory. I say that there has been some abuses.

BILL #1

Mr. McKinnon continued.....

I have seen abuses. I think I have seen them more than other Members, because I seem to be awake and around at the time that these abuses are taking place. The problem is the enforcement of this Ordinance. The Inspector has said it; I have said it; the Mayor has said it; and, I think that there is an alternative here. I see where the City of Whitehorse, in particular, has just signed a contract with the people of the Metropolitan Security Patrol. Now, I would like to know whether this would allow them to take care of the municipal by-laws which prevent the anti-litter ordinances which the City of Whitehorse has. This would prohibit absolutely. I know the people involved in this Metropolitan Security Patrol. I know that they know and sympathize with what is happening in the City of Whitehorse, and they don't have any powers, at the present time, to be able to really put the screws on those people who are abusing the laws when the bars close a 2:30 in the morning, when most of the abuses take place. I think that with the present Inspector of Police, for whom I have great admiration -- I think that the duties that he is conducting, himself, are in the best interest of the public. I have seen a very marked improvement in the drunks being removed from the streets since Inspector Marcoux has become Inspector of the R.C.M.P. in the Yukon. I think that with these two things in mind, that the enforcement may be very well improved in the Whitehorse area in the near future. I would hate to see us go back to prior to the Liquor Ordinance as it now stands. The few abuses that have crept in are a very real credit to the maturity and the wisdom of the people of the City of Whitehorse and the people of the Yukon in general. With the absolutely unenforceable aspects of the Ordinance, as it now stands, and I've just mentioned a few examples -- I'm sure that if you put your minds to it, you can think of hundreds of ludicrous situations that it would put the police in, in trying to enforce the amendment as it now stands. We have to be better off in letting the Ordinance stand and hoping that we can have tighter enforcement of the law in the future. I think it would be a backward step. I have, as I've said, sympathy; I've seen some of the abuses, myself. I only hope that they can be rectified through proper enforcement of the Ordinance, both on the operator of licensed drinking establishments, and on, also, the enforcement of the Ordinance, particularly within the municipality as it now stands. I think that if this happens, we will find that in another year, all the complaints that we have had in the past will be eliminated from this Ordinance. These freedoms, Mr. Chairman, have been given in just about all of the European and Asian countries around the world and certainly, we are intelligent enough to be able to accept the responsibilities of the new-found liberties that we are given under the new Liquor Ordinance. Mr. Chairman, for these reasons, I will support the motion that has been proposed by the Honourable Member from Whitehorse East.

Mr. Chamberlist: Mr. Chairman, I am pleased, indeed, that the Honourable Member understands the predicament of the Administration and, indeed, the Government of the Yukon Territory found itself in when it was requested by two City Administrations to put this type of legislation into effect and bring it before Council. I agree wholeheartedly with the remarks that have been made by the Member from Whitehorse West, and all I can assure Committee is that the Government of the Yukon Territory will endeavour to insist on there being a greater enforcement of the existing legislation to see if there is a way to overcome the many complaints that have been made by the citizens of both the communities of Dawson City and Whitehorse. Thank you, Mr. Chairman.

Mr. Stutter: Mr. Chairman, all Members know my stand on this particular issue, but, the way that section 4 is presently worded, it is fairly obvious that it should never have come before Council because of the administrative headache that would be involved. This is a point which I brought up a few moments ago. It is a point which was brought up when we first discussed this Bill. I think that by unanimous consent, this particular portion has to be deleted or taken out, the way that it is stated. There is one other possible way of getting around the administrative headache and enforcing the law and that, of course, would be, and I know that this sug-

Mr. Stutter continued.....

gestion is probably going to be questioned, too, that within zones that are now classified as speed zones within built-up areas, or areas where people are living, these laws could have been put into effect. We could perhaps, have reverted to the original Ordinance or the original Act, within speed zones in built-up areas. This, then, would not have raised many of the problems that have been pointed out by the Member from Whitehorse West, whereby, you could stand on a sidewalk or drink in a vacant lot and put your thumb up to the police; or, stand at a municipal boundary and on one side of the boundary, be committing an offence, and on the other side, not. However, this is just a suggestion. I don't expect, at this point, that it will be taken very seriously. It is, however, a suggestion.

*BILL #1*

Mr. Chairman: Have you anything further on the motion? Are you then, prepared for the question on the motion? Are you agreed? Any contrary? I declare the motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I believe that now that we have arrived at a point where we have some amendments coming for two sections in the Ordinance, and I believe that these will probably be drafted this afternoon, I have a further amendment I would like to propose at this time to this Ordinance. It is something that we have worked towards in past Councils for some time. It involves the permission for being able to get into a cocktail lounge or a tavern on a Sunday in the Yukon. During the course of the three week recess which we have just completed, I had an opportunity to privately poll people, in the southern Yukon, at least, and in and around Whitehorse, Watson Lake, Teslin, and so forth, with respect to both the operator's point of view and the public's point of view, regarding the opening of cocktail lounges, taverns and clubs and so forth on a Sunday. I found one opposition and that was from one citizen, not an operator. As you will note, the Liquor Ordinance, right now, is permissive; it provides that you may stay open -- during your hours of opening -- you don't have to stay open but you can. My amendment would be that we would extend the periods upon which people can consume liquor in a licensed premises to include Sundays. Now, I think it must be recognized that this is 1971. This is not 1871, and times have changed. We find that people in our society have more pleasure time now. For instance, let's take a look at the working man. He has a Saturday and a Sunday. Saturday, he can go down and have a beer with his buddies, but not on Sunday. Sunday, he goes -- if he wants to, he can go and contribute to the problem we have in the Territory, which we discussed earlier this afternoon. He can go get an old cheese sandwich and get into that restaurant or that dining room and whoop it up. Really and truly, in some places within the Territory, that's all that, really, a dining room is. It's a Sunday booze house, shall we say. It seems that in other jurisdictions, neighbouring jurisdictions, for instance in Alaska and in most states in the United States, in the Province of Quebec, Sunday drinking is permitted. I suppose it is in most other places in the world. Right now, in the Yukon, on a Sunday, you can drink in a restaurant; you can drink in a dining room and you can drink in public if you have your own whiskey. If you have the stuff, you can drink anywhere, or virtually anywhere. So, my amendment would ask that the boys can go into a cocktail lounge, into a tavern, or into a club on a Sunday during their off-hours and enjoy the same privileges that they can enjoy any other day of the week. Therefore, I would move, hopefully that I will find a seconder, Mr. Chairman, that Bill No. 1 be amended by adding thereto, immediately after section 3 thereof the following new sections: "4. The Liquor Ordinance is amended by repealing subsection (3) of section 37 and substituting the following therefor: 'A tavern may be open for the sale of beer, ale and cider during any continuous period not exceeding fourteen hours commencing on any day not

BILL #1

Mr. Taylor continued....

earlier than 9 o'clock in the forenoon and ending not later than 2 o'clock in the forenoon of the following day.' 5. The said Ordinance is further amended by repealing subsection (3) of section 38 thereto and the following substituted therefor: 'A cocktail lounge may be open for the sale of liquor during any continuous period not exceeding fourteen hours commencing on any day not earlier than 9 o'clock in the forenoon and ending not later than 2 o'clock in the forenoon of the following day.' 6. The said Ordinance is further amended by repealing subsection (3) of section 46 thereto and substituting the following therefor: 'A club may sell liquor during a continuous period of fourteen hours ending not later than 2 o'clock in the forenoon of any day.'"

Mr. Tanner: Mr. Chairman, I will second the Honourable Member's motion.

Mr. Chamberlist: Mr. Chairman, I would ask that, now that there has been a mover and a seconder of the motion, the motion be left to stand until Members have had time to discuss and consider the motion itself. I would ask it just to stand for another six months, at least.

Mr. Taylor: Well, Mr. Chairman, I certainly could not agree with the suggestion made by the Honourable Member. I think that everyone has a pretty clear idea of just what this is all about, and let their consciences be their guide. We are here to legislate for the people. In this area, we are legislating for the people.

Mr. Chamberlist: I was really being a bit jocular, but, I think that -- if we could leave it until Monday, now that the motion has been made. I think that we should have time to look at its contents. I haven't had time, nor has my colleague, Councillor Watson, had time, nor these other Members, who haven't copies of the amendments, to study the amendments. I'm sure the Honourable Member doesn't want to rush into something without giving it proper study here. He has always requested that sufficient time be given to Members to study any piece of legislation, and he would not refuse us that, I am sure.

Mr. Taylor: Yes, Mr. Chairman; I've discussed this with the Honourable Member, and I'm quite sure that he is well aware of my proposal. I'll give him a written copy of it so that he might further consider it. I would suggest, however, that the vote be taken this afternoon, Mr. Chairman.

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

Mr. Taylor resumes the Chair.

Mr. Stutter: I can support your motion in principle, but, I would ask that an amendment possibly be made to it. I do not agree with fourteen hours, commencing at 9:00 o'clock in the morning. I would agree, however, to a shorter period, such as ten hours, commencing at 1:00 p.m. in the afternoon. I would ask that, at least on the Lord's Day, prior to noon, this be not permitted.

Mr. Chamberlist: Might I suggest that we leave this until Monday so that we can all study this thing.

Mr. Chairman: Councillor Stutter, would you resume the Chair, please.

Mr. Chamberlist: Oh, the musical Chairs.

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, the hours stated here are the normal hours presently in force within the Territory. There was a study made in Ontario; I was listening, I believe, on the radio on the weekend, to a commentary respecting a study in Ontario. It was clearly pointed out there that if

Mr. Taylor continued.....

a person was going to go to church on a Sunday, he would go to church on a Sunday, notwithstanding that he could do anything else. If he wanted to open his fridge door, he could have a beer. We find ourselves legislating morality, again, if we, you know, use this as a criteria. The attempt in the amendment, Mr. Chairman, is to keep the hours, to not extend the hours, in any one given day, but to open up on a Sunday within the same hours. It would appear to me that if someone is going to church, they will go to church. If they're not going to church, fine. The other thing is that the operator does not have to open on a Sunday under this amendment. The operator can open for two hours on a Sunday if he so chooses. He may feel that he doesn't wish to open until 2:00 in the afternoon, or he may feel that he wishes to open, you know, for the whole day. He might want to shut down for the whole day. This is why, if you will notice, in each section, it says "A tavern may be open..." or "A cocktail lounge may be open..." and so on and so forth. This is through the prerogative of the operator. BILL #1

Mr. Chamberlist: Mr. Chairman, I would move a procedural motion. I would move that the amendment not be discussed until Monday, following. That will Monday, the 29th.

Mrs. Watson: Mr. Chairman, I second that motion.

Mr. Chairman: It has been regularly moved by Councillor Norm Chamberlist, seconded by Councillor Watson, that the amendment not be discussed until Monday the 29th. Are you prepared for the question?

Mr. Taylor: Mr. Chairman, just before the question; the motion would be out of order as stated. If the Honourable Member was to rephrase his motion and say that the question not now be put, it would then somehow bring it into order. This is just as a matter of advice to the Member.

Mr. Chairman: Is Committee prepared to accept that rewording? Are you prepared for the question? Are you agreed?

Mr. Taylor: Disagree.

Mr. Chairman: I wonder if we could have a show of hands of those in favour. I declare the motion carried and this original amendment will now await discussion until Monday, the 29th.

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Tanner: Mr. Chairman, I have a motion to make, which we discussed earlier, on the Liquor Ordinance concerning the Bill, Bill No. 1, paragraph 75(2)(a). My motion reads to amend section 1 of the Bill by deleting paragraph (a) of subsection (2) of section 75, and to amend paragraph (iii) of subsection (3) of section 40 by adding the words -- that's section 40 of the Ordinance, Mr. Chairman -- "to patrons of such dining room" at the end of the paragraph.

Mr. Taylor: Mr. Chairman, if we are going to defer this Bill over until Monday, possibly, it would give the Member time to type up his motion and get it in proper shape and form.

Mr. Chairman: Is that the wish of Committee?

Mr. Tanner: Mr. Chairman, just in this particular case, and the second amendment which I have -- both of these have been pretty well agreed upon by Committee.

Mr. Taylor: Yes, Mr. Chairman, but possibly we should do it all at the same time on Monday when we get back to this. That way, you could have it typed up.

BILL #1

Mr. Chairman: It has been suggested that these two motions be typed and submitted on Monday, the 29th. Is that the wish of Committee?

Mr. Tanner: Well, okay; I agree, Mr. Chairman.

Mr. Taylor: I will resume the Chair.

Mr. Taylor resumes the Chair.

BILL #15

Mr. Chairman: Is there anything further on Bill No. 1 at this time? Is it your wish that I report progress on Bill No. 1? The next Bill is Bill No. 15, An Ordinance to Amend the Labour Standards Ordinance.

Mr. Chamberlist: Mr. Chairman, in view of the fact that the Federal Government has now legislation forward to increase the minimum to \$1.75, I would move that subsection (1) of this Ordinance will now read as is but instead of "\$1.65", it will read "\$1.75".

Mrs. Watson: I second that motion.

Mr. Chairman: I'm wondering if this motion could be written out so that we can present it.

Mr. Chamberlist: Well, it's exactly the same. It would save time -- if we stopped to write every motion out...

Mr. Chairman: Well, I'll declare a recess while you write it out. My memory is not that good, to unravel all this.

RECESS

RECESS

BILL #15

Mr. Chairman: I will now call Committee back to order.

Mr. Chamberlist: I would move, seconded by Councillor Watson, that section 1 of Bill No. 15 be amended by deleting therefrom the words "one dollar and sixty-five cents" and substituting therefor the words "one dollar and seventy-five cents".

Mr. Chairman: It has been moved that section 1 of Bill No. 15 be amended by deleting therefrom the words "one dollar and sixty-five cents", and substituting therefor the words "one dollar and seventy-five cents". Have you any discussion on this motion?

Mr. McKinnon: Before the question is called, Mr. Chairman; I think it is rather hilarious at this moment that the Executive Committee has to see fit to bring their figures for the increase of the minimum wage up to match the federal standard. I spoke before on this Bill and I'm not going to take up more time in the House. I said then, and I still agree, that if the Federal Government sees fit to have to raise its minimum wage to \$1.75, then, taking into consideration the cost of living in the Yukon Territory, particularly after all the tax increases of this Council where we really are starting to feel the effects of the inflationary spiral that the Government has started, the only proper and just minimum wage would have been \$2.00 at this time. I know that this won't be supported by other Members, but I still make the case. I don't think that \$1.75 is just at this time in the Yukon's history considering the inflationary spiral that is now in effect in the Yukon Territory. The members of the Government see fit -- as they say, the purpose of this Bill is to increase the minimum wages payable to \$1.65 to match the inflationary spiral.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I endorsed the amendment as proposed. It falls in line with the Federal Government and, no doubt, falls in line with the

Mr. Taylor continued.....

provinces, but, I still think that we must have, in the Territory, and this *BILL #15* is a constant annual or semi-annual plea to the Administration -- possibly the Honourable Member from Whitehorse East opposite, might again give some consideration to this plea -- we must categorize our basic minimums in the Yukon as they do in the provinces. You provide a basic minimum for various categories of labour. In this way, I think we will arrive at a more equitable means of providing basic minimum wages throughout the Territory. I would also like to point out that by increasing the minimum wage, at this time, there are industries that this does affect. One of them is the highway lodge, those places in the more remote areas of the Yukon, where they have a great deal of difficulty in paying wages to these people. They often are -- or have on staff, unskilled people and young people, students and this type of thing, doing waitress work, maybe a pump jockey fixing tires and this type of thing. Based on the eight hours of work per day, forty-eight hours per week, they are forced to pay time and a half overtime to these employees over the forty-eight hours. The employee, therefore, is kind of stuck, too, because when the operator can't afford to go the time and a half overtime, and there is somebody still up five or six cars during this work period, then the employee has to sit and do nothing. There is no place for that employee to go. He just sits for sixteen hours a day. That is all, plus his Sunday. So, I suggest to you that we should be making provisions within the Labour Standards Ordinance to provide for this situation. Now, in the Province of British Columbia, apparently this has come up and they make provision under regulation for resort hotels in unorganized territory. They recognize the need for a whole special treatment in these areas. I have asked the Administration if they could assist me in the preparation of a reasonable amendment to the Labour Ordinance to cover this particular problem and, I don't really think that I have gotten anywhere, because I still don't have the amendment. Now that the basic minimum has been further increased, this further increases the problem faced by the operator and the employee in these other areas. I'm wondering now if the Administration, in view of my remarks, would give consideration to assisting me with this problem and bringing down an amendment, or preparing for me an amendment which would essentially follow somewhat along the lines of the B.C. legislation. I'm wondering if the Administration would have any comments on this, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, I can indicate that consideration for the request that has been made by the Honourable Member will be given inasmuch as it is hoped, by the next Session, to have some sort of a survey done of different categories of those particular areas of business which the Honourable Member referred to. By the next Session, I wish to assure the Honourable Member, some information will be brought forward as to whether or not the Administration feels that, in view of the results of the survey that we will conduct, consideration and effect can be put to the suggestion that he has made.

Mr. Taylor: Mr. Chairman, I can't agree. This is a matter that, I think, we are going to have to deal with immediately. I think that now, at this Session, is the time to do it. We are just coming into the summer season now and many of these people are just forced to shut down. They just can't afford to -- I think we have a case on the North Highway that Councillor Watson brought to our attention much earlier, whereby people are just shutting down. You couldn't get accommodation on the North Highway, on certain sections, in the winter time. They cannot afford to pay these particular rates, or particularly the time and a half overtime is the problem, and stay open. So, they shut down. When they shut down, that means, of course, that there no facilities at that lodge and you have to drive by that and go find your gas someplace else. Either that, or they have to drastically curtail the services that they extend to the travelling general public. When you consider the distances involved in going throughout our highway system in the Yukon, both on the Alaska Highway and within our Territorial road network, we should attempt somehow to keep these places open for the travelling public. So, I really think that this is something that we should and must face at this Session. It's extremely important that this be done.

BILL #15

Mr. Chamberlist: Mr. Chairman, I understand that there is a hotel association or a lodge association that many of the highway operators belong to. I wonder if the Honourable Member could encourage them to make a submission to the Government of the Yukon Territory, so that this can be given consideration and something worked out from that point.

Mr. Taylor: Mr. Chairman, they have been making submissions at a rate of about three to four annually, every year, that I know of for the past several years. It just never seems to get to this Council table. They have been making it to the Administration and if you were to call upon the people who look after our Labour Department here in the Territory, I'm sure that they would come here and explain to you what the needs and the requirements of these people are. I know for a fact that the inspectors who go around to look after the books for workmen's compensation and this type of thing, are constantly faced with this problem. I'm sure that, were you to ask them to come up here, they would explain this situation to you and you would realize then that we must do something to offer relief to these people. I would ask that you do this, that you ask the Director of the Labour Provisions Ordinance to come up here and discuss this. I think it is extremely important in these remote areas.

Mr. Chamberlist: Mr. Chairman, what I am prepared to do is to obtain the files concerning this matter and have a look at this to see exactly what submissions, if any, have been made. I can assure the Honourable Member that I haven't seen any; perhaps, with the help of Councillor Watson, we will go into this matter by obtaining the files and studying them to see what has been submitted.

Mr. Taylor: Mr. Chairman, I would make a formal request that we ask the Labour Supervisions Officer, possibly tomorrow, to join us just to get his opinion in relation to the facts that I have stated. Would Committee be agreeable to allow this Bill to pend until we can hear from Mr. H.J. Taylor?

Mr. Chamberlist: Might I suggest that this shouldn't hold off the passage of this Bill. If the Honourable Member wants a witness here, by all means, but do you want to leave it until tomorrow? Is that what I understand? I have no objection.

Mr. Chairman: Is it the wish then, of Committee that we leave this Bill in Committee until tomorrow so that we may call Mr. H.J. Taylor in for questioning?

Mr. McKinnon: Mr. Chairman, there is one further question on this Bill that I know the members of the Executive Committee are aware of. A very involved citizen of the City of Whitehorse -- Mrs. Mattson is involved in a junior apprentice programme. Now, how will the minimum wage affect this programme that Mrs. Mattson is just starting to get off the ground. I think that you are familiar with the type of work that she is trying to do.

Mr. Chamberlist: This is, indeed, a problem that the Executive is concerned with. There are some children who are in foster homes, who, because of their inability to academically go further in school, have been placed in the awkward position of being unable to obtain employment. There are some firms who are prepared to allow a school training programme continue in their business operations with the understanding that in the summer months, they will employ these young people. The difficulty is this. The businesses now, because of the minimum standard legislation, cannot afford to employ people at \$1.75. Needless to say, it would be much more difficult for them to employ them at \$2.00. This is the difficulty that they have. So, of course, we are going to look at this particular area and see where this particular thing can fit in and make suitable provisions for them, so that these young people can work under an apprenticeship type of deal. This is being looked into now.

Mr. Tanner: Mr. Chairman, could I suggest that the Honourable Member

Mr. Tanner continued.....

who just spoke -- perhaps, this particular aspect of this Ordinance could be -- a solution could be found to the problems you have just enumerated by regulation rather than in the Ordinance itself. BILL #15

Mr. Taylor: Mr. Chairman, this is another matter in which we could lean on the expertise of the Labour Provisions Officer when he comes here tomorrow morning, and really get right into this thing. Again, I agree. We have to deal with these things right away because it is very, very important that we do.

Mr. Chairman: I wonder if I might just make one point from the Chair. I notice that this Ordinance is to cover people seventeen years and over. Are these children in question under seventeen?

Mr. Chamberlist: Sometimes under and sometimes over. You see, we have one under and one over in this particular case.

Mr. McKinnon: This is just such a realistic and a fine programme that the Government should be flexible enough to be able to incorporate this into either statute or regulations to allow it to exist. I don't know just how it can be done. I know, as a member of the community that it has to be done, one way or another.

Mr. Chamberlist: Well, I repeat that we certainly are recognizing the point that has been made. We have, from the research that I have done now, about thirty-four to thirty-six children in that particular category who are academically halted but capable of performing functions in businesses where the owners and proprietors of the businesses are only too pleased to take them and teach them, but the fact that they would be compelled to pay a minimum wage where they are not actually worth it until such time as they have some training. This is why we are taking a look at this situation.

Mr. Chairman: I wonder if we might take that under discussion tomorrow with Mr. Taylor also. He may have further points.

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

Mr. Taylor resumes the Chair.

Mr. Chairman: Is it your wish that I report progress on Bill No. 15? I wonder, then, if we might proceed to Bill No. 29, An Ordinance Respecting the Expropriation of Lands.

Mr. Chamberlist: Consumer Protection, Mr. Chairman; could we start on that? It's straight reading.

Mr. Chairman: I was hoping to use that as a filler. I'd rather get to some of these other Bills, and then, while these amendments are being drafted, why we can deal with that one.

Mr. Stutter: Mr. Chairman, I believe that the present schedule is that on Monday we are going to be discussing the Medicare Bill. I wonder if, perhaps, sometime before then, we could at least spend a half an hour with this Bill. I know that there are a number of questions that I particularly want to ask that may not be able to be answered right here. We may have to look into some of the statistics that are required for my purposes anyway. It seems to me that it might be advantageous to at least discuss the Bill for a while prior to Tuesday.

Mr. Chairman: This is without the reading of the Bill? Is Committee agreed? Bill No. 24, An Ordinance Respecting the Yukon Health Care Insurance Plan. BILL #24

Mr. Chamberlist: In view of the suggestion, Mr. Chairman, of just discussing the Bill generally, I take it that all Members have read the Ex-

Mr. Chamberlist continued.....

BILL #24

planatory Note and I will not make any further comments at this time, except to refer to the Explanatory Note.

Mr. Stutter: Mr. Chairman, some of these questions, perhaps if the Minister would like to make a note of them, he may be able to answer now. As long as my questions are going to be answered on Tuesday, that's fine. I would like to know, to begin with, if there has been any estimation made of the cost of premiums. I would like to know the percentage that will be paid by the Federal Government. I would like to know whether there is to be an employer to employee ratio of contribution, whether the employer is going to have to contribute also. I would like to know the number of people in the Yukon who are not presently covered by some type of government or other scheme; in other words, how many people require this type of...

Mr. Chamberlist: I wonder -- I haven't time to write the questions down. Would you give me a copy when you're through?

Mr. Stutter: Yes, sure. I would like to know also, in the case of separated dependants, or dependants of separated couples -- there are areas in the Ordinance, I have found in reading through it, -- I know from a personal point of view that where families are split up, there is quite often duplication of coverage. Half the family is having to be covered under one province and half of it in the Yukon. I would like to have some assurance as to what happens there. Basically, those are the questions that I have.

Mr. Chamberlist: Mr. Chairman, I can give a little detail on some of these things. The cost of premiums has been tentatively set and they will be supplied with copies of the regulations. I think that you will find reference in the regulations to premiums and the amount. It was in the Explanatory Note as well. The percentage paid by the Federal Government -- the question which was asked -- is fifty-fifty cost sharing programme whereby, whatever the total premiums we receive is, that same amount will be submitted by the Federal Government. There is no opting out clause. There is provision for a doctor of opt out of the programme or opt into the programme. A doctor will not be allowed to opt out for any particular patient or patients. He must either be all in, or all out. It is compulsory for all people to...

Mr. Stutter: In Alberta it isn't. This is the question I wanted to ask.

Mr. Chamberlist: I'm just answering these questions. There is no contribution by an employer. It is just deducted -- well, it might not be deducted that way. I'll have to bring you that information. The question with reference to separation and dependants, this would be a question that I would have to bring forward and I will also bring forward information on the number of people not presently covered and all details with reference to indigent persons, etc.

Mr. Tanner: Mr. Chairman, I have a couple of questions which are sort of preliminary but I would be interested to have answers. Reference is made in the Bill to the Medical Care of Canada. Would that be available, should anyone want reference to it when the debate begins? I am pleased to hear the assurance from the Honourable Member that doctors cannot opt out. However, I don't think that is very clearly stated and perhaps the particular paragraph could be pointed out.

Mr. Chamberlist: It is in the regulations. I haven't got them here. I am trying to answer questions without any material. In section 5 of the regulations, "a medical practitioner may elect to collect his fees under the Plan for insured services rendered to insured persons otherwise than from the Plan without loss of benefit to insured persons by giving the Administrator notice in writing of his election". In other words, he can say at the time of the Plan coming into force, I have no wish to be part of this programme. This doesn't stop him from attending to people

Mr. Chamberlist continued.....

who are in the Plan. What he does is he says, well, my charge is twelve dollars; you, Mrs. Smith, pay me the twelve dollars. Mrs. Smith will then go to the Plan, the Government, and the Government will repay her whatever the insured amount is. If the insured amount is ten dollars, that is all she will get back. In other words, she is paying the difference. The doctor can't say, I'm in this Plan, but because I had to treat Mrs. Smith five times a week and I'm only getting the minimum and she's causing me too much trouble, I will make a separate deal with her to charge separate fees to her. This he is not allowed to do. Dr. Armstrong will be here. He's coming in on the plane on Monday and he will be meeting with the doctors on Monday night. He will be available for Council on Tuesday morning. I have no doubt that he will have copies of the Federal Medical Plan with him.

*BILL #24*

Mr. Tanner: Another piece of information which I think will be useful to Committee when we sit on Tuesday on this matter is supplementary to Councillor Stutter's question. I would like to know, not so much as how many people are presently involved or are insured, but what is it costing. Will that information be available?

Mr. Chamberlist: What it will cost the family?

Mr. Tanner: What is presently costing people under other insurance programmes in the Territory.

Mr. Chamberlist: Well, it's pretty difficult for us to get each and every one of them. Some of the costs, I think, will parallel costs between this programme and the other programmes. Yes, that will be made available. Also I would like to draw to your attention, Mr. Chairman that the draft regulations you have are simply draft regulations. There are some adjustments being made to these regulations that have been agreed to by the doctors and myself as a result of meetings with them. These are in the process of being typed up and I will, in all probability, have the amended draft regulations available for you by Monday afternoon sometime. There are very few changes, but they are sufficient for you to take note of prior to meeting with Dr. Armstrong and the representative of the Y.M.S.A.

Mr. Tanner: Mr. Chairman, one further question; as all these questions are basically information that I would like to have before we sit and discuss this Bill; is there any view on the part of the Administration to make this Plan with certain options available? For example, could you take the Plan and maybe have a secondary plan which would cover dental care, or another plan which might cover drugs? Is there any possibility that that could be brought forward.

Mr. Chamberlist: Mr. Chairman, all I can advise at this time is that there are certain exclusions which I think you will find in the draft regulations and those exclusions -- if the individual wishes to make his own arrangement for those exclusions with anybody because they are outside of the Plan, the individual may decide to do whatever he wishes to do. There is no Territorial Plan for those exclusions that are in the Health Care Bill. Mr. Chairman, in view of the fact that we couldn't very well start working on another Bill at this time, I would move that Mr. Speaker do now resume the Chair.

Mr. Tanner: I'll second that.

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 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: Mr. Speaker, Committee convened at 10:50 a.m. to discuss Public Bills. Mr. M. Miller and Mr. G.K. Fleming attended Committee to discuss Bill No. 32. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 32 be reported out of Committee without amendment; this motion carried. Committee recessed at 12:00 noon and reconvened at 2:15 p.m. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 31 be reported out of Committee as amended; this motion carried. Mayor Wybrew, City of Whitehorse, attended Committee to discuss Bill No. 1. It was moved by Councillor Chamberlist, seconded by Councillor Tanner, that section 4 of Bill No. 1 be deleted; this motion carried. It was then moved by Councillor Taylor, seconded by Councillor Tanner, that Bill No. 1 be amended by adding thereto, immediately after section 3 thereof, the following new sections: "4. The Liquor Ordinance is amended by repealing subsection (3) of section 37 and substituting the following therefor: 'A tavern may be open for the sale of beer, ale and cider during any continuous period not exceeding fourteen hours commencing on any day not earlier than 9 o'clock in the forenoon and ending not later than 2 o'clock in the forenoon of the following day.' 5. The said Ordinance is further amended by repealing subsection (3) of section 38 thereto and the following substituted therefor: 'A cocktail lounge may be open for the sale of liquor during any continuous period not exceeding fourteen hours commencing on any day not earlier than 9 o'clock in the forenoon and ending not later than 2 o'clock in the forenoon of the following day.' 6 The said Ordinance is further amended by repealing subsection (3) of section 46 thereto and substituting the following therefor: 'A club may sell liquor during a continuous period of fourteen hours ending not later than 2 o'clock in the forenoon of any day.'". There was then a procedural motion moved by Councillor Chamberlist, seconded by Councillor Watson, that the question not be put until Monday, the 29th of March. This motion carried. It was then moved that section 1 of Bill No. 15 -- it was moved by Councillor Chamberlist, seconded by Councillor Watson, that section 1 of Bill No. 15 be amended by deleting therefrom the words "one dollar and sixty-five cents" and substituting therefor the words "one dollar and seventy-five cents". This motion carried. I can report progress on Bill No. 1 and I can report progress on Bills No. 15 and No. 24. It was 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? What is your further pleasure?

Mr. Taylor: Mr. Speaker, in respect of the agenda, I believe it is the intention of Committee to discuss Public Bills tomorrow.

Mr. Chamberlist: Mr. Speaker, I wonder if Mr. Chairman could just look at his notes. I think he may have it incorrect. I don't think the motion has been voted on to increase -- my motion to \$1.75. I don't think we voted, Mr. Speaker.

Mr. Taylor: Well, that is entirely possible, Councillor. No, I believe it was voted upon.

Mr. Chamberlist: What we have done is we have set the -- we have asked Mr. Chairman, Mr. Speaker, to report progress and we are bringing the matter back again tomorrow, hopefully.

Mr. Taylor: Well, I'll have to check out the Votes and Proceedings tomorrow. It seemed to me that it was voted upon, but however, possibly not.

Mr. Speaker: What is your further pleasure?

Mr. Chamberlist: Mr. Speaker, I move that we call it 5:00 o'clock at this time.

Mr. Stutter: I second that motion, Mr. Speaker.

Mr. Speaker: It has been moved by the Member for Whitehorse East, seconded by the Member for Dawson, that we now call it 5:00 o'clock. Are you prepared for the question? Agreed? I declare the motion carried.

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 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: Not 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. Taylor: Yes, Mr. Speaker. I would like to give Notice of Motion this morning. Moved by myself, seconded by Councillor Tanner, that in the opinion of Council all Members of this House be provided with subscriptions to the Journals of the Northwest Territories.

*MOTION #7*

Mr. Speaker: Are there 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 Administrator of the Yukon Territory 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 understand that this season there is to be a great deal of government construction work throughout the Territory, and I am wondering if Mr. Administrator or the Administration could advise me this morning as to whether these people, more particularly working on road projects throughout the Territory, will be required to have Public Service Vehicle Licences.

*QUESTION RE  
P.S.V.  
LICENCES*

Mr. Administrator: Mr. Speaker, I think in answering the question, that when contracts are called by the Engineering Department for road construction projects the companies do have to get licensed. They do this by applying to the Board that is now set up, and applying for other restricted -- for the P.S.V. type plates. Does that answer the question?

Mr. Taylor: Supplementary to this question, Mr. Speaker. I am wondering if the Administration could advise me whether it is a condition of a government contract that these people be in a P.S.V. position before being considered a successful bidder on these contracts.

Mr. Administrator: Mr. Speaker, of course, contractors have to comply with the law and I think in these particular cases they end up getting a restricted plate, not a straight P.S.V., which allows them to do different types of work but just restricted to that one type of contract. I am not too sure whether they have to get the plates ahead of time or afterward, but I can find out and let you know later.

Mr. Taylor: Thank you.

Mr. Stutter: Mr. Speaker, I have a question for the Administrator. During a reply -- recent reply made to the Commissioner on pollution put by Councillor McKinnon, it was stated that a study had been made and forwarded to Ottawa. I assume that this was the study made by Mr. Wishart's department and if so it was submitted to Ottawa several months ago. Would the Administration, at this point, contact Ottawa requesting that this report be made available to this Council?

*QUESTION R  
POLLUTION  
REPORT*

Mr. Administrator: Mr. Speaker, I shall be most happy to get in contact with Ottawa to see if the report can be released.

*QUESTION #10* Mr. Stutter: I have a further question on pollution, Mr. Speaker. What funds, both federal and territorial, are available to finance sewage treatment plants in the Yukon? What are the terms for repayment of such funds? What portions of the federal funds would be in the form of a grant? Perhaps this could be written if you don't have the answer available.

Mr. Administrator: Mr. Speaker, I would prefer to give a written answer.

Mr. Speaker: Are there any further questions? We wish to thank the Administrator for his attendance. As there are no Private Bills and Orders we come to Public Bills and Orders.

*BILL #31  
AMENDMENTS  
FIRST  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson that the amendments to Bill No. 31, An Ordinance to Amend the Municipal Ordinance, be given First Reading.

*MOTION  
CARRIED*

MOTION CARRIED

*BILL #31  
AMENDMENTS  
SECOND  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson that the amendments to Bill No. 31, An Ordinance to Amend the Municipal Ordinance, be given Second Reading.

*MOTION  
CARRIED*

MOTION CARRIED

*BILL #31  
THIRD  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 31, An Ordinance to Amend the Municipal Ordinance, be given Third Reading.

*MOTION  
CARRIED*

MOTION CARRIED

*BILL #31  
TITLE  
ADOPTED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 31, An Ordinance to Amend the Municipal Ordinance, be adopted as written.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 31 has passed this House.

*BILL #32  
THIRD  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 32, 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.

*MOTION  
CARRIED*

MOTION CARRIED

*BILL #32  
TITLE  
ADOPTED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 32, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be adopted as written.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 32 has passed this House.

*BILL #33  
FIRST  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 33, 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

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 33, 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.

*BILL #33  
SECOND  
READING*

MOTION CARRIED

*MOTION  
CARRIED*

Mr. McKinnon: Mr. Speaker, I move, seconded by Councillor Taylor, that First Reading be given to Bill No. 34, An Ordinance to Amend the Taxation Ordinance.

*BILL #34*

Mr. Taylor: Point of privilege, Mr. Speaker. I have been reviewing Beauchesne's and I find in Annotation 362, "The right of initiating legislation belongs to every member of Parliament. But the introduction of a bill touching the prerogatives or interests of the Crown requires the consent or recommendation of the Crown." I have taken this matter under advisement with the Crown and I have learned that they intend on providing a Bill at the Fall Session with similar provisions and, therefore, I respectfully ask Members of the House to permit me to withdraw as seconder of this Bill.

Mr. Stutter: Mr. Speaker, now that the Bill has gone this far, I also have looked into it considerably, and feel that at this time we should proceed with this Bill and I would be pleased to second it at this point.

Mr. Speaker: It has been moved by the Member from Whitehorse West, seconded by the Member from Dawson, that Bill No. 34, An Ordinance to Amend the Taxation Ordinance, be given First Reading at this time. Are you prepared for the question? Agreed?

*BILL #34  
FIRST  
READING*

*MOTION  
CARRIED*

MOTION CARRIED

Mr. McKinnon: I would move, seconded by the Honourable Member from Dawson, that Second Reading be given to Bill No. 34, and it is an Ordinance to Amend the Taxation Ordinance.

Mr. Chamberlist: Point of order, Mr. Speaker. The move has not been made with the proper words used. I would refer, Mr. Speaker, to Parliamentary Rules of Procedure, Forms and Formula for reading the bills, No. 49, which can be found on page 384. The words that the Honourable Member should have used are that the Bill be now read and the word "now" must be included, and I would ask that the attention of Mr. Speaker be drawn to this particular point.

Mr. Speaker: We will now have a short recess while I take the matter into advisement.

RECESS

*RECESS*

Mr. Speaker: The House will now come to order. Councillor McKinnon, will you rephrase your motion?

Mr. McKinnon: Mr. Speaker, I would like to rephrase my motion according to Parliamentary Form No. 49, found on page 384 of Beauchesne's, reads, that Bill No. 34 be now read a second time.

*BILL #34  
SECOND  
READING*

Mr. Chamberlist: Will Mr. Speaker be reading that from the Chair?

Mr. Speaker: It has been moved by the Member from Whitehorse West, seconded by the Member from Dawson, that Bill No. 34, An Ordinance to Amend the Taxation Ordinance, be now read for the second time. Are you prepared for the ...

Mr. Chamberlist: Mr. Speaker, at this time, I would like to move

Mr. Chamberlist continued ...

BILL #34

a procedural motion, moved by myself and seconded by Councillor Watson, that the word "now" be left out and the words, "this day six months", added at the end of the question.

Mr. Speaker: Are you prepared for the question?

Mr. McKinnon: No way, Mr. Speaker. Speaking on the amendment, Mr. Speaker, I find it impossible to find how Members of this House can agree to leave the control of taxation, which is a right and a prerogative of Elected Assemblies everywhere, has been hard fought and won over the years in the hands of an Administrator appointed from Ottawa. How can we accept the responsibility and the new found responsibilities of government, that Members at this table have been crying for for so long and then completely negate, completely refuse responsibilities that we are allowed under the Yukon Act, that we are allowed under the rules of this House, to put the taxing power in the hands of the people where it properly belongs and where the responsibility lies and so that people can go to the answers for why monies have been raised or not expended in certain ways. I would like to bring to the attention of all Members of the House, Mr. Speaker, according to the Parliamentary Rules of Beauchesne's, Annotation 263, "All taxes, duties and grants of money, and all measures imposing financial burdens on the people are matters within the sole jurisdiction of the House of Commons." Mr. Speaker, nobody else has the right to tax, to expend and to collect money from the public except this House. If this House refuses the responsibility of accepting that duty which has been fought for for centuries that the people, and the people only, have the right to tax and the right to expend money, then this House is acting in an absolutely irresponsible manner. Mr. Speaker, I would further bring to the attention of the House to Annotation 233, Beauchesne's, "It is one of the old standing principles of our constitution that the House of Commons should control the finances of the country. That is the right, privilege and duty of the House. It has been achieved by means of struggle lasting through centuries, beginning from the fourteenth century down to the seventeenth century, when it was fully confirmed, and since then it has never been disputed. 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. Speaker, with such obvious and real and true explanation, that there is no way that this House can delegate the responsibility which this House has; that of collecting and that of expending monies from the public purse. I don't see how it is possible that any Member in this House could stand and say that for one more day they are going to allow an appointed official from Ottawa to control the taxation of this Territory and control the destiny of the people of this Territory. How a Member can call himself a responsible Member of this House when by two words, by accepting the amendment which I propose for the Taxation Ordinance, they can put the right of taxation of the people back with the people where it properly rests and where it should be. To give it a six month hoist just for the benefit of the Members of the Executive Committee, the Members who are supposed to be the most responsible Members of this House. I say it is an insult to this House and a complete tragedy of the whole of the democratic parliamentary system. Mr. Speaker, I would urge all Members to seek their conscience, to vote against the amendment and to vote -- the amendment to the amendment and vote for the amendment which would put the taxing powers back into the House where it properly belongs; where it is in every other democratically elected House except the one in the Yukon Territory because the people here, the elected Members, won't take the responsibility of putting it in the legislation in the House where it belongs.

Mr. Taylor: Mr. Speaker, I concur with the amendment as proposed in the House this morning. As it was noticed by Members of this House, I withdrew as seconder of this Bill. I did for several very good reasons. One, of course, was that it is still the prerogative of the Crown, in this regard. We have unfortunately given them this power by a former Council and they now retain the power and we should wrest this away from them again, this power of taxation upon the people. We have been given the assurances of the Crown that in the fall this Bill will be presented by the Crown and this power will, then, be vested back in the Commissioner-in-Council rather than in the Crown itself at this time. I am prepared to accept that. I think it should be made clear, and I must compliment the Honourable Member who has spoken before on his determination and his parliamentariness, if there be such a word; however, the effect of this Bill being passed and agreed to, at Second Reading or at Third Reading, would be in effect a vote of non-confidence in the experiment of quasi responsible government in the Territory. It is not my intention to permit that to happen. I think that we have embarked on a programme which may bear fruit here in the Yukon Territory; it may bring us closer to responsible government. I do not agree that it is working well, as yet. I find much fault with it, but however, I would be remiss in my duty if I failed to permit it to continue for at least a year until everybody gets their feet on the ground and begins to understand what it is all about. At that point in time we will find out whether it is working or not. I can make one statement. If this Bill does not appear in the fall, I will join with the Honourable Member in proposing a motion, a similar motion, and proposing a similar Bill as is now being discussed. At this time I can't go along with the passage of this Bill and I would therefore support the six month hoist amendment.

Mr. Tanner: Mr. Speaker, speaking to the amendment. I was impressed by the Honourable Member's speech, but I wonder whether, in this case, his motives aren't as necessary as he would like us to believe they are. First of all, we have to keep in mind that the Commissioner can not exercise this prerogative until next January, and until next January, and before that time, there are conditions which are dependent on this motion which have got to be changed. One is; that surely if that power is back in Council, where it truly belongs as the Honourable Member says, there also has to be some legislation passed saying the Council must be called in January before he makes that decision, or alternatively the dates on which he makes that decision, i.e. February the 1st, February the 15th must be changed. With this in mind, I don't see any other way of bringing in this power -- bringing this power back to Council where it belongs until the Fall Session. Thank you.

Mrs. Watson: Mr. Speaker, I was also impressed with the emotional outcry from Councillor McKinnon, but I couldn't help but wonder; if there was such urgency for this amendment to the Taxation Ordinance why the Councillor didn't bring it down last year, in one of the Sessions last year. He had the opportunity to do it at that time. I would like to also express my opinion that this amendment will be brought down in the Fall Session. This is not just an opinion, I should say, this is a commitment from myself as a Member of the Executive Committee. I feel that the rest of the Councillors that are here today must have some faith in their Executive Committee if we are going to make it work. I think this is what the last Council strived for and the previous Councils have strived for for so many years.

Mr. Stutter: Mr. Speaker, two of the Members now have told us the same thing regarding the Executive Committee that, in fact, we are not to oppose anything put forth by the Executive Committee. To me, if this amendment does go through, it isn't necessarily a vote of non-confidence in the Executive Committee and if we are to take the view that any type of opposition is in the form of a vote of non-confidence, I am just going to repeat something I said a couple of weeks ago; then what are the rest of us doing here? If everything that the Executive Committee places

BILL #34

Mr. Stutter continued ...  
before this Council has got to go through, why are we here? Why are the other five of us here?

Mr. Chamberlist: Mr. Speaker, in closing this debate on the motion to amend, I would firstly say that I think the extent of emotionalism that was indicated by the open argument in this debate by the Honourable Member from Whitehorse West, Councillor McKinnon, certainly wasn't warranted under the circumstances that I will relate. I have already indicated in the Committee of the Whole of this House that in the Fall Session this particular piece of legislation, which is most distasteful to me, and which was put into effect with the concurrence of the Honourable Member, to take care of the situation that developed in regards to the Hillcrest area when the Federal Government made arrangements for its disposal, was approved by him as well as myself. Mr. Speaker, it is obvious that what has been said by the Honourable Member wasn't so much concern for the procedure today as for the fact that an attempt is being made to damage and view under suspicion the integrity of the Members of the Executive Committee to our Members of this House. I can indicate now, Mr. Speaker, and I am sure I can speak on behalf of Councillor Watson, that if this amendment to this Taxation Ordinance is not brought forward next Fall Session, both Councillor Watson and I will resign from the Executive Committee. I reiterate exactly what I have said before. Now, the side remark, that was now made by Councillor McKinnon, "Do it now," obviously shows what his temperment is in this matter and that is to destroy the Executive Committee. I hope that the Members of this Council will not allow themselves to be hoodwinked into a position that may indeed damage the future of the Government of the Yukon Territory and the people of the Yukon Territory. There is no doubt in my mind, and I repeat, there is a requirement for the removal of section 50, subsection (2) from the Taxation Ordinance. Also there are other areas in the Taxation Ordinance that have to be remedied. It is because of this requirement that this particular motion to extend the Second Reading to six months later is being asked for. I can assure Members of Council, Mr. Speaker, that the very first Bill that will be introduced in the Fall Session of Council will be amendments to the Taxation Ordinance. Thank you, Mr. Speaker.

Mr. Speaker: The question being proposed that Bill No. 34, entitled an Ordinance to Amend the Taxation Ordinance be now read a second time be amended as follows: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that the word "now" be left out and the word "this day six months" added at the end of the question. 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: Nay.

Mr. Clerk: The Member from Watson Lake.

Mr. Taylor: Yea.

*BILL #34*

Mr. Clerk: The vote, Mr. Speaker, is four year, two nay.

Mr. Speaker: I will declare the amendment carried.

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 in Committee of the Whole for the purpose of discussing Public Bills.

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

Mr. Speaker: Moved by the Member from Watson Lake, seconded by the Member from Whitehorse East, that Mr. Speaker do now resume the Chair for the purpose of convening in Committee of the Whole to discuss Bills. Are you prepared for the question? Agreed?

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 this morning will be Bill No. 15 and I believe we have a witness this morning, Mr. H.J. Taylor. Mr. Clerk, will you see if Mr. Taylor is around? I will declare a brief recess.

RECESS

*RECESS*

Mr. H.J. Taylor, Labour Standards Officer, now in attendance.

*BILL #15*

Mr. Chairman: We have with us today Mr. H.J. Taylor, our Labour Provisions Officer, to discuss with us the content of matters relating to Bill No. 15. Councillor Stutter, will you take the Chair?

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, before we rose last evening we were discussing Bill No. 15 and more particularly the effect of increasing the basic minimum wage to 75¢ on some industries within the Yukon. I had raised the plight of the people in the isolated lodge situations throughout the Yukon and it was suggested by at least one Honourable Member that some representation would be received from these people and, I pointed out at that time, that indeed there were constant representations being made to government in an effort to find relief for these people from the overtime provision, I believe, is the big squawk in respect of highway lodges. I believe another Member has a problem as well. I would like to know, Mr. Chairman, if Mr. Labour Provisions Officer could indicate as to just what these representations have been in the past from these highway lodge operators and just what their problem is.

Mr. H.J. Taylor: Mr. Chairman, I don't think their basic problem is the payment of overtime. I think they want to work their employees, or they want to be able to allow their employees seven days a week rather than six days a week, because their point is that the employees on some of the highway lodges are sitting around anyway and the employees themselves would rather work on the seventh day rather than take the seventh day off. Of course, my department has no jurisdiction over that. The only thing we can do is enforce what the Act says now. It says they cannot work a seven day

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Mr. H.J. Taylor continued ...

week, they may work a ten hour day as far as that goes, under certain sections of the Act. We have had representations from, you might call it an association, of all lodges on the highway and they proposed that they be allowed to work all their employees a ten hour day, seven day week for a period of say three to four weeks, and then allow them time off, equivalent of one day a week off, say four days off. Our Labour Advisory Board didn't see fit to grant them this exemption.

Mr. Taylor: Mr. Chairman, I am wondering if possibly this may not be the answer to provide within this Ordinance for the matters enumerated by the Registrar, pardon me, the Labour Provisions Officer. I keep getting your hats mixed up. I feel that we should deal with this at this Session. It was suggested that this be deferred, but we are coming into a fairly active summer season and I would ask that the appropriate amendment be drafted to provide, within the Ordinance, for this type of situation.

Mr. Legal Adviser: I can see the Honourable Member looking at me. I think that this can probably be done by a set of regulations made under the Ordinance. This is basically a question for the House to decide as to whether they except these representations or whether they wish the law to be changed, having in regard the interest of the employer and also the interest of the employee. Of course, there is always the risk of damage to the Ordinance. This might be one of a flood of applications from various forms of trade, we don't know, but certainly there is no difficulty in drafting an amendment and there is no difficulty in doing it by regulations. It would have to be the wish of the House before we attempt it.

Mr. Taylor: Mr. Chairman, as I stated yesterday, the Government of B.C. by Regulation No. 45, provides as follows: "Employees in a resort hotel, which means any establishment in unorganized territory, wherein meals and lodging are furnished to the general public for which a charge is made, may work up to ten hours in any one day and fifty-two hours in any one week." It is interesting to note that that province, in their wisdom, did recognize that indeed there was a problem in this industry and provided for it and this is where I would ask for the concurrence of the House. I ask that a similar provision be made within our Territorial legislation.

Mr. Tanner: Mr. Chairman, I would point out to the Honourable Member that under those conditions the best that the employees could work on a fifty-two hour basis is only about seven or seven and one half hours a day anyway. Is that really going to solve the problem?

Mr. Taylor: Mr. Chairman, I would rather see the seven day -- the ten hours a day, seven day week provision.

Mrs. Watson: Mr. Chairman, I would like to ask Mr. Taylor a question. Mr. Taylor, is there provision now for the employer to work them ten hours a day of straight time or would two hours of that be for overtime?

Mr. H.J. Taylor: In all cases they must pay them overtime.

Mrs. Watson: They must pay them overtime.

Mr. H.J. Taylor: Yes, for the two hours extra each day.

Mr. Tanner: Mr. Chairman, could I ask Mr. Taylor a question in the same vein. First of all, the basic work week in the Yukon is 44 hours. Is that correct?

Mr. H.J. Taylor: For this type of industry. For the lodges, yes.

Mr. Tanner: Isn't that true for all industry, for all employees?

Mr. H.J. Taylor: No, it is not. Only businesses which dispense goods or services to the public at retail are 44, the others are 48.

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Mr. Tanner: Mr. Taylor, could you tell me, after 44 hours it is time and a half -- they are paid time and a half for how many more hours?

Mr. H.J. Taylor: They are paid time and a half straight.

Mr. Tanner: And on a public holiday, is it straight double time?

Mr. H.J. Taylor: If it is a statutory holiday and they are not normally required to work on that day, and if they are called in to work, they get their normal days pay plus time and a half, over and above that. That is two and a half.

Mr. Tanner: Mr. Chairman, this illustrates the point that I tried to make in the last debate, the last time this came up. If Councillors would refer to page 249 of the previous Votes and Proceedings you will see that I pointed out one other particular instance where people in the restaurant business who wish to open and supply the travelling public with meals and accommodation, particularly meals, on a statutory holiday have to pay their employees double time and a half. It makes it virtually impossible to open their establishments at that time. I find myself in a little bit of a quandary. It has also been pointed out to me that these people, if we make legislation particularly for them, then we are discriminating against women, because most of them employ women as waitresses. I would point out to the Member's consideration, besides that salary which they receive, they also receive tips and this supplements their salary and perhaps, in the House's wisdom we can come up with solutions to both Councillor Taylor's problem and my problem.

Mr. Taylor: Mr. Chairman, just one point, I mentioned overtime a little earlier. It is rather difficult to pay a waitress or a pump jockey in an isolated position such as one of these highway lodges. This isn't a booming business like it is in town here or in an organized community. This is where you have people from time to time dropping in for a sandwich or a meal or a tankfull of gas. It is pretty hard for these people to pay \$3.50 overtime to their employees and keep them working. The net result is that the employee works for so many hours per day, cannot work on a Sunday and indeed were they able to work on a Sunday, under the existing provisions of the Labour Ordinance, the operator could not afford to pay them. They are just not taking in that type of income. Secondly, in many instances, more particularly during the summer months, this is unskilled labour, the only people that you might consider skilled labour in many of these situations, at least, are the cooks and the cooks are usually hired on a monthly basis because that is a skill. Certainly there must be some relief. This was posing a problem when the minimum wage was much lower. Now, we are increasing the basic minimum wage to \$1.75 as the motion is before Committee at this time. I think we must also look at the consequences of what we do in relation to this specific industry. I believe there is another problem raised by the Honourable Member from Whitehorse West which has some bearing on this as well.

Mrs. Watson: Mr. Chairman, I would like to comment on the fact that you said that some of these highway lodges don't have a booming business and some of their hired help isn't busy, someone just drops in for a sandwich every now and then. I would also like to indicate that while they are not serving sandwiches they are pumping gas and making beds, they are kept busy for eight hours a day or ten hours a day. I think that we would be wrong in discriminating against one class of worker in our legislation. However, I think we should look at the area of permitting the lodge owner to let the employees work for seven days, two or three weeks, and then let them have their three days off after they are finished their three weeks of work. I think a lot of the employees would be in favour of this. I think this would give some relief to the lodge owner.

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Mr. Taylor: Mr. Chairman, I rise to point out that we are not discriminating against these people, we are trying to assist them. As far as I am concerned, if you work them seven days a week, these employees, and you still pay overtime over 44 hours a week, you still haven't solved the problem. They cannot afford to pay \$3.50 an hour.

Mr. Chamberlist: Mr. Chairman, I indicated yesterday, while debate on Bill No. 15 was going on, that consideration would be given to the request of the Honourable Member from Watson Lake. There is no doubt about it that there is much merit in what has been indicated by all Members that have spoken and I would ask that we leave this particular question in abeyance, at least until the next Session, so that a survey as to different categories could be carried out for this purpose. I think it would be beneficial for everybody concerned that this be done. However, on -- and I can say this, that the Executive would not object to any view taken by Members of Council to bringing forward a motion that would fit in with the general requirements that have been indicated.

Mr. Taylor: Mr. Chairman, I thank the Honourable Member but if there is a motion forthcoming, whether he wants it or not he is going to get it. The big point is that we have a big busy season coming up and it is now that we need this relief and there is no reason that I can see why the Administration and the Legal Adviser can't sit down with myself and other interested Members and hammer out a piece of legislation to provide relief for these people. This is what we are here for to legislate to the people. Not to keep bouncing these things along from Session to Session. It is important. The legislation is needed not today, not tomorrow; it was needed yesterday and I have been roaring around the Administration with this little problem here for many weeks now and I think it is about time that we sat down -- as I say the Province of B.C. recognized it and coped with it simply by regulation. I don't know if we can do that by regulation within our Labour Provisions Ordinance. I think something must be done to help these people, because, as I say, as we increase this basic minimum wage, we further complicate the problem.

Mr. Chamberlist: The only danger as I see it, I agree with the Honourable Member, is that would it be right for us to allow a lodge owner to compel one of his employees to work 70 hours a week? This is a question of compulsion; whether we would have the right to do this. The other point I make, and perhaps Mr. Legal Adviser could indicate whether this is a way out; could we at this time bring forward an amendment to the legislation so that provision for adjustment can be made in regulations? At the moment, we have a firm minimum. I wonder if this could be done, Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, the House can do anything it wishes, providing the House agrees to the content as to what the amendment should contain and the policy behind it. We can draft something which would reflect that policy. We can attempt by regulation to average the standard hours by using the provisions of section 7 or section 8 of the Ordinance in such a way that an employee would get his four Sundays at the end of say twenty days, or something like that. This might answer one of the problems. The basic problem is, of course, that even though they may be exempt from the present provisions of the Ordinance, they are not going to be exempt from the necessity of overtime. The last time I met with the lodge owners, the Commissioner was present and he explained to them that if they would take the trouble to go to a lawyer and set out a standard form of contract with these people, then, they could probably save themselves a tremendous number of headaches in dealing with their staff, in averaging their hours of work and in reducing the necessity of paying overtime or double time. While I am on the subject, I would point out that one of the Honourable Members said that for a Sunday a person gets two and a half times the standard rate. This isn't quite accurate.

Mr. Tanner: Statutory holiday.

Mr. Legal Adviser: Or a statutory holiday. What happen is, he is entitled to a day of rest on that particular day. If you call him back to work, then you pay him at time and a half and you have the obligation to

Mr. Legal Adviser continued ...  
give him another day of rest on a working day. If you don't give him that day of rest, then you have to pay him for that day of rest. The net effect is that you either give him one and a half times his rate of pay and a future day off, or you pay him for the day off and the statutory holiday at the same time which comes to two and a half times his pay. You have the option.

*BILL #15*

Mr. Chairman: I wonder if Committee would agree to allowing the Member from Watson Lake to get together with, perhaps, Mr. H.J. Taylor and the Legal Adviser to see if something can be drafted out for this Session on this.

Mr. Legal Adviser: There is more to it than just allowing the Legal Adviser, Mr. H.J. Taylor and the Member from Watson Lake to get together. It is a question of getting the wishes of the House and basically I think this suggestion of an amendment should come from the Administration which is responsible for the Government of the Territory. They have the right to introduce and consult with the various people involved to come up with something. Whether they can come up with it in time or not, I don't know.

Mr. McKinnon: I'd bring one up, but it would get thrown out.

Mr. Taylor: Mr. Chairman, it has just been brought to my attention that in a repeal in March of 1969 to the Labour Provisions Ordinance we provided a new section 6 where it states that an employee may be employed in excess of the standard hours of work, but subject to section 10 the total hours that may be worked by an employee shall not exceed 10 hours in any day, 60 hours in any week and 260 hours in any month, or such fewer number of hours as may be prescribed by the regulations as maximum working hours for the industrial establishment in respect of which he is employed. Would the -- would this be, Mr. Chairman, under the advisement or with the consent of the Advisory Board, or could this be done without the consent of the Advisory Board? My second question is; does this not establish the power of the Administration to regulate this industry by regulations?

Mr. Legal Adviser: Mr. Chairman, we have the section 7 which says, "Where in the opinion of the Commissioner after consultation with the Advisory Board." As the House knows, the Commissioner does not normally reject advice which is given to him by the proper authority, whether it be an Executive Committee or any of the Boards which have been set up by this Statute, or by the Commissioner. The question has been considered by the Advisory Board and rejected by them; I don't know exactly when this actually took place. It would need something fairly strong to get the Commissioner to reject the advice of a competent Board on the subject.

Mr. H.J. Taylor: Mr. Chairman, if I would be allowed to say another word. The second section which you would have to take a serious look at would be the overtime section. The Board has no power whatsoever to exempt any employer from paying overtime. They can allow them to work ten hours a day, they can and they have allowed certain industries to work twelve hours a day during the cold weather when they had to keep their machinery running 24 hours a day. They have allowed them to work two twelve hour shifts and things like that. They cannot exempt any employer from the overtime section. That is what bothers the lodge operators.

Mr. Chamberlist: Except for it is the standard hours -- if the standard hours are changed in the Ordinance then automatically the overtime doesn't start until after the standard hours are set.

Mr. Chairman: At this time we will call a brief recess and this can be taken under advisement.

RECESS

*RECESS*

Mr. Chairman: At this time we will call this Committee back to order and I believe that the point that was raised by the Member from Watson Lake has been taken under consideration. I think there is another point to be raised by the Member from Whitehorse West on this.

*BILL #15*

Mr. McKinnon: Mr. Chairman, I don't know whether Mr. Taylor is aware of a junior apprentice programme that Mrs. Dolly Mattson put into effect in the Whitehorse area. She is a very concerned and very competent individual within the community and I think she deserves to be commended for the programme that she is trying to initiate. It is with young people who are not continuing their schooling; she is placing them, some of them are under 17, some of them are over, with companies who are willing to take these people in under the junior apprentice programme in areas such as store clerks and areas such as grease monkeys and areas such as gas jockeys and various occupations in this category. Now, these people are willing to place these people until they learn the business at a rate under the \$1.75 minimum. They don't feel that they can, with no training at all, hire them and train them at the minimum wage, because they really aren't of any worth to the company until they are trained. Now, I would like to know if any consideration can be given to a programme like this which is very effective and a very good programme under the Labour Provisions Ordinance, or whether legislation has to be introduced to allow for this type of a programme to continue.

Mr. H.J. Taylor: Well, Mr. Chairman, I can only say that this Council in its wisdom passed the Labour Standards Ordinance and if you want anything like this to be allowed especially -- I am only speaking of people over 17. You must amend your own Ordinance again, because in this Ordinance no one over the age of 17 is allowed to work for less than the minimum wage.

Mr. McKinnon: Under the Labour Standards Ordinance now, what are the provisions for people under 17, on a part-time basis?

Mr. H.J. Taylor: There aren't any as yet. They have to be done by regulations.

Mr. McKinnon: Are the regulations not...

Mr. H.J. Taylor: Not yet, no.

Mr. McKinnon: So, if the person is under 17, these -- he goes on the market and the market takes advantage of him in which ever way he possibly can.

Mr. H.J. Taylor: By that I assume that you want some of the people over 17 to be allowed to be taken advantage of too then. /

Mr. McKinnon: Well, I don't think it is a question of being taken advantage of until they are trained. I think that once they know what they are doing and are competent to be valuable, or to give the service that the company wants then nobody disagrees that they have to be paid, I would hope even more than the minimum wage, but the point is that there are businesses willing to take people in and these people are really worthless to them until they have been trained and been shown how to do the job and become competent in the job. Now, they feel that they are willing to take these people in and keep them and then pay them the going rate, but until that time they would like to employ them on a minimum rate basis until they are competent enough to perform their job. They are having difficulties with this minimum wage, because the people looking for jobs are willing to work, until they know their job, under the minimum rate and companies are willing to take them in on this basis. But the whole programme apparently is going to flounder because of this difficulty with the Labour Standards Ordinance, and it is a valuable programme and a good programme. Are we going to put

Mr. McKinnon continued.....

people in the labour force contributing and earning salaries where -- they are just going to remain on the Honourable Member's from Whitehorse East welfare rolls for ever if this kind of a programme isn't given all the support that this House can give it.

Mr. Chamberlist: Mr. Chairman, I think I should clarify, or make an attempt to make clear, a certain position relating to a Mrs. Dolly Mattson that has been raised by the Honourable Member from Whitehorse West. I think, also, it is necessary for, not only for Members of Committee to be clear on this situation, but that the members of the press should not have a false impression of an existing programme. There is no such programme as has been indicated by the Honourable Member for Whitehorse West. What has occurred is, that this lady who has been a very good and faithful foster parent for the Government of the Yukon Territory, has a number of children whom she takes care of. She has come forward to the Government of the Yukon Territory with a problem that she feels should be taken care of, the problem being, as has been indicated by the Honourable Member from Whitehorse West, that certain children who are not academically capable of proceeding in school, should have arrangements made for them to be able to train in the vocational type -- in a vocational type occupation. As a result of this suggestion and the work that she has been doing with the children, some business people have taken care of some of the children she is caring for as a foster parent, and this is being done in that way, but I definitely make it quite clear and plain that there is no programme of a governmental nature. It is hoped that as a result of certain recommendations that the Honourable Member from Whitehorse West is making, and to which I personally agree and I am sure all Members of Council will also agree that some provision is made, so that the Labour Provisions Ordinance doesn't restrict businesses from helping in the training of these young people. This is what we are looking for, and because I might indicate that we are going to look at other areas of the Labour Provisions Ordinance which Members of this Committee have already been told, with reference to the employment of labour here and the stationing of union hiring halls here, that I would ask if Honourable Members will allow this to be left for over this weekend, as the Legislative Programming Committee is meeting over the weekend to bring forward on Monday any recommendations that will come out of this meeting, and perhaps we will be able to overcome the difficulty that has been indicated by Councillor Watson -- I beg your pardon, by Councillor Taylor from Watson Lake, and the difficulties that have been presented by the Member from Whitehorse West, and if this could be done, I am sure we will have something further on it.

Mr. Taylor: Mr. Chairman, we have apparently an Advisory Board, that is given certain powers in making -- under section 6 "where in the opinion of the Advisory Board the nature of the work performed". Now, this has been changed a little bit. It has been amended once -- section 7 "where in the opinion of the Commissioner after consultation with the Advisory Board the nature of the work in an industrial establishment necessitates a regular distribution of an employees hours of work", and so forth. Why do we not then take section 9, which is the overtime pay section and it states "when an employee is required or permitted to work in excess of standard hours", and so forth, "he shall be paid for the overtime rate of not less than one and a half time his regular rate, and no employer shall require or permit an employee engaged in mining operations underground", and so forth, why not add a subsection (3) permitting the Advisory Board upon being satisfied that in certain classes of labour shall we say, or in certain industrial establishments, that indeed the overtime qualifications can be varied. This way, we can stand with the basic minimum wage of \$1.75. I have no hard feelings about the wage itself. I don't see that anybody should work for less, but it is this overtime provision that is bothering me, this 44 hours a week, and if you could go to the Board and convince the Board -- the Advisory Board that indeed within this particularly industry and due to a certain set of circumstances, that it is justifiable to extend the standard hours of

Mr. Taylor continued.....

work -- fine, real good and I say may be this is the answer.

BILL #1

Mr. Tanner: Mr. Chairman, I would like to clarify my position in this particular regard. I think both Councillor Taylor and myself are pointing out -- and Councillor McKinnon, are pointing out three specific areas where an across-the-board piece of legislation will be harmful to the employee and to the employer and to some businesses. Personally, I would have no objection at all to see a basic rate of \$2.00. If that was the decision of the House, I would happily endorse it, \$2.00 basic rate, because to live in the Yukon costs more money, both for an employer or anybody else, but I am saying that when you make across-the-board legislation as we have in this proposal, there are exceptions and there are particular cases which we have to keep our eye on and I think this is basically what Councillor Taylor is trying to put across. In spite of the position I find myself in, I would try and put it across in one particular type of industry. In the restaurant industry it is difficult for restaurants to be open on statutory holidays. Now, when you think about it, my particular case is not even as why -- as Councillor Taylor discussed. Councillor Taylor is talking about a season, I am talking about two or three statutory holidays during the year and frankly, I haven't got the solution. I would very strongly suggest that the Committee -- the Advisory Committee look at this very closely.

Mr. Chairman: Well, it has been suggested by the Executive Committee that Legislative Programming is meeting this weekend and they will take these points under advisement. But there is one question I would like to ask from the Chair and that is regarding the point raised by the Honourable Member from Whitehorse West. Is there no clause in the present Ordinance for apprenticeships? Training was mentioned and I take it this could be brought under an apprenticeship. I think that some of the provinces have a provision for apprenticeship under a lower wage.

Mr. H.J. Taylor: Well, there is a separate Apprenticeship Ordinance, but it doesn't allow for any lower wage or exemption from overtime.

Mr. Chairman: Is there anything further on this particular Ordinance?

Mrs. Watson: Mr. Chairman, while Mr. Taylor is here, I would like to ask him, what are other provinces doing about setting a minimum wage for people under 17 years of age? Are they recognizing the need for having a lower minimum wage for people under 17, or are they just picking up one minimum wage as we are endeavouring to do in our legislation?

Mr. H.J. Taylor: No, they are looking at it from the basis of lower minimum wage for people under 17, but only in certain specified industries. That's the problem. They are not allowed in all types of industry. You must set a certain type of work that they are allowed to do when they are under 17.

Mr. Taylor: Mr. Chairman, as has been suggested by the Honourable Member from Whitehorse East, would the Administration over the weekend look into this matter and see, and also take a look at that section 9 and see if something can be done in relation to giving the Advisory Board powers to regulate overtime you know, if they are disposed to do so, in the same manner as they have the power to regulate hours.

Mr. Chamberlist: Mr. Chairman, I can assure the Honourable Member that all the areas that have been discussed in relation with the Labour Provisions Ordinance will be looked at over the weekend.

Mr. Legal Adviser: Do the Members of the -- people who are looking this over, get overtime for working on Saturday and Sunday?

Mr. McKinnon: Well, with your salary, no way.

BILL #15

Mr. Chamberlist: I wonder, Mr. Chairman, whether we can complete the motion, because the motion is still open on raising the amount from \$1.65 to \$1.75, so we have that particular portion clear.

Mr. Taylor: Yes, well, Mr. Legal Adviser, do you have sufficient information on thoughts of various Members?

Mr. Legal Adviser: Yes, I have sufficient information. It is just a question then of getting the policy in from our Honourable leader.

Mr. Taylor: I am sorry. Yes, at this time I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: You have before you a motion, moved by Councillor Chamberlist, seconded by Councillor Watson, that section 1 of Bill No. 15 be amended by deleting therefrom the word \$1.65 and substituting therefore the word \$1.75. Are you prepared for the question? Are you agreed? I will declare the motion as carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: Yes, I wonder, if Mr. Taylor can be excused at this time? Thank you very much, Mr. Taylor.

Mr. H.J. Taylor: Thank you.

Mr. Chairman: Is it your wish that I report progress on Bill No. 15? Now, the next item of business will be Bill No. 29, an Ordinance Respecting the Expropriation of Lands and the Determination of Compensation for the Expropriation or Injurious Affection of Lands.

Mr. Chamberlist: With respect, Mr. Chairman, I wonder if we can deal with the Bill on the -- Bill No. 31 on the amount of money for the plebiscite -- 33.

Mr. Chairman: Is Committee agreed? This is the second time of calling this Bill, gentlemen. I think, we will have to get to it eventually.

alright, this is Bill No. 33, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory.

BILL #33

Mr. Chamberlist: Mr. Chairman, the purpose of this bill is to obtain approval in principle for the allocation of funds to hold a plebiscite on the question of the extension of the boundaries of the City of Whitehorse. It is estimated that \$3,500.00 will be required, however, these funds will be provided by the Department of Local Government from existing appropriations for 1971-72 approved by Council. Mr. Chairman, with the policy that has already been indicated, that there will be no further appropriations requested for any monies in 1971-72, the monies that are being asked for now will be an approval that these monies be spent out of the existing budget that has been approved, and you will note that the amount we have asked for is \$1.00.

Mr. Chairman: (Mr. Chairman reads sections 1, 2 and 3)

Mr. Tanner: Mr. Chairman, I have a question related to the plebiscite itself. Would the Honourable Member from Whitehorse East be prepared to answer questions on the plebiscite or are we just concerned about the specific costing of it?

Mr. Chairman: No, proceed. You can ask questions.

Mr. Tanner: Have the people who are allowed to vote on this plebiscite --

Mr. Tanner continued.....

has that determination been made of who is eligible to vote in the forthcoming plebiscite?

BILL #33

Mr. Chamberlist: I think this is being put forward to the Steering Committee at its meeting and this meeting date has not been set as yet, but the plebiscite day has been set for sometime in the middle of May, however there will be sufficient time for the plebiscite, but certainly with reference to the question that is being asked, the Honourable Member will have his own input into the -- into who will be able to vote at that time when the Steering Committee comes up.

Mr. Tanner: Mr. Chairman, my input in that Steering Committee has been very vocal, but not very effective. I am concerned now with the fact whether we can get a commitment from the Administration on this specific question.

Mr. Chamberlist: With respect, Mr. Chairman, I cannot give a commitment on behalf of the Steering Committee. The Honourable Member is of equal status as myself on the Steering Committee and it must be a decision from the Steering Committee, not from me.

Mr. Tanner: Mr. Chairman, then can I ask the Administration whether the decision of the Steering Committee -- the recommendation of the Steering Committee will be followed to the letter.

Mr. Chamberlist: I can inform the Honourable Member that this will be the case.

Mr. McKinnon: Concerning a plebiscite date too, Mr. Chairman?

Mr. Chamberlist: Yes, a plebiscite date too.

Mr. Tanner: Thank you, Mr. Chairman.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, it is interesting to note that a plebiscite is to be held and it's the first time I believe, to my knowledge anyway, that a plebiscite is to be held in the Territory that this Council does not set the terms of the plebiscite, and I really hope that the Administration does a good job on this one, because this will be their first attempt, to my knowledge, that they will be on their own. Now, my immediate questions would be: a) will the Administration provide all these people who are going to be asked to vote in this plebiscite with facts, figures, what it is all about, you know, the balance sheet, what is wrong with it, what is right it, give them all the information pertinent to the question; and b) I would be very curious in knowing just what these questions will be, in what form will they appear and will this thing be broken into districts? Will you ask one district to vote separate from another district? I would sure like to know something about it, really.

Mr. Chamberlist: Mr. Chairman, with the concurrence and agreement of Members of the Committee, I will try and ascertain from the Executive Committee, whether or not we can give Committee all the details or whether or not the responsibility is to give it to the Steering Committee, but I will bring that information forward on Monday.

Mr. Taylor: Yes, Mr. Chairman, I would just like to say that this will be most appreciated, I am sure, by all Members, because I think the sooner the public has some idea as well, as to what will be expected of them in this plebiscite, the sooner you will start generating a little interest in it and you'll give these people at least a month or two to consider

Mr. Taylor continued.....

BILL #33  
the question. Generally speaking these things come up so darn quick, that nobody -- by the time they are asked to vote, they don't understand what it is all about. Sometimes the Government loses on these things.

Mr. Chamberlist: I can assure the Honourable Member, Mr. Chairman, that included in the monies that was estimated will be expended are sufficient funds for advertising via the press and the other news media, the Government's stand on the amalgamation of the Metropolitan Area, so that the -- as full an information as possible can be made available to the general public.

Mr. Tanner: Mr. Chairman, I have one further question, primarily to clarify a problem which has arisen in the past. Could the Legal Adviser illustrate what obligation a plebiscite has on the Administration of the Yukon Territory?

Mr. Legal Adviser: The Administration would regard a plebiscite -- this is plebiscite in general terms now, as a form of poll, to find the opinion of the people on a particular question or a group of questions, and in this instance, I am sure, that the question formulated will be a simple straight forward question, without complications. And the people will have been informed what the issues are. There is money being allotted for advertising, for explanatory purposes. This could be spent either by advertising in the press, by circulars, or by meetings called with competent people to address interested parties or groups, organizations to explain it and then in the final result it comes up to an answer, I presume it will be a "yes" or "no" answer, and then the votes will be counted and then at that point of time, the Administration will know what the people think, and the Administration will then indicate what their view will be on the plebiscite's result.

Mr. Tanner: Mr. Chairman, the point I want to make, there is no legal obligation from the results of that plebiscite on the Administration? Is that correct? No legal?

Mr. Legal Adviser: No.

Mr. Tanner: Mr. Chairman, my one last question -- who is Chairman now? One last question to the Administration. Will the Administration and the Executive Committee be bound by the decision of the plebiscite?

Mr. Chamberlist: Mr. Chairman, I cannot give an affirmative answer to a question like that, but I would say, that I, as a Member of the Executive Committee would have to take very close cognizance of what the opinion of the poll is, because I must then think in terms of the fact that I am a representative of the Whitehorse area as well.

Mr. Tanner: Mr. Chairman, could I ask whether the Member from Carmacks - Kluane would make any reference as to her decision from the opinion of the plebiscite?

Mrs. Watson: Mr. Chairman, I wouldn't be approving monies for a plebiscite if I didn't plan to respect the results of the plebiscite.

Mr. Taylor: Some time ago, we held a plebiscite respecting the time zone in the Yukon and this was held notwithstanding that the Administration kind of lost the ball game on that one; they imposed it anyway. Now, if indeed -- I think, the question that has been asked by the Honourable Member is a good one and I was going to ask the same thing. If you have a result of this plebiscite in the affirmative, you have no problem at all. Away you go and you expand the city boundaries of Whitehorse along the lines that you have outlined in your plebiscite, but if that poll should come back in the negative, it makes me wonder, because the Commissioner has already said, whether we like it or not, he

Mr. Taylor continued.....

is going to do it. One is then, if this does come through in the negative, *BILL #33* will the Administration respect the opinion of the people and withdraw from this expansion of city boundaries or shove it down their throats anyway. That's what I would like to know.

Mr. Chamberlist: Mr. Chairman, I would draw the attention of Members of Committee to the very important fact, in the previous plebiscite that has been referred to, the Commissioner and his administrative officers ~~did~~ not have any political input. This time there is and their view would be very much different and the fact that the Commissioner -- it appears to some that the Commissioner has indicated that notwithstanding anything, that the Metropolitan Area will become a Metropolitan Area, cannot be accepted as to whether or not this is what will take place. There is an Executive Committee who will discuss this whole situation, but we are quite confident that the people of the Greater Whitehorse Area will ask that all information is given to them, recognizing these tax savings and the better type and form of government they will be able to have as a result of an expanded Whitehorse area, and I trust that they will consider it enough to recognize this and support the plebiscite when it comes along.

Mr. Tanner: Mr. Chairman, I have one further question of the Territorial Administrator. We are fortunate indeed, in having him wearing two hats today, both as a Member of the Executive Committee and also representing the Commissioner in this. Could the Territorial Administrator give us some indication of his feelings in this regard on the plebiscite.

Mr. Administrator: Well, Mr. Chairman, I think all the points have been made here. We will take into consideration the results of the plebiscite. I do not think the plebiscite is binding upon us, the same way a referendum is not binding upon a legislature, but we will look very closely at the results. We will know what the votes will be from various areas and I think that you are going to have to leave us to decipher these results after the plebiscite has been made and then judge -- not judge, but determine our actions from that point onwards.

Mr. Chairman: Councillor Taylor, would you resume the Chair for a minute?

Mr. Taylor resumes the Chair.

Mr. Stutter: There is one point that I would like to raise here. I raised it the other day and I must raise it again now, rather than wait until after your plebiscite. But under the existing Municipal Ordinance now, section 7, you are going to run into a double set of standards. It states right here that "the terms of the plebiscite changing the boundaries of a municipality are: it must be a majority of two thirds of the rate-payers of the municipality voting thereon, and b) at least two thirds of those residents of the area to be included in the municipality". And in this particular instance in the existing Municipal Law it says "who have reached the age of 21".

Mr. Chamberlist: Well, Mr. Chairman, I would draw the Honourable Member's attention to, the plebiscite that is being proposed will be augmented under the powers which are given under the Plebiscite Ordinance, which is a separate piece of legislation entirely, and if as a result of the plebiscite a positive answer has been forthcoming, then legislation to bring the request of the people will be then brought forward to Council for their approval. This is the way that that will be done.

Mr. Stutter: Mr. Chairman, will this mean then that the Municipal Ordinance has no meaning in this particular plebiscite? May I ask, why, again?

Mr. Legal Adviser: The plebiscite section of the Municipal Ordinance would result in an extension of the city boundaries by a proclamation of the Commissioner. A plebiscite under our Ordinance might result in

*BILL #33*

Mr. Legal Adviser continued.....

anything the Administration wishes by way of legislation, not limited to the Municipal Ordinance and the last time this subject was discussed, was when the Municipal Ordinance itself was being amended. The Administration gave an undertaking that they would come to the House here for a specific amendment repealing the existing Schedule "B" and replacing it by a Schedule "B" which included the whole of the Whitehorse Metropolitan Area and that would then become the City of Whitehorse. If this House passes -- so, instead of the Commissioner choosing to do it by proclamation, he has chosen the road to -- have the House do it for him.

Mr. Chairman: Do you have anything further on this Bill at this time? What is your pleasure in relation to Bill No. 33?

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 33 pass out of Committee without amendment.

Mr. Chairman: Is there a seconder?

Mrs. Watson: Mr. Chairman, I second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 33 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: And, in view of the time, we will stand Committee in recess till 2:00 o'clock.

*RECESS*

RECESS

Mr. Chairman: At this time we will call Committee back to order. I believe there is some question respecting Bill No. 33.

*BILL #33*

Mr. Tanner: Mr. Chairman, I want to clarify one point for my own edification, on the discussion we had this morning on Bill No. 33. There are two questions which are addressed to Mr. Legal Adviser. If the Commissioner, or if the Administration wished to put through extensions of the City boundaries, is there any legislation, other than the Municipal Ordinance, under which they can do it? Is there any way he could implement amalgamation without coming to this House?

Mr. Legal Adviser: So far as I know, there are only two methods of doing it, one is by using the procedure -- the set procedure in the Municipal Ordinance, which is eventually reflected in the Commissioner's Proclamation, or a special Ordinance to the public, by which I mean an amendment.

Mr. Tanner: In both cases they have to come in front of this House.

Mr. Legal Adviser: No. If he uses the Municipal Ordinance, it doesn't come before the House.

Mr. Chamberlist: Might I perhaps clarify something. I know what the Honourable Member is referring to. If the Commissioner wishes to use the procedure of the Municipal Ordinance, it would have to be done by petition from the municipality to the Commissioner to proclaim. So, that he couldn't do it on his own, it must be, The City must ask the Commissioner to proclaim the extension of the boundaries, that is one way. The second way has been indicated by Mr. Legal Adviser; there must be legislation brought forward before this House. They are the only two ways.

Mr. Tanner: Just to peruse this to the nth degree. The Commissioner cannot do this by Commissioner's Order?

Mr. Legal Adviser: Not of his own volition.

Mr. Chairman: Explain.

Mr. Legal Adviser: In the set procedure of the Municipal Ordinance, whereby there is a petition, the petition then, has to be grounded on certain things, and when these things are done, the Commissioner can make an Order. He doesn't initiate the procedure. Under legislation here, it was the Council.

Mr. Stutter: Mr. Chairman, there is just one point here, that I would like to ask Mr. Legal Adviser. Looking through the Plebiscite Ordinance, here, it says, "that the Commissioner may make regulations, (a) prescribing forms required under the Ordinance, and (b) defining the public for the purpose of a plebiscite." Could you just clarify "public" in this instance? I mean, in this particular case, it would have to be a segment of the public, wouldn't it? It doesn't necessarily mean public, in here, all the residents of the Yukon Territory?

Mr. Legal Adviser: The regulations define what the public is. In the plebiscite which was taken, on one of the details of the Liquor Ordinance, last year, the public was declared to be all those resident of the Territory who were over the age of nineteen years. In a plebiscite which was to be taken here, the words public could be defined as, for instance, all those persons over nineteen years of age, resident in a certain area.

Mr. Chairman: Anything further on this subject?

Mr. Tanner: Thank you, Mr. Chairman.

Mr. Chairman: We will then proceed to Bill No. 29.

*BILL #29*

Mr. Chairman continued ...

*BILL #29* This is an Ordinance Respecting the Expropriation of Lands and the Determination of Compensation for the Expropriation or Injurious Affection of Lands.

Mr. Chamberlist: Mr. Chairman, the explanatory note. "The purpose of this bill is to enable the Commissioner to expropriate land and to formulate the procedures and compensation payable in respect of land which is expropriated whether by the Commissioner or by anybody which expropriates land under other legislation. The procedure follows the modern Ontario procedure. The amounts of compensation to be paid and times of payment follow the findings of the Ontario Law Reform Commission recommendations in regard to general property, and the Newfoundland legislation with regard to family homes. The standard for ordinary property is the amount that a willing buyer will pay to a willing seller. The standard for homes is the cost of purchasing or building a home for the displaced family. Account has been taken in preparing the legislation of the most modern Canadian, American and English compensation values and procedures." Mr. Chairman, there is a requirement in any jurisdiction for expropriation proceedings to be able to be taken by the Government under certain circumstances. It is hoped, Mr. Chairman, that while going through this bill, explanations will be forthcoming on any points that are raised in relation to this.

Mr. Chairman: I wonder if I might ask from the Chair, what is the reason, why is it that the Government needs this bill specifically?

Mr. Legal Adviser: I am not aware of any particular piece of property that they intend to expropriate. But, there may be schemes of various sorts, where the acquisition of properties may be necessary. It is a gap in our legislation, that this doesn't exist. I know of no government who doesn't have this. In fact in the Yukon, private companies have it, but the Government doesn't.

Mr. Tanner: Mr. Chairman, could you explain how a private company could have this power?

Mr. Legal Adviser: It is given to them by the Companies Ordinance, there is a special section where they can expropriate property under the Companies Ordinance, certain types of companies, utilities. Yukon Electric has the power.

Mr. Stutter: Mr. Chairman, I am just wondering, this question isn't directly related to this. But, under expropriation, if in the near future, it was found that the waters of Schwatka Lake, perhaps, were indeed not fit for human consumption, would this type of legislation be used to take over cabins and property that are now around the area of Schwatka Lake, or are these people squatters?

Mr. Legal Adviser: It is pretty hard, without an individual instance, to say who is a squatter and who is not a squatter. People who are close to water in the Territory, maybe squatting on Federal Crown Property, and not on Territorial Crown Property. If it was intended to acquire any piece of property, this is the procedure, no matter what he was. But, a squatter may not have any right of property, when you actually come down to it.

Mr. Tanner: Mr. Chairman, can I ask the Legal Adviser another question. Some companies, you say, have the right to expropriate lands, primarily I think it is public utilities. Could the Administration under this Ordinance, should it be passed, expropriate land, and then turn around and sell it to private companies? Do they have to expropriate it for a specific purpose in the public interest?

Mr. Legal Adviser: In the first instance, it is expropriated for the public interest, it then becomes government property, and could only be disposed of in accordance with all the rules which apply to the disposal of public property. You can't just take it, and give it away.

Mr. Chamberlist: As we go along, Mr. Chairman, you will find that where that might happen at sometime, the opportunity to -- if a piece of land that was expropriated, and there was no necessity for the expropriation, the expropriating authority has then a provision in the Ordinance for returning the land to the person that it has been expropriated from.

Mr. Chairman: (Reads section 1). Clear? (Reads section 2, subsections (a) to (f) inclusive). Any questions on section 2? (Reads section 3, subsections (1) and (2)).

Mr. Tanner: Mr. Chairman, excuse me, I was looking up a particular definition, and I -- Mr. Legal Adviser, when you have the interpretations of "owner", shouldn't -- isn't there one missed out there, somebody who has title too?

Mr. Legal Adviser: The only type that we recognize to land as such, is a person who is registered in the Land Titles Office, as being the registered owner, and he comes under paragraph (e).

Mr. McKinnon: It's the public purpose that is defined here.

Mr. Legal Adviser: It means, for the Government, for the Administration; it means not for the persons for themselves.

Mr. McKinnon: The Government has the discretion of deciding what a public purpose is? There is no definition in the interpretation section at all, the Government just says, we deem this to be for a public purpose, so we expropriate it.

Mr. Legal Adviser: As a last result. When the Government needs land, that is a public purpose. There is no question, the Government is the public.

Mr. Stutter: Mr. Chairman, isn't this last portion of section 3(1) in the Municipal Ordinance? Don't municipalities already have this power, to expropriate land or property for their use?

Mr. Legal Adviser: I don't think that they have the power.

Mr. Stutter: Well, it is in the -- I am quite sure that it is in the Municipal Ordinance.

Mr. Legal Adviser: It may be there. The easiest machinery is for the Commissioner to do it.

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

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, we have come full swing back down to the point where we threw it out in a former Council, section 3, subsection (1), "subject to this Ordinance, the Commissioner may, without the consent of the owner, enter upon and expropriate any land that he deems necessary for the public purposes ...". As far as I am concerned, I think that it is too sweeping a power to give to the Commissioner, at this time. I think that if the Administration desired to expropriate land in the Yukon Territory, at least at this stage of our development, they should first have to come to the Council of the Yukon Territory, lay their case on the table, and lay a very good case on the table, as to why they require this land, or for whatever reason this land must be expropriated. As I say, I am not prepared, personally as an individual to give the Commissioner the right of expropriation, at this time, unless it is by and with the consent of this Council.

Mr. Legal Adviser: Mr. Chairman, I don't think the Honourable Member is being realistic. If the Government wants to acquire land, and it has got to introduce a special bill for the purpose, then the price skyrockets,

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Mr. Legal Adviser continued ...

and the public are milked of an enormous sum of money all the time. This power is given to every government in Canada, that I know of. It is given to every government that I have ever been associated with. I have read about it; it is the normal thing. Now, this is not to say that the Commissioner does not have to come to the Council. He must be voted the money by this Council to pay for it. But, in the first instance, when the decision is taken, it is commonly a secret decision that is taken to acquire X piece of property. So, a notice is served, and that is the date on which compensation is assessed from. If you tell the person, six months in advance, that you are going to expropriate his property, the values change, so that when you eventually come to serve the notice six months later, then you are paying a large sum of money for it. The individual owner can make a profit at the expense of the public. This is not a practical method, however desirable it might be to tell the Council and the public first of what you are going to do, and then go and do it. You have got to serve your notices, and then come to the Council for money.

Mr. Taylor: Mr. Chairman, you must recognize the fact too, that you can walk in and take a man's home away from him. You can take his property. It is something that he has built for years and years, and you can just walk in and expropriate it. Under this Ordinance, the Commissioner can. He can't do anything about it, if we permit the Commissioner this authority. I think that these people, or the people in the Yukon, business people, individuals, regardless of whoever is a property owner, should enjoy the umbrella of protection of this Council. Any decisions made in respect of expropriation should be made by this Council, notwithstanding that may be you have assessed a fair compensation price, prior to this, or prior to Council. I still say, that I -- no way could I accept this Ordinance the way it is written, giving the Commissioner the right to expropriate when he deems necessary. I think that it is too vast a power to invest in the Office of the Commissioner.

Mr. Chairman: Speaking from the Chair, I think that there are sections later on in this Ordinance that take care of this. I have read it through once ...

Mr. Legal Adviser: No section which takes care of, Mr. Chairman, the particular point, that is the Commissioner or the Government, that has already been repeated in this House earlier this week. The power exercised by the Commissioner in expropriation, is the power of the Executive Committee and the Government as a whole. We use the Commissioner, instead of Minister. We use the Commissioner for many things, but in this particular instance, it is the Executive Committee that would be making the decision to expropriate a particular piece of property, presumably guided by the advice of the engineer who is designing the road, or building a canal. I don't visualize canals here, it might be a pipe line, it might be anything, but if you give them notice in advance, then you are dead.

Mr. Taylor: Yes, well, Mr. Chairman, this is the very problem. We are saying presumably if, and that is quite a wide sweeping word really -- I am led to believe, now may be I have got this all wrong, and I would like to get straightened out on this right now, that the Administration has something in mind that they wish to expropriate. They have some property or for some reason they wish to expropriate something. I would like to know what that is?

Mr. Administrator: Mr. Chairman, I can assure the Honourable Member that we have nothing in mind, right at this present time. It has been pointed out here, that this is a defect in our statutory ability in that we-- even if something did come up, we just couldn't do anything about it. We just have not got legislation to expropriate, so we just want to get something on the books, so that if the day does come when we need some land, we can get it.

Mr. Taylor: Well, if that be the case then really, this Ordinance isn't necessary at this point in time. Why don't we wait until such a time as

Mr. Taylor continued ...

you wish to expropriate something, and then deal with this Ordinance?

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Mr. Chamberlist: Mr. Chairman, I am sure that the Honourable Member can't be serious when he suggests that you only make legislation when you have a need for something to happen, and then to have the legislation for it. Now, in going back over the discussion in 1969, I raised some very potent points in regard to the Expropriation Bill at that time. It is quite obvious that there is an necessity for a bill to allow the Government of the Yukon Territory to expropriate in the public interest. In exactly the same way as all Members of Committee, I am sure will appreciate, the only reason that we are here for, is to provide legislation in the public interest. Mr. Chairman, the reference that is made to the Commissioner may expropriate; I would agree in exactly the same way as the Honourable Member is making the point now, that the Commissioner should not have that power on his own. But, no longer has he got that power on his own, and this is what must be understood, that the power now, where it says the Commissioner, means in actual effect, the Executive Committee. Now, it is recognized that in any piece of legislation of any other jurisdiction, you may read in that legislation, the Lieutenant Governor-in-Council. The Commissioner is the Lieutenant Governor-in-Council, in exactly the same way, is acting in the same capabilities. It was a valid point up until now, but I would suggest, Mr. Chairman, that the validity of that point has now been removed because of the step forward that we have made towards having elected people in the Executive Committee. I think that this should be recognized.

Mr. Taylor: Yes, well, Mr. Chairman, it is certainly recognized, but unfortunately the elected side of the Executive Committee is still in the minority, and the Commissioner, indeed, still has the power over that Executive Council, with himself and his two administrative assistants, and his two elected administrative assistants. Consequently the Commissioner still retains power, and this should never be forgotten by Council, that we are still in the minority, notwithstanding that we participate through the function of two elected members. I think that we would be remiss in our duty at this time, to give the Commissioner totally the power to expropriate within the Territory. But, I would feel that this power should be invested in the Commissioner-in-Council, and as I say, offer at least the people of the Yukon, or the property owners of the Yukon what protection, whatever it might be that this Legislative Body can afford. I think that the Commissioner before he expropriates, should come to this Council and make his plea here.

Mr. Chamberlist: Mr. Chairman, circumstances may arise, where there are eight or ten pieces of property that have to be expropriated for a certain reason in the public interest. I am sure that the Honourable Member would not suggest that we have to -- if this is the construction of a school, this is a sound example; surely the Honourable Member is not suggesting, that we call a special meeting of Council sometime during the year, and come forward and say that these pieces of property are required. Property that has been lying dormant and perhaps not being used at all, and yet it is the need for the public that these pieces of property be obtained, but surely we are not expected to call Council. What other legislative body would be called together even -- I am sure the Honourable Member from Whitehorse West, in this capacity agrees with me, that a legislative body wouldn't be called together, simply to expropriate a piece of land. It is not as if this is something new, and there is a precedent being set right across Canada. I would suggest that probably we are the only jurisdiction that hasn't got expropriation legislation on their books. This is why it is essential that this be done, I don't think that anybody could argue about it, I think the tie up seems to be the Commissioner having this power. It is not the Commissioner, and this is what I want to stress, that it is not the Commissioner now; it was, but it is not now. This is another thing, but Members of Council are not that misunderstanding of what the situation is now. The Commissioner is not going to do anything, he wouldn't be allowed to do anything like that, without first consulting with his Executive Committee.

*BILL #29* Mr. Taylor: Consulting or instructing, Mr. Chairman. Whenever you involve the rights of the people, then I think the Council must be involved. The Honourable Member has stated that this is possibly the only jurisdiction in Canada which does not at this time have on the law books this type of legislation, but I would bring this point forth, Mr. Chairman, that in the ten provinces of Canada, this is government by the people and for the people. In the Northwest Territories, I think no one else could disagree with me, that this is government by Ottawa, for Ottawa. Now, in the Yukon Territory, we are in a very peculiar position; I guess in some areas we are government by the people, but in most areas, we are government by Ottawa, again. So, there is a difference. In the provinces you have the protection of an elected government, or of a wholly elected government, and in the Yukon you don't. In order to offer protection to the people, and until such time as we do have a totally elected government, I say that this, the power, not be given to the Commissioner, not be given to the Executive Committee but given to the Commissioner-in-Council. I stand on that. I will not reverse my standing on it, because there is just no way that I can accept this particular Ordinance. I hope that a majority of Council will feel the same way.

Mr. McKinnon: Well, Mr. Chairman, every day is a real happening in this Council under the new system of Executive Committee Government. This bill, Mr. Chairman, was thrown out twice by prior Councils, and at that time the Honourable Member from Whitehorse East and the Honourable Member from Watson Lake, were the leaders in the fight to throw out the Expropriation Ordinance, because the public wasn't protected. Now, the Honourable Member from Whitehorse East would have us believe that the system of Government has changed so dramatically that it no longer would be the power of the Commissioner to expropriate. I would ask, Mr. Chairman, for the Honourable Member to tell the Minister of Indian Affairs and Northern Development that, to tell the Commissioner that, to tell the Administrator that, to tell Mr. Fleming that, to tell the public of the Yukon that, and to tell the Members of this House that. Because, they all know, where the power still lies, and who makes the Expropriation Ordinance, and whose responsibility it will be, and who will have the majority say of expropriating land, and Mr. Chairman, until this is a fully responsible body, you can argue till you are blue in the face, that the power of expropriation should be in the Administrator's hands. It shouldn't be, it has to be in the duly elected responsible body, and only at that time can there be an expropriation body, and an expropriating authority brought before this House, because, the responsibility for the expropriation authority has to rest with the duly elected majority of the representatives of the people. That is the way it is in the provinces. That is the way it is in the Dominion, and nothing has changed in the Yukon. We have a political input for the first time. The majority and the administration appointed officials still run the Government of the Yukon Territory. When that is changed, and the elected Members are in authority, then is the time for an expropriation authority, and then is the time that I will accept the principle of an expropriating authority, but then and only then. I can only say that I support the Member from Watson Lake, as I did on previous occasions, and as I supported the Member from Whitehorse East on previous occasions, when he led the fight hand in hand with Councillor Taylor against a very unwise expropriation authority at this time in the Yukon's history.

Mr. Chamberlist: Mr. Chairman, I have heard this same speech given, and I gave it myself, quite strongly, but the circumstances that I indicated have changed. It is unfortunate that the Honourable Member from Whitehorse West doesn't even believe himself, now a days. It is really unfortunate, because it must be clearly understood -- I am finding it more and more difficult as the days go by to reconcile the continuing statements of contradiction that the Honourable Member makes when he pleaded that this has got to work, and ~~yet~~ every opportunity, and every chance, he is trying to frustrate the effect of this Executive Committee. Now, if you think for one moment, Mr. Chairman, or any Member of this Committee thinks for one moment, that I am going to bend by knees to the Administrative Officers on any occasion without letting it be known that the people of the Territory come first in my mind, you have made a mistake, because that will never happen. I don't need the job that bad on the Executive Committee,

Mr. Chamberlist continued ...

but I want to see responsible government in the Yukon just as quickly and as surely as every other Member does.

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Mr. McKinnon: When it does, that is the time.

Mr. Chamberlist: But, I want to recognize, and I want people to recognize the fact that the only way we get that, is to show the manner in which we conduct ourselves. I am an Executive Member of this Committee; my voice is heard, the Honourable Member from Carmacks-Kluane Lake voice is heard. Perhaps because she is a lady, her voice is a little bit meeker, but heard just as strongly, and make sure that the Executive Committee when they sit, have a full-fledged discussion on every item of business that comes before them. Let me tell you, Mr. Chairman, in no uncertain terms, that the Executive Committee have the confidence of the rest of the Members of the Executive Committee, who are not elected Members, and the input that we do put in, is very, very valid towards getting for the people of the Yukon Territory, that form of responsible government which will eventually come. I couldn't argue with the basis that has been brought forward, that the powers of the Commissioner be relegated as quickly as possible to nothingness and just a figure head. I support this, I will always support this. But, I have to be practical and understanding and make others understand, that we must start thinking in, along the lines of other jurisdictions, in matters of proper legislation. There is no doubt in my mind, what the intent of this legislation is now. The intent of the legislation is, so that, where in the public interest, there is a requirement for the Government of the Yukon Territory to obtain and appropriate land for the public services, it should be done. I can assure Honourable Members, Mr. Chairman, that under no circumstances, will there be any abuse of this legislation, or any other piece of legislation. We are your watch dogs on this Executive Committee. We will report to you, whenever at any time, there is a feeling by either Councillor Watson or myself, that we are being overwhelmed by administrative officers. I tell you this quite bluntly, and those people that know me personally, know full well that I will not back away from this particular thought that I have, and these particular actions that I have always taken in. This is why I ask for your support in trusting us explicitly in these particular areas, because if you do not, you would be merely creating a suffering for the people of the Yukon. I would ask, Mr. Chairman, specifically, and appeal to the Honourable Member from Watson Lake to recognize the fact that Councillor Watson and myself are just as equally concerned about the people of the Yukon Territory, as he or any other Member of this Committee is. Mr. Chairman, this could be road block, just these few words, a road block to the needs of the Yukon. I see the point that has been made, and I would agree one hundred per cent if we did not have Members of Council on that Executive. I would not argue with you, I would be on the same side with you. But, things have changed now, and believe you me, they have changed. I can tell you this, and I will not be disclosing an Executive Committee secrecy, if I tell you, that on no occasion, at any one of our meetings, where the Honourable Member from Carmacks-Kluane Lake or myself have shown objection to any matter in the Executive Committee, were we over ruled. In other words, the input that we have put in so far, has been one so strong that other Members of the Executive Committee have given way to us. Now, let me assure you of that, and I can assure, and I plead with you that -- do not go and interrupt a piece of legislation that is so sorely needed. Now, this is very, very important.

Mr. Taylor: Well, Mr. Chairman, let me get one thing right, clear at this point in time. First of all, we just need it in case something comes along. Now, we are told by the Honourable Member, that this is sorely needed? Now where? Where is this needed? I have asked the question earlier, what do the Administration wish to expropriate? Just where are we going here? It has been stated by the Honourable Member that you have the perfect control via the elected Members participation in the Executive Committee. I say to you again that there are three Government people on that Committee, and two elected. There is no control, when you are sitting in the minority. The only way you are going to sway Government to your way of thinking, if you

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do come on opposite forces, or opposite opinions, is by the pure force of personal persuasion. We cannot trust the Administration with this authority on that basis. Number two is, that I have heard from the Honourable Member, who has last spoken, that we are your watch dogs, we will see that nothing goes wrong here, we will see that everything is done fair and equitable. But, it is just like the Office of the Commissioner, how long is we going to be there?

Mr. Chamberlist: Then we will change. Then we will want to.

Mr. Taylor: Yes, then we will change. Sure then we will change. We as long as we are there. But we are talking about a piece of legislation that will go on and on for years after, may be we are all dead and buried. That is what we are talking about. Not what you think today, Mr. Chairman, or what I think today, or what anybody else thinks today. This is a piece of law which gives the Commissioner the right when he deems it necessary to go and expropriate, take away your house, your land, everything else you own in this Territory. I wonder what the position would be of the Honourable Member if Councillor McKinnon was sitting in the Ministry or on this Executive Committee and Councillor Chamberlist sitting as a Member like the rest of us out here. I am wondering if he would be voicing the same opinions that he voices today. I would very much doubt it. But, when you tell me, that by not accepting this Ordinance, that this is going to cause a great suffering on the people of the Yukon, I consider that bunk, Mr. Chairman, because by not having this Ordinance, we provide at least some protection to the people of the Yukon, and when it comes down, we tax them, we do everything, we have given the Commissioner powers -- well the supreme power. But, there is no way that I, as an elected responsible Member of this Legislative Body, can give the Commissioner the right and power to expropriate land. If the Honourable Member remembers that loyalty is a two edged sword. He expects that we are to support the Executive Committee, which indeed we do, we are trying this experiment out. Then, he must also respect the position, that he must respect the Legislature. Have a little faith in us, the other guys around the table, who also represent people of the Yukon. If one recognizes that, then you would have no objection to writing the Commissioner-in-Council into this piece of Legislation, and giving the protection to the people of the Yukon of this Legislative Body. Unless you do that, I cannot accept this bill. I would encourage every other Member of Council to turn this bill down, right at this point. Put it out. Get rid of it. It is not good legislation under these circumstances for the people of the Yukon, as it stands.

Mr. Chamberlist: Mr. Chairman, problems come up from time to time, and they don't disappear immediately, as problems develop in many things. The problem of pregnancy can't be dispensed with by just using vanishing cream. These things are here, and come along, so that we are faced in an area now, where we are being asked by the Honourable Member from Watson Lake to destroy the whole bill, just simply because he is not in agreement with a particular area. I would suggest, Mr. Chairman, that if the Honourable Member wishes to come back to that later, not say that's the end of the bill, because he is dissatisfied with a particular part -- the right thing to do is proceed in a manner that we have always proceeded, in the section by section, and come back to that, and then go at it again, to see what is required in that. We have spoken; we have said what should be the matter in this area, two Members have spoken, they don't wish to give the power to the Commissioner. I know full well that the Honourable Member from Whitehorse West, is not so adamant as he attempts to make out in this particular area, because he would require, if he were sitting in my particular place, he would require that there be expropriation legislation. If he didn't require it, then he would be indeed neglecting his function as a Member of the Executive, and perhaps there is a reason for that. Mr. Chairman, I would suggest that we leave that particular part, section in abeyance, and proceed with the reading of the bill.

Mr. Taylor: Mr. Chairman, I have an amendment to propose to section 3. I am just preparing that amendment at the moment.

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

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Mr. Chairman: I now call this Committee back to order. Is it the wish of Committee to proceed, or to continue discussion of section 3 and then proceed item by item, or clause by clause?

Mr. Taylor: Mr. Chairman, I think that if we are to proceed with the Ordinance, we should decide who shall have the expropriating authority before we proceed any further with this Bill. As I have stated prior to this time, on all occasions when this Bill has been before the House, this should be in the hands of the Commissioner and this Council, not in the hands of the Commissioner by himself. If I can find a seconder, I would like to move that section 3, subsection (1) of Bill No. 29 be amended, deleting the word "Commissioner" from line 1 thereof, and substituting therefor the words "Commissioner-in-Council".

Mr. Tanner: Mr. Chairman, I'm not going to second the motion, but, I would prefer that we went through the Bill, came back and then, approached that particular problem which the Honourable Member from Watson Lake brings up. If having read the Bill, I am satisfied, then, he might have a seconder but, I would suggest at this time we proceed with the reading of the Bill.

Mr. Chairman: Is this agreeable to the House? Do you wish me to proceed or would you resume the Chair?

Mr. Taylor: I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. McKinnon: Mr. Chairman, I wonder, before we go through the Bill, just for my own personal satisfaction, if Mr. Legal Adviser can tell me what changes there are in this Bill as compared to the Bill that has been defeated twice before in this House.

Mr. Chamberlist: Once before.

Mr. McKinnon: No, twice.

Mr. Chamberlist: The other one wasn't considered.

Mr. McKinnon: Oh, well, thrown out twice.

Mr. Legal Adviser: I think there is a small change in section 3. We added the words, since the last time, "at the request of". The former section read "the Commissioner may, without the consent of the owner, expropriate any land that he deems necessary for the public purposes of the Territory or of any municipality...", and we say here, "for the public purposes of the Territory or at the request of any municipality..." This puts the municipalities through the necessity of seeking the Commissioner's approval, in case he might do it without their knowing about it.

Mr. McKinnon: Very democratic.

Mr. Tanner: Are there any other changes?

Mr. Legal Adviser: We might come across one other.

Mr. McKinnon: I await with expectation.

Mr. Chamberlist: Well, let's carry on with the reading, anyway.

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Mr. Chairman: Section 4. (Mr. Chairman reads section 4.)

Mr. Tanner: Mr. Chairman, I'd like to ask the Legal Adviser what would be the likelihood that past ordinances have been passed and they have said exactly the same thing? How often do you go on superceding each ordinance like this?

Mr. Legal Adviser: I don't understand the question, Mr. Chairman.

Mr. Tanner: Mr. Chairman, where -- I'll read your draft, "Where this is in conflict between a provision of this Ordinance and a provision of any other ordinance, this Ordinance prevails." Now, in the past, you must have used this same phrasology concerning other ordinances.

Mr. Chamberlist: What section are you dealing with?

Mr. Tanner: Section 4(2). How -- surely, somewhere along the line, someone goes through the ordinances and says, "Well this is the one that is tantamount." Where do you stop using this? I mean, you could build up mountains and mountains of paper this way.

Mr. Legal Adviser: This is inserted to deal with the cases where there may, in other laws, be a part for expropriation and a machinery set up for dealing with awarding compensation. For instance, in the Companies Ordinance, there is a method of expropriating land by a public utility for a pipeline or electricity, sewers and whatnot. This Ordinance will then prevail in the method of computing compensation.

Mr. Tanner: That's the only other provision that the Legal Adviser is aware of where this Ordinance would be in conflict with another one?

Mr. Legal Adviser: Offhand, yes, but other ordinances may. There may be other ordinances in force or old ordinance that we may not be able to pick up which will be in conflict with this.

Mr. Chairman: Clear on section 4?

Mr. Tanner: Mr. Chairman, I'm sorry, just one further thing; what happens if it is in conflict with a Federal Act?

Mr. Legal Adviser: It depends on the power which is used. The Federal Government has the power to make legislation in various fields. Some of the fields may encompass the same field as this Ordinance, and then, the more recent one would prevail if we had the legal authority to do it. If we hadn't, of course, the Federal Government Act would prevail.

Mr. Tanner: Mr. Chairman, N.C.P.C. probably has the power to expropriate; if Yukon Electric has, I should imagine that N.C.P.C. has, being a public utility. If N.C.P.C. wanted to expropriate something and the Territorial Government wanted to expropriate something, who would have the ultimate authority?

Mr. Legal Adviser: I suppose whoever has the bigger stick.

Mr. Chairman: Clear? (Mr. Chairman reads section 5 and section 6, subsections (1), (2) and (3).)

Mr. Tanner: Mr. Chairman, if I were to buy a piece of land and put a wrong plan in, would I have the rights as this Ordinance has?

Mr. Legal Adviser: You don't buy land with plans, Mr. Chairman; you buy it with money.

Mr. Tanner: Mr. Chairman, if I registered a piece of land which I have bought, would I have the same rights, then, as this Ordinance has?

Mr. Legal Adviser: I think you probably would. You would have to have the consent of the other person, of course.

Mr. Chairman: Clear? (Mr. Chairman reads section 6, subsection (4).)

Mr. Tanner: Mr. Chairman, I'm more and more inclined, just reading this, to support the Member from Watson Lake and his amendment. We are giving such sweeping powers to the expropriating authority which no individual citizen has. Why should they have so much more power than anybody else in the Territory has?

Mr. Legal Adviser: That particular subsection, Mr. Chairman, is merely stating what is a common rule of law. When a public official signs something, it is presumed to be signed by him, unless the court otherwise orders or directs.

Mr. Chairman: Are we clear? (Mr. Chairman reads section 6, subsection (5), section 7 and section 8.)

Mr. Tanner: Mr. Chairman, I would like to point out, for the Honourable Member's from Whitehorse West edification, should he be so interested, there is a small change in section 8. Three words. Mr. Chairman, I beg your pardon; I would like to make a correction. There was no change in 8.

Mr. Chairman: Clear? (Mr. Chairman reads sections 9, 10, 11 and 12, subsections (1) and (2).)

Mr. Legal Adviser: Mr. Chairman, that should read "apply to a judge", not "the judge".

Mr. Chairman: That's "apply to a judge"? (Mr. Chairman reads section 12, subsection (3), section 13 and section 14, subsection (1).)

Mr. McKinnon: Well, Mr. Chairman, this is the one that got me before and the one that continues to get me. Here the expropriating authority is the Commissioner. He expropriates; someone has a beef; so, the Commissioner sets up a board of his own choice to decide upon the appeal from the person who has had it. What could be more undemocratic than this, the person being the expropriating authority and then choosing a board for appeals?

Mr. Legal Adviser: Mr. Chairman, I think that the Honourable Member has mistaken the section he wishes to attack. The Board of Negotiation is only a group of people who will go down and talk to the man to find out what he wants and try to arrange a deal. They have no power to settle it. It's nothing to do with determining the amount. It's just somebody to negotiate a fair deal.

Mr. Chamberlist: Mr. Chairman, at this time, there is one statement made by the Honourable Member from Whitehorse West that I think should be corrected. There were two Bills in the past; one was discussed completely in Council; the other one, there was no discussion at all, was just not dealt with at all.

Mr. McKinnon: It went to section 3, and then was thrown out.

Mr. Chamberlist: Yes, only to section 3. The Honourable Member from Whitehorse West also said "This is what got me last time", and he deals specifically with this situation concerning the board. I would like to point out to Committee, at this time, that during the whole of the debate on this Bill, Councillor McKinnon was not present.

Mr. McKinnon: Are you trying to say that I didn't read the Bill because I wasn't here?

Mr. Chamberlist: Yet, he says "This is what got me last time.". Councillor McKinnon was not present. Now, I want to point this particular

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thing out. On December 8th and December 9th of 1969, when this Bill was given a thorough going over, the Honourable Member was not present. The newer Members should be familiar with this particular point.

Mr. McKinnon: Mr. Chairman, this is just like trying to say that because I wasn't present in the House physically, I did not, or I wasn't aware of the contents of the legislation. I was just saying that this was a section which I didn't agree with in the last Bill and this is a section that I still don't agree with. That's all.

Mr. Chamberlist: I was just pointing out that you weren't here. That is all.

Mr. Tanner: Mr. Chairman, there is another point here. The Honourable Member from Whitehorse West has said that it seems unfair to him, and the Legal Adviser has pointed out that this doesn't pertain to this section. However, something that occurs to me is the fact that the Government, in putting forward this Bill, has backtracked, has covered up; if it makes a mistake, it's okay; if it doesn't register properly, it can do something else. In every way, it is protecting itself. So, anything it does when it expropriates, it is clear one way or another. They have legal authority one way and if they have omitted to do something, they can come through another channel and they are covered. The same consideration, however, isn't given to the people who are being expropriated, I don't feel. I think the Government must, in this case, when they are expropriating, be no different, apart from the power of expropriation, from any other individual in the country. The individual has certain rights which are specified. The Government has certain rights which are specified. Why all this backtracking? Why all this insuring that they can't, in any way, make a mistake? Any other individual can make a mistake. Why does the Government have to be infallible in this type of legislation?

Mr. Legal Adviser: Well, when doctors make mistakes, patients die. When the officials make mistakes, it costs the taxpayers money. This is not being done to save the Government money. It is being done to save the taxpayers money. You try to have a proper Bill. The language of this Bill, you know, is mellifluous and flowing. It flows from one section to another. All you do is you attempt to make it a cohesive whole. The Board of Negotiations is something which was started in the provinces and was specifically discussed in the McClure Report. I probably have a copy of the Report on this particular type of legislation which I can to the Honourable Member. This Bill follows the detail of that Report which was a Royal Commission and which was eventually extended to a Law Reform Commission and is now permanent Law Reform Commission and one of the finest in Canada. It arose out of the original decision to have Chief Justice McClure write a report on providing a fair method of paying people when their property was taken by the Government.

Mr. Tanner: Mr. Chairman, maybe I didn't -- my intention wasn't to deny the Legal Adviser his obviously flowing, and the other word he used which I can't pronounce...

Mr. Legal Adviser: Mellifluous.

Mr. Tanner: Thank you, one of those. I didn't wish to deny his ability to write good legislation. All I'm saying is that -- I suppose what I'm saying is that any piece of expropriation legislation which comes before any legislature will be abhorrent to me. It just doesn't seem right to me that the Government takes these powers to itself and the person who is being expropriated, or the individual, doesn't have the same legal rights, apart from the mere fact that he is protected. There's no argument here; there's really no discussion. I'm just mad.

Mr. Chairman: Another one woke up. (Mr. Chairman reads section 14, sub-

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sections (2), (3), (4), (5) and (6).)

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Mr. Tanner: Mr. Chairman, I would point out that that is a new section 6, I think, from the last Ordinance.

Mr. Legal Adviser: It's just to reduce the cost involved and bring it down. The magistrate normally has jurisdiction up to \$1000 in disputes. So, we're giving him jurisdiction where the amount involved is \$1000 or less. It is thought by some people that this might reduce the amount of legal fees payable.

Mr. Tanner: Mr. Chairman, there is a funny inference in what the Legal Adviser has said. Perhaps he could go a little further here. "It was thought by some people", could you explain that a little further?

Mr. Legal Adviser: Nobody has yet discovered a realistic method of reducing legal fees.

Mr. Chamberlist: Well, I wanted to point out, Mr. Chairman, that we are concerned with the public and we wanted to make sure that the costs of legal fees to the individual was not excessive. This is why we have had this put in.

Mr. Chairman: You're all heart, Norm.

Mr. McKinnon: What about the person who has been expropriated. Even if the value is under \$1000 and he would prefer to go before a judge rather than a magistrate, is there any ability on his part to elect to go before a judge rather than a magistrate?

Mr. Legal Adviser: Oh, he can appeal from the magistrate.

Mr. McKinnon: At his cost?

Mr. Legal Adviser: Yes, but, what the section actually says is that the same shall be determined by a magistrate. In other words, you're putting it in the magistrate's court.

Mr. Chamberlist: The judge can act as a magistrate, if he wishes to.

Mr. McKinnon: Yes, but not necessarily.

Mr. Chairman: Clear? (Mr. Chairman reads section 15, subsections (1) and (2).)

Mr. Legal Adviser: Mr. Chairman, the last time this was going through the House, the suggestion was made that that should read "on the seventh day following its mailing". It's just a question of fixing the time. I just noticed here.

Mr. Tanner: Mr. Chairman, perhaps you, who participated in the previous election, can now tell me why, at that time, they decided on seven and now it is back to two again.

Mr. Chairman: Councillor Chamberlist?

Mr. Chamberlist: I suppose there was some reasoning behind it. I'm just trying to -- it was seven originally, wasn't it?

Mr. Legal Adviser: I think we deem it a typographical error and put in seven there.

Mr. Chamberlist: Yes, I think it should be seven.

Mr. Chairman: It was because of the mail that this was brought up.

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Mr. Chamberlist: Yes, because of the mail, we did agree on seven.

Mr. Tanner: Mr. Chairman, I would point out that there is another small section in 15(1) -- "under subsection (5)" has been added to the new one.

Mr. Chairman: Oh, I see. Yes. (Mr. Chairman reads section 15, subsection (3).) That should have been seven, also.

Mr. Chamberlist: The same thing applies there, seven.

Mr. Tanner: And that's a new paragraph, too, Mr. Chairman.

Mr. Chairman: Okay? (Mr. Chairman reads sections 16 and 17.)

Mr. Chamberlist: That is changed from the last Ordinance, as well.

Mr. Chairman: Why?

Mr. Legal Adviser: Well, the effect of the section, as it was, was to penalize, to a certain extent, costs in small cases to try to get people to stay away from costs. This section allows them to get their costs, and at the same time, allows the court to diminish the costs if, in fact, even though the amount of money involved might be \$100,000, the difference is only \$20. Therefore, if six engineers and six architects were brought up from Vancouver to support the case, the judge might well say "You're fighting over only \$100 and this is stupid. We won't award your costs; we'll award you much smaller costs than that."

Mr. Chamberlist: There may be further explanation. A figure of \$20,000 might have been settled on and then, it finishes up, after court, that the difference is \$20,100 that has been settled. So, for a matter of \$100, what's the point in paying \$5,000 costs? So, the privilege is given to the court to assess those costs.

Mr. Chairman: Clear? (Mr. Chairman reads sections 18 and 19, subsection (1).)

Mr. Legal Adviser: Respecting that section, Mr. Chairman; where there is a mortgage on, say, a house and the house and land on which it stands is expropriated, the compensation is, say, \$30,000 and the balance unpaid of the mortgage is \$5,000. The person who has loaned the money on the mortgage is entitled still, to claim \$5,000 out of that compensation. So, the money stands instead of the land.

Mr. Chairman: Clear? (Mr. Chairman reads section 19, subsection (2).)

Mr. Legal Adviser: Mr. Chairman, the "is" in the first line of that subsection is superfluous.

Mr. Chairman: So note, Mr. Clerk. (Mr. Chairman reads sections 20, 21, 22, 23 and 24.)

Mr. Tanner: Mr. Chairman, just a light note in this regard; could the court, in this case, -- well, not in this particular case, but, is there a case where the court could pay to a felon monies which were owing to him from expropriation of land. Supposing, for example, somebody resisted the expropriation and in the process of resisting, killed a sheriff or somebody else and the man is arrested. Could the court then pay the felon for his interest in the property?

Mr. Legal Adviser: Well, Mr. Chairman, I see no reason why not. I appeared once for a person and he got a full pension for all the time during his life sentence.

Mr. Chairman: Clear? (Mr. Chairman reads section 25.)

Mr. Tanner: Mr. Chairman, just another question to the Legal Adviser; it

Mr. Tanner continued.....

makes a point that when land is expropriated and then is abandoned by the expropriating authority, the person from whom it was expropriated can then claim it back. However, it doesn't say what time lapse there is there. At least, I can't find it.

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Mr. Legal Adviser: This, I think, really applies to a case where you serve a notice for a block of land of, say, five acres extent and then you realize that you only need four of it. You can give it back to the owner, if he wants it. If he doesn't want it at that point, he may make a point that it has been injuriously affected, because quite often a one acre holding is of no use to him. He can force the expropriating authority to take the whole of it. This is one of the normal forms of fight that leads to a contest in court between the expropriating authority and somebody else. Say you drive a road through a man's field and you chop it up. He has a small piece that is useless to him, so, he's entitled to say "Take the lot."

Mr. Tanner: I can understand that specific case, but what about the case where, for some reason or other, a change of Administration perhaps, an Administration has expropriated land and the following Administration, and this is another specific case, doesn't go through with the purpose for which it was expropriated in the first place? Is there any time lapse in which the person whose land has been expropriated can then claim it back again? Or, is it necessary to have this in here, in the opinion of the Legal Adviser?

Mr. Legal Adviser: Well, you see, the section starts off, "Where, at any time before the date specified in the notice of possession...". It's found to be unnecessary. That's the time. When you take possession of it, that's it. It's basically -- you might have a Crichel Downs case. I can visualize this. But, apart from a case like Crichel Downs, normally speaking -- when a man is expropriated, he wants to be expropriated and the bulk of people under this Ordinance will be cueing up to be expropriated. The terms of compensation are more generous than the open market. So, they get more money. He would be able to take the Government's money and buy an equal piece somewhere else and still have change left over.

Mr. Chairman: Clear? (Mr. Chairman reads section 26.)

Mr. Tanner: Mr. Chairman, that's new, too.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, for the newer Members, anyway, we've been through it now and I think you can see the reasons why two former Councils heaved this out. In the interest of the people of the Yukon, I beg of you, throw it out again.

Mr. Tanner: Mr. Chairman, basically, what we get down to is really what the Member from Watson Lake said in the first place. You either accept the principle or you don't accept the principle. As far as I can see, from what the Honourable Members, particularly the ones of the previous Council, have said, in the past you threw it out because the Commissioner was -- you were giving the sole power to the Commissioner. What the Administration is saying now is that you don't give sole power to the Commissioner. You either accept the fact that the few people who are elected to the Executive Council have some of the Commissioner's ear, have the Commissioner's confidence, or you don't. It's as basic as that, as far as I'm concerned. I don't think that anybody can argue that it's nice for the Administration to have an Expropriating Ordinance on hand at all times in case they have to use it. I can't really go along with what the Member from Watson Lake was saying, that, should the occasion arise, then bring it in. It must be there, and really, the basis of the argument is whether or not we accept the Executive Council as a working authority. I would point out, just for the Members' enlightenment, a notation here from the Department

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of Indian Affairs and Northern Development -- the Standing Committee of the Department of Indian Affairs and Northern Development. When Councillor McKinnon was a witness, the date was Thursday, May 28th, 1970. At that time, Councillor McKinnon said, "Certainly, I see with the formation of the Executive Council, exactly the same system of government emerging that is here. Certainly, the Executive Council is going to have to have the majority of Council be for them or the system is unworkable to begin with. If you are not allowed, as a member of the Executive Committee, to be able to say, 'This is Government policy...' ..." -- my inflection was wrong -- this is basically the same thing here. Since we've been in this House, since the House opened, there has, basically, been a debate of whether or not the Executive Committee is a functioning body, and whether or not they are controlling the Administration. Personally, as far as I can see, unless you go along with them and accept the fact that they are and they do have some influence in the Executive Committee, you might as well throw the whole thing out. So, my argument is, not whether or not the Ordinance is right or wrong. My argument is basically whether or not we think the Executive Committee has the influence with the Administration that it claims it has. From my point of view, I believe they have.

Mr. Taylor: Mr. Chairman, that is not the point. The point is, do we allow the Administration to deal, if they so chose, frivolously with the rights, the property rights and indeed, all the rights that a citizen has in respect of owning property. I still say that if the Administration is desperate to expropriate something, let them come to the Council and let them talk, either in caucus or otherwise. Let us discuss this matter. But, do not give the Commissioner this authority because we are still in a minority in the Executive Council and this cannot be denied. We are still in the minority and, as I say, though we might have two members of the Executive Committee today who might agree -- "Yes, we will be the watch dogs and we will do everything short of shooting on of the other members, to uphold that right in case the Commissioner does go amuck." You'll find that doesn't prove anything because those two members may not be there tomorrow and there might be another two members who might not take that same attitude. I feel, as other Councils have done in the past, that it is most important that we clothe the people with some protection under this Legislature here. This is why I suggested that, if it must be that we have to have an ordinance, then write the "Commissioner-in-Council" into that ordinance, but do not give the Commissioner these wide, sweeping powers.

Mrs. Watson: Mr. Chairman, in order to protect the public, this is the Honourable Member's from Watson Lake concern and yet, he was a Member of the Council that gave the authority, the expropriation authority to a private company. You weren't concerned about the public at that time.

Mr. Taylor: Well, Mr. Chairman, we're always very concerned about the public. I can't recall the debate as that is some time ago, whether I agreed or disagreed with it. But, I've always disagreed with expropriation, and I think you will find, if you go and review the Votes and Proceedings, that this is the stand I took on that matter.

Mr. Tanner: Mr. Chairman, the whole thought of expropriating anything appals me. It's appalling. "Ugh" would be a good description of how I feel about expropriation. The fact can't be denied...

Mr. McKinnon: How do you spell that?

Mr. Tanner: "U" "G" "H", exclamation mark. The fact can't be denied that every jurisdiction needs this legislation if the public is to be protected. It is in the public interest in some cases, where there is a need for a road or a school or what have you. They must have this type of legislation in hand. Again, I repeat for the benefit of the Member from Watson Lake, I don't really agree that you can just bring in this when it is appropriate. I don't know whether this is the right time, it's getting late in the afternoon, and

Mr. Tanner continued.....

I guess the majority of the Members would like to go home, but let's just look at this Executive Committee for a minute. What are we really talking about here? The way I see it, and I am open to suggestions that this is not how it is working, is that there are two Members of this Council on it. There is one federally appointed assistant; there is one territorially appointed assistant; there is a chairman, who is the Commissioner. I feel that, if this is working at all well, there are only two people on there who are united. I can't see how the federal and territorial appointees' objectives are always the same. If the Commissioner fulfils his role as a Chairman, it leaves only two people in there with a strong, united voice. On this basis, I think it is probably working. I'm saying this with no other knowledge than just having sat down and thought about it. I think we must accept, in this House, that until we have proven otherwise, the Executive Committee is a good representation of what, in particular, the Member from Whitehorse West when he was the Member from Whitehorse North, fought for for all these years. If you argue with the personalities in those positions, I think that is an entirely different ball game. Either they are not working, in which case the whole experiment is finished, or they are working. That's basically what you're getting down to. It doesn't matter whether you agree with this Ordinance or not. As I say, it makes me sick. Yet, they must have it. The only reason you didn't give it to them before was that you would be giving it to the Commissioner, solely. This time, you're giving it to the Commissioner in concert with his Ministers.

BILL #29

Mr. Taylor: Now, Mr. Chairman, that isn't entirely correct. What you're doing is abdicating a responsibility. Right now the people of the Yukon, in respect of their homes and property as it relates to expropriation, have the protection of this Legislature because there is, on the law books, no legislation, at the Territorial level at least, to provide for expropriation, short of power lines and this sort of thing. The point of whether the Commissioner or the Executive Committee take on this responsibility is meaningless. Until we have government by the people and for the people in the Yukon Territory, this power should be retained, if it is described at all in legislation, by the people of the Yukon. We are here to offer protection. We are the watch dogs for them. That is why they go and elect us every once in a while and send us to these Chambers. This is what we are supposed to be doing here. Now, I could never be lulled into that area whereby, "Oh, yes, Don boy; you go along with us. Boy, there's not a thing wrong here." We've already been told they don't need this expropriating authority, but of course, in the other breath, we're told "We desperately need it and the Yukon is going to suffer if we don't have it.". This is nonsense. You're talking about the people's rights here and I wouldn't like to see Members give away those rights as easily as it appears that some are prepared to do. In the interests of the people of the Yukon, I say vote this Bill down or amend it by writing the people into it. This is outrageous and this is why two former Councils turned it down. As I predicted to the newer Members, when this Council convened, all legislation that old Councils have heaved out would be place before you while you are green and immature in relation to the duties of this House. That's exactly what they have done. You think back and you will find I am right.

Mr. Administrator: Mr. Chairman, may I join the debate? A number of things have been said here about the Executive Committee. I can assure you that the influence of the elected members is being felt in the Executive Committee. There was also an allusion to the fact that, possibly, because I am appointed federally, and there is another person appointed territorially, our motives may not be the same. I can assure you that our motives are the same and that we are all working for the Yukon, even if I am appointed by somebody else. I have to look at this Ordinance, of course, from the point of view of an Administrator who is trying to get a job done. There are times when we may need this legislation and we just cannot come to Council for some of the reason that have been announced here this afternoon. For one thing, the prices are going to go up and when you are expropriating, sure it's abhorrent, it is not usually taken lightly. I don't think it will be taken lightly by any Commissioner and it's certainly not to be taken lightly by any Commissioner who now has the advice of four other people,

Mr. Administrator continued.....

BILL #29

two of whom are elected by the population of Yukon. This is why, I would just like to say, from an Administration point of view, we just cannot go to Council every time we may want a piece of land for something. At the same time, there are always other controls. You have to have the money to pay for it and the people here have to vote the money. We are always controlled that way. Because nobody really does like expropriation, nobody will be using it unless it is in the public's good. The public's good could be a school; it could be a road; it could be a housing development. Something we are trying to get in now is low cost housing development and we may need land for it. We cannot get it without having this type of authority. Thank you.

Mr. Chamberlist: Mr. Chairman, I meant to bring up, specifically, the area that the Honourable Member from Whitehorse West, I know, has been personally and sincerely concerned with and that is housing. Now, as all Members know, there has been a discussion with reference to the possibility of a tripartite arrangement between the Territorial Government, the Central Mortgage and Housing Corporation and the City to bring forward a housing scheme. It is possible that the City may wish to appropriate land; we may wish to expropriate land on behalf of the City. It may be within the City limits; it may be without the City limits. This is another area where, I think, it would be most damaging if we did not have this legislation before us, passed. The very important point is to control, as raised by the Administrator, and this should be recognized. Your control, the Members' of this House control, over expropriation is in matters of money which every Member knows must be brought forward to Council for Council to vote on.

Mr. Taylor: After the damage is done.

Mr. Chamberlist: An agreement for expropriation could not be of any good unless it is paid for, because no court will hold that an expropriation has properly taken place unless it is paid for. It can't be paid for unless you people here say that it can be paid for. Specifically because of the damage it may be doing to requirements for housing, I would ask you, on that one point alone, to make sure that the legislation is available for the Government of the Yukon Territory to act upon. I can reiterate, again, to you that both Councillor Watson and myself will be watching very closely to see that there will be no misuse or no abuse by other members of the Administration. We will come and report to you if that does happen.

Mr. McKinnon: Mr. Chairman, this is an extremely interesting debate this afternoon on the Expropriation Ordinance, bringing in the philosophy of Government and the philosophy of the workings of the Executive Committee along with it. I've been suspicious of this Ordinance since the first two times it has been put before and passed before this Council. The first time, it got as far as section 3, when the Council was so unanimously opposed to the aspect of the Council not being involved in the expropriating authority in any way, shape or form that it got thrown out completely. On the second time around, it was brought through the reading in Committee stage and then wasn't proceeded with further because it was still, basically what stuck in the Councillors' crawls', giving the expropriating authority to the Commissioner. That leads us to the philosophy of the Executive Committee. If we go along with the philosophy of the Executive Committee and its workings -- I agree wholeheartedly; my stand is still the stand I made before the Standing Committee on Indian Affairs and Northern Development. I happen to disagree, philosophically, that the Executive Committee has the majority interest of the public of the Yukon Territory supporting them at this time. This is a belief that I firmly and sincerely have. Now, for me to go along and support every aspect that the Executive Committee comes up with, whether it be expropriation, whether it be taxation, that I sincerely and philosophically disagree with, just to make a system of government work that I think will eventually emerge as a responsible government, would be irresponsible for me and my constituents. I agree, at this time, I sincerely believe that the Administrative officers still control the feeling and they

Mr. McKinnon continued.....

still control the purse strings and they still control the legislative programme of the Government of the Yukon Territory. Now, I believe this; I believe this sincerely. So, I'm not going to be swayed by the argument that everything the Executive Committee does, I have to go along with because we may not have responsible government in the future if I don't. Responsible government is going to come eventually, in any way, shape or form, because eventually, if this Executive Committee doesn't work out, another Executive Committee will be chosen. Eventually, through the trial and error process of the whole democratic situation, responsible government, a majority of elected representatives controlling the House, is going to emerge. I believe this. No matter what we oppose, no matter what we agree with, we're on our way and there is nothing that can stop it now. This is a red herring, as far as I'm concerned, to continuously bring up the cry that if we go against the Executive Committee, the whole experiment is going to fail. It's not going to fail. It's on its way. There may be different Executive Committee members in the trial and error process of bringing responsible government but responsible government is going to come as surely as night follows day. Now, Mr. Chairman, because of this basic disagreement that I have, that really the political input isn't that great that it can control decisions of the Yukon Territorial Administration at this time -- I still believe that it is only with a majority of Members on the Executive Committee amongst the elected representatives, we can truly move in the field of expropriation. I don't believe that, in all the years I have been at this Council table, there has been one instance where an expropriating authority has to be had at the moment for something that was in the public interest, and I can't, in the foreseeable future, on the horizon, see an instance where immediately an expropriating authority is going to be needed in the Yukon Territory. I will close my remarks, Mr. Chairman, with the words of the Honourable Member from Whitehorse East, from the last Session when he was one of us and so brilliantly used to defend the common man and the man against big government and bureaucracy. The Honourable Member said this, "Do nothing further with it until such time as we get some sensible amendments forward, because we are doing nothing at all that is any good. We are wasting our time; we are wasting the people's time. It's becoming to be sickening. Every one of us is going over the same argument with every section that comes along. What we are asking for is a sensible piece of amendment to come in which will protect the individual. Put protection in it for the people. We are not being listened to. Mr. Legal Adviser is representing the Administration; he is not representing us. We have told him what we want; we have told him loud and clear. He is not doing it; he is a member of the Administration, Mr. Chairman and let us just fold this thing up, lock it away until we get something worthwhile coming through from him." Mr. Chairman, this is exactly the same piece of legislation that was presented to Council at that time with a few minor amendments that have been pointed out. It's still not sensible to put the power to the Commissioner for being the expropriating authority. When Councillor Chamberlist talks about protection of the public, then, I still maintain that we need the protection for the public now. It's not in this Ordinance and it's in the best interest of the people of the Yukon Territory not to pass this expropriation authority at this time and not to pass this piece of legislation at this time.

BILL #29

Mr. Chamberlist: Mr. Chairman, the speech that was quoted -- I feel quite proud. It sounded much better than when I made it myself. That was an appropriate speech at the time. The one that I am about to make is an ex-appropriation speech. There is no doubt at all that what I said at that time was exactly what I felt. I repeat, however, that the position is entirely changed. Those protections I asked for are now in the Executive Committee by the presence of Councillor Watson and myself. Mr. Chairman, I think that the Honourable Member from Whitehorse North, Councillor Tanner, has indicated what really should be. I am not saying to Councillor McKinnon that you must follow everything that we say, but I am suggesting that what is being asked for is legislation so that we can deal effectively with the areas of Government that are required from time to time, and especially in this particular area. I would move at this time that this

BILL #29

Mr. Chamberlist continued.....

Bill pass out of Committee without amendment.

Mrs. Watson: Mr. Chairman, I second that motion.

Mr. Taylor: Just before I resume the Chair, I just want to say now, for some other Members, you can see how this manoeuvring really works. The Executive Committee, maybe, does not control the Administration yet, but they appear to be attempting to effect a pretty big, heavy control on this Legislative Body. I'll resume the Chair at this time.

Mr. Taylor resumes the Chair.

Mr. Stutter: Mr. Chairman, before this vote is taken, can I still speak on it?

Mr. Chamberlist: Oh, yes.

Mr. Stutter: It has been mentioned that some of the reasons why this particular piece of legislation is required is because there may be urgency and it is not practical to call Council to Session because of it. Some of the instances that were given were schools. I'd like to ask where it can be so urgent, as far as schools are concerned, that it cannot wait until the next Session? In most instances, schools are planned a year or two years in advance of their need. Another instance given was roads. Within municipalities, if you check 81(2)(a), it states there that municipalities now have that power for expropriating property for roads. So, I don't think we can consider that one either. We've been told that we always have a block in money. I'd like to point out that, only in the last couple of days, we passed the Supplementary Estimates on monies that have already been spent. So, I don't think we can use that as an excuse either. I'd like to ask Mr. Legal Adviser, at this point, what has happened in the last few years where such urgent cases of expropriation have occurred? How have these expropriations been handled? Or, have they, indeed, been handled?

Mr. Legal Adviser: Well, in any case where the Government required property, it has negotiated with the owner and if it wanted it badly enough, it just paid what he demanded.

Mr. Chamberlist: That's right; we're held up with a gun.

Mr. Tanner: Mr. Chairman, has that happened in the last two or three years?

Mr. Legal Adviser: I think it has happened on a few occasions.

Mr. Tanner: Mr. Chairman, can we have more specifics? I don't want to reveal private information, but can you be more specific than that?

Mr. Legal Adviser: I wouldn't be dealing with it. It would be dealt with through other departments. I don't, myself, know; but, I know that we have wanted property. We have put off doing things because we know that we would have to pay too much.

Mr. Stutter: Mr. Chairman, inasmuch as I can't, personally, see why there is such a crying urgency at any time for expropriation to be done over night, I will gladly go along with the amendment, if it is still in order, that these powers be given to the Commissioner-in-Council, in both section 26 and section 3.

Mr. Chamberlist: There is a motion on the floor. You're too late.

Mr. Stutter: Well, then, I shall have to vote against the Bill.

Mr. Tanner: Mr. Chairman, does this vote have to be put now?

Mr. Chamberlist: It must be.

Mr. Tanner: Mr. Chairman, from a procedural point of view, do we have to have this vote now? Can we leave it until the next sitting of Committee?

*BILL #29*

Mr. Chamberlist: Well, there's a motion on the floor.

Mr. Chairman: That's up to the Committee to decide. The question must be called unless there is an amendment to the motion. The motion as the Chair has it, is, it has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 29 be reported out of Committee without amendment. What is the pleasure of Committee?

Mr. Chamberlist: Question.

Mr. Chairman: Question has been called. Would those in favour of the motion kindly signify. (Councillors Chamberlist, Tanner, Watson and Rivett signify.) Those contrary, please signify. (Councillors Stutter and McKinnon signify.) I declare the motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

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

Mr. Tanner: I second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Tanner, that Mr. Speaker do now resume the Chair to hear the report of Committee. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Speaker resumes the Chair.

Mr. Speaker: This House will now come to order. May we have the report from the Chairman of Committee.

Mr. Chairman: Mr. Speaker, Committee convened at 10:45 a.m. to discuss Public Bills. Mr. H.J. Taylor, Labour Provisions Officer, attended Committee to discuss Bill No. 15. It was moved on Thursday, the 25th of March last, by Councillor Chamberlist, and seconded by Councillor Watson, that section 1 of Bill No. 15 be amended by deleting therefrom the words "one dollar and sixty-five cents" and substituting therefor the words "one dollar and seventy-five cents". The question was put; this motion carried in Committee today, Mr. Speaker. I can report progress on Bill No. 15. Committee recessed at 12:00 noon and reconvened at 2:10 p.m. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 29 be reported out of Committee without amendment; this motion carried. It was 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? What is your further pleasure?

Mr. Taylor: Mr. Speaker, in respect of the agenda, I believe it is the intention of Committee to discuss Public Bills on Monday, and more particularly, we have some motions relative to Liquor Ordinance.

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

Mr. Speaker continued.....  
by the Member from Whitehorse East, that we now call it 5:00 o'clock. Are  
you prepared for the question? Agreed? I declare the motion carried.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Speaker: I now declare this House adjourned until 10:00 a.m., Monday  
morning, the 29th of March.

*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. I have Sessional Paper No. 15 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? 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. 7. It has been moved by Councillor Taylor, seconded by Councillor Tanner, that, in the opinion of Council, all Members of this House be provided with subscriptions to the Journals of the Northwest Territories. Councillor Taylor, are you prepared to proceed with the Motion at this time? *MOTION #7*

Mr. Taylor: Yes, Mr. Speaker. It used to be here, a number of years ago, that Council did receive copies of the Journals of the Northwest Territories and they are quite interesting, inasmuch as they are attempting to legislate, quite often, the same areas that we are over here in the Yukon Territory. So, inasmuch as it is generally necessary to propose a motion to acquire these subscriptions, this is why the motion appears before Council today.

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

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Speaker: We now come to the Question Period. Mr. Clerk, would you see if the Administrator is available. I declare 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 question to direct to the Administration this morning. On the 24th of March, in reply in the question period, Mr. Commissioner stated that an effort would be made by the Administration to provide, at this Session, amendments to our Labour Provisions Ordinance which would provide for local hiring practices in the Yukon Territory. I'm wondering if the Administration could advise me, today, Mr. Speaker, how this matter is progressing and when we may expect this legislation. *QUESTION RE  
AMENDMENTS  
TO LABOUR  
PROVISIONS  
ORDINANCE*

Mr. Administrator: Mr. Speaker, we worked on this particular problem on Saturday and we should have a first draft done today. We'll try to get it to Council as soon as possible, probably tomorrow.

Mr. Stutter: Mr. Speaker, I have a question for the Administration. In last month's issue of Arctic Digest, and I quote, it states "The Alberta Gas Trunk Line Company is sponsoring an Environmental Protection Board to examine the potential effects of a natural gas pipeline that they plan to build from Prudhoe Bay in Alaska to Alberta". Further, in that same issue, it states, and again, I quote, "The Alberta Gas Trunk Line Company Limited plans to raise several hundred million dollars. The Company is sponsoring one of the three proposals to build a pipeline from Prudhoe Bay in Alaska to its existing facilities in Alberta, according to S. Robert Blair, *QUESTION RE  
PIPELINE,  
ALASKA TO  
ALBERTA*

Mr. Stutter continued.....

President". My question is, inasmuch as the Federal Government has continually stated that no such pipelines are in the planning stage, I wonder if the Administration would get clarification of these conflicting statements and ascertain whether the Alberta Gas Trunk Line Company has, in actual fact, reached the planning stage for such a pipeline.

Mr. Administrator: Mr. Speaker, that particular company, certainly, is planning but no site or route has been agreed to by the Federal Government. This company has set up themselves as a consortium; a number of pipeline companies are involved, gas and oil, and they have been looking into the feasibility of the route and the line. As I said, however, the Federal Government has not approved the route, but I will find out from the Resources people in Ottawa if there is anything new on the planning of that line.

*QUESTION RE  
TAKEOVER OF  
ALASKA  
HIGHWAY*

Mr. Taylor: Mr. Speaker, in view of the lateness of the month of March, and with April 1st coming up very quickly, I'm wondering if the Administration has anything further to report, at this time, in relation to the proposed takeover of the Alaska Highway.

Mr. Administrator: Mr. Speaker, of course, the date of April 1st is no longer valid. There has been a holdup somewhere in Ottawa, we believe in the Cabinet, and we have not yet received a decision as to what exactly will transpire. We are, of course, trying to find out ourselves, and we have been assured that as soon as the matter is settled, they will let us know.

*QUESTION RE  
LAND PUR-  
CHASE POLICY*

Mr. Tanner: Mr. Speaker, I have a question for the Administrator this morning. Could the Administrator clarify the position of the Administration with regard to land purchase, lease, etc.? Are they presently formulating a policy?

Mr. Administrator: The Administration definitely is working on this particular problem. The Director of Local Government is drafting up regulations and we are bringing in some expertise from the B.C. Government in the form of the Assistant Director of the Lands Division of their Department of Lands. He will be here today, in fact. He will be looking at ours and giving us his comments as to how to formulate our particular policy.

Mr. Speaker: Are there any further questions?

*QUESTION RE  
ADMINISTRA-  
TOR*

Mr. McKinnon: Yes, Mr. Speaker. I would like to ask Mr. Administrator where the title of Administrator comes from and whether he has all the powers of the Commissioner, in the Commissioner's absence and where this power flows from.

Mr. Administrator: Mr. Speaker, the power flows from section 6 of the Yukon Act which gives me the powers of the Commissioner in his absence, or when he is sick or disabled for any other reason. Where the term "Administrator" came from, I don't know. It has been in the Act right from the very beginning.

*QUESTION RE  
CHARGES OF  
YUKON  
CONSUMERS'  
ASSOCIATION*

Mr. McKinnon: Well, Mr. Speaker, now that we know that the Administrator has all the powers of the Commissioner, in the Commissioner's absence, I wonder if he would be prepared to issue a statement on behalf of the Government over the charges that the Yukon Consumers' Association laid against the Administration for their "do nothing" policy on the increasing high cost of living in the Yukon Territory.

Mr. Administrator: Mr. Speaker, I would like to make a statement. I have been trying to get hold of the text, because I have only heard of this second-hand. Once I read it and find out what specific problems have been brought to the Commissioner's attention, which apparently they have been, then, I would be in a better position to make a statement.

Mr. McKinnon: Mr. Speaker, I would be happy to try to get a copy of the text for the Administrator so that he could issue a statement on behalf of the Government as to the very real increase in the high cost of living in the Yukon Territory.

Mr. Speaker: Are there any further questions? We wish to thank the Administrator for his attendance. As there are no Private Bills and Orders, we come to Public Bills and Orders.

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson, that Third Reading be given to Bill No. 29, An Ordinance Respecting the Expropriation of Lands and the Determination of Compensation for the Expropriation or Injurious Affection of Lands.

*BILL #29  
THIRD  
READING*

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that Bill No. 29, An Ordinance Respecting the Expropriation of Lands and the Determination of Compensation for the Expropriation or Injurious Affection of Lands, be given Third Reading at this time. Are you prepared for the question?

Mr. McKinnon: Just before the question is called, Mr. Speaker, I have had put on my desk, three pages which I took to be amendments to the Expropriation Ordinance, this morning. Could Mr. Speaker clarify the position of Bill No. 29 for me and for Members of Council?

Mr. Chamberlist: Bill No. 29 has passed out of Committee. The sheets which were placed before you were because there were a couple of words which were improperly typed. They were typewritten errors and that's all they were.

Mr. Speaker: Are you prepared for the question?

Mr. McKinnon: Never.

Mr. Speaker: 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 North?

Mr. Tanner: Yea.

Mr. Clerk: The Member from Whitehorse East?

Mr. Chamberlist: 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: The vote, Mr. Speaker, is three yea and three nay.

Mr. Speaker: I declare the motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

Mr. McKinnon: Oh, surprise, surprise.

Mr. Speaker: Are you prepared to adopt the title to Bill No. 29?

*BILL #29  
TITLE  
ADOPTED*

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson, that the title to Bill No. 29, An Ordinance Respecting the Expropriation of Lands and the Determination of Compensation for the Expropriation or Injurious Affection of Lands, be adopted as written.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that the title to Bill No. 29, An Ordinance Respecting the Expropriation of Lands and the Determination of Compensation for the Expropriation or Injurious Affection of Lands, be adopted as written. Are you prepared for the question? Agreed? I declare the motion carried and that Bill No. 29 has passed this House.

*MOTION  
CARRIED*

MOTION CARRIED

*BILL #33  
THIRD  
READING*

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson, that Third Reading be given to Bill No. 33, 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. 33, 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? Agreed? I declare the motion carried.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Speaker: Are you prepared to adopt the title to Bill No. 33?

*BILL #33  
TITLE  
ADOPTED*

Mr. Chamberlist: Yes, Mr. Speaker. I move, seconded by Councillor Watson, that the title to Bill No. 33, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be adopted as written.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that the title to Bill No. 33, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be adopted as written. Are you prepared for the question? Agreed? I declare the motion carried, and Bill No. 33 has passed this House.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Speaker: What is your further pleasure?

*BILL #32  
ASSENTED TO*

Mr. Administrator: Mr. Speaker, I would like to give assent to Bill No. 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.

Mr. Speaker: What is your further pleasure?

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

Mr. Speaker: Is there a seconder?

Mr. Stutter: I second that motion.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Dawson, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Public Bills. Are you prepared for the question? Agreed? I declare the 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 is Bill No. 1. On Thursday, March the 25th, it was moved by Councillor Taylor, seconded by Councillor Tanner, that Bill No. 1 be amended by adding thereto, immediately after section 3 thereof, the following new sections: "4. The Liquor Ordinance is amended by repealing subsection (3) of section 37, and substituting the following therefor: 'A tavern may be open for the sale of beer, ale and cider during any continuous period not exceeding fourteen hours commencing on any day not earlier than 9:00 o'clock in the forenoon and ending not later than 2:00 o'clock in the forenoon of the following day.' 5. The said Ordinance is further amended by repealing subsection (3) of section 38 thereto, and the following substituted therefor: 'A cocktail lounge may be open for the sale of liquor during any continuous period not exceeding fourteen hours commencing on any day not earlier than 9:00 o'clock in the forenoon and ending not later than 2:00 o'clock in the forenoon of the following day.' 6. The said Ordinance is further amended by repealing subsection (3) of section 46 thereto, and substituting the following therefor: 'A club may sell liquor during a continuous period of fourteen hours ending not later than 2:00 o'clock in the forenoon of any day.'" It was then moved by Councillor Chamberlist, seconded by Councillor Watson, that the question be not now put, until Monday, the 29th of March. What is your pleasure in relation to this motion? *BILL #1*

Mr. Tanner: Mr. Chairman, speaking to the motion; I had occasion over the past weekend to take a survey of people who frequent a well known public place. The question I posed was, "Do you agree with drinking in bars on Sunday", and I asked them to say yes or no. Sixty people said yes, and fourteen people said no. To my mind, this is a very strong indication of what the public wants in this area, and I would suggest to all Members that this amendment should go through as read.

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

Mr. Tanner: Mr. Chairman, this does not pertain to this particular amendment, but the Chair will recall that I have two other amendments. We will deal with those later, I suppose.

Mr. Chairman: Are you prepared for the question on the motion?

Mr. McKinnon: Mr. Chairman, speaking on this particular amendment which we find before us to the Liquor Ordinance, at this time; I think that the ideal way to deal with this amendment to the Liquor Ordinance, and one which I certainly would support if anybody suggested it, would be just as we did when we lowered the drinking age to nineteen and that is to hold a plebiscite of the Yukon Territory on the matter. It is something that brings out the emotions in people on both sides of the fence. I really don't feel that this is of absolute import to the Government or the people of the Yukon Territory. I find that if it could be proven decisively to me that the majority of my constituents and the majority of people in the Yukon approve of opening the bars on Sunday, I would have no qualms at all in supporting this. At this moment, I'm just not sure, in my mind, whether the majority of my constituents or the majority of the people in the Yukon Territory support this motion as brought forward by the Honourable Member from Watson Lake. If I were clear

Mr. McKinnon continued.....

BILL #1

in my mind -- I don't have any philosophical difficulties with it; I think it is well known that my attitude towards most things of this nature are rather liberal. I think that my attitude in the formation of the last Liquor Ordinance proved that my leanings in this are towards liberalizing the aspects of liquor control in the Territory. There is something in my upbringing however, -- I was brought up on the prairies and I still have a, small "c", conservative, mid-Canada ethic in some ways. I just -- something intuitively tells me that drinking, wide open drinking in Whitehorse and in the Yukon Territory, on Sunday just isn't necessary, just isn't needed and just isn't wanted in the Yukon Territory at this time. As I say, if I had the results of a definitive plebiscite taken amongst the Yukon before me -- it's just something where I wouldn't try to force my will and my conscience amongst the majority of my constituents or the residents of the Yukon unless I really felt that they really were crying for it, really were demanding it and really were overwhelmingly wanting it. I don't think that they do; I enjoy Sundays in the Yukon. I enjoy being able to drive down the street on Sunday without seeing the bars wide open and without seeing the usual contingent of drunks lying around in the streets and lanes of Whitehorse. We do have a drinking problem here as any frontier community experiences. I think that one day of the week, it forces a lot of the people to, at least, do things other than sit in the bars and the beer parlours which they would be doing if they were open. As I say, there is nothing that I can get excited about; there is nothing which I think that is absolutely essential for the public of the Yukon Territory to have at this time. We've liberalized the laws on Sundays to such an extent that if anybody is dying for a drink on Sunday, then he just isn't aware of the rules and regulations that we live under in the Yukon Territory. There is no difficulty in any way, shape or form in going out for supper, having wine and beer or liquor with your meal. If you're in a hotel room, there is no problem in getting liquor to your room. If you want to buy liquor or beer to go, there is no problem in this either. I just don't think -- it is a little different from the States; it's a little different from the Province of Quebec, and I like the difference. I'm just not prepared at this time, to agree that the majority of the public is really demanding that we open the bar business wide open on Sunday. If I could be proved otherwise by plebiscite, I would have no qualms at all in accepting the wishes of the majority of the public. I'm just -- I approach this with a certain amount of trepidation. I say, I like Sundays being a little bit different, a little less wide open, than the rest of the days of the week and I'm going to vote against this amendment at this time.

Mr. Chamberlist: Mr. Chairman, I would personally, like to indicate that the Government of the Yukon Territory takes no firm stand in this matter. It is a matter purely and simply for the consciences of those Members of Council who are voting. It is therefore, and this can be well understood, a free vote. This is one area where it is a free vote. Now, Mr. Chairman...

Mr. McKinnon: What was the Expropriation Ordinance?

Mr. Chamberlist: Mr. Chairman, I am going to say this. Although I know that many people are interested in having the bars kept open, there are many people, perhaps less than those interested in keeping them open, who want to keep them closed. I don't think that it could be said, as already the Honourable Member from Whitehorse West has indicated, that a person who wants to obtain a drink can't find a place where he can obtain a drink. Most people who have their homes in the area and are stable in their homes, have a drink at home if they want to drink. I do feel, however, that there is and should be just one day in a week when people should be able to be encouraged to keep with their families. This is why I support that particular attitude. I think it is a day when Dad and Mom should be at home with the kids or be with them or going out someplace. Perhaps some people don't view it in this particular light. I feel that I cannot, in all conscience myself, support the wide open attitude of drinking on Sunday. I know that it has been said to me, "Well, this happens in the old country; it happens in Europe;

Mr. Chamberlist continued.....

it happens in the United Kingdom." This is quite true, but you find the hours in the United Kingdom on a Sunday are something like 12:00 to 2:00, and then they close and open from 6:00 to 10:00. This is because the drinking habits of people over there are entirely different. Drinking establishments in many places in Europe are more for the social aspects than for the opportunity to get sozzled. To me, as I say, I can't support the principle of wide open drinking because, really, we have it now. If anybody wants to buy a sandwich and drink twenty drinks while having the sandwich -- they don't eat the sandwich; quite often it's left. This is what happens quite often. I think, also, you have to think about the people who work. Most of the people who actually work in the bars, and I was surprised to learn, are the people who are against the opening much more so than the people who are against the drinking. Mr. Chairman, I would vote against the motion.

BILL #1

Mr. Tanner: Mr. Chairman, I would like to add to the previous speech; not the one that was just given, but the one before that Councillor McKinnon made. I am really surprised that he is taking the attitude that he is, because I don't think you legislate morality. I think you leave that up to the individual to make that choice. Why should, with reference to what the Councillor from Whitehorse East has said, a minority of the people impose their will on the majority of the people. It is up to each individual to make his choice as to whether or not he wants to drink on Sunday, just as he does on any other day of the week. I would also suggest that the family that is legally forced to stay together has a problem that has nothing to do with drinking. They have a basic family problem. If the husband goes out to drink on Sunday, if he is allowed to, that is not going to change the problem; the problem is there in the first place. I would urge all Members to give every resident of the Yukon the right to make this individual choice.

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

Mr. Stutter: Mr. Chairman, I am going to support this particular amendment and I would just like to point out that both the Member from Whitehorse East and the Member from Whitehorse West, I don't find, are being very consistent at this particular point. The simple reason is that it has been pointed out by the Member from Whitehorse East that we now have drinking on Sundays. This is quite true. He went further ahead and mentioned that in many instances, one sandwich is bought and along side of this, twenty drinks, perhaps. So, we do actually have now drinking on a Sunday. Also, in the amendments that are presently before us, we again, have become even more permissive by letting children of any age now drink in these licensed restaurants, clubs, dining rooms, as long as they are being accompanied by their parent. So, I think as long as we have this type of legislation, we might as well just go one step further and legalize completely the drinking on Sunday. I would have preferred that drinking had been limited only to the afternoon parts of Sunday, but, I do notice that it is permissive legislation that is before us, or the amendment is on a permissive basis. I do feel that, in nine cases out of ten, the bars themselves will not be open before noon, for the simple reason that there are very few people around prior to this. Basically, these are the reasons why I'm going to support this particular amendment.

Mr. Chairman: Have you anything further on this motion? Are you prepared for the question? Would those agreed with the motion, please signify. (Councillors Stutter, Tanner and Rivett signify.) Those contrary to the motion, please signify. (Councillors Chamberlist, Watson and McKinnon signify.) It is a tie vote; I must declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: I believe there are other amendments, or proposed amendments to Bill No. 1.

BILL #1

Mr. Tanner: Mr. Chairman, I have two amendments which were read last Friday and with which, I think, everybody agrees, but they have to be read into the record now. Do you want me to read them now, Mr. Chairman?

Mr. Chairman: Proceed, yes.

Mr. Tanner: Motion to amend section of Bill by deleting paragraph (a) of subsection (2) of section 75; to amend paragraph (3) of subsection (3) of section 40, by adding the words "to patrons of such dining room" at the end of that paragraph. Do you want me to continue, Mr. Chairman?

Mr. Chairman: Possibly we could deal with them one at a time. This would be the proper procedure.

Mr. Tanner: Well, I'll read this one and then we'll have them all on the record. Then, we can go back and deal with them one at a time. Is that agreeable?

Mr. Chairman: Well, we should be dealing with them one at a time, Councillor Tanner. Each amendment constitutes an individual item. All right, would you proceed with your first amendment.

Mr. Tanner: My first amendment reads "to amend section 1 of the Bill by deleting paragraph (a) of subsection (2) of section 75".

Mr. Chairman: Is there a seconder to your motion?

Mr. Chamberlist: You have to have a seconder to your motion first.

Mr. Tanner: Oh.

Mr. Chairman: I'd better declare a recess at this time.

Mr. Tanner: Mr. Chairman, I have a seconder. Mr. Chairman, I would point out to all Members that we did discuss this last Friday and we pretty well generally agreed that the Ordinance, as it is now constituted, doesn't really cover the case we were trying to get at and that both my amendments provide for the taking it out of here and putting it back into the proper section of the Ordinance. This will accomplish exactly what we were trying to do in this paragraph here. I believe Councillor Stutter will second my amendment.

Mr. Stutter: I will second the motion, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, the Government makes no objection to this amendment. It is satisfactory.

Mr. Tanner: Mr. Chairman, shall I continue with the next one now?

Mr. Chairman: Well, I believe that we would have to deal with this one first. I believe your motion would read that Bill No. 1 be amended as follows...

Mr. Chamberlist: Section 1 of Bill No. 1

Mr. Chairman: I'm trying to figure out how to word this motion.

Mr. Tanner: Mr. Chairman, my motion reads, "to amend section 1 of Bill No. 1 by deleting paragraph (a) of subsection (2) of section 75".

Mr. Chairman: I just have to word it up so that we can get it into motion form. The motion, as I have it, is, it has been moved by Councillor Tanner, seconded by Councillor Stutter, that Bill No. 1 be amended as follows:

1. To amend section 1 of the Bill by deleting paragraph (a) of subsection

Mr. Chairman continued.....  
(2) of section 75.

BILL #1

Mr. Legal Adviser: Section 75 of the Liquor Ordinance.

Mr. Chairman: This is Bill No. 1.

Mr. Chamberlist: Yes, it's Bill No. 1 but section 75 of the Liquor Ordinance.

Mr. Chairman: Oh, section 75 of the Liquor Ordinance is correct. It now reads, moved by Councillor Tanner, seconded by Councillor Stutter, that Bill No. 1 be amended as follows: 1. To amend section 1 of the Bill by deleting paragraph (a) of subsection (2) of section 75 of the Liquor Ordinance.

Mr. Chamberlist: But that's only part of it.

Mr. Tanner: That's the first part of my motion, Mr. Chairman. The second part is to put the required legislation back in the books in the right area. Are you ready for that now, Mr. Chairman?

Mr. Chairman: Right.

Mr. Tanner: And, to amend paragraph (3) of subsection (3) of section 40 of the Liquor Ordinance, by adding the words, "to patrons of such dining rooms" at the end of the paragraph.

Mr. Chairman: All right. The second part of the motion reads: 2. To amend paragraph (3) of subsection (3) of section 40 of the Liquor Ordinance, by adding the words, "patrons of such dining room" at the end of the paragraph.

Mr. Tanner: That's correct, Mr. Chairman.

Mr. Chairman: Have you any further discussion on the amendments? Are you prepared for the question?

Mr. McKinnon: What's the effect of that?

Mr. Chairman: Councillor Tanner?

Mr. Tanner: Mr. Chairman, we did discuss this quite fully on Friday. Basically, what I want to do is to take this particular aspect of the amended Ordinance out of here and put it in the place where all conditions for having a dining room licence or anything else appear.

Mr. Chairman: Are you agreed with the amendment? Any contrary? I declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: Have you anything further in relation to Bill No. 1?

Mr. Tanner: Yes, Mr. Chairman. I move that section 2 of this Bill be amended -- of Bill No. 1 be amended by adding to paragraph (b) of subsection (1) of section 83 of the Liquor Ordinance -- would everybody stop prompting me; I'll do it myself -- the words "while accompanied by such parent, grandparent or legal guardian" be added.

Mr. Chairman: Is there a seconder?

Mr. Stutter: Mr. Chairman, I will second this if this paragraph is going to be left in the Ordinance. As all Members know, I am against the paragraph in itself, but, by this addition, it does, at least, make it a little more

Mr. Stutter continued.....  
acceptable.

BILL #1

Mr. Tanner: Mr. Chairman, just before -- that should be "while accompanied by such parent 'comma' grandparent or legal guardian".

Mr. Chairman: Is there a seconder?

Mr. Stutter: As I have stated, Mr. Chairman, it's only if this particular section is going to remain, and I believe it is -- I find this an improvement on the present section, so, I will second the motion.

Mr. Chairman: It has been moved by Councillor Tanner, seconded by Councillor Stutter, that section 2 of Bill No. 1 be amended by adding to paragraph (b) of subsection (1) of section 83 of the Liquor Ordinance, the words "while accompanied by such parent, grandparent or legal guardian".

Mr. Chamberlist: Mr. Chairman, I am very pleased that the Honourable Member from Dawson seconded this, because, earlier on, in a motion, he indicated that now that it is being changed to do certain things, this is why he was supporting the Sunday opening. If he hadn't seconded this, he would have defeated the purpose for which he supported the Sunday opening.

Mr. Stutter: Mr. Chairman, I feel that now that we have voted on and accepted the Sunday opening, this is not going to be quite the problem that I had originally brought forward, for the simple reason that there are now or will be now, other liquor establishments that will be open. It will not place quite the emphasis on dining rooms, restaurants and private clubs.

Mr. Chairman: Well, have you any further discussion on this motion? Are you prepared for the question? Are you agreed? Any contrary? I declare the motion carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Stutter: Mr. Chairman, I have a proposed amendment to this Ordinance that I would ask the Clerk to pass around. I will read it and then speak to it before, with the indulgence of Committee, calling for a seconder.

Mr. Chamberlist: Boy, this will be a new Ordinance by the time we are through with it.

Mr. Tanner: Well, it should have been written properly in the first place.

Mr. Chairman: I think at this time, we might as well declare a recess.

RECESS

RECESS

Mr. Chairman: Well, at this time we will call Committee to order, and I believe Councillor Stutter had the floor.

BILL #1

Mr. Stutter: Yes, Mr. Chairman, I would like to at this time read my amendment and then speak to it, before seeking a seconder. My amendment would read: "The said Ordinance is further amended by adding the following words to Section 2 subsection (1)(iii) but does not include a location off the highway that is reasonably remote from any settlement and that is used for picnicking, sports, fishing, or other outdoor recreational activity; and the said Ordinance is further amended by adding the following section thereto immediately after Section 102. 102A (a) Except as provided by this Ordinance, no person shall consume liquor in a public place. (b) The possession by a person in a public place, other than licensed premises, of liquor in any container other than (1) a bottle that because of the condition of any seal or covering on the neck or cap appears not to have been opened; (2) a beer bottle from which the cap has not been removed; or (3) a beer can that has not been punctured or opened in any way; is, in absence of evidence to the contrary, proof that such a person was consuming liquor in that public place." First of all, I would like to point out, that the wording of this amendment is by no means mine. I have taken it directly out of the Northwest Territories Liquor Ordinance.

Mr. Chamberlist: That is why.

Mr. Stutter: This Ordinance came into effect July 1970, and the comment that is pinned to this by the R.C.M.P. is, that they have found no trouble with this legislation. In fact, most members are in agreement with it. I tried to introduce somewhat of a similar amendment on Thursday and at that time was unable to pick up a seconder. The main reasons were given, or they weren't given, they were implied. Firstly, that the amendment as I've proposed, limiting no drinking in public places, just within municipalities, would cause an administrative nightmare, as far as enforcing this legislation. I think you will agree that this present amendment that I am putting forth, does not create that problem. Another reason was given, that the present Liquor Ordinance has only been in effect for one year, and we should, in fact, give it a little longer to give it a chance to prove itself. Well, I say, that I don't see that there is going to be any difference from now on in the policing or enforcing of the present Ordinance, and I think, that the Members now sitting in this present Council, who were on the previous Council and who helped draft the previous legislation, which basically was good legislation, should not be afraid to admit that this one particular section, perhaps was done a little hastily. A few moments ago, the Member from Whitehorse West, while he was opposing drinking on a Sunday, mentioned that he did not want to see on a Sunday, and these are, as near as I can recall, almost his exact words: "drunks lying in the streets and lanes", so he admits in this particular case, that there are drunks to be seen lying in the streets and lanes. This proposed amendment of mine, again will help to alleviate this problem. Also it was stated that the laws -- by the same Member, that the laws were being liberalized too much in permitting drinking on Sundays, but I would like to point out, that this present section of the law, which permits drinking in public places, to my knowledge, makes the Yukon the only area in Canada, where this is permitted. Now, also a remark that was made by the Honourable Member from Whitehorse North, which was very interesting. The little private survey that he made over the week-end, regarding another question, gave him an indication, that 60 votes to 14 in favour of drinking on a Sunday. I am pleased to hear him say that he took that as being a very good indication of what public opinion was because you have heard Mayor Wybrew, as representing of the Council of Whitehorse, stating, that they are opposed to drinking in public places. I have told you that the Mayor and Council of Dawson are opposed to drinking

BILL #1

Mr. Stutter continued.....  
in public places. On Friday, during the open-line or talkback programme, 34 people were contacted regarding both the questions of drinking on Sunday and drinking in public places. Of these 34 people that were contacted, every single one of them stated they were against drinking on the streets and lanes within the municipalities. 34, perhaps is not a very good indication from the population from the Yukon, but 34 out of 34, to me, indicates that in all probability about 75% of the people would vote the same way. You will notice by the amendment that, by redefining or adding to, the definition of a "public place", and then referring to it under the prohibition section, that my amendment does not prohibit drinking in picnicking areas or -- I said, my amendment, I retract that. This, as I said before, comes right out of the Northwest Territories' Act. It still permits drinking in areas that are relatively remote from settlements, at picnic spots off highway places and at outdoor recreational activities. So, all in all, I think this amendment should cover most of the objections that were raised before. There is one other point, that I would like to raise. It is my feeling, that since this present Liquor Ordinance was brought into effect on April 1, 1970, that there has been an increased problem of pollution by bottles, cans, etc. along our highways and I think this is one of the direct results of permitting drinking on the highways. Yesterday, I walked around town here, and there are many areas in vacant lots and indeed some of them in public grounds, where there -- the number of bottles that are beginning to show up now, as the snow melts, it's almost staggering, and I know this is a problem also in Dawson. Again, I believe that if these amendments are accepted, this part of our problem will be partly eliminated. I realize, that maybe much of the fault is, because we do not have strong enough anti-litter laws, but at the same time, I think, that if these amendments were brought in, it would help to clean up our cities and also our highways, and I would at this time, ask, some Member to second my amendments, so we can bring it out for open discussion at this time. Thank you, Mr. Chairman.

Mrs. Watson: Mr. Chairman, I will second the amendment proposed by the Councillor from Dawson.

Mr. Chairman: It has been moved by Councillor Stutter, seconded by Councillor Watson, that the said Ordinance is further amended by adding the following words to Section 2 subsection (1)(iii). "Public place but does not include a location off the highway that is reasonably remote from any settlement and that is used for picnicking, sports fishing, or other outdoor recreational activity. Also, that the said Ordinance is further amended by adding the following section thereto immediately after Section 102. 102A (a) Except as provided by this Ordinance, no person shall consume liquor in a public place. (b) The possession by a person in a public place, other than licensed premises, of liquor in any container other than (1) a bottle that because of the condition of any seal or covering on the neck or cap appears not to have been opened; (2) a beer bottle from which the cap has not been removed; or (3) a beer can that has not been punctured or opened in any way; is, in the absence of evidence to the contrary, proof that such a person was consuming liquor in that public place." Councillor Stutter, will you take the Chair for a moment?

Mr. Stutter takes the Chair.

Mr. Taylor: We have been over this route before at this Session and at other Sessions and to accept the principle inculcated in the amendment would be a very retrogressive step. The Honourable Member has pointed out, that this proposed amendment is from the Northwest Territories and one must recognize that they are about 70 years further into the dark ages over there than we are here in the Yukon Territory. I think, that we are all quite aware of that. The problem appears to

Mr. Taylor continued.....

be, as the Honourable Member from Dawson has stated, in and around the municipalities. I do not know of this problem occurring elsewhere in the Territory, except as has been stated within the municipality of Whitehorse and the municipality of Dawson and it seems to me that when he talks about the poll taken in Whitehorse, that the poll is related to the streets and lanes of the City of Whitehorse and not to the rest of the Territory. We have talked about drunks on the streets and this sort of thing. When I came into this Territory in 1948, they were still at the same place as they are today. It never changed. With or without legislation changes, there are still drunks in the streets. Inspector Marcoux on his visit here to Council, indicated that -- or during that discussion it was indicated, that there are some -- approximately 25 habitual or continual offenders in this degree and that enforcement would do much to cure this situation. I don't think we can legislate for the whole Territory, because we have 25 people in Whitehorse abusing this privilege. Also, it was strongly pointed out about the litter and I agree with the Honourable Member, it creates an unsightly mess, but indeed what is the real problem? Is it the label, instead of saying Orange Crush, it may say some kind of beer? Because there are pop bottles, there are beer bottles and pop cans and beer cans, and this type of thing, so, I don't know. It is something to think about. One thing that has to be done is, enforce the litter by-laws. It is kind of pointless having legislation unless you are prepared to enforce it and I think it was generally agreed by Members at the time of that discussion, that this was the answer, to get out and enforce the laws that we already have. I certainly wouldn't want to see this motion go forth. Our new found freedoms in terms of liquor control, I don't think, have been too badly abused throughout the Territory; I think, that we should permit this freedom of legislation to continue, until such a time as we do definitely find that it is bad legislation and then at that time we should consider changing it, but unfortunately I certainly could not support this amendment, because it is retrogressive.

BILL #.

Mr. Chamberlist: Mr. Chairman, if this is what is written in the Northwest Territories' legislation, there is something lacking in the legislative body there that allows this to go into effect. When we read firstly the part that refers to "public place", it says: "but does not include a location off the highway that is reasonably remote"; and then they look at the interpretation of what the "highway" is. Highway includes "any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square bridge, causeway, or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, this takes into effect practically the whole of the Yukon"; so that what you then do is, turn the public place -- the Yukon into a public place. It immediately destroys the whole idea of the liberalization of permissive drinking in certain areas. Now, when the suggestion is that: 102A (a) "no person shall consume liquor in a public place", is really saying, that the time has now come for dispensing with the drinking entirely, except if you are drinking in a locked up place. It is really a prohibition movement. I would like to bring to the attention of Members, that on Saturday morning, the morning of the Sourdough Rendezvous, I with two other people, took a specific count of bottles and cans between the White Pass depot and 7th Ave. and we found 17 containers. Nine of them were soft drink cans, five were beer cans, one was a beer bottle and two were ginger ale bottles. Now, I bring this forward, because of the scream of pollution that I just heard a few moments ago and the argument was, it is the people that drink beer, create the pollution. It is the children that drink soft drinks, possibly creating that pollution. So, I don't think, we can put that up as an argument at all. Now, certainly, I am in favour of doing something to correct this situation that has been bad in the past. We've waited to see what would happen at the Sourdough Rendezvous time. Council has agreed that it should be

BILL #1

Mr. Chamberlist continued.....

extended for a little while longer, to see what happens and what takes place. If at a later date, as has already been indicated, there is a necessity to restrict the drinking in areas of a municipality -- perhaps at a later date, we will be able to take a look at it again, but certainly because of the interpretation of a "highway" when it is placed in an area of "public place", then I cannot in any way support the suggested amendment. It would be futile to vote for something that you know could not be factually properly placed, without damaging the rights of everybody else in all areas. I will not support it at this time.

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

Mr. Taylor resumes the Chair.

Mr. Chairman: Do you have anything further on this item?

Mr. McKinnon: I would like to ask the Legal Adviser a question.

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

RECESS

RECESS

Mr. Chairman: Alright, we will call Committee to order. I believe, there was a question for Mr. Legal Adviser.

Mr. McKinnon: Mr. Chairman, I would just like to know, whether there is a legal definition of "reasonably remote". It seems to be one of those terms that would be completely unenforceable in practice.

Mr. Legal Adviser: It is not the happiest definition, Mr. Chairman. Remote itself, is a vague phrase. It could be redrafted to make it more precise.

Mr. McKinnon: Well, the thing that I am worried about is the amendment section 4, that was brought in the original Ordinance, which intended to prohibit the consumption just on a street or lane, but any other public place could be drinking. I think, there were many arguments brought forward to show just how ridiculous such an amendment would be and with the looseness of the suggestion and the amendment as presented by the Honourable Member from Dawson City, I think, that the highway definition of "reasonably remote" , prohibits the thing from actually working and the more I see of this Liquor Ordinance, the more I am convinced that the only way to settle the problem of the drinking within the municipality, is to let the municipality have their say in whether or not they want drinking to be allowed in public places within the borders of the municipality. There is no way that I want to force my will upon the people of Dawson, upon the people of Faro, or indeed, upon the people of the City of Whitehorse. If the majority of residents here, who have a municipal Council and are supposed to be close to the ear of the public, disagree with that area of the Liquor Ordinance, that permits drinking in a public place, then I think that they should have the power -- it should be within their prerogative and they should have the ability to make rules and regulations concerning the drinking in public places within the borders of the municipality. I also think, it provides one other very -- very good choice, because it will make them responsible for the enforcement of those by-laws that they make within the municipality. As you know, the City of Whitehorse prides itself of having one of the strongest anti-litter ordinances anywhere in the country. Has there ever been anyone prosecuted yet under the Whitehorse anti-litter ordinance? I don't think there has been, because they haven't got any enforcement officer to be able to lay prosecution under the Litter Ordinance. If they are forced to make regulations and by-laws concerning the drinking in a public place, then for the first time, they will also have the responsibility of

Mr. McKinnon continued.....

accepting the responsibility of putting some of their budget towards policing the streets and lanes and public places of the City of Whitehorse, which they have gotten as a free ride from the Territorial Government up to this time in the Yukon's history and those are facts. Now, as I say, I think that this is an area where I don't want to try and force my thinking upon the people within the municipality and if they, the City Aldermen and the City Mayor, want to make rules and regulations concerning the drinking in public places within their municipality, then well and good, let them go to it and let them also be responsible for the enforcing of those by-laws which they made under the Ordinance and I think, both this amendment and the amendments that were offered, just are not going to work. They are just unenforceable, and they haven't come up with something to help solve a very real problem and I admit the problem. I see the problem. It has been admitted by the Inspector, they haven't got the enforcement officers available, to enforce the law of the Ordinance as it now is in effect. So, something should be done. Why not give the onus and the responsibility to those people who are raising the complaint and whose shoulders it should reasonably be expected to fall upon, that of controlling the peace, order and good government of the people within their municipality? It is the only way, I can see, of getting around the problem we are finding ourselves in, because people in the Territory in different areas are different. There is no resemblance. There is very little resemblance in a person living in an area of Watson Lake, that has completely different problems from a person living in Dawson City and I'll never forget the classic remark of the Honourable Member from Dawson City, when he visited Watson Lake, after not having been there for about 15 years or so and the second day that he was there, he came up to me and said: "Are we really still in the Yukon Territory?" That shows, how far he -- how far different the people's thoughts are and the people's attitudes are in an area as that with 207,000 square miles. I can't see any way out of this puzzle, except by allowing those people within the municipalities to have their say as to how they want this conducted within the borders of their municipality. If anybody would bring up an amendment that would allow for this type of local option in the municipality, then I would be willing to support it without any qualms whatsoever.

BILL #1

Mr. Stutter: Mr. Chairman, just in closing the debate. First of all, I would like to reply to some of the remarks that were made by the Member from Whitehorse East, here. He took my amendment and just quoted the sections out of it, that he found supported his own argument. One of them was in the prohibition section, that it be prohibited in public places. It was then suggested by the Member from Whitehorse West that I was really a prohibitionist. If the next sentence had been read out, it says: "possession by a person in a public place, other than a licensed premise". If that part had been spelled out, perhaps the comment wouldn't have been raised by the Member from Whitehorse West. Also, the clause "highway" was questioned and a definition was made. But it also states in my amendment, "remote from any settlement". So, I don't see that there is too much conflict again there. It has now been suggested by the Member from Whitehorse West, that it be left up to the municipalities. If this is done, I must admit, that this was basically what my original amendment was to have been on Thursday, there it is pointed out a question of policing. Surely, it would be even more difficult to police if the Dawson area, let's say for example, is dry, as far as drinking in public places is concerned and the Whitehorse area is wet. In other municipal areas in the Territory you have got different regulations. How is this to affect the person travelling within the Yukon, for one thing? That means, I would think, that at a municipal boundary it must be posted that this particular municipality is dry. Throw away your bottles. You can't drink, the minute you cross this line. The amendments that I have proposed, I think, are quite realistic

BILL #1

Mr. Stutter continued.....

under the circumstances, for the simple reason it does make legislation all across the Territory and if it comes from this body -- from this Committee, from the Territory, then it can be policed by the R.C.M.P. Again, if the municipality of Dawson were to vote against this drinking in public, a small area such as that just does not have the funds to provide their own policing. This is the problem in that area now enforcing all the by-laws that have been brought down by Council. They just do not have the funds, or the ability to enforce these by-laws. So, I don't think that this is the solution either. So, at this point anyway, after having heard that the City Council of Whitehorse, the City Council of Dawson, and the people that were interviewed over talk-back, all are of the opinion that some sort of law should be brought into effect to prohibit drinking in public places and I would ask, that the Members of this Committee, the Members of Council seriously consider this question before voting and vote according to your own feelings on this, because obviously it appears that the majority of people are against drinking in public places.

Mr. Chairman: Councillor Watson.

Mrs. Watson: Mr. Chairman, I would like to support Councillor Stutter's remark. The abuse of drinking in public places is not only common just in the municipalities. It is common all throughout the Territory, and I would like to reiterate what Councillor Stutter has said when he claimed that if we leave it up to the municipalities to make their own by-laws, there will be a problem in other areas of the Territory. At the present time, people have the privilege to drinking in dining lounges, restaurants, taverns, cocktail lounges, seven days a week. Will it be necessary for people to continue to drink in public places? I wholeheartedly support Councillor Stutter's amendment.

Mr. Chairman: Do you have any further discussion on this motion? Are you prepared for the question? Are you agreed? Contrary? I must declare that the motion is defeated. What is your further pleasure in relation to Bill No. 1?

Mr. Tanner: Mr. Chairman, I would move that Bill No. 1 be moved out of Committee as amended.

Mr. Rivett: I second that motion.

Mr. Chairman: It has been moved by Councillor Tanner, seconded by Councillor Rivett, that Bill No. 1 be reported out of Committee as amended. Are you prepared for the question? Are you agreed? Will those agreed, kindly signify? (Councillors Stutter, Tanner, Chamberlist, Watson, and Rivett signify). Those contrary to the motion, please signify? (Councillor McKinnon signified). I declare the motion as carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: We have Bill No. 25. We have some amendments back on that. I wonder, if we can have Mr. Legal Adviser here for this? Mr. Legal Adviser is now at a court appearance. What is your pleasure at this time? We can't do much without him being here. Well, if it is your wish we will recess till 2:00 o'clock. Alright, we'll stand Committee in recess till 2:00 o'clock.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order. The next item of business is Bill No. 25, An Ordinance to Amend the Game Ordinance. I believe that there are some proposed amendments to this bill, so Mr. Legal Adviser, would you guide us through this.

Mr. Legal Adviser: Mr. Clerk would be better able to keep us abreast of these. I could explain any of them, Mr. Chairman. With section 3 deleted.

Mr. Chairman: Subsection 3 of section 1 would be deleted.

Mr. Chamberlist: Mr. Chairman, I would move that ...

Mr. Chairman: Has this been moved already in Committee?

Mr. Chamberlist: All these amendments? Yes, they have. They have all been moved.

Mr. Chairman: Alright, the next section.

Mr. Legal Adviser: Section 5, changing the words, "...to buy, sell or barter the antlers," to "...the purchase, sale or barter of antlers".

Mr. Stutter: Mr. Chairman, in this particular section, the objection that I raised before, I raise again at this point. From the wording of it now, it appears to me that both buyer and seller would require a permit? Is this right, or is it just one or the other?

Mr. Legal Adviser: Not as I see it, the director may grant permission for the transaction, and each of these transactions involves more than one person. There would be a buyer and a seller, but he grants the permission for the actual transaction, itself. So, either of them can obtain the thing. Both need not.

Mr. Stutter: But in the case of the buyer, if the buyer wanted to get this permission to purchase antlers, or whatever it happens to be, he still couldn't buy them if the seller didn't have the permit to sell them, is this right?

Mr. Legal Adviser: He could; if permission is granted for the purchase, it then covers the purchase by one person from another person. It is a transaction, like a contract. Contracts involve two people or more than two people.

Mr. Chairman: Has this amendment been covered, Mr. Clerk, by former motion?

Mr. Clerk: I haven't got it recorded in here as such.

Mr. Chairman: Well, it would be necessary, if it hasn't been moved in Committee, it would be necessary then to -- if it is to be amended, someone will have to move the amendment.

Mr. Chamberlist: What are we talking about here?

Mr. Legal Adviser: Section 5, the amendment to section 13, subsection (2). It needs a formal motion.

Mr. Chamberlist: Mr. Chairman, I would move that section 5 of Bill No. 25, be amended by deleting the words "to buy, sell or barter the antlers," replace them with the words, "for the purchase, sale or barter of antlers".

Mr. Chairman: Could I have a written copy of that motion? Is there a seconder to this motion?

*BILL #25* Mrs. Watson: I second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that section 5 of Bill No. 25 be amended by deleting the words, "to buy, sell or barter the antlers," and substituting therefor, "for the purchase, sale or barter of antlers,". Are you prepared for the question? Are you agreed? Contrary? I declare the motion carried.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Chairman: Mr. Legal Adviser, what is the next change?

Mr. Legal Adviser: Section 11, there are two changes there. There is the deletion of the words, "Canadian citizen or other British subject", and the addition after the word "issue" of "or renew".

Mr. Stutter: Mr. Chairman, haven't the words, "resident of the Yukon" been left out? It just says who "is a resident and a bona fide owner of equipment", in other sections it spells out resident of the Territory. In this case it just says that he is a resident. Everybody is a resident.

Mr. Legal Adviser: The word "resident" is defined in this particular Ordinance, in section 2. of the substance Ordinance, itself, which you don't have before you. It is the detailed definition.

Mr. Stutter: My only point here was, that in other areas it says, "resident of the Yukon Territory".

Mr. Chamberlist: Mr. Chairman, may I suggest that we take a recess, so that we can get these motions dictated, and have them prepared for you.

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

*RECESS*

RECESS

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

Mr. Chamberlist: Mr. Chairman, I would move that section 11 of Bill No. 25 be amended by deleting subsection (1) of section 39 of the Game Ordinance and substituting the following therefor: "(1) The Director may, upon application therefor, issue or renew an Outfitter's Licence to any natural person who is a resident and a bona fide owner of equipment in good condition and repair that in the opinion of the Director is sufficient to take care of such number of hunters in the field not being less than four as the Director may endorse upon the licence."

Mr. Chairman: Is there a seconder?

Mrs. Watson: Mr. Chairman, I second the motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that section 11 of Bill No. 25 be amended by deleting subsection (1) of section 39 of the Game Ordinance and substituting the following therefor: "(1) The Director may, upon application therefor, issue or renew an Outfitter's Licence to any natural person who is a resident and a bona fide owner of equipment in good condition and repair that in the opinion of the Director is sufficient to take care of such number of such number of hunters in the field not being less than four as the Director may endorse upon the licence." Are you prepared for the question?

Mr. Tanner: Mr. Chairman, can I just have confirmation from the Legal Adviser, this doesn't then, as the original piece of legislation did, rule out the application of a non Canadian?

Mr. Legal Adviser: No sir, it just throws them back to resident, so that

Mr. Legal Adviser continued ...  
it is the same as the application for a hunting licence.

BILL #25

Mr. Tanner: Is there a definition in the Game Ordinance of "resident"?

Mr. Legal Adviser: Yes, there is, Mr. Chairman, there is a definition of what a "resident" is. A resident is, in relation to a Canadian citizen who has been a resident for six months, and in relation to a non Canadian, a person who has been a resident for two years.

Mr. Chairman: Are you prepared for the question?

Mr. Tanner: No, Mr. Chairman, I am not prepared for it. Could the Legal Adviser tell me if the definition of "resident" includes people other than Canadian citizens and British subjects?

Mr. Legal Adviser: Yes, it does, Mr. Chairman, paragraph (w) of section 2.

Mr. Tanner: Mr. Chairman, I understood from the previous discussion on this subject, and from the witness that we had at that time, that they were looking for something which would make it conditional on the outfitter getting his licence, not only should he be a -- anybody should have it, also that he should have had some training, and we were going to make the issuance of this licence conditional to the fact that he had been a guide for two years.

Mr. Legal Adviser: That was discussed, Mr. Chairman, and rejected in discussion before this amendment was prepared.

Mr. Stutter: Mr. Chairman, the objection that was taken by the Member from Whitehorse West, was that in the previous Ordinance, it had made reference to "Canadian citizen", and he wanted it thrown out, and we all later agreed, and made open for anybody that was a resident. Now, under terms of resident under the Game Ordinance, it again states that he must be a Canadian citizen.

Mrs. Watson: Mr. Chairman, that has been amended.

Mr. Stutter: Then I stand corrected, I was looking at the original Ordinance. If this has been corrected since, then I stand corrected. Okay, I stand corrected.

Mr. Tanner: Mr. Chairman, excuse me, one more question to Mr. Legal Adviser. Was it administratively impossible to follow the course of action that was discussed at the previous discussion.

Mr. Legal Adviser: Nothing is impossible to the Administration of the House. It was just in debate that it didn't appear to be a practical method of doing it. What they were trying to do, was to meet the wishes of the House as expressed, and this is what the Administration thought would meet the wishes of the House, and would still make for easy Administration.

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

MOTION CARRIED

MOTION  
CARRIED

Mr. Chamberlist: Mr. Chairman, I would move that section 15 of Bill No. 25 be amended by deleting subsection (2) of section 57 of the Game Ordinance and substituting the following therefor: "(2) The Director may, upon application therefor, issue an Assistant Trapper's Licence to any person who is over the age of sixteen years and has resided continuously in the Territory for two years immediately prior to his application, and has written consent of the holder of the registered trapping area on which he intends to trap."

*BILL #25* Mr. Chairman: Is there a seconder?

Mrs. Watson: Mr. Chairman, I second that motion?

Mr. Legal Adviser: Mr. Chairman, there has been two changes here; one is the elimination of the requirement to be a Canadian citizen. The second is the period of residence is shortened to two years from three years.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that section 15 of Bill No. 25 be amended by deleting subsection (2) of section 57 of the Game Ordinance and substituting the following therefor: "(2) The Director may, upon application therefor, issue an Assistant Trapper's Licence to any person who is over the age of sixteen years and has resided continuously in the Territory for two years immediately prior to his application, and has written consent of the holder of the registered trapping area on which he intends to trap." Are you prepared for the question? Are you agreed? Contrary? I declare the motion carried.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 25, An Ordinance to Amend the Game Ordinance, be reported out of Committee as amended.

Mr. Chairman: Is there a seconder?

Mrs. Watson: Mr. Chairman, I second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 25, be reported out of Committee as amended.

Mr. Stutter: Mr. Chairman, before we get to the question, I have a note on my draft copy, here, that section 20 was under revision? I am just trying to ascertain whether that was my note or whether it was the wish of Committee that that be revised.

Mr. Legal Adviser: I don't believe that we have changed it. There is no change in it at all, Mr. Chairman.

Mr. Stutter: Mr. Chairman, the only reason that I brought it up, was that I have a note here, and I think that some of the other Members have a note that some discussion had been taken on this particular section, and I have written in the column, "revise", so I have taken it for granted that it was under consideration.

Mr. Chamberlist: Mr. Chairman, I had raised the point, as to why a person shouldn't be able to purchase for his immediate family, and I think that something has happened that I have been satisfied with this. I have just made a note to defer, but we haven't gone beyond this. Yes, section 5 which has been amended now has satisfied that particular area, now where we have made the proposition as far as a transaction taking place between a purchaser and seller, it only requires one person now. That was the purpose.

Mr. Tanner: Is that right, Mr. Legal Adviser?

Mr. Legal Adviser: I think so, I am not actually sure.

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

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I raised the point about the grizzly hide sort of thing when we dealt with this section. The fact that certain of our Indian people have been discriminated again, unreasonably, I feel on the

Mr. Taylor continued ...

sale of bear hides, but I don't seem to get much support out of Committee. This is one of the reasons why it was deferred for further consideration.

BILL #25

Mr. Chamberlist: May I point out, that section 5 takes care of it, inasmuch as anybody, now, can purchase and sell, you don't need two people, it can just be done by one. We discussed that particular area.

Mrs. Watson: Mr. Chairman, is that the section that Councillor Stutter is referring to?

Mr. Chamberlist: He is referring to section 20. Because, we took care of it in this manner in section 5, the problem with section 20 no longer applies.

Mr. Chairman: I could just mention from the Chair ...

Mr. Legal Adviser: Section 20 deals with birds, section 13, which is section 5, deals with big game. Big game and birds are not usually thought of in the same context.

Mr. Chairman: I think, Mr. Legal Adviser, that you are looking at the wrong section. This is section 20 of Bill No. 25, not section 20 of the Game Ordinance. It is under section 78 of the Game Ordinance. I have found the notes, speaking from the Chair, from the previous discussion on this. It was a point that I had raised regarding section 5.

Mr. Legal Adviser: Section 20 does relate back to it. They are both interrelated.

Councillor Taylor resumes the Chair.

Mr. Tanner: Mr. Chairman, I have one question for Mr. Legal Adviser, concerning not necessarily this Ordinance, but the Game Ordinance completely, is the practice now in the Yukon, of hunters, as I understand it, is to stop their vehicles and shoot at an animal on the highway. The question that I want answered is whether or not that is legal, either under the Game Ordinance or under the Criminal Code?

Mr. Legal Adviser: I don't think that it is legal to shoot at game, certainly not on the highway. You have got to hunt the animal in the normal way.

Mr. Tanner: Mr. Chairman, I probably didn't express it very clearly. I mean out of the vehicle. I mean if he stops -- if a hunter stops his vehicle and leans across his vehicle to shoot an animal on the side of the road or just off the road, is that legal?

Mr. Legal Adviser: I would need notice of the question to go through it. I didn't understand you to say that you shot the animal while the animal was in the vehicle. I knew you meant the person that is doing the shooting. You can check it back, but discharge of a firearm in an inhabited area is prohibited under all our legislation. It is not primarily dealt with under the Game Ordinance. The Game Ordinance deals with hunting, not just the discharge of firearms.

Mr. Tanner: Mr. Chairman, I know that it might be printed in a bill up here, but what I am saying is the hunting practice, is for a hunter to go out on the highway, and he sees an animal which he wants to shoot. He gets out of his vehicle, uses his car or what have you as a brace, and shoots it. I am asking is that illegal? If it is illegal up here, why are they changing the Ordinance in British Columbia and Alberta to make it legal?

Mr. Legal Adviser: I don't know, Mr. Chairman, but I have given an opinion for five guineas.

*BILL #25* Mr. Chairman: I think the section that you are looking for, is, unless it has been amended since 1959, section 8, subsection (3), "no person shall discharge a firearm on or across a maintained portion of a public road or highway. Have you any further discussion on the motion? Are you prepared for the question? Are you agreed? Contrary? I shall declare the motion carried.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Chairman: I believe the Labour Standards Ordinance has amendments forthcoming, yet.

Mr. Chamberlist: Not ready yet.

Mr. Chairman: The Transport Public Utilities Ordinance, how are we doing with those?

Mr. Chamberlist: Not ready yet.

*BILL #27* Mr. Chairman: Yukon Health Care Insurance Plan will be discussed tomorrow. Game Ordinance has now cleared Committee. It appears that we are down to the Consumers' Ordinance. This is Bill No. 27, An Ordinance for the Protection of Consumers.

Mr. Chamberlist: Mr. Chairman, the purpose of this bill is to make rules for the protection of consumers in relation to (a) disclosure of the true cost of borrowing; (b) prepayment of loans; (c) relief against acceleration of debts as a result of defaults and forfeiture of securities; (d) time sales; (e) resale of securities; (f) chattel mortgages; (g) statutory warranties on retail sales; (h) direct selling; (i) variable credit; (j) retail hire purchase; (k) collection malpractices. In general, the bill is self-policing and the protection will be given by the courts at the instance of the consumer by way of restriction of the rights of vendors who do not keep to the rules imposed by the bill. These rules are modeled on the best modern Canadian practice. Mr. Chairman, this bill itself, is taken out almost exclusively from Federal and existing Provincial Statutes.

Mr. Chairman: "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: I wonder, Mr. Chairman, before we get into the bill, whether the Honourable Member from Whitehorse East can tell me, whether there has been any response from the Consumers' Association, after the introduction of the bill in the House?

Mr. Chamberlist: I have not heard one word from them, although they are well aware of the legislation. I have informed the executive.

Mr. Chairman: I thought the Government, just speaking from the Chair, were they not berated here the other day for not producing legislation?

Mr. Chamberlist: Yes, they were, in relation to cost of living, though. On cost of living, we are awaiting from various jurisdictions, the cost of living in other jurisdictions, and at that time, as soon as they all come along, it will be made available to Council for consider -- for any purposes of legislation.

Mr. McKinnon: I was just wondering, Mr. Chairman, because it was on the lobby and the pressure of the Consumers' Association, that this bill was originally introduced. I was wondering, as with the Transportation Committee and other committees, whether we shouldn't have someone from that Association sitting in Committee with us, to tell us whether they agree with certain parts of the bill, or whether they are against it, or just how the Association, generally, accepts the legislation that has been brought down by the Government?

Mr. Chamberlist: Mr. Chairman, we would have to have legal representatives on their behalf, if they were to attempt to understand all of what is involved in this piece of legislation. As a matter of fact, I think that it would be necessary for each and every one of us to have legal representatives, if we just want to ask what every particular reference means. I would, however, indicate that this legislation, as I have already said, is almost identical to existing legislation which is in effect right across the country. I am only hoping that Members will not ask us to extend this beyond a reasonable time, because this is legislation that is sorely needed in the area, and we have had lots of help in getting this legislation together.

Mr. McKinnon: The point that I make is, Mr. Chairman, if there is one piece of legislation that the public should understand, certainly, it is the Ordinance for the Protection of Consumers. Because, if all of us who are consumers can't understand the legislation, there is no use having it in for our protection. The public has to know by what methods and by what sections certain things happen, certain ways they are protected. If a member of the public can't pick up this Ordinance, and understand what the protection of -- what his rights are under the new legislation, then I submit, Mr. Chairman, that the legislation is not going to do the function that we hope that it would do. It has to be understood by the consumer, which is all of us.

Mr. Chamberlist: Well, Mr. Chairman, with respect, if the Honourable Member is now attempting to suggest that every member of the public should understand every piece of legislation that is on the books, then he would be sadly mistaken inasmuch as people do not understand most legislation. But, this piece of legislation is a self-policing legislation. It is the Government that polices this, not necessarily the public. This is where the important factor is, as it differs from other legislation.

Mr. Chairman: (Reads sections 1, 2, subsections (a) to (d) inclusive of Bill No. 27.)

Mr. Tanner: Mr. Chairman, could I just ask one question of Mr. Legal Adviser, as far as hire-purchase is concerned. I haven't heard that term in Canada before. It is a term that I am familiar with in England. Is that the general phraseology that is used across Canada?

Mr. Legal Adviser: As you go through the bill, you will find that there are various phrases used. The trouble is that it is impossible to draft a piece of legislation that will cover all circumstances without putting all the circumstances in. If this legislation left out a retail hire-purchase, all a person has got to do, is to copy outside practice or English practice, and blow a hole right through the Ordinance. You just have to include it, even though it is not common.

Mr. Chairman: (Reads section 2, subsection (e).)

Mr. Tanner: Mr. Chairman, can I ask the Legal Adviser another question. Are all those exclusions because it is Federal jurisdiction?

Mr. Legal Adviser: No, but people who will be controlled otherwise and who don't act -- who are not what we commonly call a collection agency, but who do in the course of part of their business have the duty of collecting money.

Mr. Tanner: The reason that I asked the question, Mr. Chairman, is because as far as -- to my knowledge this is the majority of people who do the collecting, and we are excluding them from this legislation.

Mr. Legal Adviser: What we are trying to control here is the collection agent, I think that all that all the Members know what a collection agent is; he is a person that is employed by other than a collection agency, often employed by a bank or a credit union or a barrister to collect money.

BILL #27

Mr. Legal Adviser continued ...

These people are controlled otherwise, and that we don't need to control them as a collection agent in the Ordinance.

Mr. Stutter: Mr. Chairman, I would like to point out one that seems to be a drafting error in subsection (e); there are two ones two twos threes fours fives.

Mr. Chamberlist: They are two separate categories.

Mr. Stutter: How would you refer to the second category, then, if you are referring to the Bill? Would you say 2(e) 1 under "but does not include".

Mr. Legal Adviser: The point is well taken. I think that we should extend the paragraph down consecutively from (vi), and extend it, and call it (vii). A better draftsman would have done that.

Mr. Chairman: So note, Mr. Clerk. (Reads section 2, subsection (f)(i), (ii).)

Mr. Legal Adviser: There should be no 's' on relations in the first line.

Mr. Chairman: (Reads subsection (f)(iii) and (iv), (g) to (q) inclusive.)

Mr. Stutter: It appears that we have that same drafting error again in (q).

Mr. Legal Adviser: Yes, it is a drafting error.

Mr. Chairman: (Reads section 2, subsections (r) to (z), (aa) inclusive, section 3.) I think we have the same drafting error in the numbering in section 3. (Reads sections 4, 5, 6, 7, 8, 9, 10, inclusive.) I think that at this time we will declare a brief recess.

RECESS

RECESS

*BILL #27*

Mr. Chairman: I will now call Committee back to order. From the Chair, I would like to draw your attention to Annotation 8 of Beauchesne, where it states that in the interpretation of the Rules or Standing Orders, the House is generally guided not so much by the literal construction of the Orders themselves, as by the consideration of what has been the practice of the House with respect to them. It has been the practice in the past on Bills of this nature for the Chair to accept a motion that they be deemed to have been read in Committee of the Whole. I believe all Members have had some three weeks to a month, now, to consider the Bill. I thought I would bring this to your attention if some Member so chose to make that motion.

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 27, An Ordinance for the Protection of Consumers, be deemed to have been read in Committee of the Whole.

Mr. Stutter: I second that motion, Mr. Chairman.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Stutter, that Bill No. 27 be deemed to have been read in Committee of the Whole. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 27, An Ordinance for the Protection of Consumers, be reported out of Committee without amendment.

Mr. McKinnon: There was some numbering errors, was there not?

Mr. Chamberlist: That is a typographical error.

Mr. Chairman: Is there a seconder?

Mrs. Watson: I second that motion, Mr. Chairman.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 27, be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Any contrary? I declare the motion as carried.

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Chairman: I believe that there are some amendments to be prepared by the Administration for other bills and, I believe, tomorrow we have Mr. Armstrong with us to discuss the Medicare Bill. What is your pleasure at this time?

Mr. Chamberlist: Mr. Chairman, it may be that as a result of some amendments to regulations regarding the Medical Evacuation Programme there may be an amendment to the Public Health Ordinance brought forward. Mr. Chairman, I would move that Mr. Speaker do now resume the Chair.

Mr. Tanner: I second that 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 prepared for the question? Are you agreed? I 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: Mr. Speaker, Committee convened at 10:35 a.m. to discuss Public Bills. Committee first discussed Bill No. 1; an amendment relating to changing hours of opening as stated in Committee on March 5th last, carried in Committee. It was moved by Councillor Tanner, seconded by Councillor Stutter, that Bill No. 1 be amended as follows: 1. to amend section 1 of the Bill by deleting paragraph (a) of subsection (2) of section 75 of the Liquor Ordinance; and 2. to amend paragraph (iii) of subsection (3) of section 40 of the Liquor Ordinance by adding the words "to patrons of such dining room" at the end of the paragraph. This motion carried. It was then moved by Councillor Tanner, seconded by Councillor Stutter, that section 2 of Bill No. 1 be amended by adding to paragraph (b) of subsection (1) of section 83 of the Liquor Ordinance the words "while accompanied by such parent, grandparent or legal guardian." This motion carried. It was moved by Councillor Stutter, seconded by Councillor Watson, that the said Ordinance is further amended by adding the following words to section 2, subsection (1) (iii) "public place" but does not include a location off the highway that is reasonably remote from any settlement and that is used for picnicking, sports, fishing or other outdoor recreational activity; also that the said Ordinance is further amended by adding the following section thereto immediately after section 102: 102A (a) Except as provided by this Ordinance, no person shall consume liquor in a public place; (b) the possession by a person in a public place, other than licensed premises, of liquor in any container other than (1) a bottle that because of the condition of any seal or covering on the neck or cap appears not to have been opened; (2) a beer bottle from which the cap has not been removed; or (3) a beer can that has not been punctured or opened in any way; is, in absence of evidence to the contrary, proof that such a person was consuming liquor in that public place. This motion was defeated. It was moved by Councillor Tanner, seconded by Councillor Rivett, that Bill No. 1 be reported out of Committee as amended. This motion carried. Committee recessed at 11:45 a.m. and reconvened at 2:05 p.m. this afternoon. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that section 5 of Bill No. 25 be amended by deleting the words, "to buy, sell or barter the antlers" and substituting therefor the words "for the purchase, sale or barter of antlers." This motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that section 11 of Bill No. 25 be amended by deleting subsection (1) of section 39 of the Game Ordinance and substituting the following therefor: "(1) The Director may, upon application therefor, issue or renew an Outfitter's Licence to any natural person who is a resident and a bona fide owner of equipment in good condition and repair that in the opinion of the Director is sufficient to take care of such number of hunters in the field not being less than four as the Director may endorse upon the licence." This motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that section 15 of Bill No. 25 be amended by deleting subsection (2) of section 57 of the Game Ordinance and substituting the following therefor: "(2) The Director may, upon application therefor, issue an Assistant Trapper's Licence to any person who is over the age of sixteen years and has resided continuously in the Territory for two years immediately prior to his application, and has written consent of the holder of the registered trapping area on which he intends to trap." This motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 25 be reported out of Committee as amended. This motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Stutter, that Bill No. 27 be deemed to have been read in Committee of the Whole and this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 27 be reported out of Committee without amendment. This motion carried. It was moved by Councillor Chamberlist, 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 Committee. Are we agreed? Can I have your further pleasure?

Mr. Taylor: Mr. Speaker, I believe it is the intention of Committee tomorrow to discuss the Medicare Bill, Bill No. 24, An Ordinance Respecting the Yukon Health Care Insurance Plan, and we are to have with us at 10:15 tomorrow, Dr. R.A. Armstrong and a representative of the Yukon Hospital Insurance Scheme.

Mr. Speaker: May I have your further pleasure?

Mr. Stutter: Mr. Speaker, I move that we do now call it 5:00 o'clock.

Mr. Taylor: I second that motion, Mr. Speaker.

Mr. Speaker: It has been moved by the Member from Dawson, seconded by the Member from Watson Lake, 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: Yes, Mr. Speaker. I have for tabling, this morning, Legislative Return No. 19.

Mr. Speaker: Are there any Reports of Committee? Are there any Bills to be introduced? Are there any Notices of Motion or Resolution?

Mrs. Watson: Mr. Speaker, I would like to give Notice of Motion that Bill *MOTION #8* No. 1, An Ordinance to Amend the Liquor Ordinance, be referred to Committee of the Whole for further discussion.

Mr. Stutter: I second that motion, Mr. Speaker.

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion, this morning, respecting Community Development Grants. *MOTION #9*

Mr. Speaker: Are there any Notices of Motion for the Production of Papers? As there are no Motions for the Production of Papers or Motions, we come to the Question Period. Mr. Clerk, will you see if the Administrator 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. Some time ago, or several years ago, discussions with the then, Minister of Northern Affairs, the Honourable Arthur Laing, were held and it was decided that the Yukon would have a legislative building. From time to time, over the years since then, the subject has arisen and, indeed, I think that we have had in our budget, from time to time, an item to try to find a site for this building. I'm wondering if Mr. Administrator could enlighten Council this morning as to what progress has been made in this endeavour.

*QUESTION RE  
LEGISLATIVE  
BUILDING  
SITE*

Mr. Administrator: Mr. Speaker, could I take that question as notice, so that I could look into this to see what all the final planning or details are? I will give you a written report.

Mr. Taylor: I have a further, supplementary question, Mr. Speaker. I would ask if it is the intention of the Administration to permit Council, or consultation with Council in determining the site location of any such building whenever such building comes into being.

Mr. Chamberlist: Mr. Speaker, the matter of a capital building is an ongoing discussion with the Federal Government. Before any decision is made in relation to site or other purposes, the Council can be assured that the site will be discussed with it.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, Mr. Administrator said yesterday that if he received copies of the brief and the statements of the Consumers' Association, he would be prepared to make a statement on behalf of the Government.

Mr. McKinnon continued.....

I would like to offer the Administration these documents at this time, Mr. Speaker.

Mr. Administrator: Thank you.

Mr. Speaker: Are there any further questions?

*QUESTION RE  
LITTER  
LEGISLATION*

Mr. McKinnon: Mr. Speaker, I have twice asked for legislation in the House concerning disposable bottles and I have been told by the Administration that they would be taking a look at such legislation with an idea to bringing it before this table. I wonder if Mr. Administrator could give us any idea whatsoever when they will be prepared to bring such legislation before this House.

Mr. Administrator: Mr. Speaker, it is on the agenda for, we are hoping, the fall. Part of the problem is that we have to, sort of, go along with the other provinces, the provinces to the south because of their legislation. Sometimes we put something in which is really in contravention to what they have and it may not be enforceable. We are, however, definitely working on litter legislation.

*QUESTION RE  
PHOSPHATE  
POLLUTION  
CONTROL*

Mr. McKinnon: Mr. Speaker, I wonder whether Mr. Administrator could tell me if any thought has been given at all to legislation banning the use of detergents containing phosphates, also, in the Yukon Territory.

Mr. Administrator: Mr. Speaker, no we haven't yet taken that under consideration. I don't know whether we could. I suppose we could, but we were waiting to see, too, what the Federal Government was going to do on a nation-wide basis on pollution control. We will, however, look into that, if the Honourable Member would like us to.

Mr. McKinnon: Just as a matter of policy, Mr. Speaker; doesn't Mr. Administrator think that this is a field in which the Yukon should be leading the rest of Canada, instead of just following?

Mr. Administrator: Mr. Speaker, I can assure the Honourable Member that we shall look into this.

Mr. Speaker: Are there any further questions? We wish to thank the Administrator for his attendance. As there are no Private Bills and Orders, we come to Public Bills.

*BILL #25  
AMENDMENTS  
FIRST  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the amendments to Bill No. 25, An Ordinance to Amend the Game Ordinance, be given First Reading.

MOTION CARRIED

*BILL #25  
AMENDMENTS  
SECOND  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the amendments to Bill No. 25, An Ordinance to Amend the Game Ordinance, be given Second Reading.

MOTION CARRIED

*BILL #25  
THIRD  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 25, An Ordinance to Amend the Game Ordinance, be given Third Reading.

MOTION CARRIED

*BILL #25  
TITLE  
ADOPTED  
MOTION  
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 25, An Ordinance to Amend the Game Ordinance, be adopted as written.

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 25 has passed this House.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 27, An Ordinance For the Protection of Consumers, be given Third Reading.

*BILL #27  
THIRD  
READING*

MOTION CARRIED

*MOTION  
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 27, An Ordinance For the Protection of Consumers, be adopted as written.

*BILL #27  
TITLE  
ADOPTED*

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Speaker: I declare that Bill No. 27 has passed this House. What is your further pleasure?

Mr. Chamberlist: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and that Council resolve itself into Committee of the Whole for discussion of Bills.

Mr. Stutter: I second that motion, Mr. Speaker.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Dawson, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Public Bills. Are you prepared for the question? Agreed? I declare the 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 this morning will be Bill No. 24, *BILL #24* An Ordinance Respecting the Yukon Health Care Insurance Plan. Mr. Clerk, could you find for us Dr. Armstrong and Dr. Buchan. I declare a short recess at this time.

RECESS

*RECESS*

Dr. R. A. Armstrong, Director of Medical Care, Department of National Health and Welfare, and Dr. W. R. Buchan, Yukon Medical Services Association, in attendance.

Mr. Chairman: At this time, I call Committee to order. We have with us today, Dr. Armstrong of the Department of National Health and Welfare, and Dr. Buchan who is representing the Yukon Medical Services Association. This morning, we are dealing with Bill No. 24, An Ordinance Respecting the Yukon Health Care Insurance Plan. We will be reading the Bill, but, I am wondering if Members have any preliminary remarks or questions to ask of the witnesses.

Mr. Chamberlist: Mr. Chairman, so that it is placed in the record, I would like to give the explanation and purpose for this Bill. "The purpose of this bill is to enable a comprehensive health care plan to be established for all residents of the Territory. Eligibility for and portability of benefits provided by the plan would be identical to those of the hospital insurance plan. In order to ensure that the Territory would be enabled to take full advantage of the cost sharing provisions of the Federal Act, the form of the bill and regulations have been designed accordingly. Medical coverage is presently available to residents through a variety of insurance plans. Such plans would be superseded by the envisaged plan which unlike the former would provide uniform benefits on uniform terms to all residents of the Territory without exception. Private plans would still be able to offer coverage for benefits such as dental treatment not provided by the government plan. As is the case

Mr. Chamberlist continued.....

BILL #24

with government sponsored plans elsewhere benefits would not be restricted to services rendered by physicians and surgeons but would include those of other health professionals. For this reason the term health care is used in preference to that of medicare. Certain services although rendered by qualified individuals would be excluded because such services are not medically required. In this category would be cosmetic services, i.e. correction of protruding ears, facial wrinkles, etc. or services provided under another statute such as Workmen's Compensation Board, etc. Each household head would be required to register with the plan on behalf of themselves and their dependents and would be issued with a registration card. This card would be presented each time insured services were received by the holder. That portion of the total cost of the plan to be borne by the Territory would be met by premium contributions by residents. Premiums would be collected by employers and remitted to the plan each month or by the individual where he or she is self-employed. Two premium rates would be charged, these being (a) single or self-dependent, (b) family, and premium assistance would be available to persons in low income groups. The rates which would be charged would be adjusted on the basis of experience and initially are anticipated to be in the range of \$6.50 per month single and \$14.50 per month family. Offences committed under the Ordinance would on summary conviction be subject to a fine or imprisonment or both fine and imprisonment." Mr. Chairman, in bringing this Bill forward, very much work was put into the matter. There have been consultations with members of the medical profession to ascertain from them their specific requirements, to see if what they found wrong with the Bill could be corrected. I can say that there was very little, if anything, in the actual Bill itself that was subject to requests for revisions required by the medical profession. The matter of regulations under the Act has also been discussed with members of the medical profession, and all Members of Council were supplied with a copy which was, at that time, headed "Confidential". I can now advise Members of Committee that they can remove the "Confidential" from the area of the regulations, and if, at any time they wish, during this discussion, they may use any reference to it.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, as we proceed into this area, I have a question or two that I would like to ask, and I am sure that others have, prior to reading of this Bill. I would like to direct a question, Mr. Chairman, to Dr. Armstrong to ask him if he could explain in what manner this plan would be financed, more particularly, what contribution will the Federal Government make to it, and what assurances do we have that the Federal Government will not opt out of any commitment that they make at this time in respect of this plan?

Dr. Armstrong: Well, the federal contribution to participating provinces under the Medical Care Act is entirely an indirect one. That is to say, the direct costs in each province and territory are not related to the federal contribution, or vice versa. The federal contribution is paid on the basis of one half of the national average per capita cost in all participating provinces, times the number of insured persons in each province. So, irrespective of what the Yukon's own local costs are, the federal contribution will vary with the national average per capita cost in all ten provinces and two territories. On the question of the Federal Government opting out, I think that is really a political question. I don't think it is political feasible for the Federal Government to opt out of these programmes, and I'm not aware of any discussion or thought being given to such a development.

Mr. Chamberlist: Mr. Chairman, I think, perhaps, I should give answers to five specific questions which were asked by the Honourable Member from Dawson relative to this Bill, so that, perhaps, we would not have to go through the question and answer period in that particular area. Now, the premium rates quoted in the Explanatory Note of the Bill are estimates based on anticipated costs and recoveries. The premium rates charged by B.C. and Ontario, currently, are: B.C., \$5.00 for single and \$12.50 for

Mr. Chamberlist continued.....

family; Ontario, \$5.90 for single and \$14.75 for family. The federal contribution to the cost of the plan is, as you have already heard Dr. Armstrong indicate, 50 percent of the national per capita cost, times the D.B.S. official population of the Territory, which is estimated at 540,000. At the moment, the D.B.S. go on a basis of 18,000 less 1,000 for service personnel, R.C.M.P. and government people and the like, who would not be involved. So, it is based on 17,000. The amount, if any, of the total premium which will be contributed by an employer on behalf of an employee is a matter of negotiation between the two parties and is of no concern to the plan at all. So, if an employer wishes to pay on behalf of an employee, he may go ahead and do so. It is estimated that some 65 to 70 percent are covered under group plans arranged by employers at the moment. To this must be added an estimated 15 to 20 percent for natives, unemployed, welfare, etc. The balance of 10 to 20 percent may obtain private insurances as individuals, but it is not know how many avail themselves of this at the moment. The question of separated dependents, which was raised, and coverage, requires an individual assessment of each case. The question of legal responsibility and residence may both have to be determined before a definite decision would be available in a particular case. Mr. Chairman, these are some of the questions I have been asked in the House. I thought that by giving the information and answers ahead of time, that, perhaps it will save the questions being put again to Dr. Armstrong.

BILL #24

Mr. Taylor: Mr. Chairman, I just missed the last part of the Honourable Member's remarks. I'm wondering if anyone could tell me, Mr. Chairman, what percentage of the population in the Yukon Territory, at the present time, is not covered by one plan or another. Would it be 8 percent, 9 percent, or what?

Mr. Chamberlist: About 20 percent, I would say, Mr. Chairman, from information received.

Mr. Taylor: Might I go a little further, Mr. Chairman? I ask upon what information was this based; how was this figure arrived at? It seems to me a little high.

Mr. Chamberlist: Some of the information, Mr. Chairman, has been as a result of information that has been given by the Yukon Medical Association in discussion with some of their members, and from other sources, such as our own Administrators, and research work has been carried out on this.

Mr. Taylor: Possibly, Dr. Buchan might be able to add something to this, Mr. Chairman.

Mr. Chairman: Dr. Buchan?

Dr. Buchan: A year and a half ago, the Medical Clinic did a survey of its ledgers to find out exactly how many were covered, and at that point, in the white population there were more than 60 percent covered. This number has increased, and when you add in the fact that all natives are covered, other than metis, then, the figure between 15 to 20 percent is probably pretty accurate. No more, because the indigents are covered under Welfare and that leaves only metis and the self-employed. In the last year, and even now, a self-employed person can obtain coverage from Y.M.S.A. as an individual which is a new thing. This was not available until January of this year.

Mr. Chairman: I wonder, Councillor Taylor, if you would resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Stutter: Dr. Buchan, I wonder if you could tell us a little bit about some of the plans that are now in existence. These plans are referred to in Councillor Chamberlist's reply to a question that I had made when he

Mr. Stutter continued.....

BILL #24

stated that 65 to 70 percent are covered under group plans arranged by their employers. These plans that are arranged by the employers, are they somewhat similar to Y.M.S.A.? Could you give us a little information on that?

Dr. Buchan: The majority are. For example, New Imperial Mines are covered by Zurich which gives total coverage, first dollar benefits, as will any Medicare scheme. If you go to a doctor's office, there is no charge to yourself. However, all federal employees and all territorial employees are covered by a scheme -- again, it is put forward by the employer -- that involves the participation of the employee in the payment. For example, there is a deductible; no payments are made from this insurance plan until \$25.00 are paid by a single person, and thereafter, only 80 percent of his expenses are paid. So, there are probably about 1000 families in the Yukon covered by this group plan. These are the only two types, the first dollar ones, like M.S.A., Zurich, and so on, and then, the one that covers the territorial employees known as G.S.M.I.P. that has deductibles and pays only 80 percent, so that the patient is billed for the remaining 20 percent.

Mr. Stutter: How would you compare, Dr. Buchan, these types of plans and the one that is now proposed under a Yukon health scheme?

Dr. Buchan: Well, the comparison between Y.M.S.A. and Zurich and any of these plans will be identical. The coverage available will be identical to what would be available under the new Yukon Health Plan.

Mr. Stutter: Alright, then. Now comes the important question. What about from a dollar and cent point of view; how would you compare the premiums that -- I take it that these would be group coverages that are being supplied by employers. How would you compare the premiums there to the premiums that will come into effect with this Bill?

Dr. Buchan: The chap who is presently covered by Y.M.S.A. or Zurich will find very little change in the premiums at all. An individual who joins Y.M.S.A. now, with a family, pays \$18.00. That is greater than the envisaged costs for this Medicare. Those under groups do not pay \$18.00; they pay close to \$14.50, this type of charge. Y.M.S.A. plays it slightly differently in that groups are given premiums according to experience. An employer with a whole bunch of females pays more than an employer with a bunch of males. The biggest change to this, however, will be to those territorial employees, or federal employees who have this G.S.M.I.P., because their premiums will go up. They will have the benefit of first dollar coverage, but no longer will their drugs be added into their medical insurance. This is -- they will notice the greatest difference. At present, although they pay some of the cost, they can add in the cost of drugs. That is the difference with territorial and federal people.

Mr. Chamberlist: A point of privilege; I would like to correct the witness. The Federal Government employees are not covered by this programme in any event. So, this doesn't apply to them. They are excluded.

Dr. Buchan: I'm sorry, Mr. Chamberlist; are you saying that the Territorial Secretary, for example, will not be covered by Medicare?

Mr. Chamberlist: No, I said federal.

Dr. Buchan: Well, there are D.O.T. employees...

Mr. Chamberlist: They are federal.

Dr. Buchan: They are federal employees. No, I think that only the R.C.M.P. is excluded, Mr. Chamberlist.

Mr. Chamberlist: I wonder if Dr. Armstrong can indicate that.

Dr. Armstrong: All residents are covered, except serving members of the Armed Forces, the R.C.M.P. and inmates of federal penitentiaries. The dependents of these people are covered. Federal public servants, other than members of the R.C.M.P. and Armed Forces, are residents of the Territory, and, as they are covered under hospital insurance, they would be eligible under Medicare. If I may comment on a statement about these drugs charges; G.S.M.I.P. automatically, with the advent of Medicare in each province, has reduced its premium to a level that covers only the supplementary benefits which includes drugs. So, unless they elect to give up that extra little bit, and I think the additional premium for that is only a dollar something a month and covers ambulance and drugs and a variety of things, it would automatically carry. Their pay cheques would have deducted from them only a dollar something.

Dr. Buchan: My point was, to Mr. Stutter, that they will notice an increase in premiums. The other people will not, under the Medicare Plan. They pay less than the envisaged premium.

Mr. Armstrong: They pay less and they get less. The Federal Government has increased its contribution towards the cost of medical and hospital insurance premiums, and this may well offset that. I don't have the figures with me but, just recently, they have come out with an increased allowance towards the cost of medical and hospital insurance as a result of collective bargaining.

Mr. Stutter: Mr. Chairman, I notice that there is no opting out clause in this proposed plan. So, once it is brought into effect, how, in actual fact, will you collect premiums from people who are now not covered by -- self-employed people and metis and this type. How will you enforce the collection of premiums?

Dr. Buchan: I would hand that question to Mr. Chamberlist.

Mr. Chamberlist: There is an opting in and opting out clause, but the doctor has to opt all out or all in. No patient could opt out-in. Everybody must be part of the plan.

Mr. Stutter: I wonder, Mr. Chairman, if I could have my question answered, then. This was as far as the patient was concerned; how will you enforce the collection of premiums from people who are presently not covered; that is, self-employed people, metis, etc? How will you enforce the collection of the premiums?

Mr. Chamberlist: Well, that is an administrative matter that the Administration takes care of. It doesn't form part of the legislation. It would be -- the premiums, the collection of premiums -- there may be an arrangement made with a company who specifically deals with the collection of the premiums. We may consider using a Vancouver operative area who has a computer type of machine that will be able to look after all the areas of collection. Now, how they do it is a matter with which they will have to deal. We haven't come to that stage of the negotiations, but, there are provisions being made for collection of premiums.

Mr. Stutter: Well, Mr. Chairman, this brings me to a point now. From the figures which we have received, there are probably around 15 percent of the people who are not now covered by some sort of scheme. If this scheme, however, does come into effect, we have already heard there will be a certain portion of civil servants who will be paying more; also, the premiums will be forced upon people regardless of whether they want this coverage or not. The point is that these coverages are available now and they do have the option of taking them under private schemes. So, it seems to me that we are sort of ramming this down people's throats. I think we should really look into this, anyway.

Mr. Chamberlist: Well, with respect, Mr. Chairman; the suggestion that this is being rammed down people's throats -- this plan was made -- the

Mr. Chamberlist continued.....

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Bill itself was made available to Members of Council in lots of time. The regulations were made available to Councillors in lots of time. The suggestion that this is being rammed down people's throats is, I consider, most improper. We have a responsibility, Mr. Chairman, to make sure that everybody in the Yukon receives a measure of health care protection. This must apply to those families who can afford to pay and those who cannot afford to pay. There are some areas where the Government will be paying these specific premiums and some areas where the Department of Indian Affairs will be paying these premiums. I would like to put it to Dr. Armstrong whether he could indicate on the basis of his experience, the general overall requirement of a health care plan of this nature in the Yukon Territory. I wonder if you could expand on that.

Dr. Armstrong: Well, the Federal Act requires that to qualify for the contribution, and if we are talking about 1972-73 or anytime after July 1st, 1971, the province must have a minimum of 95 percent of the population covered, or the plan does not qualify for the contribution. So, it's more or less, an academic point. If you get into the question of a totally voluntary plan, and this is quite permissible under the Federal Act -- only one province in the entire country chose to bring in a completely voluntary programme, and that was British Columbia. They were a little bit dubious at first. They were all set to make it compulsory if they didn't get their 90 percent enrolment which was the requirement at that time. Now, all the other provinces have brought in either an automatic coverage of all residents, which is what is proposed here, or, in the case of Ontario, it was compulsory for all groups of more than, I think, fifteen persons, and it was optional for those who were self-employed or in smaller groups. All the others were automatic coverage. In the case of -- on the point that was made about giving the individual a chance to opt out, of course, the individual in British Columbia has the chance not to opt in, and therefore, not enrol but, in fact, about 99 percent of the population has in the three years since their plan started. In the case of Alberta, they brought in a unique feature. Their plan, like the Yukon plan, automatically covered every resident. The resident had to register and he had to pay his premium if he was able, but, he was covered by virtue of being a resident and it was automatic. There was a certain amount of fuss in certain parts of the province as to this plan being rammed down their throats, and the Government eventually did make it possible for an individual to opt out provided he was registered. He could opt out once a year and his option was good for the forthcoming year. Out of over 1,600,000 people, only 447 opted out and more than half of them were children of the head of the family. So, there were something like 200 family heads out of a total population of in excess of 1,600,000 who actually exercised their option, in spite of all the fuss that was going on. All the other provinces automatically cover the individual.

Mr. Stutter: Mr. Chairman, Dr. Armstrong has pointed out that real small percentage of the people of Alberta did, in fact, choose to opt out. Bearing this in mind, would it not be possible, then, to give this same option within the Yukon plan, so that those who did choose, in fact, to opt out, could opt out?

Dr. Armstrong: Well, I think it's administratively an abomination. The fraction of 1 percent of the population of Alberta that did opt out really causes certain administrative problems. Where you have the total provincial population covered, you can work on D.B.S. figures and there is no fuss. Where you have a totally voluntary programme, as they have in B.C., you must do an actual count of beneficiaries which costs money and costs administrative time and staff and so on. Certainly, it's possible to do it, but I really think that the experience in Alberta would not indicate that it is worth it. Also, in Alberta, you have religious groups that don't believe in the school system; they don't believe in sending their children to school. Yet, they have to support the school system through their taxes. In essence, you are going to get a certain percentage of people who, on religious grounds, don't believe in doctors; don't believe in using their services. Still, they form

Dr. Armstrong continued.....

part of the community and the community has the responsibility to have the necessary services available for all its members. They are not forced to use them. So, in a sense, they can opt out of using the service, but, whether it is wise in a small populated area where you have a very great difference in the education level of the people and their comprehension of what is involved, I really think it is a philosophical point whether one should put up some mechanism of that sort. I don't really think that the Alberta experience would indicate that it is a wise or particularly useful thing.

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Mr. Chamberlist: Mr. Chairman, Dr. Buchan is here as a representative of Y.M.S.A., but I wonder if he would be prepared to put his other hat on as a member of the Y.M.A., Yukon Medical Association, and give an opinion as to whether or not he recognizes the value of this type of Bill for all people in the Territory.

Dr. Buchan: Mr. Chairman, do you mean the value of total coverage; the people who would not pay the premiums would be the irresponsible group who, at present pay for nothing? Is this...

Mr. Chamberlist: No, I said the value of the Yukon Health Plan, as it is submitted now, for the benefit of the people of the Territory.

Dr. Buchan: There would be a benefit, because there is a very small proportion of the people of the Yukon who, possibly, don't receive the optimum medical services. This group, as I say, is small because, let's face it, if they become ill, they are treated regardless of whether they can pay or not. Therefore, there may be a few poor but proud who don't seek medical attention and this group, then, would be helped by being covered. Their pride would then be swallowed and they could receive medical attention. It would be an advantage to the people to have total coverage like this, yes.

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

RECESS

*RECESS*

Dr. W. Buchan, Yukon Medical Service Association and Dr. R.A. Armstrong, Director of Medical Care, Department of National Health and Welfare were in attendance.

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

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Mr. McKinnon: Mr. Chairman, there are several questions that I would like ask of both Dr. Buchan and Dr. Armstrong, but I would like to preface my questions with some remarks. I was instrumental in getting the Y.M.S.A. plan in a very small organization at one time, and to say that we have been happy, our employees and our employer with the coverage that this plan has given, would be really understating the case. Any of the people who have had any medical care under the plan and any of our administrators who have had any dealings with Y.M.S.A., just give glowing reports of the efficiency and the ease of administration of this plan, and I say this in real sincerity. It is a real pleasure to be able to work under a plan that provides such protection and also with such a minimum of administrative headache to both those using the plan and to the employer also. Now, under the Y.M.S.A. plan, the employer is forced to contribute half of the cost of the plan for the employee and it means that in the plan that we have at our place of business, it amounts to \$2.55 for single coverage with extended health benefit and it is \$7.65 for family contribution for extended health benefits. Now, I would like to ask Dr. Buchan, under the new plan, whether the employer contribution is mandatory; also, whether it is outside the agreement? Where an organization is involved without a union bargaining for them, wouldn't it seem possible that the employer would like to relieve from his pocketbook the contribution of half of the cost to the plan which he is now forced to contribute under Y.M.S.A.?

Dr. Buchan: Mr. Chairman, to my interpretation of the Ordinance, it would not be mandatory that the employer contribute and I would ask Mr. Chamberlist...

Mr. Chamberlist: Well, I have already indicated this, but I think, the Honourable Member from Whitehorse West wanted to say his piece about -- on the same particular thing. It was made quite clear, that any arrangement outside of this plan is a matter between employer and employee. If the good employers who wish to maintain a sound and lasting relationship with their own employees, wish to participate in paying towards the premiums, the Government of the Yukon Territory has no wish to interfere with them doing so. If the employers wish to pay all the premiums, they can go ahead and do so, but certainly within the plan itself our arrangement is between the people and the Government.

Mr. McKinnon: I wonder, Mr. Chairman, if I could ask Dr. Buchan, what the extended health benefits consist of and whether the extended health benefits would also be included under the proposed scheme?

Dr. Buchan: No, the extended health benefits are not part of any Territorial health plan. This is where in a serious illness you can get travel expenses, you can get arrangements for part of your drug costs, etc. The luxury services -- it is not really luxury, but nevertheless services which are not usually given in a doctor's office or in a hospital. Moving you from Whitehorse to Vancouver, if you have a disease that involves extremely expensive drug bills, that type of thing. Now, presumably as in B.C., this would still be available through private plans and as Dr. Armstrong said, the Government plan that G.M.S.I.P. will continue to offer the fringe area of coverage.

Mr. McKinnon: But this would have to be a matter of personal planning over and above the Government plan. Now, I would like to ask Dr. Buchan another question. Since I have been in Government and I say this honestly, I have never had one case -- one legitimate case of a complaint

Mr. McKinnon continued.....

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come before me, that a person was refused the best of medical service in the Yukon, because of his inability to pay. Now, I have asked the Commissioner this question also; whether after all these pranks and all the complaints that were not legitimate, have been weeded out, whether one legitimate complaint has ever come to his desk, in his view of the Government of the Yukon, where a person has been denied the best of medical care, because of his inability to pay and his answer was absolutely no, and I only wish the Commissioner were here today, so I could ask him this question in public. Now, the question that I would like Dr. Buchan to answer, is this. In his practice in the Yukon Territory, has he ever seen cases of people, because of their inability to pay, refused the best the Yukon Medical Association could give in medical care.

Dr. Buchan: The answer is no. Nobody has been refused care.

Mr. McKinnon: But the point -- we are trying to make a point, here I think, there is not as good coverage given to people, as is now received under the group plans and under the Y.M.S.A. and we are trying to make the point, that people are being denied and that the people aren't covered. I am trying to make the point, that there is nobody in the Yukon that is now suffering the best -- or is not getting the best of medical care, because of his inability to pay.

Mr. Chairman: Dr. Armstrong, I believe you had a comment.

Dr. Armstrong: Yes, I think, this same point has cropped up across the country time and time again, and I think it is very difficult to pinpoint situations where a person was denied care, or was not denied care, because it is a very difficult thing to define, but I don't think there is any question that, in Canada as a whole, there were patients who didn't go to the doctor, because they felt they could not afford it. It's not that the doctor would have turned them down, but that the patient was reluctant to go to the doctor, or put off going to the doctor at an early stage, when he could have gone and ended up being much sicker as a result, or perhaps becoming disabled. There is a second aspect of it and this had application even in the wealthy provinces, such as Ontario, where communities where there was a low level of insurance coverage and a low level of income, could not support a doctor, even though there were plenty of people there. There simply was not enough revenue to be derived from that practice under pre-Medicare conditions to make it possible for a doctor to stay there in view of the income he could earn in other communities or in other parts of the country. Canada has had a very marked immigration of doctors in the last five or six years. A fantastic immigration rate of doctors from other countries, and these have been settling in the same provinces, the high income provinces and with the result that provinces, certain provinces, have been absolutely static in their doctor population ratio. Even the country as a whole has been making vast strides and the reason was simply that there was not enough money available in that province, or in the community, or in the region to attract the doctors into it. And when -- Medicare is already having an affect in these areas, because the income of the individual has been eliminated as a factor in access to care and it is not just a question of whether the doctor would deny him care or not. If the doctor cannot afford to stay there and moves, then the individual is denied care. Certainly there is already -- well, take the case in Prince Edward Island, which is one of the provinces with a lower doctor population ratio in the country and also one of the lower per capita incomes in the country and they started Medicare on December 1 and they have already had about a 6% increase in their doctor supply and this is because all of a sudden there are no more bad debts. The factor of the local income, the local insurance coverage has been completely eliminated. So, it is a different variation, but it is essentially the same point.

Mr. Chamberlist: Mr. Chairman, there is an area that I would like to point out, in reply to the Honourable Member's from Whitehorse West question. Firstly, the insured services that are available, were given to him, for his edification, in the proposed draft regulations, so that he is well aware of the insured services that are to be made available. In questioning Dr. Buchan on this, Mr. Chairman, the Honourable Member already had the answer. Dr. Buchan was also supplied with a copy of the draft regulations. So, I wonder, Mr. Chairman, was it -- the question should be: 1) whether there is an opposition by the Honourable Member; 2) the Bill itself. We have not even started to read this Bill and there are areas that have been opened up that should be answered during the reading of the Bill, clause by clause and I would like to ask, Mr. Chairman, that we proceed with reading of the Bill, clause by clause and then the Honourable Members can relate to the particular sections as we come to them.

Mr. Chairman: Well, I might say -- order please. I might say from the Chair, that it is the right and prerogative of any Member to ask any questions he wishes.

Mr. McKinnon: Mr. Chairman, I am only interested in one thing, and that is getting the best medical plan for the people of the Yukon Territory at the lowest possible cost and that is the whole reason for my line of questioning. It is number one priority on my mind and if this is the best way of getting coverage at the lowest possible cost, the most efficient way, then I'll go for it, but I certainly have the right to satisfy my mind, as to what is the best possible plan for that lowest possible dollar cost. I would like to ask Dr. Armstrong, -- the Federal Government recognizes the higher cost of living in the Yukon Territory through Northern Allowance subsidies and housing and this type of arrangement. Now, the cost of medical care is higher in the Yukon Territory also and yet the Federal Government is only willing to pay one half of the national average per capita cost in areas like the Yukon. I personally don't think that this is fair, considering the higher cost of medical care in the Yukon Territory. The Federal Government, whose plan this is, should be prepared to take into consideration the higher cost of medical care in the Yukon Territory, and be prepared to grant further money over and above the one half of the national average per capita cost, as supplied across the rest of the country. I would like to hear Dr. Armstrong's comments on this.

Dr. Armstrong: Well, the Medical Care Act lifts the Federal formula for calculating the contribution that is paid under that Act, but there is nothing in the Medical Care Act that limits from other arrangements being implied as well. And as you may know, under the Hospital Insurance and Diagnostic Services Act, which was a somewhat parallel Act, had a different sharing formula. The Federal contribution payable to the Yukon and to the Northwest Territories was calculated on the same basis as it was to any of the other provinces, but there were certain other arrangements which had nothing to do with the Hospital Insurance Act, which came into play and there is nothing in the Medical Care Act that would rule out such arrangements in the case of Medicare.

Mr. McKinnon: There is nothing that would rule it out, but is such a contribution -- would it be realistic to ask for such a contribution? What would be the acceptability of the powers of the -- in Ottawa, if such a case, as I have stated, would be made to the authorities?

Dr. Armstrong: Well, I cannot speak for other agencies of the Federal Government. There is no provision under the Medical Care Programme as such, but as you know, there are quite a variety of arrangements between the Government of the Yukon Territory and various departments of the Federal Government, relating to various programmes and I assume that the

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Dr. Armstrong continued.....

Commissioner knows the channels that would be most fruitful.

Mr. Chairman: Councillor Stutter.

Mr. Stutter: Mr. Chairman, I have another question, that may be just an administration question really, but I would like to have it answered. Speaking now as an employer, would I be required to make deductions on behalf of my employees, regardless of whether those employees would normally have their premiums paid by the Government? And in this particular instance I am thinking of casual labourers, who perhaps are indigent and would normally have their premiums paid by the Government. While they are being employed by me, would I be forced to withhold a certain portion of their wages and contribute to the plan?

Dr. Armstrong: Well, I believe, that is a matter of local arrangements and I believe you should direct your question to Mr. Chamberlist.

Mr. Stutter: I will do that.

Mr. Chamberlist: Mr. Chairman, what would happen in a case like that is, if a person for instance was -- having his premiums paid by the Government of the Yukon Territory, he would probably be given some sort of exemption. The employer would be given some sort of exemption certificate, so that the employer would not have to collect with that particular exemption certificate for that particular person. Now, I am merely suggesting this as a possible way to overcome this, but these little areas of administrative collection will be worked out at a later time. But there will be some provision made for the point that has been raised, which is a very good point indeed, Mr. Chairman.

Mr. Tanner: Dr. Armstrong, if I -- beg your pardon, if I have to pay \$1,000.00 income tax this year, could you give me any estimate of what percentage of those taxes go towards the cost of Medical Care?

Dr. Armstrong: Well, if you want a short and sweet answer, the answer is no. Several years ago the Social Development Tax was introduced. It was popularly referred to as a Medicare Tax, although the Federal Government never specifically said that's what it was for. It was for a variety of such programmes. Medicare to date has not come anywhere near absorbing the total take from that surcharge; so, it is a very difficult thing to say.

Mr. Tanner: Well, Dr. Armstrong, I think, perhaps you wanted to -- you might be more specific. It sounds to me like we are talking about an area which nobody wants to admit to but everybody realizes is a fact. In fact, when I pay my income tax, I do pay in some way or another, whether or not you call it a Social Development Tax, or whatever you call it, I do pay towards the cost of this Medicare in the Yukon, which I am not receiving. Isn't that true?

Dr. Armstrong: Well, it is the same with every Federal programme. All Canadian taxpayers contribute to it. The Canadian Government maintains a coastguard, but it is still paid for by people who are living in Saskatchewan and Alberta. The programme has been available to all provinces and territories since July 1, 1968 and has been the case with every joint programme in the past. The various provinces and territories have come in on various dates in accordance with their own priority and interest in a particular programme. So, this is really no different from any of the ones that went before, the Old Age Pension, which took 9 years before all provinces came into it. It was the first in this general area. Hospital Insurance took 2½ years. The Trans-Canada Highway and some of these other programmes took varying periods of time, and Medicare is taking roughly a similar period to

Dr. Armstrong continued.....

Hospital Insurance. This is what is pretty well expected and anticipated in all joint programmes.

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Mr. McKinnon: Mr. Chairman, I take it that if we join the Federal scheme, we don't receive the refund from the monies that the Yukon has contributed to the Federal coffers since July 1, 1968, is what you are trying to tell us in a nice way.

Dr. Armstrong: Well, Quebec made a great play about getting back what they had paid in towards this, but the answer was no.

Mr. Stutter: I have just one more general question I would like to ask. At the moment, I think it is under the Emergency Evacuation scheme, or the Medical Evacuation scheme, if a patient in a rural area has to be flown, or transported by some other method, to an area where he can receive better medical attention, all expenses except for the first \$50.00 are paid by the Government. Under this scheme, would there be any change in this? Would there be any chance that these expenses would be completely absorbed either by the scheme or by the Government?

Mr. Chamberlist: The Medical Evacuation Regulations are in the process of being formulated and are coming into effect on April 1. These regulations will clearly define under what circumstances will payment be made for medical evacuation purposes. The amounts of money as indicated now, that is \$50.00 or \$100.00 return, will be the amount of money that will be provided for.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I have some questions here. I would like to know, what do we do about our transient population? We have a very large transient population, more particularly during the summer months. Indeed, we have people who come and live here only for two or three months of the year and then return outside. How do these people contribute and what benefits do they get? How does this work in their case?

Dr. Armstrong: Are you referring to Canadians?

Mr. Taylor: Yes.

Dr. Armstrong: Well, Canadians, generally speaking, are covered. They are covered somewhere and Medicare has made it possible to sort out a lot of the problems relating to transient youth, for example, who are generally dependant on somebody, but for reasons of their own will not identify properly because they don't want their parents to know where they are and very often have never thought to get their father's insurance number before they took off across the country and where it is necessary -- well, if you can find out, where they are from and get some kind of identification and I think that the cost can be charged back to the province that they came from. Where you cannot do this, if you are prepared to absorb the cost locally, we recognize it for cost-sharing purposes and vice versa in the other provinces. Obviously they have to be looked after by somebody. As far as possible we are moving rapidly in the direction of trying to sort out all the various little difficulties that crop up with this alienated group and to make it possible for them not to lose coverage and to avoid a great deal of red tape in trying to sort out who they are and so on; but generally speaking, we have come to arrangements in a number of the provinces, which have virtually eliminated this as a local problem, one way or the other. The one thing, that we don't want to get caught in, is picking up Americans who are drifting through. As long as they are Canadians, we can work it out.

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Mr. Taylor: Well, when these people -- for instance, when we take a look at the play of the American person going through, if this plan was implemented, would they then pay the direct medical charges and fees to the doctor involved? For instance, in the case of accidents?

Dr. Armstrong: They would either pay or not pay, as they have in the past. I understand that there is a fairly high rate of non-collection from them. The American insurance schemes are quite different from the Canadian ones. All our insurance schemes, Hospital Insurance and Medicare require the plan to provide portability of benefits, so that if Medicare comes into the Yukon and you go on a around-the-world trip and you get injured in India or get shot some place, your coverage is there with you. The U.S. Medicare, which in spite the name is actually a Hospital Insurance scheme for the elderly and their Medicaid, which is a medical welfare type scheme, do not provide any benefits outside the U.S. at all and so Americans who happen to be covered under one of those programmes and who happen to take ill in the Yukon, would have no coverage. It is just a reverse sort of an approach to ours entirely.

Mr. Taylor: Further, Mr. Chairman, to these general questions. I am wondering, if we could somehow through the good offices of the Administration, get some sort of a breakdown, as to what benefits will be made available to the people of the Yukon under this scheme? I would be very interested in knowing that and also in relation to the premiums suggested, how the provinces -- what benefits are given in provincial jurisdiction and in relation to the premiums they pay?

Dr. Armstrong: Well, the basic benefits are the same in all 10 provinces and in the 2 territories, where the Yukon is in and that is to say, all medically required services rendered by a physician, no matter where they are rendered and all provinces and there is provision in the Yukon and in the N.W.T. for providing coverage for certain surgical dental procedures when performed in a hospital. Now, those are the same and will be the same in all parts of the country. Now, various individual provinces have, on their own, elected to provide something over and above that. In British Columbia there is -- and these are limited benefits, these are not comprehensive benefits. There are dollar limits, visit limits or what have you, on them, which are not permitted under the Medical Care Act, but since the Medical Care Act does not apply to them, they can tack them on -- any condition they want. In British Columbia, they cover some optometry, chiropractic, naturopatric, physiotherapy, pediatry or optic treatment and certain visiting nursing service. In Alberta they provide some additional dental services performed in private offices, optometry, chiropractic, pediatry and certain pediatric appliances and then they have an extra optional one above that, which people can join and pay an extra premium that provides certain drug benefits. In Saskatchewan the only extra benefit is optometry. Manitoba, optometry and chiropractic; Ontario, optometry, chiropractic, pediatry; Quebec, optometry and the others have no extra benefits. But all of those have limits on them and in certain cases such as B.C., they are only provided within B.C. There is no portability on them.

Mr. Chamberlist: Mr. Chairman, I would like to draw the attention of the Honourable Member from Watson Lake to section 10 of the proposed draft: "which makes provisions of payments for services to medical practitioners outside the Territory for services rendered to a resident of the Territory", and also to subsection (k) of section 2 of the Ordinance, which interprets a resident for purposes of receiving services outside of the Territory by a practitioner outside of the Territory. In dealing with the Y.M.I.S. programme, we have a very similar arrangement, whereby the Government of the Yukon Territory pay for services according to scale, where a person that is insured under the Y.M.I.S. is perhaps in -- I think, we have even paid somebody in Ghana for services there. It is an arrangement that has been

Mr. Chamberlist continued.....

made all over and I would suggest that this same type of arrangement *BILL #24* would apply in this particular area. Am I correct in assuming this, Dr. Armstrong?

Dr. Armstrong: Well, both territories made provisions to pay at the going rate in the province where the service is rendered. Now, this has not -- well, Newfoundland does the same and I believe Prince Edward Island, many of the others, and when they were coming in, in bits and pieces, they limited their payment outside their borders to what they would pay. Now, there is a definite trend in the same direction that has occurred under Hospital Insurance, to pay at the approved rate in the province where the service is rendered. Now, in the case of the United States, where rates are very often -- well not only much higher than what they are in Canada, but they are often not based upon any rational calculation. The plan uniformly puts a limit on how much they will pay. See, in Canada, no hospital is permitted to make money under Hospital Insurance. The Hospital Insurance rate is that rate which meets their cost, their approved cost, whereas, in the States hospitals are permitted to make money, if they can. So, their rates tend to be very different and all Canadian plans put a limit on the amount they will pay.

Mr. Taylor: Well, Mr. Chairman, I was most interested in the areas that will be covered by the plan and hopefully the Administration can provide us with a written copy of those areas which would be included in this proposed plan for treatment. I had hoped that possibly chiropractic would be considered here and whatever. Apparently it has not been. I see where dental services are out. I would really like to get this information so that I can go back to my people and discuss it with them. This thing just came off the confidential list this morning, as did the proposed regulations. So, now it appears that we can now go to the people of the Yukon and discuss this with them, but I would like to ask another question too. What percentage in the experience of the provinces in respect of these plans -- what percentage of the total goes for administration?

Dr. Armstrong: I think it is fair to say, except for the first year of any plan -- now, the first year they have non-recurring start up costs and also they have a cost of new staff that has to be trained and therefore takes a bit longer to adapt. Except for the first year, costs generally speaking run below 6% and some of them run closer to 5%, but first year costs almost invariably run higher than that, because of these non-recurring facts.

Mr. Chairman: Just speaking from the Chair a moment, Dr. Armstrong, could you tell us that, I believe that the Yukon is now the last area in Canada that does not have this type of coverage. If we do accept this coverage, has any thought been given to a Canadian Medicare scheme?

Dr. Armstrong: Well, that is what we will have. The constitutional realities at the present in Canada require that our national programmes be programmes with provincial components, which lock together to form the national programme, rather than a national plan, such as they could have in a unitary state like Great Britain. Even there they have theoretically a separate Scottish health service as opposed to the British health service; whether that is equivalent or not, they perhaps don't know any more than I would, but in Canada we accomplish the national programme goals by the interlocking plans put together and provide the more or less identical benefits up to the basic level.

Mr. Chairman: If this did happen, then we wouldn't be faced with the problems of having to define residency or making reciprocal arrangements with other provinces? I take it that if this did actually happen,

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Mr. Chairman continued.....  
we would have uniform coverage all across Canada if you are a Canadian resident, would be sufficient.

Dr. Armstrong: Well, as a matter of fact, I think that you are more than you think. Another exercise that I have in mind which is required primarily because of Hospital Insurance is that there are people living in Canada who are not in the province and -- well, there are not very many. It is a very real tragedy for one of them to be denied a bill and there have been various ways of dealing with it but they are all sort of make-shift ways and we are now working on a proposal that would eliminate the need for it. I would think that by the time the Yukon is covered, probably this other business will have become a thing of the past. Some of the provinces have different requirements for Medicare than they have for Hospital Insurance, which is administratively and politically indefensible, but nonetheless it has just grown up that way and everybody recognizes that this is no way to run a railroad and we have made quite a bit of progress in the last month in trying to get around things that people cherished for many years, administrative peculiarities, and whatnot. There now seems to be a genuine feeling that if a person is a Canadian and he is living in Canada, that a way has to be found to see that he is covered by somebody and to divide the transients. The people who live on boats and go up and down the river between provinces and so on and don't have a home on any shore, well, they have got to be covered and as long as it is distributed fairly among the provinces, there seems to be a general acceptance of this now and we are in the process of working this out.

Mr. Chairman: Well, again speaking from the Chair, would it be fair to say at this point, that the decision we make here, in this House, regarding acceptance of this plan in actual fact makes a difference to the proposed national policy?

Dr. Armstrong: Well, I think quite obviously that -- well, as of Thursday or Wednesday night at midnight, the Yukon will be the only jurisdiction in Canada without such a plan and quite obviously any arrangement that is made for the remaining 11 provinces and territories has to exclude a bona fide resident of the Yukon, you see. So, quite obviously the decisions that you make do have an effect upon the situation.

Mr. Tanner: Dr. Armstrong, could I ask you one further question? I don't know if this comes within your particular area, but I would like your opinion on it, if you so wish. Why, when the Federal Government initiated the medical plan, was the last place that they came to the two Federal territories in the Dominion of Canada?

Dr. Armstrong: Well, that was before my involvement in this. However, since the time that the events that you are speaking of were happening, I was involved in that part of the Government that has a relationship with the two territories. Certainly, I know that we had discussions with territorial officials and with members of the medical profession in the two territories, looking forward to what was obviously and inevitable developing. Now, whether there was any feedback beyond that, I have no way of knowing.

Mr. Tanner: Dr. Armstrong, to your knowledge, from what you can recall, what was the reaction of the medical fraternity in the Yukon at that time?

Dr. Armstrong: I think it was quite apparent to everyone that there was going to be Medicare and that it was simply a question of time. I don't really think that their reaction was that much different from what

February 12, 2012  
Brian Little

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requirements

Dr. Armstrong continued.....

it is today. I mean, mind you, a lot of water has gone under the bridge since though and some of the ideological nit-picking that was going on in those days has now practically disappeared from organized medical speech, because it has become apparent that a lot of the apprehensions which were held in those days had not come to pass. A lot of the provisions which were so tenaciously adhered to by organized medicine a couple of years ago have now been abandoned very silently, because they haven't held water, but basically, I think that the medical profession as a whole throughout Canada, and this includes the Yukon, realize that Medicare was coming and that really it was inevitable and that it could do a lot of good for people. They were all concerned in various parts of the country about differing borderline details of it, you might say, but I think, by and large the Yukon doctors were as realistic as any other doctor in the country at that time.

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Mr. Tanner: Dr. Buchan, were you in any way involved a few years ago in consultation between the Federal Government and -- and has your opinion now changed in three years and if so, in what particular area has it changed?

Dr. Buchan: The main reason for a change in the pattern of the local medical thinking, is one, when this Medicare was first spoken about in the Territory, it was not a premium plan that was spoken about by the Administration. It was going to be something in the region of \$500,000.00 obtained from the Federal Government and \$500,000.00 obtained from general revenue. The Medical Association thought that was a disgraceful waste of \$500,000.00 of the Territory's money, because those in need represented 20% of the population and therefore for a mere \$100,000.00 they could supply the needs of that 20% and the others were perfectly capable of buying their own medical insurance as it is now. Now, if there was not a premium plan right now, if you people were going to find -- had to find half a million dollars, it would be far cheaper for you to, say, leave everything the same and subsidize this 20%. Pay the premiums and you will get away with it for about \$100,000.00, compared to half a million. So, at that point in time, the profession was not in favour of that version of Medicare here in the Yukon, nor was the Council and at that time they never got beyond first basis, as far as I remember, because it was going to cost too much money. So, the difference now is that as a premium plan, we have advocated this always, the patient should be a part of it. He should contribute and now that the patient is going to contribute by premium, then it is not going to ruin the general revenue fund. Okay, it can be self-supporting and while, like Dr. Armstrong said, in principle an all-inclusive plan was not the idea of the medical profession, it was the politicians that dreamed that up, not the medical profession, but nevertheless they are now accepting that this is going on and in fairly good grace.

Mr. Tanner: Mr. Chairman, could I ask Dr. Buchan one further question, and this is in no way implied personally at all, or towards your practice, or anything, Dr. Buchan. Will, under this present scheme, the medical fraternity in the Yukon not benefit from the fact that they won't have the problem with collection, once the scheme comes into force, as they now -- I was going to say enjoy, but now they presently have to live with?

Dr. Buchan: This is true and it always has been known that in a scheme like this, by removing the bad debts situation, the income of the doctor should rise, and this has happened throughout Canada, but at the same time usually his workload has risen also, so if at one time he was working ten hours a day, he was then working eleven, but his income definitely went up and this was always recognized and yet the profession did not support Medicare, knowing too well it would give them money, but there were other freedoms they were losing which were more important to them than money.

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Mr. Tanner: Mr. Chairman, do you wish to carry on now or do you want to hold this over until after recess?

Mr. Chairman: If you have another question.

Mr. Tanner: I have one further question. Back in August I had a letter from Dr. Buchan, asking me to attend a meeting of the B.C. Medical Association representatives and one of the things they suggested and I don't see anything in this legislation -- perhaps it is not necessarily to Dr. Buchan, but also to Councillor Chamberlist, this question should be addressed, is the fact that we should have written into the legislation or into the regulations, a solution to the problem which has arisen in B.C. and that is that there is no set way of renegotiating fees with doctors in the legislation as it is now and it means that technically in two, or three or four years, when fees have risen, costs have risen and doctors want to recover their fees, you haven't got any process to talk to each other. Now, what I think actually happens in B.C., they unofficially sit down and negotiate. In fact, I think they are doing this right now, isn't that right, Dr. Buchan?

Dr. Buchan: Yes.

Mr. Tanner: Well, I think in this legislation somewhere that we should have some sort of process built into it where if they have got to sit down and talk-- if everybody is happy, then there is no need for it, but there should be something written into the legislation to take care of this possibility.

Mr. Chamberlist: Mr. Chairman, there are as a result of some discussion with the members of the medical profession, there will be one particular item deciding the Yukon schedule of fees and the Yukon, in the interpretation section, the Yukon schedule of fees will be the fees of B.C. plus 20%.

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

Mr. Taylor resumes the Chair.

Mr. Chairman: I would like to ask if Dr. Buchan and Dr. Armstrong would be available at 2:00 o'clock for further discussion on this subject? Will that be alright? I think in view of the time then, we will stand Committee in recess until 2:00 o'clock.

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Mr. Chairman: At this time we will call Committee back to order. We are discussing Bill No. 24. Would you proceed.

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Mr. Chamberlist: Mr. Chairman, prior to lunch, Councillor Taylor indicated that as the draft regulations were on the confidential list, he hadn't had sufficient time to bring them forth for his constituents. Perhaps, it would be pleasurable for him to note, that it is not intended to bring this legislation into force until April 1st, 1972, so he will have the whole year to discuss the contents of the draft regulations with his constituents, and the same thing applies to the bill, itself. You will also note, Mr. Chairman, that the areas, on which questions have been raised about what would the services be, are also defined in the draft regulations, and there may be other areas at a later date, that may be included, and Council will be informed concurrently with the members of the medical profession, of any changes to the draft regulations, as well.

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

Councillor Stutter takes the Chair.

Mr. Taylor: May I, indeed, thank the Honourable Member for this most enlightening bit of information, because I was about to ask that the matter be deferred until the fall Session of Council, in respect of dealing in general with the bill. No doubt this would pose no problem now to the Administration inasmuch as they weren't planning on bringing it into force until next year, in any event. But, Mr. Chairman, while I am up on my feet, I think that in order that we can go to the public with information --this of course, what this exercise is all about today, is to ask questions, get answers, and see what we can learn about this plan. I think that we must have a breakdown sheet presented to all Members, so that we can take that with us during the summer season, showing in one list the premiums in relation to the insured services under the schemes. Over the lunch hour, I have been looking into this, I would say; what is M.S.A. providing for the premium which they now charge? What do the Provinces of British Columbia, Alberta and Saskatchewan provide in relation to the premiums that they set forth? The Federal scheme, under which many Territorial people are now covered, for the premium paid, what are the insured services under that scheme? Then, listing out our own proposed programme in relation to it, so that we can then strike a comparison. This way, we can then go to the people with something that they understand, and may indeed accept or reject. I think that it is important that we do this, because it may be by bringing this scheme into effect in the Yukon Territory, we may deny people now covered under other schemes services which they are now getting, and which they won't get under this scheme, such as optometry, dental or possibly chiropractic. I would like to ask a question. I would like to know what the increased premium would have to be, in order to include within a Territorial scheme, were one acceptable here, by adding optometry, dental and chiropractic services as well to this scheme? These are things, that I think that we should know, and we should look into. I don't know -- I would also like to ask at this time, possibly Doctor Armstrong or Doctor Buchan could enlighten me, have the people in the optometry business, or the dental business or the chiropractic business been consulted in relation to this legislation, or is this -- with a view to finding out if they can incorporate these services within this scheme?

Mr. Chamberlist: Mr. Chairman, I wonder if I could be allowed to answer a portion of this first? At the beginning of the particular question that has been raised by Councillor Taylor --I would like to make it quite clear, that if any of the areas of additional services, that have been mentioned by Councillor Taylor, were to be brought into this scheme, it would be a 100% payable by the Government of the Yukon Territory. Perhaps, Doctor Armstrong will be able to add towards. This would not come under a cost sharing basis, and this must be considered by all concerned. Perhaps Doctor Armstrong ...

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Mr. Taylor: May I compliment the Member on his sharp observance in recognizing that this would be an additional premium, and as I just stated earlier.

Dr. Armstrong: Well, there is no federal cost sharing, at the present time, in respect of optometry, chiropractic or office dentistry. Now, surgical dental procedures which require performance in a hospital, are covered, and they are provided for in the regulations. No other province at the present time, has any particular ambitions in the near future to get into office dentistry on a broad scale. The cost of such a plan, on an universal basis for the country as a whole, would probably run in, well would run close to \$20 per capita, I would think. This is for Canada as a whole, so for the Yukon, itself, that is probably a low figure, because you pay a higher rate of payment in the Yukon than charged in most provinces. Optometry, for the country as a whole, would probably run in the order of a \$1 per capita, although this varies from one province to another. Some would be a little more, and some would be somewhat less. Chiropractic; I can't give you a figure off the cuff; if it is important, I could see what I can do when I get back to Ottawa. Again, it depends upon your supply of chiropractors in the Territory. For example, in Newfoundland, there is one chiropractor for 500,000 people. The cost of providing chiropractic there, would be very little, indeed, in per capita terms. On the other hand, in a province such as Ontario or British Columbia, where you have a relatively generous supply of chiropractors, input costs would be potentially more. I am not sure how many you have, I know that you have at least one, but ...

Mr. Chamberlist: We could just break our backs trying to raise the money.

Dr. Armstrong: However, there is at the present time no federal cost sharing beyond the basic services, which are physician services and surgical dental procedures that require to be performed in a hospital.

Mr. Tanner: Mr. Chairman, I have one question for Dr. Armstrong. You mentioned that in New Brunswick, I think that is was New Brunswick, or Prince Edward Island, when this legislation came in, there was an influx of doctors, I think you said. Do you visualize the same thing happening in the Yukon?

Dr. Armstrong: Well, the Yukon, strange to say, has a higher doctor population ratio right now, than Prince Edward Island. The picture in the Yukon has changed very dramatically in the last year or two years. Now, one thing that Medicare will do, is make it possible for the Yukon to support this number of doctors more readily than perhaps it could have done in the absence of Medicare, or it might promote a more uniform distribution of them within the Territory. In the case of Prince Edward Island, their doctor population ratio was substantially below the present Yukon levels. Only about 51 percent or thereabouts of the population were covered by private insurance, and not all of that, by any means was comprehensive. As you know, the average income in that province is very low, and quite simply even on their preexisting doctor population ratio, 1 to something like 1,200 people, they were the lowest -- they had the lowest average earnings of all doctors in Canada. In spite of the fact that the fee schedule was actually a little higher than Ontario's, their earnings were only about two-thirds of that of Ontario doctors'. So, that in the absence of Medicare, they just had as many doctors as they could support. It was debatable how long some of them would stay there, with the differential between their earnings and those in the rest of Canada steadily widening. Now, under Medicare, that differential will be wiped out simply by eliminating this bad debt situation. In the four months, it is less than four months, since they started their Medicare, and they haven't really felt the effect of Medicare, yet, they have had an increase of, I think, something like six or seven doctors on a total supply of about 90, which has remained constant fluctuating not more than one for some years. Now, all of a sudden, they are starting to move up towards a more normal doctor population ratio. I think that the Yukon has had its ups and downs in its doctor supply over the years. But, it is much more

Dr. Armstrong continued ...

likely that the present ratio, or something near it can be maintained with universal coverage; that would be the case where you have people who may be covered by a group today, and then, perhaps they get laid off, or they leave work, or the company folds up, and they haven't got coverage tomorrow, which is one of the things that has happened even in provinces with fairly high private insurance arrangements. People could be covered one day, and not covered the next day, and then of course they have no coverage.

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Mr. Chamberlist: Mr. Chairman, there was one little piece of information I would like to give to a question that was asked by the Honourable Member from Dawson earlier this morning. I would bring to the attention of Members of Committee, that indigents would be a Government responsibility. There is provision in the Ordinance for assisted premiums, and also where there is a taxable income of \$1,300, and there is provision in the regulations, one can apply then to the Commissioner for assistance, and the premium would either be paid in part or in whole by the Government.

Mr. Chairman: I wonder if I might ask a question from the Chair at this point. I think that perhaps Dr. Armstrong could answer part of it, and the other part, probably Dr. Buchan. I would like to know if there are any comparable costs, to begin with, do you have any costs of provision of medical coverage at the moment, per capita in the Yukon, as compared to costs in British Columbia or Ontario? Perhaps the Yukon part, Dr. Buchan could answer.

Dr. Buchan: I can't give you the exact figures on that. Recently published were 1968 figures, which showed that the Yukon spends less than half on health care than a province such as Ontario. But, whether the D.B.S. produced these figures, whether they had the total picture, I don't know. The picture has changed so much in the last year. Up until 1968, the experience of a plan, such as Y.M.S.A. was that because of under utilization by the patient, these plans did better than their British Columbia equivalent. This is because, if you had one doctor for 2,000 people, there is only so many people this doctor could see, and the others, when they got the sore throats, they just stayed home and didn't bother the doctor, whereas in Vancouver, with a doctor available, they would take their sore throats there, and this would be an extra charge on the plan. Another fact in the Yukon is its geography; where if a person lives in Haines Junction, he doesn't come into Whitehorse with his sore throat, so therefore that person utilizes a plan less than a person in Vancouver. Allowing for the fact that there are a reasonable number of areas in the Yukon, Teslin, Haines Junction, and so forth, without a doctor on staff at all times, there would be a degree of under utilization, and hence the financial pictures in the Yukon should be satisfactory, and on a par with British Columbia, even allowing for the extra charges. Until geography is defeated, the Yukon should not do badly in the total financial picture.

Dr. Armstrong: There is another factor too. The Yukon has a younger population than British Columbia. In other words the age, sex mix of the population is more favourable. One would anticipate, all other things being equal, a lower rate of utilization. So, in addition to the factors that Dr. Buchan mentioned, you also have fewer elderly people in relation to your population than British Columbia has, and this makes an appreciable difference in the per capita. The other question, too; if one is trying to compare per capita costs preimposed Medicare, you are really comparing apples and oranges. This is a point that hasn't come up yet in the discussion, but when you are comparing the cost premiums in a premium province under Medicare with private insurance arrangements, you have to make allowances for the additional things which are covered by the premium, assuming that it is a realistic premium. Medicare differs from all private insurance arrangements in this country, in that the federal contribution not only is made towards the cost of the sort of services that were covered by private insurance schemes, that is to

Dr. Armstrong continued ...  
BILL #24 say, services by private practitioners, but it also recognizes the cost of providing services through governmental services such as, professional care in tuberculosis sanatoria, which has never been covered by private insurance, professional care in mental hospitals, which has never been covered by private insurance, and in the case of the provinces, that element of the services provided by medical officers of health, both at the provincial and municipal levels such as immunization and school health examinations, and so on, all of which again has not been covered by private insurance to the extent that it was carried out by these governmental services. So that in a premium province, which is taking the total cost of the shareable Medicare package, and is funding that part of it which is not covered by the federal contribution under its premium. It is actually saving money out of general revenue, which they had been putting into the same package before. This is one of the things that makes it somewhat difficult to compare the two, because you are not really comparing the same things.

Dr. Buchan: From the knowledge of what Y.M.S.A. achieved in the way of making ends meet with a premium that Y.M.S.A. charge, which is very close to the projected one for the Medical Plan -- now, you have seen the individual figure, that \$18, but on a group plan, it is less. It is very close to the Yukon. Now, that was breaking even; so therefore, it would be expected that in a Yukon plan, those people who are able to pay the full premiums, then they, the Government would be able to give them full medical care at no cost to themselves. The influx of money from the Federal Government would then be spent on the indigents, the semi-indigents, and on these other fringe areas, which are not at present being used, but nevertheless coming out of Territorial pockets somewhere. So, in actual fact, the total Health Budget of the Yukon might be somewhat less because of this influx of federal money, and the fact that the premiums, as stated, should cover the total medical care of the individuals who are paying the full premiums.

Mr. Taylor: Mr. Chairman, I have a question, too. Would people requiring and obtaining services from our health clinics, nursing stations and cottage hospitals throughout the Territory, be covered under this scheme, notwithstanding that there is not a medical practitioner in residency there, or even available at the time, but that these would be administered by the nurses? Would they be covered?

Dr. Armstrong: Well, the costs of professional services rendered by other than medical practitioners, and under certain circumstances dental surgeons, are not recognized as costs under Medicare. But, mind you, a good deal of these costs are actually covered under hospital insurance, which is -- the two plans sort of work together, and what one plan can cover, often the other plan can't, and vice versa. It doesn't cover the totality of services, but it covers a good deal of it.

Mr. Chamberlist: That comes under Northern Health Services.

Mr. Taylor: But would you pay for that in addition to the plan?

Mr. Chamberlist: Oh yes.

Mr. Armstrong: There is a sort of a shared cost arrangement, as I understand it, based on the population distribution, of the cost of these other services. Now, some of the services will be picked up, it's true, but there will still be a residual.

Mr. Taylor: Yes, Mr. Chairman, this is my point, though, that many of the people -- like everybody in the Yukon, unfortunately doesn't live in Whitehorse, about half the Yukon does, but there is still about 207,000 square miles out there, very sparsely populated, really, and many of these people rely on nurses within their community and nursing stations where they exist and this type of thing. They are visited by doctors from time to time,

Mr. Taylor continued ...

on a visiting basis, some communities. If you have work done in these nursing stations, generally you pay something for it. There is a charge if you get your arm stitched up, or this type of thing, and indeed, notwithstanding we have this plan, it would appear to me, that we would still have to pay in the outlying districts for these services, notwithstanding this plan was in effect.

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Dr. Armstrong: Well, in the case of the Northwest Territories where a somewhat similar arrangement has pertained, I believe that they are dropping all charges at nursing stations with the advent of Medicare. So, that the patient that gets treated there is not at a disadvantage financially, compared with the person living in Yellowknife or some community where there is medical attention available. But these people, mind you, do get seriously ill, and get evacuated not only to Whitehorse but farther south. Of course, they are fully covered under those circumstances.

Mr. Taylor: This seems to be the intent in the Northwest Territories; would such a programme come into effect in the Yukon Territory?

Dr. Armstrong: I think that question should be addressed to Mr. Chamberlist.

Mr. Chamberlist: This is being considered, and certainly the particular charges of the Honourable Member -- I think raised a point with reference to a \$1.50 that was being paid for everybody that went into a particular health centre, this will be removed, as I understand it, once this programme comes into effect; plus, the other area of charges is something that is also being discussed and will be placed in regulation as well. I think it is a valid point that has to be taken under consideration, that perhaps hasn't been discussed sufficiently. Now, that the Honourable Member has made the point, I can give him assurance that it will be looked into.

Mr. Taylor: Yes, this is something, Mr. Chairman, that indeed, if we eventually after reading this bill, defer the whole matter till fall while we can get this type of information before Council, and we can find out just what will, and what will not be considered. Again, when we go back to the people in the outlying districts, these are questions that they will, of course, be asking the Members who represent those districts, and we have got to be able to answer them. Because, it may be, if we say to them, alright you are going to have to pay for the same services you are getting from your nurse in a Northern Health Services Nursing Station, notwithstanding that this programme comes into being, well then they may not accept the programme; I don't know this. These are the things that they want to know, and this is why we are here to ask questions.

Mr. Chamberlist: Mr. Chairman, I wonder if we can now proceed to read the bill, so that we can get some work done on the bill, itself.

Mr. Chairman: I would like, just before we proceed with the bill, to ask one more question from the Chair. I think my question has partly been answered, but I would like to know for sure how the premium is to be set for this fund? Is it to come out of revenue from the fund itself? We have been told now, that in all probability the cost of Medicare in the Yukon will at least compare to the other provinces, but if we find later that it is costing way more, does the premium, itself, have to take care of the added cost, or would this be picked up from some other source of general revenue within the Territory?

Mr. Chamberlist: Well, I can answer this quite specifically. This must be a self-supporting plan. The premiums, if we find at a later date, that the premiums do not cover the cost of operation, then it may certainly be that the premiums would have to be increased. Now it is -- if you will

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Mr. Chamberlist continued ...

note that the basis of the federal contribution, is based on the per capita basis. Once we have the D.B.S. -- do the survey that is due to take place, I think, in July or June of this year, then it may well be that it will be increased. Specifically, to answer Mr. Chairman's question, is that this must be a self-supporting plan.

Mr. Chairman: A further question from the Chair, then. If it should prove, that in actual fact, the cost of providing this service is less, then the premiums would also be reduced.

Mr. Chamberlist: This is a hypothetical question, and I am not prepared to answer a hypothetical question of that nature.

Mr. Tanner: Mr. Chairman, I suggest that that was the same question that was asked previously, and if he could answer the other one, I think that he can answer this one.

Mr. Chamberlist: Well, I can answer with reference what takes place if the cost happens to be more, but if the cost happens to be less, we will have to wait and deal with that when the appropriate time comes along.

Mr. Taylor: Well, Mr. Chairman, you know, this is really and truly what we were talking about in the Tax Ordinance. This is a tax or impost upon the people when we bring this plan into effect, because I see nowhere in this bill, in the time that I have had to peruse it, whereby this Legislative Body will determine what that premium will be. The Commissioner by regulation, will set that premium. So we have just given the Commissioner another blank cheque if we accept this, and if you don't pay your little premium, as it states further on in the bill, "then every person who violates any of the provisions of this Ordinance, is liable on summary conviction to a fine not exceeding \$1,000, or imprisonment for six months"; so I think that it is kind of important that we sit down and make sure whether the people want to buy this or not, that we have all the information, all the information made available to them.

Mr. Chamberlist: Mr. Chairman, it has come to the stage where I must ask a straight forward question. Does this Legislative Body want to bring forward for the people of the Territory, a proper Health Care Plan? It would appear not, from the attempt of the Councillor from Watson Lake to destroy this piece of legislation and the purpose for what it is meant. Now, I would ask, Mr. Chairman, that we go along with the reading of the bill. This obstructionism must stop so that we can get on with some work. Now, it has been made quite clear at the moment, what is to be required. The questions have been answered. Dr. Armstrong has been absolutely straight forward in everything that has been requested of him, pertaining to this type of programme. He has had much experience in bringing together the provinces and the Federal Government in dealing with these particular areas of Medicare programmes. Now, it has been quite clear that, there will also be some administrative difficulties until such time as the programme gets into effect. In the meantime, I will ask of you, let us get on with the reading of the bill, and deal with it clause by clause, and raise our questions and objections as we go through a clause by clause reading, so that any objection at a particular clause can be dealt with in the proper manner.

Mr. Taylor: Well, Mr. Chairman, I never want to be accused of being an obstructionist.

Mr. Chamberlist: You are.

Mr. Chairman: Order, please, order.

Mr. Taylor: Certainly, in the case of this, and I tell you, that the deeper I get into this particular subject, the more suspicious I become of the motives of the Administration. Now, we are sitting here asking

Mr. Taylor continued ...

questions, and trying to learn something about this matter of Medicare. It just came off the confidential list, compliments of the Honourable Member from Whitehorse East, this morning. Then he tells us, well we don't want to defer this, now, we have got to read the bill, get through it, just read it through, so that I can then get my majority and move the darn thing out and make it law. Stuff it down the throats of the people of the Yukon, and that is entirely possible. I am becoming more suspicious of this...

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Mr. Chamberlist: I am going to get rid of this guy for sure.

Mr. Taylor: But it is not my intent to obstruct or ...

Mr. Chairman: Order, please, order.

Mr. Taylor: It is not my intention to obstruct or destroy this thing. I want to find out, as the people want to find out, what are they going to get, what it's going to cost them, and then it is up to them to determine whether or not they can afford to buy the package. So, I think that should be clearly stated, and clearly understood.

Mr. McKinnon: Mr. Chairman, it seems that every time a poor, sorry backbencher gets up in this House to ask a few questions, he is accused of being an obstructionist. I have been listening to the Honourable Member bellow like this for the past ten years, and he is certainly not going to intimidate me from asking the questions that I want, before we go on with the reading of the bill. There is one thing that has bothered me from the beginning of this discussion, and it still bothers me. I would like to have an explanation from either, Dr. Armstrong or Dr. Buchan, or the Honourable Member from Whitehorse East. It seems that here we are going into a cost sharing plan with the Federal Government, that 50 percent of the cost of the plan will be reimbursed to the Territory, or 50 percent of the national average of the cost will be reimbursed by the Federal Government. Now, we are paying approximately the same premium if we go for the Yukon plan, the universal plan, as I am now paying under a Y.M.S.A. premium. Now, the maximum figure that we have been quoted by everyone seems to be that probably 20 percent of the public will be picked up by this scheme, if we go universal. Now, how does that justify a doubling, really in essence, what we are talking about, a doubling in premiums, because we are going to be paying universally across the board; we are also going to be reimbursed 50 percent of the actual cost by the Government of Canada. So, it seems to me, that for the 20 percent that are being picked up by the plan, it's actually costing the government -- the people of the Yukon Territory twice as much in actual premiums. I wonder if I can have some comments on that?

Dr. Armstrong: Well, this is the point that I was referring to earlier, about the premium actually picking up far more than just part of the clinical care not covered by the federal contribution. At the present time, the M.S.A. subscriber is paying his premium, and if he is a non-group supporter, he is paying a higher premium. He is also paying, in his taxes, in one way or another, for the care provided to welfare recipients, which under the new arrangement is covered under that premium, and not taken out of general revenues. He is also paying a portion through taxes, in one form or another, for the professional component of care in tuberculosis sanatoria, in mental hospitals, which under the new arrangement doesn't come out of general revenue anymore; it is covered under that premium. There is a variety of individuals who, presumably at the present time make payment after a fashion or don't make payment as the circumstances permit, and who do not qualify for welfare assistance. You see, many of the individuals in this -- beyond this 15 or 20 percent. The reason that they are not covered is several fold, one of them is, that they are not members of a group or almost certainly they would be covered, because their employer would be paying a variable percentage of the premium. It may be that they can't afford to pay the additional premium required of a non-group subscriber. This is one of the things that has been noted

Dr. Armstrong continued ...

*BILL #24* very commonly in southern Canada where you have much higher levels of insurance coverage, that there were a lot of people who, in these marginal groups, could not afford to pay the additional premium required for non-group coverage. There is no distinction in the premium under the new scheme between the non-group person and the group person. In other words, you have made a group of the entire Territory population. If he moves somewhere else and leaves his employment, he no longer loses his coverage, which was the case under most private arrangements. His coverage carries on until he is picked up, if he moves out of the Yukon, until he is picked up in another province, or if he moves to the Yukon from the other province, he is carried by that plan until he is picked up in the Yukon. But, under private arrangements, and this was true in British Columbia, and British Columbia had probably the highest level of private insurance coverage in Canada, pre-Medicare, and the highest percentage of that coverage was comprehensive, still there were people whose insurance was such, that if they were laid off at midnight, their coverage was stopped, bang, and they had no further coverage until they were taken on again, and another waiting period. Well, this is useless coverage for the people in the lower income groups. You take a lot of the figures that were bandied around by the opponents of Medicare, where they were figuring out arguments that 95 percent of the population of Ontario had the equivalent coverage. They were taking all sorts of things, like the people in jail. Well, certainly a person in jail is given free medicare while he is in jail, but let him out of jail, he has got nothing. You can't call that any kind of insurance. The same thing of a person in a sanatorium, in a mental hospital, people changing jobs, their coverage from one group had lapsed, and they had nothing until they got picked up somewhere else. They might get picked up there with all sorts of limitations imposed upon them, because of preexisting conditions. So, that you are not really -- the new premium, presumably, they are being spared a certain amount of general revenue taxation that they are paying, now, and which either -- if the Territory doesn't lower their taxes, it prevents the Territory raising the taxes to realize that additional money that is required for some other programme, which is what happened in all the provinces. They were able to share the cost of their public health services, in part, their mental hospitals, their tuberculosis sanatoria, covered under the premium, and release some millions of dollars from general revenue, that did not then require additional taxation to raise. So, that it isn't quite -- you are not just looking at the premium versus premium.

Mr. McKinnon: I appreciate some of the points that Dr. Armstrong made, and I will accept them. But it still seems to me, that for the added benefits that Dr. Armstrong admits to, and I agree with him, that it shouldn't be double the cost to the government involved or to the people involved, which it seems to me to be, because the premiums are going to remain the same, and yet the Federal Government is going to contribute half of the cost of the plan to the Yukon Territory. I would like further comment. I am not satisfied, that with the increased benefits, I accept, and I agree that there are real benefits to it, that it should cost double for these added benefits. I am not satisfied yet, that they are worth it.

Mr. Chamberlist: I wonder if the Doctors would be interested in making a comment. Mr. Chairman, I wonder if all that might satisfy the Honourable Member in that regard is the question that should be asked of the Doctors, because after all, these premiums are assessed on the basis of what has to be paid to the medical profession for the services that are going to be provided for the people. Now, if the Honourable Member is suggesting that we are paying twice as much now, you will have to keep in mind that individuals were previously -- who were not in any Y.M.S.A. programme, would be paying to the medical profession for their services. This is where the payment is to be made for those services, for the largest percentage of -- to the medical profession. If the question is to be asked why do we have to pay twice as much, perhaps the Honourable Member would direct his question to Dr. Buchan, who would perhaps answer.

Mr. McKinnon: I directed it to both of them for any clarification I should get.

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Dr. Buchan: I think, if we take British Columbia, Mr. McKinnon, they had almost 90 percent of the population covered by, not quite 90, say, 80 percent covered by prepaid plan before the advent of their Medicare business, and it was self-supporting, because all these plans were not in debt. Premier Bennett had introduced British Columbia Medical Plan which was to pick up those who could not pay the whole premium. This was before Medicare came, he had already established this, and that was costing money because that didn't break even. The government had in put into the British Columbia Medical Plan, as it was then, then came Medicare with a federal contribution, and Premier Bennett was laughing all the way to the government coffers; of course, he had just had an influx of twenty million dollars, which he could then use on other things. So, your statement is correct, that the income of the plan, pure and simple, in this as I see it, is greater than the actual expenses of the plan, pure and simple. However, the extra money coming in, is then distributed into other health fields, and thereby saves general revenue, health things and so on. It is not a profit to the Government, as such, but your point is totally correct; the income, if 80 percent of the population are already covered then, and paying a premium, then the plan should show a large profit. It's what you do with the profits that is different.

Mr. McKinnon: Both Dr. Buchan and Dr. Armstrong are merely putting forth the argument that in other areas of Health and Welfare, costs should drop substantially to the taxpayer, and somehow I don't believe that this is going happen. I hope that it does; I sincerely hope that what the Minister said prior, that he was going to chop the Health and Welfare costs in all kinds of ways, and after he had got his feet wet in a year on the job, that he will be showing us new and ambitious policies that are going to lower the Health and Welfare costs. Perhaps this is the method that he is going to use to bring some of these costs down; if he does, well and good, but somehow I don't really believe that the Health and Welfare costs, even with the arguments that both doctors have used, are going to take a substantial drop in the Yukon Territory with the advent of Medicare, if it is accepted by this House.

Dr. Armstrong: Well, may I just comment here. If you are thinking about double payment, you have to relate it to what happens if the Yukon does not come into Medicare. Your non-group person is paying his \$18 a month. The rise in the premiums, in the prepaid section, sector, was quite marked prior to Medicare coming in. There were rapid increases in costs in the private insurance sector for several years leading up to the implementation of Medicare. The increase in premiums in Ontario put P.S.I. up into the \$19 odd dollars a month per family bracket, where as O.S.I.P. which has roundly condemned for having the highest medicare premium in the countries between \$14 and \$15, and even at that rate, they were losing money on their reserve funds; so that the individual, say, who has non-group coverage, he is paying his \$18 a month. You have no way of knowing how long that premium is going to be able to be adequate. At the same time he is paying in his federal taxes to the federal share of what isn't coming to the Yukon, he is paying in his Territorial taxes towards the cost of T.B. and mental hospital care, public health, and such other medical indigents, which is going to go on anyway. Under Medicare, he is not paying a higher premium; in fact most people would probably pay a little lower premium. That is relieving this additional tax load that he is already paying; he is at least getting something back for it, and he is sparing that part of his taxes which go to the Territory for these things which are now covered under Medicare, and funded under that same premium. So, if you compare the situation under Medicare, now, the rest of the country is in it, he will be worse off if the Yukon doesn't come in, because he is continuing to pay these things, and he is getting nothing back for it, whereas, he is not paying any more; in fact, he will probably pay a little less under Medicare.

*BILL #24* Mr. Chamberlist: Mr. Chairman, you must keep in mind, that when it comes around to the next budget for 1972-73, it means that the Territorial Council will not be asked to approve certain areas of the Health Budget, where before, it was -- would have been necessary for approval of that, because the Health Care Programme, the money it receives; the portion from the Federal Government takes that into consideration. One other area that Dr. Armstrong mentioned was the medical evacuation programme; where it was previously voted on as a separate sum of money for that purpose, it would be part of the Health Plan, and the money would come out of that as well. Surely, there are many merits in it, keeping in mind as well, you never know at any time, that the prices of -- if you didn't have the plan, the medical profession may necessarily have to raise their fees for some purpose, and then the individuals who are not in a particular programme have to pay a larger amount of fees. The premiums that the people pay for Y.M.S.A. now may go up at a later date as well, because you don't know what those are set at. So, really all in all, it is a matter of administrative problems that have to be ironed out, all sorts of housekeeping areas that have to be ironed out, but the bill itself, in principle, has already been agreed with by the members of the medical profession. Usually we have quite a beef, but up as far as we have discussed with other people, this time I have been meticulous in making sure that the medical profession has been kept completely informed on the bill and the regulations relating thereto, and have met with them continuously in this area, and we still leave it open to meeting with them for further discussions as well.

Mr. Taylor: Mr. Chairman, do I understand, then, that this year we are spending, just in general health services, alone, within our Budget, a budgeted figure of three hundred and sixty-two thousand dollars. Now, do I understand that this is going to decrease general health services?

Mr. Chamberlist: To a great extent, it will. I can't tell you exactly to what extent, but it will. We can only estimate that -- we will estimate that approximately a hundred and eighty thousand dollars, as an approximate figure that I have worked out, that it would be reduced as a result of the -- based on the proposal that we have now before us. The situation in a year's time might differ, because we don't know what is going to happen between now and a year. We can only attempt to estimate on that basis, but there would definitely be a reduction in the amount of money that will be required by separate vote as a result of the 50 percent of the per capita which we would be receiving from the Federal Government. Keep in mind that at the moment, we don't get this.

Mr. Taylor: Yes, this I find most interesting, and I would be very interested to see how the Honourable Member assumes that we can reduce general health services by a third by implementing this plan. I have some other questions here. I would like to ask how this premium figure was arrived at? Was it arrived at because -- and is this the premium in the Northwest Territories, or was a study made within the Yukon to determine what the case load might be? Is it based on past experience, or how is this arrived at?

Dr. Armstrong: I think that you would have to address that to Mr. Chamberlist. The Northwest Territories has no premium. A premium is not feasible there, because you don't have as many employment groups; you have a scattered, still, rather nomadic populations in many areas, and the cost of collecting the premiums in a scattered rural populations is just prohibitive. This is one of the reasons why the eastern five provinces in the country never had an adequate level of private insurance.

Mr. Tanner: Mr. Chairman, if I could ask Dr. Armstrong, how much does the Federal Government fund -- how much is the Federal Government allocation in the Northwest Territories, if they are not paying any premiums themselves?

Dr. Armstrong: Well, it is the same contribution. There population

Dr. Armstrong continued ...

is something in the order of thirty thousand, I think, and for the present fiscal year, at least for the one coming up, the national average per capita cost will be approximately \$57, so they will be getting about \$28.50 times, say, thirty thousand, whatever the census turns out the population to be. I don't know what other types of supplementary arrangements there may be in the case of the Territories, or the Yukon for that matter, because they don't concern the Medical Care Act, which is a very distinct and precise contribution. But, there are all sorts of federal grants to most territories for a variety of purposes, and I have no ideas as to what, if any, supplementary arrangements there are.

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Mr. Chamberlist: Mr. Chairman, it was at the Second Session of Council, 1968, Sessional Paper No. 37, A Brief on Medicare for the Yukon Territory, was presented to Council. This paper contained the criteria which would have to be met to insure federal contributions towards the programme. I think that Members who were on Council at that time will recall this. It was pointed out specifically that the plan itself was a non-profit basis plan, and it was there to provide services on uniform terms to all those persons that were eligible to be insurable, and I think that that paper gives most of the benefits and the insured benefits and the exclusive benefits. I think that it was brought down that there was something like 4,000 single people, 2,000 head of household, a 1,000 wives, and at that time, it was based on the average family of four, with a population of 16,000, but there has been another estimate from D.B.S. making provisions for 17,000 population, and this is what the present amount of money as a cost sharing basis has been referred to. There were various breakdowns given of what the different premiums were in the different areas at that time, and the different amounts of money that would have been received based on the Alberta rates, the British Columbia rates and the Ontario rates, keeping 4,000 single, 2,000 family basis. The premiums were worked out on that basis. I think that if Honourable Members would refer to that particular Sessional Paper, and if Members would require it, I would ask that the Administration, to refreshen their minds, to seek a copy, and present a copy for the discussion and consideration during the time that we are going through this bill. Perhaps we can have it provided for morning. The gross costs of populations were based on \$58.11 less the recoverables from the Department of Indian Affairs and Northern Development and the Department of National Health and Welfare. It was brought down to a very close degree by the work that was done on this by one of my officers, Mr. Duncan, and any further information as to breakdown or how it was arrived at, if this is required, we will be prepared to bring it forward for the Members of Committee.

Mr. Taylor: Yes, Mr. Chairman, I would be most interested in seeing the more recent information as to how this was arrived at, because, certainly, you must have got this figure of \$6.50 per month single, and \$14.50 per month family from somewhere. It just didn't fall out of the air. I hope that it didn't fall out of the air. Now, I have another question respecting this plan, and I would like to direct this question to Dr. Armstrong, and ask, is it possible that we may, at sometime or another, have to dip into the general revenues of the Territory to pick up a deficit in the operation of this plan, and if this is possible, in what areas would this occur?

Mr. Chamberlist: How can he answer that?

Dr. Armstrong: Well, based upon experience in the provinces to date, to date, and I touch wood, because I haven't got the final figures for this present fiscal year, the programme has been running slightly below estimate. Now, there are one or two provinces that have run slightly over, but not significantly over. The majority have been running below. The big variables, really, are the population, the supply of doctors in relation to the population and the price or the fees. Now, several provinces have an above average rate of population increase. Some of the provinces have virtually static populations, and their costs are much more stable.

Dr. Armstrong continued ...

BILL #24 Ontario, British Columbia and Alberta have population increases substantially higher than the national average, and obviously they get increased utilization, and if their projection of -- or their guesstimate of the influx of population is wrong, then they will be off a bit. Now, the Yukon, potentially, I suppose might show a population increase, but here again, this -- with a small population, you are more sensitive to a bad guess of 1,000 people or something, than a big province where it wouldn't really make any difference. The doctor supply is a very important element. The present estimates of Medicare costs in the Yukon differ from those prepared a couple of years ago, almost entirely, due to the marked change in the supply of doctors. If this doctor supply continues to increase at the present rate, then your cost projections are going to be very different indeed. On the other hand, if the doctor supply drops from its present level, your costs will be lower than what we currently estimate. We are basing our estimates on the present doctor supply remaining relatively constant, maybe not the same individuals, but even with a turnover, approximately the same level being maintained. The third item is the field of fees. The experience in Canada has been that the principal reason for raising medical fees in the past has been where there was an unsatisfactory level of collection, and you had ridiculous situations, such as Prince Edward Island, which is a very poor province, having a higher fee schedule than Ontario, a very rich province, and still only collecting two-thirds as much. Their drive to raise fees was to attempt to overcome an unsatisfactory economic situation. The universal experience to date in this country has been that when you eliminated the bad debts, you slowed down the rate of fee change very markedly. I don't think that there is any reason to expect that the same won't happen here. So that, so far no province has been away out in their estimates. I don't think anybody has been out more than about one percent to date.

Mr. Taylor: Yes, Mr. Chairman, I have good reason for asking these questions, because it occurs to me that if we go on a socialized medical scheme, the people who do not now necessarily go to the doctor for certain ailments would be rushing to the doctor. The doctor will be busier, because it is a socialized scheme, and you know that you don't have to worry about the bill. This is what I was wondering, if we embarked on a scheme such as this and all of a sudden we find that it was costing us more than we were making in the premiums, where the money would come to pick up the deficit, and whether or not we would then have to go back to the people and inform them of additional taxation or otherwise to find this money? I had one further question in respect of profits. Are there ceilings in provincial schemes? Are there ceilings put on the amount of money they can fund, in other words, like set a ceiling of one million dollars, or something of this nature? Is this done, or are these profits allowed to accumulate in a reserve fund and never be used.

Dr. Armstrong: It hasn't happened yet. On the question of premiums, as Dr. Buchan mentioned, when British Columbia first came into the plan, well, the federal contribution was high and dry at first, and could be used for other purposes. However, the normal pattern of setting premiums for this type of coverage, prepaid comprehensive coverage, has been that you don't change your premium every year. You adjust your premium usually every third year. You adjust it so that you make money the first year, you attempt to break even the second year, and you use up your surplus the third year. You then keep going in cycles. Now, several of the provinces started out with rather high premiums, and there is no question about it, I won't name any names, but they made substantial surpluses which were put into other fields. Now, the trend has been that they recognize that because of the level of the premium, it will be politically very unpalatable to alter that premium when the cost of the plan catches up to the premium. So bearing in mind that they made money for a year or two years or three years before, they will often leave that premium alone, and then they subsidize it in effect by taking money from general revenue for a further period. So, in a sense it is a form of funding, only it is -- now, there is also pressure in certain

Dr. Armstrong continued ...

quarters, to do away with premiums, and I suppose that ultimately this will happen. It depends on the local situation. There are some provinces where premiums won't work, never have worked, and they are just for the birds. I gather the Yukon is no longer in that position from what I have been told, with your employment groups and so on. But, premiums have never worked, except where large -- except where a substantial majority of the population was employed in such away, that deductions at source were feasible.

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Mr. Taylor: Thank you, Mr. Chairman.

Mr. Chairman: If there are no questions at this point, I will declare a brief recess.

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Mr. Chairman: At this time I will call Committee back to order. Are you prepared to resume the Chair, Councillor Taylor?

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Mr. Taylor resumes the Chair.

Mr. Chairman: Any further general questions? This is An Ordinance Respecting the Yukon Health Care Insurance Plan. (Mr. Chairman reads sections 1 and 2(a)) Just a point of interest from the Chair, who will be appointed?

Mr. Chamberlist: No decision has been made in this regard.

Mr. Chairman: (Reads section 2(b) to 2(1)) Any questions on section 2? I have just one question. In (i) it says, "'medical practitioner' means a person lawfully entitled to practice medicine in the place in which such practice is carried on by him"; does that mean the whole Territory? One community?

Mr. Chamberlist: He would have to be a person registered under the Medical Professions Ordinance.

Dr. W.R. Buchan: It could also mean a person in B.C. If you were in B.C. then he would have to be registered in B.C., in the place that you received the insured service.

Mr. Chairman: It was the interpretation of place in which the practice was carried on by him. I was wondering if it was regional. (Reads sections 3, 4 & 5)

Mr. Tanner: Having read this Ordinance before, a couple of times, I note there is a great deal of reference to the Administrator all the way through. I wondered whether the Minister of Health, Welfare and Rehabilitation could give us some indication of what the Administration has in mind as far as administrative -- what sort of qualification would they be looking for? Are they looking, for example, a doctor?

Mr. Chamberlist: I cannot indicate that at this time, Mr. Chairman. When the time comes along for the Administrator's position to be filled, the terms of reference and the qualifications of the Administrator will be published at the time of requesting -- at the time of seeking the right man to do the right job.

Mr. McKinnon: Mr. Chairman, is it the intention of the Administration to set up a department of the Territorial Government to administer the Health Plan.

Mr. Chamberlist: The Health Plan will come under the jurisdiction of the Executive Member for Health, Welfare and Rehabilitation.

Mr. McKinnon: Mr. Chairman, is it the intention of the Territorial Government to set up a separate government department to administer the Territorial Government Health Plan if this Ordinance is passed in its present form?

Mr. Chamberlist: Mr. Chairman, the department is already set up. The department is indicative of the Executive Member for Health, Welfare and Rehabilitation; we are already set up in three sub-departments, Health, Welfare and Rehabilitation as indicated.

Mr. McKinnon: Mr. Chairman, you are missing the point of the question entirely. Is there going to be an ability for a private organization to administer the Plan -- the Yukon Health Plan? This is where the Plan and I

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Mr. McKinnon continued ... part company, immediately. I just cannot see another department of government being set up in the Yukon Territory to administer the Yukon Health Plan. I have just seen the government proliferate with the departments to the point where the taxpayer, to the point where I am just fed up with the octopus of bureaucracy of the Territory. What I want to know is whether private companies are going to be allowed the ability to bid on the Administration of the Plan or whether it is going to be a government department that is set up to do all the administration of the Yukon Health Plan?

Mr. Chamberlist: Mr. Chairman, the government department is already set up to take care of all matters dealing with health in the Territory.

Mr. Tanner: Mr. Chairman, is it the intention of the Minister of Health to expand that department?

Mr. Chamberlist: As a result of the extra work that will be required there will be a number of employees additional to the existing employees, of course. There will be a reason for expansion, Mr. Chairman.

Mr. McKinnon: Mr. Chairman, this is where, I think, we have got to get down to some hard questioning. As I understand, under the B.C. programme, the private carriers were allowed to continue to administer the Plan so that there would be a minimal of administrative cost to the Plan. I have watched this for years and years of government, and you can't convince me in any way, shape or form whatsoever, because the political involvement when you have government offices up that a government office can do the job as efficiently and can do it with the minimal of costs that a private company can do. Now, as I understand the way that the costs were lowered administratively in B.C. was that the private carriers were allowed to continue to administer the Plan for the government. I would like to hear arguments from Dr. Armstrong and Dr. Buchan on this statement that I am making and I would like to hear their comments.

Dr. Armstrong: On the question of efficiency, which has nothing to do with the Yukon situation, I think it is probably true that the most efficient medical insurance organization in North America, in recent years, was the Plan of Saskatchewan. It got its claims paid in an average of a much shorter time and kept its administrative costs substantially lower than most competing enterprises. Now, when you get to the large provinces you are running into a little different ball game and when you get in the very small ones, you are into a different ball game. I think, depending on the nature of the creature you have established, a public operated insurance scheme can be every bit as efficient and, in some cases, more so. However, that is a side issue. Where you have a small population, perhaps I should explain at the beginning that the Federal Government is not directly concerned in the Administration, we do not share the cost of it. We do set certain limits as to what use a province can make of agents but, except to that degree, we are not directly concerned. Now, if you want me to comment apart from that I will; but, the Federal Government officially as the Federal Government has no position on the matter of administration, I have observed an awful lot of plans across Canada and if you want an opinion, I will give it to you. It would not be an opinion as for the department.

Mr. McKinnon: I would appreciate your opinion just from seeing different plans operate across the country.

Dr. Armstrong: In the case of the Yukon, by virtue of the fact that the Yukon Medical Association fee schedule is essentially the B.C. schedule at the core with certain surcharges because of the different costs and because the payment rules are the same rules, in effect, that have been written into the fee schedule by the B.C. Medical Association and because--for example, M.S.A. which has carried the largest share of the private coverage up here in the past has had a considerable experience with the Yukon doctors and with people up here and because it is one of the agents in conjunction with the B.C.M.P. in operating the B.C. Plan and the same computer programme would process both accounts, all you would have to do is make a surcharge adjustment at the end. All other things being equal it would make a certain amount of sense to, assuming they were interested and that they did not want too high a price for their services, it would make considerable sense to explore the feasibility of having such an agency do the mechanical end of things. Now, there are pros and there are cons as to using

Dr. Armstrong continued ...

agents. B.C. had a rather unique situation. They ended up, essentially, with the two largest agents and the governmental plan which was what they wanted in the beginning but they had to offer it to all twelve plans. For various reasons, the smaller ones either lost interest before it started or else very quickly after they got involved. In Ontario, the Provincial Government opened it up to commercial insurers as well to the non-profit insurers and ended up with something in the order of thirty agents which was not an efficient operation because you couldn't combine their records together. In B.C., right from the beginning, they had all three agents using the same computer programme, a standardized programme so that they could just stack them together. In the case of Ontario, many of these agents didn't use computers and there was no way you could marry in their data with that of the main plan. From the standpoint of cost control, it has been a disadvantage in Ontario's getting rid of the agents. In B.C., by taking only agents of a certain size, for all intents and purposes, and by standardizing they were able to come with a rather efficient operation. I think that, basically, a decision has to be made, to my way of thinking, on the answer to two questions. One, is one of these B.C. agents interested in doing the job for the Yukon and if so what is the price? If the price is not too high, that is one thing if the price is unreasonably high, that is something else. The other thing is you have to base your decision upon what might be considered the political factors. as to whether you want it done locally or done somewhere else. That is something that I am not competent to comment on.

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Mr. Chamberlist: Mr. Chairman, earlier on today, I indicated to Members of Committee that there would be, perhaps, a deal made with a company who would be able to use their computer for the purpose of performing certain functions that are required in the Plan. Now, I gave that information earlier, but the question that has been asked is whether or not the government is going to be the administrative body or a private company is going to be the administrative body and this is entirely a different subject matter. This is a government Yukon Health Plan. The administration of that plan will be by the Government of the Yukon Territory. Where it is required that the administrative functions performed and the cost of performing those functions will be that that will be within the pocketbook of the Plan itself and to obtain the experience of those organizations who have the computer facilities for this particular purpose made available to us. We will pay for them but, I must make it clear, the Government of the Yukon Territory will be administering this Plan. It has a function to perform as a government and it will maintain that function.

Mr. Tanner: Mr. Chairman, I have one further ...

Mr. McKinnon: I wonder if I could hear Dr. Buchan's remarks.

Dr. Buchan: Thank you, Mr. Chairman. The opinion of the doctors of the Yukon is that as far as the day to day administration of a Yukon Health Plan, it would be of considerable advantage to have an experienced body such as M.S.A.B.C. perform this. One, M.S.A. is a non-profit organization. You are not dealing with a private company who has to make a profit. Two, their experience is unrivalled in the field of running medical insurance and in the -- they administer Yukon Medical Services Association for that association. The Y.M.S.A. directors are in Whitehorse. They meet approximately once a year to establish policy and M.S.A.B.C. run the whole thing and that is why when you correspond with Y.M.S.A. you correspond with Vancouver, not here. This is a tremendous asset to us because we do not want to get involved in anything to do with administration of it, whatsoever. The fact that in the last year Y.M.S.A. has had 10,000 subscribers, they are now accustomed to using or handling 10,000 subscribers on the Yukon schedule of fees means their computers etc. are established to achieve this. M.S.A.B.C. have a medical director, a doctor, to whom any submission that is at all unusual is submitted, first of all, and he gives a reading on this. If he declares that the service is unwarranted, the doctor then can question this and M.S.A. then refers to an Arbitration Committee of the B.C. Medical Association, all unknown doctors to the Yukon. This is a big advantage, that the Medical Referee is not your neighbour that you know socially and he then has to make decisions concerning you and if necessary, go against you and so on. This is a final Court of Appeal, this B.C. Medical Association Committee,

Dr. Buchan continued ...

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who make decisions on every contentious point. Because of these tremendous advantages that M.S.A.B.C. have with the computer, at the end of the year by pressing three buttons you can find out exactly what the patterns of practice are of a particular doctor, for example. If some of these are unusual, if for example you find one doctor has been removing ten appendices every week, this would show up in these figures and then would be questioned by this Arbitration Committee, also of the B.C. Medical Association which takes it out of the small group here. These are the facts that can come back out of the computer plus, of course, the obvious ones of dollars and cents; however, the thing is paying for itself but anybody can do that. The considered opinion of the doctors of the Yukon is that M.S.A.B.C. would have great advantages in the day to day administration of any Yukon Health Plan.

Mr. McKinnon: Could I take it from that--the question that Dr. Armstrong said should be asked, would there be a private carrier interested in administering the Yukon Health Plan? Your answer is evidently, yes.

Dr. Buchan: We have to separate the Yukon M.S.A. to which you will belong, if with the advent of a plan such as the Yukon Health Plan, Y.M.S.A. would not go on this. Y.S.M.A., as I say, has got its directors in Whitehorse and it should be allowed to die. If the Yukon contracts for M.S.A.B.C. to do this, this is a different situation all together. Then, I happen to know, M.S.A.B.C. would be willing to administer this plan on certain ground rules, however. Apparently there has been correspondence with the Administration and M.S.A.B.C. on this point, etc., and they are willing to administer it but only if, in essence, they are allowed to administer it without day to day interference in the situation. Basic policy and so on of course is a different matter, but the day to day running -- They are a very proud outfit, M.S.A.B.C.; they feel they could make this a showpiece of Canada. This may sound like violins playing and so on but I am just quoting. They feel there have been errors made by a man called Bennett down there in certain ways and interference with them and they feel that they could set up what could be a showpiece of medical plan administration for all of Canada. The answer to your question; would they be prepared to run it, is a conditional, yes. I am talking for M.S.A.B.C. Yukon M.S.A. would have to die. It cannot be involved in this situation.

Mr. Chamberlist: Mr. Chairman, I think I should make the position of the Government of the Yukon Territory quite clear, and Dr. Buchan has already been made aware of it, the Government of the Yukon Territory will not be using the Y.M.S.A. who have directors; Dr. Helm, Dr. Buchan, Dr. Martin, Rolf Hougen, all a B.C. group. I am well aware of why the Honourable Member from Whitehorse West has asked this particular question. I am well aware. I think, perhaps, he has been asked to ask these questions so that he can get some interest. The position was made quite clear that the Administration of this Plan will be by the Government of the Yukon Territory ...

Mr. McKinnon: Point of order. The statement of the Honourable Member from Whitehorse East is completely incorrect. I have been asked by nobody to ask the questions that I am asking. The Honourable Members who know my -- the way I work around this table know that I won't be a stooge of anybody at this House and there is no way that anybody asked me to ask any questions on behalf of anybody on this point.

Mr. Chamberlist: It might be a point of privilege but certainly wasn't a point of order, however, to continue. The position has been made quite clear. That is the policy of the Government of the Yukon Territory. I personally advised Dr. Buchan of what the policy was. We are concerned that the Government of the Yukon Territory has a good health plan. We are concerned that it will be administered efficiently. We are concerned that we obtain the help and expertise in those particular areas where we need them. Everything will be done, in this regard, to obtain this.

Mr. Tanner: Mr. Chairman, my question concerns the payment of account, "From and out of moneys issued and advanced out of the Yukon Consolidated

Mr. Tanner continued ...

Revenue Fund, there may be paid," etc. Earlier today, the question came up of what happens if we happen to make a reasonable profit. Will this be a completely separate fund or will it be paid out of a general revenue fund?

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Mr. Chamberlist: Mr. Chairman, the information I can supply, at this time is that the general revenue fund will not be used to meet any commitment under the Yukon Health Plan. Beyond that, I cannot express any opinion.

Mr. Tanner: Mr. Chairman, I probably didn't make my question clear enough. I am saying, will there be a separate account set up for the Yukon Medical Health Plan. Totally separate out of which all the accounts are paid and all credits are accredited to that account.

Mr. Chamberlist: This again, Mr. Chairman, with respect, is an administrative matter. I would not know how the Treasurer of the Yukon Territorial Government tends to keep his books. I would assume that the funding would be a separate item because the premiums would be kept separately at a specific fund for the Health Plan.

Mr. Tanner: Mr. Chairman, may I suggest that the government look very carefully at setting up an entirely separate fund for this particular account because, I think it was earlier suggested by Dr. Armstrong, B.C. when they got their initial federal funding were overjoyed and, in fact, they probably -- it was even suggested, I don't know whether Dr. Armstrong, that some of the money wasn't actually utilized for the purpose for which it was given. I think you should make it very clear that in this case, in the Yukon, the money that comes into the Yukon for this purpose from the Federal Government all from premiums is an entirely separate account.

Mr. Chamberlist: Mr. Chairman, the Honourable Member's question will be taken under advisement and I will possibly arrange for a written reply to be given to him on that question.

Dr. Armstrong: I would just like to clarify one point. British Columbia did not use it that year but ultimately it was required. The point is, they had temporary profit which was used for other purposes and this has happened in virtually every province, the first year or two. Eventually the costs catch up and then they have to repay this money, in effect, one way or another.

Mr. Stutter: I have a supplementary question to the Member from Whitehorse West. I would like to ask the Minister of Health, Welfare and Rehabilitation; if it were the wishes of this Council that we explore the proposals that might be put forward by M.S.A.B.C. for the administration of this policy, of this plan, as against the Yukon Government's Plan, would there be any consideration given to that request?

Mr. Chamberlist: Mr. Chairman, all I can indicate is the policy of the Government of the Yukon Territory and I reiterate that the administration of this plan will be administered by the Government of the Yukon Territory.

Mr. McKinnon: Mr. Chairman, I think there are two very real points here that people have to look at at this table and look at really seriously. The first point that was made is that I wasn't even aware of who were the directors of Y.M.S.A.. Now that I am aware of them ...

Mr. Chamberlist: That is not true. I told you ...

Mr. McKinnon: You told me that Rolf Hougen ...

Mr. Chamberlist: That is not true. You were told ...

Mr. McKinnon: Mr. Chairman, if I could have order...

Mr. Chairman: Order, please. Order.

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Mr. McKinnon: Yesterday, the Honourable Member from Whitehorse East told me that Mr. Hougen was one of the directors and I told him then that I wasn't aware of the fact until he told me that yesterday. I was not aware of the fact that Dr. Buchan and Dr. Helm were directors of the Y.M.S.A. Notwithstanding that, if, as Dr. Buchan said, the Y.M.S.A. or if the Yukon opted to B.C.M.S.A. to run the Plan, that the Y.M.S.A. would, out of necessity, die a natural death because it would no longer be needed, that would completely obliterate the Board of Directors of Y.M.S.A. which is now set up and now operating and directing the Plan in the Yukon Territory. The second point is one Dr. Buchan made, is that the B.C.M.S.A. prides itself on the fact that they have the lowest administrative costs of any plan in the Dominion of Canada and, certainly, for Members not to take a hard, serious look at finding the most efficient administrators of a plan that we are going to put on the shoulders of the people of the Yukon Territory they are then irresponsible. It is very dictatorial of the Honourable Member from Whitehorse East to say in this House that they are not even interested in looking at a privately administered plan that could be an ease on the taxpayers of the Yukon Territory even having heard expert testimony from both Dr. Armstrong and Dr. Buchan. With this kind of implacable attitude, I don't see how it is possible for Members of this table to present the best plan possible at the lowest possible cost to the people of the Yukon Territory which is the only thing I am interested in and the Honourable Member can throw charges and mud in my way until hell freezes over. That is exactly the thing I am interested in. If Honourable Members think there is any other point for me being at this table or discussing this plan, then I tell them they are mistaken. I say, that not to even look, even after hearing the expert testimonies, to be so implacable that Members won't even consider a private plan which could be administered, provenly administered, at a low cost, is irresponsible.

Mr. Chamberlist: Mr. Chairman, let me assure the Honourable Member and all Members of this Committee that consideration has been given to all areas of plans before the plan that has been submitted was submitted to the Members of Committee. The suggestion that was made, and I would prefer to say suggestion, that the Honourable Member was not aware that Mr. Rolf Hougen was a director of this company until yesterday, I don't even recall speaking to him about it yesterday. It was not yesterday, it was some two or three weeks ago in my office that this occurred. I express surprise that the Honourable Member expressed surprise at that time. I made no point of bringing this -- I am unhappy that the Honourable Member should think that it is mud being thrown in his face simply because I expressed the information that two of the directors of the Y.M.C.A. -- Y.M.S.A. -- it is nothing concerning that at all. All I can express is what the Government of the Yukon Territory has indicated and that is that the administration of this Bill will be carried out in the manner as indicated. I cannot go further than that, and unless this goes back with any recommendation that this Committee would like to make with reference to being discussed by the Executive Committee, I am sure it would be taken to the Executive Committee in your words -- and the requirements will be discussed. I can only express at this time what has been said.

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

Mr. Stutter takes the Chair.

Mr. Tanner: I have to agree with some of the comments made by the Honourable Member from Whitehorse West and inferred by the Honourable Member from Dawson. In answer to certain questions that have been raised by Members here a few moments ago; for instance, the talk of the funding of the Plan, whether it would be indeed funded or not, the answer we got from the Minister of Health, Welfare and Rehabilitation was, "This is merely an administrative matter and it will be looked after by the Administration." I submit, Mr. Chairman, this is a matter of policy. Policy which must be determined, debated, discussed and decided here in this Council Chamber. This isn't Rome; this is Whitehorse, 1971. This is the duty of this Legislative Body and if anyone even suggests to me that such matters as this, and I have heard this several times today during

Mr. Tanner: Do you expect us, Mr. Chairman, -- I have read the Bill two or three times. I want to emphasize for the House's edification, if you like, that the Administrator is an extremely important person to the whole implementation of this programme and I am not talking about a Medical Referee. What happens if there is a decision which is at variance between the Administrator and the doctor as towards fees, as to the powers of the Administrator's interpretation of his job and this sort of thing? To whom would a person who disputes the Administrator appeal? BILL #24

Mr. Chamberlist: Mr. Chairman, much would depend on the nature of the complaint. If it was a matter of accounting, I am sure this is where the Medical Referee would come in. The Administrator is appointed by the Commissioner, as we have already indicated; the Commissioner is the Executive Committee of Government; so his appeal would go to the Commissioner who would discuss the matter with the Executive Committee and have it dealt with in that manner.

Mr. Tanner: Mr. Chairman, I would just like to have the House take note that I will probably bring this up again on two or three other occasions. I am really not happy with the reply I have received so far.

Mrs. Watson: Mr. Chairman, I wonder if Dr. Armstrong would like to comment on the position of the Administrator, the importance of the Health Care Plan.

Dr. Armstrong: In all the provincial Acts someone is made just about all-powerful. In the case of some provinces, it is the Minister of Health. It is understood that he isn't doing this himself. His department carries out the work and wherever you read Minister, you mean the Minister or his staff. In other cases, where it doesn't directly involve the department, in some cases the Medical Care Plan is not part of the Department of Health, it is an independent commission reporting to the same Minister, or to another Minister but it reports to a Minister and thus to the legislature. In such cases, the head of the body which may be referred to under a variety of names, but the -- sometimes the power is given to the commission of which the Administrator and a couple of other people are members and in other cases it is given to the Minister and other cases, to some person who may be the chairman, or the president or the executive director or what have you according to the local terminology. Somebody obviously has to have these powers in order to run the Plan. Whether it is he himself who does it or people responsible to him is, of course, a matter of administrative practice. Some person or somebody has to have all of these powers and it is really a matter of local option how it is done. On the question of appeal, obviously the first appeal is to the Administrator if this wording is adopted. Clerical errors do happen, computers do blow fuses and the programmes do get fouled up with the best will and the most skilled people, there are going to be mistakes. The first appeal is to the Administrator, "Would you please check over what has happened to this account of mine, because I don't think it is right." Probably, that would solve a large percentage of them. If it comes down to a knock-em-down, drag-em-out argument between the Administrator and the physician or the Administrator and the patient who has perhaps gone out of the Yukon and had an account dealt with rather harshly, then I would imagine the appeal would be to the Commissioner, which is higher than the Administrator, and the Commissioner would set up some -- have some mechanism for hearing the appeal. I think there must be an appeal mechanism of some sort, but I would think the first line of appeal is right back to the Administrator and ask him to check and see if there hasn't been some mistake.

Dr. Buchan: In regard to this paragraph 6(d), the doctors are apprehensive about one thing on behalf of the patient. This does not affect them at all but it means and it is written that the Administrator, not a medical delegate, but the Administrator can walk into a doctor's office and ask to see your record. This is as it is written now, your actual clinical record, whether your had malaria or whatever you had. We are apprehensive about this. It doesn't affect us but we feel this is a privileged document in many cases and maybe Dr. Armstrong can say whether this is the same across Canada.

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Mr. Taylor continued...

debate, "No, no you guys, leave this alone. This is purely a matter for the Administration to decide." We might as well scrub this thing right at the outset. These are matters of policy, not matters of administrative decision alone. If the Yukon Council, as a legislative body, is to continue to represent the people of the Yukon and provide good legislation for its people, then this must be clearly understood by the Administration, or else this is a futile effort as well.

Mr. Chamberlist: Mr. Chairman, I think I should reply once more. I did not say that it was a matter for the Administration. The Votes and Proceedings will show quite clearly, I said it is an administrative matter. That doesn't mean a matter for the Administration, when the people refer the Administration as Government of the Yukon Territory. I have already indicated that the question that has been asked by Councillor Tanner will be answered in writing. I can't go beyond that and if Honourable Members press me to go beyond what I can say, then I will say it is unfortunate that I should be able to ask a question in that area that he knows full well be that I am limited to the type of answers I can give to a specific question of that nature. I suggest, Mr. Chairman, that if the Honourable Member who is so concerned will just wait until tomorrow, and then if I do not come up with the answer to the question that has been asked, then, of course, he should castigate me, but not before I have had the opportunity to answer the question. I ask for a simple thing, to allow me to answer it. This is what I intend to do.

Mr. Taylor: Fine, Mr. Chairman. I don't know what -- we are always saying I will get this tomorrow, just let me wait until tomorrow. We have a whole year to dig up information. I think we have made some real headway with the good opinions of the two doctors here on the general questioning and we are starting to learn things about this scheme that we didn't know before and was not told to us before by the Administration. We have a whole year now and based on some of the information we are getting and much of the information forthcoming, we may be able to decide whether or not we indeed do have a plan. It has been suggested here that there are schemes or plans that are better than our own, at least from an administrative point of view, and I certainly add my voice to those other Members who say, Mr. Chairman, "Let's take a look at it, Let's find out if it is good. Let's find out if it results in a saving to the people of the Yukon." I just rose to make this point and I think it should be made clear to the Administration that we are still the policy makers in this Chamber and there is no Caesar at the moment in the Yukon Territory, to my knowledge.

Dr. Armstrong: I hesitate to get in the middle of this but I would like to make a statement of clarification. Irrespective of whether the Yukon elects to use the services of an agent or not, the Plan will be administered by the Yukon Territory by definition. My interpretation of remarks of Mr. Chamberlist really were in that light, that irrespective of whether or not there is an agent, or who that agent is, it is the Yukon that is administering the Plan. They are simply using the agent to conduct certain functions on the Territory's behalf. It is still administered by the Yukon Territory and not by the agent. I hope that is a contribution of some sort.

Mr. Taylor resumes the Chair.

Mr. Chairman: Any further questions on section 5? (Reads section 6)

Mr. Tanner: Mr. Chairman, again this illustrates the point I made before about the powers of the Administrator and what an important person to the implementation of this whole programme he is. Just another question for the Minister; if there is a dispute between a doctor's account and the Administrator, has the doctor -- a medical dispute, has the insured person somebody to whom he can appeal?

Mr. Chamberlist: Mr. Chairman, as we go through the Ordinance, Members will come across the powers of the Medical Referee in exactly the same way as the Y.H.I.S. deal with a referee.

Dr. Armstrong: I would say this is pretty standard wording. I think in some cases, they do set certain limitations on it. It is understood that the individual who does the inspection is not the Administrator himself, and must retain secrecy and all this sort of thing. They have to be people of discretion. I believe in certain cases they make provision that possibly medical people attached to the Plan will have access to this data if it is required and so on. This is basically pretty standard wording.

Mr. Chamberlist: Mr. Chairman, a question that was asked earlier by Councillor Tanner, I will give him a written answer, but I have -- I can give it to him orally now. The funds of both the federal funds and the premiums will go to the Yukon Consolidated Revenue Fund and separate accounting for Health Plan purposes will be kept by the Treasury Department.

Mr. Chairman: One question from the Chair. This being the case, will earned interest on these monies be filtered back into the fund?

Mr. Chamberlist: I can't answer this, Mr. Chairman.

Mr. Chairman: Possibly you could find this out for me. I would be very interested in knowing.

Dr. Armstrong: As a matter of interest, in some provinces where a similar arrangement is entered into, the legislation provides that the Plan must pay interest to the provincial treasurer for monies that he advances to them but they don't make any provision for him to pay them interest for credit balances in the opposite direction.

Mr. Chamberlist: I will obtain this information for you, Mr. Chairman.

Mr. Chairman: Just at this time, I would like to determine as to whether or not Dr. Armstrong or/and Dr. Buchan could be with us tomorrow. Is this possible without interrupting your schedule?

Dr. Armstrong: I would like to be free in the afternoon, if at all possible. I could be here in the morning.

Dr. Buchan: I can be here for most of the morning.

Mr. Chairman: We will proceed. Any further questions on section 6?  
(Reads section 7)

Mr. Chamberlist: That will be, Mr. Chairman, in the like manner that the Yukon Hospital Insurance Association report is given each year.

Mr. Chairman: (Reads section 9(a), (b) and (c))

Mr. Tanner: Apart from prescribing the amount of payment for such insured services, it is my inclination to think that the balance of (c) in the regulations shouldn't be spelled out in the regulations but should, in fact, be spelled out in the legislation. I wonder whether the Minister of Health could give some explanation of why the first part of (c) is going to be in regulations.

Mr. Chamberlist: It would appear to me, Mr. Chairman, that there is a necessity to, from time to time, change regulations in accordance with the circumstances that may come up. In this particular area it gives the latitude to make those regulations that might be necessary in any specific time. Otherwise, we would have the problem of having to call Council into Session for any changes that might have to take place and I don't think that would be very convenient.

Mr. Tanner: Mr. Chairman, it seems to me that this is so basic to the whole Plan that there should be at least something more specific than that in the legislation.

BILL #24 Mr. Chamberlist: Mr. Chairman, it may be that in between Council Sessions something becomes an insurable service. Now, if we couldn't put it in the regulations, we would have to put it in the legislation. We would find ourselves in the position that we would be unable to extend that particular service without calling Council into Session. This would be a detriment to the public at large for they might want to avail themselves of that additional health service. I wonder, Mr. Chairman, if Dr. Armstrong could indicate whether this is the usual procedure in other areas for placing into regulations.

Dr. Armstrong: This is an extremely important section and I think it is absolutely vital that there be regulatory power under that section. As a matter of fact, I think that wording is taken from one of the provincial Acts, possibly Ontario's Act, and it is an extremely important thing to have in there. In some of the provinces, where they tried to cover all these things in the legislation, we could spend the next ten years sitting here and we wouldn't think of all the circumstances where a regulation is necessary. Something suddenly pops up that is an abuse and if there is no discretionary power or no regulatory power to deal with that abuse, there is no alternative but to pay the account. This is the situation that has been run into in some provinces where everybody knew the thing shouldn't be paid and yet legally there was absolutely no choice except to pay it. There was no qualification, no discriminatory power left within the Act. The -- all sorts of weird and wonderful things have developed on an individual basis and we don't want you to get caught in the same position that some provinces did get caught in because there was no such provision provided in the legislation. You can always take issue with a regulation that you disagree with, but, at least you don't have to leave things wide open as they would be in the case of a Council that only meets several times a year.

Mr. Tanner: Mr. Chairman, I am glad Dr. Armstrong pointed out this is an important section because I think there are two or three crunches in this whole piece of legislation, and there is one right here. I am not entirely happy but maybe when we have gone through the whole Bill, I can come back and speak again on this particular section.

Mr. Chairman: (Reads section 9 (1) (d) to (h) inclusive and section 9(2))

Mr. Tanner: Mr. Chairman, I have a note here that says "wide open" and half of it is underlined. It seems to me that the Commissioner or the legislation as written now is very, very wide open and maybe Dr. Armstrong could give us some indication of how this ties in with other regulations -- other legislation.

Dr. Armstrong: I think, without exception, every province has a somewhat parallel section. Most of them are more brief than this one but this is quite standard. I am not sure, I am not a lawyer of course; I am not sure how legal such a thing is. It is really a catchbasket to let Council of the hook for something it didn't think of at the time offpassing the Ordinance. The same with every provincial legislature. As I say, these things crop up that nobody thought of. No matter how much experience, or thought, or time spent, something always pops up that wasn't thought of and this catchbasket, which is present in every single piece of legislation in Canada on Medical Care, is what you hope to fall back on in such an eventuality.

Mr. Chairman: One comment from the Chair. This is where you have government by the people and for the people and in the province here, it is government by Ottawa for Ottawa. This makes it a little different I think.

Mr. Chamberlist: This is not so. I would think, with respect, Mr. Chairman, that that remark was not warranted. This piece of legislation was brought forward by the Government of the Yukon Territory. The Executive Committee Members have gone through this and it is most improper for you to be critical of Ottawa in this particular case. It is something that was asked for, for the people. Now, if it is not required, it should be left out but this is one area where I think it is unfair to make that remark to Dr. Armstrong. He is one of our witnesses at this time.

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

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Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, there is no doubt about it. This is not government by the people for the people; this piece of legislation is to give Big Daddy the right to look after things, the Commissioner of the Yukon Territory. He is an employee of the Federal Government in Ottawa and works at the direction of the Minister, the Federal Department of Northern Affairs, or Indian Affairs and Northern Retardation, as I sometimes affectionately call it. I see nothing in this piece of legislation here which gives the people any rights or gives them even a chance to participate in the administration of this particular Bill. These policies are being made generally by the Commissioner under the regulation provision and if you will look at your appendix, regulations respecting Health Care Insurance Services, it goes on and on and on. Big Daddy does this, not this Legislative Council. It seems to me that the old days when the Yukon Council used to at least attempt to establish policy and assist in providing good legislation for the people of the Yukon, and indeed on some occasions, helping to provide something that could be reasonably administered. Those days are gone now. Maybe we are progressing towards a Crown Colony, I don't know. Maybe we should get a Lieutenant Governor in here and be a Crown Colony. At least it would be an improvement over what we seem to be having at the moment. Any suggestion that I make that this is a government by Ottawa, for Ottawa stands. It is a very sound statement because it is indeed true.

Mr. McKinnon: Mr. Chairman, section 9(2) does set one of the most dangerous precedents that I have ever seen in any section of any ordinance since I have been at this table. That section does allow the Commissioner, in effect, to set policy, not regulation. We are talking about a policy decision that hasn't been included in the Ordinance. Fine, if we are talking about a truly responsible government, I excuse Dr. Armstrong from this argument because it is one that goes on continually about this table, but you can't have the same type of legislation written into Yukon legislation, because you haven't got a truly responsible representative democratic institution of government yet. I don't disagree with the Honourable Member that we are moving toward it, but you haven't got it and to allow the Commissioner to have policy making decisions, at this time, is wrong. We have always prided ourselves of keeping him at a regulatory basis and being able to move the administration on a day to day basis by regulation. This is the first time we are allowing him the power, and him the power alone, to set policy and to set legislative policy which should rightfully be a prerogative of this House and this House only. It is a dangerous precedent to start to make at this time and, Mr. Chairman, I with all the arguments that I have against this Medical Health Plan as I see it in its present form, and this is just one further one. Unless the Bill is amended to a very great degree, the Bill is not going to receive my support, at any rate. I cannot see at this time just amending this one particular section because there are many other sections that would have to be looked at and amended before I would accept this Bill into law as part of the policy of the Government of the Yukon Territory.

Mr. Chamberlist: Mr. Chairman, it amazes me that I hear the people saying this Bill is bad; I can't except this, I can't except the other. We are going through it on a clause by clause basis and nobody is coming forth with any suggestions to amend it. This is just a lot of talk as far as I am concerned. It is alright to scream about it, but nobody is saying anything about what alternatives they have. This is what we should be looking for. This is the reason why it is in Committee at this time. The witnesses are here to help us while we are going through the bill. If there is any discussion about what should be changed, let's say it.

Mr. Taylor: Mr. Chairman, the suggestion was it should be deleted. I don't think anything could be clearer than that.

Mr. Chamberlist: You didn't make that suggestion when you spoke.

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Mr. Taylor: Mr. Chairman, we have from now until next April to shape this into a piece of good legislation. There was a suggestion.

Mr. Chamberlist: Well, say something.

Mr. McKinnon: Delete it.

Mr. Taylor: Delete it.

Mr. Chamberlist: Delete what, Mr. Chairman?

Mr. Chairman: Order, please.

Mr. Chamberlist: Let's hear what you are talking about.

Mr. Tanner: Mr. Chairman, I would move that subsection (2) of section 9 be deleted.

Mr. Chamberlist: Before there is any discussion on this, when we talk about deleting, you can come up with an alternative at the same time. If you delete this you remove completely the powers of providing provisions to effectively carry out the purpose of the Ordinance, if you delete the whole thing. Certainly, if there are certain areas that are distasteful, they may well be and I am not going to dispute with any Member that perhaps some of the areas of the section are not very palatable. Don't say, delete the whole thing, because this doesn't help at all. All we are doing is merely acting in the proper manner in this. Certainly, if someone comes forward with an amendment to this section which will serve the purpose -- I am sure all Members recognize there has to be some power to make regulations. It is worthwhile discussing it.

Mr. Taylor: Mr. Chairman, possibly, possibly, if we had the opportunity of a couple or three weeks or a month, we could then get some stenographic assistance, some legal help, some expert advice which the Administration has had in preparing this and get our legislative offices moved out of the men's washroom on the top floor and find a place to work, then maybe we can come up with a whole bunch of good recommendations in relation to this Bill. If you are expecting us to do this this afternoon, I think you are very, very crazy.

Mr. Chamberlist: Nobody is suggesting this and I have been referred to as crazy by people who are far better advanced in their knowledge of assessing people, and the Honourable Member didn't concern me then and doesn't concern me now. What the purpose today is to give reading to it and most certainly what we have done with all other bills is mark the particular section that Members wish to bring forward some amendments to. We will come back to them. The government is not inflexible. We have already shown this in various pieces of legislation that have been brought forward. This is why we are suggesting now, read it, and if you want to come back to this particular section, subsection (2), mark it and we will come back to it and deal with it and let the Honourable Members come forward with suggestions that will be given every consideration.

Mr. Tanner: Mr. Chairman, I would suggest that this section be deleted completely and it wouldn't make any difference at all to the Commissioner's powers to make regulations.

Mr. McKinnon: The suggestion by the Honourable Member from Whitehorse East is exactly what I am doing. I have sections 4 and 5 marked, which I don't agree with; I have section 9 (2) marked which I disagree with. This is exactly what we are doing, reading through the Bill and I am raising my objections and certainly hope to be able to ask the expert witnesses. I am trying to get as much benefit of their advice as I can while they are present before our table. I am sure that both Dr. Buchan's and Dr. Armstrong's time can be a heck of a lot better spent then listening to the political harangue around this table, which is the last thing we should be subjecting them to. Let's go through the Bill, read it, make our objections, then excuse the

Mr. McKinnon continued ...  
witnesses and come back and have our fight after.

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Mr. Chamberlist: I agree. The Honourable Member has finally come down to my way of thinking. I am sure that the witnesses are quite pleased to be here because they are, at least, seeing the Government of the Yukon Territory and the Territorial Council are slowly coming into a basis of a proper legislative assembly.

Mr. Taylor: I have one further question before resuming the Chair. I would like to know, maybe the Minister of Health, Welfare and Rehabilitation could advise me; is it intended that we rush this Bill through this Session or will we have until fall to reshape it into something worthwhile.

Mr. Chamberlist: There is every reason just to read it and then bring it back in the fall after giving sufficient time for the areas that are questionable for the Members to reconsider. This is exactly why we made it a year in between so that everybody has a lot of time.

Mr. Taylor: That is why we didn't get the Bill in draft form.

Mr. Taylor resumes the Chair.

Mr. Chairman: Have you anything further up to subsection (c) of 9 or pardon me up to subsection (2) of 9? (Reads section 10)

Mr. Chamberlist: As I read it, perhaps Dr. Armstrong will correct me if I am wrong, he has much more experience than I will ever have in this particular area, it would appear that the Commissioner would have the right to make a claim against a person for payment of treatment that was made to a person who is not insured although the service was an insured service. Would that be the explanation, Dr. Armstrong?

Dr. Armstrong: Yes, this next group of sections, 10 to 14, are pretty standard wording. Provision is made in the provincial bills that where there is a liable third party and for all practical purposes relates to injuries, primarily, and where the cost of the treatment of the injuries is such that it would be worthwhile trying to collect from the third party; particularly, where you also have a hospital claim involved and the total of the two makes a sizeable amount of money, then whether or not the patient is interested in taking the third party to court, the Commissioner has the right to do so. It doesn't obligate him to do it but it gives him the discretion to do it if he feels it is worth recovery. I believe, virtually all provinces make provision for this. The principal exception is Saskatchewan where they also have government car insurance and they didn't see any virtue in suing their own insurance plan so they just sort of ignored it. In the other provinces where they don't, at this time, have government car insurance they do have discretionary powers to go after the liable third party or his insurer where the amount of money is sufficient to make it worth the cost of the action.

Mr. Chairman: In light of the time, is it your wish to continue further tonight or to proceed in the morning?

Mr. Tanner: Mr. Chairman, I suggest that the witnesses bear with us for another twenty minutes. We should get as much done and use as much of their time, as we wasted so much this afternoon.

Mr. Chairman: (Reads section 11 (1))

Mr. Stutter: Mr. Chairman, I wonder if I could ask Dr. Armstrong in this particular section; does this refer to a wrongful act or omission by a physician or by a third party? I mean, if somebody sneaks up behind me and hits me over the head and causes me to go to the hospital, is this the instance referred to?

BILL #24

Dr. Armstrong: Yes, I suppose, if a doctor was grossly negligent and injured you, he would be the third party in that particular instance, any third party who is liable by virtue of omission or commission for you requiring insured services.

Mr. Stutter: Mr. Chairman, it doesn't necessarily mean, I take it from the wording of this that I, in actual fact, would be eligible to pay that cost even though I am an insured person and then I would recover this cost or would I receive the benefit anyway at no cost?

Dr. Armstrong: You would receive the benefit from Medicare but the Commissioner, if he becomes aware of this, could go after the third party on his own to recover the territorial expenses or you can go after him and get reimbursed and then remit it to the Commissioner. They have got it both ways in here.

Mr. Stutter: The only point I would like to make is; why would the patient, I means, if his expenses have been paid, why would the patient then go after the damaging party and then remit those fees back to the government?

Dr. Armstrong: He would be concerned with loss of income, because of disability, for pain and suffering and possibly permanent damage, some sort of a pensionable disability and while he is going to court, of course, the Commissioner's legal representatives would be after his legal representatives to include the Commissioner's expenses as part of the action. If there are none of these other considerations and there are no suits being brought for pain and suffering, for loss of income etc. the Commissioner has the right, if the amount of money is sufficient to make it worthwhile, to proceed anyway. This again is standard procedure in these cases.

Mr. Chairman: Clear? (Reads section 11 (2), (3) and sections 12 and 13)

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

Mr. Chairman: I wonder if the witnesses could be excused at this time. Thank you very much gentlemen. If possible, we should be convening at 10:15 tomorrow morning.

Mr. Chairman: Is there a seconder to the motion?

Mr. Tanner: I second that 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 prepared for the question? Are you agreed? I 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: Mr. Speaker, Committee convened at 10:25 a.m. to discuss Public Bills. Dr. R.A. Armstrong and Dr. W. Buchan attended Committee to discuss Bill No. 24. Committee recessed at 12 noon and reconvened at 2:10 p.m. It was moved by Councillor Chamberlist, 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 Committee. Are we agreed? May I have your further pleasure?

Mr. Taylor: With respect, Mr. Speaker, of the agenda, I believe, it is the intention of Committee to discuss Public Bills tomorrow, more particularly, Bill No. 24.

Mr. Speaker: May I have your further pleasure?

Mr. Tanner: Mr. Speaker, I move we now call it 5:00 o'clock.

Mr. Speaker: Is there a seconder?

Mr. Chamberlist: I second the motion.

Mr. Speaker: It has been moved by the Member from Whitehorse North, 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: The 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: This 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. 20 and No. 21.

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. *BILL #35*  
35, An Ordinance to Amend the Public Health Ordinance, be introduced. *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 Papers, we come to Motion No. 8. It has been moved by Councillor Watson, seconded by Councillor Stutter, that Bill No. 1, An Ordinance to Amend the Liquor Ordinance, be referred to Committee of the Whole for further discussion. Councillor Watson, are you prepared to proceed with this motion?

*MOTION #8*

Mrs. Watson: Yes, Mr. Speaker. I have brought this motion before the House in order to give the Members the opportunity to reconsider the problem of drinking in public places. Many, many members of the public have requested that this Council provide some legislation that will restrict the drinking on streets and in other public areas. We, the Government, have provided section 4 of Bill No. 1 in an attempt to do just this. I agreed to the withdrawing of section 4 because I realized that this section, as written, would be very difficult to enforce effectively. I hope that Members of Council will permit Bill No. 1 to go back to Committee of the Whole for further discussion in order to accommodate the demands of a large sector of the public.

Mr. Stutter: Mr. Speaker, as seconder of the motion, I also feel that the Bill should be referred back to Committee of the Whole for further discussion, particularly regarding the area of public drinking. I think, since the Bill passed out of Committee, there has been considerable further public opinion. I am relative strange in town and I am not known too well, but, just the same, I have had many people contact me who know my stand in this particular issue. I have had many people contact me supporting this particular move, to try to ban drinking in public places. I think, now that we have included or permitted drinking on Sunday, that there is no reason to permit drinking in the street any longer. Liquor can be readily available on any day of the week, so, I feel also, that the Bill should go back into Committee for further discussion. There have been several other points that have been brought out in discussions with the Legal Adviser. There may be the possibility of bringing in some legislation, or some further amendment, that might be acceptable to Members.

Mr. Taylor: Mr. Speaker, I would like to direct a question on this matter, in relation to this motion, to the Honourable Member from Carmacks-Kluane. I would like to ask the Honourable Member, specifically, what she had proposed as an amendment to Bill No.1, were it to be placed in Committee.

Mrs. Watson: Mr. Speaker, this would be discussed in Committee of the Whole.

MOTION #8

Mr. McKinnon: Mr. Speaker, speaking on the motion to move this back into Committee; I will support the motion. If anybody wants to discuss any matter before this House further, I am always willing, and always have been willing, to give them that opportunity. We have seen two amendments before this House trying to solve the problem which, I admit, is there. I think that either of the amendments, had they been passed, would have been worse, more unenforceable, and would have presented more problems than the Liquor Ordinance does in its present state. I've made my stand on this; people don't seem too willing to accept it. The only way of getting around this problem is to make it a question of local option, so that municipalities can determine what drinking privileges they want to give their citizens within those municipal borders. It's the only way around this puzzle; if people aren't willing to accept that this is the answer, then we are going to go back into Committee and we are going to run into exactly the same problem as we did before. There is no way that I, as a Member of the Yukon Legislative Council, want to force my wishes upon the citizens of the Municipality of Whitehorse when they have a Mayor and Aldermen who can well reflect those wishes by by-law. There is no way that I want to force my wishes upon the people of the Village of Faro; they have a City Council there which is quite able to act in the matter for them. This is the same for Dawson City. If an amendment comes up along this line, which I think is workable and the only way out of this dilemma, then I will support it. I am not against the concept, within the municipalities, of those duly elected officials making by-laws to control what they feel is right and proper within their borders. Mr. Speaker, I would just like to say that I will support the motion of Councillor Watson, but I hope that she, and the seconder of the motion, have something definite and some real amendments that we will be able to tackle. Without them, we're just going to go around and around in a circle again.

Mr. Taylor: Mr. Speaker, I have risen so far, only to ask a question. I would like, at this time, to speak to the motion to say that I wholeheartedly concur, right from the beginning in this instance, that the municipality should have that right of deciding whether or not they go wet or dry on this issue. We have been told that it may be difficult to enforce, but, in researching Votes and Proceedings of that debate, and more particularly, the Votes and Proceedings pertaining to the visit of Inspector Marcoux, I find that very little enforcement is now taking place. I find that, if this is done, if the R.C.M.P. and the City -- the municipality here has a responsibility to enforce the by-laws that they make in respect of the city, and if they enforce those by-laws, it may be that these offences will cease. If the city enforces their litter by-laws, I feel that we may start controlling the dumping of garbage, bottles, cans -- not only beer bottles or liquor bottles, but also pop bottles and this type of thing -- on the street. This will tend to cease. If we have a liquor inspector in the Territory, who is free to move day and night at his own pleasure within the Territory, to start enforcing the existing Liquor Ordinance, this will immensely help. If we start enforcing all Territorial legislation, this will help. I also refer you to section 160 of the Criminal Code. If this were enforced, from time to time, this would also help. So, I would say, that if Administration does bring down an amendment which would provide for the city or the municipality, such as Dawson and Whitehorse, and indeed, Faro, to make that decision themselves by by-law at the local level, I would support that position. I would not, however, support the position of taking this right away from people in other parts of the Territory where, I think, this is working out fairly well.

Mr. Chamberlist: Mr. Speaker, I find myself in the position of having to support a motion which may well be contradictory to the wishes of the House. The important part of debate in Committee of the Whole, and the subsequent results from the decision made by the Committee of the Whole, usually is the position that is taken in the House. There is no doubt that there has been much pressure by many citizens in the Whitehorse area specifically, asking that reconsideration be given to the stand that has been taken by Council when they were in Committee of the Whole and moved the particular amendments. There are two basic amendments; one, the situation with regard to drinking on Sundays, which I indicated, was in open and free vote because of the difference in opinions of different Members, and the other item is, of course,

Mr. Chamberlist continued.....

the item that deals specifically with drinking in public places. The Govern- *MOTION #.*  
ment of the Yukon Territory recognized the problems that have developed from  
time to time as a result of abuse of drinking in the streets and other areas  
of Whitehorse and brought in, at the beginning of this Session, Bill No. 1  
which included in section 4, a provision for guaranteeing that the drinking  
in the streets and lanes of Whitehorse would not continue in a legal manner.  
I agree with the Honourable Member from Carmacks-Kluane; that particular sec-  
tion, after much discussion and obtaining the views of other Members of Council,  
was unenforceable. I agree, on the same basis, that the amendments, the fur-  
ther amendments, that have been brought forward for discussion by the Honour-  
able Member from Dawson, were equally unenforceable. In deciding whether or  
not to vote on the motion, I have to also consider what is my responsibility  
in supporting the vote of the majority of the Members of this Council. The  
majority of the Members of this Council, in Committee of the Whole, has ac-  
cepted the amendments that have been made and has passed the Bill out of  
Committee as amended. I feel that it may well be that in the fall, we would  
have to take a stronger and firmer look at the situation once again. I  
would be, however, derelict in my duty in not recognizing the requirements  
of the majority of the Members of this Council, and I must, therefore, vote  
against the motion.

Mrs. Watson: Mr. Speaker, I would also like to point out that we are going  
into the summer months when the privilege of drinking in public places is  
most abused and becomes offensive to so many people. However, the voice of  
the majority has prevailed, and if, at this time, a majority of the Coun-  
cillors do not feel that further discussion would provide a solution, then  
we certainly, must be prepared to face this problem again more positively  
at the fall Session.

Mr. Speaker: It has been moved by Councillor Watson, seconded by Councillor  
Stutter, that Bill No. 1, An Ordinance to Amend the Liquor Ordinance, be re-  
ferred to Committee of the Whole for further discussion. Are you prepared  
for the question? Division has been called. Mr. Clerk, would you please  
poll the House.

Mr. Clerk: The Member from Dawson?

Mr. Stutter: Yea.

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: Yea.

Mr. Clerk: The Member from Whitehorse West?

Mr. McKinnon: Yea.

Mr. Clerk: The Member from Watson Lake?

Mr. Taylor: Yea.

Mr. Clerk: The vote, Mr. Speaker, is four yea and two nay.

Mr. Speaker: I declare the motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

MOTION #9

Mr. Speaker: It has been moved by Councillor Taylor, seconded by Councillor Tanner, that it is the opinion of Council that the Administration prepare and present to Council at its next Session, a revised policy proposal respecting the organization and disposition of Community Development Grant funds, and incorporating into said policy the following: 1. Individual grants must appear in the annual estimates and receive Council approval in the normal manner. 2. Grant monies must be used for capital expenditure only. 3. Applicants must be registered under the Societies Ordinance and produce, to the Administration, an annual audited financial statement. 4. Applicants must deliver submissions to the Sub-committee on Finance prior to the first of September of the year prior to the year in which the funds are to be expended. 5. It shall be the duty of the Sub-committee on Finance to screen applications and prepare proposals for introduction into annual estimates. Councillor Taylor, are you prepared to proceed with this motion at this time?

Mr. Taylor: Yes, Mr. Speaker. Earlier in this Session, I suggested to Honourable Members that I would be bringing forth this motion. The matter of Community Development Grants disposition has always been a problem through Councils in the past. It seems a very incorrect way of dealing with this matter, by having the Member involved with these communities deciding where these monies should be spent, and recommending to the Commissioner these expenditures, without them being individually dealt with in the Budget. I think that there would be much debate on this matter, and consequently, I would ask that some Honourable Member, at this time, move that this be referred to Committee of the Whole for further discussion.

Mr. Tanner: Mr. Speaker, I would so move, if this is the wish of the majority of Members. I would move this into Committee of the Whole. I don't necessarily support this motion as it stands, but, I think this is a subject which requires some discussion. The Member from Watson Lake has a particular point of view in regards to Community Development Funds, and I have another one. However, we are in agreement that there should be some discussion on this subject and I would so move it.

Mr. McKinnon: Mr. Speaker, I would be happy to second the motion to get this into discussion in Committee of the Whole. Speaking on seconding the motion, I would say that I have no difficulties at all with certain aspects of the motion; namely, the first, second and third subject matters, but the fourth and the fifth, just upon immediate consideration, give me some trouble. It would seem to me that, now that there is a very real delineation between the Government Members and Opposition Members, the Sub-committee on Finance is composed completely of Government Members.

Mr. Chamberlist: Oh no.

Mr. McKinnon: This would preclude any of these monies going to, the political game being what it is, those areas which are served by an Opposition Member. Certainly, what we are trying to do, as I understand the motion of the Honourable Member and the support of the Honourable Member from Whitehorse North -- my own feeling on the matter is the further that the politician can be removed from the slush fund, the better off the citizens of the Yukon are going to be and the better thought of the Government of the Yukon Territory is going to be. Now, my policy has been, and I think that it is a wise one, that the makeup of the Advisory Committee on Fitness and Amateur Sport, which has absolutely no political ax to grind, which knows the needs of the communities and which has a majority of members from outside the Whitehorse area, this is a group already formed. It is well set up and is well able to take care of the funds found in the Community Development Fund. This is the body, rather than the political body, that should be dealing with the funds. I say, this will be a matter, I know, for much debate, because it has been a controversial issue around this table for many, many years. It has always been abhorrent to me, the disposition of slush fund money. I can't see taking it away from the individual politician, and putting it into a political group's hands, because, then, you have exactly the same problem, maybe even a little worse, that you had before. It has to be an independent body that has the confidence of the community and the confidence of the citizens

Mr. McKinnon continued.....

of the Yukon. I think that that group is already there and I think that we should use their offices to disperse money equitably throughout the whole of the Yukon Territory. MOTION #9

Mr. Chamberlist: Mr. Speaker, there, really, are two issues that have been raised here in the presentation of this motion. One is whether it goes into Committee of the Whole for further discussion; and one, whether or not the Government will bring down a policy in relation to Community Grants. One thing I will say; and I will commend the Honourable Member from Whitehorse West on this, he has reiterated the same policy that he has reiterated over the past few years. However, I question and question very strongly, the motive behind the mover of the motion, Councillor Taylor, in presenting this particular motion.

Mr. McKinnon: He's an obstructionist.

Mr. Chamberlist: He, as a member of the Financial Advisory Committee, has already been made aware of what is being proposed in relation to a future policy to be brought down in relation to matters of all grants. Now, I have no...

Mr. McKinnon: Mr. Speaker, I wonder if I could ask the Honourable Member a question.

Mr. Chamberlist: Yes.

Mr. McKinnon: Did he say "was" or "is" a member of the Financial Advisory Committee?

Mr. Chamberlist: I said "is"; I haven't spoken yet in the past tense. It is a matter of whether or not, in fact, the Honourable Member wishes to maintain his association with the other members of the Financial Advisory Committee, as to whether he must consider that the question and the motion that has now been put, is a proper one in view of the oath that has been taken in relation to the secrecy required in his particular sphere as a member of the Financial Advisory Committee. Mr. Speaker, I do not oppose the motion going into Committee of the Whole for discussion. I think that it is necessary to openly discuss any area that affects the people of the Territory. The Government of the Yukon Territory supports that concept always and works toward it. However, I have put the remarks forward that I have made because of the necessity to allow Members of Council to understand that consideration has been, and is being, given on a continuing basis to bring forward a policy relative to all matters of grants that are being made in the Territory.

Mr. Taylor: Mr. Speaker, while there was discussion on the motion, I hesitated to rise in order that I might not close debate. I think that the Honourable Member from Whitehorse East is somewhat confused in this regard. Indeed, I am under an oath of secrecy as a member of the Financial Advisory Committee in relation to many matters which have been discussed in that Committee. However, I do not betray that oath in presenting this motion, Mr. Speaker. All I am saying to Members of Council this morning is that, no doubt, the report of the Chairman of the Financial Advisory Committee, when it is made to Council, will or should, indeed, include this matter within it. I can say this. The matter was raised in the Financial Advisory Committee by myself and it was declared and agreed by most members of that Committee at that time, that I would be raising this in the Council at this Session. There is no question about it, as any other member of the Financial Advisory Committee -- or, pardon me, the Sub-committee on Finance will tell you. I think it is very important that we sit down and find out what Members are thinking, because we, indeed, are the policy makers at this table. As I stated yesterday, if we are not the policy makers anymore, then, we might as well close shop and go home because the people have been completely ignored. I do respect the fact that the Administration is attempting, so I am told, to prepare a policy in respect of the disposition of the Community Development Fund. It has been recognized that the fund is

Mr. Taylor continued.....

*MOTION #9*

too small to do any effective good in the Yukon anymore, and consequently, for that reason, it should be changed, amended, and a new policy should take its place. I hope that by putting this into Committee, we will be allowed more freedom of debate in this matter and I would ask that all Members support the motion to move this into Committee of the Whole.

Mr. Speaker: It has been moved by Councillor Tanner, seconded by Councillor McKinnon, that Motion No. 9, a motion affecting Community Development Grants, be referred to Committee of the Whole. Are you prepared for the question?

Mr. Chamberlist: Point of order, Mr. Speaker. There is no motion on the floor to move the matter into Committee of the Whole for discussion. There is a motion already -- because there was no seconder to that particular motion...

Mr. Tanner: I made that motion.

Mr. McKinnon: I seconded it.

Mr. Chamberlist: Was there? Oh, I'm very sorry, Mr. Speaker. I understood that this was a seconder for the original motion that was put forward.

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

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Speaker: Mr. Clerk, would you see if the Administrator 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  
SUPERINTEN-  
DENT OF  
EDUCATION*

Mr. Taylor: Yes, Mr. Speaker. I have a question I would like to direct to the Administration this morning, Mr. Speaker. For some time now, the Government of the Yukon Territory has been seeking to find a new Superintendent of Education. To my knowledge, to this date, we still have no Superintendent of Education to replace the former Superintendent, Dr. R. Shields. I'm wondering if the Administration could advise the House this morning as to what progress has been made in this matter, and indeed, when we will have a Superintendent of Education appointed to the Territorial Government.

Mr. Administrator: Mr. Speaker, if you don't mind, I would like to turn this question over to the Member from Carmacks-Kluane.

Mrs. Watson: Mr. Speaker, yes, we are certainly aware that we don't have a Superintendent of Education and we certainly, are following through with this matter. There is just one point. Most Superintendents of Education are under contract for one year and a lot of them would not be available until the end June, but we certainly, are pursuing it and we hope to find a suitable person in the very near future.

Mr. McKinnon: Mr. Speaker, I would like to ask the Honourable Member from Carmacks-Kluane a further question. Do you feel that perhaps, the salary that is now being offered for the Superintendent of Education should be raised, so that we can get a person who we feel we want in the Yukon?

Mrs. Watson: Mr. Speaker, we have many applicants, regardless -- even at our present salary structure.

*QUESTION RE  
LIQUOR  
INSPECTOR*

Mr. Taylor: Mr. Speaker, I have a further question I would like to direct to the Administrator. I would like to ask if the Administration could advise the House as to when we will have a liquor inspector, full-time, in the Territory, and also, when he is appointed, will this man be permitted

Mr. Taylor continued.....

work on different hours than those normally worked by departmental staff?

Mr. Administrator: Mr. Speaker, some time ago, the policy was decided that it would be more economical if we had one inspection service located in the Territorial Secretary's department, and these people would look after not only labour standards, but liquor. So, in effect, we now have people appointed who work for Mr. Taylor who are liquor inspectors. These people do work different hours if required on weekends. That is, they may work a Saturday and take off a Monday and this type of thing. If we do suspect that there are certain problems in any of the establishments, then arrangements are made so that hours are staggered and these people can visit when we they are having the most problems with their patrons, and the way they are carrying on their establishment. That answer the question?

Mr. Taylor: Supplementary to the question that I have just asked, Mr. Speaker; may I conclude, from the remarks of the Administration in this matter, that the Administration feels that there is no requirement for a full-time liquor inspector to work at any time, be it 9 o'clock in the morning or 9 o'clock at night until 2 o'clock in the morning, and this sort of thing, when many of these violations take place in respect of the Liquor Ordinance?

Mr. Administrator: Mr. Speaker, there are three inspectors and these people can be spread around at different hours. It now is working well; they make trips out on the highway as well as cover the various places in town. At the same time as they go through a place like, say, Dawson City, they can check into other possible infractions of ordinances. In other words, they are much more flexible. When it comes to work here in the City, yes, we can put one man on during the whole day looking after nothing but liquor. This is what we have had to do at times.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Yes, Mr. Speaker. I would like to ask the Administrator if he now has a statement answering the charges levelled at the Administration by the Yukon Consumers' Association.

*QUESTION RE  
STATEMENT  
TO CONSUMER  
ASSOCIATION*

Mr. Administrator: Mr. Speaker, I haven't got it quite ready, but I will have it here, definitely, tomorrow morning.

Mr. Chamberlist: Mr. Speaker, I would like to give some information to Members of Council at this time. The question has been asked as to when the Steering Committee for the Extension of Boundaries of the City of Whitehorse will be meeting. I would advise the Honourable Members, Mr. Speaker, that the Steering Committee will meet at 8:30 a.m. on Monday, April 5th, in the City Council Chambers in Whitehorse.

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

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

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 Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole for discussion of Bills. Are you prepared for the question? Agreed? I declare the motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Speaker: The Member from Watson Lake will please take the Chair in

Mr. Speaker continued.....  
Committee of the Whole.

Mr. Taylor takes the Chair.

Mr. Chairman: This morning we will be discussing Bill No. 24. Mr. Clerk,  
would you see if our witnesses are available. I declare a recess.

RECESS

RECESS

Dr. W. Buchan, Yukon Medical Service Association and Dr. R.A. Armstrong, Director of Medical Care, Department of National Health and Welfare were in attendance.

Mr. Chairman: Well, at this time we will call Committee to order and we are discussing Bill No. 24. We have with us Dr. Armstrong and Dr. Buchan to continue discussion in relation to the Bill.

*BILL #24*

Mr. Chamberlist: Mr. Chairman, I would like to preface today's discussions by indicating that the Government of the Yukon Territory is in no way attempting to force this particular piece of legislation upon the people of the Territory, or indeed upon the Members of this Council. Dr. Armstrong and Dr. Buchan have been invited here to give any information that any Member of Committee may require. I hope that it will be understood clearly that we have Dr. Armstrong specifically here because, he, I would say, on his own, is the one real expert in this particular field in Canada and we are fortunate enough to have him here. I would ask Mr. Chairman, that we go through this Bill as expeditiously as possible and bring out the separate and individual sections that there any objections to and that we come back to them afterwards, when we have had the full use of Dr. Armstrong's knowledge in regard to this Bill.

Mr. Chairman: I might say from the Chair, Dr. Armstrong is going to have to be leaving this afternoon by air and if there are any general questions at any time, I would suggest that they be asked this morning, because Dr. Armstrong's itinerary will not provide for his attendance here this afternoon. When last we rose, we had concluded section 11, -- or pardon me, section 14, that is correct. Do you have anything further up to this point? (Mr. Chairman reads sections 15 - 30).

Mr. McKinnon: Mr. Chairman, I wonder if I can ask the Honourable Member from Whitehorse East a question? When I read these sections, it seems there is no onus at all upon the employer. The employee may think that he is having his deductions made by the employer, but yet, it is, in the final analysis, his responsibility and his responsibility alone to make sure that the deductions are being taken out and are being paid to the Administrator. Now certainly, there should be some responsibility on the part of the employer, if for some reason he ceases payment of the funds into the Administrator without the employee's knowledge and yet the ax falls on the employee, not on the employer.

Mr. Chamberlist: Mr. Chairman, if you look at section 25: "Every employer shall deduct from the remuneration of each of his employees the premium required under this Ordinance and remit such premiums to the Administrator in the manner and at the times prescribed in the Regulations". There is a mandatory requirement for the employer to do this and of course we have also the penalty sections that are in the legislation in areas where the sections of the Ordinance are not being complied with, so that there is a penalty can be imposed upon the employer for not complying.

Mr. McKinnon: But section 27 in effect, Mr. Chairman, negates section 25, because if the employer stops paying the employee, the employee under section 27 is the person whose responsibility it is to make sure that his employer is paying him; so they are both really liable for the non-payment of the premiums to the Administrator.

Mr. Chamberlist: Yes, this is quite true. I didn't look at it in that light and I will take this particular item under advisement. Perhaps Dr. Armstrong...

Dr. Armstrong: This sort of double barreled approach is the standard

Dr. Armstrong continued.....

BILL #24 one that most jurisdictions have taken. The purpose, I think, is that inevitably, some employer fails to deduct the premium and this doesn't come to light until the patient has a bill turned down. Really what they are saying is that the employer is at fault, but the individual also has some responsibility to look at his cheque stub to see whether the deductions are being made and in this event I don't think that any of the plans would fail to cover him, but he would have to pay his back premiums and this sort of thing. It is a pretty standard approach to put it in both ways, so that the plan is not out the premium from some source.

Mr. Chamberlist: Well, Mr. Chairman, I understand the point that Dr. Armstrong has made, but I would agree with the Honourable Member from Whitehorse West that there is a very valid point here, where, as a result of an employee who has seen that deductions have been made from his paycheque, he takes it for granted that the employer has sent that money to the Administrator and it would be an improper thing, I would suggest, for -- after penalizing again the individual. We have a similar problem now under Y.H.I.S., where a doctor, because he feels that there is a necessity to keep a patient in longer than two days for a tonsilectomy, keeps the patient in for four days. Now, when it comes to the medical referee, the medical referee says, well, we will only pay the hospital for two days and the patient is billed for the other two. Now, I feel that this is an unnecessary burden upon the patient, who as a result of the doctor not filling out the proper form to say that in my opinion there was a necessity to keep the patient in for two days, so that the medical referee can then agree to this being done. It is not done; so consequently, the patient is the unwittingly the payer of the additional money and the same thing would occur here. I think, the point is very well taken and this is why we want these sections brought out as other Members see these things.

Mr. Chairman: (Mr. Chairman reads sections 31 - 34).

Mr. Tanner: Mr. Chairman, could I suggest, while we have the two witnesses here, we go on to reading the regulations?

Mr. Chairman: No, we don't read the regulations.

Mr. Tanner: Mr. Chairman, I think that the regulations are very much part of this Bill and there were quite a number of questions which I had noted on the regulations and I would like to discuss it with the witnesses here.

Mr. Chairman: Now, this would be a very difficult chore, but possibly you might wish to ask the questions in relation to the regulations at this time?

Dr. Buchan: Mr. Chairman, could I ask a question on the Ordinance, while Dr. Armstrong is here? On page 5, subsection (3) where "a medical practitioner shall not accept or receive any payment under any contract"; in a case of third party situations, car accidents, where it pertains to auto insurance, then it has been the habit of the doctors to get the car insurance and not bill the patient's own insurance. Now, is it the intent that the patient would bill the plan and the plan then gets it from the car insurance? Or what?

Mr. Chamberlist: Well, Mr. Chairman, perhaps Dr. Armstrong can correct me if I am wrong, but this plan does not apply to accidents involved in motor cars, etc. which would be covered by the insurances of the individual people.

Dr. Buchan: That section there, I wonder if it negates that statement. *BILL #24*  
I know it is the intent, but I wonder -- you see, it says: "the medical practitioner shall not accept or receive any payment under any contract or agreement whereby an insured person is covered elsewhere".

Mr. Chamberlist: Yes, but we are talking about insured services in that particular sub-paragraph, Mr. Chairman. "A medical practitioner shall not accept or receive any payment under any contract or agreement whereby an insured person may be provided with or reimbursed or indemnified for the cost of insured services either in whole or part" and the accident would not be an insured service. Isn't that right?

Dr. Buchan: Well, but a broken leg is an insured service. As he comes in with a broken leg, then it often happens that we actually don't know whether there is a third party involved. Supposing it is an accident and he runs into a tree all by himself, that is not necessarily covered by his car insurance if he does not have collision. If another car runs into him and breaks his leg, then a third party is involved and in fact an accident like that does not necessarily bring in automobile insurance. Unless he carries his own collision insurance, he receives nothing for his broken leg and the plan then covers it.

Mr. Chamberlist: Mr. Chairman, perhaps Dr. Armstrong can give us some information on that.

Dr. Armstrong: There is nothing in the Federal Act, or in any Provincial Act, which precludes insured benefits for accidents. Now, most of the Provincial Acts, all except one, I believe, make provision that the plan will be reimbursed if it is able to pin down a responsible third party, so that the plan is not out-of-pocket. Saskatchewan, as I mentioned, does not bother with that, because they also run the car insurance. They see no point in one government agent suing another so it is just a paper transaction. In general, I think, it is a -- the plan sort of looks the other way in a case such as Dr. Buchan mentioned. As long as the plan is not out-of-pocket and there is a responsible third party, I believe the usual practice is just to ignore the thing, as long as you aren't out-of-pocket. One or two provinces take a different point of view. They say, no, the plan -- the doctor must always deal with the plan, but I think, as a matter of administrative technique, you could tailor this to suit the circumstances. The patient must have the benefit from some source and if you cannot pin down the third party, then quite obviously the Medicare plan has to provide the benefits. Very often, as Dr. Buchan said, you don't know whether the third party is responsible or can be claimed upon until a long time after you have actually made the treatment and even paid the bill. But in the odd case, it will become fairly obvious quite early, before the plan has been billed and under those circumstances I don't think it is inconsistent with the spirit of the legislation or the Federal programme, if the Administration chooses to look the other way, just so long as it makes sure that it doesn't get stuck and there is a double payment.

Mr. Chamberlist: Well, Mr. Chairman, I wonder, if Dr. Armstrong could indicate, in view of his own remarks and Dr. Buchan's remarks, whether there would be any necessity to provide in the legislation itself for instances of that particular nature, or is it a matter of dealing with it as a regulation under those circumstances?

Dr. Armstrong: Well, I think, the usual practice is not to make any mention of it because it would be an abominable thing to word and I think in the administration of the plan, the plan has to have reasonable discretion in certain matters, provided that there is not a double benefit being paid and that the plan is not out-of-pocket. I think, really it is pretty well up to the way you want to handle it locally.

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Dr. Buchan: This is the way it is done right now, Mr. Chamberlist. For example if someone is hit by an automobile on the street, it is obvious from the beginning that there is a third party. A taxi hits someone on the street. We know there is a third party and we do not bill that patient's own plan, but often it is the other way around and it is months later before that becomes evident. I would imagine it would be the responsibility of the doctor, if he has receives payment from the plan, to then notify the plan that there is a third party and the plan can then get reimbursed from the automobile insurance. In fact there are many paragraphs prior to that of how the Commissioner can do that.

Mr. Chamberlist: Well, I wonder, Mr. Chairman, if Dr. Buchan would agree that the section as it is, would be satisfactory for the purpose that he has indicated. Thank you.

Dr. Armstrong: I might point out, Mr. Chairman, that under the Hospital Insurance Act, it is obligatory upon a province to have a set-up for collecting in the case of a third party. It is not obligatory under the Medical Care Act. Now, the only cases really that are worth attempting to collect in, are ones that also involve a large hospital bill and these will be picked up through Y.H.I.S., because the hospital reports to the plan this is an accident case and somebody takes a look at it to find out what the circumstances are. And really administratively, you simply need to be able to tie the plans in together, so, that where the Hospital Insurance picks up the accident and it looks like there will be a substantial bill, you then find the medical accounts so you can consolidate.

Mr. Tanner: Mr. Chairman, a question for Dr. Armstrong. Are there any plans in Canada presently instituted where there is at least one free medical check-up a year?

Dr. Armstrong: All.

Mr. Tanner: Excuse me, Mr. Chairman, did you say all the plans have them? I don't see that taken care of in this legislation or in the regulations.

Dr. Armstrong: It is not ruled out. It is not specified it is not an insured service. I think the question here and this section that was commented upon yesterday, 9 (2) or (c) or whatever it was, is the really -- is the operative part. If you have a beneficiary who goes to every doctor in the Yukon on consecutive days and gets a check-up, that is obviously not a reasonable behaviour and the plan would presumably not pay for each and everyone of those check-ups. The plans generally under that sort of provision adopt a policy. We will pay for one completely routine check-up a year, without any question, or in the case of women over a certain age, some of the plans say, we will cover two or three examinations during the course of the year and the plan has some discretion as to put the limit on these visits that are made for no particular reason but just for the purpose of a check-up. But all of the plans provide for at least one examination per year in the absense of any other indication.

Mr. Tanner: They specify that, do they?

Dr. Armstrong: Some of them don't make it too obvious, because they don't want the whole population running together, but they do cover it.

Mr. Chamberlist: Mr. Chairman, a question to Dr. Armstrong. Would it not be the usual procedure, that if a person requires a check-up, he would just make an appointment with his doctor in the usual way and after the check-up the plan would pay for the check-up?

Dr. Armstrong: Yes, the only case where a problem arises, is the

Dr. Armstrong continued.....

patient who likes to run around a great number of doctors for no particular reason and there the plan has to have discretion to cut it off. They will say, alright we'll pay for the first one, but we are not going to pay for the others. And the frequency with which these are allowed varies with the age group. In young children, well-baby examinations which are essentially routine check-ups of a sort, are provided very frequently in the first two years of life. Women over the age of 40 or 45 tend to be examined somewhat more frequently than once a year, because of the possibility of complications of childbirth, or development of cancer, or what have you, but all plans make provision for these and all do provide a benefit, although some of them try to hide the light under the bushes a little bit to avoid encouraging people unnecessarily seeking attention. BILL #24

Dr. Buchan: Mr. Chairman, should that be in the regulations as a positive statement? For example, pre-marriage medical examinations are forbidden, are not covered and yet for that girl or male that would be the once a year -- probably the once a year medical examination.

Dr. Armstrong: Well, this is a matter of sophistication in terminology. Usually the place where the information is provided is in the little brochure that is distributed by the plan, when it starts out, to the population at large. It says, what your plan is; what it covers; what it doesn't cover; how you get it and so on and normally when a new plan is coming in and you have set a date, you start educating the public as it were, several months beforehand and there is publicity given in the press and on the other media, advising people that the plan is coming into effect and registration is going to be required. You will find the cards at your local bank or in the postoffice, or in the police station or wherever it is. In some cases -- in the case of Quebec, they mailed one to every household, which of course costs quite a bit of money at the present postal rates. Most provinces, I think, simply made them available at the common places where people would go in the normal way of business and they did just as well as in the case where they were mailed to the household. And then little pamphlets providing the coverage of the plan and then reemphasizing this quest of registration-- because you just don't put out a notice of registration and get a 100% return of the bat, you have a large block of the population and you have to remind the delinquents and you get another bunch in. You end up with a certain percentage that have to be registered retrospectively. They are discovered when they turn up at the doctor's office six months after the plan has started and say, oh gosh, I was out in the bush and I didn't know anything about this and all of the plans have provided registration cards to the doctors; so when the doctor gets a bona fide resident who hasn't got an identification card, he hands him his registration card and says, here, fill this out now and I mail it in for you. And in this way, you will pick up the whole population over a number of months, but it is essential that several months in advance, you have a little booklet or a little pamphlet which is distributed to the public and which tells them what is covered and what is not and the usual place to mention this check-up is in that.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I realize that Dr. Armstrong won't be with us very much longer. It had been my intention to suggest that arrangements possibly could be made with Dr. Armstrong to come back to the Yukon, possibly in late summer and get on a Yukon-wide programme, a call-in programme, maybe an hour or two. By the time we have gathered all this information we are looking for and give the people of the Yukon an opportunity to ask questions in relation to this proposed plan in whatever form it may take at that time. There is no doubt that there would be a lot of questions and then consequently Members would

Mr. Taylor continued.....

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be able to then sit down with their people during the fall, prior to the fall Session and to be able to determine from them how they wish to vote in this matter, whether they wish to accept or reject the plan. I am wondering, Mr. Chairman, if the Administration would agree to somewhat of a different approach in some manner or another? Is this possible?

Mr. Chamberlist: Well, Mr. Chairman, I must point out, that yesterday the Honourable Member was waving the regulations and waving the Bill and screaming Ottawa is preparing all this. Certainly, we appreciate the help that Dr. Armstrong has given us as he is from Ottawa and we appreciate it very much indeed. If it is possible within his time and he has the opportunity to come back again and give any explanation that he can give to the public at large, if he is available -- if he could make himself available. Yesterday it has been indicated that it will be a full year before this piece of legislation will be brought into force. If the legislation is not approved in this Session, the Government is quite prepared to have it brought back again with any recommended amendments that Members of Council might bring forward, again in the fall and if necessary again in the spring, until such time as Members of Council have made up their mind that they have a satisfactory Bill and the Government is satisfied the Bill will do what it intends to do and that is supply a good health programme for the people of the Territory. Specifically to answer the Honourable Member's question, no, the Government has no objection to Dr. Armstrong coming back here, but it is certainly up to him. We cannot direct him, we can only ask him and if he is able to come back, we hope that we will take advantage of any offer he will make to help us in answering the questions of the public at large.

Mr. Taylor: Yes, Mr. Chairman, I thank the Honourable Member for his consideration. I think it is important that we do it this way instead of going to each little community all over the Yukon and holding public meetings. Right at this point in time, I would be very surprised if there is any one individual in the Territorial Administration that fully understands this plan or its import. I would be very, very surprised. But I am sure that Dr. Armstrong and his people who have been involved in these plans across Canada, could do much in answering the questions of the people at that time and indeed further enlighten the Administration in respect of these plans. I think that it is important that we get information suggested and which will be found in Votes and Proceedings yesterday and other Members also have questions, as to just what it would cost to add optometry, dental and chiropractic benefits to the plan, just to get some comparative idea as to what it would cost. I think that it would be interesting to see just on a comparative basis what the insured services and premiums are in the provinces and those areas that I outlined yesterday, M.S.A., Federal schemes and the proposed scheme, in addition to the standard scheme. I think, it would be very, very interesting to have the fiscal data relating to the estimated breakdown, estimated revenues and expenditure in relation to this plan. I think, it would be very interesting to know how the premiums were determined, on what basis, who pays what and how many people we are talking about and so forth; so I would hope that this could be done this summer and I hope that this Bill will die in Committee at this Session.

Mr. Tanner: Mr. Chairman, can I ask a couple more questions? I am sorry to pursue this, but I am still not clear on this regular and medical check-up. I am looking at preventative medicine and I think Dr. Buchan is thinking the same thing. Will, under this plan, a regular check-up be available to everybody once a year?

Dr. Armstrong: Well, as I say, all other 11 plans provide this and it would be my assumption that the Yukon plan would likewise provide it.

Mr. Tanner: Mr. Chairman, could Dr. Armstrong tell us, are there any plans in Canada in force such as this, where there are options; in other words, if you are getting the basic plan and then you have the option of having insurance for drugs, for example?

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Dr. Armstrong: Yes, there is one province that has a real option in as much as it involves a simply separate premium; that is Alberta which has an optional extra plan that provides some drug benefits and now half of the provinces provide some benefits over and above the basic Federal programme. They tend to be rather restricted benefits, but they provide them as part of the basic package, but Alberta has an addition to that -- a genuine option with a distinct premium.

Mr. Tanner: Well, Dr. Armstrong, in your experiences, is Alberta having any problem administrating that particular facet of their plan?

Dr. Armstrong: I think the answer is yes. The problem is that one of the factors which in the past caused private insurance arrangements to have relatively high costs, was these various options. The more options, the more variations you have on the coverage. The more costly it is to administer. Where you have a standard comprehensive plan that covers all medical services and you stick to that, you don't need -- well, if you start adding invariable options on top of that, you just complicate your administration very greatly and if you want to have extras. The extras should be built in as part of the standard package so that you don't compound your administrative problems. Otherwise you have got to keep track of who has got this option and who has got that option and who has got some other option and who has no option and this costs money and it takes time and it slows down payment of accounts and it requires more staff.

Mr. Tanner: Mr. Chairman, I have another question for Dr. Armstrong. What are the exclusions under the regulations if advised by telephone?

Dr. Armstrong: I think it is completely uniform, if I am not mistaken. I think it is specified in all cases.

Mr. Chairman: I wonder if I might ask a question from the Chair in that same regard? Advice by telephone. If in areas where there are just nursing stations provided and the patients go to the nursing stations, I take it, that advice could certainly be gotten between the nursing station and hospitals in the Yukon?

Dr. Armstrong: This advice by telephone is really intended to cover the very common situation of a person who phones the doctor up, he doesn't want to leave the television set and he says oh go to bed and take some aspirin or I'll phone the druggist and send you a prescription, and then he bills the plan. And then they say, it is out. Now, where you are talking about these remote communities where you have to provide expert guidance to the staff in those areas, then you can pay for that on a sessional basis. Pay them by time and that is perfectly legitimate. It is to cut off these individual telephone calls, where the patient phones up and the doctor does not provide any services, except to talk on the telephone.

Mr. Tanner: Mr. Chairman, can I ask Dr. Buchan a question? Is it presently a practice in Whitehorse too, that under certain circumstances you charge for advice by telephone?

Dr. Buchan: In the Yukon schedule, in fact all doctor's schedules, there is a fee. It is supposed to be \$1.00 for telephone calls. This has never been charged by any of the doctors that I know of in the Yukon. Now, some of these are very legitimate and you should charge probably, because there are times -- it is not always as Dr. Armstrong says; sometimes it is the patient that doesn't want to leave the T.V. set and

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Dr. Buchan continued.....

come down. So, it is at their request. They phone up and say, "Jimmy has got another sore throat; give me some penicillin." That is more likely the picture than the other, I can assure you, and of course, outside, if they phone from Haines Junction, that is a service. However, the doctors have just absorbed this fee. They have not charged and are not particularly upset by this situation here.

Dr. Armstrong: I think the main reason why fees schedules have such an item is because certain types of doctor, particularly pediatricians and perhaps psychiatrists, are more prone to getting regular telephone calls and the item has been put in the various fees schedules so that a charge can be made under those circumstances at the doctor's discretion, and a great majority of doctors, other than those who -- well a psychiatrist spends half an hour calming somebody down on the telephone and deserves a fee for it, but the run of the mill occasional telephone caller, I think, very, very few doctors in Canada charge for this.

Mr. Tanner: Mr. Chairman, another question for Dr. Armstrong. Section 3 of the regulations, it says: "services of more than one medical practitioner in the course of the same illness, unless on referral of a medical practitioner, or the claim is not allowed by the Administrator". Now, is that not then excluding somebody who is not satisfied with the medical service he is getting and he can't persuade the doctor who is now treating him to let him go to another doctor?

Dr. Armstrong: Well, that is why that legal clause is put at the end of it "the claim is not allowed by the Administrator". I think, quite obviously, there will be some cases where a patient may see a number of doctors and the last one makes the right diagnosis. Well, obviously under those circumstances, that person should be paid. However, in many cases you get a patient who simply goes to a great chain of doctors and has nothing particularly the matter with him or her and just wants get the same opinion from every one of them, just keeps on going, and this is put in to protect the plan and to give the plan discretion to cut off that sort of a thing if it becomes an abuse.

Mr. Tanner: Well, in that particular instance, this is what I have been talking about earlier on. In that particular instance the Administrator is making a medical decision.

Dr. Armstrong: Oh no, no. The Administrator theoretically is doing everything in here, but he does not do it himself. He would have advice. He would have a medical referee or he would have a medical committee to advise him on these cases, and it is done in his name because he is the fellow that has the pen and can sign the cheques and that sort of thing. He has the signing authority and it is done in his name. It is the same in provincial legislation. The Minister shall do this and shall do that, but the Minister never does it; it is done by people that work under him.

Mr. Chairman: Do you have any further questions of Dr. Armstrong or Dr. Buchan at this time?

Mr. McKinnon: I would be very interested, Mr. Chairman, in knowing the aspects of dental surgery that are allowed if you go to hospital and just what is not allowed under Schedule B?

Dr. Armstrong: Now, the reason why there is a surgical-dental component to the Medical Care programme is that during the Medical Care debate in the House of Commons, it was pointed out that it would simply not make sense if a patient with a fractured jaw, who is admitted to hospital -- if the treatment was given by a physician or a surgeon, the account will be paid, but if it was done by a dental surgeon, it would

Dr. Armstrong continued.....

not be paid and the modern trend has been to increasingly involve dental surgeons as part of a surgical scheme in dealing with trauma to the face and jaw, because they can get the face lined up much better than a doctor can and you have to set the bones in the right position. So, discretionary power was provided in this Federal Act, whereby by Order in Council the Minister may prescribe a certain type of service to be a medical service for the purposes of the Act and this power has been used to define surgical-dental services which require the patient to be treated in the hospital. Now, this list is the most comprehensive one that exists. Even so it was necessary to put in the clause, such other services as the Commissioner from time to time prescribes, because no matter how long you spend to add on to this list, you are going to forget something or other, overlook something or some new procedure is going to be developed that you never dreamt about and that should be covered, and as these things pop up, they can be added in. Now, all of them are very rare, except the fractured jaw and other injuries of the face and mouth. They outnumber all of the other things put together, but -- and maybe in a population like the Yukon, some of these might crop up once in a blue moon, but they are an insured service and they are just listed there in an event that somewhere in the Yukon someone might require this care and then it is a benefit for them.

Mr. McKinnon: What is the instance now, if I have a tooth that needs extracting and it happens to be Sunday. I go over to the Whitehorse General Hospital to the outpatients clinic and the doctor extracts the tooth on Sunday. Is that covered by the Medical plan?

Dr. Armstrong: No, that would not be, because the hospital is simply filling in there for the practitioner's office. On the other hand, if your tooth is impacted and all covered in with bone and they would have to put you to sleep and chisel the thing out, then that would certainly be surgery.

Mr. McKinnon: If I want to go to the hospital and have all my teeth removed at the same time, would that be covered?

Dr. Armstrong: No, that would normally not be covered, unless there was some medical condition that requires -- the purpose was not to encourage dentists to try and put all their patients in hospital in order to get coverage under Medical Care. It was intended to protect the patient who requires treatment at the hospital.

Mr. Taylor: Well, I think at this time I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: I was just going to say, Dr. Armstrong is going to be leaving us at noon. Do you have any final questions to wrap it up?

Mr. Tanner: Mr. Chairman, I have another slightly detailed question. Are there any plans across Canada which include people who are chronic drug addicts, who need drugs continuously?

Dr. Armstrong: Well, none of the Medicare plans cover drugs. There are schemes in some provinces for providing drugs for certain conditions, either free or for a nominal charge. Most provinces make available insulin and other drugs that are used for treating diabetes, either free or at a reduced price. Many provinces will supply penicillin for young people who have had rheumatic fever to attempt to prevent recurrence; things like this, but these are spotty programmes. They usually center on certain illnesses and they are not in existence in all provinces. Then there is another type of programme. All provinces provide to a varying degree for the supply of drugs to indigents and this is cost-shared under the Canada Assistance Plan with the Federal Government. There is no standardization from one

Dr. Armstrong continued.....  
province to another in this area.

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Mr. Tanner: Mr. Chairman, I have one last question. In the regulations, 2 (1) and (6), one of the exclusions is dermabrasion. Aren't there some instances where doctors could recommend the patient is in need of that medical practice. If it is excluded then there is no way that he can recover cost, but it would be better if the patient would get it. I am not going through them all, but that one particular one strikes me as an area that could be reviewed. How is that related to other plans?

Dr. Armstrong: Well, any of these procedures are covered if they are medically required by the patient, but the point is, the ones that are listed in 2 (1) (a) are most commonly not medically required. They are provided for cosmetic purposes, but if in any case they should be medically required, they would be covered. Now, there is another point, if I remember correctly, somewhere in one of these documents it mentions that cosmetic services as listed are not a benefit for persons over 15 years of age, unless medically required. Now, this approach makes sense, because if you are going to avoid a psychological disturbance, the earlier in life you correct the blemish, the better chance you have of avoiding psychological impairment and the idea in this is to deliberately try and get the disfigurement corrected before the child has reached the age when he has already had psychological damage, because once a person has become shy and disinterested and anti-social, dermabrasion is not going to change them that much. It may help, but the damage is already done. So, what you are trying to do is force this treatment at the age when it will do the best.

Mr. Stutter: Mr. Chairman, I have a question here that is not actually related to this plan, but now that Dr. Armstrong is here, I have a rather important question. On February 19, 1971, Motion No. 4, "That in the opinion of Council a family planning programme be instituted by the Northern Health Services". Now, since that time we have had a Legislative Return come back and we have a little information on it, but I wonder if you could tell us, in other areas in Canada, what government services are available, providing information regarding family planning and also drugs, pills, etc.?

Dr. Armstrong: Well, let me say first of all, it is a benefit under Medicare and at the present time 6 provinces cover it without any restriction and the remainder covers it, but looks for some evidence of medical requirement; but the trend is for them to review their policy. They are all in the direction of covering it, period, without any fuss to why are they doing it and so on. Now, the Department of National Health and Welfare has recently set up an agency and I don't know whether it is a Directorate or Division, or what it is, to produce information on family planning and to work with and through Provincial Agencies in the same way that the Department supplies the publication, The Canadian Mother and Child, which is widely distributed by the provinces and territories. It will be producing family planning and birth control material for distribution by the provinces and the territories as they wish. Now, some of the provinces, I believe, have set up Embryonic Agencies dealing with family planning, but because it is rather a ticklish subject, particularly in relation with certain religious groups, most of them have been sort of tiptoeing to the truth, to avoid upsetting people too much. Most of the agencies actually are actively providing this service, are private agencies. Most of them do receive some government money to assist them, but by and large I think, Provincial Governments have not perhaps had the courage to get too active in dealing with the public directly, although I believe they are all beginning to make some information available to support medical practitioners, social workers, etc., who are in the business of dealing with them. But all of the Medicare plans do cover this. Most of them without restrictions.

Dr. Armstrong continued.....

the others with something on paper, which perhaps justifies their consciences.

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Mr. Chamberlist: Mr. Chairman, I would like to bring to the attention of Members of Committee that although they are not marked on the regulations under insured services, there will be 3 dealing with the family planning question -- that will be under insured services, that will be: vasectomy; tubal ligation and insertion of intra-uterine device. So, they will be added to what has already been provided for insured services.

Mr. Chairman: Any further questions? I am wondering if the witnesses could be excused at this time? Well, Committee would like to thank both Dr. Armstrong and Dr. Buchan for their extremely informative participation in this discussion and it is our hope that as a result of these discussions, we may be able to formulate something that is meaningful and good for the people of the Yukon. Once again, we thank you for your attendance. At this time we will stand Committee in recess until 2:00 o'clock this afternoon.

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*RECESS*

Mr. Chairman: At this time we will call Committee back to order. We are dealing with Bill No. 24.

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Mr. Chamberlist: Well, Mr. Chairman, I would like to -- for Members to come up with suggested amendments to the legislation, if there are any, so that they can be dealt with, and at least we know what is specifically required, and we can go on from that point.

Mr. Tanner: Mr. Chairman, I have got one basic, very basic amendment to make to this; that is that the Medical Health Plan as proposed here, should be run by an independent commission reporting to the Minister of Health, and without getting the phraseology refined, I would like to have other Members discuss this aspect as to how it can be more efficiently run by an independent commission, and not as a department of the Government per se.

Mr. McKinnon: Mr. Chairman, I will reiterate my stand on sections 4 and 5. I find it really difficult to accept a policy without seeing before this table the relative merits of this plan being administered by a private agency or by a government -- a branch of government. I have just been at this table too long, just around government too long, not to know the proliferation of government departments, and not to know, because of the political implications that government departments and government agencies can not run schemes of this nature on as efficient and as economical basis as a private organization. Now, if I were in the shoes of the Honourable Member from Whitehorse East, I would just be taking the absolute opposite tactic to the one he is taking. I would want all political and administrative difficulties completely removed from my shoulders as far as possible, and have a proven administrative scheme which we know is working effectively and efficiently, and one which they would like to continue to do with the whole of the Yukon under their agents and under their administration, and not to even allow the Members of this Committee to weigh the various benefits and the disadvantages of the two different methods of administering the scheme. I just can't understand the implacability of the policy of the Government in this regard. As sure as I am standing here, we will rue the day that we accept Medicare under a department of Territorial Government. We have seen it happen in every government department that has been set up under the Territorial Government Ordinances. Here we have the opportunity to at least listen, to at least study, to at least invite bids for a private administrator to run the programme. We already have a private programme which encompasses the majority of the Yukon Plan, that is set up for a Yukon operation, that has its computers tuned to a Yukon operation. Not only rejecting the feasibility of these people administering the plan, we are just saying as an absolute policy, that we are not even going to consider listening or talking, or inviting bids, or finding out how much it is going to cost, and with the only objective of saving as many of the taxpayers' dollars as I possibly can, not to be able to at least study the proposals of different private organizations in administering this plan. I just cannot accept the legislation before me. There is one other aspect of the legislation, section 9 subsection (2), which I will never agree with. I will never allow, as long as I am at this Council table, for the Commissioner to be making policy decisions, and even when full responsible government is achieved, the Commissioner written into any Ordinance as being involved in any policy making decision, will always be an anathema in my way of thinking, and will always be removed from legislation. There is no way, particularly at this point in the evolution of government in the Yukon Territory, that any thinking Member of Council can allow the Commissioner to enter into the policy making decisions of Government. Sections 4 and 5, and section 9 subsection (2) have to be amended before my support will be given to this bill.

Mr. Chamberlist: Mr. Chairman, I think one of the elementary responsibilities of government is to govern where a governmental plan or programme is

Mr. Chamberlist continued ...  
BILL #24 is brought forward...

Mr. McKinnon: British Columbia doesn't do it.

Mr. Chamberlist: I don't think that anybody will dispute this; the Honourable Member has interjected that British Columbia doesn't do it. British Columbia, it is well known, lives on the basis of spreading its deficits through various Crown Corporations. It is not the intention of the Government of the Yukon Territory to spread a possible deficit through a private entrepreneur who will either then have to pick up the balance at a later date, or the general revenue. It is a responsibility of Government to produce for the benefit of the people of the Yukon, a sound Health Services Plan. What has been brought forward is the best that has been considered so far. The Government of the Yukon Territory is not implacable in its stand in relation to any amendments or alterations that can be suggested that will in fact benefit the overall plan. It is objecting, and will object in any way or in any manner, where the prerogative of government is being removed or attempted to be removed from the people of the Yukon Territory and placed into the hands of those who have -- who are in no way concerned with the Government of the Yukon Territory. Dr. Buchan, who is the president of the Yukon Medical Services Association, has indicated that he is satisfied with the bill that has been presented, that every effort has been made to ascertain from the members of the medical profession any objections they have to the basic principals of the legislation that is before this Committee. As I have already indicated, there have been continuous discussions with them, and continuing discussions will go on with them all the time during the life of the Yukon Health Services Plan. The regulations that have been drafted as a draft have been discussed with them, and where there are areas of difference, they have been, by mutual arrangement, settled to a mutual satisfaction of all concerned. When the Honourable Member from Whitehorse West specifically objects to sections 4 and 5, it is not so much, I would submit, the area of who should administer, but how the payments should be made, and to whom they should be made. When we say in the legislation that the payments are made to the administrator, it doesn't mean that it means being placed in the administrator's hot little hand, and saying, here is my \$6.50 or \$14.50. I have already indicated that the Government of the Yukon Territory is prepared to use the expertise of a company or an agency that may have computer facilities and are able to deal with the necessary requirements of operating as a collection agency, more or less, within the meaning of collection and distribution of the premiums and the payments for the services that have been rendered by the members of the medical profession. The Government of the Yukon Territory does not wish to have the one particular named organization that has been indicated, to be that agency. This has been made clear, and I can only pass on the Government's intention as such. With reference to section 9 subsection (2), Mr. Chairman, there is an area here where there is room for adjustment in this particular section, and we will be only too pleased to take this section under advisement, and word it so that it is palatable to the Members of Council, to those Members at least that feel that it is objectionable. The point has been made with reference to the use of expert witnesses, and certainly nobody will dispute the fact that, Dr. Armstrong, the Director of the Medicare programme in Canada, is an expert witness. He has indicated that this section is similar to other sections. Now, there is no doubt in my mind that where we make reference in this particular Ordinance to the Commissioner making such regulations, as I have already indicated in prior discussions during this Session, that up until the time that there were no elected Members to the Executive Committee, there was reasonable grounds to raise strong objection to the manner in which this particular section is written, and I would have no hesitation in supporting that particular stand myself; as Members know, I have supported that stand. But, the position is that there are elected Members to the Executive Committee, and when reference is made to the Commissioner making regulations, it is the Commissioner making regulations with the advice and agreement of the Members of the Executive. It must also be

Mr. Chamberlist continued ...

understood that the regulations must be tabled in the Session following, *BILL #24* that they have been brought forward into Council for Council to discuss and make their recommendations again to the Commissioner dealing with those regulations. But, there are areas in that subsection(2) of section 9, which may well be -- can be taken out, but it should not be destroyed completely because as Doctor Armstrong, as an expert witness, has indicated, there are areas where there is a need, a necessity for the power to be given to make regulations. This is what I have to say on that particular section. The Government is quite prepared to reconsider that section. The Honourable Member from Whitehorse West made a very, very important point today, this morning. I agree with him, and that is the section 27, because of the conflict it has with section 25, there is no doubt in my mind that if we allow section 27 to stay in, in the manner that it is, it will more than likely place a patient in the position of having to pay twice for the same services, the same premiums, as a result of some negligent employer to meet his commitment by paying over to the fund, to the plan, the monies that he has already collected from a patient, from one of his employees. There is no doubt in my mind that we have to correct that particular situation, and find an area where the employer who fails or deliberately misuses the funds that he has taken from an employee's payroll, does not turn it over to the plan, this should be corrected. I am 100 percent in support of the suggestion that was made this morning by the Honourable Member from Whitehorse West. Generally the programme itself, the legislation itself, is of a standard nature that has been implemented in all jurisdiction in Canada. As has already been indicated, after tomorrow, we will be the only jurisdiction that does not have a Health Care Services Plan for every resident of the Territory. I think usually we have been in a position of coming a little earlier than others in getting plans formulated. Quite frankly, Mr. Chairman, I find nothing wrong with the main theme of the Ordinance, except in those two specific areas, subsection (2) of section 9, and section 27. The Government is prepared to review these two sections, and if there are any other areas that the Honourable Members have which they would care to put forward, we would be only too pleased to consider.

Mr. McKinnon: Mr. Chairman, in answer to the Honourable Member, I will make one more point, and then my case will be made and I will sit down and shut up. It was the Honourable Member from Whitehorse East who set up Dr. Armstrong, not as an expert but as the expert on Medicare in the Dominion of Canada. Dr. Armstrong said this about the agency being private rather than a public one that, "in the case of the Yukon, by virtue of the fact that the Yukon Medical Association fee schedule is essentially the B.C. schedule at the core, with certain surcharges because of the different costs and because the payment rules are the same rules, in effect, that have been written into the fee schedule by the B.C. Medical Association and because--for example, M.S.A., which has carried the largest share of the private coverage up here in the past, has had considerable experience with the Yukon doctors and with people up here, and because it is one of the agents in conjunction with the B.C.M.P. in operating the B.C. Plan and the same computer programme would process both accounts, all you would have to do is make a surcharge adjustment at the end. All other things being equal it, would make a certain amount of sense to, assuming they were interested and that they did not want too high a price for their services, it would make considerable sense to explore the feasibility of having such an agency do the mechanical end of things. ...I think that, basically, a decision has to be made, to my way of thinking, on the answer to two questions. One, is one of these B.C. agents interested in doing the job for the Yukon and if so, what is the price? If the price is not too high, that is one thing, if the price is unreasonably high, that is something else. The other thing is, you have to base your decision upon what might be considered the political factors, as to whether you want it done locally or done somewhere else. That is something that I am not competent to comment on." Mr. Chairman, we have learned that the B.C.M.S.A. is interested in administering the Yukon Plan. We have learned that the B.C.M.S.A.

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Mr. McKinnon continued ...

operates medical plans at the lowest administrative cost of any plan in Canada. We have learned that the best witness for Medicare in the Dominion of Canada says we should look into the feasibility of having them administer the plan, because of the efficiency and ease of operation it would be, and the Honourable Member tells me that they are not even prepared, the Government, to look into the feasibility of having B.C.M.S.A. come up with a price for doing the job. Mr. Chairman, that's where I say the Member is being implacable, is not using common sense, and as Dr. Armstrong says, the decision is political, not one that is trying to ease and get the best dollar value for the taxpayers of the Yukon Territory. I cannot accept, even with the amendments that the Honourable Member said would be forthcoming in the other sections that I have raised, that not even giving Members of this House an opportunity to examine what the costs would be, and efficiency and ease of administrative operation if B.C.M.S.A. or any other private company were asked to tender bids on the running of the programme, I don't see how Members can say that they have spent the taxpayers' dollars wisely, and have examined all aspects of the situation, and until this happens, there is no possible way that I will give my support behind the plan as it is now presented before Territorial Council.

Mr. Chamberlist: Mr. Chairman, I would like to rebut certain statements that have been made by the Honourable Member. The one in particular is the reference that the decision has been political. Perhaps the question that is being asked, that M.S.A. take control of this area of administration itself, is political. Because, after all, if we start talking politics, it is a two-way street that is involved. This has not been my thought at all. I can only convey to Members of this Committee, the decision of the Government of the Yukon Territory. I can also display -- that I can also disclose that all areas were considered in this matter. I think that the intimation that was made by Dr. Armstrong, in suggesting that an outside agency can take care of this, I would draw your attention, Mr. Chairman, to the fact that Dr. Armstrong says that Mr. Chamberlist is right, that it must be administered by the Government of the Yukon Territory, and I will reiterate again, that the Government of the Yukon Territory is concerned that an agency who has the experience and ability to deal with the collections, of premium handling, and the keeping of records to make sure that the premiums, or the charges rather, that have been charged by the medical profession will not be abused. Now, certainly, there already has been, therefore, an intimation that an outside agency will be brought into the picture. But, I must reiterate again, that the Government's intention is not to use the facilities of the M.S.A. of B.C. However, they will be using the facilities of an outside agency. Now, it appears that the points that have been raised now by the Honourable Member from Whitehorse West, that his concern is that it should be the B.C.M.S.A. people. Now, this is where he and I differ; we say, the Government says, that because we haven't got the facilities and the knowledge to facilitate at this moment, at the time that the Health Programme, Health Care Programme, will go into effect, then we will utilize the services of an outside agency. We have only made one standard clear on this, and that is that it will not be M.S.A. Now, beyond that, I have no argument with the Honourable Members suggestions at all. Thank you, Mr. Chairman.

Mr. McKinnon: Mr. Chairman, I have to rise on a point of personal privilege. I didn't specify B.C.M.S.A. I said that there should be bids from private agencies, and B.C.M.S.A. is one of them who has shown interest in handling the Yukon scheme. Now, if the Votes and Proceedings are checked, you will find that I was asking for the Government to call for tenders from private agencies to administer the plan. I was just using B.C.M.S.A. as an example.

Mr. Chamberlist: There is a difference, Mr. Chairman, between administering the plan, and I must repeat this, between administering the plan and participating in the plan. Now, the administration -- if the Honourable

Mr. Chamberlist continued ...

Member is suggesting that the whole of the Government proposition, with the Federal Government's money, and the Territorial Government's money, not as much Government's money, as the people's money who paid their individual amounts of money, should be administered by a private agency, then I cannot agree with it. Now, this appears to me, the point that is being involved, the overall administration, we feel that the Government must administer but the Government will use the facilities of whoever we are able to get to participate and fulfill the functions that are required of them to properly help in the administration of this area of a very well needed programme. I'd hope that because the programme is needed and will help the majority of the people in the Territory, that there should not be an obstacle in the way just because of a particular type of ideological thinking that it is better to give away Government management to some private organization. Now, this is what it appears to me that is being requested. I would suggest, Mr. Chairman, that this is a very wrong attitude to ask a Government to do, a Government that indeed is trying to learn to govern its own affairs. We have been continually complaining about our affairs being administered by areas in Ottawa, and yet we are prepared now, as one Honourable Member suggested, that we give our affairs of administration over to, not to Ottawa, but take it away from Ottawa and then allow a private company to administer a plan where the people of the Territory pay toward it, and the Federal Government pays toward it. Now, we know, Mr. Chairman, I'm not going to stress beyond this particular one point at this time, that we know that a plan for Health Care is needed, that we have something that we can start on, that there may well be a lot of wrinkles that will have to be pressed and taken out of the plan, but I would hope that Honourable Members will react to the principle of the plan, and that is a benefit to the people of the Yukon Territory.

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Mr. McKinnon: Dr. Armstrong made the point that the B.C. Plan was operating very efficiently. It was being administered by two private agencies under the control and supervision of the--if you check the Votes and Proceedings, you will find that out, under the control and supervision of the Government of British Columbia. That is exactly the way that an efficient plan should be administered in the Yukon Territory, where you have only 20,000 people and 207,000 square miles to worry about. The only sensible way of getting around a bunch of more bureaucratic asininity, which we are completely and always getting involved in, in the Yukon Territory, and to think that we are going to set up another Government complex, an organization where Government controls could be exercised, and a private agency doing the bookwork much more efficiently and much cheaper than any Government organization is going to do, not even to look into the feasibility of this kind of concept and this kind of programme, is not presenting a sensible attitude to the people of the Yukon Territory.

Mr. Chamberlist: Mr. Chairman, I have already indicated that the plan bookkeeping will be done by a private agency. How clear can I make it. It is simply difficult to understand why this point hasn't sunk in yet to the Honourable Member who has just spoken. This is the intent of the Government of the Yukon Territory, that the bookkeeping, the collecting of the premiums, the paying out of accounts, is being done by private agency, and will be done by that. We haven't said what agency will do that. We are simply saying that because of certain reasons, that B.C.M.S.A. will not be the agency. Now, I am not suggesting at this time, Mr. Chairman, that there will not be bids, that there will not be tenders requested, that there will not be negotiations gone into with two or three different companies that have computers. I am not suggesting that at all. But, I want to make it quite clear that the policy of the Government is not to use the B.C.M.S.A., otherwise everything that has been requested by the Honourable Member, except the fact that the administration of this plan will be that of the Government of the Yukon Territory, will apply. I think that is the policy that is clear, and

Mr. Chamberlist continued ...

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I think that my language is clear. My English is clear. I can't make it any clearer than that.

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

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I don't know if we are really getting anywhere at this point in time. I think that it has been pointed out by the Administration that the bill, in any event, notwithstanding that we are the only jurisdiction in Canada that doesn't, effective tomorrow morning, enjoy the benefits of a Medicare scheme. This in any event will not come into being until 1972. I think that we should be given the course of the summer, prior to the Fall Session, to sit and further consider this bill, consider any other matters related to it. I think that it should be the responsibility of the Administration to provide all Members, as fast as information can be obtained, with these pieces of information, and I think that it behooves every Member of Committee to go to their people during the course of the summer, discuss this with them, find out what they think about it, because, indeed, it is the people of the Yukon who are going to have to pick up the tab for these services to a large extent, at least to 50 percent of it. They no doubt will have as many questions as we have; we consequently must be in a position to answer those questions. I think that it has been a very useful exercise these past two days having Dr. Armstrong here, who is an expert in this area, and Dr. Buchan, who has had the experience -- the medical experience in the Yukon Territory, and who has also been involved in a similar type plan. This is about all I have to say. I would think though, Mr. Chairman, that what should be done with this bill, that it be left to die in Committee at this point, and that no attempt be made to amend it at this time. Certainly, the Administration has the benefit of the Votes and Proceedings of the past two days to review, and no doubt, as the Honourable Member from Whitehorse East has stated, they also have second thoughts in relation to some sections of the bill. Then possibly this could all be put together at the Fall Session, and with Mr. Legal Adviser, and all other people involved, we can maybe sit down and come up with something acceptable to all Members and to the people of the Yukon. So, this would be my suggestion, that no further action be taken on this bill at this particular time.

Mr. Chamberlist: Well, Mr. Chairman, I would like to point something out which is very, very important. I think that before Members decide on adopting the particular method that has been suggested by the Honourable Member from Watson Lake, that consideration must be given to a time factor of existing contracts. Some contracts may well go into June or July, but as most people know, a M.S.A. programme may cut off at any time. A person leaves employment with a Y.S.M.A. programme; the moment he leaves that employment, this programme is cut off. We are trying to do what is necessary so that no person is left without coverage where he has had coverage before. As I have already indicated, if this is the feeling of the Members of Committee, not to proceed with the bill, the Government will raise no objection. It is a bill for the people, and if there are any Members of this Council that wish to take away the advantages to the people in getting a proper Yukon Health Care Programme, so be it on your own shoulders.

Mr. Tanner: Mr. Chairman, I find myself in disagreement with three Members now. I started off by saying initially that I would like to see this plan set up under a separate commission which is reporting to the Minister of Health, reporting to the Government. A totally separate organization, like a Crown Corporation--it could be compared to a Crown Corporation--and the management of the corporation, if I may use that term, will be one, responsible to the Government, and two, responsible for running that plan in the best way in which they can. If this could happen, then both the Members from Whitehorse East and the Member from

Mr. Tanner continued ...

Whitehorse West could have both their problems satisfied I think. That is number 1. Number 2, I do not agree in any way with the Honourable Member from Watson Lake, that we should put off this decision now, and you can't want every decision that comes to this House-- by saying that you have got to run around and talk to your people. We have been elected here to make this decision, and we should make this decision now, and the decision that has to be made now, right now, is whether or not in general we agree with having a Medical Health Plan in the Yukon. Not the details of it; the details can be worked out over the next year, but the plan, do we accept the overall concept. I for one, very definitely accept the overall concept. Now, I have two other areas which, if the Honourable Members from Whitehorse East and Whitehorse West, would let somebody else speak, not necessarily myself, but wouldn't dominate the floor in long tirades, which I am getting extremely tired of listening too, there are two other aspects I would like to hear some other discussion on. Number 1 is that there is reference to, as I have said before, to the Administrator all the way through here. The Administrator has great powers. I understand; please don't go into a long explanation of what the Administrator does. When it says Administrator, it means his department, but that Administrator does make a lot of medical decisions. If a dispute arises between a patient and the doctor, or two doctors and one patient, which can happen because there is reference to a second medical opinion; the Administrator or someone within his department has got to make a decision. It has been suggested that the person to whom the Administrator would refer to would be the medical referee. One of the questions I have, is there going to be a medical referee? Is he going to be a resident in the Yukon so these decisions don't take six months to make outside of the Territory? Two, if there is not going to be a medical referee, is there going to be a medical board which either a patient or doctor, or maybe in some cases, Administration can refer to?

Mr. Chamberlist: I take it, Mr. Chairman, that the Honourable Member expects me to answer, although I have just received from him a tongue lashing that I am going into long tirades with the Honourable Member from Whitehorse West. I am sure that all Members will appreciate that -- this is where I come to the support of the Honourable Member from Whitehorse West, that he, as a person who is speaking in opposition to a particular bill, has got to express himself as loud and as long as possible in a manner that he can perhaps convince other Members of his right, and I, as a Member of the Executive Committee, have got to place forward quite clearly the position of the Government of the Yukon Territory, so I find nothing wrong with that. Now, the position as far as a medical referee is this, that if and when the overall Health Programme does become part of the Government of the Yukon Territory's operations, it may well be that the Government of the Yukon Territory will be able to afford a medical referee who will be able to deal not only with those areas of the Yukon Health Plan, but also with the areas of the Y.H.I.S., where a medical referee is required, so that the overall costs of employing a medical referee are shared in all aspects of Health. Certainly we are trying, and I am sure that all Members recognize we are trying very much to bring to the Yukon all administrative spheres of Government wherever possible. This is another strong reason why, really, we kind of avoid in many ways suggesting that some private company in British Columbia will act in an administrative capacity for a Government Health Programme. The whole object is to bring administration of everything to the Yukon. Definitely, in specific answer, wherever possible we are going to try and administer the whole programme, including medical referees, if this is possible, from the Yukon Territory, Mr. Chairman.

Mr. Taylor: Mr. Chairman, I just wanted to reply to the Honourable Member from Whitehorse North, and say that I don't think he has really grasped the spirit of this legislature if he suggests that we make a decision on this matter now, especially in view of the fact that it wouldn't come into effect until next year -- a year from now in any

Mr. Taylor continued ...

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event. I think that it behooves every Member to go and find out first of all what it is all about, and then go and ask the people, because in many instances here, you are asking people -- well you are telling people that they are going to have to give up their existing plans; in some cases, I understand that families are covered for as little as \$6.50 a month. This is why I have asked for this comparative information, which no doubt the Administration will be bringing to us at a later date. When you ask people to give up a plan like that, to accept something which will cost them \$14.50 a month, I think that you should go and ask them. You should explain to them why, and find out what the differences are. It behooves every Member to go and do this. There is certainly no urgency, the Administration have stated themselves that they are prepared to give us a season to do this, and to provide us with this information, so I certainly cannot understand the thinking of the Honourable Member when he suggests that we should, after getting this off the confidential list two days ago, and after finally getting some information from the experts, and having some discussion here on the subject, that we should suddenly sit down and make a decision of this importance. I don't think that it would be fair to the people. I, certainly, would never support such a position at all.

Mr. Chamberlist: I want to clear one point. Although the regulations were taken off the confidential list just a couple of days ago, the legislation itself has been in the hands of the Members for more than five weeks. So, I don't want it to appear to anybody that there has been insufficient time for anybody to speak to any of their constituents if they wanted to. There was a gap of three weeks between the presenting of the copies of the legislation and coming back to Council here. The Honourable Member from Watson Lake surely must of had three weeks in which to speak to some of his constituents. To me, as I have made clear, and I will say it again, because I am not going to go on and on at this particular thing; it is a matter that the people here sitting in this Committee have to decide for themselves whether or not they want a Health Care Programme. But, the legislation, I ask of you, is not the key; it is the driving force behind bringing a Yukon Health Plan into force. The regulations are the important area; that is involved in the actual operation of the plan itself. I think that if we can separate those particular spheres, I think that we can get a little bit further on this.

Mr. Taylor: Yes, well, Mr. Chairman, certainly the Honourable Member agrees that it is not necessary to have this or the regulations approved until fall. I must say, yes, Norm, there is a hinterland, and it takes time to get around the hinterland. Indeed, it has not been possible, without the information gleaned in the last two days, to go out and discuss this with the people in any event. I would ask again for the concurrence of Council that this matter be allowed to die in Committee, and that we reconsider the matter in the fall.

Mr. Chairman: Councillor Taylor will you resume the Chair.

Councillor Taylor resumes the Chair.

Mr. Stutter: First of all, we have been asked to propose amendments to any sections in this bill that we find objectionable. Well, for my part, apart from section 5, subsection (2), and section 9, subsection (2), I don't find too much wrong in the bill itself. As for the principal of the bill, which would be to supply or provide adequate health coverage for all residents of the Yukon, I don't think anybody can argue against that. So, really, it comes down to costs. What is it going to cost the resident of the Yukon? We have just been told that the bookkeeping and collecting would be done in all probability by private agencies. Yesterday, however, we were informed that there would have to be an increase in staff, an increase in staff that would cost money. These costs would have to be passed on to all the subscribers to this particular

Mr. Stutter continued ...

scheme. We were told yesterday that all costs must come out of the premiums from the scheme itself. We are told that the Federal Government, in the initial stage, will pay approximately 50 percent of the costs. But, I would like to point out that this Federal Government grant, the way I read it, is definitely a fixed grant. It is based on the half of the national per capita cost of this type of service, multiplied by the population of the Yukon, so therefore, this grant is fixed. All other costs, no matter how they skyrocket, would have to be absorbed by those paying the premiums. In a question that I had asked our Minister a few days ago regarding contributions by employers, the answer came back that the amount, if any, of the total premium which will be contributed by an employer on behalf of an employee, is a matter of negotiation between these two parties, and has no concern of the plan. I would like to ask the Minister, and perhaps you could take notice of this question, because I would like to carry on and have you answer my questions later, I would like to know what percentage that the Territorial Government or the Federal Government at the moment pays regarding health services provided to their employees; what percentage you will continue to pay in the advent that this scheme comes into force?

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Mr. Chamberlist: Federal Government?

Mr. Stutter: Territorial. What percentage of this new scheme would you pay on behalf of your employees? In other words, is it going to cost your employees more money or not? Another thing that I would like to point out at this time is that presently all Indians and indigents, and you could correct me if I am wrong in this statement that I am about to make again, that the total medical coverage is absorbed by the Federal Government. I will carry on anyway. I will stand to be corrected on this. But, I do notice that if this scheme is brought in effect, in actual fact only half of it would be absorbed by the Federal Government; the rest of it would be absorbed by the Territorial Government, in this case by those subscribing to the policy. In other words, it is the people who are subscribing to the policy who pick up this increased tab for the care of indigents and Indians. This is another increase in cost. I find a great deal of fault with the arithmetic, and the way that this particular Appendix B has been presented. I won't go into that in detail now, because that may be construed as nit-picking, and that is not my intention at this point. There was a point that was raised by the Honourable Member from Watson Lake a minute ago that I must go along with. It has been suggested by our Minister that we have had three weeks or five weeks to discuss this particular scheme with our constituents. But, I am still asking questions, the type of questions that my constituents will be asking me, and I still haven't got the answers, and until I get those answers there is no way I can answer the questions that people are going to put to me. It is my full intention that when I feel that I have enough answers, both from the Minister and through the questions we have asked in the last few days of the expert witnesses, it won't be until I feel that I can answer these questions that I can hold a meeting and discuss this with the people in my area. Dr. Armstrong, this morning, mentioned a brochure, that once this plan, if it does in fact come into effect, there would be a brochure, the same type of brochure that is now put out by M.S.A. or the Alberta Health Care, any of these brochures, which basically tell the subscriber the sort of coverage that he can expect under the plan, and in fact the things that are not covered. I would just like to ask if it isn't possible to have such a little brochure made up in advance, and circulated to the people, so that they will know, in laymen's terms, what sort of coverage they are going to get. I have read through these regulations, and I am just an ordinary layman, and they just stagger me, the wording of it; it just requires a doctor to interpret it. So, why can't we have something simple like this that we can pass out to people, and spell out in it exactly what it is going to cost them, so that they will know the coverage that they are getting and how much it is going to cost them, and then they can make the decision as to whether they want to participate in this plan on a

Mr. Stutter continued ...

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forced basis. Again, I would bring out this point that it is a forced basis, that everybody must be part of this plan. I asked this question of Dr. Armstrong, and of yourself, Norm, will they have the choice as to whether they should take part in this plan, or in fact avail themselves of Y.M.S.A., which I have done, incidentally, in the last month, and what I have seen of it, I like the coverage; it is a little more expensive, but at least I know where I stand with it, and it is on an optional basis.

Mr. Chamberlist: Well, Mr. Chairman, I am very pleased that the Honourable Member has made himself available of his leader's plan, because he has always got the same plan; it is very nice to know that. But really, the points that have been raised are very valid where the suggestion is that there be a brochure made available prior to the plan going into effect. But, the programming of this particular piece of legislation right the way through includes the preparation of brochures for informing the public at large in the Yukon of the plan. This is all part of the programme. The idea is to get acceptance in principal of the legislation, not to bring it into effect for a year, so that you have in between two or three Sessions of Council to come back and deal with it more, or suggest amendments during that time, and at the same time, those private operators and employers who have programmes, not only of the Y.M.S.A., but other programmes, have got the opportunity to make arrangements to get out of those programmes, or to make arrangements to see that the people that have those programmes are maintained in those programmes up until the time that the new Health Plan comes into effect. The idea is to show that the Government is interested in making sure that there is a continuity of some medical coverage to the people who have programmes at this time. The Honourable Member from Watson Lake indicated this morning that he didn't think there was anybody in the Government Administration that understands the programme at all. I have lived with this particular programme for many, many weeks now, and I have tried to make myself as conversant as possible with every aspect. So, I can say this, that the questions that have been asked by the Honourable Member from Dawson are very, very valid, and because they are valid and because we recognize that these are areas that the public should be informed in, provision is being made in for a complete programme of publicity, and if Honourable Members will recall, Dr. Armstrong also indicated that the press and other media would be advised, so that we could get co-operation from them in advising the public at large of what actually the Yukon Health Plan will envisage, the services that will be supplied as part of the programme, the services that will not be supplied, the payments that will be made from our individuals and families, and every other aspect pertaining to it. This Mr. Chairman, I can assure is the intent of the Government. Any other worthwhile suggestions and recommendations of that nature that the Honourable Member from Dawson has given, we will be only to pleased to accept and act upon them.

Mr. Stutter: Mr. Chairman, I wonder if I could get that.

Mr. Chamberlist: There is one further point that I didn't make note of. The Honourable Member has indicated that the cost of administration would be taken out of the premiums. Now, this is quite true. But, as was also indicated by Dr. Armstrong, there is provision because of the recognition that the cost of administration and operation of a plan in the Yukon here is more costly than elsewhere, that a negotiated amount between the Federal Government and the Territorial Government can be made towards the cost of administrating, and this would be outside of the agreement which would be entered into between the Government of Canada and the Government of the Yukon Territory, which will provide for the Government of Canada to pay 50 percent of the per capita cost times the number of people here, according to D.B.S. at the time the plan comes into effect. So that there can be, as I say, a negotiated agreement outside. Now, the other specific question ...

Mr. Stutter: The percentage that the Government will pay of employees wages?

BILL #24

Mr. Chamberlist: Now, the percentage that the Government will pay of employees wages, I cannot give you the figure off of the top of my head. I have the figures recorded, and perhaps after coffee I may be able to bring that information forward, if it is necessary in this debate.

Mr. Stutter: Well, I would like to have it.

Mr. Tanner: Mr. Chairman, I have two other areas which I think need attention in this bill. Number 1 is, first of all, on the premiums in B.C., a plan in which I have not participated in the past, there are three payments. There is one for a single person, one for a husband and wife, and one for a family. I think that you are discriminating against the people who don't wish or chose or don't happen to have children. There should be a third premium instigated. That is number one. Number 2 is, one of the faults in the present B.C. Plan now, as I understand it is there, all those areas for negotiation between the doctors and the province related to fees. One of the suggestions that was made at a meeting in May was that there should be built into the plan, a cost of living index -- the fee schedule should be related to the cost of living index, and automatically every two years, it can be reviewed, and you have got a guidelines, and you don't get into long technical fights with the medical fraternity, and you have got a guide to work by. Could the Minister give us comment on that?

Mr. Chamberlist: The particular question with reference to premiums in B.C. and the three brackets or three categories, this was discussed, but this has been brought forward at the moment, and what has taken place is that most of the provinces -- my understanding from the information that has been given to me by one of the officers in my department is that the premiums were based on B.C., Alberta and Ontario in those particular categories, so I would have to look further to get the additional information that the Honourable Member requested with reference to the third category, the husband and wife that is without a family. The last question that was raised with reference to negotiating doctors, the draft regulations will have as another regulation to it, that the interpretation of what is the Yukon Schedule, and the Yukon Schedule will be the B.C. Schedule plus 20 percent, and this is the basis of payments that they receive now, that the medical profession receives now for the services that they charge to the individual as a patient. Now, I don't know whether -- and also if I can recall this, that the agreement with the M.S.A. now is that, or the B.C. Plan -- as I recall it, the B.C. Government pays to the doctors 90 percent of the B.C. Plan plus -- of the B.C. Schedules, so that we would be paying here, as a Yukon Schedule, the B.C. Schedule plus 20 percent, which would be 120 percent, and we would pay 90 percent of that, which would be 108 percent. This is how it is based on that basis. This would be incorporated into the regulations. I am sure, what the Fee Schedule is based on, that has been taken care of in agreement with the doctors, so there is planning for it.

Mr. Tanner: Mr. Chairman, just two small points on this -- what the Minister said in this case. Number 1, because you are basing it on the B.C. Schedule, etc., etc., etc., it is just a little bit inconsistent with what you said, that we want to keep everything within the Yukon. That is number 1. Number 2, is the fact that if situation -- that is fine, now you have got it set up right now for the doctors of the Yukon, the doctors who are practicing here, but what I am saying is, why not look to the future and get some sort of yardstick to work by in the future, and the cost of living index is one that is frequently, and more frequently used in the negotiations with unions and so forth. Why not put this into the legislation or the regulations as a yardstick for future reference, not necessarily the next two or three years?

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Mr. Chamberlist: Mr. Chairman, the yardstick is the B.C. Schedule. This is the yardstick. The 20 percent lengthens the yardstick, because of the cost of living, and by using the B.C. Schedule as an example as a starting point for payment, we are not going into the B.C. area, because we have to start somewhere. Now, this, as I say, has been taken up with the members of the medical profession, because we cannot have a smooth operating plan -- programme unless we have the co-operation of the medical profession, and unless we too co-operate with the medical profession. It has got to be a mutual understanding between the doctors and the Government of the Yukon Territory to encourage a smooth operating Health Plan Services. This is my aim, and this is why I, on behalf of the Government of the Yukon Territory, have been in consultation with the medical profession, so that -- in finality on this point, I hope that I have made myself clear to the Honourable Member from Whitehorse North in that the B.C. Schedule is simply a starting point, that the percentage that is added onto it so that it can be named a Yukon Schedule, is something that has been agreed upon, and that the percentage that is being paid by the Medical Plan in B.C. for the B.C. area, will be that same area, the 90 percent.

Mr. Stutter: Mr. Chairman, I would like to ask one question of the Minister at this point. If this scheme comes into effect, there is bound to be a few people that manage to sort of evade paying into it for awhile. But, if one of those persons should then require services under this scheme, and it becomes evident when they register at the hospital or wherever it is, that they have not been paying into the scheme for some time, will those payments then be retroactive right back to the time that this person became a resident of the Yukon Territory?

Mr. Chamberlist: Absolutely, Mr. Chairman, there is no doubt about it. Every person must pay into that scheme one way or the other. If at any time we find that services are required, Mr. Chairman, and Dr. Armstrong showed an example of where some people might be in the bush and not be paying, they have gone to a doctor for treatment, the doctors themselves will have provision for the people to fill out the forms that apply for the services, will be given the services, but they will be billed direct and expected to pay the premiums retroactive to the first date that it comes into effect if the date, through the grace of this Committee, allows the legislation to come forth the 1st of April, 1972, and then that will be the date that they will have to pay from. This is definite, I can assure the Honourable Member.

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

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order. Is there anything further on this Bill?

*BILL #24*

Mr. Chamberlist: Mr. Chairman, I wonder if we could report progress.

Mr. Stutter: Mr. Chairman, I wonder if the Minister was able -- I took it that you would answer my question after the coffee break, the question I put to you concerning the territorial percentage if they were paid to a premium. Did I mistake you?

Mr. Chamberlist: I was unable to get the information in so short a time.

Mr. Chairman: Is it your wish then that I report progress on Bill No. 24? We have, now, amendments coming to the Labour Standards Ordinance; we have yet to get amendments on the Transport Public Utilities Board; the Health Care Insurance Plan is now -- progress has been reported on it. We have another Ordinance coming in tomorrow, the Public Health Ordinance, and we have referred back to Committee, Bill No. 1, An Ordinance to Amend the Liquor Ordinance.

Mr. Chamberlist: We have the Labour Standards.

Mr. Chairman: Do you care to proceed with Bill No. 1, at this time?

*BILL #1*

Mrs. Watson: No, we are not prepared.

Mr. Tanner: Mr. Chairman, I would suggest that we proceed with Bill No. 1. We have been through it a number of times before, and if the people who ruled it back to Committee are not prepared to proceed, then could they give us some logical reason why we shouldn't make our minds up and go ahead with the decision that has already been made in the House.

Mr. Stutter: Mr. Chairman, I would like to reply as well. In many instances, before, where there are amendments coming down, there are many amendments now that are just coming in, particularly; the one just put before us. This is one that was discussed in Committee several days ago. It was only this morning that we were given permission to put this into Committee of the Whole, and I would like to ask the Member from Whitehorse North how he expects us to come up with these amendments on a split second decision when it was only decided this morning that we would be able to put it into Committee? The Legal Adviser has been very busy all day today and we can assure you that these amendments will be before the House by tomorrow morning, if we could just ask for the indulgence of Committee, in that respect. It isn't as though we are completely out of work at this point.

Mr. Tanner: Mr. Chairman, I suggest that the Member from Dawson and his compatriots that have brought this into Committee, the Committee having made a decision, and if they are that keen to have another discussion on a subject that has been thoroughly thrashed out, they should be prepared to present their arguments when Committee is prepared to sit and listen to them.

Mr. Stutter: Mr. Chairman, I am very happy to hear these remarks that are put forward by the Member from Whitehorse North and I shall remember them on future occasions when he also wishes to put amendments forward.

Mrs. Watson: Mr. Chairman, I indicated to the Chairman of Committee this morning that we would be prepared to go ahead with Bill No. 1 tomorrow morning.

Mr. Tanner: Mr. Chairman, I suggest that if -- I will go along with the -- You usurped the decision of the House and you usurped the decision of the Committee, had the privilege of bringing it back into Committee, but I think, tomorrow they have got to present an amendment. We don't want

Mr. Tanner continued ...

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evidence, we want an amendment which we can debate and that is it. I am not prepared to go any further than that.

Mrs. Watson: Mr. Chairman, I will assure the Member from Whitehorse North that tomorrow morning he will have the amendments to debate.

Mr. Stutter: Mr. Chairman, I wonder if we might ask, at this point, from the Member of Whitehorse North what else will be on the schedule for tomorrow?

Mr. Tanner: I suggest the Member from Dawson ask the Chairman of Committee.

Mr. McKinnon: I just rise to say, Mr. Chairman, that evidently the Honourable Member from Whitehorse East certainly has a good pupil, because now we are getting threats from both the Honourable Member from Whitehorse East and the Honourable Member from Whitehorse North.

BILL #15

Mr. Chairman: Has Committee agreed then to defer Bill No. 1 until tomorrow morning? We have just been handed, now, amendments to the Labour Standards Ordinance, which is Bill No. 15.

Mr. Chamberlist: Mr. Chairman, as all Members know, we have been very concerned about the situation in regard to people of the Yukon, residents of the Yukon and bona fide residents at that, not being able to obtain employment when indeed, there was employment available here for them to carry out. As a result, the Administration has brought forward this legislation which is an additional part to the existing legislation. There is a passage of this amendment we can at least now work towards, getting for the people of the Yukon Territory what we have all been seeking to obtain, assurance of employment for those residents when employment is available.

Mr. Chairman: Might I ask from the Chair, in respect of these proposed amendments, you say that Bill No. 15 be amended by adding thereto the following new section and then you go on; 2. The said Ordinance is further amended by adding thereto the following. Is there an amendment to go in between here?

Mr. Chamberlist: No. When we say that Bill No. 15 is amended, this is in addition to what exists in Bill No. 15, and when we say that the said Ordinance is further amended, it is the Labour Standards Ordinance that is being referred to. You will read in section 1, we now say that subsection (1) of section 11 of the Labour Standards Ordinance and then 2. we say the said Ordinance is further amended so that we are referring to the Labour Standards Ordinance.

Mr. Tanner: Mr. Chairman, as an observation, shouldn't this amendment to Bill No. 15 shouldn't that also include the amendment of 75¢ -- \$1.75 previously made?

Mr. Chamberlist: We have already cleared that.

Mr. Chairman: I would suggest that Members peruse the document and until somebody proposes it as an amendment, why maybe it should be just a discus-sional draft.

Mr. Chamberlist: Alright, we will do it the nice and easy way, Mr. Chairman. I move that Bill No. 15 be amended by adding thereto the following section: "2. The said Ordinance is further amended by adding thereto the following Part: Part VI. In this Part, 54.(a) 'designated trade or occupation' means trade or occupation which has been designated by the Commissioner by Regulation pursuant to subsection (1); (b) 'resident' means a person who has continuously resided in the Yukon Territory for a period of not less than six months or who has resided in the Territory for 30 days immediately prior to the date on which he is employed, if he has at any time resided in the Territory for a continuous period of at least one year. 55. The Commissioner may by Regulation apply this Part to any trade or occupation and such Regulation may be general or specific. 56. Except as provided by this Part, no

Mr. Chamberlist continued ...

employer may employ any employee in a designated trade or occupation who is not a resident. 57. The Commissioner may by order exempt any employer from the provisions of this Part. 58. No employer may enter into an agreement whereby he undertakes to employ any person in contravention of this Part. 59. Where an employer has prior to the coming into force of this Part entered into an agreement whereby he undertakes to employ any person in contravention of this Part, such agreement is void to the extent that it is in contravention of this Part. 60. Every employer of persons in designated trades or occupations shall make such returns and furnish such information to the Labour Standards Officer as such officer may require from time to time and the provisions of subsections (2), (3) and (5) of section 35 shall apply to this Part mutatis mutandis. 61. Where the Labour Standards Officer is satisfied in relation to any designated trade or occupation that qualified employees who are resident are not available to perform the work required by the employer, he may in writing grant the employer permission to employ an employee who is not a resident."

BILL #15

Mr. Chairman: Before a seconder is called, is there going to be any amendment to this or if you could withhold your seconder prior to amendment, it would suit the Chair.

Mr. Chamberlist: Amendments to?

Mr. Chairman: To this.

Mr. Chamberlist: This is being proposed now as an amendment.

Mr. Tanner: Mr. Chairman, could I ask a question before a seconder is called of the Legal Adviser? Mr. Legal Adviser, is paragraph 59 -- that is, could you term that retroactive legislation and is that normal procedure in this House?

Mr. Legal Adviser: Mr. Chairman, no objection under normal circumstances to retroactive legislation. It just so happens that we are avoiding any agreement whether made before or after the coming into force of this Part, if it comes into force, that contravenes the Ordinance. Otherwise, certain doubt would be created and an employer would say, "I am sorry, I have to break the Ordinance because of prior agreements to it." His agreement might be with very powerful organizations and he might be fighting one way or the other, as to which was the more powerful either the Territorial Government or the person with whom he would deal.

Mr. Tanner: He would know.

Mr. Legal Adviser: He wouldn't know in advance who was the most powerful.

Mr. Tanner: Not the Territorial Government.

Mr. Chairman: Just one point from the Chair. In section 56, "Except as provided by this Part, no employer may employ any employee in a designated trade or occupation who is not a resident"; I am just wondering how far reaching this could be or whether this could be harmful to an industry.

Mr. Legal Adviser: We have attempted in drafting to minimize the harm. There is no question that when a person has to carry out restrictive laws such as this it may have an effect on them which may be good or bad. We have attempted to minimize the harm by providing safety valves here and there. Where there is no resident qualified to perform the particular task, then the Labour Standards Officer can say, "Okay, get somebody from outside." I wouldn't imagine there would be very many designated trades or occupations, but those that are will have to be controlled either this way or some other way.

BILL #15

Mr. Chairman: In this case, in a designated trade, would it be fair to say then -- or do I interpret this correctly as saying, that where an employee does employ somebody because there is not a resident available at the time, capable or competent at this particular job, that he won't be penalized, notwithstanding that it hasn't been provided for?

Mr. Legal Adviser: For control purposes, he would have to ask the Labour Standards Officer. Otherwise, nobody would obey the law. You have got to provide that he must inform the Officer in charge of the administration of the Ordinance, what he is doing and not to just continually ignore the provisions of the Ordinance for 3 or 4 years until somebody caught up with him.

Mr. Chamberlist: In section 61, Mr. Chairman, I think it makes that clear, that if somebody goes to the Labour Standards Officer and says he has looked for a person to fulfil this particular function and there is no one here, would you give me permission to bring somebody in? The Labour Standards Officer says, "Fine, go ahead."

Mr. Chairman: In speaking from the Chair again, I was thinking more of the situation that there are many categories of employment within the Yukon where people come here every summer, and are annually employed with the same company on road work, on placer mining, on different things so that they would not be precluded from employment, notwithstanding they haven't been 30 days back in the Territory.

Mr. Chamberlist: The idea of this amendment, mainly, was to provide -- to protect those people who live in the Territory, that opportunity should be given them first. I think one has to look at this piece of legislation in the very liberal manner that it is intended to mean. There is employment, the opportunity of local people first and they should be given that consideration and, I think, in that particular instance, of people coming into the Territory at summertime, those things can be dealt with on their merit, as well.

Mrs. Watson: Mr. Chairman, I will second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 15 be amended by adding thereto the following new section: "2. The said Ordinance is further amended by adding thereto the following Part: Part VI. In this Part, 54. (a) 'designated trade or occupation' means trade or occupation which has been designated by the Commissioner by Regulation pursuant to subsection (1); (b) 'resident' means a person who has continuously resided in the Yukon Territory for a period of not less than six months or who has resided in the Territory for 30 days immediately prior to the date on which he is employed, if he has at any time resided in the Territory for a continuous period of at least one year. 55. The Commissioner may by Regulation apply this Part to any trade or occupation and such Regulation may be general or specific. 56. Except as provided by this Part, no employer may employ any employee in a designated trade or occupation who is not a resident. 57. The Commissioner may by order exempt any employer from the provisions of this Part. 58. No employer may enter into an agreement whereby he undertakes to employ any person in contravention of this Part. 59. Where any employer has prior to the coming into force of this Part entered into an agreement whereby he undertakes to employ any person in contravention of this Part, such agreement is void to the extent that it is in contravention of this Part. 60. Every employer of persons in designated trades or occupations shall make such returns and furnish such information to the Labour Standards Officer as such officer may require from time to time and the provisions of subsections (2), (3) and (5) of section 35 shall apply to this Part mutatis mutandis. 61. Where the Labour Standards Officer is satisfied in relation to any designated trade or occupation that qualified employees who are resident are not available to perform the work required by the employer, he may in writing grant the employer permission to employ an employee who is not a resident." Councillor Stutter, would you take the Chair?

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I certainly agree that this legislation is absolutely necessary but I am just a little worried about a couple of areas here, one being the one I suggested, section 56. I want to be assured that this will not work a hardship on legitimate classifications of labour within the Territory. In section 61, you say that where the Labour Standards Officer is satisfied in relation to any designated trade or occupation that qualified employees who are resident are not available to perform the work, I think you must also consider whether or not they are capable of performing the work. I think that should be a consideration. It is not well enough to say that they are just not available to go to work because you could have a deadhead that is available and it seems to me that this person must also be qualified before going too deeply here. That is one thing to look at. Those were the two principal sections, in any event, that I wanted to draw your attention to.

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Mr. Chairman: Speaking from the Chair, the word "qualified", if you would notice, is in there. The second line.

Mr. Taylor: Yes, but what my point is that possibly the employee may be qualified to do a specific job, let's say, skin a cat, and he is available to perform the work but maybe he is an undesirable employee for other reasons. Maybe the guy goes off and gets drunk. You can't ask a man to put a \$60,000 bulldozer in the hands of -- maybe he is on dope, I don't know. In other words, you have got to have some latitude in there to ensure that the employers aren't forced to take employees who -- maybe he was just fired off the job two weeks before for some other reason. Maybe he was purposely destroying equipment or not doing the job in the proper manner in the way that the job was to be done. There are many, many ways of looking at this.

Mr. Chamberlist: Mr. Chairman, I think when we talk about qualifications we don't mean actually just trade qualifications, we go beyond it and qualify in as much the manner that they conduct themselves. I think that nobody would dispute the fact that the employer would have the right not to employ a person who may be qualified at their trade but not qualified to carry out the work because of report of conduct. I am sure that nobody wishes to deprive the employer of the right to employ a particular person. The other section -- the other point, the designated trade or occupation are those that would be made up in regulation as a result, let's say, of a particular project that is going on, then there will be certain designated trades and occupations to follow in the regulations. When we talk as to who is not a resident, we fall back specifically on 54 (b), the resident qualification in there which really bolts down who may come in that category.

Mr. Taylor: Mr. Chairman, I just thought of the other point that occurred to me while reading through this. Where we have a local union hiring hall, now notwithstanding that someone has come in for employment, and boy, there is going to be a lot of people coming in this summer seeking employment, is it intended that where a local union hiring hall exists in the Territory and generally it is in Whitehorse, that they will be permitted to put to work those men notwithstanding that they have just come into the Territory? I think this should be clarified.

Mr. Legal Adviser: They could be exempted, you see. The Commissioner may by regulation apply this part to any trade and he can have it general or specific and he can exempt or put them in. Basically, the Commissioner's powers to impose on a particular trade or take it off is unimpaired. He will be doing this on a high level. You don't want the Labour Standards Officer, for instance, doing this by regulation. You do want the Labour Standards Officer available on the telephone to take a telephone call from Clinton Creek that they need a welder, and they have applied to Canada Manpower and there are no welders, and they are prepared to fly one up. He says, "Okay, carry on. I will get you a letter to this effect." You are trying to do

Mr. Legal Adviser continued ...

BILL #15 this on two separate levels, the detailed one for the Labour Standards Officer and the general trade one or the class of employer or something, you want that to be held by the Commissioner so that it is subject to high level advice of the best sort that the Commissioner is used to these days.

Mr. Taylor: This is fine, Mr. Chairman. This is a matter of some concern because we want to be sure that those people who are making an effort to try and keep Yukon residents employed, notwithstanding again that there are from time to time people coming up the highway and seeking employment in these hiring halls that should be exempted. People, indeed, are getting work here and they are hiring -- they are not doing it in Vancouver or elsewhere. There is one other area that one might look at as well and that is where some of the mines in the Yukon and neighbouring jurisdictions make agreement for hiring of staff, this is more in the line of mill superintendents or employees who work in the mill, through a Chamber of Mines in either Edmonton or Vancouver. They are checked for silicosis and they get through all the examinations and paperwork through that. This would also be exempted, will this be true? Where those agreements exist, that is.

Mr. Legal Adviser: It is not intended to interfere with normal trade customs, that one might employ a doctor somewhere else, or lawyers, or dentists or something. I think I would be safe in saying that any trade union that institutes a hiring hall, an acceptable practice, within the Territory, that would be a particular trade which would be exempted.

Mr. Taylor: If that be the case and in light of the remarks that I have heard now in relation to this amendment, I might say it is the most sweeping amendment I have ever seen in labour legislation in the Yukon and it is really unfortunate that we must do it this way. As long as it will work of benefit to the people and the residents of the Yukon and the labour force here in the Yukon, I am with it 100% and I, at this point in time and the way I see it now, would wholeheartedly support it. Again, we will take a look at it in the fall and find out how it is working and if it seems that we are working a hardship, indeed though not intended, on the people of the Yukon, then we can correct it.

Mr. Taylor resumes the Chair.

Mr. Stutter: Mr. Chairman, I wonder if I might ask a question of the Legal Adviser on section 59. I take it here that if we do accept this legislation or it is passed, assuming that it be assented to in a week or so, does this mean then that an employer who is now currently negotiating to bring in employees from outside, would have to cancel those negotiations and look for these employees in the Yukon Territory?

Mr. Legal Adviser: Basically, what is intended here, it is an attempt to deal with the people who are subject to our jurisdiction. The people who are subject to our jurisdiction are the residents who live here and the employers who carry on business here. Employers customarily enter into an agreement with organizations such as trade unions and thereby restrict their right of choice. In some trades an employer will have an agreement with a particular trade union, whereby he undertakes to employ employees in certain categories only from that union. The union in turn, by its internal rules, provides that they will only allow an employee to go to that work if he conforms to their rules which, in some cases, mean that he must be hired in Vancouver from a particular branch which was given jurisdiction. We cannot attempt to control extra-territorially the operation of these agreements. There is no purpose in dealing with the trade union itself, but we can control employees and the employers who are working in the Yukon. We have got to give them the protection in law of saying that within our jurisdiction, any clause in any agreement which would be in contravention of this, is void. Otherwise, we would leave them open to a legal action, notwithstanding our law.

Mr. McKinnon: Mr. Chairman, I don't see any penalty section in the amendments for a person who doesn't live up to the spirit of the amendments as proposed. I wonder what would be the machinery if a project is going on in the northern part of this Territory and it comes to the attention of the government that all the employees, catskinners, truck drivers, the works, have been imported from other places in Canada; what would be the actual machinery of government to go and remove those employees from that work and substitute with Yukon employees? What would be the penalty to the employer if he did not accept Yukon employees on the job?

Mr. Legal Adviser: The penalty clause in the Labour Standards Ordinance is section 41. I don't think there would be any suggestion of sending a team of people to kidnap the employees that are there. I think the way to do it is not to deal with the employees but to deal with the employer who would have contravened the Ordinance.

Mr. McKinnon: What are the penalty sections in 41? What are the minimum and maximum?

Mr. Legal Adviser: Guilty of an offence and they are liable on summary conviction to the general penalty clause. Any person who contravenes any provision of this Ordinance or the regulations or any order made thereof, and so on, is guilty of an offence and is liable on summary conviction to a fine not exceeding \$1,000.

Mr. McKinnon: We go after the employer but we haven't really solved the problem in any way, shape or form. With the moneys that are being paid to the employee at outside wages, with no overtime under contractual arrangement with the employer, that person could pay up to \$1,000 in fines and it still is a big contract, still keep his employees on the job and nothing has been satisfied. The Yukon people who are qualified are not working on the contract. I suggest that it wouldn't be the maximum fine of \$1,000, as it very seldom is in the courts of law, so nothing is really solved by the amendment.

Mr. Chamberlist: Mr. Chairman, I think it indicates, so much a day after each day the offence is continued.

Mr. Legal Adviser: No, the Labour Standards Ordinance isn't particularly tough. We have the sections which the House passed some time ago but where an offence under the Ordinance is committed by a corporation with the consent of any director or manager, he also is subject to a summary conviction and on summary conviction, to a sentence of three months and a fine not exceeding \$1,000 or both. It is inconceivable to me that any normal reputable company manager is going to deliberately flout the Ordinance. Their route would be to conform or to come in and say that they will insist in their agreement that they will have hiring halls and reputable unions within the Yukon in the future.

Mr. McKinnon: I am willing to let the machinery work. I am just wondering. I would like to ask this question. This is discriminatory legislation and it's discriminatory legislation I have asked for. I am just bloody well tired of people forever losing jobs to outside people coming in, and taking the money and wages, and getting out of the country while local people are unemployed. I think it is one of the most important amendments that we have made to any ordinance in the Yukon Territory. I was just wondering if Mr. Legal Adviser could tell me whether there is other discriminatory pieces of legislation like this in provincial jurisdictions or maybe we now expect reciprocal legislation from the provinces saying that if Yukon residents come, they won't be allowed jobs within the province.

Mr. Legal Adviser: No, Mr. Chairman. This was in a manner dreamed up. I don't know any other jurisdiction that has this. This is just a certain way of burning the midnight oil and I hope that the House won't blame the Executive Committee or the Legal Adviser if there are faults in it because

BILL #15

Mr. Legal Adviser continued ...

it is a step into a very dark corridor. We don't know where the end of that corridor is going to be or what holes we will fall down on the way down the corridor.

Mr. McKinnon: I thought that perhaps it was unique, and being a midnight amendment, which the Legal Adviser states, I was wondering if we couldn't give it a day or two at least to find out the union reaction to it, whether there are obvious flaws in the legislation that can't be seen from a legislator's point, that could be possibly seen from a union viewpoint. It is an important piece of legislation coming as an amendment as this. Just for Committee to pass judgment on it without weighing all the import of such an important amendment, I think, would be a little hasty. I would ask that we take a day or two to let people answer who may have obvious objections to the amendments.

Mr. Chamberlist: Mr. Chairman, this just surprises me. The Honourable Member has been so insistent on getting this piece of legislation put forward as early as possible. The purpose of the legislation is to prevent unions, in particular, from utilizing the type of operation where if they have lists in Vancouver of employees, that those people in Vancouver will be given preferential treatment before local people. We have tried to get something to satisfy specifically the Honourable Member's requirements. Now, after getting this far and agreeing with it, he now says we go back and ask the unions what they think about it. Why didn't you ask the unions to draw up the legislation for you? This is a time when government has got to come into the picture and say, "this is it". Alright, I see no reason if you want to leave it for a couple of days and take some copies of these and show these copies of this particular amendment to the union and let them have a look at it and so on. I think if we were to let it go outside of this Session, we would be making a mistake. The Honourable Member from Watson Lake has clearly indicated the need, for this summer in particular. Now, let us think about the people as much as the unions, and the unions don't always represent the people. I enjoy the unions. I think they have done a darned good job for the working people but here they have a situation where the working people in the Yukon have been discriminated against and if we are going to have to fight fire with fire, we will fight with discrimination that has been extended to the Yukon people by bringing in a piece of legislation which might appear discriminatory as well.

Mr. McKinnon: Mr. Chairman, I agree with everything the Honourable Member says and this is the whole point. I have been pushing for this legislation. To me, it seems to be a piece of legislation that I have already admitted that I feel I could support. Now, I have seen time and time again, when a midnight amendment has come before this House and before any consideration has been passed, the legislatures have been made to look like asses because of an obvious flaw that being so close to, we didn't see. Now, all I am saying is exactly what the Honourable Member says. I know all the standard arguments against this legislation but if there is something obvious that we have missed before we put it into law, I just want the time so that we haven't missed a point which we haven't seen. That is all I am saying, and before the end of this Session, I couldn't agree with the Honourable Member more, I hope that this will be on our Statute Book.

Mr. Chamberlist: Would the Honourable Member be agreeable to passing the Bill out of Committee as amended and then I give assurance that there will not be Third Reading until such time as the Honourable Member is satisfied that those who want to see the amendments could see them?

Mr. McKinnon: I am having a real problem here because I agree with this part of the amendment to the Labour Standards Ordinance, I don't agree with the \$1.75 minimum wage. I have a bit of a problem when it comes to Third Reading. I certainly would be prepared to move the amendment as it stands out of Committee.

Mr. Taylor: Mr. Chairman, before we talk about moving this Bill out of Committee, I think we have one more area that we must deal with as yet. I have asked for amendment to, hopefully, to section 9 of the Labour Ordinance, where the Board of Review could deal with this matter of overtime. Consequently, this would assist and deal with some of these problems that are being faced by the people along the highway and in remote areas.

Mr. Legal Adviser: Mr. Chairman, a lot of time has been given to discussing the particular problems of the hotels in the remote areas, the lodges, and it seems on discussion, so far as we can gather, that it would be wrong in principle to introduce into this Labour Standards Ordinance, which is universal in its field within the Yukon, a principle that anyone would be required to work longer than certain hours and have to work at normal rates and not be entitled to overtime. On the other hand, the Honourable Member made the point that the particular evil which they wish to cure, is that the people who are working in these areas and the employers both want to preserve their Sundays off and gather them together and take them three or four at a time. This can be done by a regulation made under the Ordinance. This regulation is being drawn up to permit them, when there is reasonable agreement of the point, that they accumulate their Sundays so they can work say 14 days or 18 days and then take two or three Sundays off. There doesn't seem to be any way without destroying the spirit of the Ordinance to provide, by this government, that a person has to work overtime and not get paid at overtime rates.

Mr. Taylor: Mr. Chairman, you say in section 6 that you will allow the Advisory Board, which is in a sense almost a Labour Board or the quasi Labour Board, to alter nature of the work performed in an industrial establishment or in a class thereof, and you let them decide whether the standard hours of work can be exceeded. Why -- and you do that again under section 7 of this Ordinance. Why not in section 9, the overtime section, why not let that Labour Board be able to exempt or alter certain areas of labour. Why not under section 9?

Mr. Legal Adviser: The Board changes the standard hours. Anybody who passes a certain point must get his overtime. There doesn't appear to be any way around this. You are breaking a hole through the Ordinance which has not been done yet for one particular class of employer. On the other hand, it is accepted universally that averaging over a period is a reasonable circumstance and it is in the interest of the employee and the employer. This itself will be done. We would be faced by a flood of applications to allow, in certain trades, overtime to be worked without overtime pay. There doesn't seem to be any way around this because you are destroying the spirit of the Ordinance. It is basically intended to protect the employees who are not members of trade unions and have no organization to which they can turn to for protection except this particular House. I wouldn't like to see them lose the protection of this House.

Mr. Taylor: Mr. Chairman, you must also understand that the employee also takes in on the chin because the employer just can't afford to pay. Every time you increase, in this particular industry I speak of, every time you increase the salary, the basic salary of the employee per hour, and this is an hourly paid type of employment, then it becomes more difficult to pay the time and a half overtime because it is just absolutely not worth it. It is just impossible so the employee is forced into a position where he gets his 8 hours a day and that is the end of it, and he has to sit around for 16 hours. There is no place to go and no other activities around. This is just a remote lodge we are talking about. Were you able to allow the Advisory Board, where they are convinced, this Labour Board, that in this particular area of employment that some adjustment could be made with the agreement of the employee and the employer to adjust the overtime period or, as they can under 6, adjust the standard hours of work. I think we should give the Board those rights. After all, that is what they are for.

Mr. Legal Adviser: I would plead with the Honourable Member to realize that half a loaf is better than no bread.

BILL #15

Mr. Taylor: Specifically, what will the Administration be doing to offer relief for these people on the Alaska Highway and remote points throughout the Territory in relation to what I have been talking about these past weeks?

Mr. Legal Adviser: We will bring forward regulations, without going into detail now, which will permit an employee to work a seven day week and take that day off at a future time. So, that if he works, say, from the 1st of August to the 21st of August, he will then have worked a period of 21 days and he will get a proportionate time off in a block which, at that point, will probably amount to about 4 1/2 days.

Mr. Chamberlist: It would mean, and this should be clarified, it would still be only an 8 hour working day at straight time but they would have to pay overtime for over hours. The thing is they would be able to work the 21 days through.

Mr. Taylor: This is the problem, Mr. Chairman. I think one of the other problems is that people who live in Whitehorse, here, don't often see the problems that are in the hinterland and this is one of the very big problems. Sometimes, we have a tendency to get too urban oriented and just don't see these things.

Mr. Stutter: Here, here.

Mr. Taylor: I really think though, and I would appeal to the Administration once again to consider and agree to amending section 9 of the Labour Provisions Ordinance, to allow the Board, where they are convinced that the overtime allotment -- standard hours of work and overtime allotments can be changed or should be changed, where the Board can make that decision and effect it. This is done in British Columbia by regulation.

Mrs. Watson: Mr. Chairman, I am well aware of the situation on the Alaska Highway, I am well aware of the situation that the lodge owners are faced with. I have had conversations with quite a number of them and none of them have indicated that they felt they should be permitted to work any of their employees more than 8 hours a day without overtime. They have all requested some means whereby they could stagger their days off. At the present time, or as it was last summer, in particular, they would work 6 days, have one day off and go to Whitehorse or to some other area, and you can't go very far in one day and return, they would be late coming back and they were in trouble and the employer was very unhappy. I am sure the regulation that we are going to bring down will relieve the situation to some extent for the lodge owner.

Mr. Taylor: Well, I just hope all the lodge owners in the south area hear those remarks, because this certainly won't answer the problems of those on the south highway.

Mr. Chairman: Is there anything further on this particular ...

Mr. McKinnon: I wonder if the problem that I raised, Mr. Chairman, is being considered to be taken care of by regulation also. Junior apprentice.

Mr. Legal Adviser: This appeared to involve several departments and it would have to be checked out, education has to be checked out, labour standards has to be checked out, welfare. It is a very intricate problem that offers no simple solution. We just can't bring forward an amendment and dream up one for one problem, as sometimes happens. This is three or four problems all wrapped up in a piece of string.

Mr. Taylor resumes the Chair.

Mr. McKinnon: Mr. Chairman, that is exactly the same argument we heard for years about this Labour Standards Ordinance, that there were so many problems involved that it would be impossible to bring down legislation to be able to

Mr. McKinnon continued ...

solve it. It seems when the government gets really concerned about a matter and really wants to involve themselves to a legislative solution, they can do it, but until that time and when the pressure is really on them, they try to do the buck passing and they try to get around it by throwing you all the roadblocks that are going to be in the way. The Honourable Members must realize that if the programme goes into effect, that I have outlined and intimated, it is a very worthwhile and good programme for the Yukon. Certainly, we have got to be able to find some way, whether it be by legislation, by regulation, to get our minds down to solving the problem and to get the programme into effect if it can be so gotten into effect. I just think it is too valuable to drop. Here is something that could really solve a problem that is plaguing the people and the public of the Yukon Territory. We come up with a unique and a sensible solution and we shouldn't just let it drop like that.

BILL #15

Mr. Chamberlist: We haven't let it drop, Mr. Chairman. The impression that is being given by the Honourable Member is that the government has let it drop. The Honourable Member has already indicated that there has been a lot of thought given to it and a method has to be found as to how to deal with it and it will be done, but because of the fact that there are a number of departments involved there has to be a certain consideration of all the aspects. The welfare aspect attached to it is a very important aspect involved. It is money that has to be paid out, in certain areas, and we have to decide whether or not we can make certain monies available. We are going to work on that, the suggestion that has been made is a good suggestion and because it is a good suggestion the suggestion is being accepted and is being considered. The fact that it won't be now or tomorrow is an entirely different thing. By the time Fall Session comes around it may very well be that there will be legislation brought forward to take care of the thing that the Honourable Member has suggested and says should happen.

Mr. McKinnon: Mr. Chairman, I will be in touch with the Honourable Member as the months go on to see how the progress is being made, in this respect, because I believe that it is a workable programme, and it is a sensible programme, and that all Members should do all in their power to see this programme come into effect.

Mr. Chairman: You have a motion before you. Are you prepared for the question?

Mr. Stutter: Mr. Chairman, I would like to suggest that this Bill remain in Committee for the time being, for the simple reason that I see it makes no difference whether the Bill remains in Committee or whether it passes into the House, awaiting Third Reading, as if we do decide some portions of this present amendment should be, once again, amended it makes it rather difficult to bring it back in again.

Mr. Chamberlist: We have to deal with this motion.

Mr. Stutter: Perhaps, I have misunderstood.

Mr. Chairman: The question here is on the amendment rather than moving the Bill out. Is there any further discussion on the motion? Question has been called. Are you agreed? Any contrary? I shall declare the motion as carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: What is your further pleasure in relation to Bill No. 15?

Mr. Stutter: Mr. Chairman, I would just like to continue. I was off on the wrong foot before and I apologize. My thoughts were that perhaps the Bill should remain in Committee at this time as I find now it has become more than just the question of raising the wages to a minimum standard and this part I must accept. I am in favour of it and if it goes into the House and for some reason we find the rest of it objectionable, there is a chance that the whole Bill will die or will be killed and I personally don't want

BILL #15

Mr. Stutter continued ...  
to see that happen. I would ask that it remain in Committee for the next few days, anyway.

Mr. Chairman: Committee agreed? Is it your wish I report progress on Bill No. 15?

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

Mr. Chairman: Is there a seconder?

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

Mr. Chairman: It has been moved by Councillor Tanner, seconded by Councillor Chamberlist, that Mr. Speaker do now resume the Chair. Are you prepared for the question? Are you agreed? I shall 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: Mr. Speaker, Committee convened at 10:45 a.m. to discuss Public Bills. Dr. R.A. Armstrong and Dr. W.R. Buchan attended Committee to discuss Bill No. 24. Committee recessed at 12 noon and reconvened at 2:10 p.m. I can report progress on Bill No. 24. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 15 be amended by adding thereto the following new section. "2. The said Ordinance is further amended by adding thereto the following Part: Part VI. In this Part; 54. (a) 'designated trade or occupation' means trade or occupation which has been designated by the Commissioner by Regulation pursuant to subsection (1); (b) 'resident' means a person who has continuously resided in the Yukon Territory for a period of not less than six months or who has resided in the Territory for 30 days immediately prior to the date on which he is employed, if he has at any time resided in the Territory for a continuous period of at least one year. 55. The Commissioner may by Regulation apply this Part to any trade or occupation and such Regulation may be general or specific. 56. Except as provided by this Part, no employer may employ any employee in a designated trade or occupation who is not a resident. 57. The Commissioner may by order exempt any employer from the provisions of this Part. 58. No employer may enter into an agreement whereby he undertakes to employ any person in contravention of this Part. 59. Where an employer has prior to the coming into force of this Part entered into an agreement whereby he undertakes to employ any person in contravention of this Part, such agreement is void to the extent that it is in contravention of this Part. 60. Every employer of persons in designated trades or occupations shall make such returns and furnish such information to the Labour Standards Officer as such officer may require from time to time and the provisions of subsections (2), (3) and (5) of section 35 shall apply to this Part mutatis mutandis. 61. Where the Labour Standards Officer is satisfied in relation to any designated trade or occupation that qualified employees who are resident are not available to perform the work required by the employer, he may in writing grant the employer permission to employ an employee who is not a resident." This motion carried, Mr. Speaker. I can report progress on Bill No. 15. It was moved by Councillor Tanner, seconded by Councillor Chamberlist, that Mr. Speaker do now resume the Chair, and this motion carried.

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

Mr. Chairman: In respect of the agenda, Mr. Speaker, we will be proceeding with Public Bills tomorrow and I believe it is the Committee's intention to discuss, first thing in the morning, Bill No. 1.

Mr. Speaker: May I have your further pleasure?

Mr. Tanner: Mr. Speaker, I move that we now call it 5:00 o'clock.

Mrs. Watson: I will second the motion.

Mr. Speaker: It has been moved by the Member from Whitehorse North, 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

*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: Yes, Mr. Speaker. I have, this morning, for tabling, Legislative Returns Nos. 22, 23 and 24, and a booklet called "Canada North, Man and The Land".

Mr. McKinnon: Available at Mac's Newstand.

Mr. Speaker: 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, or Motions, we come to the Question Period. Mr. Clerk, will you see if the Administrator 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 question I would like to ask this morning. I would like to ask the Administration if they could advise me of what steps are being taken, if any, to provide narcotics education in the school system.

QUESTION RE  
NARCOTICS  
EDUCATION IN  
SCHOOLS

Mr. Administrator: Mr. Speaker, I believe that Mrs. Watson could answer this question.

Mrs. Watson: Mr. Speaker, we are about to embark on a programme of drug education in our secondary schools. We hope to begin with a questionnaire which will indicate to us in which area this problem arises. The questionnaires will be conducted in schools by people from our Health Department. These questionnaires will then be sent outside to be marked and the data will be forwarded back. It will be studied and then we will be able to determine what type of programme we should offer to our pupils in the schools. This programme will be offered in schools all across the Territory, not just in the Whitehorse Secondary School.

Mr. Taylor: Mr. Speaker, supplementary to my question; I'm wondering what treatment facilities are available at the present time for the treatment of drug abusers and what are forecasted.

QUESTION RE  
TREATMENT OF  
DRUG ABUSERS

Mr. Chamberlist: Mr. Speaker, any person who requires aid in drug addiction, may go to the Whitehorse General Hospital and the Acting Zone Director, Dr. Horwood, would be able to take care of particular problems. A general programme is not outlined as yet, but, there is consideration being given to the overall problem of narcotics in the Territory.

Mr. Taylor: Just one further supplementary question on this subject; would this treatment facility at the hospital force these people, if they do take advantage of these facilities, to complete disclosure of their sources of narcotics, and all this sort of thing; or, will they get treatment without having to make disclosures?

Mr. Chamberlist: To the best of my knowledge, Mr. Speaker, the Crown Attorney and the police have indicated that any person who would be giving

Mr. Chamberlist continued.....

information to the medical authorities and the information came to the notice of the authorities, the authorities would, primarily, act in taking care of the curing of the patient, not as to prosecution. Relative to and beyond that, I can only say that there is an overall policy which is going to be discussed in the Executive Committee in relation to narcotics in the Territory.

*QUESTION RE  
POLLUTION  
PRECAUTIONS  
IN CONTRACTS*

Mr. Stutter: Mr. Speaker, I have a question for the Administrator. Have clauses been written into highway construction contracts that ensure that adequate precautions will be taken against pollution and also, have similar clauses been written in, as suggested by the Land Use Regulations, highway contracts similar to the Klempke Construction contract on the Dempster Highway?

Mr. Administrator: Mr. Speaker, I don't think that they have been written into the contracts yet, but, I will check with Engineering this morning and find out what clauses are there and what they intend to do to abide by the Land Use Regulations. I will let you know as soon as possible.

*QUESTION RE  
BILL C-187  
AND LAND  
USE REGULA-  
TIONS*

Mr. Taylor: Mr. Speaker, I have a further question this morning that I would direct to the Administration. I would like to ask if they have received, recently, any further information as to the current disposition of Bill, the House of Commons Bill, Bill C-187 and the appended Land Use Regulations.

Mr. Administrator: Mr. Speaker, no, we have no further information. Apparently, it was hoisted for a short while while this trip to New Zealand and Australia was on. After the Minister is back, I believe, we shall then hear where it is on the agenda.

Mr. Speaker: Are there any further questions? Mr. Administrator, the Council of the Yukon Territory has, at its present Sitting, a number of Bill for which, in the name and behalf of the said Council, I respectfully request your assent.

*BILLS NOS.  
4, 6, 8, 18,  
25, 27, 28,  
29, 30, 31,  
34 ASSENTED  
TO*

Mr. Clerk: An Ordinance to Amend the Fuel Oil Tax Ordinance; An Ordinance to Repeal the Amusement Tax Ordinance; An Ordinance to Amend the Fur Export Ordinance; An Ordinance to Amend the Elections Ordinance; An Ordinance to Amend the Game Ordinance; An Ordinance for the Protection of Consumers; An Ordinance Respecting Mentally Disordered Persons; An Ordinance Respecting the Expropriation of Land and the Determination of Compensation for the Expropriation or Injurious Affection of Lands; An Ordinance to Amend the Evidence Ordinance; An Ordinance to Amend the Municipal Ordinance; An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, being the Second Appropriation Ordinance, 1971/72.

Mr. Administrator: Mr. Speaker, I hereby give assent to the Bills enumerated by the Clerk.

Mr. McKinnon: April fool.

Mr. Speaker: Order.

Mr. McKinnon: It's got to be.

Mr. Speaker: We now come to Private Bills and Orders. Public Bills?

*BILL #35  
FIRST  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 35, An Ordinance to Amend the Public Health Ordinance, be given First Reading.

*MOTION  
CARRIED*

MOTION CARRIED

*BILL #35*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill

No. 35, An Ordinance to Amend the Public Health Ordinance, be given Second Reading.

*SECOND  
READING*

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Speaker: What is your further pleasure?

Mr. Chamberlist: Mr. Speaker, I move that Mr. Speaker do now leave the Chair and Council convene in Committee of the Whole for discussion of Bills.

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 Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Public Bills. Are you 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: The first item of business this morning will be Bill No. 1. I think, in view of the time, we will declare a recess at this time.

RECESS

*RECESS*

Mr. Chairman: At this time we call Committee to order and we are discussing now Bill No. 1. What is your pleasure in relation to Bill No. 1?

BILL #1

Mr. Stutter: Mr. Chairman, I would like to propose at this time, an amendment to Bill No. 1. I wonder if it is the wish of Committee at this point that I read the amendment through first in total and then have the Legal Adviser point out the various clauses of the amendment? Or would you rather that I take it clause by clause? Alright, it has been regularly moved by myself and seconded by Councillor Watson...

Mr. Chamberlist: No, no, you are not the Chairman. It has not been regularly moved.

Mr. Stutter: Well, this is my proposed amendment. Mr. Chairman, then at this point I would like to discuss the ideas that we have incorporated in this amendment and perhaps have the Legal Adviser give us some advice on it.

Mr. Legal Adviser: Mr. Chairman, the drafts to this amendment attempt to combine the wishes of different Honourable Members, without offending too much, the wishes of some other Honourable Member. So, the proposed amendment is an amendment to be inserted after section 102 which would be entitled 102A and will open by saying: "Nothing in this Ordinance shall be deemed to permit any person to consume liquor on the property of another person without the consent of the owner or occupier of such property", and then it is a substantive offense; that would be, any person who consumes liquor on the property of another person without the consent of the owner or occupier on such property commits an offense. Now, there have been many people who own property to which the public have access, although it is private property, such as department stores, grocery stores, supermarkets, people who actually own parking lots, where it is private property and they are worried about the control that they would have for public drinking or groups of people assembling drinking, or impaired, or having parties on their property and this is an attempt to meet the wishes of these people. Then, since this advice would be given to people who own private property, it seems only fair to concede this right to such bodies as the Council of a municipality, so that they would have the power to control either by permitting or refusing permission to people to consume liquor on their property. One citizen should have -- a group of citizens combined together in a legal assembly, should also have the power. So, the second two sections would then read: "That the Council of a municipality should be deemed to be the owner of all streets and lanes, within the municipality". This is an attempt to meet the wishes of one of the Honourable Members, who makes the point that the Council is not necessarily the owner in control of the streets, so that for the purpose of this section, the Council would be deemed to be the owner, whether or not they were the owner. Then the Council of a municipality may by law -- by by-law, permit or prohibit the consumption of liquor on its property. Now, the last section then is a section which is necessary to enable proof to be made of whether or not a person was actually consuming liquor and it reads: "Where any person is charged with consumption of liquor on the property of another person without the consent of the owner or occupier of such property, possession of an opened bottle, can, or other container of liquor shall be prima facie evidence that such person consumed liquor on such property". Now, this appears to be a reasonable assumption. If a man is standing with a bottle of whiskey half consumed in his hand, I think, it is reasonable to assume that he has drunk it. But a court might block you and say, you have actually got to prove by a stomach pump analysis, that some of the same brand of Scotch that was in the bottle, was found in the man's stomach at the time. So, to save having to produce medical evidence in each case, it appears reasonable

Mr. Legal Adviser continued.....

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that the person who is found with a bottle in his hand and cannot prove that he is doing this with consent of the owner or occupier, should be deemed to have been consuming. All he has got to do in court is to say I swear in evidence that I was not consuming and then he refutes the first presumption, but it forces him into the witness box to restrain his conduct. Now, the second part of that subsection would read: "That such person consumed liquor on such property and the onus shall be upon such person to prove that he consumed such liquor with the consent of the owner or occupier of such property". So, that if he is making the case in court to the magistrate that he has the permission of the owner of the property, then it is up to him to prove this and it is an easy thing to prove. All he has got to do is call in a witness, either himself or the owner or occupier, who would swear in court, yes, he had my permission. This would not infringe on private rights, whatsoever. So, if the person is in a private house and they are invited to a party, well they are invited. All they have to do is prove that they were invited if the contest came to a court. The public are entitled to be protected and private citizens in their own stores, in their own shops, in parking lots they maintain, should be entitled to protect themselves against people who would misuse their property.

Mr. Tanner: Mr. Chairman, can I ask a couple of questions of the Legal Adviser? In the first section of 102A (i). Isn't that right a basic right which anybody has and isn't that written into the Criminal Code? No, beg your pardon, the second one.

Mr. Legal Adviser: No, there is nothing in the Criminal Code, which says that you may not consume liquor on another person's property. This is a question of private right. It is merely a statement of the common law that you cannot misuse another person's property or trespass it, but this adds one thing more, and that is if you trespass on somebody else's property and consume liquor, then you are committing an offense.

Mr. Tanner: Mr. Chairman, I would suggest then, what you are doing is detracting from the basic right that anybody has in common law, not being able to trespass. Why don't you say, you cannot trespass? Why just specifically only drinking liquor?

Mr. Legal Adviser: We are trying to make it clear that in this particular field, trespassers have not got the right to walk into a man's property, either a shop, a store, a parking lot, a house or a bedroom, and without the consent of the person who is occupying that piece of property, they cannot misuse it by drinking liquor. There are many people who thought that at the time the original Ordinance was passed, that this was a drinking charter and under cover of the Ordinance, they could drink in any person's private property. This makes it clear that they cannot do this.

Mr. Tanner: Mr. Chairman, I suggest that it is just a matter of educating the public in this case and you don't need that particular paragraph right now. With exception of the bedroom, I cannot see why you should eliminate that. You cannot trespass on anybody's property, so why say you can't trespass and drink. Why don't you just say, you can't trespass and you have got that in the Criminal Code right now. Where do you have that in common law right now?

Mr. Legal Adviser: It is not in the Criminal Code. The only way you can enforce it in the common law, is, if a man is walking through your property and consuming his drink without your consent, you would have to go down to the Territorial Court, as the House was this morning, and ask the Judge for injunction against him and pay \$150.00 fee for the lawyer to stop the man drinking. This does not seem reasonable.

Mr. Tanner: Mr. Chairman, what I am saying is, in common law you cannot trespass. What you are almost saying is, that in common law you cannot trespass if you drink; where if you do trespass for any other purpose, it is legal. I mean, looking at it the other way around, isn't that true? BILL #1

Mr. Legal Adviser: We didn't say trespassing is legal. We just said that to stop a trespasser trespassing is a complicated business in law and the individual who objects to it has to go to court and take an action. Just to make it easier, he can actually summon somebody and say, this man is drinking on my property and lay a charge against him. Then the law would be enforced by the people who enforce the law under normal circumstances. They will not just leave it to the individual to go to the Territorial Court and explain to the Judge and call evidence and make a federal case out of it.

Mr. Chamberlist: Mr. Chairman, I regret that I have to drive a course of about 8 horses and 4 coaches through the whole area of this, because quite frankly I am sure that Mr. Legal Adviser was trying to facilitate the Members who asked for this amendment and helped with this very difficult situation in trying to obtain something that really you cannot obtain. Now taking (i) of 102A. I think, that it is indisputable that the largest amount of cases that have been dealt with by Supreme Court of Canada and by other Supreme Courts, in other commonwealth countries and indeed hundreds of cases dealt with by the Supreme Court of the United States center around the interpretation of the words: "deemed to be". There are books, books and books of it, just these few words, because of the different interpretation. But, when we say, nothing in this Ordinance shall be deemed to, this opens up a great big area, which can cause for the members of the legal profession nothing but good in the manner that they have prepared a whole bunch of legal cases that will have to be argued. They have indicated: "nothing in this Ordinance shall be deemed to permit any person to consume liquor on the property of another person without the consent of the owner or occupier of such property". How does a policeman arrest somebody on a lot, on an open lot, when there is no indication on that lot that says, no drinking is permitted, no trespassing permitted, no person other than the occupier or the owner or somebody permitted by the owner or occupier, can get on this piece of property. It is an unenforceable, totally unenforceable section. Now dealing with sub-section (ii): "any person who consumes liquor on the property of another person without the consent of the owner or occupier of such property commits an offense". Commits an offense, to who? Commits an offense to the Ordinance, when nobody has ascertained first whether there has been a right to go on there or not? This is just assuming that an offense has been committed. I don't think it was brought forward at all and I am not going to support that area. When we come to the Council of the municipality, shall "shall be deemed to", here we go again. The owner of all streets and lanes within the municipality -- I am sure Mr. Legal Adviser, Mr. Chairman, recognizes the fact, that this particular section is now ultra vires of section 45 of the Yukon Act, because the Yukon Act already clearly and distinctly says this: "the following properties, namely: a) lands acquired before or after the coming into force of this Act with territorial funds; b) public lands, the administration of which has before or after the coming into force of this Act been transferred by the Governor-in-Council to the Territory; c) all roads, streets, lanes and trails on public lands; and d) lands acquired by the Territory pursuant to tax sale proceedings, (1966,c.28) are and remain vested in Her Majesty in right of Canada, but the right to the beneficial use or to the proceeds thereof is hereby appropriated to the Territory and is subject to the control of the Commissioner-in-Council; and any such lands, roads, streets, lanes or trails may be held by and in the name of the Commissioner for the beneficial use of the Territory". Now, Mr. Chairman, there has been a very important legal case and a legal decision has been made in regards to the streets and the lanes in the City of Whitehorse and you cannot ask now or give permission for the Council to deem it

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Mr. Chamberlist continued.....

that they are the owner of the streets, only, I submit, if the Parliament of Canada amends section 45 to give the streets and lanes to the municipality. Now, as far as I am concerned, in any event, this assumption cannot be done, because as I say, we haven't got the power to do that. Now in sub-section (iv): "The council of a municipality may by by-law permit or prohibit the consumption of liquor on its property". Now, we are talking about "on its property". Now, it is obvious from what I have said that paragraph (iii) cannot apply to paragraph (iv), because you would have to accept that section 45 of the Yukon Act is being superceded by the ownership of the streets and lanes, deemed to be the property of the municipality. So, (iv) must fail, because we can't accept (iii), because we can't indicate that the streets and lanes are going to be the property of the City of Whitehorse. In all, the first four sections are completely destroyed to be of any value in amendments. Now the fifth one: "Where any person is charged with consumption of liquor on the property of any other person without the consent of the owner or occupier of such property". Now, how is the occupier-- is it the person on the property or is it a person who is the occupier at the wish of the owner? In all these areas, Mr. Chairman, there is no doubt that none of these sections would hold up under one case of one sort. There is no point of bringing forth amendments that cannot do any good at all. So, I am suggesting therefore, Mr. Chairman, that the whole matter has really been discussed amply; it has been brought back into Committee and I am prepared to go on the basis of what the majority has already ruled and voted in that particular matter.

Mr. Stutter: Mr. Chairman, I just would like to talk to a few of the points that have been raised by the knowledgeable Member from Whitehorse East. Regarding No. 3, control of highways, streets, lanes within the municipality; I'll just quote from section 74 of the Municipal Act and this states: "Every municipality has jurisdiction over all highways within the limits of the municipality and the management and control of all the highways shall be vested in the municipality". Then we look under the section that describes highways, which is 1 (g) and highway includes the street, road, lane, bridge, viaduct and any other way open to the use of the public and all road allowances made therefore, but does not include a private right-of-way. Now, if these things shouldn't have been written into the Municipal Act on account of what is written into the Yukon Act, then again, we must go through this Municipal Act and delete these sections, but they are presently there. However, if we are going to use the Yukon Act in this particular case and throw out what is said in the Municipal Act, then I see no reason why, just by the addition of the five words for the purpose of this Ordinance, added at the beginning of No. 3, that we do not end up with what we are looking for. It would then read: "for the purpose of this Ordinance, the Council of the municipality shall be and if the deemed here, causes some objections, then we could put in -- "for the purpose of this Ordinance, the Council of the municipality shall be the owner of all streets and lanes within the municipality", or words to that effect. Yesterday it was stated by the Honourable Member from Whitehorse East and by the Member from Whitehorse West, that they were prepared to support some sort of an amendment that would make it permissive -- on a permissive basis for the municipalities to control drinking within their areas and basically I can see where (i), (ii) and (v) possibly are rather fuzzy, to say the least, but (iii) and (iv) then will give us just really the amendment that I am hoping that both of these Members will support. I have one other amendment, that I would have proposed, but...

Mr. Tanner: Mr. Chairman, there is another section here, which I find most important and that is No. 5, because it is basically the jurisdiction of this country that in most cases -- there are a few exceptions, but in most cases, the burden of proof of guilt is on

Mr. Tanner continued.....

the people making the charges and in this case it is the burden of proof of innocence if the person is being charged. I cannot see, how any Member in this House can accept (v), in any way at all.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, in relation to this amendment; when we agreed to refer this matter back to Committee, it was my understanding that the problem that we were facing, and the only one that I have heard, was the trouble within the municipality of Dawson and the municipality of Whitehorse. It appeared that the enforcement, at least from my point of view, that the enforcement of the existing by-laws, both within the City and the existing Territorial legislation was almost nil and so there were people drinking on the streets in Whitehorse and drunks hanging around the streets, not necessarily drinking, but drunks. Well, these drunks have been here since I came here and I suppose they will be here long after I am gone. However, it is my understanding, that if amendments would be brought forward by the Honourable Members proposing amendments here which would in essence -- the way I would read it, it would be a reshaping of (iv) here that: "The council of a municipality may by by-law permit or prohibit the consumption of liquor in a public place, within the municipality". Now, that seems to me to be relatively simple. You pass along then the onus of acceptance or rejection to the elected representatives of the residents of the municipality, but any suggestion that we bring in the suggested amendment here is too far reaching and as the Honourable Member from Dawson stated, it is indeed a little fuzzy and as the Honourable Member from Whitehorse East has pointed out, it just is an unacceptable amendment. It is not our intention nor, I don't think it was the intention of Committee as I have it, to shut down this public drinking privilege throughout the Yukon. I think that it is working well in other points in the Territory. Certainly, welfare people or possibly the law enforcement agencies or the church may disagree with what I have to say, but nevertheless in my opinion and in the opinion of my people in the larger area of the Yukon that I represent, it is working very well. Sure, there are a few abuses, but not that many. So, I would say that if someone was to suggest to me an amendment along the line that I have just stated, providing the right of the municipality by by-law to establish, prohibit -- or, I should say, prohibit or permit the consumption of liquor within the municipality without this gobbledgook of streets and lanes and trails. That is fine, I'll buy that and leave it to the municipality, but I will go no further in this question. I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Stutter: Mr. Chairman, without wasting too much more time of the Committee on this particular Bill, I would like to find out if it is the wishes of Committee that something be drafted along the lines that have just been suggested by yourself; that we draft up something that will basically do just that, permit municipalities within the Yukon to restrict or ban drinking in unlicensed public places. If this is the feeling of Committee that we should try to draft up something to this effect, perhaps we could just have a brief recess. If this isn't the feeling of Committee, if you don't even want this at all, then I feel that perhaps it is a waste of time to talk any further on it. I really do think that it seems to be the opinion that to give permission for this type of control is the wishes of the majority of the House, or the majority of Committee at this point.

Mr. McKinnon: Mr. Chairman, I spoke to Mr. Legal Adviser yesterday and this is what I asked him to draft personally for me, so it would be

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Mr. McKinnon continued.....

simple, sweet, short and allow the municipalities to control drinking in public places within their boundary. I just have -- I have heard the arguments so often around the table and I am all in favour of it, that the biggest problem that the Territory faces is to wrest control from the senior government and I have no problem in delineating that authority and delegating that authority to municipalities, where municipalities have requested that they want to have this authority and want to make regulations in that regard. The City of Whitehorse has done it and I have no qualms in any way whatsoever in allowing them the ability to do just that. I think, that there is no one, that has a closer ear to the public than junior government and the municipal government throughout the Territory. I don't want to be -- it to be said, that I am forcing my will upon the public of Whitehorse or the public of Dawson, where they already have municipal Council that can do the job a lot better and a lot easier than I can. I only hope that in the very near future, the people of Porter Creek have true responsible government also under the territorial scheme of things and will be fully represented by councillors, mayor and aldermen and Mr. Chairman, I think, that section (iv), the one that we are presently looking at, that we have to somehow amend this to allow the Council of municipalities to by-law permit or prohibit the consumption of liquor in a public place within its boundaries. It is simple, it is sweet, it is short. It gives them the responsibility of making by-laws for control of the public within its boundaries. I can see nothing wrong with it. We just must be more flexible than the Federal Government. Be prepared to let go, where people have asked for the ability to set these regulations and by-laws on their own and I just have no qualms at all in giving them that authority to be able to do that. Maybe it is going to be a bit more difficult to regulate, maybe there will be the same rules and regulations throughout the Territory, but in 207,000 square miles of Territory, you have very diversified segments of the population. You just have to recognize that a person in Watson Lake isn't the same -- hasn't got the same attitude, hasn't got the same background as the person in Dawson City or Old Crow. We have to be flexible here. We have to be able to realize the diversification of the people and their needs. We have to be able to let the people have their own head, have their own say. Sure, they are going to make mistakes. We make mistakes too, but that is what democracy is all about. (i) and (ii), I find it so unenforceable to be really -- quite ridiculous, the majority of the land is territorially and federally owned in the boundaries of the Yukon Territory. Now, does that mean, that nowhere outside our municipalities are we going to be allowed to drink, without the consent of the Territorial or Federal Government. It completely negates the whole of the liberalization of the Liquor Ordinance, because it means that anywhere in the bush in the Territory can be sipping on a beer and a R.C.M.P. officer comes and asks, do you have the expressed consent of the Minister of Indian Affairs and Northern Development to be drinking on this private property and I say, no, I am guilty, for crying out loud. I could never go for this and (iv); that is the one we should be looking at. That is the one we want to give the right to the municipalities to control. Let's amend that and get off this Liquor Ordinance, for crying out loud.

Mr. Chamberlist: Mr. Chairman, I would like to draw the attention of Members of Committee to section 16 of the Yukon Act, where it gives the legislative powers of intoxicants to the Yukon Territorial Government. Now, the Honourable Member is getting the point very quick, but 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 and then if you refer to (t) of 16 (t), it is intoxicants. Now, there is a way to overcome this and the way to overcome it is, specifically delegate the liquor control to a municipality, but certainly when the time comes along for the new Municipal Ordinance, next fall,

Mr. Chamberlist continued.....

there is no reason why the municipalities can't say, whether or not BILL #1  
on their business licences that they issue, whether or not they can --  
whether a cocktail lounge, or rather, beg your pardon, whether drinking  
is permissible in a specific area. They can make some arrangement to  
say, that no person shall drink there. That is a pretty bad example,  
but certainly I am thinking of other questions also. I am trying to  
sort this out. I had thought about other sections, that I wanted to  
speak on as well, but the Municipal Ordinance can give power -- can be  
made in such a way that the powers, or the regulations, or the conduct  
of citizens within the municipality. Now, I am sure, that can be worked  
out, but right now, as it is, I say, that we haven't got the power to  
give to the municipalities the right to say, whether or not they can  
individually prohibit or not prohibit. It must be a decision of  
Territorial Council whether you prohibit it completely, drinking on  
the streets, or not at all. I don't think we can define that at all.  
My feeling is, as I have indicated, that if section (iv) would have  
been left in, in the original Bill and I would read that again: "a)  
no person may consume liquor on a street or lane within the municipality;  
b) no person may loiter in the street or lane within the municipality,  
for the purpose or with the intention of consuming liquor; c) no  
person may consume liquor in a motor vehicle in the street or lane within  
the municipality". Okay, if we look at a) no person may consume  
liquor on a street or lane within the municipality or within the boundaries  
in open public, then we are closing off the idea of the ball parks,  
etc. It is a very difficult situation and I think it has been aired and  
I repeat that I support the stand of the majority of Council.

Mr. McKinnon: I wonder, if I can ask Mr. Legal Adviser, about the  
delegating authority. As far as I know, where senior government has  
given the authority to do something, they are allowed the ability to  
delegate that to junior government. Isn't that right?

Mr. Legal Adviser: This is quite correct. The Honourable Member who  
spoke prior to this last Honourable Member, hasn't turned over the  
page in his law book.

Mr. Chamberlist: Oh yes, I have. Perhaps I would suggest, that the  
Honourable Mr. Legal Adviser hasn't been reading up on his books lately.

Mr. Tanner: Mr. Chairman, maybe we can find a reasonable compromise  
in this situation. Why not let this thing lie and next fall, when  
there is a new Municipal Ordinance going to be written, at that time,  
give them -- it can be written into law, to give the various municipalities  
the authority to go ahead and legislate in these particular areas them-  
selves. But I think, we should let it go for now. I think, we have been  
talking too much. Generally speaking, the Member from Whitehorse West  
has illustrated the idiosyncrasies as if you would example legislate  
it in Whitehorse and you have got more people outside of Whitehorse  
standing on the border drinking than people inside town. I think,  
we should just let it go for this Session. Wait until the new Municipal  
Ordinance comes up in the next Session and see what the situation is  
then.

Mr. Stutter: Mr. Chairman, the little speech that has just been made  
by the Honourable Member from Whitehorse North is in absolute contra-  
diction to the one that he made in the House just the other day,  
stating that all these things are put off, put off, put off, let's  
get on with them. This was almost his exact wording. Now, because  
we happen to be dealing with a subject, that he particularly is  
against, all of a sudden, put it off, put it off, put it off. Anyway,  
referring back to the Yukon Act, I have just gone through it and I  
can't quite agree with the Honourable Member from Whitehorse East,  
but I know, that he is well up on these things, so, I have to rely on  
the Legal Adviser in this particular instance. But, I would like to  
ask again, if it is the feeling of this Committee, that some type of

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Mr. Stutter continued....

legislation should be brought in now, if at all possible with this Bill, to make it, so that this decision can be made on a municipal level within the Territory? If it is not the wishes of Council, then why are we continuing to bat this thing around? If it is the wishes of Council, then let's come up with this amendment and pass it at this Session.

Mr. Chamberlist: Well, Mr. Chairman, the reason why this is being batted around, because what two Honourable Members have moved and seconded, that this should be returned to Committee for discussion and this is the only reason why it is being batted around. Certainly, the time has come along for us to recognize it, if we want to give power to municipalities, we should give them the power in the proper place and that is in the Municipal Ordinance. We know full well, that the Municipal Ordinance is going to be completely redone and I think, that I would strongly support this, when the Municipal Ordinance comes to be dealt with, that is the time to deal with this.

Mr. Tanner: Mr. Chairman, I think the Member from Dawson has done a very good job and we all have had a good hard look at it. I don't think, that anybody can take away from him that he has tried every manoeuvre and every tactic and every procedural arrangement and I have nothing but admiration for his technique, and I would move that Bill No. 1 be passed out of Committee as amended.

Mr. Stutter: Mr. Chairman, before this question is put, may I just have an answer to the question I have asked twice?

Mr. Chairman: Is there a seconder?

Mr. Chamberlist: I second the motion.

Mr. Chairman: It has been moved by Councillor Tanner, seconded by Councillor Chamberlist, that Bill No. 1, be reported out of Committee as amended. Are you prepared for the question? Are you agreed? Will those agreed, kindly signify? (Councillors Chamberlist, Tanner, Watson and Rivett signify) Will those contrary, kindly signify? (Councillors Stutter and McKinnon signify) I will declare that the motion is carried.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Chairman: Order, please. Alright, we will stand Committee in recess till 2:00 o'clock.

*RECESS*

RECESS

Mr. Chairman: At this time we will call Committee back to order. We were to deal with Bill No. 15, pardon me Bill No. 17, and apparently the amendments have not yet been brought forward, so I wonder if we might now turn to Bill No. 35, An Ordinance to Amend the Public Health Ordinance. - *BILL #35*

Mr. Chamberlist: Yes, Mr. Chairman, the purpose of this bill is to allow the Commissioner to defray the costs of travel due to medical necessity. It is really -- simply to make the -- proper for there to be provisions in the Ordinances to expend the money. Previously, we were just dealing with a vote provision, and that came out of Vote 5. If Members will note that, we have made provision for \$20,000 this year, for the purpose of travel. But, there is no difference whatever in the policy, except we did not in any previous year have the legislative authority to provide for those monies. It was an inadvertent error on the part of many people, but there is a necessity now, to show that there is legislative availability to spend this money. That is the only purpose of this particular bill.

Mr. McKinnon: Under what authority was the money expended then, Mr. Chairman, if there was no legislative authority for the medical evacuation programme?

Mr. Chamberlist: Well, I had hoped that the Honourable Member would not ask that, because as a Member of the Financial Advisory Committee, he should have known that the money that he had previously voted was directly out of a vote. There was no legislative authority or -- it was just under what was the interpretation of the Financial Administration Ordinance, whereby the Commissioner can expend certain monies, that this was done. I am sorry that the Honourable Member now asks that question because, perhaps as Financial Advisory Chairman at that time, he should have picked this up. However, I was able to pick this up, because I perused the contents of the budget, accordingly.

Mr. McKinnon: Mr. Chairman, the question was, that even if this Ordinance is passed or isn't passed, the authority under the Financial Administration Ordinance for the Commissioner to expend the money is still there?

Mr. Chamberlist: No, but however, it was an improper authority. He can do it without specific legislation in this particular area, notwithstanding, there is legislation now so that we can now proceed with the spending of the money.

Mr. Stutter: I wonder if the Minister could give us some kind of assurance that, with the passage of this bill, the assistance that will be given to individuals who are sent out for medical treatment as presently under the present scheme -- under the present medical evacuation scheme, they are receiving, in excess of \$50 is being paid by the Government. Now, under this new bill, this is just permissive again; it says that, "where the Commissioner is satisfied that a case of medical necessity has arisen in connection with any person, he may pay some or all of the travel expenses". Do we have some assurance that in actual fact, that we are not taking a backward step here, that this \$50 limit would still be in effect on the patient?

Mr. Chamberlist: Well, Mr. Chairman, I can assure the Honourable Member that, if he will see the Primary 72, in Vote 5, that it clearly indicates for what the purpose the money is set up. Also as a result of this bill, previously there were no regulations pertaining to the medical evacuation of people from the Territory. One cannot make regulations without there being specific legislation. Now that there is specific legislation, regulations pertaining to the ability to remove people out, under the requirements that are stated, will be properly taken care of. I can assure the Honourable Member that the amounts of money that have been set for that will remain the same.

*BILL #35* Mr. Tanner: Mr. Chairman, if I might ask the Honourable Member from Whitehorse East a question pertaining to Bill No. 35. There is -- Section 19 corresponds identically to section 9, subsection (2) of Bill No. 24, which he has already voiced doubts about. Could he comment on the fact that this is exactly the same wording, word for word, and he didn't like it in the previous bill, and does he like it in this bill?

Mr. Chamberlist: It is here in this particular bill because it is the only way that there can be any regulatory changes made for the purpose of medical evacuation. There may be other specific reasons come up at a later date, and it is the opinion of the Administration that we should not place ourselves in the position of not being able to facilitate any additional reasons for evacuating a particular person. So, really, it is of a greater advantage to the people in the Territory. The other case where a question was raised, in the Health Plan, is entirely different for the simple reason that in there, one must be very careful not to give more than the overall power to the Administrator in that bill, that would have been given before.

Mr. Chairman: I will proceed with the reading of the bill at this time. (Reads sections 18 and 19 of Bill No. 35).

Mr. Tanner: Mr. Chairman, could I ask the Legal Adviser if this is the first occasion that paragraph -- that section 19 in this bill and section 9, subsection (2) of Bill No. 24, are these the first two occasions when this phraseology -- this whole concept has been used, to his knowledge, in legislation in the Yukon.

Mr. Legal Adviser: No, Mr. Chairman, this has been used many times in the past, and it is a perfectly acceptable section to give some flexibility to making regulations. But, I would like to comment on section 18, although it is not part of the question. The authority for payments out, earlier, I would have called vote wording, provision of section 13 of the Financial Administration Act, provides that, "no payments shall be made out of the Yukon Consolidated Revenue Fund without the authority of the Commissioner in Council." That is a wide authority, and many times it occurs that a vote is passed by Council permitting the Government to make a particular expenditure. But, if the expenditure becomes a regular expenditure, it comes under the scrutiny of the auditors, and they want to know, why legislation doesn't specifically exist, and why the terms, on which the Commissioner exercises his discretion are not written into legislation. The result, then is that it becomes necessary to do this.

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

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, in relation to this bill in section 18, in a way I like what I see -- I am wondering, when we look back at Establishment 511 under the Health Budget, we do not provide, really, for the little guy in the Yukon, which at one time when we started this medical subsidization deal, we were trying to provide for. When we went back historically, we said, well, you know, why didn't Watson Lake have a hospital, and why didn't Ross River have a nursing station, and why didn't Teslin have a nursing station, and this type of thing. They said, well fine. They recognized, finally, after much battling and arguing that there were places in the Territory, and people living in those places, that had no recourse to medical aid. In order to get it, it was costing them, or their community -- other people in the community, great amounts of money for even little things, like getting a tooth pulled. They would have to drive 300 or 400 miles, in order to achieve this. So it was thought that possibly we could subsidize the travel, not so much on the tooth pulling, but in matters of emergency, the normal emergency, that when someone got sick, somebody in the community would get him into a car, or a station wagon, or in a mattress, or in some darn thing, or into an airplane and fly them to town. It was thought, inasmuch

Mr. Taylor continued ...

as we cannot provide them with a nurse and a nursing station or hospital, we will help subsidize, at least their travel, and if they are lucky enough to make it in here alive and everything else is real good. Now, this thing seems to have got corrupted into a situation, whereby we are now only paying the air fares outside to and from Vancouver or Edmonton, and these other places where people must be evacuated that cannot be looked after here. I would certainly like to make a plea to the Administration to consider, that under section 18, it may be possible to take some of these monies, and help relieve some of these people in the Yukon, who have this problem getting from Ross River, for instance, seeking medical aid, to a practitioner, or into town, here. It seems to me that section 18, would allow it, but the vote wording in Establishment 511, doesn't seem to, I don't know. I wonder if the Administration have any views on this particular subject.

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Mr. Administrator: Mr. Chairman, it wasn't the intention to not help the people from the Yukon communities to come into, say, Whitehorse for medical treatment if they had to come here. It says "the nearest place at which suitable medical treatment is available." Now, even though the vote wording may not have specifically said that, I believe we were paying -- helping pay the costs of people who had to come into Whitehorse. But we are in this, looking at people having to go from Whitehorse to Vancouver or Edmonton because they can't get a certain type of operation done here, or else assisting people to come in from the smaller communities into Whitehorse, if they can't get the necessary treatment at the nursing station. Does that answer the question?

Mr. Taylor: Yes, well, Mr. Chairman, just one thing. I understand that it is now \$50 -- anything above \$50 -- the first \$50 is paid by the patient, and then anything above that will be paid by the Government in certain circumstances, you know, certain things are met. As per the vote wording the problem is that in many of these instances, when someone, for instance, drives from Teslin to here or from Ross River to here, this type of thing, maybe the gas bills with the volunteered effort and the tire bill, or whatever, say a \$50 bill, so, you know, these people can't be helped at all, really. It doesn't seem fair to me -- within the Territory anyway, that this is done.

Mr. Chamberlist: Well, Mr. Chairman, the medical evacuation programme does not necessarily apply to just any specific point within the Territory to another point within the Territory. It also applies to those areas from within the Territory to outside of the Territory. Now, for instance, if, taking the Honourable Member's from Watson Lake suggestion, a person, because of the areas of where there was indeed medical necessity, was moved from the place of Faro to the Whitehorse General Hospital, and as a result of the examination by members of the medical profession at the Whitehorse General Hospital there would be a necessity to move that particular patient out on a plane to either Edmonton or Vancouver, the total cost of transportation would be that cost from Faro to either one of the outside hospitals. The first \$50 involved would be the maximum that they would pay, so that it wouldn't be a case of them having to pay from Faro to Whitehorse, and then again pay another \$50 from Whitehorse to a hospital outside to be evacuated, because it would be considered as one evacuation. There would only be a maximum of \$50 or a \$100 return. I wonder if that brings it out a bit more

Mr. Taylor: Yes, this I understand, but what I am talking about is that a person is again penalized for living in other places, other than say, where there is a hospital. So, consequently the little guy out in the hinterland, if he gets sick and he requires evacuation, immediately he is charged \$50, right now, that is before anything else. He has got to pay up to \$50. This is what I am trying to say, maybe we could help him along by -- if the practitioner, you know, who views him when the guy comes in, agrees that he had to come in, it wasn't just a sore throat or a sore thumb or something, that the guy -- that it was important that he did come, then, he should be given some consideration for recompense

Mr. Taylor continued ...

BILL #35

for his trip in. It seems to me, it is a devil of a lot cheaper to do that than to go out and provide maybe a nursing station; otherwise why don't we start providing nursing stations in more of these communitites?

Mr. Chamberlist: Well, with respect, Mr. Chairman, the Faro station is accredited for some purposes as a hospital, in exactly the same way as the Watson Lake Cottage Hospital, is also referred to as that. The specific point that must be understood, is that there are only certain reasonings because of the changes that are being made in regulations being applied, so that there shall be no abuse of the medical evacuation programme. In previous years where we have voted only \$10,000, as a result of abuse of the programme, the people of the Yukon Territory have had the total charges running well up into -- as has been in the past year, into the \$40,000 range. It has got to the stage where the government has got to decide that there be stringent regulations laid down, as to what was called a medical necessity. Now, if a person was to be evacuated from Faro, or Watson Lake to -- via Whitehorse General Hospital on the basis of any other than those specific areas that have been mentioned in the regulations, to bring it to mind, in the opinion of a medical practitioner, and you note that we have made this, expressly, that there is a danger of loss of life, this would be grounds for medical evacuation; loss of limb, loss of eyesight, a danger of mental breakdown. Now, people can have a mental breakdown without necessarily meaning a committal under the Mental Health Ordinance, and this is why this is put in as that. If we do not regulate these medical evacuations, we will be placed in some of the most awkward positions. I might bring to your attention, not specifically mentioning the doctor or the report, I did come across one report, and I am sure that Honourable Members might see the ridiculous situation. One report I saw was of a woman being medically evacuated at a pretty huge cost, and the complaint was frigidity. Now, this is actually what was written in this particular report. But, when we think in terms of the Government's money being used for these particular purposes, we say that there are areas where perhaps the members of the medical profession have not properly recognized the requirements of the medical evacuation plan, and have not by deliberate abuse, but perhaps in many ways by negligence in examining the proper reasons for medical evacuation, have allowed people to be medically evacuated at a cost to the Territory, at a very high cost to the Territory. One particular case we had in mind of, is where a chartered aircraft to the amount of \$1,250 balance was paid for an injury received to a particular person when the same person could have, within a time of about 20 minutes, of gone out by ordinary chartered flight. There are all these areas that we have to take a responsibility in seeing that the monies of the Government of the Territory are not improperly used. So, I can assure you that there is no policy change in the reason for medical evacuation necessity, except, for the fact that the area of necessity has been tightened down to limit itself to really medical necessities for those particular areas that I have already indicated.

Mr. Taylor: Well, Mr. Chairman, this policy change came some time ago, it isn't an immediate change at all. But, when this started out, this was to help the people of the Yukon, within the Yukon, more particularly than without, but, however, I would ask that with the passage of this bill -- it seems to me that section 18 would make it possible to do this, what I suggest, to offer some relief to the people in the hinterland in the Territory. I would ask that the Administration view this, and with a view to coming up with -- extending their policy -- or reshaping their policy to provide for these people.

Mr. Chamberlist: I can assure the Honourable Member that reviewing of this particular type of area is on a continuing basis, and we certainly will be able to take a look at it again. But, as I say, the purpose of the bill is just to properly regulate what we are doing. That is the main purpose.

Councillor Taylor resumes the Chair.

Mr. Stutter: Mr. Chairman, I would just like to add a few points to the question that you yourself have raised, and that is; it is my feeling that, as far as Bill No. 24 is concerned, which would provide a Yukon-wide Medical Health Scheme, the thinking behind it all is to provide all residents of the Yukon with equal type of coverage, and I think that you have brought up a very good point. It is a point that has been brought up to me by many of the members of my area, and that is, that in rural areas, in order for us to get the same type of coverage that is available to the people presently living in Whitehorse, there are many instances where we must travel into Whitehorse at a considerable expense. But, it isn't as far as travelling expenses are concerned, it isn't a high enough expense to come under the present terms of this medical evacuation scheme. X-rays is one really good example. The X-ray machines in the rural areas, where they are even provided at all, are very limited in the types of X-rays that they can take. In order to do extensive X-rays, the patient is sent into Whitehorse before he can get the same type of coverage as anybody living in Whitehorse presently gets, without this additional travelling expense. I think that some consideration should, indeed, be given to these people. If we are being sent outside to Vancouver or Edmonton, of course, there is no difference, because the expense of travelling is, indeed, well over the \$100 return fare whether you come from a rural area or whether you come from Whitehorse. But, for these other instances that I have pointed out, where we must come into Whitehorse for treatment that is now available to Whitehorse residents, it is indeed, a considerably greater expense to the people of the rural area.

Mr. Chamberlist: I am pleased with the reference that is being made to Bill No. 24, the Yukon Health Plan, because once the Yukon Health Plan is put into effect, most of the objections and the points that are raised by both the Honourable Member from Watson Lake, and the Honourable Member from Dawson, will be taken care of. The medical evacuation plan will then have much in common with the overall requirements of the Health Plan, itself. With respect, Mr. Chairman, I must point out, specifically to Councillor Stutter that the medical evacuation plan, and the expenses that are paid for medical evacuation, are only in those specific areas that I have indicated, and not for any other areas, such as additional diagnostic treatments, such as has been expressed in -- by way of certain X-rays, X-rays that perhaps cannot be given in some of the outside areas. What is being done in this regard, I cannot tell you immediately, though, I can come up with an answer, perhaps tomorrow as to what is being done or can be done in taking into consideration the higher costs for coming into Whitehorse to obtain diagnostic services that are not available in Dawson or Faro, or Clinton Creek, or Watson Lake, or any of these places. But, this bill, specifically, is only to regularize the requirements of medical evacuation expense in those particular purposes indicated.

Mr. Stutter: Mr. Chairman, I wonder if I could, then, just make it absolutely clear, that the points that have been raised by both Councillor Taylor and myself, then, are presently under consideration, and that residents in the rural areas might expect to get some sort of financial assistance when they are required to travel into town. Perhaps, not on their own, I am not talking about on their own, but if they are sent down by nurses or doctors from the rural areas, can they expect to get some sort of financial relief?

Mr. Chamberlist: Well, Mr. Chairman, I cannot make a commitment at this time in that regard. But, what I will say is that I will research this evening what the position is in relation to this, and advise Members of Council tomorrow morning as to the position, and then I could perhaps be able to expand further on what might take place.

Mr. Chairman: Anything further on this bill?

Mr. Tanner: Mr. Chairman, I am still not very happy with section 9, I am

BILL #35

Mr. Tanner continued ...

still not very happy with -- I am on the wrong bill. I am still not satisfied, why in the past we have implemented legislation without this specific paragraph 19. I still can't see why, exactly the Minister doesn't like the section we find in 24, and he accepts it in Bill No. 35?

Mr. Chamberlist: I thought, Mr. Chairman, I had already given the explanation. It is the very thing that is being asked for, Mr. Chairman, by two Members, to give consideration to these other particular areas that are being asked for. If you do not have that section in there, then there is no way that the regulations can be amended to perhaps fit into those particular areas. So it is a matter of, you are to do what Members want to do; we have to have -- be in a position to be able to do it, and this particular section gives the power to amend the regulations to carry into effect the provisions of the Ordinance. This is the main point, and that is to provide funds for medical evacuation. This is the only purpose; there are no ulterior motives, at all, involved in presenting these sections. Mr. Legal Adviser has indicated it is a standard type of section that is in there, and certainly we don't intend to do anything with it that we shouldn't do. It is just as I have indicated in the case of Bill No. 24, and I have already indicated that because it is different in that case; we are quite prepared to amend that particular subsection (2) of section 9 in that bill.

Mr. McKinnon: Mr. Chairman, the standard regulatory section is, "the Commissioner may make regulations respecting any matter he deems necessary or advisable to carry out effective with the intent and purpose of this Ordinance". That is the standard method of giving the Commissioner regulatory powers under Ordinances of the Yukon Territory. It is only in this Session with Bill No. 24 and Bill No. 35, dealing with the Health Ordinance -- with the Public Health Ordinance and dealing with Medicare that we see this statement and, "the Commissioner may make such regulations not inconsistent with the spirit of this Ordinance". I make the point that this gives the Commissioner policy making discretionary powers, and he shouldn't have them, and it should be the same regulatory section in both Bill No. 24 and in Bill No. 35, as is standard and common usage in the Ordinances of the Yukon Territory. I can't be convinced that there is just no ulterior motive, because the other is the standard regulatory power making section in the Ordinance, and this is a new switch and is a departure from tradition in usage in this House.

Mr. Tanner: Mr. Chairman, can the Legal Adviser point out some other Ordinances where this -- other than these two, where this particular phraseology is used?

Mr. Legal Adviser: Off hand no, but we have been using it off and on. The Honourable Member from Whitehorse West is correct in saying that we have a standard clause, you see them all in the green book. But, for the last few Sessions, we have been changing it occasionally, in case we want prospect upon ...

Mr. McKinnon: Baloney we have.

Mr. Legal Adviser: There is no particular reason for it. We have no objection to changing it back...

Mr. Chamberlist: Oh, yes, we have.

Mr. McKinnon: Aha, ulterior motive, I knew it; I knew it.

Mr. Chamberlist: I think you should ask the question first of -- ask first.

Mr. Legal Adviser: I don't think that the words, "not inconsistent with

Mr. Legal Adviser continued ...  
the spirit of this Ordinance", add anything to it. I think that it  
might actually restrict it. There is an agrument both ways. But, as  
I say, I have no hang up about this section at all.

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Mr. Chamberlist: Mr. Chairman, I must point out the particular word,  
in this particular section, "the Commissioner may make such regulations  
not inconsistent with the spirit of this Ordinance as are considered  
necessary or advisable,". We seek advice on this from the members of  
the medical profession, and this is why we want that in, because we do  
not act as laymen when there is a necessity to seek medical advice. Now,  
if the Honourable Member from Whitehorse West, now, who has been blowing  
his trumpet much about seeking advice from other people, now objects  
to us seeking advice from the members of the medical profession in relation  
to a bill that affects the medical care of people, then let him say so.  
I said before, that we cannot have a wind blowing in all directions, and  
boy, there is a lot of wind coming from Whitehorse West Member right now,  
when he stands up, and argues against something that he knows full well  
is there for a specific purpose, so that we can go and seek advice on  
medical evacuation from members of the medical profession, when the  
Commissioner deems that there is a necessity to do that. That is what  
the purpose of that is in there for. In the other area it isn't in  
there for that purpose. There is an error made in there; I said it  
would come out, and it will come out, but in this particular area, it  
is a requirement that the Administration requires that that be in  
there so that we can seek advice at the proper time.

Mr. McKinnon: Mr. Chairman, of all the unmitgated garbage and hogwash  
that the Honourable Member from Whitehorse East is trying to pour over  
the Members of this Committee, this is the ultimate. The standard  
regulatory section uses the same word "advisable" which makes the  
responsibility on the Commissioner if advice is needed, to seek that  
advice. There is no difference in any way for the Commissioner to  
either in either way that it is put, to seek advice or not to seek  
advice as he deems it feasible or advisable. The standard regulatory  
section says that the Commissioner deems it necessary or advisable,  
then he also does and seeks that advice to carry out effectively the  
intent and purpose of the Ordinance. As Mr. Legal Adviser said, and  
I couldn't agree with him more, it is just a different wording.  
I think that the old regulatory section is the safest one. I think that  
it is more consistent with the practices of this House. I think that  
it is more consistent with the traditions of this House. I think that  
it puts the Commissioner in its proper perspective that he is there for  
administrative and regulatory making fashion, and not to set policy that  
should be set, should be decided on in this House. What the Honourable  
Member from Whitehorse East has just tried to snow the Council with, as  
I said prior is just pure, absolute garbage.

Mr. Chamberlist: Well, Mr. Chairman, it is really something to hear  
somebody who is an expert at snowing people, now considering that some-  
body else is doing the same job. Now, it is obvious, as far as I am  
concerned, that the Honourable Member knows full well, what is intended  
here. But, it is because Councillor Tanner has properly made an inquiry,  
the Honourable Member from Whitehorse West thinks here is an opportunity  
to jump on somebody's bandwagon, and just not a basis of inquiry, but  
a basis of the fact; that is why he comes forward like that. Well, Mr.  
Chairman, there is a need for this particular section to be in. If there  
wasn't a need for that to be in there, we would not have brought this  
forward. In any event, I go back to the same story, that it is not the  
Commissioner, now, that makes the policy, it is the Commissioner with all  
Executive Committee Members. The Honourable Member from Whitehorse West,  
he can't understand that because he is not sitting over on this side, and  
this is what is peeving him somewhat. I think that it is pretty fortunate  
that he is not, because ...

Mr. McKinnon: Tell it to the public of the Yukon.

*BILL #35* Mr. Chamberlist: ...there would be no more forward looking area towards responsible government for the attitude that is being adopted now by the Member from Whitehorse West. I hope that the Honourable Members will see right through him as he is, just a sheer piece of glass.

Mr. McKinnon: Mr. Chairman, there may not be more steps towards responsible government, but one thing I can assure the Honourable Member, that the majority wishes of the people of the Yukon which aren't being carried out now, would be being carried out in legislation of policy brought before this House.

Mr. Chamberlist: How would you know that? You never do any work.

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

Mr. Chamberlist: Yes, Mr. Chairman, I would move that Bill No. 35 be reported out of Committee without amendment.

Mr. Chairman: Is there a seconder? Is there any further discussion on the bill?

Mrs. Watson: I second that motion, Mr. Chairman.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 35, be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Those agreed kindly signify? Those disagreed kindly signify? I declare the motion as carried.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Chairman: I am advised by the Administration that they would like some time in order to prepare and have for us tomorrow, the amendments to Bill No. 17. I would suggest that a motion for Mr. Speaker to resume the Chair, at this time, would be in order.

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

Mr. Tanner: I second that 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 prepared for the question? Are you agreed? I 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: Mr. Speaker, Committee convened at 11:15 a.m. to discuss Public Bills. It was moved by Councillor Tanner, seconded by Councillor Chamberlist that Bill No. 1 be reported out of Committee, as amended. This motion carried. Committee recessed at 12:00 noon and reconvened at 2:20 p.m. It was moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 35 be reported out of Committee without amendment. This motion carried. It was moved by Councillor Chamberlist, 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 Committee. Are we agreed? May I have your further pleasure?

Mr. Chairman: Mr. Speaker, I believe it is the intention of Committee tomorrow to deal, firstly with Bill No. 17, or the amendments thereto, and then attempt to tidy up other bills and matters left in Committee.

Mr. Speaker: May I have your further pleasure?

Mr. Tanner: Mr. Speaker, I move that we now call it 5:00 o'clock.

Mr. Speaker: Is there a seconder?

Mr. Chamberlist: I second that motion,

Mr. Speaker: It has been moved by the Member from Whitehorse North, 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 now stands adjourned until 10:00 a.m. tomorrow morning.

ADJOURNED

*ADJOURNED*

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Friday, April 2nd, 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. This morning, I have Legislative Returns No. 25 and No. 26 for tabling.

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

Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker, this morning, we have Bill No. 36, An Ordinance to Amend the Taxation Ordinance. Mr. Speaker, I would like to give a short explanation as introduction to this Bill. As a result of much concern by the Government to see that all people of the public are treated equally, we find that when the Taxation Ordinance was cleared this Session, in relation to the taxation of trailers, there was an inequity in the taxation on trailers of some people's homes. The Government of the Yukon Territory wishes to make it quite clear that it is not implacable, that the members of the Government are not implacable, and, in fact, that we have quite a fair amount of flexibility and understanding in the needs and the requirements of the people of the Territory. The purpose of this Bill is to overcome apparent inequities which have arisen in the collection of taxes from mobile home owners by reason of the limited number of mobile home owners assessed in 1970 in relation to the total number of such homes. The Bill ensures that taxes shall commence to be payable by all mobile home owners on the same commencement date. Thank you, Mr. Speaker.

Mr. McKinnon: He could have been so gracious about it.

Mr. Speaker: Order.

Mr. Chamberlist: We also have for introduction, Bill No. 37, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory. I have a little explanation on this one so that nobody will be confused as to the purpose of this Ordinance. Mr. Speaker, inadvertently, certain expenses of the Territory which were to be paid back to the Government, the Federal Government in Ottawa, an Amortization Grant, were not properly cleared. Therefore, we have brought this Bill forward; it doesn't mean any extra taxation; it simply regularizes the amounts of money that have been paid.

Mr. McKinnon: First supplementary.

Mr. Chamberlist: Bill No. 36 has been moved for introduction by myself, and seconded by Councillor Watson. Perhaps, Mr. Speaker would care to deal with that introduction first.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that Bill No. 36, An Ordinance to Amend the Taxation Ordinance, be introduced. Are you prepared for the question? Are you agreed? Motion carried. *BILL #36  
INTRODUCED*

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Chamberlist: Mr. Speaker, the introduction of Bill No. 37, An Ordinance

Mr. Chamberlist continued.....

for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, was moved by myself and seconded by Councillor Watson.

*BILL #37  
INTRODUCED*

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that Bill No. 37, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be introduced. Are you prepared for the question? Are you agreed? Motion carried.

*MOTION  
CARRIED*

MOTION CARRIED

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

*MOTION #10*

Mr. McKinnon: Yes, Mr. Speaker. I have two Notices of Motion this morning, seconded by Councillor Stutter. The first one is that Dr. Horwood, Zone Superintendent, Northern Health Services, be invited to attend Committee to discuss the report just issued by his department concerning pollution in Yukon waters. The second Notice of Motion, Mr. Speaker, is that Legislative

*MOTION #11*

Return No. 24 be discussed in Committee of the Whole and that a representative of the Whitehorse Consumers' Association be invited to attend this discussion. Thank you, Mr. Speaker.

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

*MOTION FOR  
PRODUCTION  
OF PAPERS  
#1*

Mr. McKinnon: Yes, Mr. Speaker. I have a Notice of Motion for the Production of Papers, seconded by Councillor Stutter, that the report on pollution in Yukon waters issued yesterday by Dr. Horwood be tabled in Council.

Mr. Speaker: As there are no further Motions for the Production of Papers, or Motions, we come to the Question Period. Mr. Clerk, would you see if the Administrator is available.

Mr. Chamberlist: Mr. Speaker, at this time I would ask if the Honourable Member from Whitehorse West would clarify his Notice of Motion so that we can get the proper case document tabled for him, because there has been no Paper, as far as the Government knows, with reference to pollution that has been submitted by the doctor he refers to. I wonder if he could explain this so that we know what to get for him.

Mr. McKinnon: Mr. Speaker, if I may, the Zone Superintendent, Dr. Horwood, issued a study yesterday, a three page report, where the Federal Departments in the Yukon have got together and pooled their resources to determine what level of pollution was now in evidence in Yukon waterways. This report was made available to members of the press media, as far as I know, only yesterday. I was wondering whether this report which is a very definitive report on where pollution now stands in Yukon waterways, could be made available from the Zone Superintendent's office to Members of this House.

Mr. Chamberlist: Well, we can ask the doctor for it. We don't know anything about it. We'll ask him for it.

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

*RECESS*

RECESS

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

*QUESTION RE  
WISHART  
REPORT*

Mr. Stutter: Mr. Speaker, last Friday, March 26th, I asked a question of the Administrator regarding a report that was made by Mr. Wishart and forwarded to Ottawa. Last fall, a comprehensive report regarding possible plans to alleviate river pollution at the main communities along the Yukon River was completed by Mr. Wishart and sent to Ottawa. Once again, will the Administration contact Ottawa to see that this report is put before

Mr. Stutter continued.....

this Council, or has the Administration already contacted Ottawa in this regard?

Mr. Administrator: Mr. Speaker, we did intend, I think, to table this report today. It's not ready? Well, we will certainly have it in here Monday morning.

Mr. McKinnon: On behalf of the Honourable Member from Whitehorse East, could I ask Mr. Administrator if this is the report that was issued by Dr. Horwood's office.

Mr. Administrator: This is the Wishart Report.

Mr. McKinnon: Oh, this is the Wishart Report.

Mr. Administrator: Well, I imagine that some of the material used in it was from what Dr. Wishart put together in the first place, but, Dr. Horwood's press release is using more up to date information than what Dr. Wishart was able to get. His report is now a year old, or so, I believe, whereas Dr. Horwood has been using more up to date information.

Mr. McKinnon: Supplementary question, Mr. Speaker; was Mr. Administrator aware of Dr. Horwood's press statement, and was the Executive Committee made aware of Dr. Horwood's press release and the facts?

Mr. Administrator: Mr. Speaker, in this particular case, I was not able to clear it with the Executive Committee because of the timing. Dr. Horwood, apparently, has been pressed by the press to release a statement and this is the information that was brought to my attention. So, I saw the report and I allowed it go and be published.

Mr. Chamberlist: Mr. Speaker, I would be pleased to add to the answer and I should think that this is an area where I am quite prepared to make my position clear to Council. I am very unhappy with Dr. Horwood as a Zone Director. I say it quite bluntly; the time has come when Members of this Council should note that Dr. Horwood is running amuck in the Yukon Territory, as if nobody in the Territorial Government or in the Territory has any responsibility to anybody else. The time has come, and I can tell Members of Council, Mr. Speaker, that the Department of Health, Welfare and Rehabilitation is having one problem. The only problem is with Dr. Horwood and him being a federal officer. It's about time that the end came to this particular position.

Mr. Stutter: Mr. Speaker, I have a supplementary question for our Minister of Health. Does he disagree with the report that was made by Dr. Horwood yesterday?

Mr. Chamberlist: Mr. Speaker, I find it difficult to disagree with something that I don't even know about.

Mr. Speaker: Are there any further questions? We wish to thank the Administrator for his attendance. As there are no Private Bills and Orders, we come to Public Bills.

Mr. Chamberlist: Mr. Speaker, I would move, seconded by Councillor Watson, that First Reading be given to the amendments to Bill No. 1, An Ordinance to Amend the Liquor Ordinance.

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

Mr. McKinnon: Disagree.

Mr. Speaker: I declare the motion carried.

*MOTION  
CARRIED*

MOTION CARRIED

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

Mr. Chamberlist: Now, Mr. Speaker. I move, seconded by Councillor Watson, that the amendments to Bill No. 1, An Ordinance to Amend the Liquor Ordinance, be given Second Reading at this time.

*BILL #1  
AMENDMENTS  
SECOND  
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. 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*

MOTION CARRIED

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

*BILL #1  
AMENDMENTS  
THIRD  
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 Third Reading at this time. Are you prepared for the question? Agreed?

Mr. McKinnon: Disagree, Mr. Speaker. I would like my contrary vote recorded.

Mr. Speaker: I declare the motion carried.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Speaker: Are you prepared to adopt the title to Bill No. 1?

Mr. Chamberlist: Yes, Mr. Speaker. I move, seconded by Councillor Watson, that the title to Bill No. 1, An Ordinance to Amend the Liquor Ordinance, be adopted as written.

*BILL #1  
TITLE  
ADOPTED*

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that the title to Bill No. 1, An Ordinance to Amend the Liquor Ordinance, be adopted as written. Are you prepared for the question? Agreed? I declare the motion carried.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 1 has passed this House.

Mr. Chamberlist: Mr. Speaker, I would move, seconded by Councillor Watson, that Third Reading be given to Bill No. 35, An Ordinance to Amend the Public Health Ordinance.

*BILL #35  
THIRD  
READING*

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that Bill No. 35, An Ordinance to Amend the Public Health Ordinance, be given Third Reading at this time. Are you prepared for the question? Agreed? I declare the motion carried.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Speaker: Are you prepared to adopt the title to this Bill?

Mr. Chamberlist: Yes, Mr. Speaker. I would move, seconded by Councillor Watson, that the title to Bill No. 35, An Ordinance to Amend the Public Health Ordinance, be adopted as written.

*BILL #35  
TITLE  
ADOPTED*

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that the title to Bill No. 35, An Ordinance to Amend the Public Health Ordinance, be adopted as written.

Mr. Speaker continued.....

nance to Amend the Public Health Ordinance, be adopted as written. Are you prepared for the question? Agreed? I declare the motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Speaker: Bill No. 35 has now passed this House. May I have your further pleasure.

Mr. Chamberlist: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and that Council convene in Committee of the Whole to discuss Bills and Legislative Returns.

Mr. Speaker: Is there a seconder?

Mr. Tanner: I second the motion.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Whitehorse North, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Public Bills and Legislative Returns. Are you prepared for the question? Agreed? I 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 wonder, Mr. Clerk, before we convene Committee, is it possible to get Mr. Legal Adviser here with the amendments to the Public Transport Utilities.

Mr. Chamberlist: The amendments to the Transportation Bill are not ready yet. If we could go on to the -- I have some amendments ready for Bill No. 24.

Mr. Chairman: Well, then, we will proceed to Bill No. 24. I call Committee to order at this time. We are back to Bill No. 24.

*BILL #24*

Mr. Chamberlist: Mr. Chairman, as indicated when we discussed this Bill the other day, I am bringing forward amendments to subsection (2) of section 9, and also dealing with section 27. I have the following amendments: I move that section 9 of Bill No. 24 be amended by deleting subsection (2) thereof and substituting the following therefor: "(2) For the purpose of having to effect the provisions of this Ordinance, the Commissioner may make regulations not inconsistent with the spirit of this Ordinance as are considered necessary or advisable and for that purpose may provide for any proceeding, matter or thing for which express provision has not been made in this Ordinance and for which only partial provision has been made." The second amendment in this motion is that section 27 of Bill No. 24 be deleted. The numbering, Mr. Chairman, will automatically take place, that is the renumbering. Section 27, of course, is in relation to the possibility that there could be a duplication of charges against a person for a premium. The first section, of course, takes out that subsection (2) of section 9, removing those last two lines and regulations made under this section shall have the same force and effect as if incorporated in this Ordinance. We are taking that completely out of there.

Mr. Chairman: Is there a seconder?

Mrs. Watson: Mr. Chairman, I'll second that motion.

Mr. Chairman: Might I have a copy of the amendment, please.

BILL #24

Mr. Tanner: Mr. Chairman, there is one question I would like to ask of the Minister of Health with regard to his second amendment. This question did occur to me before and I meant to ask it of the House, but I forgot to. If you take out section 27, as it now stands, do you not leave yourself open to those individuals who are self-employed? Without having section 27, as it now stands, are you then able to get to them if they refuse to pay their premiums?

Mr. Chamberlist: No, because all people are insurable; so, the point is that we can go after the individual in any event. If there is no other way that they have made their money, the premium is available. This has been taken care of and looked at. This question did arise.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that section 9 of Bill No. 24 be amended by deleting subsection (2) thereof and substituting the following therefore: (2) For the purpose of carrying into effect the provisions of this Ordinance, the Commissioner may make such regulations not inconsistent with the spirit of this Ordinance as are considered necessary or advisable and for that purpose may provide for any proceeding, matter or thing for which express provision has not been made in this Ordinance or for which only partial provision has been made; and, two, that section 27 of Bill No. 24 be deleted. Have you any discussion on the motion?

Mr. Tanner: Is the Legal Adviser around?

Mr. Chairman: Is the Legal Adviser available, Mr. Clerk?

Mr. Tanner: Mr. Chairman, may I ask Mr. Legal Adviser, when he was drafting this legislation in concert with his friend, why did he feel that section 27 should have to be in there?

Mr. Legal Adviser: Mr. Chairman, the main reason that section 27 was in there is because this is a scheme whereby you attempted to obtain payments of premiums from people. If it so happens that the employer does not pay, well, then, somebody should pay. I understand now that section 27 is being deleted, so that the Government will now bear the cost of any particular uncollectible amount in respect of an employer's contributions.

Mr. Chamberlist: Well, no, no, Mr. Chairman; I think that I should make it clear that the Government does look and are there to be any uncollectible amounts, the Government will make sure that an employer who has collected from an employee will, in fact, pay promptly to the Plan.

Mr. Legal Adviser: Oh, the Government will do its best, but there are -- the Honourable Member hasn't the same experience with employers in court as the Legal Adviser who has been chasing up employers every day of the week, and there are employers who either collect or don't collect, but when the case comes to court, they are not there to face the music. In that event, of course, the Government has to bear the bill. It can do its best but its best is not always good enough.

Mr. Chairman: Have you any further discussion on this motion? Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Stutter: Mr. Chairman, I was advised yesterday by our Minister of Health to ask a question regarding the assistance for travelling expenses for medical coverage. I would like to ask it while this Bill is in consideration, because I believe that it may be -- or I was given to understand that if we adopted this Plan, it is quite possible that all travelling expenses would be considered, if not paid. I wonder if he would answer the question that I asked him yesterday?

Mr. Chamberlist: Well, I cannot answer that in relation to this Bill.

Mr. Stutter: Just answer the question, please.

Mr. Chamberlist: I cannot answer the question as you put it now.

Mr. Stutter: Mr. Chairman, I will rephrase my question. Yesterday, we were told that if I asked this question today, in all probability, this answer would be available regarding possible consideration being given to people in rural areas for travelling to Whitehorse, assistance in travelling expenses. May I have that answer, please?

Mr. Chamberlist: The question that was asked, and as I recall answering it, I haven't the Votes and Proceedings here, was that consideration be given to the suggestion that had been made by the Honourable Member from Watson Lake and the Honourable Member from Dawson. This answer applies, consideration will be given to that.

Mr. Chairman: What is your further pleasure? Have you anything else on this Bill at this time?

Mr. Chamberlist: I was waiting, Mr. Chairman, to allow the Honourable Member from Dawson to ask any further questions he might have on this particular thing.

Mr. Stutter: Mr. Chairman, I would just like to look through and ask a question. If I have permission, maybe I can ask it outside of this Bill, so it doesn't necessarily need to hold up the Bill.

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 24 be passed out of Committee as amended.

Mrs. Watson: Mr. Chairman, I second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 24 be moved out of Committee as amended. Is there any discussion on this motion?

Mr. Stutter: Mr. Chairman, I would like to ask at this point, if the motion presently before us means that we are, in fact, about to adopt this Bill? I am certainly not prepared to adopt the Bill until I have had a chance to talk over the many questions that I have only recently received answers to, with my constituents to find their feelings regarding this Bill in general.

Mr. Chamberlist: Mr. Chairman, I have already indicated that this legislation does not come into force until the 1st of April, 1972. That is the key to the whole legislation, what is written in the regulations, because of the need to inform the people as to what the Bill and the Plan really is. It is the intention of the Government of the Yukon Territory, once the Bill has passed the House and before it comes into effect, to have printed in booklet form or brochure form, details of the Plan itself. I can give assurance that this is what is going to take place. Mr. Chairman, on page 742 of Votes and Proceedings of yesterday's date, Mr. Stutter asked the following question: "Mr. Chairman, I wonder if I could, then, just make it absolutely clear that the points that have been raised by both Councillor Taylor and myself, then, are presently under consideration and that residents in the rural areas might expect to get some sort of financial assistance when they are required to travel into town. Perhaps not on their own; I'm not talking about on their own, but if they are sent down by nurses or doctors from the rural areas, can they expect to get some sort of financial relief?" Mr. Chairman, I answered this question: "Well, Mr. Chairman, I cannot make a commitment at this time in that regard, but what I will say is that I will research this evening what the position is in relation to this and advise Members of Council tomorrow morning as to the position and then, I can, perhaps, be able to expand further on what might take place." Mr. Chairman, I was not able to research because my Administrator is out of town for yesterday and part of today, but I will

Mr. Chamberlist continued.....

reiterate again, that the consideration of the points that have been made will be given every possible chance of, perhaps, their success in certain areas. I understand the position that is being taken by the Honourable Member, especially in cases of where there are diagnostic treatments required and the facilities in the hospitals or cottage type hospitals outside of the Whitehorse area are not available in those small areas. Consideration will be given in that regard. This is what I can assure the Honourable Members.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, as I have stated before, this Bill is pretty far-reaching and I'm a little hesitant to agree to passing this Bill, as I've stated before. If it becomes binding upon the Council -- I think all Members will agree that we must get more information; we must get out to the people of the Yukon during the course of this summer and discuss this with our people and attempt to explain it to them. I would like to have the assurance of the Administration that these, a review through the Votes and Proceedings will give some indication of the type of information we are seeking in this regard, will be forthcoming at the earliest possible moment. More particularly, by agreeing to this Bill, I would like assurances that it does not become binding upon this Council or the people of the Yukon; in other words, that it be up at the fall Session for revision, in part, in whole, or otherwise, and open for amendment by this Council. This is the only way that, I think, I or any other Members would accept this Bill. I'm wondering if I could have answers to those questions, Mr. Chairman.

Mr. Chamberlist: Well, Mr. Chairman, I can assure all Members that there will be ample information brought forward in relation to the whole Plan itself. We have a number of Sessions between now and the date that it is contemplated to bring in this legislation into effect. All Members of Council know that, as a result of the fact that it will not be brought into effect until April 1st, 1972, they or, in fact, the Government, itself, after reviewing during the next year, may find it necessary to bring forward certain recommendations for amendments from both, consultation with the Members of Council and the Executive side itself. I can give, Mr. Chairman, the assurance that the Honourable Member has requested. This will be done.

Mr. Taylor: Mr. Chairman, there is just one thing wrong here with the Bill, and I am sorry that I didn't bring this to the attention of Committee prior to this motion being made that it be reported out of Committee. We would then require a section 35 which would state that this Bill will not come into force until such and such a day, or the coming into force section, in any event, because, by the passage of this Bill out of Committee, it is then law unless that is in there.

Mr. Tanner: Mr. Chairman, with respect; surely this doesn't become law until it is given assent to.

Mr. Chamberlist: That's right. This is true, Mr. Chairman; I'm sure the Honourable Member, if he stops to think for a moment, knows that this doesn't become law until assent is given, and I have assured Council that assent will not be given.

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

Mr. Taylor resumes the Chair.

Mr. Chairman: Have you any further discussion on this motion?

Mr. Stutter: Mr. Chairman, I don't know whether I should be asking this question now that this motion has been put before the Committee, but, these brochures that were referred to a while ago, could we have any assurances

Mr. Stutter continued.....

as to when they might be available. I would like to know this because I feel it is very important.

*BILL #24*

Mr. Chamberlist: Well, I would hate to give a specific date such as next week or next month, but, I feel that a reasonable time would be, certainly, before the end of July; four months to get the necessary work done and printed and things like that. It will be in ample time to give all Members an opportunity, and all members of the public an opportunity, to discuss with their Members the proceedings in relation to the Bill itself, or the Plan itself, I should say.

Mr. Chairman: Is there any further discussion on this motion? Are you prepared for the question? Are you agreed?

Mr. McKinnon: Disagree.

Mr. Chairman: I declare the motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Chairman: When is it expected that we will have some amendment for the Transport Public Utilities Bill, Councillor Chamberlist?

Mr. Chamberlist: Mr. Chairman, they are now working on it; the typists and the printer are working on it. There are quite a number that are being prepared because of the many requests for changes that have been made by all Members of Council.

Mr. Chairman: Well, I think at this time, possibly, we could deal with Motion No. 4. On February 19th, it was moved by Councillor Stutter, seconded by Councillor Tanner, that in the opinion of Council, a programme of family planning be instituted by Northern Health Services. The matter was referred to Committee and it is now at your pleasure Councillor Stutter.

*MOTION #4*

Mr. Stutter: Yes, Mr. Chairman, at the time that this motion went through the House to refer this particular subject to Committee of the Whole, the reason given at that time for putting it into Committee of the Whole was that we were told by the Minister of Health at that time, that he had some specific information to give us on it. Some of it, I believe, has been covered since by remarks made by Dr. Armstrong when we were discussing Bill No. 24. I wonder if there is anything further that might be added at this point by the Minister of Health, particularly regarding the connection between this particular suggested plan and the Medical Health Scheme.

Mr. Chamberlist: Well, Mr. Chairman, I have already given the three items that are to be added to the insured services. I think it was vasectomy, tubal ligation and intra-uterine devices. They all come under family planning matters. This is the only area, at the moment; drugs and the like do not come -- drugs and pills do not come under the category for family planning in this Health Plan.

Mr. Stutter: I wonder, Mr. Chairman, if the availability, though, of the Pill comes under the Plan. I'm not talking of the expenses of them, but the availability. Must these still be obtained from drug stores or doctors or are they available under the Plan. I'm not particularly talking about the cost.

Mr. Chamberlist: No, they are not available under the Plan. This is something outside the Plan. The arrangements are probably done by prescription by a doctor.

Mr. Tanner: Mr. Chairman, I would draw all Members' attention to Legislative Return No. 18 which pretty well covers the Government's feelings on this. Quite frankly, Councillor Stutter, I thought this had been dealt with with that Return. I did second your motion.

*MOTION #4* Mr. Chamberlist: That's how I replied to it.

Mr. Chairman: Well, Committee does have a motion which we will either have to approve or not approve or withdraw.

Mr. Stutter: Well, Mr. Chairman, I think that as far as the motion itself goes, I think that if this is already being covered under the Plan, the motion is rather superfluous and as the mover of the motion, as long as it is being covered now, I would gladly withdraw it with the consent of Committee.

Mr. Chairman: Would the seconder agree?

Mr. Tanner: Yes, Mr. Chairman.

Mr. Chairman: Would Committee agree to withdraw Motion No. 4? I declare that the motion has then been withdrawn. I think at this time, I will declare a short recess.

*RECESS*

RECESS

Mr. H.J. Taylor, Registrar of Motor Vehicles in attendance.

Mr. Chairman: At this time we will call Committee to order, and we have now the amendments to Bill No. 17 and if Committee concurs, I will call the sections and if you have any comments, or otherwise, please signify, and then we will deal with the amendments as we come to them. Are you clear on section 1? Section 2? Clear on section 2? Section 3? I believe this is an amendment. Mr. Legal Adviser.

BILL #17

Mr. Legal Adviser: Mr. Chairman, the words are added in subsection (1) of section 3 "and a copy of the certificate is carried in the vehicle".

Mr. Chairman: Are you clear on section 3? Section 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18? Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, there is a change in subsection (1). The word "court" is inserted in the first line, instead of "Board", and in subsection (2) there is a new subsection, dealing with the duty of the members and officers of the Board to keep information confidential. Perhaps, Mr. Chairman, I might make such bold a suggestion, that subsection (2) should be read, because it has not actually been read.

Mr. Chairman: (Mr. Chairman reads section 18 (2)). Are you clear on 18? Section 19, 20 and 21? Mr. Legal Adviser.

Mr. Legal Adviser: The change in that, what had been subsection (b) of the section, has been taken out, Mr. Chairman. It refers to the financial statements of the fiscal year.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Well, Mr. Chairman, as I expressed earlier in discussing this matter, I do not feel that there should be any requirement under this Ordinance to post tariffs. I think, that tariffs should not be a question that we should be concerned with in the creation of this Ordinance. I think, that the Board should continue to function in these other areas, licensing and so forth, but I feel very strongly, that there should be no reference to the posting of tariffs. I do understand -- or I have been informed, that there is a requirement now to post tariffs and I am wondering, if Mr. Registrar of Motor Vehicles can tell me, where that requirement is in the Ordinance.

Mr. H.J. Taylor: The requirement you refer to is in regulations, which requires every applicant to post or to file with us copies of his tariffs and that is all the requirement is right now, just the pure and simple fact of filing his rates.

Mr. Taylor: Well, Mr. Chairman, when was this regulation enforced? Has this been in force for any length of time?

Mr. H.J. Taylor: A considerable number of years now.

Mr. Taylor: Well, I still feel that it should not be a requirement to file tariffs to the Board and I will oppose the section.

Mr. Chamberlist: Mr. Chairman, this particular section has been discussed, the pros and cons of it have been discussed with the individual truck operators, small operators and those who are not in the Transport Association and the Transport Association and they have made no strong attempt to oppose.

Mr. Taylor: Well, Mr. Chairman, as I stated earlier, without going over old ground again, I feel that it places a bit of a problem on the small trucker and that there should be no requirement to post a tariff. Certainly,

BILL #17

Mr. Taylor continued.....

I can see this in the mainline carriers, interprovincial carriers that is something different. I feel that a small trucker should not be obliged to post a tariff and I would object certainly to sections 21 and 22 and when the Bill comes for final reading, it would be based on this, that I would object to the Bill.

Mr. Chamberlist: I wonder, Mr. Chairman, if we can perhaps have Members of Committee show by a vote on this particular section, whether the majority of Members of Committee are in favour or not in favour of this particular item. We feel -- the government feels that this is really necessary and as you can see after very much consultation and a considerable amount of work to try and please everybody or as many people as possible in the matter, I would like to get the feelings of Committee on this.

Mr. Chairman: I might just ask one question from the Chair, before proceeding with his suggestion. Mr. Taylor, you have mentioned that under the present regulations it is a requirement to post tariffs, but is it also necessary under the present regulations that carriers will use those rates and those rates only?

Mr. H.J. Taylor: No, it is not. It is a mere, simple fact of filing, that is all. We have no control.

Mr. Taylor: Well, Mr. Chairman, you will find that section 21 and section 22 are very closely related, because once you have -- if we buy that argument, you have to post a tariff and under 22 you cannot charge any rate higher than the rate set out on your posted tariff, unless filing within 30 days and so forth. This causes a hardship on the small trucker, because, indeed, if he has an opportunity to bid a contract and this type of thing, he must first approach the Board in order to assure that he can increase the tariff and this is why I say, that at this time, we should not be involving ourselves in the posting of tariffs. I think, we should get this Board started as a licensing agency, get it working, find out how it is functioning and then, possibly a year from now, maybe two years from now, if it seems that it is necessary to have tariffs posted; then look at it, but I feel, in the infancy of this programme, that most certainly we should not compel people to post tariffs and have to apply to the Board to increase them and I certainly have the feeling of most of the small truckers on this thing and they agree with me.

Mr. Chamberlist: Mr. Chairman, I also have had much discussion with small truckers and you will note, Mr. Chairman, that we have removed the minimum, so that there is no minimum in this suggestion here. We have to protect the public as well, so that there is a maximum, so that the public does not get overcharged. This is where the importance crops up in this particular area. By submitting it in this way, we are leaving a maximum, whatever that particular transport utility registers as a maximum. When they say, our maximum is so much per mile, that is the maximum that will be charged, because this is on the basis -- I am not suggesting that the same maximum applies right across the board, but once a truck operator supplies a maximum, this would be the maximum that that particular operator must work within. Now if, and we have made this provision there, it might be necessary because of a certain commodity that the truck operator may wish to charge, all he has to do is give notice, and then after the number of days that is required in the notification, then he can go ahead and charge more, but he has to make sure, that the public is aware that this particular operator has the power to charge a greater rate, because he has given notification of it and this should be the important thing, keeping in mind of course, that there is no minimum rate now, so that a trucker can compete from his high rate to anything lower.

Mr. Taylor: Well, Mr. Chairman, if you said that a scheduled -- an interprovincial scheduled carrier, such as Freightways or Loiselle, this type of operation, should post their tariffs, their high tariffs,

Mr. Taylor continued.....

fine. I might be able to consider buying your argument, but when you involve the little guy, I cannot buy your argument, because it makes it pretty rough on this small independent trucker. I know, I ran a little business -- trucking business for about three years myself and I know how difficult this would be with these people. I also wish you to recall that in the evidence given to Committee, when last we discussed this issue, it was pointed out that the Province of Alberta has no requirement for posting tariffs and the Board does not involve themselves in tariffs and I think, that this is the way it should be here in the Yukon, because if you try and impose sections 21 and 22, you are going to do a disservice to the small trucker and I can certainly never buy it. I would hope that we could eliminate sections 21 and 22 at this time. BILL #17

Mr. Chamberlist: I wonder if we can get some feelings around the Chamber, Mr. Chairman, from different people on these particular points, so that we might indicate whether the majority are in favour of it, or not?

Mr. Tanner: Mr. Chairman, I would ask, if we brought this legislation in, as Councillor Taylor is suggesting, would it be at all effective then? I think, we will have to make up our mind one way or another, we cannot -- either everybody is in, or everybody is out. Well, perhaps I could ask Mr. Taylor, what his feeling is on that particular thing.

Mr. H.J. Taylor: Well, your question was whether or not I felt it would be proper to compel the scheduled interprovincial operators to file a tariff and not anybody else? I can only say, that it would seem to me that it would be quite discriminatory, but I think you should have it one way or the other and not halfway.

Mr. McKinnon: Mr. Chairman, sections 21 and 22 are rather tied together. Now, we have received a Brief from the Yukon Transport Association and, of course, they argued along with the Honourable Member from Watson Lake, that the ideal thing would be the no posting of tariffs at this time, but if that couldn't be, section 21 should read with the exclusion of subsection (b) as it does now in section 21, but the part in section 22 which they disagreed with, was that, if you were going to be able -- or going to enforce the posting of rates or a statement showing the rate of charges and in section 22 that rate should not be greater or less, except if applied to the Board and within 30 days that the change made from greater to less. I can't really see too much harm in this request and was wondering why the less rate -- why it didn't all apply in the new draft of the Bill in section 22, as it would merely mean that if a trucker wants to change his statement of rates to a lesser amount than he had posted, he would just have to apply to the Board to be allowed to minimize his rate at that time. I can't see any real danger in not complying with the request of the Transport Association for the second best world that they could live with.

Mr. Legal Adviser: Mr. Chairman, there were several suggestions made during discussions with the representative of the Transport Association. One of the suggestions, that came up at one time during the discussions was, that there should be a fixed rate, beyond that they couldn't go, but that individuals could lower their rate for public contracts. A tender was called for public contracts, open to everybody, then for the benefit of the tenderers, they should be free to cut their rate and then notify the Board, but in tossing it back and forth, it didn't appear that this is a very practical method, because it would be quite difficult to police. So, the section then eventually came out in the way it is in section 22 as representing the policy of the Administration in this particular field.

Mr. Chairman: Councillor Taylor, would you resume the Chair for a minute?

Mr. Taylor resumes the Chair.

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Mr. Stutter: On March 24, when we had Mr. Gee here representing the Transport Association, this particular section was under considerable discussion and I have here now the page in question. It does state here, that the Transport Association were definitely against the fixing of a maximum rate and not of a minimum one and I am just reiterating the statements that have been made up to this point. I notice that Mr. Gee is in the gallery and perhaps we can call him in on this one particular section anyway and have his views on it? I think it is a very important section. I think it is one of the ones that there was the most objection to by both Members of Committee and the Transport Association themselves.

Mr. Chamberlist: Well, Mr. Chairman, with all respect to Mr. Gee, we have to legislate for all truckers, whether they are represented by the Transportation Association and those truckers who are not members of that Association. I think, because we have already gone over this section, the position is clear as to what has been indicated by the Transport Association, because in their Brief -- what has been put in this amendment is word for word what has been requested in their Brief, and the situation as I see it, is that 22 has been very condensed in such a way that it makes provision for the small trucker to be given just as much consideration as the large trucker. This is why I think that this should be really acceptable. If Members of Committee require Mr. Gee here -- certainly, it doesn't seem that anything will be gained at this particular point, because we have heard the explanations in the areas that he would want in it.

Mr. Tanner: Mr. Chairman, it seems to me that the Honourable Member who just spoke the last time was saying that we should have it both ways. We should have it both higher and lower.

Mr. Chamberlist: That is right. In this I'll quite agree, but it has been pointed out to me, that the public has to be protected, and the only way that the public can be protected is by a maximum high. If anybody wants to go as low as they want to and haul a particular job for nothing, who are we to say that they can't do it. But, certainly, this is why I have adopted that change, that here at least we can control by maximum. There is no reason why anybody can't change as long as they give the required time, the notice to change.

Mr. Tanner: Mr. Chairman, in this particular case then, what happens to a person who has got a contract. Does this effect him?

Mr. Chamberlist: No, no. Mr. Legal Adviser will you explain this?

Mr. Legal Adviser: No, Mr. Chairman, the section that should really be under discussion is section 22 and as it is drafted here, they post rates and they cannot go above the rate without notifying the Board. It does not seem unreasonable in drafting it this way. Like any other price, they notify a price and they take 30 days to change a price.

Mr. Stutter: Well, Mr. Chairman, on the original Bill, alongside of section 22, I had made a little note that said at that time, they might as well set the right rates as high as they wish then and I come back to that now with this present amendment for the simple reason, it's just a rate that each individual carrier is posting. It isn't a fixed rate. It is one from each particular operator. You might as well put a \$10.00 limit on it, because if anybody is going to go to him and have their trucking done, he is going to say to the trucking outfit anyway, how much is it going to cost me and most people are going to do this. So, I mean, it seems to me rather a futile clause to put in at all. It really doesn't mean anything.

Mr. Chamberlist: In some areas I might agree, but you must keep in mind, that there are different types of people in the trucking business

Mr. Chamberlist continued.....

and the mere suggestion is we are going to ask a trucker that moves sand and gravel to specifically say what his rates are for moving sand and gravel. If he wants to move it on a mile basis, or perhaps on the basis of moving so many yards of gravel or sand from point A to point B, this could well be done by contractual arrangement. Now, the point that the Honourable Member from Dawson has just made up -- made, only has some merit where the individual small contractor might want to be in the position of negotiating for a specific contract to move equipment from point A to point B. Now, this would give him the right to do this. So, at least we know that where the mainline contractors register, that is their maximum charge for moving freight. Where the small contractor registers, he puts in a maximum, and now that he has put that maximum in, he cannot go over that maximum. Let him make it \$10.00 a hundred pound; let him make it anything he wants, but that is his maximum and he has to stay with it. So, the best thing he can do to protect the small haulage contractor and what the Honourable Member from Watson Lake is trying to do, is, surely, put his tariffs in so that the rate is high enough to allow him to do whatever he wants to do, whenever he wants to do it, but the particular area is really on the line haulage people who deliver freight and have a different carrier or perhaps a different type of commodity. I think this is the overall picture that must be looked at. BILL #17

Mr. Stutter: Mr. Chairman, I have -- after looking at the sections now, I have absolutely no objection to leaving them in, because I am quite sure in my own mind, they don't mean anything anyway, so, they might as well stay in.

Mr. Tanner: Well, Mr. Chairman, there is another thing. I wonder if the intent isn't really as clear here as the Honourable Member from Whitehorse East would lead us to believe. If we leave that in as it is, then in legislation, they can change it later. I bring this up now because really and truly, I think the decision is going to be made now, what we want to do. Do we want a rate structure or not and if we don't, let's throw it out and if we do, then let's keep it in and put it in for what it is.

Mr. Chamberlist: Well, Mr. Chairman, I must correct that attitude, because it is not the intention of the Government to set the rate structure. The intention is to request that those people who have certificates to operate a transport public utility, file their rate structure. The Government does not want to file a structure and the Government has no intention of fixing a rate. What we do want, however, is that the utility supply the Government with the rate that they are going to operate under, the maximum rate and this is the intent of these sections.

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

Mr. Stutter takes the Chair.

Mr. Taylor: If the Government should ever be concerned about what a trucker is charging as a tariff, all he has got to do is pick up the telephone and phone him up and ask him. I say this, that these two sections must come out. If you say, alright, this man must post his high tariff and so he says he normally charges \$1.00 for a quarter of a mile as a rule, you know, these things sometimes change. Maybe not with a scheduled carrier, but with a non-scheduled carrier, the little guy who is running around as a small trucker. So, he walks in and says, okay, my high tariff will then be \$5.00 a mile. Now, this just makes a mockery of the whole thing and under this Ordinance the way it is written right now, there is nothing you can do to control him. You can't tell him no, that is the end of it. But possibly, under regulations, you may, later on. This is where the Administration writes their own legislation by regulation. In other words, I feel it has got to come out of there and we should not concern ourselves with the posting of tariffs at this time with this Public Utilities Board.

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Mr. McKinnon: Mr. Chairman, I wonder if I can ask the Registrar of Motor Vehicles a question? It seems to me, the public who we are trying to protect through this Ordinance, is going to be even more confused than ever, because if I want haulage done or want to get line freight or anything, I just phone the different companies and get for that category, exactly what they are going to charge me. Now under this it seems to me, that if anybody -- if he is a business man, he would post a really maximum rate, so that he would be completely flexible to be able to do anything to lower his rate in case -- in any event or any circumstance after the rate has been posted, that maximum rate. Then, when you start calling around, all you get are these maximum rates which are so outlandish. They are absolutely confusing to begin with and I don't think you have served any worthwhile purpose whatsoever in this legislation. It makes it more confusing than what it is now. It doesn't allow any protection for anybody in its present form and I wonder, if Mr. Registrar of Motor Vehicles would care to comment on this.

Mr. H.J. Taylor: Yes, I certainly would, because this discussion is instructing the truckdriver to set a rate much higher than they are ever dreaming of using, but the section says: "the statement showing the rates which it charges" and that is what it means and if they are going to do anything else on this Council's instruction, you might as well take these sections out. That is for sure.

Mr. Chairman: Speaking from the Chair for a moment; section 22 does say, that it -- you'll read later on: "no Transport Public Utility shall charge any rate higher than the rate". It says nothing at all about a lower rate. Yet you are saying that the rate in 21 (a) is a fixed rate by saying "showing the rate which it charges". The two sections are contradictory.

Mr. H.J. Taylor: That's what it means. It means that the public carrier is supposed to file the rate which he is charging and if he wants to lower the rate, he may, but he may not charge anything higher and that is simply to protect the public from anybody setting any rate they want. But if you are going to allow them to set some fancy rate, let's say \$10.00 a ton, mile or \$20.00 or something like that, it is ridiculous. You might as well take it out.

Mr. Chamberlist: Mr. Chairman, this is where the Board comes in. If an unrealistic rate is being proposed by any operation, then the Board under certain sections of the Ordinance, has the right to review and have a look what is happening and what operator is conducting himself in a manner which is not in the public interest. This is the idea of a Board, so that the Board protects the public. The Board is not simply there to protect the small operator or the large operator, because the small operator and the large operator are part of the overall public that we must prepare legislation for. This is where the necessity comes in for the opportunity to be given to that Board to have the power to say, notwithstanding that you are bound to put a high maximum, it must not be an unreasonably high maximum and this is where it depends on the make-up of the Board to bring that particular decision forward. I quite frankly, would like to have an opinion expressed by vote on these particular areas. If section 21 and section 22 is not required by Members of this Committee, the Government doesn't take any firm stand on those sections, but I must make it clear that these sections have been put in because it is felt that it is of greater interest and to a greater advantage to the public generally than if they were not there and this is the only stand that is taken on these particular sections. We have spoken with many of the truckers. We have heard from the very capable Brief that was guided through by Mr. Gee in this regard and to me, quite frankly, I feel that there is a necessity to have these particular areas there, so that, if there is misuse and abuse of the public, that the Board is empowered to act and discipline and this is what is our concern.

Mr. Taylor: Mr. Chairman, I think the Honourable Member from Whitehorse *BILL #17* West once said in another debate, in another issue, maybe we are going too far too fast and I believe this is what we are doing here. I say, if you accept sections 21 and 22 respecting the posting of tariffs, you place an imposition on the small trucker. Now, if you are talking about the mainline scheduled carrier, it may be possible to do this. This may be okay, the interprovincial mainline carrier, but with the small trucker, you can't because he doesn't know from one day to the next what he is going to be hauling, you know, who his customer is going to be, this type of thing. He might be hauling powder; he might be hauling acid tomorrow and he may have two different -- and much of this work is off highway, off the main highway. He might be hauling perishables well into the bush and he might charge different rates or make different agreements for different loads or different projects. Order please, Mr. Chairman. I just got tired of talking to the wallmap. I thought maybe the Minister might be interested in what I have to say. I would think, that it behooves us to make sure that this is equitable for everybody or not to accept it at all and I would again urge Committee to delete sections 21 and 22 and leave the matter -- get the Board going as a licensing agency it is set up to be and then at a later date, in a year or so, find out how the Board is working first, find out where the flaws are and then determine at that time whether or not it is in the public interest to have tariffs posted. I would like to take you back to our discussions on this with the Yukon Transportation Association, in which they suggested at one point in time at least, that competition itself would establish a tariff level. I see no need whatsoever for sections 21 and 22 in this Ordinance and I will personally vote against this Ordinance as long as 21 and 22 remain there, because I feel they have got to go.

Mr. Chamberlist: A question I would like to ask the Honourable Member, Mr. Chairman; when the Honourable Member said he would vote against 21 and 22 completely, surely the Honourable Member is not suggesting that there is something wrong with 21 (b), which just says: "a statement setting forth the name, address and duties of every officer and director of the transport public utility".

Mr. Taylor: Mr. Chairman, I compliment the Honourable Member on his great observance. I have noticed that as well. I said: "21 and 22 completely".

Mr. Chamberlist: What is wrong with that particular -- tell me, what is wrong with that particular requirement? To have a -- to have the name and address and duties of every officer and director of the transport public utility companies?

Mr. Taylor: Because you can express this by regulations. You don't need section 21 and you don't need that part either.

Mr. Chairman: Councillor Taylor, would you resume the Chair for a moment?

Mr. Taylor resumes the Chair.

Mr. Stutter: There is just one point that I would like to make. It was just brought out by the Honourable Member from Whitehorse East, that the Board is there also to protect the public. Then, I fully have to agree that this is true, or I wouldn't even be thinking about voting on this Bill. So, assuming that the Board is there just as much to protect the public, if there are no rates published, or rates shown in any way, shape or form, and a member of the public at any time feels that he has been overcharged, surely this would be one of the functions of the Board anyway. If the public went to the Board and said, now look, a certain trucking outfit has overcharged me, I would hope that it would be the duty of the Board to look into those charges and if they found that indeed they are unjust charges, take some sort of action against

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Mr. Stutter continued.....  
the trucking firm. I mean, you basically said the same thing when you say let's post reasonable rates.

Mr. Chamberlist: Mr. Chairman, the only time you can make a complaint about being overcharged, is if you know what you are being charged and what you should be charged. So, if there is no rates in there, you can't possibly be overcharged because you can be charged any amount. If there is no rate, there is no such thing as an undercharge or an overcharge. The rate is right there and the Board would not have the power to examine whether the rate is reasonable or not because they have no guidelines, no rules that they can examine. I wonder, Mr. Chairman, if Mr. Legal Adviser would disagree or agree with me in this particular point.

Mr. Legal Adviser: I would agree with the Honourable Member. The Board will need some powers if it is going to have any enforcement. The section as it is -- as, I think, the Registrar of Motor Vehicles pointed out, is a very precise section. Now, the words "it charges", the rates which it charges are the rates it charges, actually charges at the time it is filing the return. The law is always speaking. So, year by year, whenever you file the rates, it must be the actual rates that you are charging at that time. If it files any other rates, then it is a false return and is subject to prosecution by the court. It is an actuality and the protection of the public then comes in section 22, if they then are having to file the tariff. If they go over the tariff, then they commit an offense. They can be prosecuted by the court and that is what the courts are for, or the Board could treat it as an offense.

Mr. Stutter: Mr. Chairman, if these rates are to be the rates that are actually being charged by the companies concerned, there must be -- I am not a trucker myself, but there must be 20 different categories in which charges are made. Are all these categories to be charged by all the different public utility carriers?

Mr. Legal Adviser: I would assume -- I have never seen a structure of rate charges, except when I see notices posted by railway companies, or something, but I presume that they will get a realistic structure and file their returns with the Board year by year in the normal way and those that may lack the ability to compile detailed tariffs, will no doubt be able to get aid by having a look what other people are doing and do likewise. It has to be a realistic thing. Some people are only concentrating on hauling gravel and sand and there are special trucks designed for this purpose, so they just file a rate dealing with handling gravel. So, they are not going to accept any other kind of business. It is quite a simple thing. Other people may have a wide variety of goods, such as soft goods, hard goods, whether they are charging by weight or a combination of weight and size.

Mr. Stutter: Mr. Chairman, I have one further point to make, or one question that I would like to ask. From the things that we have just now heard from Mr. Legal Adviser and from the Member from Whitehorse East, is it actually the intention of the Board to fix rates?

Mr. Legal Adviser: No, not the Board.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I would like to move an amendment to Bill No. 17, that sections 21 and 22 of Bill No. 17 be deleted.

Mr. Tanner: I second that, Mr. Chairman.

Mr. Chairman: It has been moved by the Honourable Member from Watson Lake

Mr. Chairman continued.....

and seconded by the Honourable Member from Whitehorse North, that sections *BILL #17* 21 and 22 of the present Bill be deleted, or the amended Bill be deleted.

Mr. McKinnon: Mr. Chairman, I am willing to listen to a compromise type of solution about the public best being served by the companies; not only posting the high rates that they are going to charge, but the low rates also. It has just only been recently that the contracts the Territorial Government has awarded, that they have not given the contract to the low tender because they know, they are experienced, that that low tender with the price that he is charging, cannot provide the services for the public in the long run. The public is not going to be served and money is going to be wasted. It seems to me that the whole function of protecting the public would also be served if a carrier puts his rates so low that, through the Board's experience, and this is the argument that we have had over and over again, that this Board is going to be people who know the transportation business who know rates and who are experienced, that the public is not going to be able to be served because the company is going to go belly up from the rates that they charge. Mr. Legal Adviser tried to make an argument and I don't think it held water. I think a person on contract should be able to bid lower than the posted rate, but I don't think that there is hardly a contract when the tender date is closed, where the person has received the contract at a lower level. Certainly this is an instance where it would be automatic where the Board would allow the lower rate to be charged, because it would be in the public interest and a benefit to the taxpayer for this lower rate to be charged by the contractor that has been awarded. As I say, I agree with 21 as it was and it was amended by the Brief of the Transport Committee, they put: "rather not have rates", but this was the second best world that they could live with; in 22 they said, that they could live with both sections, if there were a lesser rate posted also, besides the maximum rate, the minimum rate charged and it would be still relatively easy on the advice and consent of the Board, if we are going to have any faith in the Board at all, that they can change these rates to a lower for the purpose of a big contract or for higher rates, if this has to be, because of the economic climate. I think, that this would be sensible for everybody to live with, the trucking business, the truckers, the public and everybody would be protected and I would like to say that I would like to hear a good argument against this type of approach and until I do, this is the approach that I would think is the best, and the one that the public could be best served.

Mr. Chamberlist: Well, Mr. Chairman, I took that approach before we had the amendments and I am sorry that the Honourable Member didn't get up and support me then, because that was the approach we took, so that there should be a maximum and a minimum. It is as a result that there wasn't any support from this particular source that we came back again to make further regulations; so really, what we have brought -- further amendments, really what the Government has brought forward today, are really a compromise of the requirements that everybody has been speaking about and I see nothing wrong with this particular area now. I think myself that it should remain, because we have something at least we can amend at a later date if it does not work out.

Mr. Legal Adviser: Mr. Chairman, just one point. Mr. McKinnon was saying that I was arguing in favour of lowering rates for -- underbid prices, but what happened was, this House has been continuously debating the clauses of this Bill; all the people engaged in the transport industry, have also been engaged in a continuous -- and possibly, I have not been to the meetings, I am sure that the debates were getting quite as acrimonious as on occasion the debates get here; so that during the discussions when the Registrar and I were meeting with the representatives of the Association, the Association was changing its views slightly so that the views were then being produced that the clause should read: "that they can lower the rates, but it should be fixed". Fixed rates, you can't go above it, you can't go below it, but you can lower it, with three days notice. Now this is just

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Mr. Legal Adviser continued.....

a suggestion and as far as we are concerned if a three days notice, over the week-end or something--you might as well have no notice at all; so, in the long run just let competition sort out the most efficient one.

Mr. Chairman: I think, in view of the time, we will call a brief coffee break, before proceeding with this motion.

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Mr. Chairman: At this time we will call Committee back to order. Is there any further debate on the motion before the Committee.

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Mrs. Watson: Mr. Chairman, this is a Public Utility Bill, actually. The purpose of the Utility Bill is to protect the public to a certain degree. This is the only area in this bill where we are endeavouring to protect the public, where we are asking the transportation companies to file the fee that they now charge, and asking that before they are allowed to charge higher than the fee that they have filed, they must make application to the Board. This is the only area in this whole bill where we are endeavouring to protect the public. I would certainly like to see it stay in the bill.

Mr. Taylor: Mr. Chairman, I wonder if the Honourable Member could inform me as to where came the request for the protection of the public; what was the complaint? Why has this come about? Why do we have to protect the public here? What is the nature of the complaint?

Mrs. Watson: Mr. Chairman, I don't quite understand the question. Don't you feel that the public should be protected? That it is the responsibility of the Government?

Mr. Taylor: Mr. Chairman, obviously there must be some complaint here, or else this legislation -- there would be nobody standing here, saying that we have got to protect the public. There must be a reason why we have to? We are not protecting the gas station attendants, and we are not protecting other industries, so why is it necessary that we protect them at the tariff level anyway, the people of the Yukon from the trucking industry? What is the nature of the complaint?

Mr. Chamberlist: Well, Mr. Chairman, I would just say this, before the Honourable Member from Carmacks-Kluane goes on with a very sound argument that she is putting forward. The function of Government is to provide for protection of the public at all times, with or without complaint. If legislators have to wait for complaints before legislation was brought forward, perhaps there wouldn't be any work for legislators; so really, the answer is quite clear, that it is up to the legislators, and particularly the Government of the Yukon Territory, to provide for governmental protection of the public's needs.

Mr. McKinnon: It seems to me that we need it to protect the public from the Government.

Mr. Taylor: I still haven't got an answer to why the Government is so intent on forcing the posting of tariffs, when there appears to be no problem whatsoever. If there is no problem in the Yukon Territory in respect of this, why then do we require these two sections. I say we don't. I think that section 21 and section 22 must be deleted at this time.

Mrs. Watson: Mr. Chairman, if you read your newspapers, you can see that this is a constant complaint, the high cost of living in the Territory, and it is continually being blamed onto the excess freight rates. Now, if this is justifiable or not, is another matter. So, if the rates are filed, and if a company wants to increase their rates, and the Board looks into and they can see that the increase in rates is justifiable, well then fine. Actually it does offer some protection to the transportation company also.

Mr. Taylor: Mr. Chairman, this is a fallacy. It has been proven by studies that it is not the increase in freight tariffs that cause the increase in the cost of living in the Yukon. Generally, it was found it was the mark up on products, or so many middle men involved, that

Mr. Taylor continued ...

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the product was high, and that it wasn't freight at all.

Mr. Tanner: Mr. Chairman, as far as the argument that was proposed by the Member from Carmacks-Kluane, I would just like to say that I think that she has a couple of strong points. I still think those two paragraphs should go out. But, I think that in future -- a consideration is the fact that in the Yukon, we do suffer under certain areas with a one line, one service type of situation, in which case you have got a monopoly, and when you've got a monopoly, you can set your own rates, particularly when the people receiving that service don't have an alternative. So there are occasions where people could be unjustifiably charged too high a rate. But, right now, I don't think that this -- that the Government or the Board is competent to deal -- to get into the complicated area of freight rates. I think that these two sections should be eliminated, to be reviewed again in a year or so.

Mr. Taylor: Here, here.

Mr. Stutter: Is there anything further on this debate?

Mr. McKinnon: Yes, Mr. Chairman, I am going to support the amendment as proposed by Councillor Taylor, seconded by Councillor Tanner. I think one of the beauties of this Legislative Assembly is that, it doesn't have to wait five years, and the legislation doesn't have to be completely years and years beyond the problem that exists. It has always been my experience in this Legislative Assembly that when a problem does exist, and does show itself at the moment, that the legislature is able to deal with that problem at the moment also. I think that the free enterprise theory is keeping the freight rates at the moment in the Yukon at a rate which is not exorbitant. If there were such times where you could see a definite trend towards rates inflating and spiraling to such an extent that it was absolutely necessary that the government then place some control upon these rates skyrocketing right out of all sense, at that time, I don't think that it would be very difficult to see sections, like sections 21 and 22 be given the support of all Members of this House. I have seen the complexity in which rates go into, the files and the books that have to be charged. I think that we would again be creating another monster of bureaucracy just to try and keep the rates categorized, to keep them filed, to keep them up to date. I don't think that I am going away from my opinions that I express often at this table, that I am scared and frightened at the cost of Government in the Yukon Territory; anything I can, I will do to help to keep the cost of Government down, and where problems don't really exist at the moment, to create another tentacle of the octopus of Government, I think would be unwarranted at this time in the Yukon's history. For these reasons, Mr. Chairman, I will be supporting the amendment for the deletion of sections 21 and 22 at this time.

Mr. Chairman: It has been regularly moved by the Councillor from Watson Lake, seconded by the Councillor from Whitehorse North, that sections 21 and 22 be deleted. Are you prepared for the question? Are you agreed? Will those in agreement please signify? Will those who disagree please signify? As a tie breaker of this Committee, I must declare the motion carried.

MOTION  
CARRIED

MOTION CARRIED

Councillor Taylor resumes the Chair.

Mr. Chairman: Alright, the next section is 23, section 24, Mr. Legal Adviser?

Mr. Legal Adviser: In section 24, subsection (2), subsection (1) and subsection (2), the (a) and (b) sections went out, leaving (c) and (d) which are now renumbered as being (a) and (b). They were dealing with

Mr. Legal Adviser continued ....  
the powers of the Board to fix rates.

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Mr. Chairman: (Reads the amended section 24 of Bill No. 17) subsection (3) remained the same, Mr. Legal Adviser?

Mr. Legal Adviser: Yes, Mr. Chairman.

Mr. Chairman: Clear on section 24? Section 25.

Mr. Legal Adviser: Just a number change to correct a typing error.

Mr. Chairman: I see, section 24 instead of section 23. Section 26.

Mr. Legal Adviser: There is one small change there in subsection (2), the words were changed from, I think, "as may be prescribed in terms of the application and investigation", to, "as the Board deems proper,". A new subsection (4) was added at the request of the people who presented the brief, to detail out the considerations that should be taken into account by the Board, or at least amongst others. In other words, these would probably be the normal forms of objection made by an objector to the issue of a new certificate.

Mr. Chairman: (Reads amended section 26, (1), (2), (3)).

Mr. Legal Adviser: There is just one small change in subsection (3); it was to have the publications one week apart.

Mr. Chairman: (Reads section 26 (4), section 27, section 28, section 29, section 30, section 31, section 32, section 33, section 34, section 35, section 36, section 37).

Mr. Legal Adviser: Mr. Chairman, there is a change in section 37, which is somewhat more than a drafting change. The original section allowed the Board to make an order on the grounds of urgency. In response to the wishes of the people who presented the brief, this has been redrafted to see that this type of order will expire after two months. It can be renewed, but it will expire for two months, so this means that they go back to a formal hearing or whatever it happens to be.

Mr. Chairman: (Reads section 37, amended subsection (1)) Subsection (2) remains as was. Are you clear on section 37?

Mr. McKinnon: Why is section 38 necessary with 37, that was a point that was made by the Transportation Association?

Mr. Legal Adviser: Section 38?

Mr. McKinnon: Yes, section 38 (2)(b) is already taken care of by section 37 amendments, because in section 37 amended deals with special cases of urgency and should be sufficient.

Mr. Legal Adviser: In section 38 (2)(b), they get power to exempt the application from any of the provisions. There may be occasions when a thing has been omitted, and that it might be illegal to deal with it at all, because the fellow hasn't complied with the Ordinance. I can visualize, say a newspaper strike, a postal strike or something, they may have to make special arrangements to exempt them from technical provision of the Ordinance. It is a normal form of power that a court would have.

Mr. Chairman: Anything further on section 38? Section 39, section 40.

Mr. Legal Adviser: There is a change here, Mr. Chairman, it is to take account of the case that was made that there should be some better safe guard than merely saying, a complaint shall be served on an adult person in employed. The instance was given in conversation that it might be

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Mr. Legal Adviser continued ...

served on a night watchman and he might throw it in the garbage on the way out the next morning. So to attempt to deal with this, we have said, in the case of a corporation it would be served on some person in charge or apparently in charge of its undertakings. It is a real point.

Mr. McKinnon: Section 39 implies that the order and decision of the Board being final and binding, are just on questions of decisions within the confidence of the Board. I mean on factual decisions, not on questions of law?

Mr. Legal Adviser: Oh, yes, this is just -- the decision is final. But it can still reverse its decision because circumstances may arise to change-- new facts. You see, there is a doctrine of law, what we call stare decisis when a person has made an application to a court on a particular circumstance, so then, if it is a case in a dispute it's decided. But here, if such circumstances warrant it, a request had been refused on one particular occasion could come back to the Board and make a fresh application the next year, something may happen.

Mr. Tanner: Mr. Chairman, could I ask Mr. H. Taylor a question. Are you familiar with the legislation in Alberta and B.C.? Is there any appeal from the decision, not legal decision, but a decision of the Board in both of these jurisdictions?

Mr. H. Taylor: I am not absolutely that familiar with it, except that I can say, there is, you might call it a political appeal from the decision of the Board in B.C.. Any decision of the Board may be appealed to the Cabinet.

Mr. McKinnon: Attorney General isn't it?

Mr. Legal Adviser: Attorney General-in-Council.

Mr. H. Taylor: Well that is the Cabinet.

Mr. Chairman: (Reads section 40, amended).

Mr. Legal Adviser: Mr. Chairman, there should be no "s" at the end of undertaking in paragraph (a)

Mr. McKinnon: Mr. Chairman, in section 39, to go back, the Yukon Transportation Association asked for the inclusion of the words, something like this, every order and decision of the Board upon any question of fact within its jurisdiction shall be final. The section 39, does it in essence mean the same thing? It means more to me, when I see 39, when it reads, upon any question of fact within its jurisdiction. It means a lot more to me than just reading as it is now, because I think that the average layman to me it just seems that this Board is acting in a judicial function unless those words are incorporated within section 39.

Mr. Chamberlist: It is, it is acting as a quasi judicial function.

Mr. McKinnon: But, certainly upon questions of law, Mr. Chairman, that the facts are appealable on questions of law to the courts, and when it specifies that it is only questions of fact rather than law within its jurisdiction, it may not mean anything in the drafting, but it sure makes me feel a little safer that I know that I have an appeal upon questions of law, and it's written into the legislation from the Board.

Mr. Legal Adviser: Mr. Chairman, the decision of the Board is final in a sense. When a person makes an application, and he is refused, say on the grounds that, there are too many existing trucking operations within that particular field. That is a final decision, and no appeal lies anywhere from that, but if within the course of that, they made a

Mr. Legal Adviser continued ...

law and held, that because the person wasn't registered, just dream up an example, that because a company was not registered within the Yukon Territory, he is incapable of making an application, and they refuse to recognize it. He will go straight to Mr. Justice Maddison to get an order of mandamus, and you would walk back with it in your hand, serve it on the Chairman, and your application would be dealt with the following morning in the normal way. So, an appeal lies, but the Board does a lot of things that are not just decisions of the question of fact, they are issuing instructions to its own members, to its own officers; they may issue instructions within their field of reference, say to all the operators on a particular thing, so there is no appeal from that in the legal sense. You just come in and make the case to the Board and say that is a ridiculous order that was issued.

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Mr. Tanner: Mr. Chairman, with respect to the Legal Adviser; I don't think that is the point that Councillor McKinnon was trying to make. He is just saying that the wording as suggested in the brief is a lot clearer than the wording that we have in section 39. Personally, I agree with him 100%, that wording in 39 as suggested in the brief from the transport people, to me is very good, but the one in 39 that we have got seems very confused.

Mr. McKinnon: I agree with Mr. Legal Adviser analyses. All that he is saying is that the first decision is based upon a question of fact within the Board's jurisdiction, which is-- and its jurisdiction is outlined in the Ordinance. I don't think anybody finds fault with that. But, section 39 seems to be far more reaching than that. To me, reading it, it says, "every order and decision of the Board shall be final"; now we know that the Board is acting in a quasi judicial function, and I think that it should be specified that only in those instances upon questions of fact within the Board's jurisdiction, which are spelled out and delineated within the Ordinance, that these are the areas in which they move. It just seems to me that it is a lot nicer and a lot clearer legislative drafting when these words are included in section 39. I just have no difficulties in understanding what the Board's actual functions are in this respect, and I think that without these words in, it leaves the average person reading the Ordinance that their functions go far and above those duties given to it in the Ordinance. If those words were included, "every order and decision of the Board upon any question of fact within its jurisdiction shall be final and binding", I would have no trouble with the section whatsoever.

Mr. Chamberlist: Mr. Chairman, I would draw the Honourable Member's attention to section 41, because section 41 in actual affect gives that protection for section 39 that is being requested. It says, "except as provided in sections 35,36,37 and 38, every decision of the Board is final," except in those other areas. So, in "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.", but then you look back again into section 36, which provides that, "that the Board may rehear at anytime, you see, and this is extremely -- these are the real keys, sections 41 and 36, they are your appeal section keys,"the Board may review, rescind, change, alter or vary any decision or order made by it," that is by the Board itself, "and may rehear any application or complaint before deciding it."; now there is only one point that I see that there might be an error here, and I wonder if Mr. Legal Adviser can indicate that. It seems to me, now that I look at it again, and we often see things afterwards, that where we have "or complaint before deciding it.", it seems to me that the decision is already made up to a certain stage, and then when we say in 36, "before deciding it", perhaps it should be, "before remaking a decision". When you say "before deciding it", surely that has already been done. Is there anything wrong with that particular area?

Mr. Legal Adviser: Where is it?

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Mr. Chamberlist: In 36. You see in 36, after you hear the application or complaint, before deciding it. Before deciding what? The reviewing, because we are redeciding, are we not?

Mr. Legal Adviser: It sometimes happens that an application goes half way through or they are about to indicate that they are going to refuse it, and they might be asked to postpone their decision for three months and hear it again. This is the intent of this particular section. But, with regard to the section 39 which is in the Ordinance and the section 39 which was suggested, they appear to me to be dealing with two distinct subjects. One is dealing with an order or decision of the Board. The other is dealing with part of a hearing that is the determination on a question of fact; they are dealing with a finding or a determination of the Board. That is a different thing from an order or decision of the Board. The finding or determination on a question of fact it is part of a law case, the judges when they are coming towards the end of a case, will invariably say, I believe witness A, I don't believe witness B, I believe witness C, so these are the questions which a court or a judge or a jury will determine, but they appear to me to be comparing apples and oranges. But it is just a question of style, to a large extent.

Mr. Tanner: What if I don't like the style?

Mr. Chamberlist: There is nothing wrong with that, really.

Mr. Legal Adviser: Section 39 is drafted as suggested; it is a bad drafting style.

Mr. McKinnon: Because people can understand it.

Mr. Legal Adviser: It doesn't contain a single legislative sentence.

Mr. McKinnon: What's the use. We'll hear an Irish story next and it will be the worst.

Mr. Chairman: Order, please, order. Section 41, 42, 43, 44, 45, 46, 47.

Mr. Legal Adviser: There is a change there, Mr. Chairman. Subsection (2) is taken out, which prevents or appeared to prevent a company from sell its business without the permission of the Board. The company would now be able to do this.

Mr. Tanner: Mr. Chairman, this is a pretty sweeping change, I know that we have been through it a dozen times, and the Member from Whitehorse East spoke his point of view on it, but and I would just like -- for my own edification bring forward again the case that Mr. Taylor offered last time where a company was able to get away with or obtain a P.S.V. through a transfer of shares and has this gone out the window, now? Is there any way that we can still stop that if we have thrown out (b) on 47?

Mr. Chamberlist: Were you asking the question of Mr. H. Taylor?

Mr. Tanner: No, I am asking ...

Mr. Chamberlist: Oh, Mr. Chairman, in consultation with a member of the small truckers -- the little guy, I spoke about the -- spoke with him about the area that they are very concerned with. If they wanted to sell their business, the position would be, as they saw it, that it would be left to the Board, where you read in the original bill was, "where in the opinion of the Board,"; my submission to Members of Council that those words were in the opinion of a Commissioner of the Board are the most dangerous pieces of wording that you can put in any legislation. I know what personal harm it can do to people because of those words. In speaking to the small truckers, they have indicated that what is necessary,

Mr. Chamberlist continued ...

and I agree with them, is that they should be able to sell their businesses as going concerns, but they should not be allowed to sell their certificate separately from their business. In other words, they should be able to sell their assets, their businesses, the whole operation, but the moment that any attempt is made on their behalf to attempt to sell the certificate separate from their business, that is the time that the Board should come into action. This is why this was put out, to give them the right to do just that, to sell their business. BILL #17

Mr. Chairman: Well, section 47, (reads amended subsection (1)). Anything further on section 47?

Mr. McKinnon: I just want to bring it to the attention of ... Committee, that section 43 read in the original draft, "the Board is entitled to be heard by counsel or otherwise upon argument of an appeal."; the Transportation Association after reading it, said that it should read, "the Board is entitled to be heard of any appeal and may be represented by counsel", which everybody can understand, and which Committee agreed with. In the amended draft we have, "the Board is entitled to be heard by counsel or otherwise upon argument of an appeal.", which is incomprehensible to the laymen as any section could possibly be.

Mr. Chamberlist: But, we have to make it so that the lawyers can understand it as well.

Mr. Chairman: Anything on section 48?

Mr. Stutter: Mr. Chairman, the second half of that will have to be deleted, now, won't it?

Mr. Chamberlist: Which second half?

Mr. Stutter: "No person shall deface or alter a certificate or a schedule of times, tolls or rates."

Mr. Chamberlist: It doesn't matter. It can be there. If you don't have any rates you don't have to worry about it.

Mr. Legal Adviser: There is no control on what a person charges. Tolls and rates are intended to mean, approximately the same thing. So, if nobody is charging any -- can over charge, it doesn't really matter.

Mr. Chamberlist: Well, in that case why not -- why don't we just have, "no person shall deface or alter a certificate"; how about that? Would that be satisfactory, Mr. Legal Adviser?

Mr. Legal Adviser: Yes, Mr. Chairman.

Mr. McKinnon: What difficulty does it do, leaving it in its present form?

Mr. Chamberlist: None at all.

Mr. McKinnon: If a trucker wants to put up his times, schedules and tolls, nobody should be able to go around and change the schedules and tolls of the trucker, on behalf of the trucker ...

Mr. Chamberlist: I am just trying to make everybody happy, that's all.

Mr. McKinnon: To mislead the public; it just doesn't do any harm at all, if 48 is left as is, I can't see ...

Mr. Chamberlist: Good, we will leave it as it is. Fine. I mean any way, it doesn't matter. What can I do?

- BILL #17* Mr. Chairman: Does the Chair have it then, that Committee is willing to leave section 48 as it stands?
- Mr. Chamberlist: Yes, indeed, I am just trying to make Ken happy, that's all.
- Mr. McKinnon: Do you want to know how you can really make me happy?
- Mr. Chairman: Alright, section 49, section 50, subsection (3).
- Mr. Legal Adviser: The last two lines are left out of subsection (3). They were an offence against the Criminal Code, or the Motor Vehicles Ordinance.
- Mr. Chairman: (Reads amended subsection (3) of section 50). I believe the next amendment is found in subsection (7)?
- Mr. Legal Adviser: Yes, subsection (7) and subsection (8) are new sections which were asked for in the Transport Association brief.
- Mr. Chairman: (Reads subsection (7) of section 50)
- Mr. McKinnon: What happened to (h), Mr. Chairman? No, I guess it is a duplication of (b), I think.
- Mr. Chairman: (Reads section 50, subsection (8)). That should be "or", any passenger or freight. So note, Mr. Clerk. Are you clear on section 50? Section 51, I believe there is an amendment in subsection(2)?
- Mr. Legal Adviser: Yes, this was a request to allow the release of a seized vehicle on a security or being given by cash or bond.
- Mr. Chairman: (Reads section 51, subsection (2)).
- Mr. Tanner: Well, Mr. Chairman, this is a bit ridiculous. The idea of putting this in, was to -- if we had a load of freight on board that was being moved, and we wanted to -- it was perishable. Where are you going to find that sort of a bond right now, to keep moving?
- Mr. Chamberlist: Cash or bond. Bond can be by a certified cheque, and that is good enough.
- Mr. Tanner: What, on Saturday night from a bank?
- Mr. Legal Adviser: This is what was asked for, and we gave it.
- Mr. Chamberlist: But, we just put in what was asked for, and then you say, where can you find it?
- Mr. Tanner: But, Mr. Chairman, they are asking -- if I read it correctly, they are asking for a bond for the vehicle and the freight thereon. Surely it is just the freight that we are concerned with here, isn't it?
- Mr. Legal Adviser: Yes, but rather than unload the freight, and take it away in another vehicle, and leave the vehicle behind, it would be far more advantageous to them if they could sit into their truck and drive it away. They want both the vehicle and the freight back, and I think that they have made a reasonable case.
- Mr. Chamberlist: That particular section of course will be dealt with in a proper considerable manner by any particular outfit.
- Mr. Chairman: Well, have you anything further on section 51(2)?
- Mr. McKinnon: Was there any sum mentioned when Mr. Gee was with us, because in their original submission, I see that it is, until a bond or

Mr. McKinnon continued ...

a cash deposit in the sum of, and the dollar amount was left open. Was it left open to the Administration to pick an amount out of the air, and they picked up the price of the vehicle and the contents as the bond or security that should be deposited?

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Mr. Legal Adviser: I think they just were humble, and they left it to the draftsman to suggest a draft.

Mr. McKinnon: I would like to know their reactions to what he came up with?

Mr. Chamberlist: The point is this, Mr. Chairman, here would be a matter of where a policeman would, probably in a small community or on the highway, somewhere, go to the nearest Justice of the Peace, and say, there is a charge going to be laid, could you set a bond for this particular vehicle, and it would be left to the Justice of the Peace .

Mr. McKinnon: That would be equivalent to the value of the vehicle and its freight?

Mr. H. Taylor: Mr. Chairman, I think possibly that the solution would be that the bond should be in the maximum amount of a fine which may be levied in that case. rather than to the full price of the vehicle and its load. If you said in a bond in the amount of a \$1,000, or something like that, I think that would be perfectly alright, because there would be no fine of any more than that. That is, all we are interested in, is in securing ourselves against the character bugging off without paying anything, if you excuse my french.

Mr. Chairman: Order, I think we will keep our language a little more parliamentary here.

Mr. McKinnon: What's the value of a big semi with contents? Holy smokes.

Mr. Tanner: Mr. Chairman, this is what my original point is , the fact is -- even again -- is what I think the brief that we had presented to us here was trying to obtain, was keep the load moving, and under certain circumstances, where are people going to run around on a Saturday -- or Friday night after banks are closed and get a certified cheque for that amount, or have cash on them for that matter, in that amount? I mean it is ridiculous.

Mr. McKinnon: Let's put in a \$1,000.

Mr. Chamberlist: Well, I would suggest that we remove the words "of the vehicle" and insert "to the value of \$1,000 -- "of the vehicle and its freight" and insert --

Mr. Chairman: To a maximum of \$1,000.

Mr. Chamberlist: Right.

Mr. McKinnon: Why deposit it with the Board?

Mr. Chamberlist: Anybody is a Board.

Mr. Legal Adviser: The Board are usually bringing in the charges.

Mr. Chamberlist: You don't have to look for the Board.

Mr. Legal Adviser: They bring in charges on other days besides Friday night. I wouldn't like it to be thought that they are leveling such charges on riday night after office hours.

Mr. McKinnon: This doesn't mean that you have to go find a member of

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Mr. McKinnon continued ...  
the Board and deposit before you can have the freight? No, seriously,  
does it?

Mr. Chamberlist: Like when you buy a stamp, you don't buy it from the  
Postmaster General.

Mr. Tanner: Why not?

Mr. Chairman: Gentlemen, do we then have your concurrence in the suggested  
change, to a maximum of \$1.000? Agreed? Do you have this, Mr. Clerk?  
Alright, next is section 52. Section 53, subsection (3).

Mr. Tanner: Mr. Chairman, with respect, I think we have missed out  
section 51 (3); isn't that new as well?

Mr. Chamberlist: New?

Mr. Legal Adviser: The reason for the changes in section 53 is a per-  
spicacious member realized that when a person gets several licences under  
cover of a single authority, if he was given power to take 3 licences  
and only took two, then three months later he would lose all three as  
the wording was. So, it has been changed to reflect the fact that if  
he gets power to take out 3 or 4 licences and he only takes out 2, his  
certificate is adjusted back to that 2, and he doesn't lose the 2 that  
he has already taken out.

Mr. Chairman: Section 53(1), (a) has been deleted, is that correct?

Mr. Chamberlist: The original (a) was deleted and now we have (b) and (c)  
becoming (a) and (b). Then there is an alteration in (b).

Mr. Chairman: Are you clear? Section 54. I believe (i) and (n) have  
been deleted? Is this correct?

Mr. Legal Adviser: Yes, Mr. Chairman. We were then able to limit the  
letters of the alphabet to twenty six.

Mr. Chairman: Why was (n) removed?

Mr. Chamberlist: The (n), because it couldn't lay any eggs.

Mr. Chairman: Paragraph (n) states, "the design, equipment and operation  
of vehicles used for the transportation of school children."

Mr. Legal Adviser: It is covered by the Motor Vehicles Ordinance.

Mr. Tanner: Mr. Chairman, I am sorry, I am going back on two occasions.  
On section 51 (2), should an inspector or a member of the Royal Canadian  
Mounted Police take a vehicle back on suspicion of it being overweight,  
should he take it back or forward to a weigh scale, and then find he is  
wrong, we are covered here completely if he is right, but what happens  
to the truck driver or the trucker or the truck in this case when he is  
wrong, when the policeman is wrong? Is he compensated in any way for  
having been taken off his route?

Mr. Chamberlist: Well, it would appear to me that the purpose of this  
is that, if a policeman stopped a big truck, he would advise him to go  
to the nearest weigh scale in the direction towards where he was going.  
This will be the intent if he had to weigh it, but if he had to bring it  
back, perhaps, Mr. Chairman ...

Mr. H. Taylor: If he was going -- Mr. Chairman, if he was going south,  
and he was stopped at McRae, I would hate to have to send him to Watson  
Lake.

Mr. Chamberlist: To the nearest weigh scale.

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Mr. Tanner: That is fine, Mr. Chairman, supposing we are taking the truck back 25 or 150 miles. I mean somebody has got to compensate -- if he is being accused of having done something, in this case of being overweight and he is proven to be right, that he wasn't overweight, then surely he should be compensated for having been taken off his route.

Mr. Chamberlist: There are portable road scales for that purpose.

Mr. H. Taylor: Well, Mr. Chairman, what happens to anybody when they are charged with an offence and they are taken to court, and they are found innocent, do they get recompense?

Mr. Chamberlist: Well, there is under a section of the Criminal Code, the magistrate has the right to pay -- order the cost to be paid. I proved that.

Mr. Chairman: Well, in just speaking from the Chair; it seems to me, the answer is to have portable scales at both scales, so that the scale operator could go out and make these checks at random. Will there be anything further on section 51?

Mr. Chamberlist: Maybe we should clear this up? I think that it is a valid point. I wonder if Mr. Legal Adviser can make any suggestions?

Mr. Legal Adviser: No it is just -- you see a dispute is entered into, and the person goes back, it is up to the inspector or the R.C.M.P. not to make mistakes.

Mr. Tanner: Oh, come on.

Mr. Legal Adviser: When the mistakes are made, this House will hear about the first one. The inspector, the member of the R.C.M.P. who makes the mistake, he will know all about it.

Mr. Tanner: And what authority have we got over them if they do make mistakes? Now, come on let's be reasonable, if the member of the R.C.M.P. makes a mistake, right now in this legislation, the person against whom those statements are being made, has got no recourse in this particular instance. That is not justice in any way at all.

Mr. Chamberlist: Nor have they under any law.

Mr. Legal Adviser: The main reason is going to a weigh scale is not to weigh it.

Mr. Tanner: Oh, what are they going to do, wash it?

Mr. Legal Adviser: The weigh scale happens to be a place where the Registrar of Motor Vehicles has got men working on his behalf. So, they will store it or examine it. When you are dealing with the overweight vehicles, they are being dealt with under another Ordinance and for another purpose, and that is to protect the roads. This is merely to allow the R.C.M.P. to, say, take your truck and examine it in a yard; basically, that is what he was going to do. If a weigh scale is handy, that is where it will go; if it is not handy, if it is up, say in the Dawson area, he will just say, when you get into Dawson, report to the R.C.M.P. with your truck.

Mr. Tanner: Well, Mr. Chairman, supposing a trucker is taking an oil rig, for example, up north somewhere, and he is stopped, and he has got to have it there by a certain specified time. He has taken out a bond to do this under contract, to do this, and because he goes back to a weigh scale, he breaks his contract, he loses his bond. Having been taken back to the weigh scale, the person who sent him back there,

Mr. Tanner continued ...

BILL #17 the R.C.M.P., proves to be wrong; is he not recompensed in any way?

Mr. Legal Adviser: No, Mr. Chairman, I can't understand how the Honourable Member cannot understand that the weigh scales happen to have an office with two or three men in it, and if it is going down the main highway and the R.C.M.P. find a person who is operating without a licence, and we have just put in a section, that he must carry a copy of his certificate in the cab-- so, he hasn't got a copy of the certificate, he is a pirate operating from Alaska. So they say, you into the next R.C.M.P. station or the next weigh scales that you come to and he will be escorted by a police car, and that will be the end of him. Of course, he can then take his truck out for \$1,000 and keep going on the road, but, nevertheless at least we get a \$1,000 out of the pirate. It's not for the purpose of weighing him; it is because that is one of the two main offices of the Registrar of Motor Vehicles.

Mr. Chamberlist: I think, Mr. Chairman, I would like to impress this particular point. There might be some confusion because we are saying that he be taken to a weigh scale. Actually, perhaps we should leave the words out "a weigh scale", and take to a place of storage. This perhaps would make it clear, because the weigh scale is just -- the words there are just as the Legal Adviser has indicated, we know we have Territorial Government Weigh Scales with Territorial Government employees in a specific place, and this is only the intent. Certainly, we can take the words out, and it will still mean a weigh scale or any place that the police wish to do it. So, if the Honourable Member wishes to have it out, we can take it out, but it doesn't matter at all. It is just another place. That's all it is.

Mr. H. Taylor: I was just going to say that it seems that somebody has overlooked the words "or a place of storage", because we certainly wouldn't take him 10 or 15 miles back just to get him to a weigh scale, if he was, say, at McRae or some place like that, we would take him to the nearest garage, or to the nearest place of storage.

Mr. Chamberlist: Right at McRae.

Mr. H. Taylor: Yes. But, as was suggested, if you remove the words, weigh scale, it won't hurt the section a bit.

Mr. Tanner: One final question to Mr. Taylor, if the reason for those weigh scales is to control truck weights -- well if it isn't what are we building the damn things for?

Mr. Chairman: I wonder if we could keep our language a little more parliamentary.

Mr. Chamberlist: The Honourable Member is asking a question which doesn't relate to this Ordinance.

Mr. Tanner: Why have you got it in there then?

Mr. Chamberlist: Weigh scales come under the provisions of the Motor Vehicles Ordinance. This is to deal with overloads on the public highway and for no other purpose. The reason that these words "weigh scales" are in, and perhaps in future, Mr. Legal Adviser will remember that individual Members of Council have a block against certain things, and I can understand the Honourable Member from Whitehorse North block on this thing. So, I think that we should take it out because I think that it would make the Honourable Member happy, but it will still read and mean exactly the same thing. Will you be happy if we take it out?

Mr. Chairman: Well, what is the intention of Committee?

Mr. Chamberlist: The Honourable Member has agreed that it is alright as it is.

Mr. Chairman: Alright, is Committee now clear on section 51? The changes as I enumerated earlier in section 54 are, (i) and (n) have been deleted, and we have a new section -- subsection (z). BILL #17

Mr. Tanner: Mr. Chairman, as I said previously, I had two questions going back. Would the Honourable Member from Whitehorse East, define the length of time under 53(c)?

Mr. Chamberlist: There is no 53(c) now.

Mr. Tanner: Okay, what happened to it?

Mr. Chamberlist: Section 53(c) is now 53(b). It was removed.

Mr. Tanner: What length of time is 53(b)?

Mr. Chamberlist: Well, it speaks of three months after the end of the fiscal year.

Mr. Tanner: Would you define how long -- is that three months or fifteen months?

Mr. Chamberlist: Well, if three months is after the end of the fiscal year, it is three months after the end of the fiscal year. The fiscal year is twelve months plus three, that makes it 15 months.

Mr. Tanner: Mr. Taylor, would you define how long that time is please?

Mr. H. Taylor: Well, the licences are issued for one fiscal year. The licences are issued to expire on March 31st. The Motor Vehicles Ordinance controls the P.S.V. licences, and when they expire. It is very clearly set out in the Motor Vehicles Ordinance. Now, here it says, if these licences are not renewed within three months after the end of the fiscal year. Now that doesn't mean that the licences are still in effect for those three months. That means that the holder of the licences has an additional three months in which to renew them, but they are no longer any good after March 31st. Then it says, that the certificate may be cancelled. Now, that means that you are given three months grace; that doesn't mean that your licences are good for those three months. That means, before your certificate is cancelled, you must renew your licences, and you have got three months to do it from the end of the fiscal year. But, the Motor Vehicles Ordinance tells you that those licences expire at the end of the fiscal year for which they were issued.

Mr. Chairman: Have you any further questions?

Mr. Tanner: Mr. Chairman, I am still not clear, whether 53(b) is fifteen months or three months?

Mr. Chamberlist: I will go over this again. The wording, I think, is clear. When it says, "has not renewed the licences specified in the certificate for a period of three months after the end of a fiscal year." Now, the certificate is one thing; this is the authority to carry out the business. The licences are what are acquired under the authority. Now, it would appear to me, and this I am sure is the way that it is interpreted, that when we talk about a fiscal year, we speak about the 1st day of April, yesterday, until March 31st, twelve months hence, which is a fiscal year. When we say he has not renewed the licences specified in the certificate of three months after the end of the fiscal year, I would say that it means after the end of the fiscal year for which a licence could be obtained. That would be the year plus the three months. This is how I read it, and this to me appears what the intent is.

Mr. Tanner: Mr. Chairman, I am asking a simple question here, and we are getting all these long answers. Is it fifteen months or three months?

*BILL #17* Mr. Chamberlist: Well, it is three months after the fiscal year, but for purposes of dates effective from yesterday, the 1st of April, a person would have fifteen months after that date to get the final three months in.

Mr. Tanner: It is fifteen months, is it?

Mr. Chamberlist: I said yes already.

Mr. H. Taylor: But, Mr. Chairman, again, let's set the two things. We are dealing with two things here. Firstly, in this Ordinance, we are dealing with the certificate of authority. Now, in the other Ordinance, we are dealing with the P.S.V. Licences. P.S.V. Licences expire on March 31st. Now, your certificate doesn't necessarily expire that date; if you do not renew your licences on that date, you have three more months; in other words, your certificate can go for fifteen months if you wish us to say that, but your P.S.V. Licences do not. That is the only thing that we are concerned with. You have an additional three months in which you may hold your certificate, but your certificate is no good to you any way. You see what I mean?

Mr. Tanner: Thank you Mr. H. Taylor; that is all that had to be said in the first place.

Mr. McKinnon: No, I agree with you, that is all that had to be said.

Mr. Chairman: Have you any other questions in relation to Bill No. 17? I am wondering if Mr. Registrar could be excused at this time? Thank you Mr. H. Taylor.

Exit Mr. H.J. Taylor.

Mr. Chairman: Yes, section 55 refers back to section 21.

Mr. Chamberlist: Yes, I would move that section 55 be deleted.

Mr. Tanner: I second that motion, Mr. Chairman.

Mr. Legal Adviser: Mr. Chairman, there will be some internal numbering changes, that would have to be made.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Tanner, that section 55 of Bill No. 17 be deleted. Are you prepared for the question? Are you agreed? I will declare the motion carried.

*MOTION  
CARRIED*

MOTION CARRIED

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

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 17 pass out of Committee as amended.

Mr. Chairman: Is there a seconder?

Mrs. Watson: I second that motion, Mr. Chairman.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 17 be reported out of Committee as amended. Are you prepared for the question? Are you agreed? 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. Tanner: I second that 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 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 a report from the Chairman of Committee.

Mr. Chairman: Mr. Speaker, Committee convened at 10:30 a.m. to discuss Public Bills and Legislative Returns. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that section 9 of Bill No. 24 be amended by deleting subsection (2) thereof and substituting the following therefor; "(2) For the purpose of carrying into effect the provisions of this Ordinance, the Commissioner may make such regulations not inconsistent with the spirit of this Ordinance as are considered necessary or advisable, and for that purpose, may provide for any proceeding, matter, or thing for which express provision has not been made in this Ordinance or for which only partial provision has been made." 2. That section 27 of Bill No. 24 be deleted. This motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 24 be reported out of Committee as amended and this motion carried. Motion No. 4 was withdrawn in Committee. Committee recessed at 11:00 a.m. and reconvened at 2:00 p.m. this afternoon. Mr. H.J. Taylor, Registrar of Motor Vehicles, attended Committee to discuss Bill No. 17. It was moved by Councillor Taylor, seconded by Councillor Tanner that sections 21 and 22 of Bill No. 17 be deleted and this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Tanner, that section 55 of Bill No. 17 be deleted and this motion carried. It was then moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 17 be reported out of Committee as amended and this motion carried. It was moved by Councillor Chamberlist, 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 Committee. Are we agreed? May I have your further pleasure?

Mr. Chairman: Mr. Speaker, in respect of the agenda, I believe on Monday we will be further discussing Public Bills and I believe Motions and Legislative Returns.

Mr. Speaker: May I have your further pleasure?

Mr. Tanner: Mr. Speaker, I move that we now call it 5:00 o'clock.

Mr. Speaker: Is there a seconder?

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 now stands adjourned until 10:00 a.m. Monday morning, April 5th, 1971.

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. Chamberlist: Mr. Speaker, I wish to rise on a question of privilege at this time. Friday, as a result of some frustrations with the Department of National Health and Welfare, I named the Chief Medical Officer of Health and was somewhat critical of him. As a result of my criticism, the local radio station and its associated radio and T.V. station onerously announced that I had requested the Chief Medical Officer's resignation. This was not a true statement and the press has a responsibility to record truly what takes place in this Council Chambers. Mr. Speaker, I wish to apologize to the Chief Medical Officer of Health for mentioning his name; certainly, there is no manner in which I can ask for his resignation and I am sure Members of Council can understand the frustrations that I am having as a result of the lack of co-operation from that Department.

Mr. Speaker: Are there any Documents or Correspondence to be tabled? 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? It has been moved by Councillor McKinnon, seconded by Councillor Stutter, that the Report of Pollution in Yukon Waters, issued yesterday by Dr. Horwood, be tabled in Council. Councillor McKinnon, are you prepared to proceed with this?

*MOTION FOR  
THE  
PRODUCTION  
OF PAPERS  
#1*

Mr. McKinnon: Yes, Mr. Speaker. The report that was issued by Dr. Horwood's office, I would like to see it made available to Members of Committee. I don't think there should be any difficulty in being able to table this document before Committee as it has already been made a public document to the press media throughout the Territory. Mr. Speaker, the question.

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

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Speaker: It has been moved by Councillor McKinnon, seconded by Councillor Stutter, that Dr. Horwood, Zone Superintendent, Northern Health Services, be invited to attend Committee to discuss the report just issued by the Department concerning pollution of Yukon waters. Councillor McKinnon, are you prepared to proceed with this motion at this time.

*MOTION #10*

Mr. McKinnon: Question.

Mr. Taylor: Mr. Speaker, I understand that Dr. Horwood may have left the Territory, yesterday, for meetings outside and it may not be possible for him to attend this meeting. This should be determined first.

Mr. McKinnon: It is absolutely dependent on Dr. Horwood's availability, Mr. Speaker, and if he is available, I think it is an important enough issue that we could use his expertise at the table in accepting the report on pollution of Yukon waters by the Department of National Health and Welfare. If Dr. Horwood isn't available, it just happens to be an impossibility, we just can't do it.

Mr. Taylor: Maybe, Mr. Speaker, Mr. Clerk could assist us in this matter.

Mr. Clerk: Dr. Horwood is out of the Territory for the entire week. He is not available this week at all.

Mr. McKinnon: Mr. Speaker, I think the only proper way to deal with this, then, would be to withdraw the motion because if it is an impossibility, that is too bad, but that is the way it is; if the seconder would agree to withdraw the motion.

Mr. Stutter: Under the circumstances, Mr. Speaker, I agree, as seconder, to withdraw the motion, also.

Mr. Speaker: Are we agreed that the motion should be withdrawn? Motion No. 10 is withdrawn. It has been moved by Councillor McKinnon, seconded by Councillor Stutter, that Legislative Return No. 24, be discussed in Committee of the Whole and a representative of the Whitehorse Consumers' Association, be invited to attend the discussion.

Mr. Chamberlist: Question.

Mr. Speaker: Are you prepared for the question?

Mr. Taylor: I just have one question, Mr. Speaker, before the vote is taken; what is the purpose of this discussion?

Mr. McKinnon: Mr. Speaker, there is a very real difference between the report of the Yukon Consumers' Association and the Legislative Return received from the Administration. It seems to me that probably a meeting between the two groups will, at least, help to clear in my mind many of the issues of which there are very disparate views between the Consumers' Association and the Administration. Much of it centers around the volunteering of the duties of Dr. Olley, from Saskatoon, who was one of the people responsible for the Batten Report which was one of the very fine reports done on consumer prices across Western Canada. Now, Dr. Olley volunteered his services for doing a similar type of survey, as I understand from the Consumers' Association, for the Government of the Yukon Territory and this help, according to the Consumers' Association, was not agreed upon by the Administration. Now, the Administration say that Dr. Olley was just interested in doing a preliminary survey of setting up a fact-finding survey and nothing else. I think it would be very enlightening for Council to listen to the views of the Consumers' Association, what they are prepared to do and if, in fact, under their auspices a study into the admitted high cost of living in the Yukon Territory could be conducted so that Members of this table could, once and for all, be able to have a document determining what is responsible for the high cost of living in the Yukon. If this can be done by a minimal cost to the Yukon taxpayers through the services of a professional from the Canadian Consumers' Association then, I think, it is incumbent upon this House to accept those services. If this is not the case, and it is impossible, then, at least we will know we can't afford this type of service at this time.

Mr. Tanner: Mr. Speaker, may I ask the Honourable Member a question in this regard. Is he aware of whether or not we can get somebody from the Consumers' Association in today?

Mr. McKinnon: Mr. Speaker, I always leave these things to the discretion of the Chairman, who always fulfills these obligations that the House imposes on him in a very efficient manner and I am sure that the Honourable Chairman, in this matter, will soon find whether a representative is available and at what time.

Mr. Tanner: Mr. Speaker, could I ask the Chairman of Committee whether he has had any contact with the Consumers' Association and whether he knows if they are available.

Mr. Taylor: No, Mr. Speaker, I have not, until this motion is approved or disapproved, it is pretty hard for me to say whether or not we will have these people here but I just bring to the Member's attention that it may have been possible to prorogue today and depending on how long this discussion will take will depend on when we may prorogue.

MOTION  
WITHDRAWN  
MOTION #11

Mr. Tanner: Mr. Speaker, I find myself in a peculiar position as I too would like to hear from the Consumers' Association in this regard, Legislative Return No. 24, but on the other hand I don't -- If it is impractical to get them here today, I don't really know which way to vote. I would like to hear them, but how do we get them in?

Mr. McKinnon: There is really no difficulty, Mr. Speaker, because if the motion passes and the Chairman can get a Member from the Consumers' Association at the time that Council wishes, then we go ahead with it. If it is impossible to do so, the motion just dies on the Order Paper in Committee and nothing further is done about it at this Session. It doesn't make any difference whether the Honourable Member votes for the motion whether an actual confrontation or meeting takes place or not, because once the Council prorogues, if it is impossible, the motion just simply dies on the Order Paper.

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

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Speaker: Mr. Clerk, will you see if the Administrator is available. We will now have a short recess.

RECESS

*RECESS*

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

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Administrator a question. I would like to preface it by a short quotation from Time Magazine, April 5th, 1971; the quotation reads, "Because their proposals still await Cabinet study, Justice Department officials are discreet on the subject, but Turner will disclose his hand when he flies North in June to announce comprehensive legal aid programmes for the Yukon and Northwest Territories as Ottawa has undisputed constitutional jurisdiction." I would like to ask Mr. Administrator whether there has been any consultation between anybody in the Yukon with the Department of Justice towards a Legicare system for the Yukon Territory.

*QUESTION  
RE  
LEGICARE*

Mr. Administrator: Mr. Speaker, I was just as surprised, I think, as most everyone else was when that report appeared in Time Magazine. I checked with the Department of Justice officials and they say that they have given no release at all from the Minister's Office that the Honourable John Turner will be coming to the Yukon or N.W.T. at this time to discuss, what they call, Judicare. We do know, however, that Mr. Sol Samuels wants to come up here and discuss a proposal with us, but this has been held off until some time later in April. At the present time, that is all we know that they want to make a proposal to us and until such time as we know the details we will not be able to decide one way or the other whether we are going to embrace Judicare.

Mr. McKinnon: A supplementary question, Mr. Speaker. Did Mr. Administrator make it clear to the members of the Department of Justice that it would be proper and right to involve Members of the Yukon Legislative Council, or at least the Executive Committee of the Yukon Legislative Council, in all aspects towards the Judicare programme before issuing or before any statements are released to the press concerning Judicare for the Yukon Territory?

Mr. Administrator: Mr. Speaker, this was pointed out to the Department of Justice officials and as I said they were just as surprised as we were at this statement appearing. They feel that it must have been picked up somewhere in the press gallery by inference from other statements. Certainly, the Department of Justice people will be consulting with us before any such plan is even contemplated.

Mr. McKinnon: Mr. Speaker, Mr. Administrator is saying that there is no such plan contemplated by the Department of Justice for the Yukon at this time and that the statement appearing in Time Magazine is erroneous.

Mr. Administrator: Mr. Speaker, there is a plan contemplated but we don't know what it is all about. The idea was that Mr. Samuels was to come out here and discuss it with us. This will be later this month. There has certainly been no definite indications from the Minister's Office that he is about holus-bolus to announce a Judicare Plan without consulting us.

*QUESTION RE  
TIDAL ACCESS*

Mr. Taylor: Mr. Speaker, I have a question for the Administration respecting tidal access, this morning. Some few years ago there was a suggestion that a road be built from Whitehorse, utilizing the existing Atlin Road, down to Atlin and thence on to Juneau, Alaska via the Taku route. It was thought at that time, Mr. Speaker, that this would link our two capitals, the capital of Alaska with the capital of the Yukon, two comparable populations, that we would provide ourselves with sophisticated uncontrolled port facilities and that the nature of the terrain provided moderate costs in this construction. I am wondering, this morning, Mr. Speaker, if Mr. Administrator could advise me as to whether or not the Territorial Government, or indeed, they have knowledge of what the Federal Government might be doing, have given any consideration or are contemplating feasibility studies for this route.

Mr. Administrator: Mr. Speaker, I am not too sure what the state is of the planning of that road or whether they even decided to do any planning. I would like to take it to notice and I will find out what has been going on and what they may be thinking about as to developing that route.

Mr. Taylor: Yes, Mr. Speaker, in light of the importance of tidal access, I would most appreciate having some information on this matter.

Mr. Stutter: Mr. Speaker, many of the Members of this House and myself, indeed, have asked questions this Session regarding pollution. One of them, of course, was the tabling of the report by Mr. Wishart. I am pleased to see, this morning, that this report has been tabled ...

Mr. Chamberlist: No, no, no. It has not been tabled.

*QUESTION RE  
DAWSON CITY  
DUMP*

Mr. Stutter: It is not tabled? I retract that. Alright then, I will just come right to my question. In the past I have asked questions regarding the Dawson City dump and I received assurance from the Commissioner that Dawson, if they requested by formal letter, would have assistance from Sanitation Engineering re: the relocation of the Dawson dump. At that time, I pointed out that we had been told that it was in our interest to wait until the bridge was put across the Yukon before relocating the dump. I would like to ask the Administration if they can tell us anything at all about a proposed or planned bridge across the Yukon River at Dawson.

Mr. Administrator: Mr. Speaker, there certainly doesn't seem to be any definite planning for a bridge across the River at Dawson. I will follow up the other request to see if you can get some medical advice about relocation of the dump.

Mr. Stutter: Thank you.

*QUESTION RE  
HIGHWAY*

Mr. Taylor: Mr. Speaker, I have a further question of the Administration, this morning, relative to highways. It has been proposed for the last couple of years, that a strip of pavement six miles long may be implemented in Watson Lake this coming season. Is this project now being deferred or is it indeed going to go ahead?

Mr. Administrator: Mr. Speaker, I am not too sure the status of that project. It will be a D.P.W. contract. I would like to have some time to find the answer. I will probably have it by tomorrow.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: I wonder, Mr. Speaker, whether Mr. Administrator could tell me whether the contracts for the supply of wood to the territorial campgrounds were completed on time; and if not, whether extensions are being granted to those people who receive these contracts from the Territorial Government?

Mr. Administrator: Mr. Speaker, I don't have the information offhand, but I can get it very quickly for him, the Honourable Member.

Mr. Speaker: Are there any further questions? We wish to thank the Administrator for his attendance. As there are no Private Bills and Orders, we come to Public Bills.

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

MOTION CARRIED

*BILL #17  
AMENDMENTS  
FIRST  
READING  
MOTION  
CARRIED*

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

MOTION CARRIED

*BILL #17  
AMENDMENTS  
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 Third Reading.

MOTION CARRIED

*MOTION  
CARRIED  
BILL #17  
THIRD  
READING  
MOTION  
CARRIED*

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

MOTION CARRIED

*BILL #17  
TITLE  
ADOPTED  
MOTION  
CARRIED*

Mr. Speaker: I declare that Bill No. 17 has passed this House.

Mr. Chamberlist: Mr. Speaker, I would move at this time that Bill No. 24 be returned to Committee of the Whole for further study.

Mr. Speaker: Is there a seconder?

Mr. Taylor: I second the motion.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Watson Lake, that Bill No. 24 be referred back to Committee of the Whole for further study. Are you prepared for the question? Agreed? Motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 36, An Ordinance to Amend the Taxation Ordinance, be given First Reading.

MOTION CARRIED

*BILL #36  
FIRST  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 36, An Ordinance to Amend the Taxation Ordinance, be given Second Reading.

MOTION CARRIED

*MOTION  
CARRIED*

*BILL #36  
SECOND  
READING*

*MOTION  
CARRIED*

*BILL #37  
FIRST  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 37, 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 #37  
SECOND  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 37, 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

Mr. Speaker: What is your further pleasure?

Mr. Chamberlist: Mr. Speaker, I move that Mr. Speaker do now leave the Chair and that Council convene in Committee of the Whole for discussion of Bills, Motions and Legislative Returns.

Mr. Tanner: I second the motion.

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Whitehorse North, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Public Bills, Sessional Papers and Motions. Is the House prepared for the question? Agreed? I declare the 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 this morning will be Bill No. 15, the Labour Ordinance.

*RECESS*

RECESS

*BILL #15*

Mr. Chairman: At this time, we will call Committee to order. We have before us, Bill No. 15. Councillor Stutter, would you take the Chair?

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, in relation to this Bill; it was left in abeyance in Council so that we might determine from the public and organized labour just exactly what they thought of the Bill. There has been much discussion and debate upon it. I personally, have had the opportunity to discuss the matter with the Steelworkers' Union, with the Operating Engineers and with the Building Trades Council and they seem to feel that, if it is fairly administered, it would be of benefit to the Yukon labour force, as we do. Consequently, I am quite happy and content that it is good legislation. I think it should be understood or made clear to the public, so that they have no apprehension in relation to this piece of legislation, that this affects no one upon gaining assent in the House. The only time it will affect any classification of employment will be when the Commissioner decrees -- designates that particular class of employment and at that time he can, by virtue of this Ordinance, bring down regulations -- regulatory control in respect of hiring practices under that part. I had heard that the public was a little confused on this because they naturally assumed, from what they had heard about this Bill, that nobody could hire anybody but a resident anymore, that is not correct. However, if people do start hiring people out of Vancouver and outside points leaving the Yukon labour force right out of the picture, the Commissioner will now have that right to put a stop to it and where employees are available and capable that they should be given prior rights to employment within the Territory. Consequently, I wholeheartedly support the Bill. These are my remarks on the subject.

Mr. Taylor resumes the Chair.

*BILL #15*

Mr. Chairman: Councillor Stutter.

Mr. Stutter: Mr. Chairman, there is one question I would like to ask. If we adopt this Bill, I am just wondering whether any thought has been given to the enforcements of it, that is, if the Commissioner does make regulations. I wonder if the Legal Adviser could tell me how such a Bill would be, in fact, enforced.

Mr. Legal Adviser: Mr. Chairman, the intention, which is clear from the Bill, is that the enforcement will be against the employer who is in the Yukon. It is directed against an employer and says no employer shall do certain things. If he offends against that, having become an employer of a designated trade or occupation, an enforcement will be directed against him.

Mr. Chamberlist: Mr. Chairman, I would move that the -- I would move that Bill No. 15 as amended, pass out of Committee.

Mrs. Watson: Mr. Chairman, I will second the motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 15 be reported out of Committee as amended. Are you prepared for the question? Are you agreed? I will declare the motion as carried.

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Chairman: The next Bill is Bill No. 24, the Yukon Health Care Plan, which was referred to Committee for amendment this morning.

*BILL #24*

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 24 be amended by adding thereto the following section, "34. This Ordinance shall come into force on a day to be fixed by the Commissioner."

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 24 be amended by adding thereto the following section, "34. This Ordinance shall come into force on a day to be fixed by the Commissioner." Any discussion on the amendment? Are you prepared for the -- Councillor Stutter.

Mr. Stutter: Mr. Chairman, I just would like complete assurance, at this time, that the move that we are about to make in no way binds us to this particular Ordinance until we have talked this thing over completely with the public. I have had this assurance in Committee meeting before, but I would just like once again to have it spelled out that this in no way goes into effect until we have, at least, discussed it with our constituents.

Mr. Chamberlist: Mr. Chairman, I cannot go beyond what I have already indicated that the Bill will not come into force, in any event, until the first of April, 1972, and that there are a number of Sessions between now and that date for the Bill to be brought back again for amendment if Members of Council so desire.

Mr. Chairman: Are you prepared for the question? Agreed? I declare the motion as carried.

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 24, An Ordinance Respecting the Health Care Insurance Plan, pass out of Committee as amended.

Mr. Chairman: Is there a seconder?

Mrs. Watson: I second the motion.

BILL #24

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 24 be reported out of Committee, as amended. Are you prepared for the question? Are you agreed?

Mr. McKinnon: Disagreed.

Mr. Chairman: I will declare that the motion is carried.

MOTION  
CARRIED

MOTION CARRIED

BILL #36

Mr. Chairman: Next Bill for consideration is, Bill No. 36. This is an Ordinance to Amend the Taxation Ordinance. (Reads Bill No. 36) Any discussion on the Bill?

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 36, An Ordinance to Amend the Taxation Ordinance, pass out of Committee without amendment.

Mr. Tanner: I second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Tanner, that Bill No. 36 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed?

MOTION  
CARRIED

MOTION CARRIED

BILL #37

Mr. Chairman: The next Bill is Bill No. 37. (Reads Bill No. 37) Is there any discussion on this Bill?

Mr. Stutter: Mr. Chairman, I wonder if it is possible to see a breakdown of this figure.

Mr. Chamberlist: Mr. Chairman, it is broken down into two areas; under Establishment 1900, there is a loan interest of \$5,523.66 and; under Establishment 22, repayment to the Government of Canada, \$36,250 which makes up the total of \$41,773.56. It should be explained that we get the money from Ottawa to pay them back. It is not costing the Government any money at all.

Mr. Chairman: Is there any further discussion? What is your pleasure in relation to this Bill?

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 37, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, pass out of Committee without amendment.

Mrs. Watson: I second the motion, Mr. Chairman.

Mr. Chairman: Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 37 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.

MOTION #9

Mr. Chairman: Now, I believe, Mr. Clerk, concludes all work on Bills within Committee. Is this correct? We have two remaining matters. One is Motion No. 9 referred into Committee on March 31st, 1971, respecting the Community Development Grant. Councillor Stutter, would you take the Chair, please?

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I raise this question, as I stated earlier, that this has always been a question of dissention, really, in prior Councils and no doubt will continue to be a problem until we amend or change our policy in respect of the distribution of these very small amounts of money, really, in relation to the Community Development Fund.

Mr. Taylor continued ...

The motion before you today is an attempt to change this policy to make it more equitable where individual projects would be considered in annual budget on an item by item basis and certainly, there has got to be a policy brought down. I have since learned, in dealing with this matter, that the Administration are contemplating a policy and have been giving this matter some of their time and effort and had intended on bringing down such policy in the fall. I merely place this motion before you, for your consideration. I stated five sections here as a matter of showing some flowing routine by which this can be accomplished and it may be that when we do arrive at a policy that it may not follow these same lines, but, I think, generally I have outlined something which would be more desirable than what we now have. I would like to hear a little discussion on it and find out what Committee Members think about it and if Members so wish we can move that this motion be accepted or if, in the opinion of Committee, we leave this to the Executive Committee, I would be glad to withdraw the motion. I would like to hear exactly what Committee does feel in respect of this motion. MOTION #9

Mr. Chairman: Just in speaking from the Chair. I wonder if it is possible for any Member from the Executive Committee to fill us in on this intended report.

Mr. Chamberlist: Mr. Chairman, I can reiterate the Government's intention to bring down a policy relative to all grants and the particular grant that is being referred to by the Honourable Member will, of course, be included in that policy decision, which is being worked on now by the Executive Committee.

Mr. Taylor: Will this be forthcoming, Mr. Chairman, at the Fall Session?

Mr. Chamberlist: It will be forthcoming at the -- for the Fall Session, Mr. Chairman, but it will not relate to this year but it will relate to next year.

Mr. McKinnon: Mr. Chairman, I will be very interested in seeing the policy paper that the Administration will bring before Council at the Fall Session of this Assembly. This has always been a very controversial issue as the Honourable Member from Watson Lake has said, and a contentious one, and I have been constantly in opposition to the method of dispersal of the Community Development Grant. I think my main argument is that I don't think that the Grant is really doing, with its present method of distribution, what it could do in the Yukon Territory. I have always been of the opinion that there is so much that is needed to be done in the smaller communities in the Yukon to make life amenable; to be able to get people attracted to live in the areas outside of Whitehorse. Here is one area where of the total of the amount of monies, \$56,000 were available for distribution in different places through priority grant distribution that actually something could be accomplished in these communities, rather than giving \$100 here and there, \$200 there, \$500 or \$1,000 somewhere else. I have always been against the concept of it being politically distributed. I have always thought, and I still feel, that this is one of the real vestiges of irresponsibility shown by Members of this House when they still allow for this political distribution of taxpayers' fund. I am absolutely opposed to Motion No. 9, where four and five would put it in the hands of the Sub-committee on Finance because with the advent of Executive Committee membership in Responsible Government it means that this would be even a more political distribution than it was before. There is all kinds of ills and harms that could come out of such a method of distribution. To mention a few; when a Member were in opposition, his money was involved in the Sub-committee on Finance distribution, if politics being what they may, I don't think that that person's constituency would sometimes see too much money, unless he was willing to go along with some of the programmes that the Administration decided were in the best interests of the Yukon people even if he didn't agree that these were in the best interests of the people of the Yukon Territory. I think this would even be more dangerous than it is now. I think the method of distribution has to, and I agree with the 1st, 2nd and 3rd sections of the Honourable Member's motion, that the grants should appear in the annual estimates and receive Council approval in the normal manner; but, what I do

MOTION #9

Mr. McKinnon continued ...

disagree with, is the method of distribution. I think that this has to be made by a non-political body, non-political in every way, shape and form; a body, which I would like to see have the majority of membership from outside the Whitehorse Metropolitan Area. I think the need for capital expenditure for community development is much more essential, is much more needed and much more obvious in areas outside the boundary of the City of Whitehorse and outside the Metropolitan Area of the City of Whitehorse. I think, the present Advisory Committee on Fitness and Amateur Sport is a body already set up and is non-political, the Territorial Councillor has the responsibility for appointing a member from his district to sit on that Board concerning recreation throughout the Yukon Territory. I think this is the type of board that we should be looking for to set priorities as to how the Community Development Fund should be set. I don't think that it can ever work. I think the only way that it can ever be properly distributed is for the Members of this House to let go of the responsibility for the decision of where the money is spent. The ultimate control will still be in the Member's hands because if they disagree so absolutely that a project shouldn't be gone ahead with and if it is not in the proper interest then they have the availability of the budget to defeat that specific grant. If this -- if the objection to the motion was eliminated by the Administration policy paper that comes down then I would be very happy to be able to support what I would consider a more equitable and a non-political distribution of the slush fund. Thank you, Mr. Chairman.

Mr. Taylor: This Motion No. 9 was put in for discussion purposes as I stated before. It may be that all Members may not agree with each of the five items within it. We have had one Member speak now who disagrees with the distribution that I suggested under 4 and 5. However, I think that possibly the best thing that I could do, at this time, if my seconder would agree, would be that I would withdraw the motion at this time with the assurances given by the Honourable Member from Whitehorse East, this morning, that indeed they are actively giving this matter consideration and take it up again at the Fall Session when the proposed policy is laid before this table. So, with the permission of my seconder, I would then withdraw Motion No. 9.

Mr. Chamberlist: Just a question before the withdrawal takes place. I would like to point out a definite disagreement that I have with the Honourable Member from Whitehorse West when he indicates his situation about money being used politically in each particular Member's constituency. I have more trust in the integrity of Member's of this Council than perhaps he has. I know that I, for one, didn't use the money just simply in my constituency. I used it in both the constituencies that the Honourable Member represents now and the constituencies that he represented before. It was put where the need was. I would like to make that specific point clear.

Mr. Chairman: I think at this time we will declare a brief recess because of the necessity to change the tape. I would ask Members not to drag this one out for an indefinite period.

RECESS

RECESS

Mr. Chairman: At this time, I think we'll call Committee back to order. I wonder, Councillor Taylor, if you would resume the Chair?

*MOTION #9*

Mr. Taylor: I am just wondering, before resuming the Chair, if I could have the agreement for the withdrawal of this motion.

Mr. Chairman: Is it the...

Mr. Tanner: Mr. Chairman, I believe -- yes, I am going to withdraw. I agree with withdrawing the seconding of the motion. There is one point that I would like to make concerning what the Councillor from Whitehorse West said. Basically, everything he said, I agree with. There is one point to make and that is the fact that Whitehorse North is not necessarily a Whitehorse constituency, as everybody is well aware. It might be called Whitehorse North, but it is almost a country constituency and in that case, the conditions that he is setting down -- or the conditions that he is suggesting that should be set down regarding the outside constituencies don't necessarily apply to my constituency and I would like to make that reservation very clear.

Mr. Chairman: Is it the agreement of Committee then, that we withdraw this motion at this time?

Mrs. Watson: Mr. Chairman, before we withdraw it, I would like to hear any other comments from any other Councillors on the Development Fund, if they would like to bring them forth at this time.

Mr. Chairman: I have a few comments that I would like to make myself.

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

Mr. Taylor resumes the Chair.

Mr. Chairman: Motion No. 9 has been withdrawn in Committee.

*MOTION #9  
WITHDRAWN*

Mr. Stutter: Yes, Mr. Chairman; it has been suggested by Members, both inside the House and outside, on occasion, that thought be given to the consolidation of this Fund and rotating it, so that a rather large fund comes into each area every seven years. I find a lot of arguments in favour of this, and obviously, there are a lot of arguments against it, but it does seem to me that with a sizable grant, such as \$50,000-\$60,000, even if it just comes once in seven years, it can be put to a really worthwhile project. At the moment, I find that the fund is two-bitted to death as it were, and it doesn't really accomplish a great deal. I would like to hear the comments of Members that have obviously discussed this before, Members of the previous Council, and also, the feelings of the newer Members in this particular regard.

Mr. Chamberlist: Perhaps, Mr. Chairman, I would suggest that we wait until the policy is brought down and then, perhaps, the Honourable Member may have much room to discuss everything in the policy, when it comes down.

Mr. Stutter: Well, Mr. Chairman, I notice that Mr. Chairman himself, was shaking his head. Perhaps he has something -- a little light to throw on this particular suggestion that I have just made.

Mr. Chairman: Just in speaking from the Chair, I am sure my people in all the many communities I represent, could not afford to wait seven years for it, assistance from this plan, and I would suggest that another policy and possibly, more money would have to be made available in order to alleviate this.

Mr. Chamberlist: Perhaps, Mr. Chairman, I didn't make myself clear,

*MOTION #9*

Mr. Chamberlist continued.....

but the policy would relate to all grants and I think, perhaps if the Honourable Members would not press the issue until such time as they have a look at the policy, you would have ample time before the next fiscal year to discuss all the ramifications of the policy.

Mr. Stutter: Mr. Chairman, I have just one other point that I would like to bring up. We've just been told that this policy -- the proposed policy would relate to all grants. I take it then that when this proposal comes forth, it would be somewhat of an omnibus bill and it will be at that time very hard to decide on this if this particular grant is incorporated with all grants.

Mr. Chamberlist: Mr. Chairman, the policy relates to all grants, but there is no suggestion that all grants become one grant. We haven't formulated a complete policy on it and the Executive Committee is studying it very closely to make sure that when Members of Council are presented with the policy paper on these grants that are made by the Territorial Government, they'll have the opportunity to discuss it very thoroughly.

Mr. Stutter: Mr. Chairman, I am quite prepared to wait for that.

Mr. Chairman: Does anybody have anything further on Community Development Grants? The only matter left then for our consideration in Committee, prior to reporting back to the Chair, will be Motion No. 11, respecting the Whitehorse Consumers' Association and Legislative Return No. 24, which we are going to deal with at 2:00 o'clock. So, in view of the time we will stand Committee in recess until 2:00 o'clock.

*RECESS*

RECESS

Witnesses in attendance: Mrs. Christensen and Mrs. L. Lane, Whitehorse Consumers' Association.

Mr. Chairman: At this time we will call Committee back to order. We are discussing Motion No. 11, moved into Committee this morning with respect of the Whitehorse Consumers' Association, and Legislative Return No. 24. Councillor McKinnon.

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Mr. McKinnon: Mr. Chairman, I asked for this meeting between representatives of the Whitehorse Branch of the Consumers' Association of Canada and Members of the Territorial Government, because I think that all Members are very well aware of the high cost of consumer products in the Yukon. I think its not really -- doesn't really have to be pointed out that the latest Dominion Bureau of Statistics figures show that the cost of living in the Yukon is 25 points higher than that in Vancouver. The Whitehorse Branch of the Canadian Consumers' Association or the Consumers' Association of Canada presented a brief showing that in a little more than three and a half months the cost of living in the Yukon has gone up relatively about 4 percent in the purchase of food products. Now, we have passed a motion unanimously by this Council asking the Honourable Ron Basford to either personally visit or send a team of his experts to the Yukon to try and ascertain why the costs of living are so high and why they are skyrocketing in the Yukon. Unfortunately, Mr. Basford, would like to receive a brief considering the statistics concerning the Yukon and the Whitehorse area prior to his coming to the Yukon to investigate the high cost of living in the Yukon. Now, the Whitehorse branch of the Consumers' Association of Canada, through their national executive were put in touch with Dr. Olley who was, of course, has been the director of research dealing with consumer problems in inflation in Saskatchewan, which was known as the Batten Report, which was a very valuable informative piece on the cost of living throughout Western Canada, and of course he is a Doctor of Economics at the University of Saskatchewan, and has agreed to come to the Yukon to put together a survey at only the cost of his expenses to the Yukon Territory. Now, there seems to be some disagreement between what actually the visit of Dr. R.E. Olley would contribute to the Yukon, and whether in essence, he would be able to present the type of a brief which would mean that Mr. Basford would then come to the Yukon. The Administration says that the type of valid analysis that we are looking for would cost in the area of hundreds of thousands of dollars. Now, it is pretty difficult for me to imagine the Yukon Territory spending hundreds of thousands of dollars on such a survey, and I thought maybe this type of meeting, we could have a meeting of the minds between the Administration and the Yukon to find out whether there is an available cheap source of statistical evidence that would provide the answers, because it is true, and the Consumers' Association have such a valid point, that people are asking the question, why, why the food costs have gone up 4 percent in three and a half months, why the cost of living is 25 points higher in the Yukon than in Vancouver? I as a Legislator don't know the answers, all I know is that when I push my shopping cart through the supermarkets, that I am stopped by housewife after housewife, just saying look at the cost of these groceries, I could have filled that thing twice as much for half the cost a few years ago, and why is it happening, what is the reason for it, and I don't have any answers. Any help that anybody can give this Government to try and come up with the answers, I think should be seized upon by the Government, and if we can do it at a minimal cost to Government, then we should take this opportunity. Now, I wonder, to start things off, whether members of the Consumers' Association would like to elaborate on the remarks I have made, and whether they feel that, if the Government were willing to share in the expenses of a person of Dr. Olley's stature coming to the Yukon, whether the questions that we are trying to get to the bottom of, could be answered in this way.

Mrs. Christensen: Well, first of all, with regard to the hundreds of thousands of dollars. This would depend very much on the type of survey

Mrs. Christensen continued ...

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which was required. If you look at a Royal Commission, this does run into hundreds of thousands of dollars. We did not know, as an Association what was required. We asked the Territorial Government, if they could give us the frames of reference under which to work, and they weren't just sure what was required either. We didn't know if they wanted us to go into the footage in supermarkets, which can contribute to costs if it is inefficiently used, or whether they simply wanted food prices, clothing prices, and this sort of thing. We discussed it at great lengths, and felt that because of our inexperience, and because the Territorial Government didn't seem to be able to give us just what they wanted, we approached our national office, and they said we could not go ahead on a survey of this type without expert advice, and they said that is no problem, Dr. Olley has volunteered his services. Now, this seemed to us to be a sensible thing, because he should know, with the experience that he has, what would be required in order to prepare a brief which would satisfy Mr. Basford, and he was willing to come, with the stipulation that he would need travel expenses. Now, Mr. Hodgkinson mentioned here, in this Legislative Return, "one point that should be made quite clear is that Dr. Olley was only to confer with us, to act as consultant in setting up a survey, not in carrying it out." This is true but C.A.C. Members would have carried it out if necessary. We were prepared to carry out the leg work.

Mr. McKinnon: Now, to make sure that I have got this absolutely straight in my mind. If Dr. Olley came out and outlined the type of survey that was needed to interest Mr. Basford's department in coming to the Yukon and holding an investigation, the Whitehorse Branch of the Consumers' Association of Canada would be willing to gather the statistical material so that the survey requirements would be met?

Mrs. Christensen: Yes.

Mr. McKinnon: Now, what were the expenses involved, do the Consumers' Association feel, in Dr. Olley coming to the Yukon to outline the type of survey that would be needed?

Mrs. Christensen: He said that he would come if his food, lodging and air fare were paid.

Mr. Tanner: Did he say how long it would take, if he did come, a week, two weeks, how long?

Mrs. Christensen: No, it seemed -- he seemed to think it would take a relatively short period of time to establish what was required. To us, it seemed a week at the outside, he would probably have been able to determine what was needed.

Mr. McKinnon: I wonder, Mr. Chairman, if I could get the Administration's viewpoint on this now, because it seems to me a pretty sensible approach where we have the expertise coming at a minimal cost to the Government, then an organization like the Consumers' Association doing the statistical work, and perhaps through this method at a minimal cost to the Yukon getting the experts from Mr. Basford's department into the Yukon. It all seems to be a rather sensible sequence of events in trying to get to the root of the problem that we are all asking questions about.

Mr. Administrator: Well, Mr. Chairman, speaking on behalf of the Administration, when we got the information that a statistical valid analysis would cost in the hundreds of thousands of dollars, we then sort of lost interest, because we knew that we could get the cost of food, because D.B.S. were at least running some statistics, and all across northern Canada were showing that they were running anywhere from 15 to 25 points above equivalent southern centers. We did not think, at the time, that the information on an ordinary survey would give us any more than what we get from D.B.S., and yet to go into something which was really comprehensive would cost us a lot of money, which we didn't think we had.

Mr. Administrator continued ...

Now, we do know that even D.B.S. at the present time, cannot set up their statistics in such a way to get valid price comparisons in the North against the South, that is taking all factors into consideration. So, our attitude was that, certainly if D.B.S. has not got the expertise or certainly cannot set up their forces to do it, and this is what they are organized to do it for, I don't see that we as a Government would be able to do it unless we had to spend a heck of a lot of money, and it was on that point that we stopped, because we did not think that we could justify a great expenditure to try and do something which D.B.S. as a country wide organization up till then had said they could not do.

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Mrs. Christensen: May I speak? This apparently during -- I am sorry that Mrs. Burns can't be here today, but during her discussions with Mr. Pearson, I do believe that she mentioned the fact that a more crude survey could probably be carried out for between one thousand and three thousand dollars. Now, whether this would have provided the answers, we don't know, because we couldn't move unless we had the advice of an expert.

Mr. Chamberlist: Mr. Chairman, I would first like to say, that in response to a letter that was written by the Consumers' Association to myself, dated February 16th and asking two specific questions, I replied on February 18th, and that is two days later, so they certainly got a prompt reply. I replied to Mrs. Burns, president of the Whitehorse Branch, "thank you for your letter of February 16th, To answer your first question, regarding non returnable containers. I can indicate that consideration is being given, the preparation of a Litter Ordinance, and although I cannot at this time say whether it will be ready for passage at this Session, it will certainly be available for next Session. To answer your second question, regarding a proposed Yukon wide cost of living survey, the Government is attempting to obtain comparative indexes of retail price levels in various areas of the country, as soon as this information is available to me, I would like to have the opportunity of discussing this matter further with you, and then perhaps make some recommendation to the Territorial Government based on our discussions." But, Mr. Chairman, the information that was asked for had not been made available. However D.B.S. have made available on a basis, and this was just recently obtained, on a basis of consumer price movement up to -- for the two months, January, February, based on December, 1970, that all items, taking the 1961 as 100 percent, and all items December 1970 is 129.8 and January, 1971 went up to 130.3 and February 1971 went up to 130.9. This was on the overall of all items. There were various breakdowns, if the-- Mr. Chairman, if the Members are interested in getting the other breakdowns, I am prepared to give it now, or make it available by way of a copy of this information of D.B.S. later on. However, if you like, I can read them? There is very little in them. The food for instance, on a component weight of 27, it is December 1970 125.6, January is 126.5, February is 127.5; housing 133.4 to 134.1 to 134.5; clothing 127.9 and dropped to 127 and February it dropped again to 125.9, so the clothing index, by D.B.S. has been dropping.

Mrs. Christensen: Is this -- May I speak? Where are these figures related to?

Mr. Chamberlist: This is the Dominion Bureau of Statistics country wide. This is the information that has -- we have received on the country wide basis.

Mrs. Christensen: But, does this include the North?

Mr. Chamberlist: The North is country wide, its all part and parcel, but it is all in one figure. If I may continue. However, this information I will give -- I will give this information to the Members, afterwards. The point that I wish to make is that in one of the letters that have been written to Mr. Pearson, dated August 10th, 1970, Mr. Chairman,

Mr. Chamberlist continued ...  
*LEGISLATIVE RETURN #24* it was indicated that the consultant service was gratis, but due to the limited financial reserves of the Consumers' Association, transportation and living expenses would have to be provided. We hear, then in another documentation, it was applied in a statement by the Consumers' Association it gave an indication of a thousand to three thousand dollars.

Mrs. Christensen: That would have been to carry out, if a survey could be drawn up, which could provide the information to get Mr. Basford here. It was felt that between a thousand and three thousand dollars would be sufficient to carry the survey out.

Mr. Chamberlist: Well, Mr. Chairman, I would make it quite clear, that I am sure the members of the Consumers' Association know that I have every sympathy with their cause. But, it appears to me, that there hasn't been a -- proper information brought forward to the Government finding out exactly what was required from the Consumers' Association and that ...

Mrs. Christensen: Well, we were asking the Government, Mr. Chamberlist, this is the point, they couldn't give us what they needed before we could proceed, we required advice as to what was needed in order to prepare the necessary brief and obtaining the figures. Now, for us to go off helter-skelter was totally unreasonable.

Mr. Chamberlist: Mr. Chairman, I am sure Mrs. Christensen knows, that I don't have to go into the reasons why and how...

Mrs. Christensen: But, you are missing our point.

Mr. Chairman: One at a time please.

Mr. Chamberlist: In speaking on this Legislative Return No. 24, the suggestion was that there has been a "do nothing" policy, and this is where I take objection, because this is not so. The Government of the Yukon Territory is quite concerned with the cost of living in the Yukon, but at the same time, we must find the funds to do certain surveys, if it is expected of the Government to put up the money for this purpose. I think really what has happened here, is that there hasn't been sufficient dialogue in this relationship. Certainly, if perhaps a couple of your members would have come along and spoken to Members of the Government, and try and get an understanding and give us an understanding of what you are attempting, I am sure there would have been a closer understanding, Mr. Chairman.

Mrs. Lane: Yes, may I speak? According to Sessional Paper No. 7, that the Administration submit a brief outlining the cost of living in all areas of the Yukon to the Honourable Ron Basford, Minister of Consumer Affairs, we were approached as an Association to carry out the survey in order that a brief could be presented. However, we did not have specific terms of reference from the Government. Because we didn't know exactly what was required, we could not make an accurate estimate of the cost. The only thing that we can tell the Government is, that Dr. Olley offered his services gratis, and expenses would have to be met. Of course, we have no way of knowing what the expenses are going to be, unless the Government can give the Consumers' Association the terms of reference under which to work.

Mr. Chamberlist: Mr. Chairman, I wonder if one of the ladies can indicate when they asked for terms of reference, because I haven't anything on file of this?

Mrs. Christensen: This was following a telephone conversation, a letter addressed to Mrs. Burns, dated July 21st from Mr. Pearson. The first part is, "further to our telephone conversation of today, attached please find a copy of Sessional Paper No. 7", then there is the body, and the final paragraph, "as discussed I would appreciate receiving from you

Mrs. Christensen continued ...

at your earliest convenience, an estimate of the cost of the preparation of such a brief by your group so that further consideration can be given to this matter."

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Mr. Chamberlist: Yes, well this is what I am trying to find out. As a result of this letter, Mr. Chairman, did you then ask for terms of reference?

Mrs. Christensen: In I believe -- this was discussed in the telephone conversation, and we were not able to get terms of reference, as to what was required. Mrs. Burns later spoke with a gentleman, I only know his first name, Raghue, of the Commissioner's Office, trying to get some terms of reference. So, in view of this, it seemed that to proceed, we had to find someone that knew what was wanted, and Dr. Olley seemed to be one person that might have an idea of what was required.

Mr. Chamberlist: Well, Mr. Chairman, the point that I am making for the witnesses is that there appears to be, through some inadvertent thing, no written correspondence as to what actually is the terms of reference, because I find it difficult, Mr. Chairman, to try and correlate the suggestion that there were some terms of reference in a telephone conversation, and I can't read a telephone conversation when there is nothing in the files.

Mrs. Christensen: Do you suppose we would have proposed this, if we had of known what was wanted?

Mr. McKinnon: Mr. Chairman, I really think that we are all on the same track and we are just going around it the wrong way. It seems to me that Dr. Olley, who has had extensive experience with the Royal Commission, the Batten Commission, would know exactly what statistical information that the Minister of Corporate and Consumer Affairs would need to be able to convince him that he should come to the Yukon, and put his experts at work at determining why the high cost of living in the Yukon. Now, we bring Dr. Olley, up at the auspices of the Government, at nothing but his expenses, room, board and transportation, that has to be a maximum of \$500 for his stay in the Yukon to organize a survey. Now, the Whitehorse Branch of the Consumers' Association of Canada collects the statistical information, then gives it to the Government. Then the Government makes the decision as to whether this is the type of information that will bring Mr. Basford and his experts to the Yukon. So, we have got what we all wanted, hopefully for a minimal cost to the taxpayer of the Yukon. I have been trying to think of the way that we could draft a motion that would be acceptable to the majority of Council, and I have come out with something like this, which I think could be accepted. That it is the opinion of Council, that Dr. Olley of the University of Saskatchewan be invited to the Yukon, to organize a survey that the Whitehorse Branch of the Consumers' Association of Canada can undertake into the high cost of living in the Yukon. Dr. Olley's room, board and transportation, only to be borne by the Yukon Territorial Government. Then, the Government of the Yukon, to whom the brief will be presented to, feel that this is the type of information that will warrant a visit by Mr. Basford to the Yukon, then, I think, that we have got what we all wanted. This is the type of approach that I would make to Honourable Members, and hope that they will support me in a motion of this type.

Mr. Chamberlist: Well, Mr. Chairman, the figure of \$500, that the Honourable Member has just mentioned, is the first time that I have seen a figure of that nature. Where the Honourable Member finds that figure, I don't know, perhaps if the suggestion had been brought forward in correspondence, that this is required for the purpose of taking care of transportation and his hotel and food, there would have been no problem involved at all. But there was no suggestion of this amount. This is what I am trying to find out -- to find out, where there is a lack of communication -- in a letter that is addressed to one of the newspapers, paragraph 3, what I read from the Consumers' Association, "that the Territorial

Mr. Chamberlist continued ...

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Government's reply, in view of the cost, roughly one thousand dollars to three thousand dollars, but this cost wasn't put in their reply. Just allow me to continue. That this cost -- this amount of money that is in this particular sheet of paper was not put in the reply, and the fact that they couldn't delineate the specific aim of the survey and would wait for the Dominion Bureau of Statistics figure which was due to be released in September 1970, then it goes on to say, "no reply was directed to Dr. Olley from the Government to our knowledge for his generous offer." Well, again, I can't find any correspondence where Dr. Olley had written to the Government. So -- I'm -- well you go ahead whatever time you want to -- but when a point -- I assure you that there is a lack of communication, which I think can be remedied, and this is the only problem, and I think, Mr. Chairman, if the good ladies will understand that this is the problem, there was a lack of communication, and we are going to try and do our best to get your ideas that you require brought forward. I can only deal, myself, with what is correspondence.

Mrs. Christensen: Right, alright, may I speak? You, I believe, have a copy of the letter from the Consumers' Association, dated August 10th.

Mr. Chamberlist: To Mr. Pearson?

Mrs. Christensen: Right. You have quoted the sentence, "where the consultant service would be provided gratis." You have quoted that sentence, right? Alright. Dr. Olley is a member of the National Board of the Consumers' Association. We were advised that Dr. Olley, via telephone conversation directly from Dr. Olley to Mrs. Burns, that he would come. Now, I am afraid that we don't have the equipment to record long distance telephone conversations, nonetheless, this was the fact. So, we then advised the Territorial Government because it seemed to us that they seemed to be in a bit of a hurry to find out if we would be able to proceed. So, in view of this, we moved as quickly as possible.

Mr. Chamberlist: I don't want to delay this any more ...

Mrs. Christensen: I know, but you are Mr. Chamberlist, because ...

Mr. Chairman: Order, please, order.

Mr. Chamberlist: If I can get the ladies just to understand the point that I am making, that where a request has been made --- a suggestion that the Government did not reply to Dr. Olley, that the Government did not receive anything from Dr. Olley, although there is no doubt, Mr. Chairman, that the Honourable Members may well have done this by way of telephone calls and the like, but that is where the difficulty is, lack of correspondence.

Mr. Tanner: Mr. Chairman, I think everybody is talking about the same thing. I think that Councillor McKinnon has expressed the feelings of everybody in this House. I think that maybe the Consumers' Association and the Member from Whitehorse East will be quite happy if we adopted Councillor McKinnon's motion, and let's leave it at that. Basically, everybody wants to do something about this, and we are just getting tangled up in words and papers.

Mr. Chamberlist: But it must be \$500.

Mr. Tanner: It doesn't necessarily have to be \$500, give or take a few hundred, what on earth is the difference?

Mr. Stutter: Mr. Chairman, I rise to say virtually the same points that have been brought up by Councillor Tanner. To me, I am not completely familiar with the correspondence between the C.A.C. and the Government, or any of the other departments, but it seems pretty obvious what is required at this point, and that virtually is the point that was brought out by the Member from Whitehorse West. I think that perhaps his \$500

Mr. Stutter continued ...  
estimate possibly is a little low, even if it's \$1,000, if these funds  
can be made available, I see no objection to bringing Dr. Olley up here  
and proceeding with this thing. I would gladly second his motion  
feeling the way I do.

LEGISLATIVE  
RETURN #24

Mrs. Watson: Mr. Chairman, do I understand that the Consumers' Association  
-- the Yukon Consumers' Association feel they would be able to do the  
statistical work necessary for the preparing of such a brief? If Dr.  
Olley were brought up and set up the guide lines, do you, the Yukon  
Consumers' Association feel you could satisfactorily care out the statis-  
tical work as a follow-up to his terms of reference?

Mrs. Christensen: We could gather the information.

Mrs. Lane: Unless we use his terms of reference, it is difficult to say  
exactly what is required.

Mrs. Watson: Mr. Chairman, this is exactly what I was trying to point  
out. It is well enough that the Consumers' Association can say that  
they would carry out the statistical work, but they are not even sure  
what the definite guide lines would be.

Mr. Stutter: Well, surely, Mr. Chairman, this is the point of bringing  
Dr. Olley up here, is to get these guide lines, and when the guide lines  
are established, you have already heard the C.A.C. say, that within their  
power, they are willing to gather the statistical requirements. I think  
that it is a very generous offer, and I think that -- once again, I think  
that we should do our best to get Dr. Olley up here, if the expenses are  
not exorbitant.

Mrs. Watson: Mr. Chairman, this is precisely what I am trying to point  
out. That after Dr. Olley comes up, and he sets up the guide lines for a  
survey, and that the Consumers' Association realize that they will only  
be able to do a portion of the statistical work, possibly the Territorial  
Government will then be faced with an additional expenditure of carrying  
out the rest of the statistical work that is required in order to complete  
the brief.

Mr. Chamberlist: I wonder, Mr. Chairman, if one of the witnesses could  
indicate where they have already carried out some survey work on services  
as well as food, like electricity, telephones or like, the T.V. cable at  
\$15 a month, where it is \$5 a month everywhere else, these type of things.

Mrs. Lane: We have done a freight study. I can't see -- foresee any  
difficulties in finding out the costs of things, you know, if this is  
what is required for us to find out, the cost of living on the various  
commodities, I can't foresee any great difficulties in not being able  
to carry out that aspect.

Mr. Chamberlist: Well, I would agree with the motion, Mr. Chairman, as long as  
the Honourable Member would limit it to an amount of \$500, as he indicated.

Mr. McKinnon: In the motion, as I proposed it, Mr. Chairman, it was Dr.  
Olley's room, board and transportation, only, to be borne by the Yukon  
Territorial Government.

Mr. Chamberlist: He may stay here six months.

Mr. McKinnon: Now, certainly Dr. Olley is busy enough with his duties  
as a professor of Economics at the University of Saskatchewan, that he  
is going to try and take the minimal amount of time that can be taken  
to organize such a survey, and certainly the Whitehorse Branch of the  
Consumers' Association of Canada are going to let Dr. Olley know that  
we are not asking him to stay for three or four months at Yukon Territorial  
Government expense to organize a magnificent survey that none of us

LEGISLATIVE  
RETURN #24

Mr. McKinnon continued ...  
are going to be able to undertake, and the other point of the thing is, that if Dr. Olley says that the only way that we can get the Minister of Corporate Consumer Affairs up here, is to conduct such an extensive survey, that as per the Administration's reply that it is going to cost hundreds of thousands of dollars, I am sure even the Consumers' Association would be the first to agree, that the Government of the Yukon Territory just can't afford to spend hundreds of thousands of dollars on a survey. So, in that area and at that point in time, the idea of organizing such a survey would just have to terminate, but if the terms of reference come in so that the Yukon -- the Whitehorse Branch of the Consumers' Association can gather the statistical material, then for the price of Dr. Olley's visit, we are certainly well ahead of the game, Mr. Chairman.

Mr. Chamberlist: Nobody is disputing this particular point, Mr. Chairman, but the Government has a responsibility to know how much they are facing in expenditure for this. I am sure that the Honourable Member and all Honourable Members will recognize this.

Mr. Tanner: Mr. Chairman, I suggest that we make the motion virtually as it is, I am not suggesting amendment right now, I am just trying to put a thought out, to a maximum of \$1,000, and surely that will satisfy everybody.

Mrs. Christensen: Now, I have two questions that I would like to ask. Has any action been taken by the Territorial Government with regard to the Dominion Bureau of Statistics figures? Now, it seems to me that perhaps these could still be used. There is something rather interesting that has been overlooked, on page 2 of Legislative Return No. 24, "we were able to get some statistics from the Dominion Bureau of Statistics regarding the costs of food in remote areas of Canada and the latest received indicated a price index of 125 for Whitehorse," etc., etc.. The point that I would like to make is, these are the same figures which we received. The supplementary goods and services in Yellowknife were 115, food was 100 -- no supplementary goods and services were 125, food and services were down ten at 115; Whitehorse, food is 125, supplementary goods and services are 125. Our freight survey was released at roughly the same time that these D.B.S. figures were given. Freight in Yellowknife was higher than Whitehorse, food costs were lower. Now, is there not some way that these very simple figures from the Dominion Bureau of Statistics, and I am led to believe that you people have more extensive ones, could these not be used to prepare a brief? Has anything been done using the D.B.S. figures? Has Mr. Basford been approached using the D.B.S. figures?

Mr. Chairman: To whom would that question be addressed?

Mr. McKinnon: The Government.

Mr. Administrator: Mr. Chairman, I don't think that anybody has specifically drawn these specific figures to the Honourable Ron Basford's attention, but these definitely are the statistics that D.B.S. have been picking up. They are available to anybody in Canada, and I am sure that had he thought that there was some monkey-business going on, keeping prices up, based on the information that has been gathered, he would have done something about it. The unfortunate part about the D.B.S. statistics is that they warn us in using it that they have left out a number of things, and as far as they are concerned, they're not all that reliable, except as a broad indicator that there is a general price differential between certain southern points and points in northern Canada.

Mr. Chamberlist: Mr. Chairman, I can say that the Government of the Territory accept the maximum figure of \$750 towards the cost now.

Mr. Chairman: Have you any other further questions of the witnesses at this time?

Mrs. Christensen: Can we just ask a few more questions?

LEGISLATIVE  
RETURN #24

Mr. Chairman: Usually it works in reverse, that you are here to answer questions of Committee.

Mr. McKinnon: You can embarrass the Government all you want. Shoot. Go ahead.

Mr. Chairman: Does Committee agree? Alright, proceed.

Mrs. Christensen: Alright, there is another -- well I will go into that one later. But, I would like to say that regarding Legislative Return No. 24, the Government suggested that we suggested price control. I would like to state here, that the Consumers' Association has never advocated price controls, what we advocate is real good stiff competition. There is another sentence in the same paragraph, "should there be any evidence indicating that a monopolistic situation exists which is keeping food prices high, then I am sure that the Federal Government," etc., etc.. Well, you have got to have some type of statistical data to provide the evidence for the Federal Government, they aren't really too quick to act with no evidence, and how are you going to get evidence without statistical figures.

Mr. Chamberlist: Dr. Olley will give it to you now, he will help you get it.

Mrs. Lane: Yes, I have a question. It is concerning Sessional Paper No. 7, and I am wondering if it is -- by the Government bringing out Legislative Return No. 24, does this invalidate Sessional Paper No. 7? If a motion was made that this survey be carried out ...

Mr. Chairman: No, it is not invalidated.

Mrs. Lane: Well, why is the Sessional Paper not being acted upon? This is just a question on a matter of procedure.

Mr. Chamberlist: Well, I think, Mr. Chairman, that we should explain to the witnesses that Sessional Papers are not legislation, all it is, is information for the Members of Territorial Council, that is supplied by the Administration.

Mrs. Lane: But, I understand that a motion was passed, does this not bear some compulsion to act on a motion?

Mr. McKinnon: There should be compulsion by the Federal Government when a motion of this House comes to their attention, but unfortunately in most instances it is file 30 and never heard of again.

Mr. Chamberlist: File 13 not 30.

Mr. Chairman: Any further questions of the witnesses at this time?

Mrs. Christensen: I would like to ask one more, if I may?

Mr. Chairman: Proceed.

Mrs. Christensen: With regard to the survey, if Dr. Olley comes, and we are asked to prepare a survey, what about our expenses for going to Old Crow and Destruction Bay, if you people feel this is necessary?

Mr. Chamberlist: Here it comes. We cannot discuss that any further at this time. Well, I say, Mr. Chairman, that at this time the Government of the Yukon Territory are prepared to fund the \$750 required for Dr. Olley to come here to give the C.A.C. the help that is required.

*LEGISLATIVE* Mrs. Christensen: One more question. Is there -- will there be any --  
*RETURN #24* could there be any action taken by the Administration regarding the  
Dominion Bureau of Statistics figures, before we enter into this with Dr.  
Olley? I mean if those figures would bring Mr. Basford up here, why  
not use them?

Mr. Administrator: Mr. Chairman, I wonder then -- we will gladly send  
the figures off to the Honourable Ron Basford, but I am sure that I  
know what his answer is going to be. I wonder though if the Consumers'  
Association of Whitehorse have, perhaps written and pointed out at least  
the trends and their suspicions, and see what kind of a response they get  
from the Honourable Ron Basford?

Mrs. Christensen: Well, we have written to ...

Mrs. Lane: Mr. Basford, himself, replied, I am quoting from Sessional  
Paper No. 7, May 25, 1970, "due to a heavy schedule at this time I wonder  
if you would be good enough to ask the Yukon Council if they could  
prepare a brief for my information in order that I might study it. If  
their report provides me with sufficient information to warrant such  
a trip, then I would be happy to consider the possibility of meeting  
with the Yukon Council." So, I doubt whether we ourselves would  
receive any action from Mr. Basford in view of the response that he  
has given the Council.

Mrs. Christensen: It seems to me that before embarking on another survey,  
why not attempt to use the Dominion Bureau of Statistics figures to prepare  
the brief?

Mr. Tanner: Mr. Chairman, I think the witnesses have made the point,  
and it is quite simple, if we can avoid spending some money to bring  
Dr. Olley up by utilizing the figures, and drawing to the attention  
of the department in Ottawa, let's go ahead and do that and do it first.  
I would suggest, as an interested party, and I am sure that you will,  
that the Consumers' Association will do the same thing, so between us  
we might get a reaction and save the money even of Dr. Olley's expense.

Mrs. Christensen: Right.

Mr. Chairman: I think at this time we must revert to the normal proce-  
edings of Committee, and ask if you have any further questions of our  
witnesses today? I am wondering if at this time the witnesses may be  
excused? Thank you.

Mr. McKinnon: Mr. Chairman, I would like to move, seconded by Councillor  
Stutter, that it is the opinion of Council that Dr. Olley of the University  
of Saskatchewan be invited to the Yukon by the Yukon Territorial Govern-  
ment to organize a survey, that the Whitehorse Branch of the Consumers'  
Association of Canada can undertake into the high cost of living in the  
Yukon. It is also the opinion of Council that Dr. Olley's room, board  
and transportation to a maximum of \$750 be borne by the Yukon Territorial  
Government.

Mr. Stutter: Mr. Chairman, I second that motion.

Mr. Chairman: It has been moved by Councillor McKinnon, seconded by  
Councillor Stutter, that it is the opinion of Council that Dr. Olley of  
the University of Saskatchewan be invited to the Yukon by the Yukon  
Territorial Government to organize a survey, that the Whitehorse Branch  
of the Consumers' Association of Canada can undertake into the high cost  
of living in the Yukon. It is also the opinion of Council that Dr.  
Olley's room, board and transportation to a maximum of \$750 be borne by  
the Yukon Territorial Government. Anything further on this motion?  
Question has been called. Are you agreed? I shall declare the motion  
as carried.

Mr. Chairman: I can report to Committee that we have now concluded all the work before Committee at this time. May I have your further pleasure?

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

Mr. Chamberlist: I second that motion, Mr. Chairman.

Mr. Chairman: It has been moved by Councillor Tanner, seconded by Councillor Chamberlist, 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 a report from the Chairman of Committee?

Mr. Chairman: Mr. Speaker, Committee convened at 10:10 a.m. to discuss Bills, Motions and Legislative Returns. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 15 be reported out of Committee as amended and this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 24 be amended by adding thereto the following: "section 34. This Ordinance shall come into force on a day to be fixed by the Commissioner". This motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 24 be reported out of Committee as amended, and this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Tanner that Bill No. 36 be reported out of Committee without amendment, and this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 37 be reported out of Committee without amendment and this motion carried. Motion No. 9 was withdrawn in Committee. Committee recessed at 12:20 p.m. and reconvened at 2:10 p.m. this afternoon. Mrs. Christensen and Mrs. Lane of the Whitehorse Consumers' Association attended Committee to discuss matters relative to Motion No. 11. It was moved by Councillor McKinnon, seconded by Councillor Stutter, that it is the opinion of Council that Dr. Olley of the University of Saskatchewan be invited to the Yukon by the Yukon Territorial Government to organize a survey, that the Whitehorse Branch of the Consumers' Association of Canada can undertake into the high cost of living in the Yukon. It is also the opinion of Council that Dr. Olley's room, board and transportation to a maximum of \$750 be borne by the Yukon Territorial Government, and this motion was carried. It was moved by Councillor Tanner, seconded by Councillor Chamberlist that Mr. Speaker do now resume the Chair, and this motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committee. Are we agreed?

Mr. Chamberlist: Mr. Speaker, I think there was one area that was in error. The Honourable Member suggested that we recessed at 12:20 this afternoon, instead of 11:20 a.m.

Mr. Chairman: Pardon me, I was in error.

Mr. Chamberlist: Mr. Speaker, I would move that Council revert to Orders of the Day.

Mr. Chairman: No, no, no. Mr. Speaker, I believe that it is the intention of Committee following -- well to put things back in their proper perspective, Mr. Speaker, in respect of the agenda we have now concluded before Committee all the work that was set before us as Committee of the Whole. Under Orders of the Day, where we now sit on the Order

Mr. Chairman continued ...

Paper, it would be quite proper for Council to proceed with Third Reading of certain bills.

Mr. Chamberlist: Mr. Speaker, I would move that the amendments to Bill No. 15, An Ordinance to Amend the Labour Standards Ordinance, be given First Reading.

Mr. Speaker: Is there a seconder?

Mrs. Watson: Mr. Speaker, I second that motion.

*BILL #15  
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. 15, An Ordinance to Amend the Labour Standards Ordinance, be given First Reading at this time. Are you prepared for the question? Agreed? I declare this motion carried.

*MOTION  
CARRIED*

MOTION CARRIED

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

Mr. Chamberlist: I move, seconded by Councillor Watson that Second Reading to the amendments to Bill No. 15, An Ordinance to Amend the Labour Standards Ordinance, be given at this time.

*BILL #15  
AMENDMENTS  
SECOND  
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. 15, An Ordinance to Amend the Labour Standards Ordinance, be given Second Reading at this time. Are you prepared for the question? Are you agreed? I will declare this motion carried.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Chamberlist: Mr. Speaker, I would move, seconded by Councillor Watson that Third Reading be given to Bill No. 15, An Ordinance to Amend the Labour Standards Ordinance.

*BILL #15  
THIRD  
READING*

Mr. Speaker: It has been moved by the Member from Whitehorse East, seconded by the Member from Carmacks-Kluane, that Bill No. 15 An Ordinance to Amend the Labour Standards Ordinance, be given Third Reading at this time. Are you prepared for the question?

Mr. McKinnon: Mr. Speaker, before the question is called. It is pretty difficult to really vote on Bill No. 15 as amended in its present form. I disagree wholeheartedly with the part of the Ordinance, putting the minimum wage up from a \$1.65, a piddling ten cents to \$1.75. I think that any sensible person living in the Yukon will agree that this is pretty trivial and paltry an increase in the minimum wage. However, the second part of the Ordinance, the part dealing with the employment of Yukon residents, I agree with wholeheartedly. So, I am put in the unenviable position of supporting part of the bill, but not supporting one of the other parts. Evidentially the bill is going through the House at any rate, so I will vote against it, because I do disagree basically with the setting of the minimum rate in the Yukon at a \$1.75 at this time.

Mr. Taylor: Yes, Mr. Speaker, I have just one question that I would direct to the Honourable Member who has just before spoken, and ask him if he feels that it is a bad thing for the labour force in the Yukon to increase this amount of the basic minimum wage to \$1.75, to offer what assistance it may be to these people?

Mr. McKinnon: A \$1.65, a \$1.75 on a 40 hour week amounts to \$4.00 a week, and I don't think it is going to make that much difference whether a person has a good salary or not, \$4.00 a week, \$16.00 a month. If you put it in the \$2.00 class, then I could see something that would be of a real benefit to the working stiff in the Yukon, and the guy who is

Mr. McKinnon continued ...  
not protected by strong union agreement, and if something like this was  
instituted, you would have my full support for all the amendments to  
the bill.

Mr. Taylor: Mr. Speaker, I have a further question. I wonder if  
the Honourable Member was sufficiently awake during this Session to  
recognize the fact that we have raised this from \$1.50 to a \$1.75?

Mr. McKinnon: Yes, Mr. Speaker, I made exactly the same point at exactly  
the same time, and in exactly the same debate, but it should be up to  
\$2.00 an hour.

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

MOTION CARRIED

*MOTION  
CARRIED*

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

*BILL #15  
TITLE  
ADOPTED*

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Speaker: I declare that Bill No. 15 has passed this House.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that  
the amendments to Bill No. 24, An Ordinance Respecting the Yukon Health  
Care Insurance Plan, be given First Reading.

*BILL #24  
AMENDMENTS  
FIRST  
READING*

MOTION CARRIED

*MOTION  
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that  
the amendments to Bill No. 24, An Ordinance Respecting the Yukon Health  
Care Insurance Plan, be given Second Reading.

*BILL #24  
AMENDMENTS  
SECOND  
READING*

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson,  
that Third Reading be given to Bill No. 24, An Ordinance Respecting the  
Yukon Health Care Insurance Plan.

Mr. Speaker: It has been moved by the Member from Whitehorse East,  
seconded by the Member from Carmacks-Kluane, that Bill #24, An Ordinance  
Respecting the Yukon Health Care Insurance Plan, be given Third Reading  
at this time. Are you prepared for the question?

*BILL #24  
THIRD  
READING*

Mr. McKinnon: Mr. Speaker, before the question is called on Bill No.  
24, there are just a very few remarks that I would like to make. I think  
Honourable Members, in the space of five years at the maximum are going  
to rue the day that Bill No. 24 was passed out and made law in the  
Territory under its present form. I think that we are creating here  
another administrative nightmare. I think that we are going to see the  
costs of administration of the Yukon Health Care Insurance Plan sky-  
rocket within a very short period of time, once it goes into effect.  
I don't believe that we are being responsible and protecting the tax-  
payer's dollar in not looking to the most efficient and economic method  
of administering the Yukon Health Care Insurance Plan, that could be made  
available to the Government of the Yukon Territory. Mr. Speaker, because  
of my very real concern that this bill is going to go into another  
administrative bureaucratic empire that is only going to grow and grow,  
with absolutely no concern whatsoever for the administration -- administra-  
tive efficiency of Government, I am not going to give my assent to  
Bill No. 24, and I think that it is such an important piece of legislation  
and so important that everybody knows where all Members stand on it, that  
Mr. Speaker, I would call for a vote on division on Bill No. 24.

Mr. Tanner: Mr. Speaker, speaking to the motion. I think that it is

BILL #24

Mr. Tanner continued ...

about time that the Honourable Member stopped playing games. I think that in this particular case, you have no quibble at all, because this piece of legislation, first of all doesn't come into effect until April 1st, next year. Second, there will be another Session of Council in which case, if you have got any reasonable amendments to bring in, I am quite sure that they will be listened to by another Member. Secondly, I also think that the Honourable Member is crying wolf, because every time he has a bill that he doesn't like, he jumps up and justifies what he is going to do, and then he screams at me and other Members in this House and we are not allowed to do the same thing.

Mr. McKinnon: What does the Honourable Member's speech have to do with Third Reading of the bill, Mr. Speaker, I've -- the questions.

Mr. Chamberlist: You've already spoken, you've already spoken.

Mr. Speaker: Order, please, order.

Mr. Taylor: Mr. Speaker, I would just like to say that I've been challenging the bill through its presentation in an effort to determine just what it is all about. I, certainly, as other Members have the assurance of the Government, the Administration that we will be getting this information, and that we will have an opportunity to discuss this with our people during the course of the summer, and I am indeed quite content to do this, because this is what must be done. Secondly, is that it would be erroneous to leave the people of the Yukon, whoever reads these journals, with the impression that this is going to become law by giving Third Reading to this bill, because, indeed, we have a section in there, and we have the assurance of the Administration that assent will not be given to this, until a day to be prescribed by the Commissioner which we are told will be, sometime about one year from today. Thirdly, I think that it has been -- certainly it must be understood by all Members, that if we know we are going to have a plan, we are not very sure about exactly what form it may take, but this legislation is necessary in order to prepare for this day one year away. I don't think that there is any problem at all with any thinking Member of this Legislature to give support to Third Reading of this bill.

Mr. Stutter: Mr. Speaker, when we were discussing this particular bill in Committee, it was pointed out that the bill, even though it did receive Third Reading, would not be assented to. Again, I must ask that this happens, that it does not get assent until we have discussed this with constituents, and that it will not in fact, get assent until at least after the Fall Session.

Mr. Chamberlist: Well, Mr. Speaker, I am in the position of closing off the debate now, and I am pleased about that. Obviously the Honourable Member from Whitehorse West, and I say him specifically, is treating this as if he is really against motherhood, when he knows full well that there is a necessity ...

Mr. McKinnon: I am against the administration, the high cost of administration of motherhood.

Mr. Chamberlist: Let me get it -- it is fairly obvious, Mr. Speaker, that a Yukon Health Plan is what is sorely needed in the Territory. I can give assurance again, that the legislation will not be brought into force until the 1st of April, 1972, that there are at least two Sessions in between that date and today, and that any amendments or recommendations that may be suggested by Members of this Council, I would be only too pleased if they would bring them forward, so that further discussion can be entered into on it. Question, Mr. Speaker.

Mr. Speaker: Are you prepared for the question? Agreed? Division has been called, Mr. Clerk will you please poll the House.

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: Yea.

Mr. Clerk: The vote, Mr. Speaker, is five yea, one nay.

Mr. Speaker: I declare the motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 24, An Ordinance Respecting the Yukon Health Care Insurance Plan, be adopted as written.

*BILL #24  
TITLE  
ADOPTED*

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Speaker: I declare that Bill No. 24 has passed this House.

Mr. Taylor: Mr. Speaker, in light of the fact that the next two bills on our agenda were only given Second Reading -- First and Second Reading this morning, I would like to move -- and also I believe the Administration have a document that they wish to table at this time, so I would like to move that Standing Order No. 41 be suspended, that we revert to Orders of the Day for the purpose of tabling documents and dealing with further Third Reading of bills.

Mr. Speaker: Is there a seconder?

Mr. Tanner: I second that motion, Mr. Speaker.

Mr. Speaker: It has been moved by the Member from Watson Lake, seconded by the Member from Whitehorse North, that Standing Order No. 41 be suspended for the purpose of enabling Third Reading of Bills No. 36 and No. 37.

Mr. Taylor: And the tabling of documents, Mr. Speaker.

Mr. Speaker: I stand corrected. And the tabling of documents.

Mr. Taylor: Question.

Mr. Speaker: Are you prepared for the question? Agreed. Any opposed? I declare the motion carried.

MOTION CARRIED

*MOTION  
CARRIED*

Mr. Chamberlist: I wanted to get up before the Honourable Member had a change of heart, Mr. Speaker.

Mr. McKinnon: He already fixed it.

Mr. Chamberlist: Mr. Speaker, I have prepared the Legislative Return No. 27.

*BILL #36  
THIRD  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 36, An Ordinance to Amend the Taxation Ordinance, be given Third Reading.

*MOTION  
CARRIED*

MOTION CARRIED

*BILL #36  
TITLE  
ADOPTED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 36, An Ordinance to Amend the Taxation Ordinance, be adopted as written.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 36 has passed this House.

*BILL #37  
THIRD  
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 37, 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.

*MOTION  
CARRIED*

MOTION CARRIED

*BILL #37  
TITLE  
ADOPTED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 37, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be adopted as written.

*MOTION  
CARRIED*

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 37 has passed this House. May I have your further pleasure?

Mr. Taylor Mr. Speaker, it would appear that it would be time now to give consideration to prorogation procedures.

Mr. Speaker: I will declare a short recess.

*RECESS*

RECESS

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Monday, April 5th, 1971.  
3:30 p.m.

Mr. Speaker: The House will now come to order. We will hear the Councillors' replies to the Commissioner's Opening Address. The Honourable Member from Whitehorse North.

Mr. Tanner: Mr. Speaker, I address my remarks today to three areas. The first one is this House; the second one is the public at large; the third one is my constituents in Whitehorse North. I think, probably, in the public's eye, this House didn't get off to a very good start last October. I think, since that time, and since this Session started, because a majority of the Members has accepted the responsibility which was given them by their constituents, this House has got off to a better start. It has improved on which it got off. I, as a new Member, have to admit that I am a little taken aback by some of the things that I have found in the House. One request I would make of the Members of the last Council, if I had this right, is that occasionally, we sometimes get on with the business of the House and not deteriorate to personal feuds. I think that a majority of the legislation, as outlined in the Commissioner's Opening Address, has been implemented, and I think it was implemented because some Members accepted the responsibility that was given them. However, I would ask the two Executive Members of this House, who represent the whole of Council in the Executive Committee, never to lose sight of the fact that they are speaking for the public and never to lose sight of the fact that they are speaking for Council Members. As far as the public is concerned, I don't think that they really appreciate the experiment upon which we have embarked this Session. I think that the fault lies not with the public; I think the fault lies with the Members of this House. I think, in future, we must look to the fact that the public must understand that they are represented in the Administrative and Executive decisions that are made for the whole of the Yukon. As for my constituents in Whitehorse North, I have endeavoured to represent the views of the largest constituency in the Yukon. When I say largest, it is the smallest in area and the largest in the number of people. There is a problem which I have experienced, which I'm sure, all Councillors do, in that, within their constituency, there are a number of very divergent views. In my particular constituency, the views are very obvious. Both the public and this House appreciate, I'm sure, the different view of a person living in the Indian Village from a person living in Porter Creek; or, a person living in a trailer from a person living in a house in a regular area. Consequently, I would ask my constituents to understand that, as a new Councillor, I, many times, have to weigh the pros and cons of each individual decision which is made. There is one further thing I would address to all constituents of Whitehorse North and I think it is extremely important. That is a pending decision on whether this area should be administered as one or it should be administered as a number of separate areas. My remarks and comments on the plebiscite which will be held to determine this, make this decision, are: please, under all circumstances, keep an open mind. Do not commit yourself, one way or another; whether it be to a friend, to a neighbour or to yourself, until you have had time to hear the arguments both pro and con. Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Dawson.

Mr. Stutter: Mr. Speaker, fellow Councillors; now that we have come to the end of this first working Session of Council, I have a much better idea of the responsibilities and duties expected of each Councillor. Areas of Government are continually expanding, as evidenced by the legislation that has just been dealt with in this Session. We have dealt with bills for the protection of the public in the fields of consumer protection, transportation, labour force, health, and indeed, protection of our leisure time through the changes in the liquor laws, game laws, etc. Unfortunately, with each new area of Government comes an increase in costs and an increase in taxation. This is a hard fact of life in all democratic countries. Much of our working capital comes from the Federal Government, out of funds raised primarily through

Mr. Stutter continued.....

income tax. The Yukon's portion of our operating and capital expense comes through taxation in various forms for all Yukoners. It is becoming more expensive to live, but this is also a general statement for all of Canada. Our standard of living here is continually improving through the provision of better services and recreational facilities. There is more protection for our homes, our jobs and our health; next, we must have legislation for the protection of our environment. We hear much about pollution nowadays; perhaps, it is even overemphasized. We are fortunate, however, that we are still in a position to do something about it before costs become too prohibitive. Still on the subject of pollution, I am pleased to learn that there is a movement within the Territory for the setting aside of certain areas as parks. Many people feel that there is need for parks within the Yukon. However, as a matter of interest, I would like to point out that when the Banff National Park was set up, over eighty years ago, the population of Calgary at that time, was less than the population of Whitehorse. There is no reason to believe that the Yukon population will not mushroom to many times its present figure within the next few short years. To many of us, this means an end of the Yukon as we now know it. Perhaps this is one of the reasons why I am such a strong supporter of the tourist industry. I would compare a tourist to visitors within my home. We enjoy having them share our enthusiasm and love of the Yukon, etc., but would not necessarily want them to move in with us. Another obvious reason why I support the industry is because I represent one of the most famous tourist areas in Western Canada. In his Opening Address, the Commissioner estimated that tourism contributed ten million dollars to the economy of the Yukon in 1970. Also, tourist promotion activities planned by the Travel and Information Branch are expected to increase the benefits of that element of the tourist dollar, represented by increased sales, services, employment, and obviously, the taxes accruing to the Territorial Government; taxes which help reduce the taxation of the people of the Yukon. It should be noted that taxes from tourism help to provide services and schools within the Yukon without imposing a proportionate demand on those services. The Department of Travel and Publicity is doing a great job in encouraging tourists to come to the Yukon. However, I take this opportunity to put a plug in for another organization which does a fantastic job in tourist promotion and with a very limited budget. I'm referring here to the Klondike Visitors' Association in Dawson City. This Association spends over two thousand dollars, annually, for publication and distribution of tourist pamphlets. This figure represents almost ten percent of their budget and compares to fifteen percent of the amount spent by the Department of Travel and Publicity for the Territory. Most of the remaining K.V.A. budget goes to the provision of entertainment at the Palace Grande Theatre each summer, and to the provision of other activities designed to promote and hold tourists within the Territory. This organization has been in existence for many years and is run, mostly, on a volunteer basis. Their prime function is, of course, to promote the true Klondike and, in doing so, they play an important part in contributing to the economy of the Yukon as a whole. Keep up the good work, K.V.A. Mining in the Territory is the number one contributor to our economy. It will remain so for many years. With the recent introduction of legislation to ensure the hiring of local labour wherever possible, we can expect more of our labour force to be employed; thus, increasing the economy within the Territory while, at the same time, reducing costs of Welfare and Social Assistance. The Clinton Creek Mine has recently reviewed its policy, re hiring of employees, and is co-operating to the fullest with the Whitehorse Manpower Centre. It is hoped that all mines in the Yukon will also hire local employees wherever possible. It has recently been announced that an extensive building programme is planned at the Faro townsite, thus ensuring a healthy boost to our economy this summer, and indeed, a permanent boost. Both of these mines are doing a good job in employer to employee relationships and also, are very conscious of environmental controls. Clinton Creek has a sewage disposal treatment plant and can be considered as a model mine in the Yukon. In closing, I would like to say that we have now come to the end of a fairly busy Session, in which much legislation has been approved. Much of it has received my support, as I believe it to be sound. Some of it, I have questioned. Some of it, I have opposed. All of it, however, has come before us with little chance

Mr. Stutter continued.....

being given to study before final passage or rejection. I hope, in future, that more time for study and discussion will be permitted. From recent announcements, many people have the impression that the Yukon Medical Health Scheme will definitely go into force on April 1st, 1972. This will not happen without much more discussion in the Fall Session. The Minister of Health has assured us that pamphlets explaining the plan will be made available during the summer and the Bill will come up for further discussion in the fall. I shall be happy to provide as much information as I can to my constituents on this Bill. We have also been assured that a new Municipal Ordinance will be placed before Council in the Fall Session. I hope the new Ordinance will provide municipalities with a little more control over the actions of the public within their boundaries. The present Ordinance is unrealistic and is, indeed, in need of complete amendment. Unfortunately, municipalities have recently been denied the right to ban drinking on streets within their boundaries. We have also been assured that the Taxation Ordinance will be amended in the fall, to put the powers of taxation back in the hands of Council rather than just in the hands of the Commissioner. All three of these Bills will be of vital concern to the public in general, and I will be anxious to return in the fall to see what other sound legislation the Executive Committee will put before us; also, to see how the legislation just passed is working out. Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse West.

Mr. McKimmon: Mr. Speaker, Members of Council; I think one can safely say that it has been an interesting and often controversial Session. Where the Administration presented legislation that I thought was in the best interest of the people of the Yukon, I supported those bills. Unfortunately, in many areas, I could not agree that the Government was acting in a manner that the majority of Yukoners agreed with. I don't think the Government read the feeling of the public in holding the line on Territorial expenditures, and assuring that there would be no tax increases in the fiscal year 1971. As we all know, substantial increases have been effected, that I feel were unwarranted and unjustified. It is my feeling that a great opportunity has been missed by this Government in not setting priorities and introducing legislation dealing with environmental control. A national park must be established in the Yukon. A sewage treatment plant must be built immediately to handle the effluent from the Whitehorse Metropolitan Area. Legislation must be introduced banning the sale of non-returnable bottles and the use of detergents with phosphates in the Yukon. These are the priorities that the people of the Yukon demand and the present Government is not fulfilling these needs. At a minimal cost, the Yukon could lead the North American continent in showing what can be done when a people who love their land with a passion have the support of a Government with the same feeling. There has been much controversy over the Liquor Ordinance. My stand is clear and concise. The question of Sunday drinking should have gone to plebiscite to determine whether a majority of the public really desired Sunday to be a day like any other. The villages and the municipalities should have the right by by-law to regulate drinking in public places within their boundaries. How hypocritical it is for us to demand more powers from Ottawa when we are unwilling to delegate and let go of some of our power to the government closest to the people. It has been a difficult Session for me, Mr. Speaker. I find myself much more at home in a position of construction and implementation, rather than, by political machination, being placed in opposition. To those many members of the public from all constituencies, who have given me their confidence and support, I thank you and assure you that I will continue to fight for those policies that I believe have the Yukon's best interests at heart. Unfortunately, Mr. Speaker, I feel that such policies were few and far between at this Session. Thank you, Mr. Speaker, Members of Council.

Mr. Speaker: The Honourable Member from Carmacks-Kluane.

Mrs. Watson: Mr. Speaker, fellow Councillors; I must say that I welcome this opportunity to speak to the House on my impression of the value in the results

Mrs. Watson continued.....

of this past Session of the Territorial Council. Contrary to some Councillors' beliefs, we are the governing body of the Yukon Territory, and the decisions that are made in our Council Sessions direct the everyday lives of the people of the Territory. The Executive Committee acts as a liaison between the Administration and the representatives of the people. The oft quoted phrase "the elected members in the Executive Committee are in a minority" is very true, but the Executive Committee policy must be approved by you, the representatives of the people. It is only the elected members of the Executive Committee who are able to present policy to Territorial Council for approval. The Executive Committee will present only policy or legislation that certain sectors of the population have asked for, or that will directly benefit the people of the Territory. It is very important that you, the elected representatives of the people, constantly, on a twelve month basis, meet with Mr. Chamberlist and myself to keep us informed of the needs and problems of the people of your constituencies. In the past, each Councillor came to a Council Session to do battle for the people of his constituency. Now, a Councillor can bring his problems to the elected members of the Executive Committee prior to a Session, and we can then amalgamate all regional problems and attempt to provide corrective policy or legislation which will benefit all of the Territory. The Executive Committee concept can be effective if it has the co-operation of the majority of the Councillors. It is a step towards responsible government and any Councillor who, in the past, has fought for its inception and now endeavours to destroy it purely for political reasons, is doing a great disservice to the people of the Territory. During this past Session, we have discussed and accepted many pieces of legislation. Some of it was new legislation; other, amendments to existing legislation. The Liquor Ordinance is an example of the latter. While needed amendments were passed, we were unable to provide any legislation that would control drinking in public places. Giving the municipalities the power to make their own by-laws to control drinking in public places would only be passing the buck and admitting that we, as a body, were unable to resolve this problem. In the fall Session, this problem will again arise, and as representatives of the people, we must be prepared to heed the voice of the people and provide legislation which they are now demanding. The Transport Public Utilities Bill was also accepted in this past Session. It provides legislation for the formation of a Transport Public Utility Board. While the legislation does not give the Board the power to control unnecessary rate increases, it does give them the power to control licensing and the conditions of service the public utilities will provide for the public. Again, we may find it necessary, at a future Session, to give the Board the power to exercise some control over tariffs and rates. For the fall Session, we can look forward to the consideration of a new Municipal Ordinance and for the spring Session of 1972, a new Schools Ordinance. Before a new Schools Ordinance is finalized for presentation to Territorial Council, the Government of the Yukon Territory will endeavour to provide means whereby the members of the general public may present their views on the structure and policies of our educational system as it functions today in the Yukon Territory. At the present time, we are finalizing plans for a meeting to be held here in Whitehorse, of representatives from all the School Advisory Boards in the Territory. We plan to outline to the representatives, our policies and the policies of other areas of Canada in regard to primary and secondary education. The representatives, then, will be in a better position to assess the value of our method and to understand our goals. Also, at that time, a panel discussion is planned with school representatives, Advisory Board representatives, Department of Education representatives and Territorial Council representatives. This will give all sectors the opportunity to air their views on our educational system, and to recommend positive alternatives to problem areas. The twenty-third formal Council Session is now at an end, but the business of Government continues and communication between the elected Executive Committee members and the Members of the Council must continue in order that it can be truly Government for the people of the Yukon Territory. Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse East.

Mr. Chamberlist: Mr. Speaker, my colleagues on Territorial Council; the

Mr. Chamberlist continued.....

function of the Executive Committee, which has been all so important to this Session, has been a very, very hard one. It has been hard, Mr. Speaker, because we, both the Honourable Member from Carmacks-Kluane, Councillor Watson, and myself, are "babes in the woods", when it comes to Administrative areas of Government. Both of us, I'm sure, recognize this. I'm sure all Members of Council recognize this, and I'm sure that all Members of Council are prepared to give the consideration to the learning which we must receive and the help we must receive in various matters of Government administration to fulfill the very important functions that have been placed upon us. I can say, I feel without fear of contradiction, that both the members on the Executive Committee have worked very hard and very diligently to be able to provide that in-between requirement, that liaison, between the Territorial Council and the Administrative arm of Government that has been so sorely needed over the past seventy years. Mr. Speaker, we have heard members of the civil service, generally, related to as bureaucrats. I would like to assure, Mr. Speaker, Members of Council that there has been nothing but complete co-operation from Territorial civil servants in helping the Honourable Member from Carmacks-Kluane and myself fulfill these jobs that we have been chosen to fill. I would like to congratulate the Members of Council, especially those new Members who have, very quickly, fallen into the give and take of debate very effectively, and by so doing, have really brought to life a very important function of this Legislative Body. We have, for the next year, passed the Taxation Ordinance, which will increase taxes by approximately ten percent. Mr. Speaker, this is a normal growth of increase in taxation, and it has been a normal growth over a number of years. It may have appeared that the original Taxation Bill of the year before was much lower, but, Mr. Speaker, when Council will recall that there were a number of supplementaries which had to be added to that as a result of, what I would suggest, was an unrealistic type of budget that was brought down, it will well be recognized that the budget, indeed, that has been brought down this time, and the increase in taxes as a result of that budget, is quite normal. I cannot help but remark that there is a need in legislation to come forward to improve certain areas for the people of the Yukon Territory. I have indicated the needs of these particular areas and I cannot but remark that it is somewhat agreeable that one Honourable Member, who considers himself to be in opposition, says that we do need this legislation. I have suggested this and it will be carried out. Now, the reference has been made, Mr. Speaker, to the argument that municipalities should be given rights, with reference to drinking ability and making certain laws. Mr. Speaker, Members of Council, I'm sure, agree that we can only delegate what is within our capabilities to delegate. I do not feel that we have done anything wrong in not allowing the municipalities to restrict and regulate liquor, at this time. However, as has been indicated, with the proposed new Municipal Ordinance which will be completely written, I'm sure there will be some area where the municipalities will have the opportunity to regulate liquor. Finally, I would say, Mr. Speaker, that I have, in some area, had a frustrating type of situation in my own department, which I have had the honour to be given to look after. One can only work as diligently and as loyally as possible for the people who show loyalty to myself and the Government of the Yukon Territory in doing this. It is unfortunate that, at times, tempers fray and frustration do come to the fore. I would specifically, now, bring one point forward. In reading a report in Hansard, where an Honourable Member for the Yukon Territory indicated that, with reference to Councillor Watson and myself, we were lackies, I make this point: it was quite in error that this should be said, and the Honourable Member and myself are here to serve the Yukon and the people of the Territory. I say best wishes to everybody in Council, Mr. Speaker.

Mr. Speaker: The Honourable Member from Watson Lake.

Mr. Taylor: Mr. Speaker, Honourable Members; I would like to take this opportunity to firstly, thank all Members for the courtesy shown and the consideration given to the representation I have presented at this Session, as well as to my duties in the Chair. Indeed, I would be remiss if I should fail to compliment the newer Members also, at this time. Obviously, they have been doing their homework and very well, Mr. Speaker, and it is gratifying to see them get their feet on the ground so early in this new endeavour. The Session, with a few notable

Mr. Taylor continued.....

exceptions, was a productive one, and I feel, should provide a better measure of protective legislation for our people. One of the most outstanding of these, of course, would be the amendments to the Labour Standards Ordinance. If an employer, in a designated occupation, attempts, where possible, to hire locally, he has nothing to fear from this legislation. The Bill is an attempt to regulate those who hire from outside points, even though our own labour force here in the Territory can fill the demand. It is also recognized that this legislation places a special responsibility on the Yukon labour force to adequately and responsibly fill those jobs. I should also point out that this section of the Labour Standards Ordinance does not apply to any category of labour whatsoever, at this time, unless it is so described by the Commissioner, and this would be done only if difficulties in local hiring practices occurred within a specific industry within the Territory. The Liquor Ordinance amendments caused some broad interest throughout the Territory, more particularly in the Municipalities of Whitehorse and Dawson, with respect to drinking in public. It was decided by a majority of Members that, if existing legislation, such as litter by-laws and the Liquor Ordinance itself, were better enforced, such freedoms could remain as they are. Should this privilege be largely abused, however, during the summer months ahead, most certainly, Council would have to do something about it at the fall Session. I need not say anything further respecting Sunday drinking, other than this does put the moral decision on the individual, where it properly belongs. The Medicare proposal seems quite interesting, and no doubt, will be implemented in some form or other, next April. However, we must find out from the people just what type of plan they are willing to accept and live with and also, from the Administration, clearly, what kind of plan we are proposing for the people of the Territory. Fortunately, we have the summer months in which to do this. Preservation and protection of our environment was highlighted during this Session, particularly with the introduction of draft Land Use Regulations and Land Management Zones. It was felt by Council, Mr. Speaker, that we, in the Territory, should be involved in both policy and administrative decisions relative to environmental control. To-date, only one Federal agency has been enforcing pollution controls within the Territory, the Department of Fisheries, and I would like to compliment that department on the excellent job they have been doing in an effort to keep our Yukon as free as possible from man-made pollutants. As to the future, we must wait and see what Ottawa does with the several pieces of legislation it now proposes affecting northern pollution and ecological balance. If all parties involved, and that is just about everybody, Mr. Speaker, keep a "cool head" and each, in our own way, does what he can to keep our beautiful Yukon pollution and litter free, we and those who follow, will be the better for it. In closing, I would like to voice my appreciation to the staff of Council, and I include the Queen's Printer staff as well, and to all other members of the Administration, for the hard work they have done in keeping Council supplied with the documents and services so necessary during a busy Session, such as this has been. I extend to everyone a sincere wish, Mr. Speaker, that they enjoy a pleasant and productive summer season. I would also extend to all Members of the House my best wishes for a good summer, until we meet again at our next Sitting. Thank you, Mr. Speaker.

Mr. Speaker: Will the Honourable Member from Watson Lake, please assume the Chair.

Mr. Taylor takes the Chair.

Mr. Speaker: The Honourable Member from Mayo.

Mr. Rivett: Mr. Speaker, and fellow Councillors; it was noted in the Commissioner's Opening Address that last year was a spectacular one for the economy of the Yukon. Revenue from mining and tourism were at an all time high. Also, electric power generated was greatly increased. Even though the labour force increased by half, the average weekly wage was one of the highest in Canada, and may it continue. One of the not so bright spots on our mining horizon is the unknown effect of Bill C-187 and the Land Use Regulations. A concerted effort was made by all Yukoners to have these harmful regulations amended to suit our needs. Hopefully, Ottawa will listen to our plea and act accordingly. The construction period will soon be here, and while it is not as great as it was hoped to be,

Mr. Rivett continued.....

it will certainly help to pick up the winter slack season. The Commissioner stated the possibility of subsidized rental housing in some areas of the Yukon. This housing for low income families is badly needed and is most welcome at this time. Further construction work on the Dempster and Campbell Highways will be undertaken this summer. In the immediate future, there will be one maintenance agency in the Territory for our present highway system. This Council has been operating this Session with two elected Councillors on the Executive Committee. As a consequence, much new legislation was implemented, and while it is impossible to please everyone, we are indeed, hopeful that this legislation will be beneficial to the majority of the Yukoners. One piece of legislation that will come into effect next year is the Medical Care Ordinance. This new Bill intends to provide full medical care to all residents at a cost comparable to such costs in the rest of Canada. One of the results of our increased economy is an increase in our overall budget, with a resultant increase in taxation. An increase in the services to Yukoners must, of necessity, result in greater payments to make these services available to all. The two largest spenders of public monies are the Department of Education and the Department of Health, Welfare and Rehabilitation. With regard to local government at the small centres, an extension of present water and sewer facilities will be undertaken this summer. The administration of Justice was, this month, taken over by the Territorial Government. This will result in a speeding up of legal processes. At present, while the rest of Canada is suffering economic doldrums, it is to be hoped that the usual Yukon summer boom will soon get under way. Thank you, Mr. Speaker.

Mr. Rivett resumes the Chair.

Mr. Speaker: Mr. Clerk, will you please advise the Administrator that the House is prepared to hear his closing address. I will call a short recess.

RECESS

RECESS

Mr. Speaker: The House will now come to order. Mr. Administrator, the Council of the Yukon Territory has passed a number of Bills to which, in the name and on behalf of the Council, I respectfully request your assent.

Mr. Clerk: An Ordinance to Amend the Liquor Ordinance; An Ordinance to Establish a Transport Public Utilities Board in the Yukon Territory; An Ordinance 1, 17, Respecting the Yukon Health Care Insurance Plan; An Ordinance to Amend the Public Health Ordinance; An Ordinance to Amend the Taxation Ordinance; An Ordinance 24, 35, 36, 37 for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, being the Fifth Appropriation, 1970-71. *BILLS NO. ASSENTED TO*

Mr. Administrator: Mr. Speaker, it is my pleasure to give assent to the Bills enumerated by the Clerk.

Mr. Speaker: The House now stands adjourned in order that we may hear the Administrator's closing address.

ADJOURNED

ADJOURNED

Mr. Administrator: Mr. Speaker, Members of Council; my remarks this afternoon will be very brief. I'm sure that everyone, after so many weeks away, would like to get home and back to their businesses that have been neglected for so long. Although eight weeks by the calendar have passed, five of these have been spent in these Chambers. Council Members should be commended on the amount of work that has been done in that time. Thirty-seven bills, in all, were vigorously debated, including two comprehensive bills, Consumers' Protection and Yukon Health Care Plan, the latter of which is not to come into effect until next year. In addition, Members of Council had to address themselves to cleaning up financial details from last year, and approving the 1971-72 budget. It is also significant, Mr. Speaker, that this is the first time, since the appointment of two of your Members to the Executive Committee, that you have been called together to carry on business. I must point out, however, Mr. Speaker, that, at this time, I am not in a position to give assent to Bill No. 15, An Ordinance to Amend the Labour

Mr. Administrator continued.....  
Standards Ordinance. I would like to thank all Members of Council and yourself, Mr. Speaker, for the courtesy you have extended to the Commissioner and myself and our staff during this Session. The Commissioner, I know, would have liked to be here this afternoon, but the trip to Australia and New Zealand had to take some priority in that this type of trip does not come up very often. He is visiting an area of Australia which has a lot of problems similar to the ones being experienced in the Canadian north and particularly, the Yukon Territory. I would like to give special thanks to the Clerk and his staff for the long hours they have had to put in to keep the paper work flowing so that Members could get their work done. In closing, I would like to wish all those Members who are travelling, a safe journey home. Members may rest assured that ample notice will be given before the next Sitting of this Council. Thank you, Mr. Speaker.

Mr. Speaker: On behalf of the Council, I would like to thank Mr. Administrator for his address. Council will now come to order.

Mr. Clerk: It is the Administrator's will and pleasure that this Council be now prorogued and this Council is, accordingly, prorogued.

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