



COUNCIL OF THE
YUKON TERRITORY
CANADA

VOTES AND PROCEEDINGS

First Session 1972.

Volume 1

I N D E X

1972 (First Session)

Volume I Pages 1 - 331
 Volume II Pages 332 - 664
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Session Dates - Monday, January 31, 1972 to Wednesday, February 23, 1972
 and Tuesday, March 14, 1972 to Thursday, March 30, 1972.

<u>BILLS</u>	<u>1st & 2nd READING</u>	<u>DISCUSSED</u>	<u>3rd READING</u>	<u>ASSENTED TO</u>
1. An Ordinance to Amend the Chiropractic Ordinance	8, 9	12-16	52	376
2. Age of Majority Ordinance	10	17-21	52	376
3. An Ordinance to Amend the Child Welfare Ordinance	10	22-28 473-478	505	1302
4. Electrical Public Utilities Ordinance	10	422-458 467-472 754-755	841	1302
5. Employment Agencies Ordinance	10	29-34 478-481	506	1302
6. An Ordinance to Amend the Game Ordinance	11	35-38	53	376
7. Gasoline Handling Ordinance	11	38-45 482	506	1302
8. Rental - Purchase Housing Ordinance	11	46 53-81 334	376	376
9. Housing Corporation Ordinance	11	87-101 107-117 607-617 714	843	1302
10. Municipal Ordinance	11	117-152 157-197 203-236 248-252 510-583 585-607 757-792 799-813 844-852 853-855 1044-1056 1179-1181	1242	1302
11. Municipal Elections Ordinance	11	253-284 319-325 642-666 814-824 852	978	1302
12. Municipal Aid Ordinance	712	716-723 827-829 855-867 1057-1075	1193	1302
13. Taxation Ordinance	12	325-331 334-373 377-385 617-629 636-641 724-735 756-757 842	842	1302
14. Mediation Board Ordinance	12	386-392 715	752	1302

<u>BILLS</u>	<u>1st & 2nd READING</u>	<u>DISCUSSED</u>	<u>3rd READING</u>	<u>ASSENTED TO</u>
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<u>BILLS</u>	<u>1st & 2nd READING</u>	<u>DISCUSSED</u>	<u>3rd READING</u>	<u>ASSENTED TO</u>
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20 2551		1120		
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20 2553		1120		
20 2600		1121		
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30. An Ordinance To Authorize the Commissioner to Lend Moeny to the City of Dawson for Repairs to Centennial Hall	1196	1263-1264	1289	1302
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ERRATA

Page 70	Marginal note should read, "Bill #8."
Page 374	Marginal note - Motions 13,14 & 15 withdrawn and replaced by subsequent motions.
Page 464	Marginal note should read, "Motion 13."
Pages 501-502	Marginal note should read, "Motion 13."

ERRATA

- Page 585 Marginal notes should read, "Treatment and Counselling facilities for drug users" and "Narcotics Education Program."
- Page 758 Marginal note should be, "Bill No. 10."
- Pages 882-883 Marginal note should be, "Bill No. 27."
- Page 980 Marginal note should be only "Bill No. 10."
- Page 987 Marginal notes should read, "Motion No. 20, Motion Carried, Recess, Vote 05 Est 525."
- Page 988 Should be page 989.
- Page 989 Should be page 990.
- Page 990 Should be page 988.
- Page 990-992 Marginal notes should be, "Vote 06."
- Page 1079 Marginal note after, "Recess" should read "Question Re Fresh Water Fisheries."
- Page 1083 Marginal note should read, "Vote 07, Est 20."
- Page 1219 Fifth paragraph, first line, "Yukon Forestry Mining Act," should read, "Yukon Quartz Mining Act."
- Page 1220 Line thirty-eight, "Glen Lauter," should read, "Wm. Lodder."
- Page 1220 Line fifty-four and fifty-five, "our man Hammer," should read, "Armand Hammer."
- Page 1220 Line sixty-five, "Dr. J.J. Brammer," should read, "Dr. J.J. Brummer."
- Page 1221 Twelfth line should read, "trauma to trauma," instead of, "trommel to trommel."
- Page 1224 First paragraph, second line and third paragraph, twenty-first line, "Mr. Lang," should read, "Mr. Laing."
- Page 1232 Should be page 1233.
- Page 1233 Should be page 1232.

VOTES AND PROCEEDINGS
OF THE
COUNCIL OF THE YUKON TERRITORY

Page 1
Monday, January 31st, 1972
3:00 p.m.

The First Session of the Council for the year 1972, being the Fifth Session of the Twenty-Second Wholly Elective Council of the Yukon Territory, was convened in the Council Chambers at 3:00 p.m. on Monday, January 31st, 1972.

The Members present were:

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

Absent: Mr. J. Kenneth McKinnon, Whitehorse West

The Clerk read the Proclamation.

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

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

Mr. Clerk: There is, Mr. Speaker.

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

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

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

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

Mr. Speaker and the Members of Council are escorted to the Territorial Court Room by the Sergeant-at-Arms.

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

Mr. Commissioner gives his Opening Address (set out as Sessional Paper No.1).

Mr. Speaker and the Members of Council return to the Council Chambers.

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

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

Mr. Speaker: Is there a seconder?

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

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

*MOTION
CARRIED*

MOTION CARRIED

*BILL #1
INTRODUCED*

Mr. Chamberlist: Mr. Speaker, I beg to move, seconded by Councillor Watson, for leave to introduce a Bill entitled An Ordinance to Amend the Chiropractic Ordinance.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane, for leave to introduce Bill No.1, entitled An Ordinance to Amend the Chiropractic Ordinance. Are you prepared for the question? Are you agreed? I declare the motion carried.

*MOTION
CARRIED*

MOTION CARRIED

Mr. Speaker: This Council now stands adjourned until 10:00 a.m. tomorrow morning.

ADJOURNED

ADJOURNED

Mr. Speaker reads the daily prayer. All Councillors are present.

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

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. Mr. Speaker, this morning I have for tabling the Commissioner's Annual Report for the year April 1st, 1970 to March 31st, 1971 and the Statistical Appendix. Also, we have the land transactions since Council's last Session, pursuant to the Yukon Lands Ordinance; all regulations pursuant to the Regulations Ordinance and Ses-

*TABLING OF
COMMISSIONERS
ANNUAL REPORT
LAND TRANS-
ACTIONS,
REGULATIONS,
SESSIONAL
PAPERS 1,2,3*

sional Papers Nos. 1, 2 and 3.

Mr. Speaker: I have a letter here from the Minister of Finance which I would like to table. It's from Ottawa, dated December 10th, 1971, to the Honourable R.A. Rivett, etc. "Dear Mr. Rivett: The office of the Prime Minister has referred for my attention your telegram and letter, dated November 5th, 1971. I have taken note of Motion No. 10 as passed unanimously on November 3rd, by the Legislative Council. While I have no reason to doubt that, generally speaking, the cost of living is higher in the Yukon than in other parts of Canada, I do have reservations about whether tax legislation is the most appropriate way of compensating for this. Nonetheless, I assure you that the Council's recommendations will be carefully studied. Yours sincerely, E.J. Benson, Minister of Finance." Are there any Reports of Committees? Are there any Bills to be introduced?

*TABLING OF
CORRESPOND-
ENCE, FINANCE
MINISTER*

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No.2, the Age of Majority Ordinance, be introduced.

*BILL #2
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 3, An Ordinance to Amend the Child Welfare Ordinance, be introduced.

*BILL #3
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 4, the Electrical Public Utilities Ordinance, be introduced.

*BILL #4
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 5, the Employment Agencies Ordinance, be introduced.

*BILL #5
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 6, An Ordinance to Amend the Game Ordinance, be introduced.

*BILL #6
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 7, the Gasoline Handling Ordinance, be introduced.

*BILL #7
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill

BILL #8
INTRODUCED No. 8, the Rental-Purchase Housing Ordinance, be introduced.

MOTION
CARRIED MOTION CARRIED

BILL #9
INTRODUCED Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 9, the Housing Corporation Ordinance, be introduced.

MOTION
CARRIED MOTION CARRIED

BILL #10
INTRODUCED Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 10, the Municipal Ordinance, be introduced.

MOTION
CARRIED MOTION CARRIED

BILL #11
INTRODUCED Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 11, the Municipal Elections Ordinance, be introduced.

MOTION
CARRIED MOTION CARRIED

BILL #13
INTRODUCED Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 13, the Taxation Ordinance, be introduced.

MOTION
CARRIED MOTION CARRIED

BILL #14
INTRODUCED Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 14, the Mediation Board Ordinance, be introduced.

MOTION
CARRIED MOTION CARRIED

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

MOTION #1 Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker, I wish to give Notice of Motion, seconded by Councillor Watson, that Sessional Paper No. 2 be moved into Committee of the Whole for discussion.

MOTION #2 Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion respecting the furnishings in the Council Chambers.

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

MOTION #3 Mr. McKinnon: Yes, Mr. Speaker. I have a Notice of Motion concerning the Municipal Ordinance.

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

MOTION #4 Mr. McKinnon: Yes, Mr. Speaker. I have a Notice of Motion concerning the baggage unloading facilities at the Whitehorse Airport.

Mr. Speaker: Are there any further Notices of Motion? Are there any Notices of Motion for the Production of Papers? As there are no Motions for the Production of Papers, 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: Yes, Mr. Speaker, I have a question this morning. I address this question to the ... any one of the three Members of the Executive Committee sitting in this House. That is, when can this House expect to receive an Ordinance concerning aid to municipalities?

*QUESTION RE
MUNICIPAL
AID*

Mr. Commissioner: Mr. Speaker, seeing that the other two Members of the Executive Committee appear to be a little reticent this morning, I would like to assure the Honourable Member from Whitehorse North that it will be here just as promptly as the bureaucratic machine can get itself in gear and bring it here.

Mr. Speaker: Am I to assume that you are in charge of aid?

Mr. Commissioner: Mr. Speaker, that is an unfair question.

Mr. Taylor: Mr. Speaker on October 27th, last year I directed a question to Mr. Commissioner and would like to restate that question as closely as possible. In respect of the ... much discussion and talk having respect to railroads coming to the Yukon, and indeed through the Yukon. I am wondering if Mr. Commissioner is now prepared to advise Council as to what the nature of these proposals are, and whether or not he is being kept currently informed as to negotiations?

*QUESTION RE
RAILROADS*

Mr. Commissioner: Mr. Speaker, on being kept informed, the answer is yes. As to what the ultimate negotiations are, or what the ultimate plan is, I am sorry Mr. Speaker that I do not know what that is. In fact, I do not think anyone knows at the present time. I would suggest that the current press reports are reasonably accurate, and until there has been some kind of a finalized agreement, at least as far as the extension of the British Columbia railroad is concerned between the Federal and the Provincial Governments, we really are not going to know what the ultimate plan is. I think that all Honourable Members are aware of the fact that the Province of British Columbia is firmly committed to an extension of their railroad as far as Dease Lake. The balance of the road as far as Lower Post and further extensions into the Yukon are ... what is being talked about by the press at the present time is under negotiation between the two governments, and I can confirm that we are being kept informed. That is about all we know about it at this time, Mr. Speaker.

Mr. McKinnon: Supplementing this question, Mr. Speaker, I believe that Mr. Commissioner promised at the last Session, that he would also be keeping Members of Council informed when he received the information. I have received no information at all about the extension of railways into the Yukon until I read it in the media. I wonder if Mr. Commissioner would keep Council Members informed when he receives the information as to the extension of railways to the Yukon?

Mr. Commissioner: Mr. Speaker, this was a fair question that was asked, and I think that I gave the proper answer. There has been absolutely nothing new at all since the question was answered here, since the last Session of Council, Mr. Speaker. The plan, as I understand it, is just what has been reported in the newspaper, and that is what we were informed of late last fall and there has been nothing really new since that time.

Mr. McKinnon: Well, Mr. Speaker, following the same vein of questioning, Mr. Commissioner also promised, if I remember correctly last Session of Council, that any information regarding the proposed power site at the Aishihik site would also be given to Council Members. I understand now, that the Northern Power Commission is going ahead with the dam site on the Aishihik site and Members of Council have received no information whatsoever, as to what the proposals of the N.C.P.C.

*QUESTION RE
PROPOSED
POWER DAM
SITE*

Mr. McKinnon continues . . .

are. Is Mr. Commissioner aware of any facts and would he let the Council Members know of these?

Mr. Commissioner: Mr. Speaker, what I know about the Northern Canada Power Commission proposal about Aishihik is what I read in the newspaper.

Mr. McKinnon: Well, Mr. Speaker, this isn't good enough. Would Mr. Commissioner attempt to find out what the Northern Canada Power Commission is doing on the Aishihik Road and inform Council Members and himself of what is taking place in the 207,000 square miles of the finest unexploited real estate in North America, Yukon.

Mr. Commissioner: Mr. Speaker, that's my problem; everybody else wants to exploit it except the Yukon Government; we don't get a chance. This is a fair question from the Honourable Member, Mr. Speaker, and I certainly will make the endeavour to bring forth whatever information I am able to ascertain on this particular subject.

*QUESTION RE
RAIL HEAD AT
FORT NELSON*

Mr. Taylor: Mr. Speaker, I have a question relative to the Consumer Affairs, and I am wondering if Mr. Commissioner could inform me this morning as to whether or not the Administration has made a study as to the effect of the new rail head at Fort Nelson, and its effects on the economy of the Yukon in respect of transportation?

Mr. Commissioner: Mr. Speaker, the answer is in the negative. We have attempted to make the best study that we can as to what the effects on the economy of the Territory would be, if the extension is made to the Lower Post - Watson Lake area. This we have done, but our small amount of investigation that we have made with regard to the presence of the rail head at Fort Nelson, indicates that there will be little or no affects, negative or positive as a consequence of that particular happening.

*QUESTION RE
YUKON HEALTH
CARE INSURANCE
PLAN*

Mr. Stutter: Mr. Speaker, I have a three part question for the Executive Member in charge of Health. Will the Yukon Health Insurance Scheme be ready to provide coverage on April 1st as planned? Will the proposal providing travel assistance from rural areas, be presented at this Session? Also, now that the 1971 census has been completed, what population figures are being used to estimate premium revenue? Also could we have a breakdown of those figures? Perhaps the last portion we might want in writing, but the first two oral.

Mr. Chamberlist: The answer to the first question is yes. The answer to the second question is, regulations have been provided under the Public Health Ordinance, the signature of the Commissioner on that matter, and as the Honourable Member has indicated, I would want notice in writing of that particular question.

Mr. Stutter: Supplementary, Mr. Speaker to that second question, I asked if this proposal would be provided or presented before Council?

Mr. Chamberlist: I have no objection. We can bring that forward for Council.

Mr. Taylor: Supplementary to the questions asked by the Honourable Member from Dawson, I am wondering if the Honourable Minister could inform me as to whether or not, since the last Session, he has decreased the suggested premium for Medicare or increased the benefits substantially?

Mr. Chamberlist: The answer is in the negative for both cases.

*QUESTION RE
NATIONAL
PARK*

Mr. Stutter: I have another question for the Administration. After viewing the C.B.C. Weekend television program, the interview with Mr. Lammers the other night, Mr. Digby Hunt made a statement, I don't have it word for word, but in essence it boiled down to the fact that it would be very detrimental to withdraw large areas of land from staking within the Yukon, because the economy of the Yukon is based on mining. It would be uneconomical to withdraw large areas. I would like to know if he was speaking for himself, or if this is the policy of the

Mr. Stutter continued ...

Department of Northern Affairs, and if so where or what are our chances are of obtaining a national park within the Yukon?

Mr. Commissioner: Well, Mr. Speaker, I happened to see the television program that the Honourable Member is referring to, and I have no way of knowing whether Mr. Hunt was voicing departmental policy or whether he was speaking simply on behalf of himself. If the Honourable Member wanted to really pursue this matter, make it into a written question, and I am quite prepared to forward this to the Assistant Deputy Minister, and ask him for an answer. The answer to the second question is, that it has been publicly stated by the Minister for the Department, the Honourable Jean Chretien, that it is indeed part of his policies to seek the establishment of a national park here in the Yukon Territory.

Mr. Taylor: Mr. Speaker, in respect of unemployment insurance and also being cognizant of the great deal of difficulty the working force of the Yukon Territory, who are unemployed, in view of the difficulty they are having in receiving unemployment insurance benefits, I am wondering if the Administration could advise me this morning as to whether they have made representation to get this unemployment insurance office back here, into the Yukon?

*QUESTION RE
UNEMPLOYMENT
INSURANCE*

Mr. Commissioner: Well, Mr. Speaker, this winter, I have had only one complaint that has ever arrived in my office in this regard. I have taken it to the officer who was here and as far as I am aware, it was satisfactorily dealt with. If there is a great series of complaints, if we could get them enumerated, why we will certainly make representation but this is the total number of complaints that have arrived in my office this winter - one.

Mr. Taylor: Mr. Speaker, this will be the subject of a motion at a point further in Council. I have one further question, this morning, Mr. Speaker. I would like to direct this to Mr. Commissioner. This is an annual question. I am wondering if Mr. Commissioner could now advise as to the takeover date of the responsibility for fresh water fisheries in the Yukon Territory?

*QUESTION RE
FISHERIES
TAKEOVER*

Mr. Commissioner: Mr. Speaker, this will be the subject of a paper that will be coming forward to Council in the next few days, and decision will be up to the Council at that time.

Mr. Speaker: Councillor Stutter.

Mr. Stutter: Mr. Speaker, I have one further question of the Commissioner. This also seems to come up at every Session. I wonder if any arrangements are being made to provide a private room again for Council. I understand that it has been taken away from us again this year. Unfortunately, just having moved into town, I haven't got a phone yet and it is rather inconvenient making phone calls from the coffee room. I am sure that it is the same for other Members, also.

*QUESTION RE
CAUCUS ROOM*

Mr. Commissioner: Mr. Speaker, the question will continue to be asked until we get moved to the new Territorial office building. I can only offer apologies. As a consequence of the inability of the Crown Prosecutor to move from the second floor of this building, which is due to another series of events over which we have no control, it appears highly unlikely that anything can be done to alleviate this situation even on a temporary basis during this Council Session, Mr. Speaker. All that I can say is that if there is any opportunity to alleviate it, it will certainly be done, but I cannot make any promises.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner whether we can expect legislation concerning the proposal of non-returnable bottles at this Session?

*QUESTION RE
ANTILITTER*

Mr. Commissioner: Mr. Speaker, it is not part of our legislative program at the present time.

*QUESTION RE
LEGAL CARE*

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner whether we can expect a program of legal care as our sister territory, the Northwest Territories has, at this Session?

Mr. Commissioner: Mr. Speaker, it may well be that this will be subject to discussion here in Council, but I would be very hopeful that the Honourable Members would not look upon the scheme of legal aid that is prevalent in our sister territory as something that would be acceptable to this Body to institute here. There is an open end in this situation as far as costs are concerned, and as I answered here once before in these Chambers, this is our main problem to determine before we can bring forward something that we feel will have acceptability to Councillors.

*QUESTION RE
WORKMEN'S
COMPENSATION
LEGISLATION*

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner whether he has received a brief or briefs from union representatives concerning Workmen's Compensation, whether legislation, upgrading the amount of workmen's compensation paid to people who are hurt on the job, can be expected at this Session?

Mr. Commissioner: Mr. Speaker, the Clerk informs me that he has just been in receipt of a request from union representatives, that they wish to meet with Council on this subject during this Session. The Clerk also informs me that he will be bringing this request forward in the form of a paper, so that I suggest that the Honourable Member's question in this matter might best be dealt with as a consequence of this request directly to Council.

*QUESTION RE
NO FAULT
INSURANCE*

Mr. McKinnon: Mr. Speaker, I wonder if I could ask Mr. Commissioner whether his office or any offices of the Administration looked into no fault insurance, Government sponsored for the Yukon Territory, and if so whether we can expect legislation for no fault insurance in the Yukon Territory at this Session?

Mr. Commissioner: Mr. Speaker, if the controversies surrounding no fault automobile insurance, whether it be Government sponsored or private sponsored is raging in the provinces and the United States to the south of us right now, leads my officers to advise me that we had best allow somebody else to pioneer the way before we get caught up in the struggle. If it is Council's wish that they want to see something like this done, and wish to advise us by formal motion on this matter, I think that you will have every consideration, but it is certainly not part of our program at the present time due to what I have already stated.

*QUESTION RE
CORRECTIONAL
INSTITUTE*

Mr. McKinnon: Mr. Speaker, I have one or two questions for the Administration. Has any prisoner at the Whitehorse Correctional Institute has been placed in solitary confinement when he has been sentenced to jail for a driving charge? If so, what were the circumstances demanding solitary confinement?

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

*BILL #1
FIRST
READING*

Mr. Chamberlist: Mr. Speaker, I would move, seconded by Councillor Watson, that First Reading be given to Bill No.1, An Ordinance to Amend the Chiropractic Ordinance.

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

*MOTION
CARRIED*

MOTION CARRIED

Mr. Speaker: When will the Bill be read for the second time.

Mr. Chamberlist: I move, seconded by Councillor Watson, that second reading be given to Bill No. 1, An Ordinance to Amend the Chiropractic Ordinance.

*BILL #1
SECOND
READING*

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

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: What is your further pleasure?

Mr. Taylor: Mr. Speaker, I would like to move at this time that Standing Order No. 41 be suspended, in order that we may return to Orders of the Day for the purpose of further processing of the Bills.

Mr. Speaker: Is there a seconder?

Mr. Tanner: I second that motion.

Mr. Speaker: It was moved by the Honourable Member from Watson Lake, seconded by the Honourable Member for Whitehorse North, that Standing Order No. 41 be suspended at this time. Are you prepared for the question? Agreed?

Mr. Chamberlist: I rise on a point of order, Mr. Speaker, the Honourable Member from Whitehorse West knows full well that he cannot leave the House while the Speaker is addressing the House. That is a standard rule. I would ask Mr. Speaker that this would be pointed out to the Honourable Member, it shows a contemptuous attitude towards this House.

Mr. Speaker: Are you prepared for the question? The motion is carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: We will not have a short recess.

RECESS

RECESS

Mr. Speaker: The House will now come to order. I would like to bring Standing Order 12(2) to the attention of the Honourable Member from Whitehorse West, "When Mr. Speaker is putting a question no Member shall walk out of the Council room or make any noise or disturbance."

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 2, the Age of Majority Ordinance, be given First Reading.

MOTION CARRIED

*BILL #2
FIRST
READING
MOTION
CARRIED*

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 2, the Age of Majority Ordinance, be given Second Reading.

MOTION CARRIED

*BILL #2
SECOND
READING
MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 3, An Ordinance to Amend the Child Welfare Ordinance, be given First Reading.

MOTION CARRIED

*BILL #3
FIRST
READING
MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 3, An Ordinance to Amend the Child Welfare Ordinance, be given Second Reading.

MOTION CARRIED

*BILL #3
SECOND
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 4, The Electrical Public Utilities Ordinance, be given First Reading.

MOTION CARRIED

*MOTION
CARRIED*

*BILL #4
FIRST
READING*

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 4, the Electrical Public Utilities Ordinance, be given Second Reading.

MOTION CARRIED

*BILL #4
SECOND
READING*

*MOTION
CARRIED*

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 5, the Employment Agencies Ordinance, be given First Reading.

MOTION CARRIED

*BILL #5
FIRST
READING*

*MOTION
CARRIED*

*BILL #5
SECOND
READING*

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 5, the Employment Agencies Ordinance, be given Second Reading.

MOTION CARRIED

*MOTION
CARRIED
BILL #6
FIRST
READING*

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

MOTION CARRIED

*MOTION
CARRIED
BILL #6
SECOND
READING
MOTION
CARRIED*

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

MOTION CARRIED

*BILL #7
FIRST
READING*

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 7, the Gasoline Handling Ordinance, be given First Reading.

MOTION CARRIED

*MOTION
CARRIED
BILL #7
SECOND
READING
MOTION
CARRIED*

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 7, the Gasoline Handling Ordinance, be given Second Reading.

MOTION CARRIED

*BILL #8
FIRST
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 8, the Rental-Purchase Housing Ordinance, be given First Reading.

MOTION CARRIED

*MOTION
CARRIED
BILL #8
SECOND
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 8, the Rental-Purchase Housing Ordinance, be given Second Reading.

MOTION CARRIED

*MOTION
CARRIED*

*BILL #9
FIRST
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 9, the Housing Corporation Ordinance, be given First Reading.

MOTION CARRIED

*MOTION
CARRIED
BILL #9
SECOND
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 9, the Housing Corporation Ordinance, be given Second Reading.

MOTION CARRIED

*MOTION
CARRIED
BILL #10
FIRST
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 10, the Municipal Ordinance, be given First Reading.

MOTION CARRIED

*MOTION
CARRIED
BILL #10
SECOND
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 10, the Municipal Ordinance, be given Second Reading.

MOTION CARRIED

*MOTION
CARRIED
BILL #11
FIRST
READING*

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 11, the Municipal Elections Ordinance, be given First Reading.

MOTION CARRIED

*MOTION
CARRIED
BILL #11
SECOND
READING*

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 11, the Municipal Elections Ordinance, be given Second Reading.

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 13, the Taxation Ordinance, be given First Reading.

*BILL #13
FIRST
READING
MOTION
CARRIED*

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 13, the Taxation Ordinance, be given Second Reading.

*BILL #13
SECOND
READING
MOTION
CARRIED*

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 14, the Mediation Board Ordinance, be given First Reading.

*BILL #14
FIRST
READING
MOTION
CARRIED*

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 14, the Mediation Board Ordinance, be given Second Reading.

*BILL #14
SECOND
READING
MOTION
CARRIED*

MOTION CARRIED

Mr. Speaker: What is your further pleasure?

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

Mr. Speaker: Is there a seconder?

Mr. Stutter: I will second that motion, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Dawson City, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Public Bills. Is the House prepared for the question? Are you agreed? Disagreed? I declare the motion carried.

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: The First Bill is, Bill No. 1, namely, An Ordinance to Amend the Chiropractic Ordinance.

BILL #1

Mr. Chamberlist: Mr. Chairman, the purpose of this Bill is to cure an accidental omission made on the Omnibus Ordinance of the 1971 First Section, transferring the fee making power in Regulations and that there is a further purpose to enable Chiropractors to make X-rays when they have qualified professionally to do this. This was omitted from our legislation as it is and is a standard requirement in most jurisdictions in Canada.

Mr. Chairman: I will now proceed with the reading of the Bill. (Reads section 1)

Mr. Stutter: Mr. Chairman.

Mr. Chairman: Councillor Stutter.

Mr. Stutter: I have a question to ask, Mr. Chairman. I think the intent is quite clear in that second paragraph in connection with who can use X-rays. Would it not be better to put X-ray equipment in there?

ILL #1
Mr. Legal Adviser: Yes, Mr. Chairman, I think that is the intent. I think that that might make it clearer it is the equipment he is using, not the X-ray itself.

Mr. Chairman: Does Committee agree?

Mr. Chamberlist: I wonder if Mr. Legal Adviser would indicate, Mr. Chairman whether there is a difference between the reading of X-ray pictures and the taking of the use of X-ray equipment.

Mr. Legal Adviser: I as understand it Mr. Chairman, the intent is, a chiropractor can always use X-ray pictures, but under our Ordinance at the present time only if their equipment is taken by a qualified person, who in the Territory would be a doctor. The intent of this is to allow him to take his own pictures, provided he is qualified in a course approved by the Commissioner, to do that.

Mr. Chamberlist: Mr. Chairman, my understanding is that there is a requirement to follow the legislation as has been brought forward in other jurisdictions. There is a capability of some people to be able to read an X-ray photograph, but not necessarily use the equipment, and if I understand it, the purpose here is that the main connection with this practice is to use X-rays for the purpose of producing shadow photographs not to interpret them. I understand that these, in the medical profession, they send these photographs out for interpretation but I don't want to restrict the intent of the meaning of it.

Mr. Chairman: Councillor Stutter.

BILL #1

Mr. Stutter: Mr. Chairman, surely, the wording there indicates that, provided the chiropractor proves his competency, as it's worded right there, to the satisfaction of the Commissioner, he can do these things.

Mr. Chamberlist: I have no objections.

Mr. Chairman: Is Committee agreed to this change?

Mr. Tanner: Mr. Chairman, I have just one quick question here. X-ray shadow photographs, that just means ordinary X-rays, or something else expressly for this purpose?

Mr. Legal Adviser: As I understand it, there's a piece of equipment which projects a ray through the patient's body, and at the other end, it's recorded on a negative which then produces a positive which the practitioner reads. But, there's a difference between sending a person to the hospital for the production of a thing, and doing it with a machine which you may or may not have yourself. Only a qualified person can do this. So, what he is actually trying to do is to produce, through mechanical means, a photograph which he then interprets himself. If he needs expert help, then he sends it to somebody else; but he can use this. A chiropractor is always able to send a person for an X-ray and then read it if he can get it back from the hospital.

Mr. Tanner: Well, Mr. Chairman, what I wanted to find out was whether X-ray shadow photographs just means simple X-rays. Is it terminology?

Mr. Legal Adviser: It's the picture he's looking for in the end result, not the treatment.

Mr. Chairman: Clear? Will the Clerk so note. (Reads section 2) Are you clear? (Reads section 3)

Mr. Legal Adviser: Just a minor point here, Mr. Chairman. In all the other ordinances, there was at that time a ten dollar figure inserted into the ordinance. It has been removed from all the professional ordinances but this one was accidentally omitted.

Mr. Chairman: Are you clear? (Reads sections 4 and 5)

Mr. Stutter: Mr. Chairman, I do have a question regarding this. I don't know whether I should be asking it directly of the Executive Member or not. If, in a case, and this is a personal case that actually happened to me a while ago, I had to have X-rays taken at the hospital, later, I would have liked to take that X-ray to the chiropractor to have his interpretation made. Now, is this possible under the Ordinance, or not? Would the chiropractor have access to the X-ray photographs to make his own interpretation?

Mr. Chamberlist: Well, the answer to that is in the negative, Mr. Chairman. The hospital equipment is the property of the hospital and it is up to whatever arrangements that are made by a chiropractor with a hospital. We cannot legislate that the hospital provide its equipment for any particular individual. The chiropractor may, if he wishes, make arrangements with the medical clinic to have their own. This is an entirely private matter with the Government not wishing to be involved.

Mr. Chairman: A question from the Chair to the Honourable Minister; I'm wondering if the person who pays the fee for an X-ray taken for chiropractic care in the hospital, would he not then have the right to take that film to the chiropractor, having paid for it?

Mr. Chamberlist: Mr. Chairman, my understanding, which has been given me

Mr. Chamberlist continues ...

ILL #1 by the Zone Director, is that the shadowgraphs, all of them, are the property of the hospital. The fee that is paid, if it were paid, for the taking of a photograph would be specifically for the taking of the photograph, that is for the service being rendered.

Mr. Rivett: Well then, whose property is the X-ray?

Mr. Chamberlist: It is still the property of the hospital. It is not the person's.

Mr. McKinnon: Mr. Chairman, just for information purposes, I wanted to take an X-ray from a doctor to a doctor and I couldn't do it. It had to be sent from the hospital to the doctor.

Mr. Chamberlist: That's right. I think, Mr. Chairman, you will find that if an X-ray was taken in the medical clinic where they have X-ray equipment, it would be the medical clinic, the doctors, who would refer the X-ray photographs. But there's nothing to stop ... really, this piece of legislation here, is to provide the right to those people who have specialized in the use of X-ray equipment and are practising as chiropractors to purchase their own equipment and use equipment to take these X-rays. This is clearly the purpose of it; because, what we have had so far in the legislation is that, although a person is qualified to use X-ray equipment, he hasn't been permitted to make use of the qualification that he has received from his training.

Mr. McKinnon: Mr. Chairman, I think we're getting to the point, and I agree with the Honourable Member ... I want to make it clear that I don't agree with the policy that if I wanted to take the X-ray to a specialist, I couldn't be trusted with possession of the X-ray to take it to a specialist. The hospital felt it was their property and they had to send it. They wouldn't entrust it to my care. I think this is a silly policy, but that's the way it was.

Mr. Stutter: Mr. Chairman, maybe I'm a little mixed up on this, but I take it that under no circumstances would the hospital even send it directly to a chiropractor or to another doctor. I mean, maybe I'm wrong in this; I wasn't particularly thinking about the X-ray technician turning the shadow photograph over to the patient and saying, "Here it is; you can take it to the chiropractor"; but would the hospital in any way send it to the chiropractor?

Mr. Chamberlist: No, I'm informed not. However, Mr. Chairman, I would like to point out that this is not within the scope of the legislation but something where people have to negotiate and make their arrangements with the hospital or the medical clinic. It doesn't fit into here. This is just a piece of legislation which is to simply take care of what has been left out, and that is to give those who are qualified, the right to use equipment of their own.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I'm not too clear on just where we sit at this moment in relation to this subject. It seems to me that if a person is a chiropractor and registered as such under the Chiropractic Ordinance, as a qualified chiropractor, he, then, should be entitled to receive X-rays from the hospital. If the patient who has had this X-ray, is not permitted to convey this X-ray picture from the hospital to the practitioner, I find not too much fault with that. But, I do feel that the hospital should be compelled, upon request from that practitioner, to give that X-ray photograph, and if this is not the case, I think that this should be rectified. Otherwise, you could come up with a complete closed shop over any other part of the medical profession or semi-medical profession.

Mr. Chamberlist: Well, with respect, Mr. Chairman, even chiropractors themselves recognize that they are not part of the medical profession. They are specifically trained in chiropractic areas and I am satisfied

Mr. Chamberlist continues ...

in my own mind, Mr. Chairman, that the requirements of this amendment to the legislation brings that in line with all other jurisdictions. This was the basic area of thinking. Certainly, if any chiropractor who has a chiropractic practice in the Yukon and wishes to approach the hospital or medical clinic, or any other hospital or medical clinic, in relation to the use of their X-ray equipment, it is not something that we can legislate for. We cannot legislate to allow a private medical clinic, or compelling them to use their equipment and passing it over for use by a member who is a chiropractor. This is the main point, and this is outside of the legislation. I feel that, although the points that have been raised have been well taken, this, certainly, I'm sure Members will agree, does not form part of a legislative requirement. It's one of private negotiations.

BILL #1

Mr. Taylor: Mr. Chairman, I rise to point out that I am, indeed, not talking about a private medical clinic. I am talking about a publicly operated hospital, operated with public funds. Now, should those films not be available to those people who are qualified as chiropractors under the Chiropractic Ordinance from that public hospital upon the fee being paid?

Mr. Chamberlist: It's not a question upon whether the fee is being paid or not. It is not for the Government to say what the hospital will do. It's a matter of ... for instance, if the Honourable Member feels that this should be done, the Honourable Member, I would suggest, Mr. Chairman, should consult with the Hospital Advisory Board and place his recommendations there, not before the House. On the basis of what recommendations come to the Hospital Advisory Board, they would then, be able to discuss this within their own group and decide the policy in relation to that. All I can indicate at this time, as a result of inquiries I have made, is that the hospital equipment and the negatives that are taken from X-rays, are and will remain the property of the hospital authorities. I can't go beyond that.

Mr. Taylor: Mr. Chairman, I won't belabour this point at this time, but I'm certainly going to look into this thing, because I see another area of closed shop for one segment of the medical profession. I'd like to look further into this matter. However, it doesn't possibly affect this Ordinance; it possibly affects the Public Health Ordinance, or another ordinance. In terms of policy, I certainly would like to see that policy reviewed and possibly changed. I will, at this time, resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: Have you anything further in relation to Bill No. 1? I believe there was, in section 1, a typographical error that will be corrected before Third Reading. What is your pleasure in relation to this Bill?

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 1 pass out of Committee without amendment.

Mr. Stutter: Mr. Chairman, was that without amendment, or with amendment?

Mr. Chairman: No, there is no amendment; that was a typographical error. Is there a seconder.

Mrs. Watson: I second the motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 1 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chairman: The next Bill is Bill No. 2.

BILL #2

Mrs. Watson: Mr. Chairman, the purpose of this Bill is to give adult status to persons over the age of nineteen years. The change will enable these persons to sue and be sued, marry, divorce, deal in property, inherit, make wills and so on with the same legal effect as formerly only persons could do who were over the age of twenty-one years. The power to vote and purchase alcohol has already been dealt with in other legislation. The Bill reflects the ethos of the era.

Mr. McKinnon: Mr. Chairman, before we get into this Bill, I don't know really, but I doubt whether there will be that much disagreement with the principle of lowering the age of majority because this seems to be the contemporary thinking. But, I would like to have before me a province by province list of what the age of majority is in the different provinces. I believe the Canadian Government has lowered the age of majority for their legislation to eighteen years of age, and some provinces have gone to nineteen and some to eighteen. I'd like to see the various provinces' thinking on this because I think that we should try to go along with the standards being set across the country so we won't have different ages of majority all over the country.

Mr. Legal Adviser: It's approximately half and half. Ontario is eighteen; Quebec is nineteen; Alberta is eighteen; I think, speaking from memory, British Columbia is eighteen; the Atlantic Provinces, I think, are varied between eighteen and nineteen.

Mr. McKinnon: Manitoba and Saskatchewan? I think Manitoba is eighteen.

Mr. Legal Adviser: Some are eighteen and some are nineteen. The position, Mr. Chairman, is that you can go down without much trouble to nineteen, and then you can go down once more to eighteen. But when you go to eighteen, you cannot go backwards.

Mr. Chairman: I shall proceed with the reading of the Bill. (Reads sections 1 and 2)

Mr. Tanner: Mr. Chairman, could we have some explanation of this: "'twenty-one years' means twenty-one years"?

Mr. Legal Adviser: Mr. Chairman, it does seem extraordinary that you have to define something as being what it is. But, throughout the Ordinance, the method of drafting is to say that in all ordinances of the Territory, wherever twenty-one years appears, it shall in future mean nineteen years. So, you have to accept this Bill specifically from that, otherwise the whole Bill would be meaningless.

Mr. Tanner: Mr. Chairman, I'm pleased to have the explanation, but I'm not surprised that it comes from an Irishman.

Mr. Chairman: Clear? (Reads sections 3 and 4) May I say, from the Chair, Mr. Legal Adviser, I'm very, very pleased to see that the Administration has finally brought back to life the wonderful words "Commissioner in Council".

Mr. Chamberlist: I suggest that we thank the Honourable Members of this Council who are members of the executive who made sure that these words would be in.

Mr. Chairman: Are you clear on section 3? Section 4, rather. (Reads sections 5 and 6)

Mr. Chairman: Clear? (Reads section 7 of Bill No. 2.)

Mr. Tanner: Mr. Chairman, I am getting lost in all the legal jargon here, I am sure that Mr. Legal Adviser can give some explanation for paragraph (3); would that mean that an application for adoption by a person under the age of twenty-one years is subject to the Child Welfare Ordinance?

BILL #2

Mr. Legal Adviser: You see, twenty-one years is the top date for adoption, and it has to be held there in case any application is presently being processed by the Court; otherwise people have their law changed unexpectedly.

Mr. McKinnon: Could a person nineteen years of age or over adopt, after this? That means, by our laws then, a nineteen year could adopt a twenty-one year old, legally.

Mr. Legal Adviser: No, because we changed the meaning of the words twenty-one to nineteen.

Mr. McKinnon: I've lost you somewhere. Under present laws, you can adopt a person under the age of twenty-one years of age, if I remember the Child Welfare Ordinance correctly. Now, a person has to be twenty-one or over under our law at the time to be able to adopt. Now, with the Age of Majority Ordinance coming into effect, and the age is set at nineteen, a person the age of nineteen will be able to legally adopt. Will the Child Welfare Ordinance still remain that the legal adoptable age will be twenty-one or nineteen?

Mr. Legal Adviser: They all drop to nineteen.

Mr. McKinnon: So, in essence then, a nineteen year old may adopt a nineteen year old.

Mrs. Watson: Mr. Chairman, section 3 doesn't state that if an order ... an adoption action has been commenced before this, in order to adopt a person, say twenty years of age, the action could be carried through.

Mr. Legal Adviser: A current case is preserved intact. That is what it really means.

Mr. Chairman: Clear? (Reads sections 8, 9). Clear? (Reads section 10).

Mr. Tanner: Mr. Chairman, could I ask the Legal Adviser for an explanation of that.

Mr. Legal Adviser: The law in relation to the accumulation, Mr. Chairman. Lawyers with long beards and grey hair have spent sixty years studying it, and still don't know what it means. But, what this section means is that where a person in a deed left money on trust, the income to be accumulated and not paid out for a certain period of time, which may or may not have been based on the age of a person. If the will or deed was made prior to the Ordinance, it's valid still. If it is made afterwards, then it drops to nineteen as the permissible age.

Mr. Chairman: Just from the Chair, I have a question. You state in subsection 10(1), you speak of a "was a permissible period of accumulation", permissible to whom? By what standard? What are we referring to here as a permissible period of accumulation?

Mr. Legal Adviser: When it is a period of a life in being and twenty-one years thereafter, a life in being plus another life plus twenty-one years is the period of accumulation that is recognized. It is often based on twenty-one years after the most junior member of the Royal Family dies, which could be say, another fifty years time.

Bill #2 Mr. Chairman: Is that expressly contained elsewhere in this Ordinance?

Mr. Legal Adviser: It is a rule of common law. It is commonly done in British Columbia.

Mr. Stutter: One more question to the Legal Adviser with regards to a will. Surely in a will, normally doesn't say that ... the Age of Majority mentions a specific age, and in this case, no matter when the will is made, even after the coming into force of this Ordinance a specific age is mentioned in the will that would be deemed to be a specific age.

Mr. Legal Adviser: If they mention a specific age, yes, provided that age is just not merely twenty-one inserted for the purpose of twenty-one. But, by a rule of the common law, which has operated for hundreds of years, people who die are not permitted to lock up their money in a trust. It has been calculated, I think, that if a person left a hundred dollars in trust, that at five percent within a couple of hundred years, he would have a hundred million dollars. This is not allowed by law. It has to be given out to the owners whoever they may happen to be, as ascertained by the court within a certain period of time. That rule is based on lives and the lives of people in being or to come into being, and the age of majority of the last person in the line for the purpose of measurement. So, that last period being twenty-one years after certain lives to come into being is a period of twenty-one years. It will now be cut to nineteen years. It is an operation of law not of statute.

Mr. Stutter: Mr. Chairman, I just have one further question. It is probably getting a little bit away from this particular Ordinance. But, in this particular case, if at a person's death, let's say that the beneficiary was at that time seventeen, and still he didn't want that beneficiary to receive those benefits until the age of twenty-five which is

Mr. Legal Adviser: That's okay. That is a different thing altogether.

Mr. Chairman: (Reads section 11). Clear? Was there a question?

Mr. Legal Adviser: I can see one of the Honourable Members shrugging. Mr. Chairman, accepting that as a question from the direction in which the shoulders shrugged. The normal period of limitation for action is either two years, six years or twenty years depending on certain rules. That does not apply in normal cases to people who are mentally incompetent by reason of a mental illness or to people who are under twenty-one. Now, in future, that limitation in favour of children will be cut down to nineteen. When they reach nineteen, the two year period, the six year period and twenty year period will commence.

Mr. Chairman: "Notwithstanding any rule of law, a will, or codicil", explain?

Mr. Legal Adviser: A codicil is a second thought a person has after making a will and before they die.

Mr. Chairman: (Reads section 12). Clear? (Reads section 13).

Mr. Tanner: Mr. Chairman, in paragraph 13 that is referring to what the Honourable Member from Dawson brought up. Where it specifically specifies an age in a will, this doesn't affect ...

Mr. Chairman: Are you clear? (Reads section 14).

Mr. Legal Adviser: In regard to perpetuities, a long interesting and involved subject that many lawyers have made their careers out of I don't purport to understand it, but it's similar to the law relating to accumulation, in that it affects the right of people to inherit under certain circumstances. Now, under the law relating to perpetuities

Mr. Legal Adviser continues ...
if something becomes invalid, at the end of the chain of ... such as property being left by a man to his wife and on her death to be held in trust for children and so on. If he offends against the rule in relation to perpetuities by giving too long a period or being vague as to who should inherit, the whole bequest becomes invalid, and certain other rules apply. So, this Ordinance is not attempting to change all the rules of the court relating to perpetuities, just leave them as it is, and other laws which we have on our statute books infact do affect perpetuities.

Bill #2

Mr. Chairman: Clear? (Reads sections 15 and 16).

Mr. Tanner: Mr. Chairman, could I ask the ... I think that this might be important. Section 16 might be important to some members of the public particularly to those who are about to attain the age of nineteen. Could the Commissioner give us some indication of what that might mean.

Mr. Commissioner: Mr. Chairman, subject to any wishes to the contrary of the House it will be given effect upon assent.

Mr. McKinnon: Mr. Chairman, the Clerk has provided me with a list of the age of majority of most of the provinces, and I think the ones that we are really interested in are the neighboring provinces, Alberta, Manitoba and Ontario all have age of majority of eighteen years of age. Alberta and British Columbia both have age of majority of nineteen. I think that there is another point that should be taken into consideration. If one looks at the atistical ppendix of the Yukon Territory, 1970-71, you will find that 91.2 percent of the population of the Yukon is under 55 years of age. This is certainly a staggering figure in comparison to demographic figures across the rest of the country. 81.2 percent of the population of Yukon is under 45 years of age. 67.5 percent of the Yukon's population is under 34 years of age and roughly over half, 51.2 percent of the population is under the age of 24 years. I think that if there is any area in Canada that has both, I would put it, probably a younger per capita population than any other area in North America, it is the Yukon, and I think the thinking of this House should reflect that fact of life. I would be of the opinion that the age of majority, because of this situation should be in the eighteen years and under age. It would also coincide with the provinces of Alberta, Manitoba and Ontario. I think the thinking of the governments of these provinces is, that even those that are of the nineteen years of age, will come down to eighteen to reflect the Federal Government's age of majority which has been set at the age of eighteen years of age. I am not going to make the motion unless I should be assured the success of it in the House, and if other Members would agree with the argument that I have proposed then I would suggest that it come from anyone. I couldn't care less that the age of majority for the Yukon be lowered to the age of eighteen.

Mr. Legal Adviser: Right across the continent, there have been changes in the age of majority. In very many states of the United States as well as in the provinces, they have chosen different ages, and it is hard to get a pattern. There is a proposal that arose last year at the Conference of Uniformity Commissioners of Canada, that a move be made among the provinces to create a uniform age. So, this may come forward next September. It may come forward again. So, if the House would be willing to accept nineteen at the moment, the subject can always be reviewed if in fact, the provinces do become uniform. Then there will be pressure on this Government to follow suit, but until that ... it can always be done by a simple amendment at that time and wouldn't cause much trouble.

Mr. McKinnon: I think that you are going to find, Mr. Chairman, that the provinces are going to fall in line. Anything that I have read on the subject to do with the federal thinking, which is eighteen and it only seems to be reasonable that the provinces will fall into

BILL #2

the same line as the Federal Government and also any of the more progressive provinces are already moving in that direction, and making the age of majority eighteen. I certainly hate to see with our demographic make up that we weren't in step with the most advanced thinking on the subject as far as the age of majority went. I think that eighteen is the age.

Mr. Chamberlist: Mr. Chairman, I think that what the Honourable Member had to say has merit, but as Mr. Legal Adviser pointed out there is going to be a conference of uniformity take place from time to time, and we should wait until the results of their deliberations are found out because as the Honourable Member recognizes once we reduce the age of majority to eighteen, it would mean that every Ordinance that mentions the age of nineteen would also have to be brought forward to reduce the age to eighteen. This would mean such Ordinances as the Liquor Ordinance would have to be amended, I would be reluctant at this time to do that. I would prefer that we wait until we get the report from Mr. Legal Adviser that may be forthcoming then deal with the matter at that time. I am not saying that we shouldn't deal with it I just think we should wait.

Mr. Tanner: Mr. Chairman, I tend to agree with what Mr. Legal Adviser suggested in that if we do reduce the age to eighteen, and the uniformity conference recommends nineteen, we would be in a very difficult position to change the age back to nineteen.

Mr. McKinnon: I don't want to belabour the point, Mr. Chairman, because I see that the feeling of the Members is. It would be just a waste of time to try lowering the age to eighteen at this time, but if I thought it would be successful I would attempt to have the age lowered to eighteen.

Mrs. Watson: Mr. Chairman, I move that Bill No. 2 be reported out of committee without amendment.

Mr. Tanner: I second the motion.

Mr. Chairman: It has been moved by Councillor Watson, seconded by Councillor Tanner that Bill No. 2 be reported out of committee without amendment. Are you prepared for the question? Agreed?

*MOTION
CARRIED*

MOTION CARRIED

Mr. Chairman: In view of the time, I will declare committee in recess until two o'clock this afternoon.

RECESS

RECESS

Mr. Chairman: At this time, I call Committee to order. The next Bill is Bill No. 3, namely, An Ordinance to Amend the Child Welfare Ordinance.

BILL #3

Mr. Chamberlist: Mr. Chairman, the purpose of this Bill is to make some procedural changes in the Child Welfare Ordinance which have been shown in the operation of the Ordinance to be desirable. In section 20, it is made clear that temporary care does not include formal wardship and limits temporary care agreements to a two year period. In section 23, the Commissioner takes the power to contract out the operation of government child care facilities. Sections 32 and 55 place the appeal period - normal to court rules - in the Ordinance so that non lawyers will have their rights made clear. Section 40 enables the Director to deal with exceptionally difficult children. Sections 71, 73, 75 and 89 deal with procedures in consents to adoption by providing for the duties of adopting parents qualifying a person's right to revoke a consent. Section 94 is inserted to remove any doubts about the effect of orders made under the predecessor Ordinance. Mr. Chairman, there have been some occasions during the last year or so since the amendments, that since the new Ordinance came into being, there are some areas that have been tightened up for the benefit of the proper operation of the Ordinance, itself. Hence, these recommendations have been brought forward by the Departmental people for your consideration.

Mr. Chairman: I will proceed with the reading of the Bill, at this time. (Reads section 1)

Mr. Stutter: Mr. Chairman, I wonder if I might ask at this point who the Director of Child Welfare is.

Mr. Chamberlist: Mr. Murphy, at the moment, is the Director of Child Welfare.

Mr. Chairman: Are you clear on section 1? (Reads section 2)

Mr. Tanner: Mr. Chairman, could I ask the Minister of Health and Welfare whether he doesn't have that quite right?

Mr. Chamberlist: No, Mr. Chairman. Under the existing Ordinance, section 23, gives the power to the Commissioner to establish, from time to time, group homes, but not to contract them out.

Mr. Legal Adviser: The Chairman's frown is a question. Section 23 says he may, from time to time as he deems it advisable, establish group homes. The theory is that this is too vague a section to enable him to take advantage of group homes which have been built by the Government and operated under contract to him. It's a more economic way of doing things, rather than staffing it completely with civil servants. He may either take a Government facility, or hire a facility from other people and operate it by contract in what has now come to be a fairly normal way of doing things. This is merely to resolve that doubt rather than to establish a new power.

Mr. Chairman: Are there any further questions on section 2? (Reads section 3)

Mr. Tanner: Mr. Chairman, could I ask a question again of the Minister of Health and Welfare. In that case, if somebody hasn't a court order directing that they have adopted a child, can that person appeal on that order after thirty days? Is that what you're saying?

Mr. Chamberlist: He can appeal within thirty days. Prior to this amendment, Mr. Chairman, there was no provision for appeal within that time. There was no time, no provision for a fixed time of appeal. This is why, Mr. Chairman, it is included here. Perhaps, Mr. Legal Adviser, if I am incorrect in the explanation of that, you could explain in more detail.

BILL #3

Mr. Legal Adviser: The Minister is correct, Mr. Chairman. There's a thirty day period under normal court rules. As I would comprehend it, any appeal set out in a statute comes within that rule. A judge can, of course, extend the time of appeal in certain cases. The proper way in doubt, when people are reading this, so they don't have to go and consult a lawyer to find out what their rights are, was to crystallize it in the Ordinance so as to remove any possible doubt as to what the time period within which they can appeal. It is expressed in the Ordinance itself. This section is repeated elsewhere in this particular Bill.

Mr. Chairman: Are you clear on section 3? (Reads section 4)

Mr. Legal Adviser: Mr. Chairman, mainly, the purpose of this is to ... in the child's interest, if, when the child becomes unmanageable, the Director wants to get the benefit of the Court to make an order and the Court to use its detention facilities, under the present regime, he would have to see that what is equivalent to a charge is brought against the child. Now, he can produce his evidence to Court and the Court is satisfied that the child needs more close supervision, then he will be sent, presumably in our case, either to Wolf Creek, or to a suitable institution if such can be arranged in the province. This has been done in the past but it needs an order of the Juvenile Delinquents Act.

Mr. Tanner: A question to the Legal Adviser; does this sufficiently protect the rights of the child? In past, I assume, where a charge has been laid, the child could, if he so wanted, have a legal counsel. Is this protection withdrawn from him under this section?

Mr. Legal Adviser: Not quite. The Director would be doing it in his capacity as father. He would be looking after the ward as a ward, and would have to arrange with Mr. Ogison to act as his agent to look after the child for him; or, the other alternative is, to have the charge brought. This makes it clear that Court intervention ... he must go to Court now. He didn't have to in the past. He must go to Court and the Magistrate must hear what he has to say. It's not so much protection in the instance of the child. The child was protected by the Director, because he's already in the custody of the Director. It's the place where he goes and the legality of the order.

Mr. Chairman: Clear on section 4? (Reads section 5)

Mr. Legal Adviser: This is, again, imposing a thirty day appeal period.

Mr. Chairman: Clear? (Reads section 6)

Mr. Legal Adviser: Mr. Chairman, under our definitions in the Interpretation Ordinance, Court, spelled with a capital "c", does in fact mean the Territorial Court and judge, spelled with a small "j", means a judge of the Territorial Court. But, in the first four parts of the Ordinance, court and judge are used in relation to a magistrate. So, when you go from one section to another in one Part, suddenly, you're faced with making the distinction of spelling Court with a capital "c" and suddenly realizing what it means. This makes it clear; otherwise, you'd want to be a lawyer and a good lawyer at that, to realize that the courts had changed from one section to the other.

Mr. Chairman: Clear? (Reads section 7)

Mr. Tanner: Mr. Chairman, if the child has been adopted in the Territory and he was a ward or comes under the first part of the definition, in the first Part, that would be the case now in the Territory. Is that correct?

Mr. Legal Adviser: Yes.

Mr. Tanner: Then, all we're saying here is that we're assuming the same authority for ourselves that is available in a number of jurisdictions.

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

Mr. Chairman: Clear? (Reads section 8)

Mr. Stutter: Should that not have the word "and" ahead of the Director? "that the child to be adopted, 'and/or' the Director"?

Mr. Legal Adviser: No, it's considered by the Legal Department here to be very slipshod to use "and/or". You must choose what you want and then stick with it. There is there, again, another mention of the appeal period, Mr. Chairman.

Mr. Chairman: Clear? (Reads section 9)

Mr. Legal Adviser: Mr. Chairman, I would ask that the word "consent" in the first line be made plural; "Consents required pursuant to sections 69 or 70 ...".

Mr. Chairman: A question from the Chair; if I might; Mr. Legal Adviser, I wonder about the wording where you say that the person consenting appeared to understand fully the effect of his consent. Is this normal in law?

Mr. Legal Adviser: Until 1984, Mr. Chairman, it will be impossible to know what a person is thinking. You can only judge by what is told you. So, the witness is saying the person appeared to understand. He can't know that a person understood, because the only evidence of that is, you say to a person "Do you understand" and the person says "Yes", and he's on oath. So, it has to be said that the person to whom it was explained did, in fact, appear to understand what he was told. So, he says that the person appeared to understand which means that it was explained to him and when he was asked "Do you understand?", he said "Yes". This is merely a rewording because some people in the Social Welfare Department didn't understand the wording of the old section and they wanted it made clear. We've made it clear. Not the Minister; he understood.

Mr. Chairman: Have you anything further on section 9? (Reads section 10)

Mr. Stutter: I wonder, Mr. Legal Adviser, what happens in a case where a child is taken into a home, not necessarily with the intention of adopting the child. There are instances where a child is taken in for temporary care, and later adoption comes into the picture. I know that this is an offence and punishable by fine or imprisonment.

Mr. Legal Adviser: This section wouldn't apply then. This section only applies where the primary purpose of taking the child is, in reality, adoption. The section is very carefully drafted for the benefit of such people. The old section says that any person who is receiving a child into his home for adoption had to notify the Director in the prescribed form. But, people didn't have prescribed forms, and they didn't know what to do. Now, all we're asking they do is send a letter stating what happened and provided that they provide reasonable information, they will be accepted. Before that, they had to get the form and someone in Teslin or somewhere like that wouldn't have a form and these would technically be offences.

Mr. Stutter: I don't think that's quite my point. The point is that if a child is taken in for temporary care, and then along the line, perhaps after six months, it is decided that this child might be adopted by that same family, what happens then? The child has already been in care for 180 days.

Mr. Chamberlist: Well, the question, as I see it, is until such time as the people who have that child in care, have made up their minds that they wish to adopt the child, then they must give notification within thirty days from the time they have asked to adopt the child. The legislation is not intended to work as a penalty against people who are looking after children for parents who, perhaps, have gone away for a short period of time. Once they wish to adopt, then they have to notify the Director.

Mr. Stutter: Surely, Mr. Chairman, this provides a loophole for somebody that had a genuine case, they could say, well I didn't decide to adopt this child until so many days ago.

BILL #3

Mr. Legal Adviser: Well, it does, you see you must have some flexibility, because there will be genuine cases where a brother will be looking after his brother's child and will contend to adopt. He will then get in touch with the department on the way. It would be very harsh to reflect back, and say that merely because he has provided care when his brother was on holiday, and the brother died while on holiday that you reflect back. You have got to allow for the fact that there is a loophole but there is not much you can do about it.

Mr. McKinnon: Mr. Chairman, I have a great deal of difficulty with this section, because I think it just doesn't take into consideration in any way, shape or form the culture pattern in tradition with the Indian people of the Yukon. It is just a matter of the fact of life that if something happens to one member of the family, the child is just automatically brought into the next cousin, aunt, uncle part of the family and looked after as their child without any formal adoption procedures or without any notification. This is the type of a culture pattern that has been going on for centuries, or maybe even thousands of years in the Yukon Territory. Now you are saying that this person has to notify in writing the director that this has happened. Then explain it to me how this comes about, because it is definitely an adoption procedure, is it not?

Mr. Legal Adviser: That wouldn't be regarded as an adoption procedure. An adoption is an adoption where you require a court order to change a persons status from being the child of one group of parents to being legally the child of the other group of parents. In the situation that the Honourable Member mentions, it's only a question of their looking after a child permanently. But, it is not an adoption, it's permanent care. It is not a legal adoption.

Mr. McKinnon: It is a permanent adoption in both their eyes and in the eyes of the society here because that child lives in that family as a child of that family without any difference made between the status of that child and the other children of the real parents of that family. As far as that family is concerned, that child is now a member of their family, no if, but or any question whatsoever.

Mr. Chamberlist: With respect, I think the Honourable Member is making a point in relation to the care of a child, where parents or cousins uncles, aunts, grandparents take care of somebody's child. Now, this piece of legislation just deals specifically with adoptions. To prevent people going directly to a court, and applying to the court for an order to adopt, because the moment that is done, then they are breeching this Ordinance because the director has to be notified. We are not saying that the adoption has to be via the director, but the Director of Child Welfare must be notified when people wish to adopt a child. We are using the word adopt in purely the legal method of what adoption is. I think that the point that the Honourable Member has made is quite well taken when we are thinking in terms of taking care and looking after, but by taking care and looking after, you are not legally giving the name of the new parents, the foster parents at the time to the child. The name is only given when the child is legally adopted. I think that this is where the difference arises.

Mr. Tanner: Mr. Chairman, I would suggest that what the Honourable Minister says in that you should define adoption in the interpretation of the Ordinance, shouldn't you? The way that the Honourable Member from Whitehorse describes it, is the same way that I look at it. I

ILL #3 think that it could be misinterpreted as it presently reads.

Mr. McKinnon: I wonder, if after we go through the Ordinance, whether we could leave it in Committee for awhile because with all due respect to Mr. Legal Adviser and the Executive Committee Member, I would like to have some outside opinion on this matter because that's how it looks to me on face value. I would just like other objectives on this matter.

Mr. Legal Adviser: What it says, Mr. Chairman, "any person receiving a child into his home", and then it says "the purposes of adoption then depends on what we mean by those purposes". Now, as our suggested meaning is, it is the purpose of an adoption as in the Ordinance with which we are dealing. Adoption has a dictionary meaning as well as a legal meaning. We could change it to meet the point, because the point is well taken, but for the purposes of a legal adoption or for the purposes of obtaining an adoption order; no. We can tie it down in some ways.

Mr. Chairman: Just speaking from the Chair, I am aware in many instances within the native population of the Territory that children are adopted but not legally adopted, their name just goes on the band list and that is the end of it. This would work a hardship on them, judging on the way it is worded.

Mr. Legal Adviser: We are prepared to examine it, to see whatever extra meaning is attached to it in common speech shall be taken away from it, and the section means what we want it to mean. We'll examine it for that purpose.

Mr. McKinnon: I think that this is ... I don't doubt the motives of anybody associated with Ordinances at all, I just know that it could be misunderstood through the language as it now appear. As the Honourable Member from Whitehorse East is well aware, that when you get, which most of the social workers, when they come to the Yukon, they are strange to the Yukon and to the ways of many of the Yukon's traditions. It just could happen, read under this way, that I could see some hotshot actually making an instance and some very great hardships on the family that has a long history of tradition just done this as an automatic thing. I think probably our society could learn one heck of a lot from the method of their adotion procedure.

Mr. Chamberlist: Mr. Chairman, if we accept the comments that have been made, perhaps Mr. Legal Adviser can take a look at it, and bring forward some section that will clarify what is meant by adoption for the purposes of the Ordinance.

Mr. Chairman: (Reads subsection 89(2)).

Mr. Tanner: Mr. Chairman, doesn't it presently say in the Ordinance, six months? The decision of the prospective adopting parents will be six months?

Mr. Legal Adviser: This section was put in on technical advice. If a child is placed with a married couple who have expressed the wish to the department that they wish to obtain a child with the view to adopting it, we are putting in this section to make them make up their minds quickly. Because, as time goes on, the chances of the particular child being adopted by another parent are being diminished and diminished and diminished. So, in the child's interest, it is necessary to have a force growth of love in this direction.

Mr. Tanner: Mr. Chairman, I would quarrel with that concept, because if in the long run, it's the child's welfare we are looking to, if because they have to make a decision within two months, eventually a year and a half, now having decided to adopt the child, suffers

Mr. Tanner continued ...

because they realize that they didn't have sufficient time to make the decision, and they made the wrong one. In the long run, perhaps that child is worse off than if they had six months to make the decision.

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Mr. Legal Adviser: It happens with an occasional child. In general, there are an adequate number of parents, I think, at the moment with a view to adopting child, and we shouldn't hurt the children. The department have asked us to specifically, that they have fallen into difficulties through the delays which have occurred under the existing Ordinance. I would ask the House to bear with us in this. It is technical advice we are acting on.

Mr. Chairman: In as much as this section will be reviewed again before the passage of the Bill, possibly we could give some thought to this subsection as well.

Mr. Chamberlist: Mr. Chairman, I would like to comment on Councillor Tanner's thought here, especially, and I think all Members would appreciate the fact that we cannot disclose names and specific cases. But a specific case recently comes to mind where a child was in the hands of proposed new parents for a period of about eight months. Then there were attempts made to withdraw this child, consequently there was not only a lot of suffering to the people who were looking after the child, but there was suffering to the child, itself, if that child had been taken away. Now, this is the reason why we want just the two months in there. So, that the decision could be made in that time, and the child does not suffer. This is the main consideration, there is no other purpose in there at all but that particular point.

Mr. Chairman: (Reads subsection 89(3) of section 10 of Bill No. 3, section 11).

Mr. Stutter: In answer to the first question that I asked the Minister, he stated that the present Superintendent of Child Welfare is in fact the Director. This makes a very definite distinction between the two positions. Does this imply a new position is going to be created and a Director?

Mr. Chamberlist: Well, Mr. Chairman, with respect I do not recall the question being, where if the child, if the Superintendent of Child Welfare is Director, the question that I was asked "who is the Director"?, and that is what I answered.

Mr. Stutter: Well, Mr. Chairman, may I ask who is the Superintendent of Child Welfare?

Mr. Chamberlist: Now we have no Superintendent of Child Welfare, because the Child Welfare Ordinance as we have it now, is a consolidation of all those Ordinances that took place when we brought this particular Ordinance into effect on the 22nd of January, 1970, which was the First Session of 1970. In the old Protection of Children Ordinance, reference was made to the committing of a child to the Superintendent of Welfare. Now, this section is being put in, so that those children who are in custody, in the care of the then Superintendent of Child Welfare under that Protection of Children Ordinance, shall be deemed to be in the care of the Director of Child Welfare now. So, it doesn't then break away from the attitude that the child itself is still in somebody's care. I think that I have given the explanation, but if Mr. Legal Adviser thinks that I have any error in that.

Mr. Legal Adviser: I am not suggesting any error, but the position of children under the old Ordinance was, that the orders made under that Ordinance continue in force under the new one. This is the

Mr. Legal Adviser continues...

BILL #3 operation of the common law. That particular department is a very cautious department, and they want it written down to make it quite clear that this was the position.

Mr. Stutter: Mr. Chairman, all I really wanted to find out was, if there is a new position being created, or for the purposes of this Ordinance is the Superintendent and the Director one and the same person?

Mr. Legal Adviser: One person.

Mr. Tanner: Mr. Chairman, could I go back to section 10 part 2? I think that section would be more acceptable to me if it had some sort of expression in there. I think that the problem is, as it says now, they have got to arbitrarily make a decision within sixty days, and if the attendant worker, he could recommend to the Director that they need another month to make up their minds, or another two months to make up their minds. Then I could accept it, but as it is now, I think that it is putting too much onus on the parents. In the long run, it is not necessary the welfare of the child.

Mr. Chamberlist: Well, with respect, there is some flexibility there because the words "whether he or they intend to adopt", now those words being in there and an application made that I intend to do this, but I would like another short while to discuss it, I am sure that it would be interpreted in that very broad view in that particular area, the way I see it. Although this wasn't the original intention, I am sure that now that I see it, it looks as if there is some flexibility there.

Mr. Legal Adviser: Breach of this section is not an offence as the Honourable Member can see. In the drafting of subsection (3), you commit an offence for a breach of subsection (1) but you don't for a breach of subsection (2). The people in the department need the force of law behind this whole Ordinance, dealing with the status and future happiness of children. They need to be able to say to their adoptive parents, it is required in the Ordinance that you make up your mind within two months. Otherwise they are without a force, and for the children's good, the very, very strong advice of the department is to keep this at sixty days.

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

Mr. Chairman: Is Committee agreed that we report progress on this Bill? Agreed? Just before we proceed to the next Bill, it has been brought to the attention of Committee that tomorrow we will have a Sessional Paper into Committee to the House respecting rental housing. In this regard we have a gentleman in Whitehorse to answer questions that Committee might have with respect, and with your concurrence I would like to suggest, with the concurrence of Committee of course, that tomorrow morning at approximately 10:30 following Orders of the Day, we could have with us Mr. Hendricks, Mr. Bilawich and Mr. K. Fleming. Would this be agreeable to Committee. Agreed? Mr. Clerk would you so note. Thank you. The next Bill, is Bill No. 4.

Mr. McKinnon: Mr. Chairman, I wouldn't have any objection at all to the reading of this Bill as it is, but as all Members of Council are aware, Bill No. 4 became public information today, and it is the first time any of the municipalities or the private ... the Yukon Electrical Company have seen the Bill in its proposed form. Both have indicated that they would like some time to be able to examine the Bill prior to its being accepted in Council as they may or may not have representations to Council on the content of this Bill. I think that it is a valid request and I would request that Committee not proceed with Bill No. 4 at this time. It could be read but not passed out of Committee.

Mr. Chamberlist: If the Honourable Member would like to indicate any specific day that he would like to have these people attend? Give them time to study it.

Mr. McKinnon: Whatever the House considers to be a proper length of time, two, three or four days, there has been nothing requested to me as to a length of time delay in examining the Bill. It was just said that they would like some time to be able to examine, so that they may make representations if they so desire.

Mr. Chamberlist: I would suggest, Mr. Chairman, that perhaps next Monday would be sufficient time, and we could continue with the reading of the Bill.

Mr. Chairman: Well, rather than become hard bound to a specific date and fouling up Committee procedures completely, I am just wondering if Committee is agreed that we defer this Bill at this time until a later date. Agreed? The next Bill is Bill No. 5.

Mr. Tanner: Mr. Chairman, I have some reservations about this Bill, and I would like to see the Regulations presented with the Bill. I might ask that Committee would consider putting this over until such time as we can get the regulations.

Mr. Chairman: Are the regulations available, Mr. Legal Adviser?

Mr. Legal Adviser: It is my recollection that I did Regulations, quite some time ago. They will be available to the House. They couldn't of course be published as regulations until the Bill is passed, the draft.

Mr. Chairman: Would copies be available to proceed with this Bill?

Mr. Legal Adviser: No difficulty.

Mr. Chamberlist: I wonder if the answer is, Mr. Chairman, they are proposed Regulations.

Mr. Legal Adviser: They can't be signed until the Bill is law.

Mr. Chairman: I will proceed with the reading of the Bill, Bill No. 5, namely an Ordinance Respecting Employment Agencies.

BILL #5

Mrs. Watson: Mr. Chairman, the former Employment Agencies Ordinance, which is repealed by this Ordinance, virtually prohibited the existence of employment agencies. This Ordinance will legalize the agencies, subject to controls set out in the Ordinance. An agency may not charge fees to the individual applicant, and must inform him if the proposed job is subject to a strike or lockout. Power is taken to prescribe certain matters such as registration fees, returns to be made, security to be given, and inspections.

Mr. Chairman: We will proceed with the reading of the Bill. Agreed? (Reads sections 1 and 2 of Bill No. 5). Would this bring Manpower under the purview of this Ordinance, Mr. Legal Adviser?

BILL #5

Mr. Legal Adviser: It is not intended to include Manpower, it is intended to take the existing agencies and put some regulation, not very much, but some regulation in the employment agencies. A situation brought this to the Government's attention quite some time ago, when the House will recall, a firm operating in Whitehorse advertised throughout Canada and they advertised jobs in Fairbanks on the North Slope, what they actually were doing was acting as a circulating agency. At that time we looked at our Employment Agencies Ordinance to see what it contained, and we realized it was ineffective so a task force was set up to draft a new ordinance which was put to one side from time to time and it is now on its way to the Executive. There is no special urgency about it at all, it is just a task from sometime back.

Mr. Chairman: I was wondering if Manpower would be involved or the Placement Officers within Northern Affairs?

Mr. Legal Adviser: None of these Government agencies at all

Mr. Chairman: They should be. (Reads sections 3 and 4)

Mr. Tanner: Could the Commissioner, or the Legal Adviser indicate to the House who they had in mind as the Registrar and Deputy Registrar?

Mr. Commissioner: Territorial Secretary.

Mr. Chairman: Clear? (Reads 5 and 6)

Mr. Tanner: Mr. Chairman, this is one of my reservations about this Ordinance, it is entirely new, we haven't had it before and there are so many things here, qualifications prescribed by the Regulations, security as is prescribed by the Regulations, it is my initial thought; and I address the House in this manner that a lot of the things that are indicated will be in the Regulations, should should be in the Ordinance. Again I would ask the House not to move this out of Committee until such time as that, I for one, have had time to study both the Regulations and the Ordinance.

Mr. Chairman: Clear? (Reads sections 7, 8, 9, 10, 11, and 12)

Mr. Tanner: Mr. Chairman, I would comment again, that is exactly what I am talking about, I would like to see Regulations prescribing forms and providing for their use and the rest of those Regulations should be in the Ordinance.

Mr. Legal Adviser: The Regulations, Mr. Chairman are possibly the simplest set of Regulations that have left our office, they merely prescribe that the person gives his name and address, he lists what fees he is charging, and then he gives a security for one thousand dollars, in case where, an applicant for employment is not given his rights by him and sues him, and a Court gives a decision so the judgement can be satisfied. It prohibits misleading advertising and that is about all.

Mr. Tanner: Yes, but don't you see my point, Mr. Legal Adviser, those Regulations should be changed, otherwise, if you want to change them and they are in the legislation then it is up to the Council to change them.

Mr. Legal Adviser: I would draw the Honourable Member's attention to the fact that we haven't been able to trace when there was last an employment agency in the Territory. We don't know of one ever in the past except operated by Manpower, what we are doing is filling a gap in our legislation in case something comes of it.

Mr. Chairman: Well, from the Chair, was this not a direct result of that fiasco here sometime back, someone in Whitehorse advertising North Slope.

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Mr. Legal Adviser: This is the end result slow but sure of that particular thing. We decided that it was just as well, in case it happened again, to have legislation and I think, as the Commissioner pointed out, the Council asked to do this.

Mr. Chairman: Yes, but that I might point out from the Chair that the Council asked for legislation, not Regulations.

Mr. Chamberlist: Oh, but with respect even Mr. Chairman, if he takes a look at the Regulations I am sure, in these particular Regulations he can't find one thing that is offensive because in this particular one I went through this one with a fine tooth comb so that there wouldn't be anything in there at all that I thought that the Council could object to. You know, honestly, I nursed this one so that there would be nothing in there could be objected to. Now, well I don't know.

Mr. Chairman: Well, I can only say from the Chair that that is the part that scares me, because once we walk out of these Chambers and the Speaker has left the Chair, the Regulations start changing and they come in heaps and stacks about once a week about that thick.

Mr. Tanner: Mr. Chairman, I would point out to the Honourable Member that if it is that easy to write them up, then it would be just as easy to write them into the legislation wouldn't it?

Mr. Chamberlist: Mr. Chairman, the principal of legislation has to be learned as well, one of the principles of legislation is quite clear, you cannot call Council to Session if an emergency matter arises where Government has to deal specifically and promptly with something that protects the public, now, this is why you have the power to make Regulations and certainly if any Member of Council, at any time brings forward to the stage where there has been abuse in the making of Regulations, I would support them 100 percent and make sure that Regulations that were abusive were removed. I can't go beyond that.

Mr. Chairman: You're all heart.

Mr. Tanner: Mr. Chairman, it is obvious that some Members have great reservations on this particular Ordinance, can we put it over and report progress.

Mr. McKinnon: The only question I would like to ask, remember when I asked the question on the Expropriation Ordinance, I said, why, do we need an Expropriation Ordinance, anybody thinking of expropriating anything we just want it on the Statute Books, just in case we, in the future, have to have to expropriate some lands of a big company. Of course we just got home and found out that we had a new site for a Federal Building, or Territorial Building down the street here. I was wondering if the Administration knew of any employment agencies coming to town at this time, or is this just another one of these ordinances that just in case an employment agency may want to start up business in the Territory.

Mr. Chamberlist: Mr. Chairman, the Honourable Member knows that he raised his voice very strongly over the matter of a company advertising in the manner he did, really what we are doing is complying with the request that he specifically brought forward. I can't see any objection raised in this particular area, surely.

Mr. McKinnon: I wonder if Mr. Chairman, a Member of the Administration could point out specifically, where it will eliminate a mail campaign from another area of the country using the Yukon as an opportunity for employment and where we can nail that person for doing it, that was the specific request.

BILL #5

Mr. Legal Adviser: We can't make our writ run outside, it was a base in Whitehorse, if the Honourable Member remembers.

Mr. McKinnon: The box number was.

Mr. Legal Adviser: Yes, once they use a Whitehorse base, we can do something, but if they operate on a paraphrase there is nothing we can do.

Mr. McKinnon: In other words, if an employment agency uses a Vancouver base box number and advertises employment opportunities in the Yukon, we are still stuck.

Mr. Legal Adviser: Not quite, Mr. Chairman, it so happens that there is similar legislation in the provinces, in some of the provinces, I think in B.C. to this particular Ordinance that they could get them for misleading in B.C.

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

Mr. Stutter takes the Chair.

Mr. Taylor: In this Ordinance you say that an employment agency, means the business or carrying on an agency, bureau, office, organization or system, the purpose or object of which is to find work for people sort of thing. What happens when you have a mining company, I know of several, who live in the bush or their prime operation is in the bush and they have an office say in a community such as Whitehorse, and from time to time the mine requires employees, now, I gather from what I have read here that the mine can do this because that is part of their business but there are subcontractors, the people that are doing their pit hauling, their diamond drilling and there are other things, say well look will you find me a man for a driller's helper who is not part of that system. Does then this business under this Ordinance have to go and put down a deposit according to these Regulations and register as an employment agency, working for subcontractors or people working in the area of the mine site.

Mr. Legal Adviser: I think you should read section 3(a) it says "as part of his business organization", I think that could be said to be part of his business organization, it is not tied down with a specific company, or his own specific employees, his organization he can organize.

Mr. Taylor: Yes, but this still doesn't get around my problem because often where for instance a mine site exists, different people from other organizations, not necessarily attached to that organization come in to a neighbouring operation, and say can you see if you can radio out to town and find me a driller's helper and theoretically these people would be breaking the law by doing this if they had not registered.

Mr. Legal Adviser: It is not intended to cover that and I don't think that the wording of this will be sufficiently wide to catch these people. This is especially what a person sets up as his business to seek works for business, not where it is his own business, once they are all linked in a group the subcontractors, the painters, the plumbers and so forth, and they say get me a helper from downtown, he hasn't set up any office for the purpose, it is just that he is getting somebody. He hasn't set up an agency at all, no charge would be laid, he wouldn't deposit anything

Mr. Taylor: Just one final remark, Mr. Chairman, I hear lots of "I don't think" type remarks here, but I can say this that the more I think about it and different circumstances that exist around the Territory that if the Administration so chose at some moment, to ride hard on somebody that they could misuse this Ordinance to the detriment of people in the Territory, because this type of interchange is going on all the time in the Territory.

Mr. Chamberlist: I wonder, Mr. Chairman, if the Honourable Member who has just spoken is prepared to come forward with a suggestion that could correct what he thinks is wrong with that particular area so that we can take it into consideration.

Mr. Taylor: This Member would be more than willing to, once he has an opportunity to read these things, I can't be reading the Bill and this which we have just now received. I'm trying to find out just what is intended here in this Ordinance and something like the Honourable Member from Whitehorse West is spoken of, we asked for some simple legislation, now it is becoming very complicated involving a lot of people that maybe it shouldn't involve.

Mr. Chamberlist: I understood that although it is true that this hasn't been in the hands of the Honourable Member for any length of time, he has had it for a week or ten days, I see no objection if the Honourable Member feels, that he requires a little time to come forward with a suggestion, I would be pleased to look at his suggestion, the Government is not excited over whether it should be as it is written but we would certainly appreciate to get the interest from other Members of Council so that we know exactly what, this is something that Council asks for and this is what we want to give too.

Mr. Taylor: Well, Thank the Honourable Member but I haven't had this information that he has had for many months until a few days ago and I haven't had an opportunity really, to study it, but this is the reason we do ask questions, endeavouring to get answers upon which we can make decisions and as far as I am concerned I would like to see the Bills should over too because I am distrustful of some people on this one, of the secret society that now exists in the Yukon Territory.

Mr. Legal Adviser: I just draw the Honourable Member's attention to the fact that the key word to the first section, employment agency means the business of carrying on, it has got to be a business that is carrying on, not just a casual carry on, it must be the business of, if the words were, meaning carrying on an agency, bureau, office, for the purpose of something, that is different but we specifically drafted it as the business of carrying, the business, not the actual offense of hiring somebody or even hiring for someone else when you don't do it as a business.

Mr. Taylor: Now, this would mean an expediting company, all expediting companies in the Territory would have to register or face a penalty..

Mr. Legal Adviser: Including people and that is their business, they have to register.

Mr. Taylor: They just maybe hire one man in a season but that is part of their business.

Mr. Legal Adviser: Then it is not a business you only have one client.

Mr. Tanner: This is my hangup on and I do want to discuss it some more, but your definition of an employment agency means the business of carrying on a agency, is that the only sole purpose of that business.

Mr. Legal Adviser: It has got to be done as it is.

Mr. Chamberlist: It may be that the business, Mr. Chairman, carries on a number of business operations within the business, but if it is carrying on the business of an agency, finding people for employment, then of course it is carrying on the business of an employment agency, there is no intention of going after the people who are interested in getting employees for their own operation or ally to their own operation but where a business is specifically carrying on an agency of employment, this is what is involved but, Mr. Chairman, as I have indicated that the Government has no objection to seeing this set aside for further discussion, if Honourable Members wish it that way.

3ILL #5

Mr. Taylor: Mr. Chairman, there is just one thing here, if you said in subsection 2, that employment agency, means not the business of carrying on an agency, bureau, etc., but solely the business of carrying on an agency, bureau, office, organization or system well then, it takes on a different meaning, but if you are going to suggest to me that every expiditing company and there are other related groups, I just happened to pick out of the air, expediters, would have to lay down one thousand dollars, I believe there is one thousand dollars mentioned somewhere, yes, in the Regulations, he has to provide the Registrar with a sum of one thousand dollars, bang bang, bang... deposite security. I certainly couldn't go along with this because now you are imposing a hardship on small businesses in the Territory.

Mr. Chamberlist: That's not necessarily one thousand dollars cash.

Mr. Legal Adviser: So far as the Government knows there is nobody presently carrying on business in the Territory who will be covered by this Ordinance, so far as we know.

Mr. Tanner: Mr. Chairman, I suggest that I do know of one and I want to check it before I do anything more about this Bill.

Mr. Chairman: There is one thing I would like to ask the Legal Adviser from the Chair how could this become a business, when section 9 makes it absolutely impossible to receive any type of remuneration for either the person seeking employment or the employer.

Mr. Legal Adviser: They have to get the Regulation from the employer not the employee.

Mr. Chamberlist: What we are trying to do is stop that nonsense of where someone wrote out a letter and said, if you send us two dollars then we will sent you a list of employees. This way the employer makes the request, the employment agency is then working for the employer and is the employer who pays the fee for this the services, not the employee. I wonder if we could read 13 and 14 and then report progress on this.

Mr. Taylor resumes the Chair.

Mr. Chairman: Clear? (Reads 13 and 14) Is it your wish that I report progress with this Bill?

Mr. Chairman: I think at this time we will have a short recess.

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Mr. Chairman: I call Committee back to order. This is An Ordinance to Amend the Game Ordinance.

BILL #6

Mr. Chamberlist: With respect, Mr. Chairman, we would always like to get the Explanatory Note into the records.

Mr. Chairman: If the Honourable Member is prepared to do so, I am at your pleasure.

Mrs. Watson: Mr. Chairman, the purpose of this Bill is to establish a game preserve at Fishing Branch River. The existence of young salmon at this well known spawning ground attracts game to this remote area. Exploration may open up the area and lead to destruction of the salmon and their spawning grounds unless protective steps are taken. Opportunity is taken to transfer forms from the Ordinance to regulations by repealing Schedule D.

Mr. McKinnon: "Existence" is spelled wrong.

Mr. Chairman: I will proceed with the reading. (Reads sections 1, 2 and 3)

Mr. Tanner: Mr. Chairman, could I ask the Councillor in whose area this Fishing Branch River lies, to indicate on the map what area that might be.

Mr. Stutter: Mr. Chairman, I'd be glad to indicate on the map and, also, before we proceed with the Bill, I would like to say that in the number of years we have been conducting business in Old Crow, many of the natives have been telling me about an area towards the headwaters of the Porcupine River where the river didn't freeze at all in the winter and the trees grew to fantastic size and that there were even ducks staying in the area and there was lots of fish to be had. Apparently, this is the area in question. At the time, I took it pretty well as legend, but it appear to be fact. I'm particularly pleased to see that some form of protection has been suggested for the area. Now, to get back to your question. I think most of us know where it is. It's due north of Dawson and almost due south of Old Crow. This is the Fishing River Branch River here and it goes down into Porcupine River. I think the area being considered is here, and north to here and between 140° and 139° West Longitude. It would be this rectangular shape in here, with this ten mile stretch of the river which apparently remains open.

Mr. McKinnon: What is it, a hot springs or something?

Mr. Stutter: It must be hot springs. I've never been fortunate enough to go to the area, but I would certainly like to.

Mr. Chairman: I can't recall Schedule D. What, now, is called Schedule D in respect of forms?

Mr. Tanner: Mr. Chairman, while the Honourable Member is checking up on Schedule D, perhaps the Administration could give us some indication of what total area is being set aside.

Mr. Commissioner: Not off hand, I can't. I could get it from the Game Branch, Mr. Chairman.

Mr. Chairman: I would like to know the essential difference, from the Chair, between a game sanctuary and a game preserve. Is there someone in the Administration sufficiently enlightened to be able to answer this question?

Mr. Commissioner: Well, Mr. Chairman, with respect, I can understand

Mr. Commissioner continues ...

BILL #6

Councillors asking this question. Might I suggest that it might be advisable to ask Mr. Hodgkinson and Mr. Fitzgerald to come in here as they are the people dealing with this. I'm sure that they could give you the answers immediately.

Mr. Chairman: Is Committee agreed? Mr. Clerk, would you so inquire if Mr. Fitzgerald and Mr. Hodgkinson are available. I will declare a brief recess.

RECESS

RECESS

BILL #6

Mr. R.A. Hodgkinson, Assistant Commissioner (Executive) and Mr. J.B. Fitzgerald, Director of Game, are in attendance.

Mr. Chairman: I call Committee back to order. We have with us Mr. Hodgkinson and Mr. Fitzgerald to assist us with discussions relative to Bill No. 6. Will you proceed, Councillor Stutter.

Mr. Stutter: Mr. Chairman, I would like to ask Mr. Fitzgerald if, by making this game preserve, it in any way changes the rights of the native people of Old Crow. Would they still be able to go in there and trap fur-bearing animals, fish, and things they have done in the past? I'm all in favour of setting this aside to make sure that it isn't disturbed in any way from the way it has been treated in the past, and that, of course, includes rights of native peoples.

Mr. Fitzgerald: The suggested area is in the Old Crow group trapping area, and it wouldn't interfere with the rights to trap there at all. It being a game preserve, it would not exclude them but it would exclude other people.

Mr. Stutter: So, in other words it would remain the same. They could trap and fish in that area

Mr. Chamberlist: I wonder if Mr. Fitzgerald could indicate the number of game preserves under the Territorial Ordinance that exist at this time.

Mr. Fitzgerald: Just one and that is at the Peel River Preserve, north and east of here, for the use of the Northwest Territories' natives.

Mr. Chamberlist: I understood, Mr. Chairman, Mr. Fitzgerald to say "Game Reserves"...

Mr. Fitzgerald: It's preserves.

Mr. Chairman: Just from the Chair, I had asked the question earlier as to the difference between a game preserve and a game sanctuary. Possibly you could define this.

Mr. Fitzgerald: Well, a sanctuary ... I'm sorry, I don't have my Ordinance here with me. A sanctuary doesn't allow any hunting or trapping, whereas a preserve does allow native trapping and hunting.

Mr. Chairman: Just from the Chair, again, I have one further question respecting the Fishing Branch River Preserve. Would this rule out the possibility of any exploration by petroleum interests in that area? Or, would they still be permitted to carry on exploration?

Mr. Fitzgerald: Well, it seems, if it's designated as a fish preserve, I don't think it would ban any exploration in the area.

Mr. Tanner: Mr. Fitzgerald, could you give the Council some indication of the total area that is being put under this preserve.

Mr. Fitzgerald: I had just a quick look before I left the office; 1,456 square miles. I could show you on the map on the wall exactly where it is.

Mr. Fitzgerald continues ...

The Fishing Branch River runs here, down into the Porcupine here, takes in the Ogilvie and would pretty well encompass this area here up to Bear Cave Mountain. The area concerned is from the mountains to the headwaters down almost to Bear Cave Mountain. The dying fish have attracted all types of animals and fur-bearers to the area. There also must be a hot springs there because some of the timber growing there is a tremendous size.

BILL #6

Mr. Chairman: I just wonder if the description was picked up on the microphones. It must be a little difficult for the recorders.

Mr. Fitzgerald: The main area of concern is that portion of the Fishing Branch River that is on the north side of the Ogilvie and runs past Bear Cave Mountain and then turns east and empties into the Porcupine River. The ten mile stretch is from the head of the river towards Bear Cave Mountain in a northerly direction that is open now and a month ago, had an estimate of two hundred and fifty thousand chum salmon in there, along with a sprinkling of cohos and spring or chinook salmon. A slight showing of the coho and chinook, along with the chum. I think the dying fish have, of course, attracted fur-bearers and very likely attracted bears to the area as well before the fall. I think you realize that this stream bed, being bare of ice and snow, with any travel of heavy vehicles across it or attempting to build a bridge in there would create havoc with the spawning fish. I realize that this does not ban exploration in the area if they do decide to keep it as a preserve, but my understanding was that the possibility of this has been withdrawn from exploration by whoever is dealing with the company at the present time.

Mr. Tanner: Mr. Fitzgerald, could you tell Council whether, to your knowledge, there is any exploration going on at the present. Is there any exploration going on there presently?

Mr. Fitzgerald: My information is that there is an airstrip going in near Bear Cave Mountain and that there is some activity in the area right now. There is exploration activity in the area now.

Mr. Tanner: Am I right in understanding, then, that this is the only Territorial prerogative that we have and it's the estimate of your Department that Federal legislation will guard against anything else we may want to preserve.

Mr. Fitzgerald: Yes; it was explained to me that this would support any action taken by land use people. It would lend some weight to their action, I think.

Mr. Tanner: That's all the questions I have.

Mr. Chairman: I have one further question in respect of Schedule D of the said Ordinance, and unfortunately until I get a copy of the consolidation, I have no idea of what this Schedule D involves. Any further questions at this time, with respect to this Bill?

Mr. Tanner: Mr. Chairman, I'm sorry; I had one further question for Mr. Fitzgerald. Does this ... the airstrip that you were talking about, Mr. Fitzgerald, does it have anything to do with the Dempster Highway or is it strictly exploration?

Mr. Fitzgerald: It's an exploration strip.

Mr. Tanner: It in no way affects the building of the Dempster Highway?

Mr. Fitzgerald: I don't think so.

Mr. Chairman: Have you any further questions? I would like to thank Mr. Fitzgerald and Mr. Hodgkinson for assisting us in this endeavour.

Exit Mr. Fitzgerald and Mr. Hodgkinson.

ILL #6 Mrs. Watson: Mr. Chairman, I move Bill No. 6 out of Committee without amendment.

Mr. Stutter: I second the motion.

Mr. Chairman: It has been moved by Councillor Watson, seconded by Councillor Stutter, that Bill No. 6 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED

ILL #7 Mr. Chairman: The next Bill is Bill No. 7, namely the Gasoline Handling Ordinance.

Mrs. Watson: Mr. Chairman, the purpose of this Bill is to replace the Petroleum Products Ordinance by a modern Ordinance. The Bill is technical in nature but most of the details are carried in regulations which have been prepared. Equipment used for handling and storing gasoline now requires inspections and operators must hold an up-to-date safety certificate issued by the Fire Marshall. It is expected that virtually all equipment in present use will meet the new standards.

Mr. Chairman: Are the regulations available for this Bill?

Mr. Legal Adviser: Yes, Mr. Chairman, if the House wishes to have them, they are ready. But, they're extremely technical. I wouldn't recommend them for bedtime reading. They're that thick, Mr. Chairman, and full of diagrams and scientific formulae of all descriptions.

Mr. Chairman: Legislation by regulation. (Reads section 1)

Mr. McKinnon: Mr. Chairman, I wonder if we could have copies of the regulations. This Ordinance is going to apply to everybody who has a gas pump, as I understand it, in the Yukon Territory. Now, if they can't understand the regulations ... if we can't understand them, they're certainly going to be in the same bind as we are. I would certainly be interested to see the regulations. It seems to me that we're just plying regulations upon regulations upon the poor guy trying to make a buck. It's almost become an impossibility to get around Government bureaucracy for him.

Mr. Legal Adviser: Mr. Chairman, the regulations have been prepared. They are now being printed for circulation to the Members. The drafting has been done and they are ready. They meet the standards of existing regulations. In fact, they're almost a parallel of the standard regulations, both in the trade, supplying the equipment and in provinces like Ontario. It may be tomorrow before the printing machine finishes them off.

Mr. Chairman: Does the Committee wish these regulations.

Mr. McKinnon: As soon as they're available, Mr. Chairman.

Mr. Chairman: I will continue reading. (Reads section 2, definitions of "approval", "associated product", "bulk plant", "consumer outlet") Just one question here. This is not to be associated with aviation at all? Is this correct?

Mr. Legal Adviser: For gasoline, as such, and it's not, except where it is associated for special purposes, intended to deal with fuel of other types. Just gas, as such; butane gas and so forth. Just gasoline in what we know to be gasoline in every day use.

Mr. Chairman: It's not intended, then, for the fueling of aircraft, for instance.

Mr. Legal Adviser: They will be using gasoline. High octane gasoline,

Mr. Legal Adviser continues ...
but still gasoline.

BILL #?

Mr. Chairman: Though you say just "motor vehicles used by the operator". Oh, I see. (Reads section 2, definitions of "equipment", "fire resistance", "flash point", "gasoline", "handling", "inspector", "marina", "portable container", "repair garage", "safety certificate", "service station", "storage garage" and "transport") Mr. Legal Adviser, I'd like to draw your attention to the definition of portable container. Is it not intended that a ten gallon drum would be a portable container; or pardon me, a twelve gallon drum or a forty-five gallon drum?

Mr. Legal Adviser: The definition that we use is ten gallons or less.

Mr. Chamberlist: With respect, Mr. Chairman, I don't think it can be said that a forty-five gallon drum is portable. I can imagine somebody picking up a twelve gallon container and carrying it, but I just can't imagine someone picking up a forty-five gallon drum. He might place it on a vehicle, and in that sense, it is portable, but I don't think that this is the intention of the legislation.

Mr. Chairman: Any further questions of section 2? (Reads sections 3 and 4)

Mr. Tanner: Mr. Chairman, may I ask one question on section 4. As it says in the preamble to the Ordinance, it is very technical and I might be missing the point, but is paragraph (4) saying that he can't mix two types of fuel together, or is merely for the protection of the fuel?

Mr. Legal Adviser: No, it's not to protect the fuel. It's to see that any liquid with a low flash point is not put in anything except an approved container. It's not the mixture of liquids. It's the fact of putting any liquid with a low flash point in an unapproved container.

Mr. Tanner: Then, Mr. Chairman, I would like to go one step further and ask, is it within this Ordinance that one would find what control retailers of gasoline mixing diesel fuel in gasoline tanks?

Mr. Legal Adviser: No, this wouldn't be that type of Ordinance.

Mr. Chairman: Clear on section 5? (Reads sections 6 and 7(1))

Mr. Stutter: I wonder if an inspector for this purpose has been appointed, or is one of the existing personnel going to handle it?

Mr. Legal Adviser: The Fire Marshall will deal with this Ordinance.

Mr. McKinnon: Who is the onus on to know whether a container is approved or not approved, pursuant to the regulations?

Mr. Legal Adviser: I presume, on the person who is using the container. He has to use an approved container. The Canadian Standards Office sets the various types of equipment and so forth approved by various co-operatives of insurance adjusters and concerned companies and so on; so, there are approvals for this. The Commissioner would then recognize an association of having the right to approve a container if it has the seal of approval in accordance with their specifications.

Mr. McKinnon: Well, I was thinking of ... if a person came up to a gas station and they wanted five gallons of gas in a container and the gas man says, "Well, I can't give it to you because it's not an approved container". Does he have the capability of filling any container that he receives? And then, it goes back to whatever the container was bought originally for the charge, if there are charges to be laid.

Mr. Legal Adviser: I don't know what the man does who comes along with a tin can and wants to walk back. He can't bring the gasoline back in his pocket.

BILL #7

Mr. McKinnon: Well, you see the situation. He's stuck and went to the gas station and says, "Look, I want this container filled" and he says, "You can't have it because the container isn't an approved container". The person who wanted the gas would react, I would think, in a more or less violent manner, and who has the onus of saying whether he can put the product in the container? The person who is selling the gas, or the person buying it?

Mr. Legal Adviser: The person who is selling the gas must put it in the approved container or not at all.

Mr. Chamberlist: I think the point made by the Honourable Member is well taken and perhaps, we can find a way to indicate in the regulations what is an approved container.

Mr. Chairman: Clear? (Reads section 7(2))

Mr. Tanner: Mr. Chairman, has the person whose licence has been lifted under this section, got any recourse?

Mr. Legal Adviser: Yes, he can remedy the defect. This is a very, very important Ordinance, safety-wise and I think it has to be treated in a fairly severe fashion. If a person has a bulk plant or service station which is a fire risk, I think it should be closed down right then and there.

Mr. Chairman: Well, does a person in this Ordinance, have a right of appeal in the Court?

Mr. Legal Adviser: I'm afraid that the Fire Marshalls must have the power to say, "That's a fire hazard".

Mr. Chairman: What you're talking about here is ... you're saying that you are going to shut a person down possibly because, for instance, he filled a plastic container that may not be up to par according to these mythical regulations, and if you take away his safety certificate, then obviously, the gentleman will shut his business down. There must be some place he can appeal the decision of whoever the inspector is, and that would be normally in the court.

Mr. Legal Adviser: In the normal case, such a person would be charged with a contravention of the regulations and he would be convicted then and his safety certificate would be lifted, but there are occasions where there might be a technical but dangerous breach in which event, the Fire Marshall can remedy the breach forthwith. He may have to close them down, but he's got to have that power. I think the House is aware that the Fire Marshal's office is not a harshly operated office and it is quite unlikely that he would exercise his discretion improperly. If he did, he would be answerable through the Commissioner, to this House.

Mr. Chairman: Well, again, from the Chair, under the Fire Prevention Ordinance, there is a right of appeal from the decision made by an inspector or the Fire Marshall, through the courts. Now, why can't we extend this to the operation of service stations, the same right of appeal where he feels he has been aggrieved? He should have that right of appeal.

Mr. Legal Adviser: There is merit in it, but the power to lift the certificate and put the man out of business has to be paramount, whatever the appeal procedures afterwards.

Mr. McKinnon: There is a very real danger here, Mr. Chairman. We come back and back and back, again to the situation, not in Whitehorse which doesn't have these type of difficulties where there is a whole range of inspectatorial services and everything, but if you can just picture the example of a person who runs a one or a one man and wife operation on the Alaska Highway with one gas pump and a restaurant in combination with a couple of rooms or something like this. You know as well as I do that there are certain containers that look almost the same, some made specifically for water and some for gasoline. If the gasoline is put into the containers that look ostensibly like gasoline containers, it just corrodes and melts away. Now, any number of these operators

Mr. McKinnon continues ...

could have some person working during the summer who wouldn't know the difference between the approved containers from Adam, and somebody came along and asked for gas in this container, and it's done every summer in any number of outlets, so it's put in and the container erodes. So, the Fire Marshall comes out and cuts his business down because this kid has put the gas in an unapproved container. They're having a heck of a time making a go of the place anyway. I've never seen a highway lodge operator get rich yet in my fifteen years in the Yukon, and I don't think I ever will. These things just have to be taken into consideration when you're dealing with this type of Ordinance. I haven't seen the regulations, but you told me that they're very sophisticated and very technical. This is going to apply to the guy who is operating a service station with one pump on the road. You can take his livelihood away from him or the fire inspector can, for him making that one error upon the demand of a customer. Somehow, it just doesn't come through to me that we are being fair. BILL #7

Mr. Legal Adviser: The power is necessary. It's capable of being abused like all administrative power, but if the Fire Marshall were to do such a thing, Talk-Back would have something to talk about for the next month.

Mr. Chamberlist: Well, Mr. Chairman, I feel that perhaps we can find a small appeal clause to put in there that would not create any difficulty in this particular area, because there might be someone who might get over efficient at some time. But, I would ask that you look at the words "may cancel". It doesn't mean he will cancel. There is need for protection at this time for the simple reason that, I know I went into a restaurant here in town not many days ago, and I took out of a can what was supposed to be milk for the coffee and it happened to be vinegar. Somebody in the restaurant was using the same can and I happened to spot it. Now, it may well be that somebody would go into a service station because they're stuck for gas along the highway and they bring a large ginger ale bottle and they have kids in the vehicle. So, they use part of the gas out of the ginger ale bottle and then they drink the ginger ale afterwards. The point is really, that it's not such a great big thing. The Fire Marshall and his staff are sensible people who are not going to remove a licence indiscriminately. But, I feel it is nothing so important that we can't put in there a small clause that somebody can appeal to. There is no necessity for a court to be appealed to because the court would take three months. Let the Commissioner be appealed to. Oh, he doesn't want to be appealed to. It's such a small thing, really, Mr. Chairman.

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

Mr. Stutter takes the Chair.

BILL#7

Mr. Taylor: Well, Mr. Chairman I don't find the matter as hilarious as some Honourable Members do. I think that it is rather important, because we are back down to a principal here. That is, as I stated earlier in our other Ordinances, I am pretty sure in the Fire Protection Ordinance, I just can't recall the sections involved, whether there is a right of appeal from a decision made by the Fire Inspector. I wish to state at the outset, that I am in full support of any of these protective or safety designed pieces of legislation, and always have been. I also think that when we talk in terms of an office, that if someone wished to get oppressive upon another person in the Territory, and in this case more particularly a person who is offering for sale or selling petroleum products, that he could make it pretty rough on him, and the lad has really no right of appeal under this existing Ordinance. He hasn't an opportunity to take his case or his grievance before his peers. In this case, I would suggest strongly that it be the court. This to me is the essential difference between what is democratic right and what is beaurocratic dictatorship. I think that it behooves us on behalf of the people, when we sit here to write legislation that we should point out these differences and make these changes to ensure that the individual operator or the individual concerned, who rightly or wrongly has been affected by this Ordinance, that hedoes if he feels his case is justified, have an opportunity to take his case to some tribunal. I would suggest the court. I would strongly urge all Members of Committee to support a position which would have the result of placing in this legislation an appeal section. I have felt that the Honourable Member from Whitehorse East would more than agree with me because before he was sitting as Honourable Minister and was on the peoples side of government, he was a great proponent of the very thing I just stated.

Mr. Chamberlist: Well, thank you Mr. Chairman, it is very kind of the Honourable Member to indicate the value that I have been to this Council. I have indicated that ... I have already indicated that, you know, we should find an appeal section for it. We will do this because I have always maintained that there should be appeal sections. There is no argument to this as we recognize the fact that an appeal section should be put in.

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

Mr. Taylor resumes the Chair.

Mr. Chairman: Anything further on section 7? (Reads sections 8, 9).

Mr. Stutter: Mr. Chairman, I wonder if we might have that one explained a little.

Mr. Legal Adviser: This is giving the basic power to the inspector, who would in fact be the Fire Marshall to carry out his duties. He commonly comes on the scene after the accident has happened, and where hazardous conditions still exist, in relation to underground tanks, connections to underground tanks where there is a hazardous product or otherwise while work is still progressing. I can recall happening by accident to be with the Fire Marshall when a fire had occurred in a service station, and was caused by a gasoline leak. When he and I walked into the service station there was still welding equipment within about six feet of the gasoline outlet which had been the cause of the first fire which caused the inspection. So he has got to be in a position of sometimes to say, stop that, but when he does, he then gives a written instruction, and then that can be dealt with. But, he has a duty to prevent things happening, to inspect things which are happening and to visit a scene where an explosion or an accident has occurred to find out what the causes were, and to give adequate instructions and information to people who are organizing the particular business in this respect. Then, if he does go there, it has got to be provided as in subsection (4) that they give reasonable assistance. People

have a habit of when they are subject to inspection, of locking all doors and going away with the key in their pocket to Hawaii for a holiday. Well, they must leave somebody with the keys, and not have the door broken down if a hazardous condition exists. There have been quite a few accidents dealing with hazardous products in the Yukon over recent years. It can be very, very dangerous at low temperatures

BILL #7

BILL #7

Mr. McKinnon: I would take it then, Mr. Legal Adviser, that the powers of the Inspector are those in 1, 2, 3, and 4 and if he did any more than any of these powers then he would be liable personally.

Mr. Legal Adviser: Especially if he goes out of the authority of these four walls then he is personally liable.

Mr. Chairman: Clear? Reads section 10(1)(a)(b)(c). What types of exemptions would one be considering here?

Mr. Legal Adviser: This might be termed a Yukon clause, Mr. Chairman, there are sometimes existing situations where an undue harshness would be worked by requiring immediate compliance with the strictness of the Ordinance and a delay period can be given to the person operating the equipment, when it is replaced next year or the year after, but this is in ease of the Yukon condition.

Mr. McKinnon: Well, I say that the Yukon clause is all right but it is a Yukon clause because it gives the Legislative Body competence in one area, then in a swoop 3(a)(b)(c), it takes it completely away if the Commissioner so desires because it just negates the whole of the Ordinance if he so desires because he can issue an exemption under the broadest term so it's a Yukon clause alright, it puts all the power of the Commissioner where we all know it was anyway.

Mr. Legal Adviser: No, to comply with this Ordinance, in a major instance say, in the operation of these large transport tankers that move from place to place, there are a few of them that would not comply strictly with the terms of the Regulations. I'm not sure that White Pass is the only offender. We think that there might be one or two truck operators who have bought all of their equipment, in recent years, and comply with the present standards because these present standards are in existence in the places of origin of the vehicles for eight and ten years past. We are behind about eight or ten years in bringing in these Regulations, but there are a few which need to be replaced, there might be an odd service station which might have to dig an underground tank and I think in fairness they should be given time to bring themselves up to date.

Mr. Chamberlist: However, Mr. Chairman, a point has dawned upon me, in relation to what Councillor McKinnon said and when we review this I will have further discussion on 10(1)(b) and 10(1)(c).

Mr. Chairman: Reads 10(1)(d)(e)(f)(g)(h)(i)(j), 11 From the Chair, here again, is why I feel it is essential that there be an appeal clause.

Mr. Chamberlist: While with respect an appeal is automatic once it goes for a Court of summary jurisdiction, so there is no problem in that respect.

Mr. Chairman: I just point out from the Chair again that a person who is subject to this should have restitution in the Ordinance. Reads section 12 and 13. There is a provision here to provide for diking around storage tanks in the existing Ordinance, is that correct?

Mr. Legal Adviser: I am not sure by what you mean by diking around the tank.

Mr. Chairman: Well, if you have a tank of fuel oil above ground, it is necessary to have a dike around it to contain the volume of the tank, should it break. Is there such a provision in this Ordinance?

Mr. Legal Adviser: It is impossible for anyone, except the fire marshal what is in the Regulations, I am not sure that even he does, but it is highly technical stuff and I haven't read and in sufficient detail to carry it all in my head. I presume it is covered.

Mr. Stutter: Mr. Chairman, I take it then that these Regulations weren't even compiled in the Yukon they are taken directly from existing Regulations.

Mr. Legal Adviser: With some small changes they represent the recommendations of the manufacturers in America which were given to the Ontario Government, which the Ontario Government have had in force for some years and we are using as a base.

BILL #7

Mr. Stutter: Mr. Chairman, just one small question, the Legal Adviser stated that he doubted very much if even the fire marshall has read the Regulations and knew what was in them.

Mr. Legal Adviser: No, Mr. Chairman, I meant, me, myself. In fact, everybody has read them, but to find a specific formula or equation is quite a difficult thing.

Mr. Tanner: Mr. Chairman, I recommend that we report progress on this Bill.

Mr. Chairman: Everyone agreed?

Mr. Chamberlist: I suggest that we commence with Bill No. 9. We should be able to get half way at least today.

Mr. Tanner: Mr. Chairman, might I suggest to the Chair that because we are going to have the gentlemen in tomorrow morning on Bill No. 8, I don't see why we shouldn't read it now to give us some background for tomorrow mornings meeting.

Mr. Chairman: I believe that Bill No. 8 is to be discussed in the morning. What is your pleasure at this time?

Mr. Chamberlist: I would think that we commence with Bill No. 9, at least get part way in it.

Mr. Tanner: Mr. Chairman, as a suggestion to the Chair, I don't see if we are going to have these gentlemen visiting us tomorrow, I don't see any reason why we shouldn't read Bill No. 8 to give us some background for tomorrow mornings meeting.

BILL #8

Mr. Chairman: Bill No. 8, An Ordinance to Authorize the Commissioner to borrow a Sum not Exceeding Seven Million, Five Hundred Thousand Dollars from the Central Mortgage and Housing Corporation and to Authorize the Commissioner to enter into an Agreement relating thereto.

Mr. Chamberlist: The purpose of this Bill is to provide the funds and legislative framework for the rental purchase housing program. The Rental-Purchase Housing Program Sessional Paper will be ready tomorrow.

Mr. Chairman: (Reads sections 1, 2, 3 and 4 of Bill No. 8).

Mr. Tanner: Mr. Chairman, I have one question immediately for the Commissioner, and as I said we haven't had a good look at this whole program, I don't think at least none of the members other than the Executive Committee. In paragraph (b) we say, the Commissioner may will pay such rates as may be set. Is there any indication of what the rates will start at, and why it will fluctuate?

Mr. Commissioner: Mr. Chairman, there is a set formula under which Central Mortgage and Housing Corporation charges for its funds. It is related to the long term interest rates of the Dominion of Canada debentures. We are not going to borrow the whole seven and a half million dollars at one time, we will borrow it as and when required over the life of the program as Council might go along with it, therefore the rates will vary from time to time and subject to anything the Legal Adviser might say to the contrary that is basically the meaning of the formula. You can not fortell the interest rate you have to pay at the time of signing the agreement as opposed to when the money might have to be repaid.

Mr. Tanner: Mr. Chairman, am I to understand from the Commissioner then that there is no negotiability in the interest rate, it is set by a formula and we don't have any say?

Mr. Commissioner: This is correct, Mr. Chairman.

Mr. Chairman: Well this matter will be discussed tomorrow morning following Orders of the Day.

Mr. Tanner: Mr. Chairman, I have one further question. Mr. Chairman in some C.M.H.C. plans, one is a sewage plan, which I know they in certain instances finance, there is a certain forgiveness of interest. Is there anything like the forgiveness of interest in regard to this particular plan.

Mr. Commissioner: Mr. Chairman, it is not forgiveness of interest identifying interest by itself, but when the Honourable Members get a look at the whole package which is presented in the paper, they will find how, not necessarily forgiveness but a subsidy that is arrived at, and interest is included in that.

Mr. Chamberlist: Mr. Chairman, I wonder if I might indicate that tonight, Honourable Members study the Sessional Paper No. 2. They would specifically note, it doesn't cost the Government of the Yukon Territory not one cent. I think that this is something that should be taken specific note of, is that all payments under the plan are guaranteed by the Federal Government.

Mr. Chairman: Is this not a case where we take over the responsibility for native housing construction from the Department of Indian Affairs and Northern Development?

Mr. Chamberlist: This is one program that relates to housing which deals with everybody, in relevant of the ethnic background.

Mr. Chairman: What is your further pleasure?

Mr. Stutter: 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 Stutter, seconded by Councillor Tanner, that Mr. Speaker do now resume the Chair. Are you prepared for the question? Are you agreed?

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker takes the Chair.

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

Mr. Taylor: Yes, Mr. Speaker, Committee convened at 11:05 a.m. this morning to discuss Public Bills. It was moved by Councillor Chamberlist and seconded by Councillor Watson that Bill No. 1 be reported out of Committee without amendment. Motion carried. It was moved by Councillor Watson, seconded by Councillor Tanner that Bill No. 2 be reported out of Committee without amendment. Motion carried. Committee recessed at 12 noon and reconvened at 2 p.m. this afternoon. I can report progress on Bills No. 3, and No. 5. Mr. Hodgkinson, and Mr. Fitzgerald attended Committee to discuss Bill No. 6. It was then moved by Councillor Watson, seconded by Councillor Stutter that Bill No. 6 be reported out of Committee without amendment. Motion carried. I can report progress on Bill No. 7. It was moved by Councillor Stutter, seconded by Councillor Tanner that Mr. Speaker do now resume the Chair. Motion carried.

*MOTION
CARRIED*

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

Mr. Taylor: Mr. Speaker, in respect of the agenda for tomorrow, I believe that it is the intention of Committee to discuss with Mr. Hendricks, Mr. Bilawich and Mr. Fleming on matters relative to the Rental-Purchase Housing Ordinance.

Mr. Speaker: May I have your further pleasure?

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

Mr. Stutter: I second that motion.

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

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: This House now stands adjourned until 10:00 a.m. tomorrow morning.

ADJOURNED

ADJOURNED

Mr. Speaker reads the daily prayer. All Councillors are 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, the Commissioner's Order No. 1972/26, it is the Regulations respecting Travel Subsidy Medical Treatment.

Mr. Speaker: Are there any reports of Committee? Are there any Bills to be introduced? Are there any Notices of Motion of Resolution? Are there any Notices of Motion for the production of papers? If there are no Notices for the production of papers we will come to Motion No. 1. It has been moved by Councillor Chamberlist, seconded by Councillor Watson that Sessional Paper No. 2 be moved into Committee of the Whole for discussion. Are you prepared for the question? Agreed?

MOTION #1

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Taylor, seconded by Councillor Stutter that Council's original green letter chairs be returned to the Council Chambers, forthwith. *MOTION #2*

Mr. Speaker: Might I say something from the Chair? "Le minimis non curat lex"

Mr. McKinnon: Translation.

Mr. Legal Adviser: The law does not take account of trifles.

Mr. Speaker: Proceed.

Mr. Taylor: Yes Mr. Speaker, I note the air of levity in this regard, and there has been some suggestion I believe, of trifles here, but with respect, Mr. Speaker, we are not dealing with trifles we are dealing with a matter, I think, very, very important inasmuch as this Legislature is concerned, more particularly, if this Legislature is to continue in its prescribed form. On the first instance we find around us a series of these chairs, which sounds somewhat picky I suppose, but it really isn't. These chairs have not been accumulated by this House and the furnishings of this House were taken from this place sometime during the course of the last two or three months or since our last sitting. I would like to say that those furnishings were the property of the House under the care and custody of the Speaker of the House. If this were not the case we would not have a Legislative Chamber, indeed, sir, the chair which you occupy as Speaker of this House is possibly the most important chair of the whole Territory. I would like to say a word on that, least anyone think that this is a matter of great levity, and quoting from Beauchesne, "there are under British Parliamentary Institutions, two symbols of authority. The Crown, which speaks of the sovereignty of royalty; the Speaker's Chair, which speaks of the sovereignty of the people." If you carry this a little further, Mr. Speaker, you will find that the balance of this legislature is the working place of this Territory and is under control of the people and not of the Administration or the Crown, as the case might be. I don't know, I certainly found that the furnishings that we had in the House were quite sufficient to our needs. There were of course, funds made available in the past couple of budgets, for fixing up furnishings. We used to have a big table, or a series of tables, now we have desks. The public gallery has been refurnished for chairs in order to remove the old metal chairs we use to have out there and to make them more comfortable to visitors of this House, but the inclusion of these edifices that we sit around, to me personally is an embarrassment. I think that it is improper of the Administration to embark on something like this. I think that right here there is fifteen hundred dollars worth of chairs, sitting around this table, without consulting with

Mr. Taylor continues ...

Members of the House, or indeed, the Speaker of this House, I quite frankly, am very displeased with it and I find a total disregard for this Legislature in this regard, and I would ask that we have returned to us the property of this House which is our original chairs. As I say, I think there is a very important point here because we seem to be drifting further and further and further from any parliamentary control at a time when we are seeking parliamentary control in the Yukon Territory by our Legislature. We seem to be doing more administering than we are legislating and looking after the rights and protecting those apparent rights of this Legislative Body, therefore, Mr. Speaker, without going into any large degree, into long drawn out debate of this matter, I would ask for support of the House, in this regard.

Mr. Speaker: Are you prepared for the question?

Mr. Chamberlist: Mr. Speaker, I would like to apply to a suggestion that has been made where, without consulting Members of this House, and that fifteen hundred dollars had been spent without this requirement. Mr. Speaker, I felt very comfortable in the green chairs having sat in it for a number of years, but the Council had been asked, by way of budgeting in the 1971/72 Estimates, in vote 20 under Establishment 20/2, for the amount of two thousand dollars to provide new chairs and of course this was passed and hence the new chairs are here and I have no further comment than that the amount of money was passed in budget; that Council had been consulted and the money had been properly spent. Thank you, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, I find this a particularly serious issue also, in the House at this time. If Mr. Speaker will have noticed, none of the Members of Council, that during a particularly tedious debate or a long Bill being read in Committee, I can assume a full lotus position on the chair and completely remove myself in time and space from the Council Chamber and Mr. Speaker will realize that this is completely impossible with these new black chairs and so Mr. Speaker, I would certainly hope that at least those Members wanting them could have their green chairs back for future comfort, or for other areas that they thought that the House was being degraded because of the chairs going. Mr. Speaker, I certainly would like my green chair for the reason stated.

Mrs. Watson: Mr. Speaker, if we are going to take into consideration the comfort of each individual Member I would like to request that I retain this chair.

Mr. Speaker: Any further requests?

Mr. Taylor: Mr. Speaker, in closing the debate, I would just like to say that I had hoped that the matter would not generate into a area of levity because it is rather important and I am hoping that I can find sufficient support for this motion to have it passed. I think that it is about time in this House that we started asserting our rights as a Legislative Assembly because if we don't start now I don't think we are going to get very far in developing a democratic form of Government in the Yukon Territory for some time. Here is one instance where I think we should assert our rights.

Mr. Speaker: Are you prepared for the question? Agreed? Mr. Clerk will you please poll the House.

Mr. Clerk: Member from Carmacks-Kluane

Mrs. Watson: Disagreed

Mr. Clerk: Member from Whitehorse West?

Mr. McKinnon: Agreed

Mr. Clerk: Member from Watson Lake?

Mr. Taylor: Yea

Mr. Clerk: Member from Dawson?

Mr. Stutter: Yea

Mr. Clerk: Member from Whitehorse East?

Mr. Chamberlist: Nay

Mr. Clerk: Member from Whitehorse North?

Mr. Tanner: Yea

Mr. Clerk: Recorded four yea, two nay, Mr. Speaker.

Mr. Speaker: I declare the motion is carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. McKinnon: One small step for mankind.

Mr. Speaker: Order, order. We will now come to Motion No. 3, Councillor McKinnon have you a seconder?

MOTION #3

Mr. McKinnon: Yes, Mr. Speaker Motion No. 3 has been seconded by Councillor Stutter.

Mr. Speaker: It has been moved by Councillor McKinnon, seconded by Councillor Stutter that representatives from the City of Whitehorse, City of Dawson, and Village of Faro be invited to attend Committee, when these Ordinances dealing with the Municipality are being examined in Committee

Mr. Chamberlist: Question of privilege at this time, Mr. Speaker. The question of whether witnesses can attend in Committee is one for the Committee of the Whole to deal with at that time and with respect Mr. Speaker, the motion should deal in that particular area for the Chairman of Committee to put that question, whether it is required or not.

Mr. Taylor: Mr. Speaker, in speaking of the question involved, it is quite the prerogative of the House to dispute on behalf of Committee of the Whole, Members to assist it in its deliberations, inasmuch as Committee of Whole is indeed consisting of Members of the House no less.

Mr. Chamberlist: Again not speaking on the same points of order, I would ask Mr. Speaker, that review be taken of the rules of the House in relation to that because the Committee of the Whole is appointed by the House, it is the Committee of the Whole that makes the rules for its conduct. I am not at this time speaking for or against the principle that is involved, but the fact that the Committee of the Whole that does make that decision; if in time it will be allowed I would give the specific annotation in relation to that.

Mr. McKinnon: Perhaps Mr. Speaker, to clear up any difficulty that any Member could have in this regard, I could move that Motion No. 3 be discussed in Committee of the Whole, then Committee could make the decision on whether or not to invite these representatives to the Committee meetings. I would then move Mr. Speaker, ... I don't think I can move it.

Mr. Taylor: I would move that Motion No. 3 be referred to Committee of Whole.

Mr. Chamberlist: I will second that motion.

Mr. Speaker: It has been moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Whitehorse East that Motion No. 3 be referred to the Committee of the Whole. Are you prepared for the question? Agreed?

MOTION CARRIED

*MOTION
CARRIED*

MOTION #4 Mr. Speaker: Motion No. 4.

Mr. McKinnon: Mr. Speaker, I wonder if I could be prepared to proceed with Motion No. 4 tomorrow?

Mr. Speaker: We now come to the question period, Mr. Clerk will you see if the Commissioner is available.

Mr. Clerk: Yes, Mr. Speaker.

Mr. Speaker: 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 this morning for the Minister of Health, Welfare and Rehabilitation. Yesterday, I asked of any of the three members of the Executive Committee, and today, I ask specifically of the Minister, whether or not we can expect the Ordinance relating to Municipal Aid within the next day or two.

*QUESTION RE
MUNICIPAL
AID
ORDINANCE*

Mr. Chamberlist: The answer to the question, within the next day or two, is no.

Mr. Taylor: Mr. Speaker, I have a question I'd like to direct to Mr. Commissioner this morning, having reference to the check point at the south boundary of the Territory on the Alaska Highway. I'm wondering if plans have been finalized yet in respect of this project, and if this will be taking on the type of facilities normally found at a customs post entering a new country.

*QUESTION RE
CHECK POINT*

Mr. Commissioner: Mr. Speaker, the project has not been finalized as yet. There is a paper coming to Council which will have some bearing on the finalization of this project, and until Council has passed its judgment on that, and this will no doubt, be in connection with the budget, we have not made any further moves on this particular situation.

Mr. Stutter: Mr. Speaker, I have a question for the Commissioner. Have any plans, at all, been made for sewage treatment plants within the Yukon Territory, particularly regarding municipalities?

*QUESTION RE
SEWAGE
TREATMENT
PLANTS*

Mr. Commissioner: Mr. Speaker, I think the Honourable Member's question is, has there been any sewage treatment plants specifically designed for an area here. Is that the Honourable Member's question?

Mr. Stutter: Mr. Speaker, the word was "plans".

Mr. Commissioner: Mr. Speaker, the Federal Department of Public Works was called upon by the Territorial Government approximately two years ago to come up with a survey of requirements of such plants within the Yukon Territory. This has been done and has been in the hands of the Federal Government for approximately a year now. I cannot, at this time, say when the funds will be forthcoming to permit us to draw plans up, but we're hopeful that there will be something in the very near future. I think that there are several government departments, Federally, involved in this at the moment, the Department of the Environment being one of them, the Indian Affairs and Northern Development with their land use and water management responsibilities being involved as well. I wonder, Mr. Speaker, if I could be permitted a little time upon this question, and if there's anything further that I can add to it, I will table it in written form for the information of the Honourable Members.

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

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

*BILL #1
THIRD
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 1, An Ordinance to Amend the Chiropractic Ordinance, be adopted as written.

*BILL #1
TITLE
ADOPTED*

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: I declare that Bill No. 1 has passed this House.

BILL #2
THIRD
READING
MOTION
CARRIED

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 2, the Age of Majority Ordinance, be given Third Reading.

MOTION CARRIED

BILL #2
TITLE
ADOPTED

Moved by Councillor Watson, seconded by Councillor Chamberlist, that the title to Bill No. 2, the Age of Majority Ordinance, be adopted as written.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: I declare that Bill No. 2 has passed this House.

BILL #6
THIRD
READING

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 6, An Ordinance to Amend the Game Ordinance, be given Third Reading.

MOTION CARRIED

MOTION
CARRIED

BILL #6
TITLE
ADOPTED

Moved by Councillor Watson, seconded by Councillor Chamberlist, that the title to Bill No. 6, An Ordinance to Amend the Game Ordinance, be adopted as written.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: I declare that Bill No. 6 has passed this House. What is your further pleasure?

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

Mr. Speaker: Is there a seconder?

Mr. Tanner: I second the Motion.

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Whitehorse North, that Mr. Speaker do now leave the Chair for the purposes of convening in Committee of the Whole, to discuss Public Bills, Sessional Papers and Motions. Is the House prepared for the question? Are you agreed? I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: Will the Honourable Member for Watson Lake please take the Chair in Committee of the Whole.

Mr. Taylor takes the Chair.

BILL #8
SESSIONAL
PAPER 2

Mr. Chairman: I will, at this time, call Committee to order. We have some witnesses in respect of Bill No. 8; however, a motion has come forward into Committee this morning which you may wish to deal with in light of its content. Inasmuch as we have been getting close to the Municipal Ordinance, perhaps Committee Members will wish to deal with this matter at this time.

Mr. Chamberlist: Well, with respect, Mr. Chairman, we did indicate yesterday that we would be proceeding with the Rental Housing Paper.

Mr. Chairman: Yes, this is as I've just stated. However, we have Motion No. 3 which has some urgency attached to it, in respect of our deliberations. Is Committee agreed to deal with it at this time?

Mr. Chamberlist: No. We will deal with it, I would suggest, Mr. Chairman, in the procedure that we have indicated we would. I see no purpose for changing the situation. There's somebody who might want to catch a plane and this might take that particular time.

Mr. Chairman: I am at the direction of Committee, but I must remind Members that no one Member can direct the Committee. It must be the

Mr. Chairman continues ...

Committee itself, and I would like some direction in this regard, if possible.

BILL #8
SESSIONAL
PAPER 2

Mr. Tanner: Mr. Chairman, I would recommend to the Committee that we defer ... the witnesses are here and we should address ourselves to the witnesses now, and come back to the Motion later on.

Mr. Chairman: Is Committee agreed? Alright, we'll proceed then with Bill No. 8. Mr. Clerk, I believe we have several witnesses this morning. Could you determine whether they are here or not? I'll just declare a brief recess.

RECESS

RECESS

Mr. G.K. Fleming, Assistant Commissioner (Administrative), Mr. W.A. Bilawich, Director of Local Government and Mr. J. Hendricks, Northern Co-ordinating Officer for Housing, Department of Indian Affairs and Northern Development, are in attendance.

BILL #8
SESSIONAL
PAPER 2

Mr. Chairman: At this time, I call Committee to order. We have with us, today, to assist us in our deliberations of Bill No. 8, Mr. Hendricks, Mr. Bilawich and Mr. Fleming. It's going to be somewhat difficult, as we have no recorder in the room, to distinguish all the voices, I imagine, for the first part of this. I'll try to call the names as you request questions of the witnesses. The Bill was read at our last Sitting and we shall now proceed. This is in conjunction, also, with Sessional Paper No. 2.

Mr. Tanner: Mr. Chairman, could I ask a question immediately? I'm pleased to see the three witnesses. I'm not quite clear as to who Mr. Hendricks is. Perhaps, he could identify his position or what he is.

Mr. Hendricks: Well, I'm the Northern Co-ordinating Officer for Housing with the Department of Indian Affairs. The Yukon hasn't really been in our jurisdiction, and I have really acted in this particular job as more or less a consultant. About a year ago, the Territorial Government formed a Housing Committee with Mr. Bilawich and myself, Mr. Fleming, I believe, and Mr. Hadden. This Paper, really, is the result of the year's work, Mr. Chairman. The only way I could really identify myself, in this particular job, is as a consultant.

Mr. Stutter: I have one question for Mr. Hendricks. Must tenants under this program be employed, whether it be steady or ... I mean, must they have some form of income?

Mr. Hendricks: No, definitely not. It's limited to a maximum income, but not to a minimum. They could be on welfare or whatever.

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

Mr. Stutter takes the Chair.

Mr. Taylor: I have a question which occurred to me. I'm wondering if this Housing Corporation or this Rental-Purchase Housing Program will include Federal housing, Mr. Chairman. I direct that to Mr. Hendricks.

Mr. Hendricks: I'm sorry, that's not in my field. The Housing Corporation has nothing to do with it.

Mr. Taylor: Could I, maybe, direct that question to Mr. Bilawich?

Mr. Bilawich: By Federal housing, do you mean the construction of Federal housing in various areas?

Mr. Taylor: Yes, Mr. Chairman. For instance, native housing, or native accommodation, for native people in villages throughout the Yukon. Would this come under this program?

Mr. Bilawich: Well, the only restriction on the program is that there is a need for the housing and that person is earning under a certain

BILL #8
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PAPER 2

Mr. Bilawich continues ...

income. It is not restricted to anyone; neither is it directed at anyone. The program itself is not compulsory to anyone, as far as I know.

Mr. Taylor: Mr. Chairman, what I'm trying to get at is that, are we now, going to assume responsibility for housing in our native villages throughout the Yukon? It's a function now looked after by the Federal Government.

Mr. Bilawich: I don't know whether we will be looking after the entire function, but there will be no restriction as to putting housing in any particular community. The housing control ... wherever it is decided that the need is.

Mr. Taylor: I'm still not getting the answer, Mr. Chairman, that I'm looking for here. We seem to be going around in circles. Am I then to assume that this housing will be for everybody? We will now build houses all over the Territory, irrespective of whether or where ... whether it's D.P.W. or whether it's Indian Affairs or Territorial. It's all one happy family? Is this correct?

Mr. Bilawich: Not for Federal Government use. This is only aimed at people earning under a certain amount of money. So, the program itself is directed at people earning under \$8,000 a year, or whatever the figure that you might determine as being the top of the scale to which people you will rent to. It's not meant specifically to provide housing for any particular employees or set of employees, nor are they restricted if they are earning under that.

Mr. Taylor: Well, for instance, now Mr. Chairman, another question here. Let's look at it a different way. We have programmed here, for 1972-73, forty units and then in 1973-74, a hundred units. These will be scattered all over the Territory, will they?

Mr. Bilawich: They can be, if the need is identified.

Mr. Chamberlist: Mr. Chairman, I wonder if I could perhaps, not in the way of question to the witnesses, but to bring to Members' attention, the middle or third paragraph of the Sessional Paper, where it is indicated as follows: "In choosing the most appropriate housing program, the following objectives should play an important role:". It indicates in (a), (b), (c) and (d) what, indeed, is the purpose of the Rental-Purchase Housing Program. It is a program that is different from any other housing program. The specific points that I would make to Committee, and I think, perhaps, some advantage could be gained by Members of Committee raising these questions with the witnesses if they want further explanation, is in (a) it's Territorial in origin and operation, inasmuch as the Territorial Government takes care of the subsidization of the Rental-Purchase Program. It is paid back to the Territorial Government from other sources. In (b), the benefits of the program should be available to all qualified residents, and that, of course, answers, I think, the Honourable Member's question relative to the point that he has raised. In (c), the participation should be limited to those residents who are not financially able to take advantage of other programs. And, of course, in (d), the main point is that there is some provision there for financial encouragement to purchase the houses themselves, after a period of time of rental and once the maximum earning capacity of the tenant at the time has been reached. I think, Mr. Chairman, the overall program indicates quite clearly that there is to be an expenditure of seven and a half million dollars over the next five years in the construction of this housing program. Any loss that is taken by the Territorial Government in rentals as a result of some of the tenants not being able to afford the rental that would be set up for it, is, in itself, of great benefit to the Territorial Government and to the people in the Territory, that they do not have to foot one cent of the construction bill or of the operation and maintenance bill. I think, generally, this is the main feature of it. Perhaps, this could be a guide to Members of Committee to question the witnesses on.

Mr. Taylor: Mr. Chairman, this is ... under Operating, it states that the difference between the actual or gross cost including cost of amortization

Mr. Taylor continues ...

and operation, and the rental collected from the tenant would be paid by the Territorial Government as an operating loss. Now, this, I would assume, the Federal Government would pick up that loss and give us the money with which to pay ... or reimburse the Territorial Government for this money which has been lost. Then, they state, in the next paragraph, the operating losses for Indian and Eskimo tenants would be included in the estimates for the Department of Indian Affairs, which is Federal, and would be transferred to the Territorial Government.

"The implementation of this program would not impose a drain upon the financial resources of the Yukon." What I'm trying to point out is that, are we taking on responsibility for Federal program? Are we doing a service for the Federal Government or are we creating a new Territorial program? I think this is terrific program. Don't get me wrong. I'm just trying to get some facts and information on it. I think this is real great. This is something we should have had here ten or twenty years ago. I'm all with it. But, I just want to find out where we sit, because, every once in a while, somebody back in Ottawa comes up and says "Boy, look at all the money we're giving the Yukon Territory; we're pouring millions in there, and we have to pick up a deficit grant for those people up in the Yukon. Aren't we wonderful people here in Ottawa because we're giving them all this money.". Indeed, this would be lumped in the deficit grant, these operating losses, and indeed, it's always shown to the people of Canada as a deficit. These people never stand on their own feet; when, indeed, we are providing a service for the Federal Government. So, it is for this reason I'm trying to determine whether this is a Federal program administered by the Territorial Government, or whether this is a Territorial program totally.

*BILL #8
SESSIONAL
PAPER 2*

Mr. Taylor: I direct that question to Mr. Fleming.

Mr. Fleming: If we adopt this, it would become a Territorial program and this is exactly what it says in (a) "the program should be Territorial in origin and operation;", and it would become ours. You quite rightly read out the manner in which the operating losses would be repaid to the Territorial Government. The operative words here are, "the operating losses for Indian and Eskimo tenants would be included in the estimates of the Department of Indian Affairs and Northern Development", "and would be transferred to the Territorial Government. The operating losses for the remainder of the tenants would be included in the Financial Agreement with the Government of Canada". "The implementation of this program would not impose a drain upon the financial resources of Yukon." However as Mr. Speaker pointed out, it does have an effect on the overall grant disposition.

BILL #8
SESSIONAL
- PAPER 2

Mr. Chamberlist: Mr. Chairman, the reason why it indicates "the operating losses for Indian and Eskimo tenants would be included in the estimates of the Department of Indian Affairs and Northern Development commencing in 1972-73, and would be transferred to the Territorial Government," is because there has been certain funds voted, and by the time these part or all of these houses would be ready for occupancy, the amounts of funds, as I understand it, will be paid that have been voted for it in the Federal budget. In latter years it would be voted for, and added to our normal financial structure. I think perhaps the Commissioner might be able to enlighten us more in relation to this particular item of how this money is added to the main base.

Mr. Commissioner: Yes, well, Mr. Chairman, it will not be part of our present ongoing base for negotiations with the Federal Government, it will be looked upon as a completely new and what is classified as a "B" item. It will be separate entirely from the calculations for our present deficit grant. I think basically the question has been answered, Mr. Chairman, is this to be a second hand Federal program or is this to be basically a Territorial program, and if the Honourable Members see fit to adopt the proposal as put before them now, and pass the necessary enabling Ordinance, this will become a Territorial program fully and totally administered as a consequence of the authority coming from this Territorial Council.

Mr. Taylor: Mr. Chairman, thank you, but whenever the Federal Government gets so benolevent, and say here we are going to fund your Territorial program, I don't quite see it that way, but in effect I do agree with Mr. Commissioner that it would then be known as a Territorial program. Nowtwithstanding we are taking some responsibilities off the backs of the Federal Government in doing this. I have just a couple more questions before I resume the Chair. First of all, under eligibility, I have three questions actually. What will constitute a resident? You say here, "residents of Yukon would be eligible". What will constitute a resident? Will you have to be here three months, six months, one year, ten years? I would like the answer to that. While I am on my feet, I would also like to deal with housing associations. You state here, "participation by tenants is vital to the success of this type of rental housing project. It is proposed therefore, that the formation of a tenant housing association for each project or community be encouraged, to be responsible for allocation, siting where applicable, assessment and collection of rents, maintenance of buildings and general local administration of the program." Well if this program is scattered all over the Yukon, you have a couple of houses in Carmacks, you have three down in Watson Lake and everything else. How can such a thing work? Why would this not come under the purview of one of the government agencies, for instances, the Department of Municipal Affairs or Municipality or whoever might be involved? How can you have an association say of three tenants in one community? I wonder about this one, and especially as to allocation. It could be that you

BILL #8
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Mr. Taylor continues ...

could have some sort of an imbalanced ethnically involved in this. You might wind up with a commune in some instances. These are two questions, and my third question is, who is going to build these houses? Who will build these homes? How will that be done? I will direct that to possibly Mr. Bilawich.

Mr. Bilawich: I would like to bring up the first question again on the question of the input by the local community groups. It would be the hope of using the people who are actually residents in the units to give very important information to the people who would be collecting the funds and doing the operating of these units. So that they would be largely self run. Each community would probably have an association once the housing is occupied. Each community would have a separate association, it wouldn't have to be a company or a formal group in the sense that it would be an advisory body to a person who is legally appointed to look after the collection of funds and all the business matters in connection with the housing. Does that answer that part of the question?

Mr. Taylor: How is it that an association can have only two houses or possibly three? How can you call that an association?

Mr. Bilawich: Well, I think that this would require the determination of the kind and how many units you had in a community. If you had one or two buildings in a community you might not form an association there, but might run it from a central point where there were more than four or five buildings. Certainly, you would still ask for some input from the tenants even with four or five buildings, let's say because the tenants in this particular case, the intention is that the tenants will be consulted as much as can be determined by the people who are only taking part in the way of the cost of these operations. Try to satisfy them as much as possible.

Mr. Taylor: Mr. Chairman, my other two questions concerned residency and how they are to be constructed?

Mr. Bilawich: The residency policy, itself, hasn't been set at this time, but can be set by a type of regulation. It can be determined by ... once you have determined the actual need. Certainly the oldest residents in every case have a priority. The people with the most need are living in the worst housing will get the highest priority. Again, with the initial acceptance of this, it would be hoped that once the communities where the units were going to be built, would meet to determine that out of the people who might be tenants and so on, an advisory group could be formed as a positive program of this type could be drawn up.

Mr. Taylor: How are these buildings to be constructed?

Mr. Bilawich: The buildings themselves would be constructed by the Housing Corporation on a tender call for the contract.

Mr. Taylor resumes the Chair.

Mr. Stutter: Mr. Chairman, I have two or three questions here. Maybe I should ask them one at a time. There are several references made in this Sessional Paper to rental-purchase and to purchasing. Now, does this word "purchase", can we take it to mean it literally the same as I might go out and purchase a private building? At the point that I would purchase one of these buildings, not myself, whoever was the tenant, do they actually become the owner? Could they turn around then and sell it?

Mr. Bilawich: Once their income reaches a certain point, it would be entirely possible to convert the remaining capital value of the building into a normal C.M.H.C. mortgage providing that person's income qualifies him to carry such a mortgage. It would be sold to him on the same terms as a home anywhere else. It becomes, then

Mr. Bilawich continues ...

simply a home a person owns, from then it's his own business what he does with that home providing payments are kept up.

*BILL #8
SESSIONAL
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Mr. Stutter: Mr. Chairman, would the subsidized portion of the normal rent, would any portion of that subsidized part go towards actual reducing of capital cost? In other words when the tenant decides to buy, is it possible that the Federal Government would of already paid part of that purchase price through a subsidized ...

Mr. Bilawich: Absolutely, the amortization forms part of the annual operating losses. This is taken off the capital cost each unit, because it would only ... what the tenant would be purchasing would be the residual life time of that particular building in capital costs. So, if the subsidy would actual have paid part of the capital cost, it is not the intention however to recover at the sale all the amortization paid for by previous programs. It was simply the residual value of that building at the time of the sale.

Mr. Stutter: Then, Mr. Chairman, it appears to me that if a person truly owned this building, they could conceivably get to the point where there was only two or three thousand dollars left of the capital cost at the time that the tenant decided to purchase, and then most of the purchase price has been sort of picked up by the Federal Government. The owner could then turn around and sell his building for sixteen, twenty thousand dollars, if he is the true owner. Could this not happen? Could it be turned into a method of making money?

Mr. Bilawich: Except that over the period of amortization, this is for the period of years, again what would be the value of that particular unit after ... to get it down to a residual value of one or two thousand dollars. Sixteen, eighteen years may have passed by that time, and you have to evaluate that particular unit at that time. I think that this is a fair question, he should be able to sell it for whatever the market would bear at that time.

Mr. Stutter: Mr. Chairman, I would like to point out that there are houses in this town that are twenty years old, and I am sure that they are selling right now at four times their construction cost. I am not saying that this might continue to happen.

Mr. Commissioner: Mr. Chairman, with respect, this is exactly the problem. Councillor Stutter has placed his finger right on it. It is these inflated real estate values brought about by an artificial barrier between the person who occupies the house and the people who have money to build the place that is creating these kind of things. These are the very things that are preventing people from getting a decent roof over their heads. In fact in the Yukon Territory on a per capita population basis, we must have the worst housing conditions in the Dominion of Canada. It is impossible that they could get any worse. In some communities in the Yukon Territory, there hasn't been a new home built by a private owner or privately financed in the last twenty years. You either work for Government, and have a decent roof over your head at a subsidized rent, or you work for a company who provides you with a home at a subsidized rental or you live in an abandoned shack that was built during the gold rush. These are the housing conditions that we have. Councillor Stutter here is right on the head, Mr. Chairman, it is exactly what the problem is.

Mr. Stutter: Mr. Chairman, I have a couple more questions. Mr. Bilawich mentioned awhile ago that of these forty units to be built the first year, the allocation or rather the places that they would be built would be by need. Now, would this need come about by prior application, or would you look into each area, and say well we feel

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Mr. Stutter continues ...

that five units or X number of units could be put into that area, and then after the units are built, process your applications and decide who gets them?

Mr. Bilawich: The first year would be difficult because you have to build up your ... assess all your various communities as to their actual need. After that, you will have a clear pattern to follow, and you will follow the pattern of the most need, and that is where the units will go. You do have to consider that when you build these units, in order to get them down to the price that you are talking about here, you have to build a number of units in each one of these communities to reach this kind of a price. You can't scatter two or three units in fifteen different communities and get this type of a price. The price will go up, and you will build less units out of the amount of money that you have allocated that year if that is the decision. So all these things will have to be weighed when you decide on the program for the year. It's a little difficult to forecast exactly now what the program will be annually in the plans, but if the program is proceeded with it will be planned as quickly as possible, and the invitations should be given out.

Mr. Stutter: Mr. Chairman, there was some suggestion, I think by Mr. Bilawich awhile ago that some of the tenants themselves should participate in the body that decides on who is to rent or who is to go into this housing, but I notice under that one clause, it also says that the body should be responsible for allocation, siting where applicable, assessment and collection of rents.

Mr. Bilawich: This is meant where you would probably have a local person made responsible for the collection of rents. You have a local committee doing the actual day to day business with the units. The local people who are administering these units will still be responsible to an officer in the Housing Corporation who would periodically check out, and make sure that all these things, various things were being done. This would be a necessity in order to make sure that all the units were being treated equally and funds were being collected and properly maintained, and everything else being looked after.

Mr. Stutter: Mr. Chairman, normally, I would like to ask Mr. Bilawich this question again. How is this committee formed, particularly before any housing units are put into the areas so that those first tenants ... normally how would that committee be formed in the case of a municipality, would you include the members of the council, the mayor or

Mr. Bilawich: You may include initially, it may include some of them. They may be part of the permanent committee, but initially you would go in to a survey to find out who the tenants, initial tenants would be, consult them as much as possible for the first program, and then I think from your experience on the first part ... the first years program, you could determine exactly who and in what quantities of people you would require to appoint to a local advisory board to run these projects.

Mr. Stutter: Mr. Chairman, I don't want to keep rising up, but I think this ... the point really is, who decides those first tenants? I mean obviously to begin with the need all across the Yukon is going to be such that there is going to be a heavy demand for your first few units. Afterwards as more units are built that demand will decrease. I take it then that some body, perhaps in Whitehorse will decide the need in the various areas, and even pick out the possible tenants, or will that be done on a local level?

Mr. Bilawich: I would suggest that it would be done on a local level as far as can possibly be done with the possible resolution of problem in setting, say the criteria by which the local committee

Mr. Bilawich continues ...
can judge these things, I am sure the criteria could be set up
whereby local committee could determine what the highest eligibility
is.

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

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Mr. Chairman: I will now call Committee back to order. We will continue discussions relative to Bill No. 8 and Sessional Paper No. 2.

Mr. Stutter: Who determines the rent and how often is the change in the rent made? I mean how often would you police a person's income?

Mr. Bilawich: The scale, is that at the start of the program the rent is based on income and the type of family and all the other factors. I believe Mr. Hendricks could probably answer the second question. However, they do reappraise the incomes no matter whose they are once a year, at the end of the year.

Mr. Hendricks: Yes, normally the rent would be based on the income the tenant earned the previous year so therefore, they make an adjustment once a year. I know there are a lot of questions when this is done because a man's income increases tremendously say in March or April than you have it for the full year but nevertheless, normally it is better to let him take advantage of that additional income to get furniture or whatever and pick up the following year. It could be done monthly.

Mr. McKinnon: I have some comments and some questions on the program. I am going to get to some questions in a rather round about fashion. I see the real need for this program and there has been some situations that I have been met with that have been insoluble up to this type of program coming into effect. I would like to give an example of one such instance, as you know up till a few years ago it was the policy of the Department of Indian Affairs and Northern Development to get as many Indian people as possible to sign away their rights as Indians, as Treaty Indians and become non-status. At some point in time in the Yukon when this program was in full flower some very enterprising Indian agent went around and told people that if they did not sign away their rights that they could not work and cut wood for the White Pass as the steamers went along the Yukon River. Many Indian people at this point signed away their rights as Indians in order to be able to cut wood for the White Pass and for the sternwheelers. One particular problem of what I know after these sternwheelers stopped navigating the Yukon River that people returned to their traditional villages and this one particular village was the Village of Aishihik, and when the airport closed at Aishihik, the Federal Government probably very unwittingly and probably with the kindness of motive told all the people that they could no longer live in Aishihik but had to move into areas where the Government could keep an eye on them and moved them all into the Haines Junction area and built them log houses on the road to the dump at Haines Junction and completely took away their ability to live as decent human beings any longer. The people who were non-status and had signed their rights away during the period of cutting wood of course, hadn't realized the effect of what had happened and thought that they would also get houses in the Haines Junction area and of course this wasn't to be. Although they were living a completely native way of life they had given away their rights to any help from the Department of Indian Affairs and Northern Development. You have the type of instance where a status Indian would be build a house by the Federal Government and people living a completely Indian way of life had to live in a tent behind the houses and there was absolutely no program that they could apply to Government for any help to get a roof over their head. As I say, I took some of these instances to the Department of Indian Affairs and Northern Development and they said of course that there was nothing that they could do because these people were non-status Indians that didn't come under the control of the Department of Indian Affairs and Northern Development. There was no program in the Territorial Federal Government which would supply roofs over the heads of such people. Now, the question is, I see that this program would be invaluable for providing houses for these instances but are the people who will be wanting houses under this program allowed to have those houses built where they want and not in a community enclave if they

Mr. McKinnon continues ...

don't want to live in a community in the areas where they would like to support themselves still through trapping or fishing.

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Mr. Chairman: To whom would this question be directed to?

Mr. McKinnon: To anyone who can answer it.

Mr. Fleming: Nothing that we know of at this point could prevent them being built anywhere. It is hopeful that the house because of its value and everything else can be provided with adequate services and this would be the biggest criteon as far as they are concerned but of course this doesn't eliminate the possibility of them being built in separate enclave. In most instances where there is available land within the municipality where you would expect most people would want to build and have services there.

Mr. McKinnon: But if people don't want to build in a community and want to build in an area where they can live traditionally there will be no objection to their application for monies under this program and there will be no difficulties in the money being forthcoming for housing in these areas.

Mr. Fleming: I think that you are getting down to something that C.M.H.C. restrictions which have up to the present are limited the areas available to these types of loans and possibly Mr. Hendricks could give us an answer based on actual experiences.

Mr. Hendricks: Well of course I don't know what the policy would be, but from a legal point there is no reason why the houses couldn't be built where the people want them.

Mr. McKinnon: Let's put it this way, will this policy be set by the Yukon Government?

Mr. Fleming: Yes, as we say it will be a Territorial program so the policy is going to be set right here in this room.

Mr. McKinnon: There will be no difficulty in providing these Territorial monies for building on Crown lands if that's where the people who want the home to be built, that is the land where it will be available to be built.

Mr. Hendricks: Perhaps I could answer that one. This is a Territorial program. The money is being obtained from C.M.H.C. and therefore under normal mortgage procedures the Territorial Government will have to own the land.

Mr. McKinnon: Now, now we are getting into a bit of a difficulty. O.K. any of the villages of the Yukon are all Federal Crown land, any of the land outside of a municipality is all Federal Crown land you have just limited the building of these houses to two hundred and seven thousand square miles to about two hundred square miles of Yukon Territory. O.K. explain.

Mr. Tanner: Mr. Chairman, could I ask a few questions of Mr. Hendricks?

Mr. McKinnon: I wonder if we could just have an answer first to Councillor McKinnon's question.

Mr. Hendricks: The Federal Government certainly isn't going to stand in the way of the Territorial Government operating whether it is Federal lands or Territorial lands.

Mr. McKinnon: Now we have just got two hundred and seven thousand square miles of Territory given to us.

Mr. Hendricks: No, as you need it for housing corporation. I think ...

Mr. McKinnon: Am I to understand that any place where a person applies

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Mr. McKinnon continues ...
to be able to build one of these housing units that the Federal Government will hand that piece of land over to the Commissioner.

Mr. Hendricks: If the Commissioner requests, yes.

Mr. Commissioner: Providing it hasn't already been given to somebody else.

Mr. Chairman: Councillor Tanner.

Mr. Tanner: Mr. Hendricks, you have been in town for a few days now.

Mr. Hendricks: Yes.

Mr. Tanner: Monday morning were you in the office of the Department of Indian Affairs to discuss this program?

Mr. Hendricks: Yes

Mr. Tanner: And you spent some time there discussing this particular program. Why would you go to the Department of Indian Affairs to discuss this.

Mr. Hendricks: We didn't discuss this program, such said is the wrong way to put it. We told Mr. Kirby that the program was going to be announced and after all we are departmental members. He had no inkling up till that time that the program would be introduced. There is a Federal content in this program, a fairly heavy one, and therefore he had to know.

I knew before but the entire financing has to be cleared with the Treasury Board of course and we have been at this for perhaps three months, just getting Treasury Board approval for it so really to prevent another Cabinet leak it was kept quiet. We notified Mr. Kirby at the last possible moment.

Mr. Commissioner: Mr. Chairman, I think that I should offer an item of clarification here. This matter was cleared through the Executive Committee a long time before it was ever offered to anyone.

Mrs. Watson: Mr. Chairman, I would like to make a few remarks on the location of this housing and from the context from the discussion that has gone before I take it that some of the Members would be considering locating this housing anywhere where people requested it, now, this is an ideal situation however, I think that every Member of this Territorial Council must remember that we are responsible for sending these services to these people. I am thinking particularly of educational and health services. If you are going to let the twenty houses be established in an area outside of the community, miles from the school, you are going to be looking at another school. The same with the health services, we are endeavouring to take the health services out to the communities so that they will be available to the people and now we are considering letting the people scatter still further away from the services that we have been attempting to provide. I am just wondering how far we can go in this direction and I think this is part of the whole package of locating this housing in the Territory.

Mr. Tanner: I have asked Mr. Hendricks if he is aware right now that the Yukon Native Brotherhood is conducting a housing study in the Yukon and that today there are today, one, two, three, four, five, six, seven, eight, nine, ten people in the field looking for the need of the Indian people of the Yukon, and that they are funded by C.M.H.C. with a grant to do just that. I would ask Mr. Hendricks whether at any time during this proposed program he or anybody in his department have consulted with the people who have basically the greatest recipients of this program.

Mr. Hendricks: Well, I can't answer quite like that, but this is a Territorial post not a Federal Government post and that is the only way I can answer it. It isn't designed for Indians, or anyone else, it is designed for Yukon residents.

Mr. Chamberlist: This, Mr. Chairman, is a point and a stand that I would like to take in this very, very, important matter. It is a Territorial

Mr. Chamberlist continues ...

program, it is designed to provide housing for residents of the Yukon, and it makes no difference as to who these people are, as long as there is a need for them. It matters not to me whether they are black, green, Jew, Catholic, Protestant, I personally, don't give a darn. As far as I am concerned there is housing required for the residents of the Yukon and I will support housing for the residents of the Yukon whether they happen to be native or whether they do not happen to be native. I am completely against separation, as far as I am concerned I might as well say it, the Indian Act can be torn up and destroyed completely. I am completely fed up to the teeth with these attempts that are being made to try and separate Yukoner from Yukoner and Canadian from Canadian, it is about time that we recognized the fact that this situation should come to an end. I am not in any way, going to recognize other than what this program is meant to do, to supply rent, decent housing for residents of the Yukon and if the need is for native residents they will get it if the need is for other than native residents, they will get it. Every attempt will be made to, in consultation with whoever is concerned to find where the greatest need is and then the Government would support that. This is my stand, I think it is about time that it would be made quite clear that there would be no misunderstanding, as far as I am concerned.

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

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, this brings us around full circle, back to where really we started. During the course of the questions and answers and comments made here it has been pointed out that indeed a heavy Federal content in this program. I would like at some future moment to have an outline of just exactly what that Federal content is and as complete a disclosure of this as possible. I would also like to know, before even considering any approval to this program what the intentions of the Territorial Administration are in relation to Regulations, these wonderful Regulations we get faced with by heaps and stacks every week. I think that this must be known before we, as the Legislature can properly sit down and rationally make a decision, in respect to what appears to be a very wonderful program. I would like to know for instance, what was..it was mentioned here that adequate services must be provided to these facilities. I would like to know just what is considered to be adequate services in relation to this program. I would like to know, for instance if one can provide his own sewer and water to one of these homes, if this is permissible and this type of thing. I'd like to know what these guidelines will be in respect of the Territorial Administration. I fully expect that the answer that I will get, will be the standard pat answer, "Well, how do we know, it is up to the housing authorities, when they get formed." I don't buy that, I think that the guidelines are established by the Territorial Government and I would like to know what those guidelines are before we make any decision in relation to this program because there are a whole bunch of facts and figures here that we know nothing about and apparently we can't get this information at this moment. Now, I think it is more concisely done if possibly we could get the information on the Federal content and find out what the intentions of the Territorial Administration are and then again look at this package.

Mr. Chamberlist: Mr. Chairman, it's been made quite clear what, in fact, the Federal content is. The only Federal content that has been indicated is what is in this Sessional Paper. It doesn't go beyond that. The whole attitude is that it has become a Territorial program. Now, if Honourable Members will consider, basically, that as a Territorial program, every Member of this Committee has some input into this program. The idea is to be sure that the legislators who have been asked to accept the principle of this Rental-Purchase Program, will be agreed to. There are certain aspects of administration within the program which are administrative aspects only. But, the question that is being asked, and upon which Council must decide, is whether Council is in agreement with the establishment of a Rental-Purchase Housing Program. This, I think, is the main point that we must consider; whether or not we are in favour of it. The areas of administering the program, are something that should come outside and separate from the point. All these other points have been raised. Now, Mr. Hendricks has already indicated a question that was raised with reference to land. If the Commissioner made a request for a specific piece of land, well, it would go to the Commissioner. I'm sure the Honourable Member from Whitehorse West recognizes the value of this answer in itself. So, the principle that we must be dealing with is do we want to establish a Rental-Purchase Housing Program to provide Yukon residents with housing under this particular scheme? I think we should deal with that point, and deal with the administrative factors of the program at a later time.

Mr. Taylor: Well, Mr. Chairman, that's pretty academic. I think if someone comes to this Council and says, "Do you want a program of Rental-Purchase Housing", I don't think there's a person in these Chambers who wouldn't say "Of course, we want a program of Rental-Purchase Housing. We've been asking for this type of program for years". So, that part of the thing is answered. What we want to know is what form will this suggested program take. The Honourable Minister has just suggested that the Federal Government content is indicated in this Paper. It's indicated, but it's not complete. I want to find out more. What's behind this thing. What gave rise to the birth of this program? I mean, why ...

Mr. Chamberlist: The need of housing.

Mr. Taylor: No kidding, I see, as in most Federal Government overtures to this House, it as being something different to what we find in front of us in the form of a Sessional Paper. I, indeed, would like to get this information before I make a decision. For instance, I want to know where, exactly, our Low Cost Housing Program fits in relation to this; whether it terminates; whether it continues, or whether another similar type program can be instituted. All these facts, I think, we need in order to make a rational decision. I want to find out who is going to be affected, what the motivations are behind these proposals and this type of thing.

Mr. Tanner: Mr. Chairman, I would ask Mr. Hendricks who he thinks, in his opinion, because this program, I think, has been in effect in the Northwest Territories for a while now ... in your opinion, sir, who or to whom will most of these houses go? Who will the people be who will eventually end up living in these houses under this program? In your opinion.

Mr. Hendricks: Well, I would assume, if it follows the normal pattern, low rental or low income people, period.

Mr. Tanner: Let me put it another way. In the second paragraph, "It is estimated that there are now 460 families in the Yukon Territory who do not have the financial capability ...". Who would you say are the 460 people composed of primarily, the 460 families?

Mr. Hendricks: That I couldn't answer.

Mr. Tanner: Well then, where do you find this figure?

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Mr. Hendricks: When you analyze incomes, you don't analyze people. This is a study on housing, not individuals.

Mr. Commissioner: Mr. Chairman, as a partial answer to Councillor Tanner's question, which I think is a very valid question, we are finding that we have even got people who are requesting entrance to our Senior Citizen Home because their incomes are not sufficient to maintain a roof over their own heads. This is one class of people which is becoming ever growing and there is an ever increasing amount in the Territory. It has nothing at all to do with the colour of their skin. It has to do with the fact that their pensions and their total income is just not sufficient to maintain the heavy housing costs involved, with the type of problems we have in the Yukon at the present time. I would venture to say that, perhaps, the member of the Executive Committee for Health, Welfare and Rehabilitation may have figures on this right at his fingertips. I would venture to say that 30 percent of the occupants of our Senior Citizen's Home, not the Nursing Home, the general occupants, are there because their incomes are totally insufficient for them to maintain a roof over their own heads. This number is ever increasing.

Mr. McKinnon: Mr. Chairman, I don't think there's anybody more suspicious of the motives of the Feds than I am, probably. But, I'm willing to take the other tack in this situation and let the Administration go about making the regulations and get the application forms out just as soon as possible. Let's get the application forms filled out and into the hands, and the construction going. If any snags come up, then we have the full ability at this Table to scream and yell at those Administrators who are or are not fulfilling the function we hoped to see this Housing Ordinance do. If they don't, we can always get rid of those people making the administrative regulations. Hopefully, we can, anyway. The one thing that I do take exception to in this Paper is in the first paragraph, "Many different agencies contributed to this success and with the exception of the Low Cost Housing Program, all should continue to provide similar assistance in the future." We have not, now, in the Territory and we are not going to have, evidently, in the future, a program which the majority of the people in the Yukon would wish to subscribe to, and that is mortgage funds available under some type of a housing program where people who don't want subsidization, where they don't want only a hundred square feet of housing, where they want a house to be built over a maximum of \$16,000, where they are not eligible for C.M.H.C. loans because they do not live in the enclaves where C.M.H.C. says they can build a house. These people, the majority of Yukon residents, are completely negated and prohibited from having access to any mortgage money to be able to build houses in the Yukon Territory. Now, the Low Cost Housing Ordinance will fill this need. But, the Low Cost Housing has terminated. The reason for the number of units being built keeping in pace with the population increase was because of the Low Cost Housing Ordinance. Now, where is the mortgage money going to come from for the majority of Yukon residents who still want to be able to build their own house in their own fashion and pay back mortgage payments to some private agency or some Government agency. There is no source of funds available for these people, and apparently, there isn't going to be in the future. We aren't serving the function of providing that source of funds for the majority of Yukon residents. Unless C.M.H.C. changes their policy completely to be available for mortgage funds all throughout the Yukon Territory, that mortgage money is no longer available.

Mr. Commissioner: Mr. Chairman, the Honourable Member is quite right when he says this particular program, referred to as the Low Cost Housing Program, is no longer in effect. It has run out of money and there is no program on the horizon to take its place. However, there is some question as to whether or not Central Mortgage may well be expanding their field of vision and I'm hopeful that they will do so and relax some of their restrictions and make it possible for this vacuum that has been created to be filled by an agency that has the competence and the money to do it with. While I am in full agreement with what the Honourable Member says, I'm sorry, Mr. Chairman, from Y.T.G.'s point of view, we have no remedy to offer at this time for the vacuum that the Honourable Member has pointed out. Let us be honest with each

Mr. Commissioner continues ...

other; we would be hopeful that some agency, properly equipped to do it, will fill that vacuum.

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Mr. Tanner: Mr. Chairman, this Paper was presented to Council yesterday. We are asked, in the very last paragraph, "A formal motion of Council agreeing to the establishment of a Rental-Purchase Housing Program ..." should be given. I, for one, am not even remotely satisfied that we should, because we are being offered seven and one-half million dollars, go right ahead and say, "Yes, we want it". I want to see what strings are attached. I think I know what strings are attached. I would suggest that this is an attempt on the part of the Federal Government to get out from under the Indian Act and provide housing for Indians and they want the Territorial Government to accept that responsibility. That's what I think. The bribe they're giving us is seven and a half million dollars. And, what Councillor in his right mind is going to refuse it; it's right there and it doesn't cost us a cent. But what obligations are we picking up? Are we prepared to pick up those obligations? I don't think we are. I don't think the people who are going to live in those houses eventually have been consulted. I don't think they want to live in those houses. I ... if somebody can convince me that I'm wrong, I'll be happy to be proven wrong. But, I don't think you can. I think this is perpetuating a system which has not worked for a hundred years. This is merely a patronizing attitude of the Department of Indian Affairs towards its wards. All you're doing is taking people who have no concept of the way we live and putting them in these houses and telling them they cost \$16,000. Now, from our point of view, that's good value, man; you take it. But, they haven't been consulted. They're not prepared to accept that. What are you doing with a person if you give him for \$5 electricity, housing, water? What responsibility does he have? This is just going to go on and on and on. You're making the welfare rolls get bigger, not less. It's my suggestion to Council that, number one, we don't make a decision on this, and number two, we set up what the Northwest Territories set up just recently, a housing task force to look into this. I, personally, am not satisfied and I want to have more discussion on this. I want to find out for my own satisfaction, that everybody in the Yukon is going to benefit by this plan. I don't think they are. I think it's pretty well intimated by Mr. Hendricks and Mr. Bilawich the fact that they will have to go into residential areas, areas that are presently set up. What do we do if people don't want to live there? Why do we give them a \$16,000 house? How does society benefit, except perpetuate what is already wrong with society. Now, if somebody can convince me otherwise, I'm prepared to go along with it. Right now, I recommend to all Councillors that we consider very carefully before making a decision on this seven and a half million dollars.

Mr. Taylor: Mr. Chairman, I think, again, that it would be a real good move on the part of the Administration to provide us with additional information on this. I would assume that regulations have not yet been drafted in respect of this program. If they have been drafted, we'd certainly like to have a look at them. There are, indeed, strings attached. This is why I asked for the full disclosure of the Federal content in this thing. For instance, it was indicated by Mr. Hendricks that there was one item alone, that the land must be vested in the Commissioner. So, that's just one string. I want to find out what all the other strings are. It has been suggested at the Territorial level that now we are prepared to let people scatter a little more around the communities. How far are we prepared to let them scatter? And all these other questions; what is the nature of the commitment as far as sewer and water is concerned? Some of the basic things. I think, before we do make a decision in this matter, it behooves us to look into these matters and get this information from the Administration. For those reasons, I would ask that no decision be made at this time, that this be deferred pending the arrival of this information.

Mr. Chamberlist: Mr. Chairman, I'm very, very sad indeed that any Member of Council would take the attitude that suggests that a Rental-Purchase Housing Program to alleviate the distressing housing shortage

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Mr. Chamberlist continues ...

existing in the Yukon, has any ulterior motives attached to it. I think that the important factor has been made quite clear. There is a need for housing for certain Yukon residents. When I say certain Yukon residents, that is not residents based on any ethnic thought, because Yukoners are Yukoners. The suggestion that has been made by the Honourable Member from Whitehorse North that it is an attempt on the part of the Department of Indian Affairs and Northern Development to remove themselves from their own specific program of housing for those people that the Indian Act requires them, at the moment, to take care of, seems to me to be suggesting that any move to enhance the people of the Yukon has to be treated with suspicion, because Indian Affairs is attached to the whole portfolio of Indian Affairs and Northern Development. I have already pointed out that the request has been made that an agreement, at least, be given to the establishment of the Rental-Purchase Housing Program. The Honourable Member from Watson Lake has asked whether there are any regulations that have been prepared with reference to this program. Now, nobody goes ahead and prepares regulations for something that doesn't exist. It doesn't exist until such time as Council brings forward their agreement that a Rental-Purchase Housing Program is desirable. I know that we can go on and debate indefinitely the pros and cons of the different areas of this Sessional Paper that has been given. Apparently, it is because there has been much detail given and broked down in this Sessional Paper that now, further details which we cannot give beyond what has already been given and what has been requested be expanded upon, a breakdown of the paragraphs has now been asked for. I think this Council would be doing harm to ourselves and more importantly, to the Yukon residents, generally, if they do not recognize the fact that the need for prompt housing expansion is going to be the basis on which the economy of the whole area is also going to depend, apart from the mining and tourism aspect and other aspects. We must have decent housing for people before we can benefit, inasmuch as the welfare costs of those people will be reduced. The health factors and the health costs will also be adjusted according to better housing. Here we are. An indication that I have heard just now, it's a dream. Well, if it's a dream, fine. It's a dream that I want to see happen. It's a dream that I want to see come true, that the people of the Yukon will not be deprived of housing because of any extraneous matters, outside of the fact that it is necessary to bring forward betterment for the people of the Yukon. As I've indicated, I'm very sad about this, and I hope that this ... any danger of putting this program off will not prevent it from going ahead this year. A request for this program has been made. The Government of the Yukon Territory has been advised that this program can commence this year. I think this is important. Would we be failing in our duties to the people of the Yukon if we turned this program down. This is the question, I think, that must be asked by everybody.

Mr. Taylor: Well, Mr. Chairman, I can only say in reply to the Minister that, indeed, if there is any delay, the ball is in the Administration's court. Give us the information upon which we can base a decision. It's that simple. And, when he talks about being very, very sad, Mr. Chairman to hear that there is some area of suspicion against the Federal or Territorial Administrations, I can only say that if you wish to allay such suspicion, an open and honest disclosure and answers to the questions that are being allays all suspicion. But, when I hear addresses such as I just heard, saying "No, we must get on with this; we're buying; you shouldn't be suspicious of us; let's get on with this." I become more suspicious. It's that simple. I think we're entitled to this type of information. What does the Territorial Administration intend to set as guidelines for the disposition and allocation of these houses? What is the Federal Government tied in to, in relation to this program? There's nothing wrong. We used to ask these questions up to about two or three years ago. We used to have these questions answered and everyone was happy. Everybody was in on the game. Now, it seems that it's a regular inquisition to get answers on programs involving seven and a half million dollars as well.

Mr. Chamberlist: Mr. Chairman, I have indicated that some people talk a lot but say very little. Now, I would like to know, Mr. Chairman, where the Honourable Member from Watson Lake has not been given any information on any matter. Now that he is speaking in generalities, I wish he would indicate specifically what questions he wishes to ask at this time in relation to this paper, and the answers can be given now. As far as Members of the Territorial Administration are aware of the answers that can be given. Now, we are prepared to give them, but stand up and ask the questions, so that we can answer them. Not this idea, you know, I want time, always periods of time are being requested at this time to stall, to stall a program that benefits the people of the Yukon. Now, I am very pleased that a clear concise language, the Honourable Member from Whitehorse West made his stand. He said lets get on with it and we can tear it to pieces at this table, and this is the function of this Legislative Assembly, to tear it to pieces. I agree with it. I participated in it, and I will continue to do so, Mr. Chairman. We have asked a simple question, whether you want a rental-purchase housing program, say yes, and then we can go on from there, if you really want it. But, to hear you say yes but, then the questions, Mr. Chairman, are not being asked. This becomes very galling. Ask the questions, Mr. Chairman, if any Member wants to ask questions now while we are discussing it, we will answer them to the best of our ability. We cannot go beyond that.

Mr. Taylor: Yes, Mr. Chairman, just like Rover, sit up Rover bark and I will give you cookie. That is really white of the Honourable Minister, I must commend him for being so hospitable I would think obviously the Member wasn't with us for the full part of this discussion, and I would suggest to him, if he would go back and refer to his Votes and Proceedings, that I have recited those questions on many occasions. Then if he would look at them, and take a little of his time, possibly in the mornings or between the afternoon sessions and answer them, this Member would be most, most pleased to get those questions.

Mr. Chamberlist: What were the questions relating to this paper right now, Mr. Chairman? Perhaps, Mr. Chairman can indicate to the Honourable Member if he could ask specifically what questions he wishes to have answered by the Administration.

Mr. Taylor: Mr. Chairman, just before I resume the Chair, I will just say this. That if I was talking to somebody that I could get an answer from, Mr. Chairman, I would continue to restate these questions. I have restated them about three times, now, but if I am talking to a wall, I don't get any answers. So, what I would suggest the Honourable Member do ...

Mr. Chairman: Order please, order.

Mr. Taylor: ... I would suggest, Mr. Chairman, that the Honourable Member would look in Votes and Proceedings of these discussions, he will find all the questions asked by myself and I am sure other Members, and if he would provide a complete disclosure, then we can come back and sit down and discuss this again. However, we do have witnesses here, and I know the day is waining on. I think we should determine whether we will sit again this afternoon to continue these discussions, or just what we are going to do.

Mr. Chairman: Is it the wish of Committee Members to call the witnesses in after dinner, if this is possible. I understand that Mr. Hendricks has a plan to catch.

Mr. J. Hendricks: At four.

Mr. Chairman: At four. Is it the wish of Committee to have the witnesses here after dinner. At this time I will call a recess until 2:00 o'clock.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order. I would ask Members at this point to dispense with questions particularly to Mr. J. Hendricks, in view of the fact that he has to leave within an hour or two, then perhaps we can get to discussions amongst ourselves. Are there any further questions at this point for the witnesses?

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Mr. Tanner: Mr. Chairman, I have one particular question on page 2 of the Sessional Paper, there is a reference made to section 16 of the National Housing Act. Section 16 of the National Housing Act reads, "that the corporation may, with the approval of the Governor-in-Council make a loan to a borrower engaged in the mining, lumbering, logging or fishing industry, to assist in the construction of low or moderate-cost housing projects in areas or localities that are adjacent to or connected with the operations of the borrower". I am wondering whether Mr. Hendricks will inform the House whether that is the wrong section or ...

Mr. Hendricks: No, that is the new renumbering that you have there. This is the previous one. The sections haven't been renumbered, I think that it is now section 17. Yes, section 17 or 18. C.M.H.C. is still using the old numbering system as well as the new, so this is the old section 16.

Mr. Chairman: Are there any further questions for the witnesses?

Mr. Taylor: Mr. Chairman, I have some further questions at this point relevant to this program financing, and this is why we have been kind of diving through this section 16 or looking for the pertinent section in the Federal Legislation. You have stated here that ninety-five percent of the capital financing could be obtained from Central Mortgage and Housing Corporation. It doesn't say that it will be, it just said it could be. Under section 16 of the National Housing Act, the remaining five percent would be obtained by the Territorial Government from its normal sources. Now, I am just wondering what is inferred by normal sources. Is this any part of the normal sources, being for instance taxation?

Mr. Chamberlist: Well, normal sources as I see it, may be the revenues that exist. Now, it may also include the evaluation of lands which would belong to the Territorial Government, and which would be given as part of the program. It has to have some evaluation on it, but this gives allowance for the Territorial Government to participate in making available that five percent of the capital gain. The question that has been raised with reference to the Central Mortgage and Housing may, I think if it is taken in its proper context, it is indicating that up to ninety-five percent of the capital financing could be obtained, and when it says could be obtained, it's obtained by asking for it. This is what we are assured will happen if we go ahead with the program, we will ask for ninety-five percent, and Central Mortgaging and Housing are prepared to make that amount of money available.

Mr. Taylor: Yes, I thank the Honourable Member, but I am still not clear on this normal sources business. Am I to assume then, that no part of this financing will be financed by, through taxation being a normal source of revenue in the Territory?

Mr. Chamberlist: It is pretty difficult, Mr. Chairman, for one to limit what a normal source is in this particular regard, because I am sure Honourable Members will agree that when we talk about normal sources, we are talking about all sources that are normally available to the Government of the Yukon Territory in providing funds for a specific program. So, I cannot give a specific answer at this time as to where that five percent will come from, but I am simply indicating that there is a possibility that that five percent will

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Mr. Chamberlist continues ...

also include the value of the land that would be made available for the project itself. I do not visualize that the Territorial Government will be purchasing from somebody else to provide land. Again, as has been indicated that where there is Crown land, Federal Crown land in a particular part of the Territory that was needed for a housing project of this description, then the Commissioner would ask that that particular piece of land that is required be transferred to the Commissioner, and then this land would then come from the Commissioner and be made up into title form to the Commissioner, so that each house would be on its own lot, and therefor when the time came along for a tenant to purchase, he would be able to purchase the land and the house on it. That is the understanding that I have in relation to normal source.

Mr. Taylor: It still really hasn't answered my question. I am just wondering whether any part of the program financing on the capital side of the fence here will be borne by taxation in the Territory. I would really be tempted if an answer is not readily available, I would certainly appreciate one at another moment. I think this is ... in one area this is a very important thing, in other words if we embark on a program in conjunction and conjoin with the Federal Government, is there anything that says that they can't opt out of the thing, opt out of fifty percent of the thing, or opt out completely from it during the course of the next number of years. Indeed what is the life of the program? Is it fifteen years, is it five years, is it twenty years? This could be enjoined again with the questions that I asked earlier as to what strings are attached to this thing. I would like to direct that question, Mr. Chairman, maybe to Mr. Hendricks.

Mr. Hendricks: I am afraid I prefer not to answer it.

Mr. Taylor: Well, Mr. Chairman, we have with us of course, Mr. Hendricks to assist us in this regard, and as we are referring to matters relevant to section 16 of the Housing Act or the other pertinent section, I wonder if you could determine what section that is? Section 15, then possibly Mr. Hendricks should know what the restrictions are in respect of revenue forthcoming from the National Housing Act.

Mr. Hendricks: This is not a great deal different than an individual borrowing money from Central Mortgage and Housing. The owner of the land is the Territorial Government, and the C.M.H.C. simply hold the mortgage on the property. However, the houses must be of C.M.H.C. standard. There is no rental scale set up by C.M.H.C., but people must be of low income, normally this varies perhaps from six thousand to eight thousand, depending on the location. This can normally be determined by the cost of a house related to the income of the purchaser, if he can't afford home ownership then he is in the low income group, and this is really what this program is saying.

Mr. Tanner: Mr. Chairman, could I ask Mr. Hendricks a question. If the houses, and it does actually say in that paragraph 15, that is correct what you said, if they have got to be N.H.A. standards, does that mean they have got to be on water and sewer?

Mr. Hendricks: No, certainly.

Mr. Tanner: Does C.M.H.C. grant mortgages, in this case where they are not necessarily on sewer and water?

Mr. Hendricks: Yes, but they must basically be N.H.A. standards in this case, room sizes, certain standards of construction. The Building Code, zoning, whatever has to be. They do have to be on services if the services are available. If you have piped water in the community, they must be on piped water.

Mr. Chairman: I wonder, Mr. Hendricks if I could ask from the Chair

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what about the fire protection services. Is there any requirement there inasmuch as being available or close to fire trucks or normal.

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Mr. Hendricks: They grant N.H.A. mortgages on farm buildings. We have N.H.A. mortgages in the Northwest Territories, Frobisher Bay, Fort Simpson and many others. In most of these cases the house is only serviced with delivered water and picked up sewerage. That is what is available locally so therefor they grant mortgages.

Mr. Tanner: Mr. Chairman, could I ask Mr. Hendricks, is the plan similar to this presently in operation in the Northwest Territories?

Mr. Hendricks: Not really. There is a rental program of this type available in the Northwest Territories, but it is much more minimum. The houses do not meet N.H.A. standards. The houses aren't as good a quality, and it is very difficult for the tenant to purchase a house. This is one thing that this program has over that one. Other than that, it is a rental program based on income, with the Federal Government in this case directly picking up the operating losses, but it is limited to income Indians and Eskimos on the Federal side and White people or non-Indian, non-Eskimo on the Territorial side. Both programs are financed by the Federal Government.

Mr. Taylor: Mr. Chairman, I note in the pertinent section of the National Housing Act, that a loan may be made under this section only to a person that has entered into a contract with a Corporation, and it provides that the rentals to be charged shall be rentals that the Corporation deems to be fair, and so forth, "the project or any part thereof shall not be sold or otherwise disposed of during the term of the loan except with the consent of the Corporation", and so forth these are strings which are attached. This is what we are trying to get at this morning. In addition to this we found that two other strings, that one is that the land should be vested in the Commissioner. I don't know really if this rules out land owned by people other than the Commissioner and yet not Crown land, in other words the man owns a lot or owns his title to a piece of land if he can have his house constructed on that land. I also find another string is, that they have to be serviced, if services are available. I am wondering now, like for instance, let us take for a moment the case of the native people again, where for instance, I believe you have a situation in Whitehorse here where we have a native village adjacent to the municipality, and I believe services are now being installed in that general area, or are to be installed in that area. If the people of this area for instance wanted housing, and were eligible to acquire this housing would they then ... only want it on a different location, would they be forced into a position of staying where they are or would they be moved or what decisions would they have in this regard?

Mr. Hendricks: I don't know if I can answer that question. At this stage it is a Territorial program and once it is in operation the policies of operating that program would be Territorial, so Mr. Chamberlist probably will be able to answer that.

Mr. Taylor: Just to come back to what I have pointed out is and what has been agreed is, that the Corporation decides what is deemed to be fair. The Corporation decides this. These are strings attached to the loan, so it isn't entirely a Territorial affair, it is partially a corporation affair, is it not.

Mr. Hendricks: No, it isn't really. In order to get the program under way, the Commissioner on behalf of the Council is going to have to sign an agreement with C.M.H.C. in which normally they will stipulate the maximum income which will be allowed any tenant. These other things that you say there, it will probably be part of the original agreement with C.M.H.C., and after that they won't interfere. It is part of the loan structure rather than part of the operating structure.

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Mr. Chamberlist: Mr. Chairman, I would with respect, kindly point out to the Honourable Member from Watson Lake that Mr. Hendricks' position has been one of a consultant in relation to the program itself, in that. Any areas relating to policy it is pretty difficult for him, and it is really not fair to ask him matters of a policy nature. He is not empowered because of his position, to give nor can he give or make any comments on policy. The question ... reference is being made to the National Housing Act and certainly I am sure that all Members will appreciate the fact that all housing is dealt with under the same Act, whether it be the rental-purchase housing. The section just deal with those areas where there is provision made for loans. This must be kept separate in thought from the program itself, they are things that are worked out almost at the time that the Commissioner enters into an agreement. The question was certainly sound that has been raised by the Honourable Member from Watson Lake, is the matter of placing services in the house. Now, what Mr. Hendricks had indicated was that if the supposition that we take an area of Porter Creek or where there are some services available, there is a water service there. The house there, certainly would have to be connected to the water service. They couldn't allow them to drill a separate well for their own house. The same thing applies if there was a sewer and water system in a particular district. It wouldn't be permitted to put in a septic tank, they would have to tie into existing sewer and water facilities. It is where there are none of these facilities that N.H.A. have provision for allowing the septic tanks and their own water systems to be installed. It is hoped of course with the progress of a plan of this nature that all areas will eventually have sewer and water systems of their own. I would ask Members to recognize the fact that this is a good start to a worthwhile program and to take cognizance of that particularly.

Mr. Taylor: Mr. Chairman, just while Mr. Hendricks is here. Under this section just brought to our attention, it states that, in subparagraph (1) "the Corporation may make a loan to any person for the purpose of assisting in (a) the construction, purchase or improvement of a low-rental housing project; (b) the purchase of existing buildings and the land upon which they are situated and their conversion into a low-rental housing project; or (c) the conversion of existing buildings into a low-rental housing project." My question would be, and possibly I would direct this Mr. Chairman, to Mr. Bilawich, is it anticipated that there will be a redirection or possibly a redirection from the actual project of building houses to the acquisition of houses as suggested in subclause (b) or (c)?

Mr. Bilawich: This is dealing with future policy rather than actual fact. I think at the present time, the thing that is envisaged at the present time is the construction of buildings. Now, it wouldn't prevent a program if you found some housing some place that you wanted to purchase for a program and bring them up to C.M.H.C. standards and make them available on this program. It would be possible to do it under this same umbrella of this section, but right now the thinking is to construct houses.

Mr. Taylor: This is all coming very quickly. As I say we just learned of this a couple of days ago, or yesterday as a matter of fact. Now, I have another question which I would direct to Mr. Hendricks or whoever else could answer it. During the course of the visit here to the Yukon by Mr. Hendricks and his group, have there been ... has any consultation taken place between Mr. Hendricks and his group and the municipalities or any of the municipalities in respect of this program, with the Indian Brotherhood or with the Band councils of the native people around the Territory to find out what their opinions would be? I might just add to that, also has any consultation taken place with the group now, I believe currently touring the Yukon looking into housing needs in the Territory?

Mr. Hendricks: I would hate to define the word consultation. Let's say the matter has been discussed with the Native Brotherhood, not with any municipality or not with any other group.

Mr. Taylor: Has the Brotherhood given any recommendations?

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Mr. Hendricks: It's not really a true consultation. We more or less notified them of what was coming. Again, I would like to stress this, we approached it from an angle of a Territorial program, and therefore it wouldn't be fair before the Councillors found out about it to go around and ask them.

Mr. Taylor: Well, this of course would lead to the follow-up question that I would direct to Mr. Fleming. Is it anticipated now, Mr. Chairman, that the Territorial Government will at the earliest possible moment be entering into discussions with these involved people?

Mr. Fleming: Mr. Chairman, there is nothing to prevent us from doing this, if this is the decision that comes out of this room. Up to this point we have entirely felt that everything should be presented at the earliest possible moment to our own Council, and then we will receive our directions from them.

Mr. Tanner: Mr. Chairman, I have a question further to Councillor Taylor's question. If this project is not for the purpose of housing Indians, why would you consult with the Yukon Native Brotherhood? Number two, you mentioned in the Northwest Territories that of some of the very similar programs they are limited to Indians and Eskimos on the Federal plan. Could you give me a little more explanation of what that means?

Mr. Hendricks: Really, it is exactly as it says. The rental housing in the Northwest Territories are available only to Indians, registered Indians and Eskimos. The Federal Government financed the Territorial program which is available all non-Indian and non-Eskimos, although it is written in ... this is an amalgamation of the two forces. In answer to your first question, I believe I stated we did not talk to the Government; we told them what was coming; we were all interested in their reactions.

Mr. Taylor: I have just one final question at this point in time, of Mr. Hendricks. Mr. Chairman, I'm just wondering, from the N.H.A. or C.M.H.C. if you prefer, is there any deadline you must meet in order to acquire the funds that you are asking for, in the area of seven and a half million dollars?

Mr. Hendricks: Only the deadline with building houses. If you want to build houses this summer, you haven't got much time.

Mr. Taylor: How much time would we have?

Mr. Hendricks: My guess would be not much more than two weeks.

Mr. Taylor: Two weeks?

Mr. Hendricks: There still has to be an agreement. You would have to go through a tendering process for the house; you have to plan your house, none of which you can do until you assure yourself that funds are available. The later you go into the year, the less likely the funds will be available.

Mr. Taylor: Well, is it not possible, Mr. Chairman, for N.H.A. to give us, in view of the time that we just stepped into business in these Chambers yesterday ... is it not possible that funds could be reserved on our behalf so that we might have a month or three weeks in order to get this thing all put together and determine whether or not we can, indeed, participate in this program?

Mr. Hendricks: Oh yes, I see no reason why they can't. That wasn't really what I was referring to. Your time element left to construct the forty houses, or whatever you're going to build this year, is so tight right now that before you can do any of this, the actual physical aspirations, you must have the agreement for the loan. Each day that you delay the loan, you delay the house construction.

Mr. Tanner: Mr. Chairman, I would point out that with delaying the construction of only forty houses if we follow the program, we're not delaying the construction of the following year's program of a hundred houses. I think that Councillor Taylor has brought up a very valid point. We're asked to make a decision for seven and a half million dollars over a five-year period, but in actual fact, all that is concerned is forty houses for this coming year. Now, the situation, if it's as bad as it's described in this Sessional Paper, I can't see that another six months or another year is going to make that much difference. I think it's a decision of great consequence that deserves a lot of thought. One other question I would ask Mr. Hendricks; how many actual plans of houses do you have in mind for this program?

Mr. Hendricks: Well, I don't have any, really. We didn't, in preparing this Sessional Paper ... we present one plan for estimate purposes only. This would hardly be in my jurisdiction, to decide how many plans the Territorial Government wants, or what type.

Mr. Chamberlist: Mr. Chairman, I think that every Member here is considering the overall basis of the plan. I really see nothing wrong with doing that, but it appears to me, as I indicated this morning, that there is a requirement to indicate that there be this type of program. I think that all Members of Council know full well they can participate quite readily after we give this answer, in the housekeeping methods of how the program should be accomplished. I think we can all have our input in getting this program accomplished. I think that Councillor Tanner and Councillor Taylor specifically, raised points of administrative matters involved in the program itself, which I'm sure, could be dealt with. I do feel, however, that there is a necessity for us to indicate quite clearly that we are not opposed to the Rental-Purchase Housing Program on the general outlines of the Sessional Paper. I'm certainly sure that it will not interfere with any restriction in relation

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to the administration of the program that any Member might want to put up at a later time. Now, the Sessional Paper asks that a recommendation be made by way of a formal motion, agreeing to the establishment of a Rental-Purchase Housing Program, as outlined in this Paper. I think we must indicate whether we want a Rental-Purchase Housing Program, in any event. It is because of that that I feel it is necessary that it be indicated that I intend to move the formal motion. I will move it now. Moved by myself, seconded by Councillor Watson, that the Government of the Yukon Territory establish a Rental-Purchase Housing Program as outlined in Sessional Paper No. 2, First Session, 1972.

Mr. Chairman: I think it's already been indicated by Members around the Table that we do require further time to study this program ...

Mr. Chamberlist: There is a motion on the floor.

Mr. Chairman: Is there a seconder to the motion?

Mr. Chamberlist: Yes. Councillor Watson.

Mr. Taylor: Well, Mr. Chairman, I cannot help but feel ... again, I was just getting around to the point where I was starting to get a picture of what was going on here, and with this rush, rush, rush business, I'm now becoming suspicious again. I certainly will have to vote against the motion and I'm very sorry that I have to because I am one who has long sat in this House and fought for such things as low cost housing. This program, as it's intended to be or as it's outlined here, would be a wonderful thing for the people of the Yukon Territory. No question; one of the best things that could happen; as long as we make sure that we have all the administrative details where they should be and in perspective. I would have to vote against the motion, purely because I want some time to go and consult the people in relation to this. This was placed on our desks here yesterday morning, and we've pushed it into Council and into Committee so that we might meet with Mr. Hendricks and Mr. Bilawich and Mr. Fleming, and discuss and ask questions and get answers. But, to force this thing ahead at this time, would be a very improper thing to do. I think we should have the benefit of at least a week, if not longer, to look around and get information from the Administration, from the Federal Government if necessary, relative to this program. On that score, I would ask the Member to withdraw his motion if he would, at this time, and represent it at some later time. Just give us an opportunity to study. I did have another question I wished to direct to Mr. Hendricks, and it has to do with page 3 of the Sessional Paper. It refers to housing associations. Mr. Bilawich gave us a description of how this should work during this morning's Sitting, but I'm wondering what is the reason for this. Is this a condition as suggested or laid down by the Corporation? Or, is this something that has originated at the local level?

Mr. Hendricks: No, the Corporation doesn't require it. It is really an involvement of the rental program in the Northwest Territories where it has proved very successful. There, it was so important because the location was so isolated, people were put in to look after the housing to get people involved in doing this. It was more economic. It worked out much better. So, really, this is just a suggestion not a requirement.

Mr. Taylor: But, is it a suggestion from the Corporation or is it from Indian Affairs?

Mr. Hendricks: By Indian Affairs, and I think, by other people who wish to work on it.

Mr. Tanner: Mr. Chairman, I would suggest that the ... that Councillor Taylor's recommendation that we withdraw this motion, if the seconder agrees ... Councillor Chamberlist's is an excellent one. I for one, will vote against if it is brought right now, because there is no way that a decision of this import should be made in the space of a couple of hours. My suggestion is that you give us at least a week, and if it's your intention to force this through right now, then I'm afraid I won't support you. I think there's a lot more input required by

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both Councillors and by other interested parties.

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Mr. McKinnon: Mr. Chairman, if the motion were put before the House right now, I would support it, as I feel that this is an area where Council has to move. It's an area where we have been lacking in for a great many years. But, if the Honourable Member saw fit to withdraw the motion at this time because we have been told that it hinges on a two-week period and allow Members of Council who have more questions to ask and would like to consult with their constituents and different organizations, then I would be in agreement to letting the motion lie for a week, also. The biggest part of the program that I find is in (a): "Housing falls into the provincial sphere of responsibilities and the program should be Territorial in origin and operation." It is a program, as I see it, of this Territorial Government, and when the Territorial Government goes into the program, if it is not successful under the regulations that are set up under the program, it is Council's prerogative and it is Council's duty to change the regulations that are not making the program successful, or change those people who are administering the program and administering the Government who are not making a success out of a very much needed program in the Yukon Territory. I just go by the law of averages. I don't think, personally, that they have had a very good batting average in bringing programs successfully to fruition, but, sooner or later, heaven knows, they have to do something right eventually. Perhaps, this is the one in which they are going to actually make successful administration of a much needed program. Before the question is called on the motion, or the motion is set over for a week, I don't think I can bring it too forcefully to Mr. Hendricks' attention. I think he was introduced to Council as the Northern Co-ordinator for Housing from the Department of Indian Affairs and Northern Development. I don't understand all these titles all the time, but, I would hope that if you have any input at all to housing in the north, you will see the input of myself as an individual. I am forced to build if I want to build, either in downtown Whitehorse, Faro or Dawson City. I can't because I'm not eligible for subsidization of any kind from the Government because I don't want to be subsidized by the Government, because I don't want a house of only eight hundred square feet, because I don't want to spend only \$16,000 for a house. I'm limited to building in the concentrated areas where I don't want to build. So, I, as a majority in a certain classification in the Yukon Territory, am absolutely compelled to build my home in an area where a majority of the people don't want to build their homes, in the first place. Now, where, in heaven's name, can we petition to find some mortgage funds somewhere to be able to build a home, because the majority of the Yukon people are absolutely stymied in putting a roof over their homes. They don't want Government subsidization. All they're asking for is, for goodness sake, "Provide some mortgage funds; force the C.M.H.C. and get out of Riverdale and out of downtown Whitehorse and into the areas where people want to build homes." Have your any input at all? Can you tell us where we can beg for Government mortgage funds or private mortgage funds? Any funds? So we can build homes.

Mr. Hendricks: I'm afraid C.M.H.C. is the controlling authority for private homes.

Mr. McKinnon: Well, somehow someone has shaken loose some C.M.H.C. money for this program. How do we shake loose some C.M.H.C. money for areas outside of those areas where C.M.H.C. will only lend mortgage money now? Who do we go to? Who do we kidnap? Who do we tie up? What do we do?

Mr. Hendricks: C.M.H.C., I would assume. Probably, their headquarters would be the place to put the pressure. They are becoming much more receptive to ideas such as this. I wouldn't say it will be hopeless, but it's going to take a concentrated and co-ordinated approach. But, I think it's possible.

Mrs. Watson: Mr. Chairman, as seconder of the motion, I am quite prepared to have the motion deferred for a week. However, I would really

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Mrs. Watson continues ...

like to draw to the attention of the Councillors that a week would be the limit that we could defer it. We must come to some decision. All our waffling on this important issue could well deprive forty people of adequate housing this next year. I think, if we travel through some of these outlying areas, every one of us, we would realize that a week is ample time to make this decision. The need for those forty houses is very, very great.

Mr. Chamberlist: Mr. Chairman, I am pleased that the Honourable Member from Watson Lake became decisive when he stated that he wanted a week, because up to that point, I wasn't quite sure whether it was three weeks, one month, two months or longer. In view of the remarks that have been made by the other Members, of course, I feel that we know, then, in a week's time, we will be having the opportunity to come forward with a vote on the motion. I would ask that the motion stands, but that it does not be voted upon until a week's time, today. Also, Mr. Chairman, I would indicate that the question which has been raised very properly by the Honourable Member from Whitehorse West with reference to additional funds, would perhaps be best discussed when we come to Bill No. 9, the Housing Corporation Ordinance. There are certain powers within that Ordinance in relation to borrowing. I think, perhaps, the Honourable Member should raise that question again at that time, when we are discussing this Bill No. 9. As indicated, I've asked that the motion stand until a week.

Mr. Taylor: I thank the Honourable Members for their consideration, Mr. Chairman, and I dearly hope that within a week, we can gather sufficient information to, at least partially, understand this program. I would point out though, as the Honourable Member has pointed out, that a formal motion of Council is what is suggested by his Executive Committee here, "A formal motion of Council agreeing to the establishment of a Rental-Purchase Housing Program as outlined in the Paper is requested." So, I suggest that the Member withdraw his motion and make a formal motion in the House.

Mr. Chamberlist: Alright, we'll go with that suggestion. It is withdrawn.

Mr. Chairman: Are there any further questions for any of the witnesses? The seconder has already withdrawn. I have one further question I would like to ask Mr. Henderson from the Chair. You pointed out a while ago that there are two more parallel programs now in existence in the Northwest Territories; that of the Federal Government and that of the Territorial Government. Have any overtures been made to the Council or the Government of the Northwest Territories to combine these two programs and come up with something as we're being presented here?

Mr. Hendricks: We were going to, but they have appointed their own task force on housing, and they are doing a tremendous job looking after their various problems. We have contributed this as an idea for this task force, but we haven't made any official hints at this point because their task force has been on this now for four or five months.

Mr. Chairman: You mean, it has been suggested to this task force that possibly they should combine the two programs?

Mr. Hendricks: At that time, we didn't want to say too much because of this program.

Mr. Taylor: Mr. Chairman, just before Mr. Hendricks ... I do believe he has an airplane to catch so I don't imagine we can retain his services much longer. I'm wondering, as I pointed out earlier, we do have a few strings attached at the Federal level, or Corporation level, such as land being vested in the Commissioner and if services are available, and maximum income levels are set by C.M.H.C. ... I'm wondering if he could endeavour to put down on paper all of these basic strings so that we might view them a little more clearly.

Mr. Tanner: I again, would like to express my thanks to you for being here. I've just one question. I think I asked it this morning and I don't recall what your answer was. In the preamble of this Sessional

Mr. Tanner continues ...

Paper, there is mention of 460 families from a survey. Was that survey made by your Department or was it made by a Territorial department?

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Mr. Hendricks: It's a combination of several. We used some of the Territorial surveys; we used some from Indian Affairs, the Community Affairs for the Indians; and a little bit of D.B.S. It was an amalgamation of all the information. It is an estimated figure. I don't think anyone should really hang their hat on it.

Mr. Tanner: I appreciate that, Mr. Hendricks. Is a copy of that ... or those surveys in the Territory? Do you know; or are they in your Department?

Mr. Hendricks: No, all the information ... the same may be available here, but I have them all in Ottawa and I would be glad to send them along to you.

Mr. Tanner: I, personally, would be interested in seeing them if you could possibly get them here in a week, or sooner.

Mr. Hendricks: Fine, I can send them out.

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

Mr. Taylor resumes the Chair.

Mr. Taylor: Is there any further discussion, or questions you may have of the witnesses? I wonder, then, if the witnesses could be excused. Committee would very much like to thank these gentlemen, and more particularly, Mr. Hendricks, for assisting us in this endeavour, and we trust we will have an opportunity of meeting with you again.

Exit Mr. Fleming, Mr. Bilawich and Mr. Hendricks.

Mr. Chairman: Is it your wish that I report progress on Bill No. 8? So noted. Now, we have a matter of a motion. Would it be your pleasure to discuss Motion No. 3? It has been moved by Councillor McKinnon, seconded by Councillor Stutter, that representatives from the City of Whitehorse, the City of Dawson and the Village of Faro be invited to attend Committee when those Ordinances dealing with municipalities are being examined in Committee. MOTION #3

Mr. McKinnon: Mr. Chairman, the Municipal Ordinance is often described by the City fathers in various municipalities around the Territory as the bible for the conduct of municipal affairs. I don't think any of us would presume there was divine guidance given to those who manufactured the many Ordinances dealing with municipalities that are presented to the Council at this Session. I think that, immediately, we should let the municipalities know in the Village of Faro that the Council of the Yukon Territory, and particularly the Committee of the Whole, desire input from the municipalities to these Ordinances which are going to be so important to them. I have no strong feelings and I would have no objections at all to the motion being more specific, that certain representatives, one or two, or the mayors or whatever representation the Committee felt that they would like from the Municipality of Whitehorse, and Dawson, and the Village of Faro to be at Committee to assist Committee in their deliberations in discussing these Ordinances dealing with the municipalities. My idea on the invitation, of course, is that we can do it all at one time. Instead of going through the Municipal Ordinance, then presenting it to the municipalities for their approval or to see whether they have any suggestions, this can all be done at one time at the Committee Table here, and after thrashing through it, we can come up with Ordinances for the municipalities that are acceptable right at the moment to the different municipalities involved. As I say, I think that these invitations should go out immediately with the Bills to the municipalities, so that they can prepare themselves and decide amongst themselves who they would like before Committee to represent them on extremely important discussion affecting the future of the municipalities in the Yukon. As I say, any suggestions or alterations

Mr. McKinnon continues ...

MOTION #3

deletion or additions to this motion would be most graciously accepted by myself.

Mr. Stutter: Mr. Chairman, last spring, when we were told that the new Municipal Ordinance would be coming up this fall, I had requested that it be given to Councillors at the very first possible opportunity so that certain clauses could be discussed with the municipalities. Unfortunately, last Wednesday, which was my last trip to Dawson at that time, although the Ordinance was prepared, it was still awaiting the Commissioner's assent and I wasn't able to get a copy. In any event, they are marked confidential, so only portions of it would have to be discussed in a very informal manner. Now, that it has come this late, I also feel that representatives from the municipalities should definitely be given a copy of the intended Ordinance and be invited as Councillor McKinnon has stated, to come and participate in discussions on this very vital Ordinance.

Mrs. Watson: Mr. Chairman, I'd like to point out to the Councillors that while we were deliberating on the Municipal Ordinance, correspondence was carried on with the municipalities requesting that they make suggestions or recommendations for changes to be incorporated into the Ordinance when we were dealing with them. This has been done; we have attempted to do this all along. So, it isn't that we haven't attempted to determine what their needs are. We feel that many of their requests ... all but one of their requests have been incorporated into the Ordinance as it exists now. I think that the Councillor from Dawson will recall that I requested his recommendations and the recommendations of the Municipality of Dawson. I never did receive them from the Municipality.

Mr. Stutter: Mr. Chairman, I'd like to suggest that this is a far cry from ... on one hand, asking for suggestions from municipalities and on the second hand, coming up with a completely new Municipal Ordinance and not involving the Members of the Council in the Ordinance. It's not quite the same thing, asking on one hand for suggestions while compiling an Ordinance and on the other hand, coming up with a complete copy and then incorporating all of the ideas in the new Ordinance and saying that "This will be the law from here on.". What we're requesting, or what I'm requesting is that, now, as we go through it, there be input from the councils. I don't feel that it's the same thing as asking for suggestions.

Mrs. Watson: Mr. Chairman, possibly we should have asked the municipalities to write the Ordinance themselves.

Mr. McKinnon: Great idea.

Mr. Chairman: I just have a suggestion from the Chair. Possibly, this could be resolved by suggesting that one representative of each of the municipalities, the mayor, or his delegate be invited to come.

Mr. Chamberlist: Well, Mr. Chairman, quite frankly, I have no objections to members of the municipalities being involved in any way with legislation that pertains to them. But, I have a fear, a very strong fear that the function of the Territorial Council may be usurped in the making of legislation. This is where my fear lies. I feel that I raise no objections to having representatives. It's up to this Committee here to decide whether or not this should be done. But, what a problem we would have if there were twenty-four municipalities that might come, and every municipality sends its own. Perhaps, I would make this suggestion, that we send, now that the legislation has been introduced, the legislation to the municipalities and give them the opportunity to study the legislation and let them get together as an association of municipalities and then send their representative to Committee to say what they feel about the legislation that has been presented. On that basis, Committee can deal with this. Otherwise, you might be placed in the position where what may be good in the consideration of a person from Dawson may not be good for somebody from Faro or somebody from Whitehorse. This is where, I think, some difficulties might evolve.

Mr. Chairman: Councillor Stutter.

Mr. Stutter: I would be perfectly willing to go along with the suggestion of Councillor Chamberlist, provided that time is given, that this Bill is sent out to the municipalities. It, in no way can be compared with the old Municipal Ordinance. It was alright to ask for suggestions; there may have been half a dozen suggestions coming out of this feeling, that many of the other sections of the Ordinance were to have remained. I am sure in many instances, those sections don't remain. So, I think that it is really quite important that they do have a week or so to study the new Ordinance and then, as has been suggested, perhaps if they want to make representation to Council, I think that this is when we should call on them. I would go along with this idea; the main thing now is that they do have time to study the new Ordinance.

MOTION #3

Mr. McKinnon: Mr. Chairman, what the Honourable Member from Whitehorse East has stated is exactly what I thought that I had tried to say in the motion. I just took it for granted that copies of the Municipal Ordinance and the different Ordinances dealing with the municipalities would be forwarded to them and at that time, when they felt they were sufficiently aware of it to be able to discuss it with Committee, then they would be invited to Committee to discuss the portions of the Municipal Ordinance they wanted to. All I was wondering about is that it seems that the motion is generally agreed to, as is, except for the number of representatives. If a person feels that the mayor and one other, or that the different municipalities send one or two representatives, I just have no strong feelings on it at all. I believe that Government in the Yukon is the one area, because in any other jurisdiction, it would be absolutely impossible to get the input from all the municipalities, where this can be done. Here we have the advantage of having only three and we can have the input directly from the people who are going to have to live under this Ordinance. It was the same with the Yukon Transportation Association. Their president was invited when we were discussing legislation dealing with transportation utilities in the Yukon. I think that this is one of the real advantages of Government in the Yukon. It is not that big that we aren't able to have the input from the various organizations before the Committee Table and this is the whole intent of the motion. When the municipalities are sufficiently aware of what is in the new Ordinances dealing with the municipalities, they can be invited to send representation to Committee to make suggestions where they think changes should come about, or where they want to make arguments on certain sections.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Inasmuch as the Village of Faro would be very seriously involved here, I personally would like to see this Ordinance forwarded if indeed, they haven't already got it. I think that whenever the time comes, which has got to be today or tomorrow, when we start this Ordinance, at some point in time, we should have that input, as the Honourable Member stated. I certainly do not profess to be an authority on the Municipal legislation and this is something that takes much time and living with and study. I would most appreciate to have a representative, possibly the mayor or his delegates from each of the municipalities here, as we go through this piece of legislation which is workable and acceptable to all parties concerned. If they don't choose to send a representative, that is their own prerogative. I think that they should be invited; I think that there should be a chair available for each representative of each municipality at the Table.

Mr. Chamberlist: Mr. Chairman, the only point that I will make at this point is that I think we should go ahead, ourselves, and examine these Ordinances and read them in Committee. Then, of course, we can break

MOTION #3

Mr. Chamberlist continues ...

out those areas that we feel might be objectionable to any Member and still have them come back so that we would be better versed to deal with the representatives of the municipalities when they do come. There are certain areas of the Municipal Ordinance which are just straight sections that cannot be open to question of any description. We could just raise those particular areas that are open, as the Honourable Member from Watson Lake indicated, after time, one can well become a specialist in the Municipal Ordinance, by studying so much. I certainly can place myself, at this time, in the category of knowing the existing Municipal Ordinance. I would not object to going along with Councillor McKinnon's motion with the understanding that we do not delay the reading in Committee. Then, we could deal with it again when the representatives are here. On that basis, I would support Councillor McKinnon's motion.

Mr. Taylor: Mr. Chairman, would not the Honourable Member agree that while we discussed these points, there may be some points that may be causing hardships or problems within a municipality that I certainly wouldn't spot, or any other Member. Maybe, in the multitude of these documents, they themselves over look some of these things, whereas would not the Honourable Member agree that we do make available to each of the municipalities, a seat here if they choose to use it while we discuss this Bill.

Mr. Chamberlist: With respect, Mr. Chairman, we have been talking about six Bills and I would like to have the municipalities get the opportunity of seeing all the Bills so that when they do come to us they have already had an opportunity to study them and we by that time will also have had an opportunity to study them. This, I think is where the benefit would come. I have no objection at all to representatives but I think it's up to Committee here to say, how many. I am just really sincere when I say that if we hold up in reading the Legislation we are going to be lengthening this Session unduely and it is going to be tough and hard in any event so let us continue with the reading of the Bill and let us decide what representatives will be asked by Committee to come. I think we can deal with this in this manner.

Mr. Taylor: Yes, well if I interpret what the Honourable Member has said, it meets my agreement that we proceed with the reading of the Bills, and make it known to each of the municipalities that there is a seat here for them during discussion as we proceed through the Bill and leave it up to them. O.K.

Mr. Chamberlist: With respect Mr. Chairman, No, the Honourable Member keeps adding the words "as we proceed through the Bill". I'm not asleep, and I want to make this quite clear that when these words are being added there is an attempt being made that we do not proceed with the Bill until they are here. I say that we do proceed with the Bills, then we will go back again if we had to, and I am sure we would have to because I am sure the representatives of the municipalities will come forward with some constructive ideas in relation to the amendments that they feel should, or might have to be made into the Legislation that the Government has submitted for consideration. If the Honourable Member who has made the motion understands this position and indicates this position then I would be prepared to support him in this motion.

Mr. McKinnon: No Mr. Chairman I don't. I saw it as instead of a duplication of effort where we went through the reading of the Ordinance where the municipalities were going through the reading of the Ordinance, after we both go through the Ordinance then we come together to table and so help me we just go through the whole ruddy Ordinance again and there would be point after point that would be coming up, coming up and why not get it all done at one time. Why not have the input from the Municipal Council here, have it out to what areas we agree and disagree on, amend as needed be to satisfy or if we didn't agree with the municipalities we say that this is the way it was going to be. I think that that would be the sensible way of doing it, now there is no way that the municipalities can except in a weeks time or so examine all of these details of the Municipal Ordinance. I don't think that there is any way that any Member

Mr. McKinnon continues ...

other than those on the Executive Committee, who have already gone through it, have any concept of what is all entailed in all these Ordinances, dealing with the municipalities. As the Honourable Member is well aware that these Ordinances, which are the most important ones which we are receiving this Session, were made available on Thursday of last week. It just hasn't been enough time, I am sure for all Honourable Members who study all the clauses within the Ordinances that deal with municipalities and even if this Council found itself out of work at recess, for two or three days, I think that that would be a more sensible approach than to come back with the representatives from the municipalities go through the Ordinances once, finalize them, and clear the House with them, that is the way that I saw the motion being proceeded with and it is the way I understand it. I think that is the only sensible way of approaching it.

Mr. Chamberlist: Well, Mr. Chairman, the first point that I must take is; it is because the Members of the Executive who are around the Table understand what has been done with the Legislation that we can give the input of our understanding to the Members of Council so they can understand ...

Mr. McKinnon: Mr. Chairman.

Mr. Chamberlist: .. the attitude, as far as the Government who are presenting these Bills, however, to use the expression, we wish to be very, very liberal in our attitude towards the time factor the municipality should have in studying these Bills. I see no reason why we do not give any reasonable time and I am sure that my colleague will agree with me in that he would give any reasonable time to study the Legislation and fix a time when they want to come back to meet with this Council, but in the meantime I would ask that we would not delay with the reading of the Legislation and at least bring out all of those points that any Member of Council wished to question when the witnesses are here and any explanations that they require at this time. At least they will get the benefit of the Legal Adviser, who will be here during the time when we read these Bills and of course the benefit of the Members of Executive who tore these pieces of Legislation to pieces practically, before we got something that could be presented to Council in a manner where there would be the least possible objection. This is our idea. If the Honourable Member, Councillor McKinnon would be prepared to give, undertaking that he understands this procedure and is prepared to go along with it I see no reason why this motion, the question to his motion should not be first and we could proceed then. Well I wonder if the Honourable Member would be given the opportunity to answer to what I have just put to him.

Mr. Chairman: Councillor McKinnon, do you wish to proceed with your motion?

Mr. McKinnon: Proceed.

Mr. Chairman: A question has been called. Its been moved that the City of Whitehorse, the City of Dawson and the Village of Faro be invited to attend Committee when those Ordinances dealing with Municipalities are being examined in Committee.

Mr. Chamberlist: At this time I wish to move an amendment to the motion.

Mr. Chairman: A question has been called. What is your pleasure?

Mr. Chairman: Would those in agreement please signify by raising their hand. Disagreed? I declare the motion defeated.

MOTION DEFEATED

MOTION
DEFEATED

Mr. Taylor: I'll resume the Chair at this point in time and stand Committee in recess for fifteen minutes.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order.
The next matter of business is Bill No. 9, namely A Housing
Corporation Ordinance.

BILL #9

Mr. Chamberlist: The purpose of this Bill is to establish a
Territorial Housing Corporation with the power to carry out more
advanced housing policies and to manage existing schemes. Other
provisions give the government and municipal governments complimentary
powers to institute public housing policies within the framework
of Territorial appropriations or municipal funds made available for
these purposes. Experience elsewhere has demonstrated that the
Crown corporation concept with day to day administrative independence
under general supervision by the Government has advantages over the
pure departmental approach. The Bill is designed to enable the
various Territorial participating agencies to obtain the maximum
advantage from available Federally controlled agencies and capital
monies. Mr. Chairman, this explicitly explains the whole function
and purpose behind the proposal for this piece of legislation.

Mr. Tanner: Mr. Chairman, I would like to address Committee, not on
this particular thing before we get into it, and that is to direct
the Clerk of Council to send a copy of the six pieces of legislation
which is applicable to the municipal level of government in the
Territory to each one of the municipalities. I want to formalize it
and make sure that it is on record that he has been asked to do this
and he is going to account for it if he doesn't.

Mr. Stutter: Mr. Chairman, I understand certain pieces of that
haven't even been introduced yet.

Mr. Chamberlist: The only one, with respect, Mr. Chairman, that
hasn't been introduced is the one dealing with Municipal Aid. All
the others are ready, and that one as soon as it is ready will also
be sent out to the municipalities, and I hope the municipalities
will also have conveyed to them that they will be at liberty to
send representatives as will be indicated by Members of this
Committee at a latter time.

Mr. Stutter: Mr. Chairman, I would like to add to that, to have
the Clerks' office stress the urgency of the matter too, so that there
isn't a delay on the part of the municipalities.

Mr. Chairman: (Reads sections 1 and definitions "Act", "Canada
corporation", "Corporation", "housing unit" of section 2 of Bill No.
9).

Mr. Tanner: What does the last part of that definition mean? "with or
without essential facilities".

Mr. Chamberlist: Well sometimes, Mr. Chairman, you might have a
central laundry facility in a block of apartments. There is one
laundry in the basement to serve ten apartments.

Mr. Chairman: (Reads definitions "municipality", "public housing
project" of section 2).

Mr. Tanner: Mr. Chairman, do we have to have that specification
of family or individuals? Couldn't you have a corporation of a number
of people who want to get together? Are we excluding that type of
an operation by not specifically mentioning it?

Mr. Chamberlist: Mr. Chairman, by using the interpretation "public
housing project" we are including all those other areas, whatever
particular situation might arise at any particular time.

Mr. Chairman: Clear on section 2? Are you clear on section 2?

BILL #9

Mr. Chamberlist: There is a good point that has been raised, Mr. Chairman. This is one that perhaps Mr. Legal Adviser may find it necessary to add in. The last few words which include "approved by the Commissioner for lease or sale to families or individuals", the question that I think is being raised by the Councillor from Whitehorse North is that we should add "corporations" to that.

Mr. Legal Adviser: I can see that confusion is being caused, Mr. Chairman, but it is housing accommodation that you are dealing with and you don't house corporations, you only house families and individuals. There is no difficulty in dealing through a corporation provided the sale or lease goes to the family of individual, but you are not housing corporations.

Mr. Chamberlist: I wonder if Mr. Chairman, if Mr. Legal Adviser, I am sure will appreciate the point that there is no reason why the Government Housing Corporation cannot make an agreement with a private corporation, otherwords subleasing it. There is no reason at all. There is no reason why the Commissioner can't lease or sell to a corporation, a group of homes in exactly the same way as Central Mortgage and Housing today do that. They make arrangements to deal with other corporations. They don't necessarily make arrangements to deal with just individuals and families. I think that it is a point well taken. It should be added there.

Mr. Legal Adviser: Well, with respect, Mr. Chairman, we tampered with this definition a little bit already. It is slightly different from the Federal definition for the same thing, and I would like to think about it before I would agree to include corporations.

Mr. Chairman: One other question from the Chair. Why shouldn't these standards be approved by the corporation rather than the Commissioner, even though notwithstanding the corporation is an agent of the Commissioner.

Mr. Legal Adviser: It is the custom, Mr. Chairman, the Commissioner means the Government. It is a housing standard, he provides minimum housing standards and then the corporation goes ahead and does it. It is a normal thing, it could be the Ministry you see, in the accepted sense of the word.

Mr. Chairman: Are you clear on section 2. (Reads section 3). Councillor Stutter will you take the Chair?

Councillor Stutter takes the Chair.

Mr. Taylor: Well, Mr. Chairman at this point, I have difficulty in understanding just exactly what we are creating here. Now, it was my understanding that we were creating some sort of a Crown corporation within the Territorial Administration which I think is a pretty good idea, but I thought that the corporation would have some sort of responsibility in order to set down standards and this type of thing, and would certainly be clear of the Commissioner. That this would be a more independent type of body. Now, if we are to have, as stated in subsection 3(2), that the "corporation is an agent of the Commissioner and its powers may only be exercised as an agent of the Commissioner", then we really don't have what we are looking for. Why don't you just administrate a housing program under the purview of the Municipal Affairs Department, for instance?

Mr. Legal Adviser: Mr. Chairman, these are technical words, they have nothing at all to do with the purport of the Ordinance whatsoever. It is necessary to put in that sentence to make it quite clear that this corporation is in fact a Crown corporation. They are the operative words making it a corporation.

Mr. Taylor: Well, if this is to be a Crown corporation, then it should read, "that the corporation is an agent of the Legislative

Mr. Taylor continues ...

Council of the Yukon Territory or the Commissioner-in-Council, as you prefer, and its powers may only be exercised as an agent of the Commissioner-in-Council".

BILL #9

Mr. Legal Adviser: We are really stuck into semantics, Mr. Chairman. We have to have some way of expressing the particular gap that we have here. In the Federal Legislation they would say, "it's an agent of the Crown", but we don't have a Crown in right of the Territory only a Crown in right of Canada. The Commissioner is in effect, the agent of the Crown, and he is a further agent down below, so we have got to use the words in this technical sense to give it Crown privileges, so they can sue and be sued in the name of the Crown.

Mr. Taylor: We could sit here till a month of undays and I still can't really buy the idea that corporation is an agent of the Commissioner, I think that it should be a ... a corporation should be the agent of the Commissioner-in-Council involving this Legislative Body or else you have no need for a corporation and you shouldn't call it a corporation, you should just call it another Territorial Government Department. Purely and simply, that is all that it is with a fancy title. That is just the same as if we call ourselves the Legislative Assembly, which indeed we aren't. So why fool people, why not say here is another department of the Administration.

Mr. Legal Adviser: Without this sentence, it would be a department of the Administration. It is this sentence that makes it an agent of the Commissioner which puts it apart from the normal departmental form of government. The normal civil servants are not agents of the Commissioner, in that sense to be capable in their own right of being sued, be sued and to deal with matters in the position of being agents. We create this corporation as agents and its objects, powers and duties are then set out in succeeding sections. If we don't have this in, then there is doubt as to whether there is a Crown corporation or not. We have got to resolve the doubt in favour of making it a Crown corporation. You can call it a Territorial corporation if you like.

Mr. Taylor: I don't see it as a Territorial Crown corporation until this Legislature is involved. If you said Commissioner-in-Council you might bring it a little closer into line with a Crown corporation type of function. But, when you say "the corporation is an agent of the Commissioner and its powers may only be exercised as an agent of the Commissioner", then you have created another department of Administration, that's what you have done and you do not have a Crown corporation, it is that simple.

Mr. Chamberlist: Well, Mr. Chairman, the whole idea of that section is so that it follows in understanding the similar sections relating to Crown corporations that are dealt with federally in Federal Statutes. When we talk about the Commissioner, we talk about the Government of the Yukon Territory. We say that the corporation is an agent of the Government of the Yukon Territory. If we look at the Central Mortgage and Housing Corporation, the constitution of that corporation, it is made quite clear in there that except as provided in section 14, the corporation is for all purposes an agent of Her Majesty in right of Canada, and its powers under this Act, it may exercise by and only as an agent of Her Majesty. This is exactly the same thing as is being followed until ... there is nothing any different from it. It is just the fact that we are trying to create in actual effect government corporations. This is what is being done here, and I don't see any difference at all to what has already been done in Federal Statutes and indeed in all Provincial Statutes where they have the same type of matters.

Mr. Taylor: Well, Mr. Chairman, I can only say that it brings me back to those wonderful days when the Honourable Member was on the other side of the House and arguing for the people. This is the type of argument that he supported and gave on many occasions. I really feel strongly about this, I feel that the corporation should

Mr. Taylor continues ...

BILL #9 be an agent of the Commissioner-in-Council. Apparently I am again talking to walls, but as I say I couldn't let this go by without putting my sentiments on the line.

Mr. Taylor resumes the Chair.

Mr. Chairman: Clear on section 3? (Reads section 4).

Mr. Tanner: Mr. Chairman, could I ask the Legal Adviser why it generally is a specific group of people or is that everything. Is that really the whole incorporated thing there? If that is the case, why are we then specifying the following classifications?

Mr. Legal Adviser: I couldn't give a specific reason because you could extend the list indefinitely with the word generally. An attempt is made in the legislation to explain to the House and to the public generally what the policy of the Government is in this matter, to limit where possible the policies of the corporation to dealing with these type of people.

Mr. Tanner: I understand the Legal Adviser's explanation, but it seems to me that it is something similar to what I was saying before when you say something ... when you leave something implied that you haven't said, I can't quite understand these individuals and corporations in section 2, is much the same as the point here that I am not saying at the same time as the individuals back there, one assumes that you're not saying something else that by individualizing in this case is the indication not less than that these are the only areas that are available?

Mr. Legal Adviser: In another Statute the section paragraph (b) has read in other places for families and individuals in low income groups. Our drafting is slightly different, they say for families and individuals, to broaden the scope of it, who are going to decide whether they are low income today. An attempt is made to limit the policy and the people who would be assisted by this legislation. It is a very broad description of who is covered. The only thing that is not covered is companies.

Mr. Tanner: Then in my ... just for my own clarification, it generally covers everything, and specifically we are covering those people, is that correct?

Mr. Legal Adviser: Exactly.

Mr. Chairman: Are you clear on section 4? (Reads subsection 5(1)). Might I ask from the Chair who the chairman, the deputy chairman and the five others who will consist of? Are these civil servants or is this from the public or where?

Mr. Chamberlist: There will be none of the members of the corporation will be members of the civil service. The names are not known at this time, we haven't gone into them, but certainly they will not be civil servants.

Mr. McKinnon: Will he then be employed full time?

Mr. Commissioner: Mr. Chairman, the corporation will have full time employees but this Board of Directors will not be.

Mr. Chamberlist: I think perhaps, Mr. Chairman, if we take the whole ... the next two sections I think that these questions that may be raised in relation to that will answer themselves now.

Mr. Chairman: (Reads subsections 5(2), (3) and (4)).

Mr. McKinnon: Is there any indication of what this will be?

Mr. Commissioner: Yes, Mr. Chairman. The same as we have with other boards. We have a fixed means of paying other boards, and I believe the per diem rate is \$25 and such out of pocket expenses as are applicable to the duties that they perform, for example if they travel from point A to point B in the Territory, we use the Territorial Travel Regulations to pay them for that. If they have claimable expenses such as hotel expenses, meals and things of this nature, they may claim them within the scale laid down in the Territorial Government Travel Regulations.

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Mr. Chairman: Clear? (Reads section 6)

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Mr. McKinnon: Is there any indication how many employees this Corporation can involve?

Mr. Commissioner: Mr. Chairman, it would, I think, be a reasonable assumption that they would have one full-time managerial person. There would be a general manager or superintendent of the Corporation's activities and he would have to hire such ancillary staff as was required, secretarial services and, as indicated here, people having special technical knowledge, from time to time. It may also be that the Corporation would decide that, instead of contracting out maintenance to different places, they wish to conduct this themselves. This would be the type of person that it would be perfectly in order for the general manager to hire under ... with the prior concurrence of the Board. I would suggest that, in the normal course of events, you would expect to see this Corporation with three full-time employees, and such other employees from time to time as the demand of the situation calls for.

Mr. Tanner: Mr. Chairman, could I ask the Legal Adviser if this total set-up is similar to other jurisdictions in other provinces.

Mr. Legal Adviser: Yes, it's pretty common for the normal provincial Crown Corporation and the Federal Crown Corporation.

Mr. Chairman: Clear? (Reads sections 7 and 8) Why is (i) in there? Is it necessary to put "carry out any other program that is assigned to it;"?

Mr. Commissioner: Well, Mr. Chairman, there may well be situations occur from time to time that are, shall we say, bordering on what the normal duties are. It may well be that the Council, in a special situation, would want to see the Housing Corporation conduct a certain specific thing. This would be the instrument within the law that would enable them to do this, if it was assigned to it.

Mr. Chairman: Clear on section 8? (Reads section 9, to paragraph (c))

Mr. Tanner: Mr. Chairman, why are we being so specific. I'm addressing my question to the Legal Adviser in that particular instance.

Mr. Legal Adviser: We're using common terminology. It's legalees, if you like, but we want to be specific and certainly, not have it different from what another Crown Corporation can do. It might be misconstrued; there's a lot of money involved here.

Mr. Chairman: Clear? (Reads section 9)

Mr. McKinnon: Who does the Corporation borrow from such sums of money as the Corporation requires?

Mr. Commissioner: Mr. Chairman, there may be a multiplicity of agencies that the Corporation could borrow from. In the first instance, they will have two major sources, from the Territorial Government, as per the funds that are voted here in the annual Budget by this Council, and secondly, from Central Mortgage and Housing Corporation under those sections of that Act which permit them to do such things; thirdly, private sources, such as the commercial banks or other commercial sources of mortgage funds. These would be the three major sources.

Mr. McKinnon: Now, it was the Territorial monies which were provided and budgeted for each year, albeit provided by the Federal Government originally, that provided for the low cost housing to go into effect. Now, this has been terminated, these funds being made available by the Federal Government. So, in essence, there is going to be no Territorial funding to the Corporation available for that line of

Mr. McKinnon continues ...

housing, I would understand, in the foreseeable future. The Corporations ... C.M.H.C. funds available to Housing Corporations, such as the one we are creating that are not available to Territorial Government. So, in essence, will the set up of this Housing Corporation allow the Corporation to be able to borrow funds where the Territorial Government didn't have the authority to do so?

Mr. Commissioner: Mr. Chairman, if the Honourable Members would harken back to the Paper which they passed at the last Session, I believe that was one of the important paragraphs in that Paper, that this is, indeed, the situation.

Mr. McKinnon: Then, I would understand that by this borrowing, the Corporation would have control of the administration of the funds they would be paying back from C.M.H.C. But, would this allow the Corporation to lend these funds out in areas where the C.M.H.C. do not do it? I was wondering, if so, what is the necessity for 29 being in there, where, in the opinion of the Corporation, sufficient money is not being made available by lending institutions or the corporation for housing purposes, then it can make home improvements and loans for new construction upon the terms and conditions prescribed by the Corporation. It would seem to me that if section 9, as it is explained, allows the Corporation to borrow money from the C.M.H.C. and use this money as it sees fit throughout the Territory, then section 29 would become superfluous or redundant. It would be doing under section 9, exactly what we want it to do without the section 29 seemingly allowing it to do exactly the same thing again.

Mr. Commissioner: Well, Mr. Chairman, while I cannot argue against what the Honourable Member has said because I certainly see the point, there must be some particular reason for it. It may be that the Legal Adviser knows of it, because this Ordinance has been put together with the prior knowledge and concurrence of the Central Mortgage and Housing Corporation. So, perhaps Mr. Legal Adviser has some comment on this.

Mr. Legal Adviser: It's a common section and we have picked up the section. I don't imagine that it would normally come into use, but it might come into use under certain situations if enough money was not being made available. A situation might arise when the Territory might want to step into a field which the others, the public lenders or the C.M.H.C., did not wish to do, with public money.

Mr. Chamberlist: Also, Mr. Chairman, if the Corporation has wide enough scope to make housing loans available without being dependent upon the funds that it could get from Central Mortgage and Housing or any other Government area, keeping in mind the fact that the Corporation may have funds of its own, so it could use those funds of its own, I see ...

Mr. McKinnon: It has been explained to me, Mr. Chairman, that the Corporation, under section 9 can borrow money from anywhere it wants, and can use the money in any area that it wants, or it sees the need for housing. In section 29, it says, once again, the exact same thing. As far as I understand it, it can lend money from any source to provide housing in any area. If I understand section 9 correctly, as it has been explained to me, it just seems that the two are ...

Mr. Legal Adviser: Not quite, Mr. Chairman. Section 9 allows the Corporation to borrow money; section 29 allows them to lend the money. Section 8 enables them to carry out programs and lists the programs and types of things it can do, but section 29 is not for general use. It's for use in a certain situation. So, it doesn't find a place that it would normally have found in section 8, the list of normal programs. It would be an abnormal program.

Mr. Chamberlist: It's really giving more power to the Corporation.

Mr. Chairman: Clear?

Mr. Stutter: I have a question; it's been partly answered but I still do have a part question. If private funds are also to be used from time

Mr. Stutter continues ...
to time, or banking notes, bonds and debentures, etc., I was just wondering if the repayment ... or rather, that these loans would be guaranteed by any Government body.

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Mr. Legal Adviser: This comes later in the Bill, Mr. Chairman.

Mr. Chairman: I shall proceed. (Reads sections 10, 11 and 12)

Mr. McKinnon: Mr. Chairman, I have a little trouble with subsection 12(2) because it seems to put the Corporation on a more powerful basis than a municipality. If a municipality, which is an elected body, decides they want a certain agreement with C.M.H.C. to undertake a housing project, they have to go to the Corporation to seek its permission to be able to borrow money from C.M.H.C. to make the housing project viable. It would seem to me that, certainly, the elected members of the municipality should have the say in whether or not that municipality needs a housing program rather than the Corporation, which is an appointed body of the Commissioner.

Mr. Legal Adviser: It is intended to have the Territorial corporation, as the expert Government agency which will be administering and supervising the program. These are the proper people who should be given the information from the municipality to approve the program and then they go on to C.M.H.C. It is a step down of trying not to involve the Executive of the Government in every step of the corporation or municipality. It is giving the municipality quite a lot of power.

Mr. McKinnon: Mr. Chairman, if the corporation says, even if the elected Municipal Body wants the project and the corporation says, "No", that municipality doesn't get the project. The corporation says, "No, we don't care . . . what you want and what your people want, we're saying that it's not needed and it is not viable and to heck with you" I just don't think that an appointed body should have this type of jurisdiction over an elected body.

Mr. Tanner: Mr. Chairman, C.M.H.C. does exactly the same thing...

Mr. Chamberlist: C.M.H.C. deals in that manner with other municipalities all across Canada. They do with the Government of the Yukon Territory.

Mr. McKinnon: That doesn't make it right.

Mr. Chamberlist: No but it's there.

Mr. McKinnon: I don't agree with that.

Mr. Tanner: I don't like section 2 because of the Commissioner can direct work that the corporation can do.

Mr. Commissioner: That's only the Municipal one.

Mr. Chairman: Anything further on 12? (Reads 13(1))

Mr. McKinnon: That's pretty shaky.

Mr. Tanner: If that is the case and purpose then why would we say "the Commissioner" there? Are we still talking about the Government?

Mr. Legal Adviser: The Commissioner's guarantee is as good as Threadneedle Street.

Mr. Chamberlist: That's beginning to be questionable.

Mr. Speaker: Clear? (Reads 13(2))

Mr. Legal Adviser: He's printed this guarantee very nicely on engraved paper very often and to save the Commissioner having to write every dollar bill, so to speak, of the bonds and notes.

Mr. Tanner: In respect to that other one, why can't we say ... I am sure that the Commissioner is a solid man financially, and I wouldn't question that at all, but why can't we say "The guarantee of the Government of the Yukon Territory"?

Mr. McKinnon: You're right.

Mr. Chairman: (Reads 13(3)(4))

Mr. Tanner: I am really getting confused here, is this giving the corporation the right to draw money from the Yukon Consolidated Revenue Fund with the acquiescence of the Commissioner without any recourse to Council.

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Mr. Legal Adviser: Mr. Chairman, I hate to say this but when you are issuing financial documents of this description you're not going to get from other provinces, other countries, other states any lent money. It depends merely on favourable votes of a legislature. It has got to be that when a Court makes an Order, it has got to be able to enforce it, so the Commissioner then has got to be given the legal authority to pay out, on the foot of a Court Order on a guarantee.

Mr. Chairman: Why isn't this done by the corporation?

Mr. Legal Adviser: It has got to come out of the revenue of the Territory. It's guaranteeing the company and when the company cannot pay, the Territory must pay in its stead.

Mr. Tanner: Mr. Chairman, what guarantee have the Council got that we are going to keep the Commissioner around, I mean, he gets his hand in with that lot he'd be better off in Mexico.

Mr. Chairman: (Reads 14.(1)(a)(b),(2),15(1))

Mr. Tanner: Then it is the intention of the Government to issue bonds that would be available to member's public use.

Mr. Commissioner: Mr. Chairman, it depends what the market situation is, here, and also what interest that would have to be paid. It may well be that in order to get the public to buy such bonds you might have to offer an interest rate much higher than what you could get the money through conventional means. It's a matter of what you have to do in order to get money.

Mr. Chairman: (Reads 16(1)(a)(b)(2))

Mr. Tanner: The investments that the corporation can make, are those the same investments under Canada Pension, are they the same bodies that make investments too, Mr. Legal Adviser?

Mr. Legal Adviser: I think that Canada's powers are wider I think it might include investments in municipal funds of the province in which the operation was contemplated but we don't have that type of investments in the Territory.

Mr. Chairman: (Reads 17(1)(2)(3)) This is a grant of course through the budget?

Mr. Chamberlist: The Territorial Government would have to appropriate the money first.

Mr. Chairman: What if they didn't appropriate?

Mr. Chamberlist: Well then no money. Then the corporation could go somewhere else and borrow it.

Mr. Chairman: What happens if the corporation makes money? Are they restricted to how much profit they can show, as some Crown Corporations are?

Mr. Legal Adviser: It is still remote, Mr. Chairman that this Ordinance, it would go into the general purpose of the corporation.

Mr. Chairman: Here in the Yukon nothing is so far removed, ...

Mr. Chamberlist: Except some of the thinking of Members at times.

Mr. Legal Adviser: Mr. Chairman, it is contemplated that this corporation will be in the position of obtaining subsidies for the people whom they will serve in providing housing needs. The profit eliminate is not contemplated; if there was a profit from another operation it was to go toward those subsidies, we will assume, and be applied prior to

Mr. Legal Adviser continues ...
request to the Commissioner for a deficit grant to make a deficit at
the end of the year.

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Mr. Chairman: Well, this housing corporation will have its own funds
in its own account in a trust account and will have no drain whatsoever
upon the revenue of the Territory, other than those voted to it by the
Legislature and funds then transferred to it.

Mr. Commissioner: Then what you are saying is 17(1)

Mr. Chairman: Yes, that is correct. (Reads 18(1),19(1))

Mr. Tanner: Another point, at no where in this Ordinance does it men-
tion businesses and corporations are restricted to the Yukon.

Mr. Legal Adviser: Frankly, I don't think so, I don't see that it is
necessary to say so but the Directors are appointed to operate within
the Yukon. They may borrow out, but they have to go outside to borrow.

Mr. Tanner: I know they can borrow, but supposing for example, it
was favourable to the corporation to do something in Atlin, if they
got the power to do so, or Cantung for example, right on the border.

Mr. Chamberlist: We cannot use Territorial funds other than in the
Territory.

Mr. Tanner: Then shouldn't that be stated in the body?

Mr. Commissioner: Mr. Chairman, our legislation stops at our boundar-
ies, therefore, the authority of the corporation stops at our boundar-
ies also.

Mr. Chairman: (Reads 20(1)(2)(a)(b)(c)(d))

Mr. Tanner: Does that mean that it can expropriate?

Mr. Legal Adviser: It takes very clear words before any Court will
agree to the compulsory accusation of powers of a person that will be
necessary, very, very clear. There is only one power of Expropriation
in the Government, that is contained in the appropriation Ordinance in
section 3, where the Commissioner may expropriate.

Mr. Chamberlist: Mr. Chairman, I think it now shows up the point that
was quite properly laid by Councillor Tanner, in Section 2, dealing
with sales to families or individuals where corporation should be added
in there because section 20 provides that for the purpose of this section
a corporation or a municipality and the corporation, may acquire and
sell public housing projects, you should write in here so you should
be able to sell those public housing projects to a corporation and this
is where considerations must be given to the point that was raised.

Mr. Stutter: Mr. Chairman, I take it by the wording of subsection 20(2) that a municipality cannot on its own accord acquire property for public housing projects, it must be in conjunction with the corporation, is this so?

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Mr. Legal Adviser: Not under the powers of this Ordinance. Under this Ordinance, it must join with the Corporation in doing it. It may have it in another part some other way, but using this Ordinance, it must join with the Corporation.

Mr. Chairman: Under section 20, the Corporation has the power as the agent for the Commissioner, to go and establish housing developments of any nature anywhere in the Territory, does it not? Notwithstanding that there is no prior approval in terms of budget or consensus of opinion of the Council. He can go off and do it if he wishes.

Mr. Chamberlist: He's got to have the money to do it with.

Mr. Chairman: Well, the Corporation has the money already. In other words, this gives the Commissioner the power to ...

Mr. Chamberlist: The Corporation, with respect, Mr. Chairman ... it's the Corporation that carries out the functions of housing projects, not the Commissioner. The Corporation has its own Board of Directors who are divorced completely from the Commissioner. Absolutely and completely. So, it's the Corporation that is carrying out these specific projects and not the Government. This is the idea of getting the Corporation away entirely from Government.

Mr. Chairman: I'm fully aware of that. What I'm saying is the Corporation is an agent of the Commissioner and I'm wondering if this section 20 gives the Commissioner the right to instruct, shall we say, the Corporation to go and build twenty units over in Carmacks, notwithstanding that this Legislature hasn't been apprised of this program.

Mr. Commissioner: Mr. Chairman, the only way this could happen would be if this Legislature appropriated the money and then I said that the Corporation, on the instructions of Council, could take this money and build this in that place. Now, the other part of the question, Mr. Chairman, as I understand it, is would the Corporation have the right, without prior consultation with anybody at all outside of its own Board of Directors, to go and construct housing in the Territory. The answer is yes.

Mr. Chairman: As an agent of the Commissioner.

Mr. Commissioner: Not at all. The Corporation is not an agent of the Commissioner in carrying out its functions.

Mr. Chairman: "The Corporation is an agent of the Commissioner and its powers may only be exercised as an agent of the Commissioner." Section 3, subsection 2.

Mr. Legal Adviser: For the purpose of its legal liability, it is. But, it's not ... doesn't come under the day to day control or the administration of the Commissioner. It has its own Board of Directors. The Commissioner said a moment ago, if it decides to build fifty houses in Carcross, it can do it. But, it must get the money. As Mrs. Beaton said, you must first catch your hare before you make the soup. It is no good if it decides to build in Carcross; if it doesn't have the money, it can't. It can only get the money by borrowing from C.M.H.C. or some other source or by a direct subsidy from this House.

Mr. Chairman: But still, the Commissioner is responsible for any such action. They are acting as agents of the Commissioner. According to this Ordinance.

Mr. Commissioner: Agent for liability purposes only, Mr. Chairman.

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Mr. Chairman: It doesn't say that here; it's not expressed ...

Mr. Legal Adviser: That's what makes it a Crown Corporation, that particular phrase.

Mr. Chamberlist: It has exactly the same terminology and intent as any Crown Corporation in its relationship to the Government of Canada, or the government of any province where a Corporation exists within their jurisdiction.

Mr. Chairman: Smoke screen. (Reads sections 21 and 22)

Mr. Tanner: Mr. Chairman, why do we define a specific amount? The capital costs on the other page are given more leeway. Is this actually necessary?

Mr. Legal Adviser: It's in the Canada Act.

Mr. Chairman: Just note section 40 of the Act ... "Act" means the National Housing Act ... oh, I see. I will proceed. (Reads section 23)

Mr. Tanner: Mr. Chairman, a question for the Legal Adviser here. Section 22, paragraph (1)(a) says "shall pay twenty-five percent" and section 23, subsection (1) says "may pay fifty percent". Are both those requirements written into the Canada Act?

Mr. Legal Adviser: As I understand it, yes. As I recollect, the drafting there complements what is in the Canada Act.

Mr. Chamberlist: One is capital and one is operation.

Mr. Commissioner: Yes, but there are limitations.

Mr. Tanner: The "shall" indicates that they are committed to paying that. What if they can get with less?

Mr. Legal Adviser: It's the needs of the municipality that you're obligating the Corporation to pay.

Mr. Chairman: Are you clear on section 23?

Mr. Tanner: In section 22(1), they are obliged to pay twenty-five percent because of the Federal Act. Is that correct? In section 23, they pay fifty percent, but they don't necessarily have to. My question, really, is by saying "shall" in 22(1)(a), are we not compelling them to pay twenty-five percent when they could make a better deal?

Mr. Chamberlist: With respect, in section 22, we're dealing with what the Corporation shall do, and that is pay twenty-five percent of the capital costs. In section 23, we're saying when the Corporation or a municipality enters into an agreement with the Canada corporation under section 44 of the Act, the Corporation may pay fifty percent of the annual operating loss, and may require the municipality to pay a percentage thereof. One area brings in what must be paid by the Corporation as part of the capital costs, and the other one brings in the municipality to share, if necessary, with the Corporation's losses of the operating expenses. This is how it reads. Do you see it?

Mr. Chairman: This section 23(1), does that not refer to the item we discussed prior to discussion of this Bill? Low rental accommodations?

Mr. Legal Adviser: I think it would fair to say that this Bill could have been used as a vehicle with which to operate the suggested scheme which was before the House this morning. But, the scheme has to go ahead without waiting for the Bill or making simple amendments.

Mr. Chairman: I'm just trying to keep up with the National Housing Act. This refers to people and individuals with families with low income at rentals that are less than rentals that are required to meet the costs. I note they can recover only up to fifty percent of the annual operating

Mr. Chairman continues ...
losses in that respect.

Mr. Chamberlist: If the Housing Corporation was in existence now, the Rental-Purchase Housing Program that we were discussing earlier on ... the money, the ninety-five percent that Central Mortgage was prepared to loan could and would perhaps, well be loaned to the Corporation. At a later date, it may well be that the Corporation may step in and take over the administration and operation of the whole project. This is the idea, to have the Housing Corporation legislation available so that they can step in in these areas and take over these different projects.

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Mr. Chairman: Yes, I see they also have an opting-out section here, too. (Reads section 24, to subsection (3))

Mr. Tanner: Mr. Chairman, could I ask a question. In (3)(b) ... for example, if we wanted to build a community centre in Porter Creek, could this body give us the grant.

Mr. Legal Adviser: Not under this section, Mr. Chairman. More than senior citizens will be using this community facility.

Mr. Stutter: I notice in here that this makes it possible for a senior citizens' home to be owned and operated by private citizens. I know that this is a fact in some of the provinces. Are there any homes, at present, in the Yukon that are operated on a private basis?

Mr. Chamberlist: No, I don't know of any senior citizens' homes operated on a private basis. The only senior citizens' homes established now are Government operated.

Mr. Chairman: Clear? (Reads section 24, subsection (4), section 25) That should be "of the Yukon Territory" should it not? You could be talking about the Northwest Territories. Should you not identify the Yukon as a separate entity?

Mr. Legal Adviser: The word "Territory" is defined in the Interpretation Ordinance as meaning the Yukon Territory.

Mr. Tanner: Mr. Chairman, would one of the projects be, when we take over the Alaska Highway maintenance in April ... the type of housing we acquire in Takhini ... is that one of the official things we do?

Mr. Commissioner: Mr. Chairman, we are not acquiring any housing in Takhini, as far as the Alaska Highway takeover.

Mr. Tanner: Or any housing that we presently do have in Takhini or anywhere else?

Mr. Commissioner: Yes, Mr. Chairman, this is one of the items that was in the Paper that Council agreed to at the last Session, namely that this agency would be the provider as soon as practical and possible of the Territorial Government housing. This would become the agency of Government that we would use where it is necessary for us to have staff housing.

Mr. Tanner: In that case, any Territorial employees who might be living in staff housing, are they excluded from that Board?

Mr. Commissioner: Mr. Chairman, by practice if not by definition, we do not seek out people in the Government employ to sit on any board of this nature.

Mr. Chairman: Clear? (Reads sections 26, 27 and 28)

Mr. Tanner: Mr. Chairman, in a case like that now, you've repeatedly told us that when we read "Commissioner" we read the "Government" ... in a specific case like this, would the Commissioner report to Council before he has made the decision?

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Mr. Legal Adviser: Mr. Chairman, if the question is should the Commissioner have to seek the approval of this House before he gives his guarantee, I would say no. He would have to seek the concurrence of his Administration. It's not a personal act on the part of the Commissioner; it's a Government exercise of power. The Commissioner may happen to be the signator. It's an executive act.

Mr. Chamberlist: I point out, Mr. Chairman, to Mr. Legal Adviser that once again, the point that Councillor Tanner has made has merit again because we are dealing here with borrowing made by a person for the private development of a housing project. Therefore, person must include a Corporation.

Mr. Legal Adviser: I just don't quite understand. When we're talking about a human being, we use the word "individual" in an Ordinance. When we're talking about a person who is a legal person, a corporation and so on, we use the word "person".

Mr. Chamberlist: Well, if we have a look at section 2, under Public Housing Projects, we say a public housing project means a project, etc. which can be sold to individuals. We have indicated in subsection 28(1) that the Corporation and a municipality may jointly guarantee the repayment of principal and interest on all or part of a borrowing made by a person for the private development of a housing project. Now, that may well be that the housing project that is being privately developed might be a corporation and this is why I bring this point forward.

Mr. Legal Adviser: It's really a drafting point, Mr. Chairman. Public housing projects you are talking about in subsection 2(1) are not the same kinds of projects you are talking about in section 28. One is a public housing project, the other is a private housing project.

Mr. Chamberlist: It is still a housing project.

Mr. Legal Adviser: The words are "public housing project" in the definition.

Mr. Chamberlist: It says for the private development; it doesn't say a private housing project. It says for the private development of a project and I agree with Councillor Tanner on this point. Perhaps, Mr. Legal Adviser will take note of that.

Mr. Commissioner: Mr. Chairman, with respect, the Interpretation Ordinance says, "person includes a corporation and the heirs, executors, administrators or other legal representatives of the person". So, when you use the word "person" here, this, by means of the Interpretation Ordinance, means a corporation. Or includes a corporation.

Mr. Chamberlist: This, I'm well aware of, Mr. Chairman. But, a question was raised earlier on when dealing with section 2, with reference to the words "public housing project" and dealing with the lease or sale to families or individuals. There is provision for the Commissioner to allow a person, which includes a corporation, to develop a housing project. I'm just indicating that I feel, in the interpretation section, notwithstanding that we know what a person indicates, should also clarify that a public housing project may be developed by a private person. It could still be a public housing project for the use of the public, but it can be developed by a private person. However, I don't think we need to debate it here. Mr. Legal Adviser will take note of that.

Mr. McKinnon: Quarrels internally.

Mr. Chairman: Well, in view of the time Mr. Speaker, I would suggest we report progress on these Bills.

Mr. McKinnon: Agreed

Mr. Chairman: What is your further pleasure?

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

Mr. Chairman: It was 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 is carried.

MOTION CARRIED

*MOTION
CARRIED*

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

Mr. Chairman: Mr. Speaker, Committee convened at 10:30 a.m. this morning to discuss Bills, Sessional Papers and Motions. Mistrs Hendricks, Bilawich and Fleming attended Committee to discuss Bill No. 8. Committee recessed at 12:00 noon and reconvened at 2:10 p.m. I can report progress on Bills number 8 and number 9. Motion No. 3 was defeated in Committee. 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: Mr. Speaker, in respect of the agenda tomorrow, I believe it is the intention of Committee to continue with discussion on Public Bills.

Mr. Speaker: May I have your further pleasure?

Mr. Chamberlist: Mr. Speaker, I move that it be called 5:00.

Mr. Tanner: I'll second that.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Whitehorse North that we now call it 5:00. Are you prepared for the question? Agreed? This House now stands adjourned until 10:00 a.m. tomorrow morning.

ADJOURNED

ADJOURNED

Mr. Speaker reads the daily prayer. All Councillors are 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. We have for tabling this morning, Sessional Papers Nos. 4 and 5.

*TABLING OF
SESSIONAL
PAPERS 4 AND 5*

Mr. Speaker: I would like to table a letter from the City of Whitehorse, dated February 3rd, signed by the Mayor, A.J. Wybrew. Are there any Reports of Committees? Are there any Bills to be introduced?

*TABLING OF
LETTER FROM
CITY OF
WHITEHORSE
BILL #15
INTRODUCED*

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 15, An Ordinance to Amend the Local Improvement District Ordinance, be introduced.

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 19, An Ordinance to Amend the Public Health Ordinance, be introduced.

*BILL #19
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

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

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion respecting Sessional Papers Nos. 4 and 5.

MOTION #5

Mr. Speaker: Are there any further 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 Motions. Motion No. 4, Councillor McKinnon, have you a seconder?

MOTION #4

Mr. McKinnon: Yes, Mr. Speaker, Councillor Tanner has seconded this Motion.

Mr. Speaker: Motion No. 4; it has been moved by Councillor McKinnon, seconded by Councillor Tanner, that it is the opinion of Council that the Minister of Transport, Mr. Don Jamieson, be petitioned to upgrade the baggage unloading facilities at the Whitehorse Airport.

Mr. McKinnon: Mr. Speaker, going through the Votes and Proceedings of the last Session, I found that on Motions, I had a batting average that was extremely poor. Very few of them seemed to get by this House. I realize that, generally, it was because I was being too specific in the Motion. At any rate, words and statements that were made in the Motion seemed to ... the Honourable Members seemed to take umbrage at and they would embarrass or be insulting to different people to whom they were directed. This year I've taken a different tack and have been very general in my Motions, hoping that the principle will be accepted by the House and then the Government can do the administrative work and send the documents they wish to send to the persons involved. The only principle involved in this Motion is that the baggage unloading facilities at the Whitehorse International Airport are just abominable in this day and age of air traffic. I think it's a well known fact that people in the Yukon are forced, because of their geographic location, to use air travel much more often than the other Canadians. When we have a spell of weather as we had during the month of January, having to go outside in forty and fifty below weather to pick up your baggage is just archaic and certainly medieval in this day and age of computerized tickets and reservation handling. This type of baggage handling, I don't think, is acceptable. Both, the Whitehorse Chamber of Commerce and the City of Whitehorse, have

MOTION #4

Mr. McKinnon continues ...
petitioned the Honourable Minister Don Jamieson, the Minister of Transport to ask for the upgrading of baggage handling facilities at the Whitehorse International Airport. I think that this Council should get in on the act while the pressure is on the Minister and other bodies are attempting to get the facilities upgraded. Members of Council should leave it in the hands of the Government to draft an appropriate message to the Minister so that, hopefully, in the not too distant future, we will not have to be going outside in the inclement weather to pick up our baggage. Thank you, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, the Motion that has been put forward has the type of baggage in it that, for once, I agree with. I hope all Members of Council will support the Motion.

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

MOTION
CARRIED

MOTION CARRIED

Mr. Tanner: What an average; one a day.

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

RECESS

RECESS

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

QUESTION RE
MUNICIPAL
AID
LEGISLATION

Mr. Tanner: Mr. Speaker, I have a question for the Minister of Health, Welfare and Rehabilitation. Could the Minister inform the House when he will be bringing down ... a definite date of when he will bring down the Aid to Municipalities Ordinance?

Mr. Chamberlist: As soon as the legislation is ready, that's when it will be introduced to the House.

QUESTION RE
CENSUS

Mr. Taylor: Mr. Speaker, I would like to direct a question to the Administration this morning, in respect of the last census and ask if there are, indeed, final figures out on the last census, in respect to the Yukon that is.

Mr. Commissioner: Mr. Speaker, the Clerk advises me that we do not have the final figures. I don't really know if there's anything we can do about this. It's a matter of waiting until the Statistics Canada Organization produces them for us. I'm sorry, I can't be of any more help.

QUESTION RE
REDISTRIBUTION OF
ELECTORAL
DISTRICTS

Mr. Taylor: Mr. Speaker, I have a further question this morning. I'm wondering if Mr. Commissioner could advise me if the Administration has taken any steps aimed at a redistribution of electoral districts in the Yukon Territory, to provide a seat at this Table for a representative of the Ross River-Faro area, of their own?

Mr. Chamberlist: I thought we had one.

Mr. Commissioner: Mr. Speaker, redistribution is not the prerogative of the Administration. It is the prerogative of this House.

Mr. Speaker: Are there any further questions?

QUESTION RE
LOCAL CONTRACTORS

Mr. McKinnon: Mr. Speaker, I'd like to ask Mr. Commissioner if he is aware that the Council of the Northwest Territories has passed a motion calling for a ten percent preference for local contractors and would like to know what would be the Administration's position if the Council of the Yukon Territory passed such a motion.

Mr. Commissioner: Mr. Speaker, if such a motion was passed by the Council, this would have to be given every consideration, but I am not aware of any change in the Administration's attitude in this matter from what has already been expressed to the House at prior Council Sessions when this matter came up.

Mr. Speaker: Are there any further questions?

Mr. Tanner: Mr. Speaker, I have a question for the Commissioner this morning. Can the Commissioner assure this House that, if this Council passes Bill No. 8 regarding the Rental-Purchase Housing Program, the Territory will not assume the responsibilities of the Federal Government Indian Act, regarding housing of Indian people?

*QUESTION RE
BILL #8*

Mr. Commissioner: Well, Mr. Speaker, I would appreciate it if the Honourable Member would, either give notice or allow me to table a written answer to this question, because I am not familiar enough with the responsibilities of the Federal Government in this matter to even attempt an answer without researching it.

Mr. Tanner: Mr. Speaker, I will give a written question to the Commissioner, but may I make a note that he will give us an answer as soon as he possibly can because ...

Mr. McKinnon: Mr. Speaker, I'd like to ask Mr. Commissioner why there are ... the Government of the Yukon Territory has quit selling beer in cans in the liquor stores throughout the Territory.

*QUESTION RE
BEER IN
CANS*

Mr. Commissioner: Mr. Speaker, mostly to attempt to comply with the wishes expressed around the Council here concerning the use of non-returnable containers. We were hopeful, by taking this action, that it would, at least in part, show that we were attempting through that we do have control of, to eliminate non-returnable type containers.

Mr. McKinnon: Is Mr. Commissioner aware that if legislation concerning the return of non-returnable containers were passed by this House, the problem would be solved and both cans and bottles could then be sold by the liquor store outlets?

Mr. Commissioner: Mr. Speaker, I am also aware of the fact that the consumers have to pay the price, and our research at the present time, indicates that the cost recovering the non-returnable containers and their intended destruction and proper disposal would be a price which we questioned whether the consumers would pay at this time.

Mr. McKinnon: Is the Commissioner prepared to bring those figures before Council so that Council can decide whether the consumer can afford to pay the price or not, so that it not be solely an administrative decision?

Mr. Commissioner: Mr. Speaker, if the Honourable Member is asking that this information be brought to Council this afternoon, it is an impossibility. If it is something that we could have an opportunity to prepare and put before Council in a proper manner, the answer is yes.

Mr. McKinnon: I would appreciate that, Mr. Speaker; thank you very much.

Mr. Taylor: Mr. Speaker, I have a question I would direct to Mr. Commissioner this morning, in relation to the Alaska Highway takeover. I'm wondering if Mr. Commissioner could advise me this morning as to when we might start receiving information relative to this takeover which is planned, I believe for April 1st.

*QUESTION RE
ALASKA
HIGHWAY
TAKEOVER*

Mr. Commissioner: Mr. Speaker, the files get thicker and thicker and the paper gets higher and higher, and I am not aware of any change in the contemplated date of the takeover, from April 1st, 1972.

Mr. Taylor: Supplementary to that question, Mr. Speaker. Is it anticipated by the Administration that they will be providing Council with information as to essential points involved in the takeover?

Mr. Commissioner: Mr. Speaker, the answer is yes. There will have to be an agreement entered into and this will be tabled for Council.

Mr. Chamberlist: Mr. Speaker, if I could add further to Mr. Commissioner's

Mr. Chamberlist continues ...
remarks, the Alaska Highway Maintenance Agreement Ordinance will be
introduced tomorrow morning.

QUESTION RE
MEDICAL
EVACUATION

Mr. McKinnon: Mr. Speaker, as the Executive Committee member in charge
of Health, Welfare and Rehabilitation promised at the last Session he
would take a look at the medical evacuation regulations outside the
Territory, I wonder if he has had a chance to examine them and has come
up with any changes.

Mr. Chamberlist: Yes, Mr. Speaker. I've done that and I also tabled
the regulations ...

Mr. McKinnon: Within ...

Mr. Chamberlist: ... and put a copy of these regulations on every Member's
desk ...

Mr. McKinnon: That was within the Territory; I said without the Terri-
tory. If a person has to have specialized treatment outside the Yukon
Territory ... I realize that the regulations were tabled for assistance
within the Territory yesterday morning, but the Member promised that he
would look and see whether he could broaden the scope of those areas
that are now limited for treatment outside the Territory.

Mr. Chamberlist: Oh, yes. I apologize, Mr. Speaker. What had occurred
was that the existing regulations, that are in force now, pertaining
to medical evacuation were referred to the Zone Director for his advice.
I am not too sure whether or not I have received it, but during the
course of the day, we will get that information and then give the Hon-
ourable Member an answer tomorrow morning.

Mr. Speaker: Are there any further questions? We wish to thank the
Commissioner for his attendance. As there are no Private Bills and
Orders, nor Public Bills and Orders, what is your pleasure?

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

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

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake,
seconded by the Honourable Member for Dawson, that Mr. Speaker do now
leave the Chair for the purpose of convening in Committee of the Whole
to discuss Public Bills and Sessional Papers. Are you prepared for the
question? Are you agreed? I declare the motion carried.

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: At this time we will call Committee to order. The next Bill will be Bill No. 9, the Housing Corporation Ordinance. We have tabled this morning a letter from the Council of the City of Whitehorse, which all Members have been apprised of. Is it your wish that I read this letter?

Mr. Chamberlist: With respect, Mr. Chairman, that it has been tabled by Mr. Speaker already.

Mr. Chairman: This is correct. Is it your wish that I read this letter?

Mr. Chamberlist: With respect, Mr. Chairman, it hasn't been passed into Committee.

Mr. Chairman: There is a suggestion in this

Mr. Chamberlist: With respect, Mr. Chairman, I try my best to understand the responsibilities of the Chair. It has been addressed to Mr. Speaker, and it is a matter for Mr. Speaker to indicate whether he wants to read it to the House. He hasn't introduced it into, and with respect, the Chairman cannot take that prerogative away from the Speaker. I would ask, Mr. Chairman, that you do not force an issue on matters of parliamentary procedure at this time, simply because the Chairman perhaps might want to introduce something that he hasn't the power to introduce at this time. I think Mr. Chairman indicated yesterday on another matter, the responsibilities of the House and the responsibilities of the Speaker. I would suggest most strongly that he abide by those responsibilities that he has indicated are the responsibilities of Members. I would ask that he ... to let it not be referred to, unless in the House. It is requested that it be passed into Committee. It is not a subject of Committee at this time.

Mr. Chairman: Well, I thank the Honourable Member for his opinions in this regard, however the matters tabled in the House by the Speaker or by a Member then become the property, so to speak, of the House. These matters can be properly discussed in Committee of the Whole.

Mr. Chamberlist: I must ...

Mr. Chairman: Order please, order. I bring this matter to your attention, as it was tabled this morning and it has reference to the Housing Corporation Ordinance which we are now discussing, Bill No. 9. The letter has requested or petitioned the House to ask if the municipalities can be consulted ...

Mr. Chamberlist: I rise on a point of privilege here. Mr. Chairman if you persist in doing this, I intend to challenge any ruling that you make. This is not in Committee. It was given to the House. Now, I want this to be made quite clear, that an attempt is being made by Mr. Chairman to force into the Committee what is not in the Committee.

Mr. Chairman: I will order please. I will ask the Member to resume his seat. It is not competent for a Member to impute the motives of the Chair. I might inform the Member that the Chair is trying to be abundantly clear to Committee and to all parties concerned, as is humanly possible. Now, is it the wish of Committee that this matter be considered at this time in relation to this Bill, inasmuch as this House has been petitioned?

Mr. McKinnon: Mr. Chairman, I believe that all Members of Committee have the letter in front of them, and that they can be retained for their information as we go along. I think that it is rather silly all that the Chairman asked for was direction from the House whether the letter should be read in Committee or not. Certainly, it is the prerogative of this House if the majority agrees, a matter in the House or Committee that this be read into the records, then it can be read into the records without any question at all, because the majority of Members in this House certainly have the ability to direct

BILL #9

Mr. McKinnon continues ...
the House whether it be in formal House or in Committee. The Chairman just asked for advice, whether the advice was to read the letter, then he would read the letter, if not then he would not. It is as simple as that. I don't think the letter has to be read in to the Votes and Proceedings, all Members have copies in front of them. To force an issue on such a ridiculous matter would be ...

Mr. Chamberlist: It would be just as equally ridiculous as dealing with green chairs in that case. What I am concerned about is the decorum of the House must be maintained in exactly the same way that I would want the decorum of the House maintained by the Chairman who has a responsibility in Committee to do that. Now, I am not objecting to the content of the letter. This isn't the point that I raise. If we are to conduct ourselves as a responsible Legislative Body, let us do that, because we are gradually getting away from that because individuals are attempting to switch their allegiance from time to time on different matters. The Honourable Member who has just spoken

Mr. McKinnon: I would ...

Mr. Chairman: Order please, order.

Mr. Chamberlist: ... knows full well this is a matter for the House, and the House must deal with it, Mr. Chairman, this is the point.

Mr. Chairman: Well, I would still like to hear some direction from Committee as to whether it is the wish of Committee that we hear the representations referred to in this document which was forwarded to the House this morning in respect of this Bill.

Mr. Stutter: Mr. Chairman, I see no reason at all why, I am not completely familiar with the procedure at this time, but I see no reason why we can't read into this Committee meeting the contents of this letter because it does directly involve the Bill that we are discussing. If we have to, I would suggest that we call a witness, the person who wrote it, and ask him to read it from the Chair.

Mr. Chairman: Well, is it Committee's wish that this document be read into record. Those in favour please signify? Those not in favour, please signify? It has been the wish of Committee that this document not be read into the record. Is it your wish then that this matter not be dealt with?

Mr. Chamberlist: Let's proceed with the Bill.

Mr. Chairman: Well, I want some clarification. Are we going to deal with this matter in this request or not?

Mrs. Watson: Mr. Chairman, I suggest that we proceed with the reading of the Bill, carrying on from yesterday.

Mr. McKinnon: Mr. Chairman, I think that the regular method would be that at the termination of reading of the Bill, if the House agreed they could report progress on the Bill because the Council of the City of Whitehorse evidently has just asked for time in which to be able to study the Ordinance. I think that is a reasonable request. I am sure that all Members will agree with that request once the Bill has been read, just report progress on it and give them time on it to make representations if they so desire.

Mr. Chamberlist: Absolutely, no objection at all.

Mr. Tanner: Mr. Chairman, could I ask the Chairman's advice on a minor problem which I incurred with me yesterday. I think I usurped the function of the Chair yesterday, Mr. Chairman, insofar as I personally said that the Clerk should be directed to send out correspondence to various municipalities. I believe it was the function of the Chair who should do that. I want to make it clear to the secretary that it wasn't me, or I wasn't intending to direct the secretary in his business.

Mr. Chairman: Yes, I thank the Honourable Member, I believe that matter has been resolved. We have arrived at section 28(1) yesterday. Have you anything further on 28(1)? (Reads section 29).

Mr. McKinnon: Mr. Chairman, I still make the point that I have trouble seeing the sense of this section, because when one looks through the Bill, through section 4, and section 9, the corporation is empowered to do every one of these things. They can do anything regarding housing and borrow money from anywhere and any source. Then we have another section telling them that they can do the same thing, I just don't see the reason for the double section in the Ordinance? In the earlier parts of the Bill, it is even much broader than it is in section 29, and gives the corporation, certainly, no more power at all than has been given to them in the early sections of the Bill. They can do everything.

Mr. Legal Adviser: We can take a look at this section. At the time that the scheme was originally being compounded, home improvement loans were in a special section all to themselves, and so was purchase of existing housing accommodations. In other words, C.M.H.C. does not normally make home improvement loans or loans in respect of purchase of houses which have already been built. The normal procedure is to make loans for new housing. The act was drafted on that basis. This section defines a place as a special exception, it can only be operated if the terms of the restriction at the beginning of the section have been met, but there is a similar restriction in the powers elsewhere. Home improvement loans are not covered so far as I am aware in any other section. Only in a general way.

Mr. McKinnon: I mean, what could be more specific. "The corporation may undertake, carry to completion or assist in the provision, development, maintenance and management of housing", then it goes through all the list of people it can, generally for families and individuals, employees of the public service, senior citizens, everyone is included. They undertake, carry to completion, assist in the provision, development, maintenance and management, I don't know what could be more general than that. Certainly, that would encompass a home improvement loan.

Mr. Legal Adviser: This is true, you can read the provision of section 29 into the general words, but without section 29, the corporation would not be in itself a power to make home improvement loans at all. It wouldn't be normal policy for a corporation such as this, and when they do make the home improvement loan, the House has put a restriction on them, and it must be, a special situation must exist where sufficient money is not being made available by the levying institutions or the Canada Corporation. Those two conditions must be met.

Mr. McKinnon: Well, if the government has such little confidence in the person that they are going to set up as the superintendent of the corporation, if he can't read from the articles at the beginning of the Bill of what he is empowered to do, and you have to spell it out so specifically in section 29, I am getting a little suspicious about the quality of the person who is going to be heading the corporation.

Mr. Chamberlist: Well, Mr. Chairman, with respect, it has always been the wishes of Council to have any areas that might be conflicting be spelled out specifically. All that is being done, is having that particular wish of Council being satisfied in this. It is specific, and this is the point that is involved.

Mr. Chairman: Clear on section 29? (Reads section 30). Clear?

Mr. Rivett: No, Mr. Chairman, I would like to know what "land assembly" means?

Mr. Commissioner: Well, Mr. Chairman, it could encompass practically any development or packaging of land to make a development possible. I would like to suggest to you that, we will say that, a particular

Mr. Commissioner continues ...

BILL #9 part of the Territory and needed housing, we will say it was a new town, an instant town connected with a mining development. The land assembly in that case would consist of securing the land from the Crown through the Territorial Government, servicing that land, subdividing it, making it a proper package so that the terms and conditions under which the corporation operates would permit them to loan money. We will say that you had a part of a community, and the community wished to see the housing upgraded in that area, but in order to do it, all that the city controlled or the corporation controlled was fragmentary parcels of land. The ability to buy up the rest of that property and level the housing, demolish the present existing buildings and build new ones. This could be termed as land assembly. It would encompass, subject to what Mr. Legal Adviser would say, to the contrary practically the acquiring and the servicing and the general preparation of any piece of land so that the corporation could fulfill the duties that are outlined to them.

Mr. McKinnon: Mr. Chairman, would section 30(2) limit the municipality to "acquire lease, assemble, service" or develop land on their own hook without the corporation getting involved? Say they wanted to deal directly with a company to acquire a piece of land for development. Would they have to go to the corporation to get the permission, or could they do this on their own hook without any interference from the corporation?

Mr. Legal Adviser: Mr. Chairman, there might be a misconception creeping in because of the involvement of the City of Whitehorse in this. The municipality is not being blocked in any way by this Ordinance from doing anything they have the normal power to do. They have been given a number of extra powers. These powers are set out here. Some they can do on their own, and some they do with the corporation. It is a benefit to join with the corporation in doing this, because then the cost is shared or maybe subsidized in certain cases. These are all extra powers of a municipality, none of them are prohibitive.

Mr. McKinnon: Mr. Chairman, a subsequent question. The municipality up to this time has had the power, because I know they have done, to acquire lease, assemble, service or develop land. Now, they have to go through a third party, it says ... well this is where I am getting the statement because it says, "the corporation or the corporation and a municipality," the corporation and a municipality, that is not inclusive; that is separate.

Mr. Legal Adviser: Now, if the corporation were made to give the power here, the corporation can do it on its own, or the corporation can do it in partnership with a municipality as a partnership project.

Mr. McKinnon: How does this increase ... certainly, Mr. Chairman, this is eroding the powers of the municipality not giving them more. They were able to do this on their own before, now they have to do it in conjunction with the corporation. You are telling me that this is giving them more powers.

Mr. Legal Adviser: If they had the power before, they still have the power to do it on their own. This gives the corporation power to join with them in doing it, and then if the partnership comes into existence, this is what the partnership can do. It is not saying ... taking any power away that they may have had in the past. It is giving them the extra power together with a corporation to do something, but mainly the section is directed for corporation. You see, a corporation can do this, and it can do it either on its own or with the municipality. There is no taking away of power.

Mr. Tanner: Mr. Chairman, could I ask a question then, following the same line of argument. Presently the City ... let me rephrase it. If the City presently has the power to go to C.M.H.C. and borrow money, does this Ordinance exclude them from that.

Mr. Chamberlist: I think with respect, Mr. Chairman, that perhaps the Honourable Member from Whitehorse West is getting a little bit of a hang up on this particular point. The power exists right now for the municipality to do this. They can get land assembly, they can assemble land together. They have got the power to do this, and they have got the power if they want to borrow money from Central Mortgage and Housing directly. If they wish to go into negotiations with them, it will be refused, but they have got the power to ask. Anybody can ask. With this as I see it, the intent is that corporation and municipality can work in partnership to put a project together. This is the main thing, the idea is, the municipality can say to the corporation, look we want to participate in putting up a housing scheme, in this particular housing scheme we want you to be the partner with us. This is the provision there to allow this to take place.

Mr. Tanner: Mr. Legal Adviser and Mr. Commissioner if they could sort out that confusion after his last speech because he has added to the confusion. Does the City presently have the power to borrow money from C.M.H.C.?

Mr. Legal Adviser: I don't think so.

Mr. Tanner: Under this Ordinance will the city have ... be able to borrow money either directly or indirectly from C.M.H.C.?

Mr. Legal Adviser: In the borrowing of money there are two parties involved. It is like a kiss, there must be a person who lends and a person who borrows. You see. The City can exercise their borrowing powers in the normal way through the Municipal Ordinance, if they can find a willing lender, but there are no willing lenders. C.M.H.C. have not themselves got the legal authority to deal direct with the municipality. They have to deal with the Territory, the Territory then deal with the municipality, that is as far as lending is concerned.

Mr. Commissioner: Mr. Chairman, I think if Honourable Members would consider that in this Ordinance that Council is directing itself to the Housing Corporation and telling the Housing Corporation what it may or may not do. In the Municipal Ordinance, you speak to the municipality and tell the municipality what they may or may not do. I think that it is a very important distinction in the Ordinances that we are talking about at the present time.

Mr. Legal Adviser: There are certain sections which are directed to the municipality as such. Then you come to section 31, for instance, but there is extra powers being given always to the municipality which it either has not got at the moment or has got subject to some kind of restriction.

Mr. Chairman: Anything further?

Mr. McKinnon: I have got to look into this further because I am almost sure that I know of schemes where the municipalities enter into an agreement with Central Mortgage and Housing for projects within that municipality without the involvement of the senior level of Government. I think that as a statement that there is no way that the municipality can borrow from C.M.H.C. maybe erroneous. Under this Ordinance if that power is now available to the municipality, and as I read it now, that power will be curtailed by this Ordinance of the municipality going directly to the Crown corporation and borrowing money. As I say, I am just ... a little uncertain grounds but I will check into it.

Mr. Chamberlist: Well, Mr. Chairman, might I draw the attention ... the Honourable Member's attention to section 31(2), "a municipality with the approval of the Commissioner, may enter into agreement with any one or more of", there's the Canada corporation. It can enter an agreement with Central Mortgage and Housing, because, you know, it has got to be with the approval of the Commissioner. This has been long standing thing that has been involved, and this has been done and

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Mr. Chamberlist continues ...
can be done. This is the way to read this, it is the approval.

Mr. McKinnon: The really tough one is 12(2). As I see it, which is blanketed. "The Corporation may borrow from the Canada corporation for any of the purposes mentioned in this Ordinance or the Act on such terms and conditions as the Commissioner considers proper." My feeling is that the municipality now has certain powers which they are able to go to the Canada Corporation directly. This blanket prohibition says that they can't do any of those things included in this Act and a direct agreement with the C.M.H.C. I just find it repugnant as an elected Member, for an appointed board to be telling me what is good for my constituents or not, and having the power of control in something as serious as housing, and a saying, where an elected body says look at it, we realize that there is an absolute need for this low cost housing development, we can go to C.M.H.C., we can get the money, and an appointed Crown Corporation has the ability to tell me that they can't do it, it is as bad as the Minister of Indian Affairs and Northern Development continually telling the Council what they can or cannot do. If a municipality has this power now, we are wrong if we take it away from them and give that power to an appointed body, and that is the point that I am making. I would like to know if my interpretation of that section is correct or not.

Mr. Chamberlist: Mr. Chairman, I wish we would just read the last words of both those subsections. These only deal with the joint undertaking of a project under section 30. These are not dealing with ... I beg your pardon. "The Corporation may enter into an agreement with any one or more of", you see in 31(1), and it says "for the joint undertaking of a project under section 30". Now, it is in those areas that the Canada corporation with the approval of the Commissioner where money can be borrowed, but certainly there is no intention in any way of removing from the municipalities the powers that is inherit for a municipality. This isn't the thing that must be looked at there I tell you, I absolutely agree with the Honourable Member, and I would oppose it absolutely if the powers of the municipality had in relationship to what they can do now is removed from them when it comes to this particular area. All I am saying is that there is a misinterpretation in the part of the Honourable Member's mind in relation to the particular sections dealing with it.

Mr. McKinnon: Well, then if I am getting clarification of 12(2), my doubts will be resolved, but it just seems so ... a blanket prohibition for the city to enter of these conditions which are included in this Act with the Canada Corporation. I had never quite ... one of the clearest sections that I have ever seen in an Ordinance it just says no, you don't do it.

Mr. Legal Adviser: It may be clear but it is being interpreted in a very muddy way Mr. Chairman. It is very specific. It grants a power to do something. It does not take any power away. If any power exists in the municipality through any other legislation to borrow, that power remains the same unimpaired by anything which is in this Ordinance, but if the municipality wish to take advantage of the scheme of this Ordinance then it must conform to the rules laid down in this Ordinance, and it is going to get contributions from other sources by way of subsidy, by way of capital contribution then it must come within this ball game and play according to this ball games rules, but there is nothing and it could easily be said in a subsection somewhere at the end of the Ordinance saying, nothing in this Ordinance prevents the municipality from exercising any other power it may have in any other Ordinance.

Mr. Tanner: Mr. Chairman, just one further thing, I think that Committee has already agreed that we are going to report progress on this Bill, and perhaps we should continue to report progress on it until such time as we look at the balance of the Municipal Ordinance.

Mr. Chamberlist: Let's read it.

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Mr. Chairman: (Reads sections 31 and 32 and 33). At this point I will declare a short recess.

RECESS

RECESS

Mr. Chairman: At this time, I'll call Committee back to order. The next section section is 34(1)(2)(a)(b)(c)(d)(e)(f).

BILL #

Mr. Tanner: Mr. Chairman, may I ask the Legal Adviser why we need that paragraph in, when it says without restricting the powers it has under the Municipal Ordinance, why not just go right ahead and say it can do the things with the power that it has under the Municipal Ordinance without putting in all those specifications in?

Mr. Legal Adviser: Normally, in a renewal scheme can be carried out in one of a number of ways; it may start off by entering in an agreement with the organizations mentioned in (a)(b) and (c) of section 33, subsection(1) but this is what I understood Honourable Members to be asking for in other sections; that we should leave the municipal powers alone and give them these extra powers. Here we do it and the Honourable Member carps at it being done.

Mr. Tanner: Mr. Chairman, if the Honourable Member is not carps, if he knew what it meant he probably would do it but he doesn't know it means and he is not doing it. I am sure he is not doing it. I am merely saying that in this particular section; could you not say, instead of being specific because whenever you get specific as you do in this area there is an automatic implication of that they can't do something else. If you merely said that they can do anything they want to do under the Municipal Ordinance, which they are allowed to do under the Municipal Ordinance that will be sufficient.

Mr. Chairman: Are you clear? (Reads 35(1)(a)(b),(2)(a)(b))

Mr. Tanner: Mr. Chairman, again I am a little confused because it says, "every agreement entered into with a municipality under this section shall provide that the municipality will pay", if we put that in Legislation, "will pay" and we want to make a different deal within the municipality for one reason or another, or at least the corporation does; are not you compelling, putting a compulsion, on the city, on the municipality to pay when you might not want them to yourself?

Mr. Legal Adviser: Yes, Mr. Chairman, what we really are doing here is that we are permitting the corporation to give a subsidy of 50 per cent of the cost of the scheme and we are then providing that the corporation enters into an agreement with the municipality. One of the clauses of that agreement must be that the balance will be paid either by Canada or the municipality. That's what we really are doing.

Mr. Tanner: Yes, but does the Legal Adviser see my point, you are already committing the corporation to a position when they might want to have it negotiate their position. If you said; "may" instead of "will" it gives you freedom of action on both sides.

Mr. Legal Adviser: Negotiability up to 50 percent. We say that the corporation may pay up to 50 percent but it stops at that. If the scheme goes ahead somebody must pay the other 50 percent so we say to the corporation, "before you finalize this scheme it must be so organized that the balance of the money must be paid by the people with whom you have the agreement!" Otherwise no scheme.

Mr. Tanner: Does the Legal Adviser understand my point that I am trying to make? You're prefacing an agreement by making conditions that one party to the agreement has got to live up to. To give you an example, supposing we had under Federal authorization a scheme offered to us where we would, the Housing Corporation, had to put in a particular amount of money. This Legislation would then stop the Housing Corporation from changing their financial structure in such a way that we could not take advantage of a Federal scheme because we don't have a municipality involved.

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Mr. Legal Adviser: This is that for a particular Federal scheme, Mr. Chairman and that is the rule of the Federal scheme as they are at the moment, if the rules were to change we would require fresh legislation

Mr. Chairman: Clear? (Reads 36(1)(2),37(1))

Mr. Tanner: Mr. Legal Adviser, the "otherwise", of course there, I assume applies to expropriation?

Mr. Legal Adviser: No, as a matter of fact in the drafting it was changed by purchase expropriation or otherwise and we took out the word "expropriation" to make it clear. "Otherwise" means by gift, or some other like this but it does not imply a power of expropriation unless it has it in another piece of legislation but it doesn't find its way into this.

Mr. Chairman: From the chair, Would this infer then that the corporation could arbitrarily go out and purchase land for speculation? On a speculative basis?

Mr. Legal Adviser: It can purchase land, the purposes are limited to this and I don't think that speculation is one of the purposes.

Mr. Chairman: Where is speculation ruled out in this section? You say "acquired before it is actually needed".

Mr. Legal Adviser: This is inherent in any form of scheme especially in an urban renewal scheme, that you must over quite a period of years acquire your land. You might do it by purchase, you might do it by long term lease or otherwise but you cannot do it by expropriation. It doesn't rule out speculation in the sense that every purchase of land before it is actually needed for the purpose that you will eventually put it to, is in fact a speculation, in that sense.

Mr. Tanner: Mr. Chairman, could the Legal Adviser advise me, it was'nt that long ago that we passed the Ordinance. The Commissioner retains the power to expropriate?

Mr. Legal Adviser: He has that by a different Ordinance.

Mr. Tanner: The Expropriation Ordinance. When we read the Commissioner we read the Government, let's say. The Commissioner has the power throughout this particular Ordinance, all the way through it, he also has the power to expropriate. Now, my question is this; supposing the corporation wants to get some expropriation lands and is unable to purchase them, does the Government or does the Commissioner come to this Council to give any indication, or does he retain that power completely to himself in which case couldn't the corporation really in actual fact expropriate land?

Mr. Legal Adviser: In the purest of theory, yes. The Commissioner has always got the inherent right, on behalf of the Government to expropriate land but it cannot carry through his scheme unless he has money voted by this Council to implement it. The financial control always lies with this Council, therefore, they have the full control over everything the Commissioner does in the way of purchase, acquisition whether by expropriation or otherwise.

Mr. Rivett: Mr. Chairman, a small aside but, the definition of scheme is crafty plot couldn't we change that word to program?

Mr. Chairman: Clear on 37(1)? (Reads 38(1))

Mr. Stutter: Mr. Chairman, I have asked this question of the Legal Adviser before, and at that time I thought that it was clear, but now that I see it again. Why is it necessary to put in at this point that a municipality may acquire lands under these sections when the municipality can, in fact now, acquire lands quite easily, there is

Mr. Stutter continues....

nothing to stop them from acquiring land for this purpose or for any other purpose.

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Mr. Legal Adviser: True Mr. Chairman, but make a complete whole of this Ordinance. A lot of this Ordinance is, strictly speaking in law, not necessary but it sets out in cohesive piece of legislation what the rules of the game are when the municipality, or anyone else wishes to take advantage of the subsidies made available under this Ordinance. You make the powers clear, there are extra powers given right along and this is merely a complement of the earlier powers section which is the corporation requires land. It's giving it a power to make it crystal clear that they can do this. If they are acquiring land using section 38, they would have to do it in anticipation of coming on to this Ordinance and by preconsultation with the corporation the corporation will eventually join, with the matter before hand or afterwards, in the partnership for an urban renewal scheme or a housing project of some description. There is no section of the Municipal Ordinance which is as clear as this.

Mr. Chamberlist: I think the Honourable Member is trying to raise the point that why is the same matter in two Ordinances. In many pieces of legislation we have the same particular subject dealt with in two Ordinances. If this wasn't in here then the municipality would have to first deal under the powers of the Municipal Ordinance, and then come and deal under the powers of this Ordinance. As it is now they just completely deal with what they can do under one Ordinance and one piece of Legislation. It is certainly, perhaps it appears to be repetitive, but it doesn't do any harm to have it in both places.

Mr. Stutter: Mr. Chairman, the reason that I was asking this question is because I know just over the last period of months that the City of Dawson have acquired a block of land specifically for, or in anticipation of this program but that is before this Legislation came in.

Mr. Chairman: (Reads 39(1),40(1))

Mr. Tanner: Mr. Chairman, it is 39, why do we put the phrases quite that way? Isn't it the corporation that would do that with the permission of the Commissioner perhaps? "To relieve any emergency in housing conditions, the Commissioner may erect, maintain..." Isn't your explanation, or the Commissioner's explanation of this whole piece of Legislation just now suggest to the corporation, why not in this case say the corporation will do that with the permission of the Commissioner, but not specifically the Commissioner.

Mr. Legal Adviser: It doesn't really matter which way it is.

Mr. Tanner: Well I think its rather clear but because one day the Commissioner might not be with us.

Mr. Legal Adviser: It's definitely granting a power to the Commissioner, but its a heavy subsidies'project; it is temporary housing accommodation

Mr. Chamberlist: I think there is an error, I think that this should be the corporation not the Commissioner because the Commissioner doesn't function in this particular area. He doesn't function to erect, maintain, and manage. It is the housing corporation that is doing this; not the Commissioner.

Mr. Legal Adviser: I have no objection to a change being considered, but which way would it go?

Mr. Chairman: Does Committee concur? (Reads section 41, subsection (1)) That should read "The Commissioner may, by order, establish ..." (Reads section 41, subsection (2))

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Mr. Tanner: Mr. Chairman, why ... that is almost an exact repetition of what is on page 2 or 3, appointing of the Board of Directors. Why would be put it again in here?

Mr. Chamberlist: That was the Board of Directors; this is the Committee of Housing.

Mr. Chairman: Clear? (Reads sections 42, 43, 44 and 45)

Mr. Chamberlist: Mr. Chairman, I would move ... rather, a motion is not requested. I would suggest that we report progress and that an opportunity be given to receive from any of the municipalities in the Yukon, any comments they may have with reference to this piece of legislation and to let Council know what they have in writing in regards to this legislation, and then Council can decide whether or not they want members of councils to discuss the points that they might raise with us in Committee.

Mr. Stutter: I would just like to ask, Mr. Chairman, the Clerk's office to send a copy of the Ordinance to the municipalities with that notation.

Mr. Chairman: Yes. Could this be done, Mr. Clerk? Copies sent to the municipalities?

Mr. Tanner: Mr. Chairman, I have one further question. Could the Chairman instruct the Legal Adviser to draft an amendment so that it could be put on the end of this Ordinance to be sent out?

Mr. Legal Adviser: Mr. Chairman, with respect, I'd prefer not to receive an instruction to that effect. I think that C.M.H.C., who are vitally concerned in this area, should be given a chance to advise whether or not the insertion of such section would have any effect on any of their legislation or their power to deal with the municipalities. Subject to that, I could draft this section, but I think, in this area, we should exercise some caution.

Mr. Chairman: Is it, then, your wish that I report progress on Bill No. 9? The next Bill is Bill No. 10, the Municipal Ordinance.

BILL #10

Mr. Chamberlist: Yes, Mr. Chairman, the purpose of this Bill is to replace the Municipal Ordinance first enacted in 1959. The original Ordinance was amended eighteen times since then. The new Ordinance reproduces, substantially, the main operation parts of the old Ordinance, but the sections dealing with elections and with taxation and collection of taxes are the subject of two other separate Bills. This Bill enlarges the powers of municipal councils, adds a new type of municipality, municipal district, formalizes the official duties and powers of members and officers and imports modern Canadian municipal government concepts. The role of the Inspector of Municipalities is clarified and some regulatory powers previously reposing in the Commissioner, are either abolished or transferred to the Inspector of Municipalities. The complicated provisions governing the foundation of new municipalities are simplified. The Commissioner's overall reserve power, however, in borrowing and a few other sensitive areas is retained. The areas of municipal self-government are increased and spelled out within the fields previously allotted to them, but room is made for more advances to be made if the councils wish to assume further responsibilities. Account has been taken in the preparation of the Bill of trends reflected elsewhere in Canada towards advanced junior self-government and accountability. Adult residents vote and are eligible for office, but the restraint on money bylaws of the taxpayer and corporation vote is retained. Saving provisions at the end of the Bill deal with the Village of Faro. The Bill is best studied

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Mr. Chamberlist continues ...

in conjunction with related legislative proposals including the Municipal Elections Ordinance, the Taxation Ordinance, the Mediation Board Ordinance and the Local Improvement District Ordinance. Mr. Chairman, in view of this remark, I would suggest that all these Bills be read and progress reported on them as we go along so that we can then deal with any specific matter where we may require the representatives of municipalities to meet with the Committee of the Whole after the Bills have been read.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, as we ... of course, we've dealt with the Municipal Ordinance for the ten or eleven years that I've been in this House. It's quite a complicated affair; there have been so many amendments to the old Ordinance, that its whole contents has changed several times, really. Rather, the basis of its contents. I, personally, would feel much better, as an elected representative of the people, if I could have the indulgence of the Committee to have, specifically in this endeavour, an adviser, in my case, from the Village of Faro. I would very much like to invite representatives from the municipalities, inasmuch as Faro is in my district, to sit with us as we deliberate this and other Ordinances as we proceed through them. Otherwise, I would think it would be much a waste of Council's time to have to go through it once, this mass and mass of very serious and important legislation, and then, come back and to virtually go through it all over again. I would like the concurrence of Committee in this respect, that I'd be permitted to invite, as my personal adviser, a member from the Village of Faro council.

Mr. Tanner: Mr. Chairman, could I, before we come to some agreement on this, wonder ... it wouldn't be beneficial to both your adviser, should he be invited, and Councillors if we didn't get some understanding of what was in this Bill, mark the areas we have questions on and then, call on advisers. After all, it's all very well to look from our time, but let's look from his as well. It could very well be that he could be here for a couple of weeks.

Mr. Chamberlist: Mr. Chairman, we have dealt with this point, and again, I must say that Members who are experienced in this House know full well that once a subject matter has been dealt with by the House, the motion dealing with it remains in effect. Now, it's already been indicated what the procedure is to be in relation to these Bills. I would suggest that the Honourable Member from Watson Lake leave well alone, until Members of this Council have had the opportunity to go through the legislation. After we have gone through the legislation, Mr. Chairman, he has assurance that elected representatives of the municipalities will be given the opportunity to bring forward, especially after they have had time to study the legislation themselves, any recommendations or comments on the legislation. I would trust that all Members of Committee, even those who did not vote supporting the particular motion, will recognize the point that is being made. It was a motion and, of course, it was dealt with in the proper manner.

Mr. Taylor: Well, Mr. Chairman, it is incumbent upon all Members of this House to review, present, approve or disapprove legislation as it affects the people of this Territory. It can be clearly shown that a majority of, a strong majority, the people of the Yukon Territory, whom we represent collectively at this Table, reside within a municipality. Their whole well being, in that respect, is contained in these several Ordinances which we now more particularly refer to. I do not, and I never have, profess to be any sort of an expert on municipal affairs. I think that it is important that Members have the full benefit of any advice that can be given to them on an individual basis in respect of these Bills and going through these Bills. Now, it used to be, in the old days in this Council, when I say the old days, I mean up until this particular Council was elected, that we had that opportunity. We invited the mayors of the municipalities, or the councils, to sit down with us from time to time, whenever contentious issues arose or major revisions to the Ordinance were made in respect of the Municipal Ordinance.

Mr. Taylor continues ...

Indeed, I am somewhat astounded that there have not been sit-down-around-the-table discussions with the representatives of these municipalities, in the preparation of the Ordinance. However, I do understand, I believe Councillor Watson in her remarks yesterday, they were canvassed on some points in the Ordinance. I don't believe that any of the municipalities have seen this Ordinance in total as yet, to my knowledge. I stand to be corrected if this has been the case. The reason I say this is because I note that people are now collecting the Ordinances since they were tabled here a few days ago. I feel that Committee, if Committee is to give the people of the Territory any consideration whatsoever, should permit the representatives of those districts of the Territory, where applicable, the opportunity of having an adviser in the form, in this case, the mayor or his delegates from the Village of Faro. Certainly, I would imagine, the Honourable Member from Dawson would be quite concerned and would wish to have a representative, possibly, from his area. Possibly, one of the Whitehorse Members would like this. I don't think it's an unfair thing to ask. As I say, if we're staying quite open and above board and everything is going fine, there is no danger in having these people sit here and discuss this with us. I feel that we will be taking a great deal of time of Council by reading the Bill. I will, certainly, miss much of this Bill that possibly the elected representatives of the people at the municipal level might pick up and might advise me and say "Well, this is working very well", or they may wish to advise me, "No, we are having difficulties in this area". I think it would be a great help to all Members, both the members of the Executive Committee and the other Members as well. Now, I recognize that the two members here have been through this and have worked long hours on it. No doubt, they have done a champion's job on it. But, remember, there are still five other Members in the House that have not seen this before, this piece of legislation and there are many people who will have to be legislated ... who will be affected by this legislation. I feel it's very important that we have ... that each Member has the prerogative, if he so desires, to have an adviser at this Table during discussion of these Ordinances.

Mr. Chairman: We did reach agreement that copies of these Bills that pertain to the new Municipal Ordinance would be sent to the various municipalities, together with a request asking for their comments, and also an invitation to send a representative at that time. In seconding Councillor McKinnon's motion yesterday, I certainly want to see a representative from Dawson, but I cannot, at this point, see where we should have a representative from each area to go through this from one section to another, unless you have some specific questions to ask of the Mayor of Faro at this point without his having had a chance to study the Municipal Ordinance. Speaking from the Chair, I can see no point, unless you specifically request it at this point.

Mr. Taylor: Well, my point is that we are going to go through this twice. What I'm saying is why not go through it once, Mr. Chairman. Why not invite these people. If they choose to come, fine. If they don't choose to come, fine. Now, it has been decided by this Committee that they will not be permitted to be here. What the Honourable Member has said is quite correct; we can't reverse the decision. So, they cannot be involved in the context of the motion presented by the Honourable Member from Whitehorse West yesterday, making representations from the municipalities to the Council. This is why I ask that they come as advisers to the individual and this is quite proper and quite in order.

Mr. Chairman: Do I take it, then, that the Member is requesting, at this point, a witness from Faro to sit with us all through these particular Ordinances?

Mr. Taylor: To advise me.

Mr. Chairman: Does Committee have any objections? An objection has never been raised in the past when a Member has asked for a witness.

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Mr. Chamberlist: Mr. Chairman, I find it pretty hard to stomach that a long-standing Member, certainly the longest Member who has sat in this House, would come forward and admit that after fourteen years as a representative of the Legislative Council of the Yukon Territory, he is quite prepared to depend on the expertise of a person who has been, in a municipal office for about, perhaps, a year. Now, Mr. Chairman, the suggestion that one of these people could become an adviser and using that word, an adviser, seems to be certainly something like the military advisers that are being placed in different Asiatic countries from time to time who don't know anything about the affairs that are going on in those countries. Certainly, there is no member of a particular municipal council who has more knowledge of what is required in legislative areas than the Members of the Legislature here and especially, the Honourable Member who has just spoken because of his years in the Legislature. I would like to make it quite clear, Mr. Chairman, that there has been continued consultation with all municipalities, including Faro, Dawson and Whitehorse, in relation to the requirements that have been placed in the Ordinance, specifically, going back, dealing with these new Ordinances, to February of 1970. What has been suggested and what has been, roughly I would say, put to Members of Committee here is that we read the Ordinances in exactly the same manner as we have read the Housing Corporation Ordinance, and I do not recall the Honourable Member asking for an adviser from the Municipality of Faro to deal with the Housing Corporation Ordinance, although we have requested that they submit their comments in exactly the same way. So, I would suggest, Mr. Chairman, we get on with the business of Committee, read the legislation, and certainly, I wish to assure the Honourable Member that any comments and any input that the representatives of municipalities will be able to bring to the Council here, will be given consideration. There is no possible way that a person from Faro can become an expert adviser without he, himself, having read the legislation and this has been made quite clear by the Honourable Member. The legislation has not been read. He cannot, therefore, be an adviser. I would hope, Mr. Chairman, that after Councillor Taylor has made his reply to me, that we will be able to get down to the business of the House and start reading the legislation.

Mr. Taylor: Mr. Chairman, I would extremely agree with the Member, that he hopes that things can get on and go through this House; however, I have asked the concurrence of Committee to have someone here. Now, as the Honourable Member stated, I have had some experience in this House, not fourteen but eleven years, and experience has shown me that while some Members of the House become reluctant to have witnesses here, it often gives me suspicion that it may be that there is much to hide. It makes me very suspicious, indeed. I think the Votes and Proceedings of former Sessions will show that many times, this was well based, this suspicion. It is important, inasmuch as these pieces of legislation, I say once again, affect all the people of the Territory. Now, it's pointed out by the Honourable Member that, indeed, these municipalities were consulted with in the preparation of this Bill. Consequently, they have seen the Bill; they should now be in the position to come to the Table, knowledgeably, in this affair. I think, if you read the Votes and Proceedings, you will find that this was indicated by the Honourable Member's statement before. In relation to Faro, I know Faro is fairly new, but I might suggest to you that there are people in Faro who lived in other places who are also involved in the Village Council, the mayor and his council, and who have had a great deal of experience in municipal affairs possibly in other areas. I don't know. I think it is my prerogative to have, sit with me as an adviser in the municipal field, a representative of the Village of Faro. I would ask for the concurrence of Council in this regard, that I be permitted to invite a member here.

Mr. McKinnon: Mr. Chairman, as a Member of some little experience also, in the House, I think that the records will back me up that when any Member has requested that witnesses be made available before Committee, or when Members have asked for more time to study legislation, or perhaps that the question not now be put so that it could be gone into in further detail, they have always found that I have been more than happy to delay or to ask those witnesses to come before Committee so that all aspects of the question can be examined. I don't see why it should be any different in respect of studying these Municipal Ordinances, and in any of the other

Mr. McKinnon continues ...

cases which are well documented where witnesses have appeared before Committee. I agree with the Honourable Member that, to me, it is a duplication of effort. Quite frankly, the reason I'm a Member of the Yukon Legislative Council and not the municipal council is because of things like parking meters and sewer meters which just don't happen to turn me on. I have so many more problems looking after what I consider to be major issues, like Education and Health and Welfare. Goodness knows, trying to look after the shannanigans going on in those Departments takes the Member's full time without have to worry about all the myriad of duties that are dealing with the municipal level. My whole concept of government is where you have an elected body that is given certain powers by the senior government, for goodness sake, let them have the full ability and the full control of being able to govern those affairs to the best of their ability and with all the rope that they can possibly have to be able to do their job properly. It would be a great benefit, and I say this sincerely, to have those members who are intrinsically involved with the day-to-day operation of the Municipal Ordinance, here before Council while we are going through this Ordinance. The Ordinance is one that they will have to live under, not so much that we are going to have to live under. I say that we have enough problems and enough areas of dispute in those areas which are given to us under the Yukon Act, than have to worry about those areas of municipal consideration. Certainly, the people who will have to live under the terms of the Municipal Ordinance are the ones that should be here at Council when any of the areas of the Municipal Ordinance are being discussed. I would find it invaluable to have witnesses before Committee during the whole of the reading of these Ordinances and I think that it would save Council time and save a duplication of effort which we will find takes place because of the procedure that apparently, we are going to follow. Because of these reasons, I would certainly be agreed with the Honourable Member, if he wishes to have a witness, an adviser from the municipality in his electoral district. I say it behooves the Council to allow him to have this type of assistance. I think it is going against the tradition and the grain of this Committee, where we have had easy facility of the public and of the representatives of the municipalities to come before this Table. This applies, indeed, to any branch or society, whether it be the Consumers' Association, the Chamber of Commerce, the Transportation Association, anything. They have always had easy access to this Table. This is one of the good things about Government in the Yukon Territory, where Government doesn't have to be. But, for some reason, it's starting to be very impersonal.

BILL #1

Mr. Chamberlist: Mr. Chairman, if I were to cast a vote to give an Oscar or an Academy Award, my vote would certainly go to Councillor McKinnon. I think he did a terrific job just then, but we must realize that municipal councils are creatures of the Government. In this particular case, I know he recognized this point. We will have members of the elected councils to discuss with the Council any points they have raised, as indicated. As far as I'm concerned, I'm not going to take any more time of Committee on that particular point and will go along with the principle that we went along with yesterday.

Mr. Taylor: Just one question, Mr. Chairman, if I might. Who is "we"? We will have this and we will go along with the principle. Will the Honourable Member please define who "we" is?

Mr. Chamberlist: The Government will go along with the principle.

Mr. Chairman: I would just like to say from the Chair, I think it was pretty well dealt with yesterday. I, for one, do have a municipality in my area and I have every intention to invite a representative from that area after they have had a chance to study this legislation. At the same time, if Councillor Watson does request a specific witness at this point, I can't see ... or rather Councillor Taylor, whereby this Committee can turn it down. As I say, I can't recall an instance in the last year that a witness has been denied if there are specific questions Councillor Taylor wishes to ask at this point.

Mr. Chamberlist: I've already dealt with the matter, Mr. Chairman and

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Mr. Chamberlist continues ...
you have already indicated this. If it's put to Committee, the ruling remains the same.

Mr. Taylor: Well, I would like to see the matter put to Committee and everybody stand and be counted.

Mr. Chamberlist: I will stand right up. I am against it. There you are, quite frankly.

Mr. Tanner: Opposed.

Mrs. Watson: Opposed.

Mr. McKinnon: Agreed.

Mr. Taylor: Agreed.

Mr. Chairman: Your wishes have been defeated, Councillor Taylor.

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

Mr. Taylor resumes the Chair.

Mr. Chairman: I stand Committee in recess until 2:00 p.m. this afternoon.

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Mr. Chairman: At this time, I call Committee back to order. We are dealing with Bill No. 10, the Municipal Ordinance.

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Mr. Chamberlist: Mr. Chairman, I wonder if, as we read these sections Mr. Chairman could indicate whether Committee will be wanting to deal specifically with municipal representatives. So that we know, as we go along which ones they will be wanting to deal with.

Mr. Chairman: Is that question directed to myself, personally?

Mr. Chamberlist: Yes, I was just asking you whether you would indicate this to ...

Mr. Chairman: Well, this would not be possible because I would have to ... it would not be possible until I can get some advice from the Bill to say whether or not I am going to require advice on the Bill or any sections thereof.

Mr. Chamberlist: Well, I wonder if you would ask Members of Committee, then, Mr. Chairman, whether this is required.

Mr. Chairman: Well, I would suggest that if Members of Committee have any questions to ask, they will do so in the proper manner.

Mr. Tanner: Mr. Chairman, I can't agree with Honourable Member from Whitehorse West ...

Mr. McKinnon: I haven't said anything.

Mr. Tanner: Whitehorse East then. We're obviously going to mark the areas we're interested in and then ...

Mr. Chairman: We have to do it twice anyway. It doesn't matter. (Reads sections 1, and 2, definitions of "administrator", "alderman", "assessor", "city", "council", "elector", "fiscal year", "highway")

Mr. Legal Adviser: Mr. Chairman, the highways excluded in section 90 are the highways maintained now by the Federal Government and partly by the Territorial Government which will be continued by them, such as the Alaska Highway through Whitehorse.

Mr. Tanner: Is that section 90 of this Ordinance?

Mr. Legal Adviser: This Ordinance. It substantially reproduces what is in the Whitehorse part of the Municipal Ordinance which was passed last June.

Mr. Tanner: Mr. Chairman, section 90 reads the municipality may at any time ask for and receive notice of any claim for damages arising out of any alleged failure to keep ...

Mr. Legal Adviser: No, it's section 91. It should be section 91. Could that be corrected, Mr. Chairman?

Mr. Chairman: Section 91, which reads "Notwithstanding any other section of this Ordinance, the Commissioner may by order provide that any section of this Ordinance shall not apply to any highway described in the order."

Mr. McKinnon: Has this order been made as yet?

Mr. Legal Adviser: The order has been made but only described the area as the Alaska Highway and the Two-Mile Hill and the South Access, but it's intended and it may already be done ...

Mr. McKinnon: Recreation roads?

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Mr. Legal Adviser: Certain recreation roads. There was also a road in Dawson which is maintained by the Territorial Government.

Mr. McKinnon: I wonder, Mr. Chairman, could we ask for this order before Council.

Mr. Chairman: Does Committee agree? Mr. Clerk, would you so note.

Mr. Tanner: Mr. Chairman, could I ask one question. Does this definition of "street", in fact, give the streets of the City of Whitehorse back to the City of Whitehorse?

Mr. Chamberlist: No, this is simply a definition of highway not street.

Mr. Tanner: But it says it includes a street.

Mr. Chamberlist: It doesn't deal with the other section. If a question is put when we come to the other section, I might indicate my reaction.

Mr. Tanner: Oh.

Mr. Chairman: Clear? (Reads section 2, definition of "Inspector of Municipalities")

Mr. Tanner: Mr. Chairman, is the Inspector of Municipalities going to be the head of the Department of Local Government?

Mr. Legal Adviser: At present, it is, yes. Mr. Bilawich.

Mr. Chairman: Clear? (Reads section 2, definitions of "manager", "mayor", "municipal district", "municipality", "occupier", "owner", "real property", "regulating", "taxes", "taxpayer", "town", "trailer")

Mr. Tanner: Mr. Chairman, could I ask the Legal Adviser whether the definition of "trailer", in paragraph (a) shouldn't read "permanent sleeping place"?

Mr. Legal Adviser: No, Mr. Chairman; that would be a graveyard.

Mr. Tanner: Mr. Chairman, much as I appreciate the wit of the Legal Adviser, I'm wondering whether in this particular case you couldn't then tax what is genuinely a holiday trailer, which is only used by people who might pull the trailer on the highway a couple of times a year for a holiday. In fact, what you're trying to tax is a permanent residence which is a trailer in this case.

Mr. Legal Adviser: I know that taxation is dear to the heart of the Honourable Member, Mr. Chairman, but we're not using this for the purpose of taxing. We're using this for the purpose of allowing municipal control of trailers in general.

Mr. Chairman: How would this affect a double wide unit which becomes a permanent unit when the two units are put together, notwithstanding it comes in on wheels?

Mr. Legal Adviser: Well, when it is fixed, then it stops being a trailer. It's not constructed to continued to be towed, but if it is left in the position that it can be towed from point to point, it would come within the definition of a trailer.

Mr. Chairman: You say any structure whether ordinarily equipped with wheels or not and this includes just about any building you want to mention. You can move buildings; they're moved every day.

Mr. Legal Adviser: It's constructed to be moved from one point to another. At that point, it would be a portable building. A trailer to be a trailer, during the period of time when it is being moved ... when it is permanently affixed and taken apart or put together in a permanent situation, it stops being a trailer and comes under the building bylaws.

Mr. Tanner: Mr. Chairman, I think ... this is going to be a problem we will be running into in the rest of this discussion. "Taxpayer" is defined as a person qualified to vote on a money bylaw pursuant to section 6 of the Municipal Elections Ordinance. I look at section 6 of the Municipal Elections Ordinance and see that every taxpayer is qualified to vote pursuant to section 76 of the Municipal Ordinance. I haven't followed through to section 76, but I assume we're going to get back into the Taxation Ordinance. Mr. Chairman, what I'm saying is, is this going to be the format we're going to follow for the next few days? Slipping backwards and forwards and backwards and forwards?

Mr. Legal Adviser: With regret, Mr. Chairman, yes. We don't want to be redefining the same thing all over the place. For the purpose of voting, my recollection is that a taxpayer includes further a taxpayer for voting purposes on money bylaws. You can't just leave taxpayer at this particular definition.

Mr. Chairman: Clear? (Reads section 2, definitions of "trailer park", "village")

Mr. McKinnon: I wonder, Mr. Chairman, if I could get the theory behind incorporating a new type of municipality, namely a town, and also keeping the village type of municipality. Why can't we incorporate villages, towns and municipalities under municipalities, period? Municipality takes into consideration both towns and villages.

Mr. Legal Adviser: There's no difficult theory behind it Mr. Chairman. It's just called by a different name, depending on its population. All the powers of a city and a village are the same. It's called a village because it's a smaller entity with less people and less taxable property.

Mr. McKinnon: Yes, I just don't see why we need the differentiation.

Mr. Chairman: Clear on section 2?

Mr. Tanner: Confusedly clear.

Mr. Stutter: Mr. Chairman, I notice when I look back at the old Municipal Ordinance, under interpretation, there does seem to be one definition that is left out completely. I wonder if the Legal Adviser could say why ratepayer has been left out.

Mr. Legal Adviser: It hasn't been left out Mr. Chairman. We've switched over to using word "taxpayer" instead of "ratepayer" because we have a common Taxation Ordinance and everybody pays taxes. So, we had to line them up.

Mr. Stutter: Well, we have a very definite definition between ratepayer and taxpayer.

Mr. Legal Adviser: Prior to this group of Ordinances, a person who lived in Porter Creek would be a taxpayer and a person who lived in a house in Riverdale would be a ratepayer. There was one definition used in the Municipal Ordinance and one definition in the Taxation Ordinance. So, we decided to have the Taxation Ordinance apply in each place and the ratepayer became taxpayer. To restrict the Ordinance, the only place where we talk about taxpayers is for the purpose of voting on a money bylaw. The rules for voting on a money bylaw are set out in the Municipal Elections Ordinance. They provide that any person can vote on a money bylaw who is a taxpayer, any person or his spouse who pays a tax of at least \$25 to a municipality or it is a corporation paying tax to a municipality. So a taxpayer doesn't just mean a person who pays taxes. It means a person who is the wife of a person who pays taxes and it also means a corporation.

Mrs. Watson: Mr. Chairman, with respect, possibly if we turned to section 6 of the Municipal Elections Ordinance and read the definition of taxpayer it might clarify it for us. Also, the definition in section 5 of the Municipal Elections Ordinance, defining elector in a municipality. We could see the difference.

Mr. Chairman: Well, have you anything further on section 2 at this time?

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Mr. Chairman continues ...

(Reads sections 3, 4 and 5, subsection (1)) Are they the same boundaries? You don't know; you might be taking in Clinton Creek by now.

Mr. Stutter: As long as I'm not taking in Whitehorse.

Mr. Chairman: Have these boundaries been changed at all?

Mr. Chamberlist: There have been no changes to these boundaries to date.

Mr. Legal Adviser: The Whitehorse City boundaries are as they were in the last amendment to the boundaries which came before the Council. In the case of the City of Dawson, the Registrar of Land Titles has discovered that for many years past, there was a small block of land which somebody had forgotten to type into the definition, some thirty-five years ago. So; it was put back.

Mr. Stutter: Are we now bigger or smaller?

Mr. Legal Adviser: Bigger.

Mr. Chairman: Are there any changes to the boundaries of the Village of Faro?

Mr. Legal Adviser: No, Mr. Chairman.

Mr. Chairman: Clear? (Reads section 5, subsections (2) and (3) and section 6, subsection (1))

Mr. Tanner: Mr. Chairman, does mean the Commissioner without reference to this House? Or without reference to the people living in that area.

Mr. Legal Adviser: Continue reading and the point will come clear.

Mr. Stutter: I would like to ask the Legal Adviser if there is any set formula to indicate when this point might be reached. Or, is it just a sort of ambigual ...

Mr. Legal Adviser: No, section 8, there's a table.

Mr. Chairman: Clear? (Reads section 6, subsection (2)) Just essentially, how does this differ from the existing Ordinance?

Mr. Legal Adviser: Well, in the first instance, Mr. Chairman, it's different because it's very much more simple to read and understand. In the second place, it does away with the complication of petitions back and forth in this House on the residence and establishes a clear-cut method of doing it with a person to be appointed to hear in the locus in quo what the people want, and then a final decision is made. It also provides that an objection need not be considered unless twenty-five percent of the inhabitants object and things can go forward smoothly.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Well, Mr. Chairman, under the existing Ordinance, it states in section 5, that where it appears to the Commissioner that the conditions of settlement in any part of the Territory make the establishment of a village desirable, he may place before the Territorial Council, a resolution proposing the establishment of the village. This is under our existing Ordinance. Where the Council approves the resolution, then the Commissioner causes notices to be posted, and this type of thing. I would very much recommend that that particular provision remain in the Municipal Ordinance. We had a problem here some time ago in relation to Watson Lake, when Whitehorse was proposed to become the size it has now become. Watson Lake was proposed to be of somewhat small size; I forget how many hundred square miles were to be a portion around Watson

Mr. Taylor continues ...

Lake and it was to become a village. By virtue of the petition clause and some of the ... and the protection of the Territorial Council, that village did not come into being. It offered protection to the citizens and forced the Administration into a position where they had to really sell this product or else, they couldn't make it. Now, under this proposal that is suggested in the new Ordinance, this protection is taken away from the people because the people have no recourse to this Council. We have found one instance, at least, where this worked to the benefit of the people of the Yukon, the benefit of the people of Watson Lake and in that area. I would strongly recommend that the Council should be involved in any petitioning for the establishment of a municipality, village, town, city, call it what you will, in respect of this Ordinance. I would like to see the Territorial Council written back into this Ordinance in that regard.

BILL #1

Mr. Legal Adviser: This was considered and the Bill in its present form does not contemplate an appeal to the Territorial Council. The principle is that the people concerned, living in the area, should be the people who decide. Not this Council for them, but the people themselves.

Mr. Taylor: It's not that way at all.

Mr. McKimmon: No way does it say that, Mr. Chairman, and I can tell you right now, without any qualifications whatsoever, you will never get my support for this Municipal Ordinance with this section 6 as it now stands. The Commissioner decides that, because a certain area has a certain amount of population and a certain amount of assessable property, he, in his goodness, is going to make that a town, a village or a municipality. There doesn't have to be any request, any input at all, from the people. The Commissioner, in his wisdom, decides that he is going to make it a municipality. So, he does that, and he advertises in the paper and does all these things in this section of the Ordinance. Then, when the public getshold of it, after being advertised, and see that they are going to be made a municipality, twenty-five percent of those people, if they petition against the setting up of a municipality in that area, then and only then, does the Commissioner have to appoint an officer to look into the complaints of the petitioners. It doesn't state who this person could be. It could be the supervisor of municipal affairs or the adviser who suggested that the area be declared as a municipality. It could be anybody; there are no qualifications whatsoever, as to who this person, this officer, is of the Commissioner appointed by the Commissioner to go out and hold hearings on the time and date to be fixed by the Commissioner. Not any input at all from the people who have been declared to be living in a municipality, town or village. Then, the people may go and bring their complaints before this officer. That officer, then, comes back to the Commissioner. He doesn't have to come to the Council; he doesn't have to be responsible to the people of the municipality. He reports to the Commissioner and the Commissioner says "Well, they've had their hearing now; it's going to be a municipality anyway.". I have never, in any Ordinance of the Yukon Territory, seen a more undemocratic system of establishing a government under which people are going to have live for the rest of their days, than this method as outlined in section 6 here. Certainly, you're trying to get away from this concept of we are going to do what we think is best for the people living in the Yukon Territory. It has to be by plebiscite. It has to be from people who want to live under a municipality or a village system of government. Certainly, it's not in the hands of an appointed official of Ottawa to declare an area a municipality, to declare the time and date when hearings are going to be held, to declare the officer who is going to hear the petitioners and then, willy-nilly, declare whether the petitioners are going to be heard or not and the municipality comes into effect, anyway. There is no way that I can see any Member of Council accepting such a procedure for declaring whether a municipality or a village or a town is going to come into being. We don't have to go any further in this Municipal Ordinance. I can tell you that, unless section 6 changes substantially, to have the public completely involved in their desires as to what form of government they want to live under, then the whole of this Municipal Ordinance has to be looked at with very close scrutiny. I don't see how any Member can accept this type of procedure.

Mr. Chamberlist: Mr. Chairman, without any emotionalism, this is why this is before Council at this time, these are propositions, this is why the suggestion is that these be dealt with in Council here. Now, Members of Committee have heard the input of the Honourable Member from Whitehorse West and I wonder if the Honourable Member will now come along with a suggestion and bring it back for consideration. I followed his point and think could have much merit. I take the attitude in my own mind that people in specific areas should be given the opportunity but it appears to me that this was being done by giving the right to an appeal if 25 percent of people in appeal. If a suggestion will come from the Honourable Member we will look at.

BILL #10

Mr. McKinnon: Certainly if there is 25 percent of the petitioners of an area then, I think that it should go to plebiscite and should be presented whether or not those people want to become a municipality, or town or village. If, in the case of; there are many examples that you could use like a mining town such as Faro coming up where it is in the advantage of everybody to live under some type of municipal system of Government and I don't think that you would find 25 percent petitioners. An advertisement in the paper, in these instances, that a municipality was to be created without all the hullabaloo of plebiscite and without explanation to the public, if this is the type of area where this could be utilized well all well and good. In an area where 25 percent of the population of that area which is to be incorporated take the time and the effort to say, "we want to know more about it, we want to be able to have explained to us what the obligations that we are assuming, what is going to happen in this area and that area. If you have one quarter of the population that is going to have to live under the system of Government, at least petitioning to the Government, at least then I think you should go into the area of plebiscite where both sides are heard and the majority decides of the public whether or not that area is to remain an unincorporated area and explain to them what it is going to mean tax wise and any other way if they remain unincorporated and what services are going to be available and also the other side and they become a municipality and let the public decide. That is the figure you are using, 25 percent of as, one quarter of the population, that is a hefty chunk of the people who are making their voices heard and petitioning the Commissioner. Its not just good enough when 25 percent of the people are heard in this area for the Commissioner to say, "Well, because there is this outcry I will appoint an officer to listen to the petitioners but I don't have to accept the findings of the officer I appoint". That is just not good enough.

Mr. Chamberlist: Now after all that I still want to get from the Honourable Member whether he is intimating this, that if 25 percent of the people indicate that they are objecting then a plebiscite of the whole area should be taken. Now, is this the idea, yes or no?

Mr. McKinnon: That is the idea that I came up with on just the spur of the moment. That is the type of area where I would like to see the Government moving in where 25 percent of the population are against the appeal that something should be done more, than just appointing an officer of the commission to listen to the petitions, I think that probably 25 percent appeal against the order then a plebiscite should be held. I am just thinking on the moment as I said.

Mr. Chamberlist: You see it is pretty to get a definite requirement and we would like to have a look at this specific requirement because as I see it now the first step is that if 25 percent of the people object to a municipality being brought together then it should go to plebiscite. Now, is this the basic thing at this time so that at least we can get down to the first step of what is being suggested.

Mr. Tanner: Mr. Chairman, could I make one suggestion? That 25 percent, shouldn't read 25 percent of the residents it should read 25 percent of the voters because otherwise you are going to include children.

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Mr. Chairman: From the Chair I would like to ask the Legal Adviser one question. Under the old Ordinance under section 9(1), there does seem to be some protection there for the voters that do not want a municipality. Again, in the new Ordinance I noticed under 15(1), this section is a very definite improvement on the old one. I wonder if that particular section 15(1) under the one we are studying now doesn't give an out to this problem? Or 9(1) under the old one. Surely, if the electorate in an area don't want a municipality it couldn't be formed in the first place.

Mr. Taylor: Mr. Chairman, we might as well call spades, spades here on this subject because we have fought this thing in former Councils and this is the first time this one has been faced with it, What it means is that this Ordinance which is now in existence is the existing Municipal Ordinance. The onus of making a place or a community a municipality right now is generally upon the Administration. In other words the Government of the Yukon Territory must go to the people with facts and figures and say, "Here, here are the facts, here is what the mill rate is going to be. These are the detriments and the benefits to our proposal. We propose that you people should get together and have a municipality, a village call it what you will!" Under (b) the Legislation we are now considering the onus is upon the people to try and figure out how they can come combat this business of the establishment of a village. I will tell you why this is here, I am almost sure that there was a time when this Administration tried to ram down the throats of the people of Watson Lake a village, village status. This happened back in 1969, as a matter of fact. The Commissioner said, "That's it you are just going to have it". We measured it out, and I just looked up the figures now, the village was to be 208 square miles in size. It took in Liard; it took in the airport and it took in things all around there. The people got wind of it and they held a meeting and there were many battles back and forth but they held a meeting as a result of which the ratepayers were polled and agreed at the meeting to turn it down. A motion was forthcoming at that time and it was carried unanimously on December 16th to this Council which this Ordinance applies for, "whereas it has been suggested, that the Watson Lake improvement district be incorporated into a village, whereas, no supporting information as to benefits or detriments of such a proposal are available to the residents of the Watson Lake area including boundary extension justification and whereas the residents of Watson Lake area have by firm resolution concurred consideration of application for village status for a period of one year from the date of said resolution being December 8th, 1969, therefore be it resolved that in the opinion of Council that no application for village status in the Watson Lake improvement district and area be accepted or considered prior to January 1st, 1971." Now, were it not possible by virtue of this Ordinance for the people to do it in this manner, we would have been stuck with a village in 1970/71 and we would have been in an awful mess down there. I know, the Commissioner has told me many times that if you people want services, you have to pay the taxes and that's all there is to it and we'll find a way you have to do it. This is how he is going to do it. I will tell you that you will find no support from me where this Bill in total or any part of it, until this matter is rectified. My submission, Mr. Chairman would be to retain sections 5, I believe it is 5 or 6, sections 5 and 6 of the existing Ordinance in respect to the incorporating of a village or a town or a city or call it what you will, and give the people the protection of this Legislative Body, we have got to write the Council into this one.

Mr. Chamberlist: Mr. Chairman, the Government will not make a commitment at this time to incorporate any specific sections within this Ordinance. That commitment cannot be made at this time. I certainly see the point that has been raised by both Honourable Members, Councillor McKinnon and Councillor Taylor and we should go by this section and this section will be reviewed and brought back to Council with the suggestions that have been made.

Mr. Taylor: Well as I say Mr. Chairman I serve warning right here and

Mr. Taylor continues ...

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now that the Territorial Council are written back into here ...

Mr. Chamberlist: I said it would be resumed.

Mr. Taylor: .. you will get no support from me. You will have to fight all over.

Mr. Tanner: Mr. Chairman, I would point out that there has been actually two proposal made here; one would be by Councillor McKinnon that it be a plebiscite be held with the people that are involved and the one by Councillor Taylor is that the Council should be involved. I personally would be inclined to think that Councillor McKinnon's suggestion is the better one because people, rather than this House, the people who are going to be living under it are the ones involved.

Mr. Taylor: Mr. Chairman, I can't agree. In a normal legislative circumstance I would agree but this is not a normal legislative circumstance. This is Government by edict, not Government by the people, and that, Mr. Chairman, is where the difference is. I think that until we do have Government by the people in the Territory we must retain the protection of the Legislative Council of the Yukon Territory for the people. They need that protection. It is the only thing they have got and more recently I have been wondering if they even have that. I am getting more and more and more fed up with having stuff pushed down my throat and my people's throats and the people's throats of the Yukon Territory to be exact. It's coming here, its come in Medicare, it comes in the proposal we had yesterday; its coming here and there; now you fellows this is the Bill you read it, you pass it get on with it; let's get on to something else. I am fed up and I am tired of it, I stand and I will fight on this issue, as I will fight on those other issues. I think it behoves this Administration to take a long look at this and write the Territorial Council back into this Bill.

Mr. Chamberlist: With respect it behoves the whole of the Administration to take a long look at Councillor Taylor when he acts in a manner like he is acting right now. I want to once again assure the Honourable Members that the section will be given review and that the points that have been raised by both Members who have spoken be given the consideration that it deserves. I support the principle that the people have had to have the right to say whether or not they require a municipality in their particular area. I think that what Councillor McKinnon has said, the point that he has made is quite sound and I agree with Councillor Tanner that by having a plebiscite for this particular thing the people, indeed, are represented and sometimes it makes me wonder if the inconsistency of the Honourable Member from Watson Lake should not be considered by himself, in particular areas, where he makes it quite clear that the people must be considered but the people then become the Territorial Council as it suits him at any particular time. Please Mr. Chairman allow us to continue with the reading of the other sections. I repeat that consideration will be given to section 6.

Mr. Taylor: Mr. Chairman, in reply to the Honourable Member, I say it is the people that have to be considered here, and I don't see them being considered by this Administration at this time. I am here to do the service of the Territory. That is what I am here for. I really hope and trust that the Administration will write the Territorial Council back into this because I am not fooling on this one. There is no question about it. I am just sick and tired of having stuff crammed down my throat, and I have made my point, so I'll carry on. I hope that you do something about it.

Mr. Taylor resumes the Chair.

Mr. Chairman: Well, I wonder if the rest of this section, inasmuch as it is going to be revised, should be dealt with at this time?

Mr. Chamberlist: Well, perhaps, Mr. Chairman if at least we read it just in case the Honourable Members, the Honourable Mr. Chairman might find another area that the people are not involved in so that we can get it all straightened out at one time.

Mr. Chairman: (Reads subsection 6(3),(4)). Well, just in speaking kind of at a disadvantage in the Chair, but speaking from the Chair, I do not hold with the principal of the Commissioner appointing anyone to hear an appeal against the Commissioner; again, this Council should be the one that should hear any appeal.

Mr. Legal Adviser: Mr. Chairman, this is a principle that is accepted in municipal law throughout the English speaking world, French speaking world and the Italian speaking world. This may be so, but it is an international accepted principle, that an officer from the Department of Local Government of the country or province concerned is appointed to hold an independent public inquiry. He is usually an officer of high rank, an engineer or a lawyer from the Department, and in some of the provinces they have special officers recruited specially for the purpose of holding this type of inquiry. This particular section, section 6, that we are discussing, Mr. Chairman, is a repeat of the old section 5(a) in the old Ordinance which allowed the Commissioner to establish a village without going to the Territorial Council at all, provided there was, in the first instance a number of signatures in the village, a hundred in the case of a village. He could then establish a village, and without holding an inquiry he could disregard any complaint. He didn't have to listen to any complaint, just establish it, and this was attempted to be done more than once.

Mr. McKinnon: That is exactly what he can do here, only he has to listen.

Mr. Legal Adviser: On this occasion he must hold an inquiry. There is no objection in principle to having an addition to the inquiry that somebody must hold a plebiscite or count heads; it is a very simple thing. But, some means must be sought to allow the people in the particular area to choose one way or another; we picked this way. The other Members can suggest other ways. The main principle behind the drafting of the section has been to avoid the involvement of the Legislative Council of the Territory in the affairs of small villages; let the thing work mechanically and not have to come to this House every time a street walker has to be arrested or a street lamp has to be turned up higher in each village in the Territory. That is the main principle to try and get it out of the Council's hands back into the village's where it belongs.

Mr. Chairman: Oh, yes, but just again from the Chair. We are not interfering in anybody's affairs; we are just offering protection to the people in respect of the corporation. That is what we are talking about here. This is why it is desirable at least for my part at this moment, without having consulted advisors on the subject, 5 and 6 look pretty good to me in relation to the garbage that we have here.

BILL #10

Mr. Legal Adviser: The definite policy of the Government on this section is to try and cool the whole thing by getting it down to the level where it should be, and that is the level of the people who will be organized, yes or no into a village. Let somebody, call it. A plebiscite is fine, to hold a public inquiry and let everyone have their speak. That is fine, but nothing slurrish should be cast in advance, Mr. Chairman on the calibre or independence of the person who will be chosen. He will be sitting in public. He must hear all the evidence submitted, he must make a judgment in effect and make recommendations, and it is adherent in the drafting of a section that the person will be a high calibre officer who will give a recommendation in accord with the evidence as he sees it, and not involve this particular House in the course of making what really is judicial or quasi judicial.

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

Councillor Stutter takes the Chair.

Mr. Taylor: I say this, that this type of legislation here with the Commissioner now again as in much of this other legislation that we have had recently, fixes a time and place for the inquiry and appoints the person to hold the inquiry. I say alright, if you won't consider possibly that the Council, that these people should have the protection of appeal to the Council, then give them the protection of the Court. Take them to the High Court here, we have a Supreme Court here. Let the Court decide, but certainly not the Commissioner appoint someone to hear an appeal against himself for incorporating of a village because under the existing Government if the Commissioner of the Yukon Territory notwithstanding this Executive Committee, if he decides there will be a village, there will be a village and that is a fact.

Mr. Chamberlist: Oh yes.

Mr. Taylor: Oh, yes.

Mr. Chairman: Order please, order.

Mr. Chamberlist: Mr. Chairman, I am afraid the Honourable Member doesn't understand the function of the Executive Committee nor does he understand me, because there is no way that I would allow the Commissioner to make a decision on his own without those Members that have been elected to help advise him in what decisions to make, the consideration hasn't been given in ... but Mr. Chairman I think that we are really going on and on about a subject which I have already said again that we are going to review the sections. Now, I appeal to the Honourable Member to leave it alone until the Government has had an opportunity to take into consideration those very things that you have already spoken about. This is all I ask of you.

Mr. Taylor: Mr. Chairman, the Honourable Minister was chiding me for being inconsistent. I just asked him here a few moments ago if we shouldn't leave this section for him to review, and he said no, no carry on, I want to hear your comments. I guess when the comments suit the Administration, that's fine and when they don't suit the Administration, well that's not very well. Again, I would refer ... I would like to hear comments from the Legal Adviser. Why not give people the protection of something, either the Council, this Legislative Body which maybe doesn't give them much protection at the moment, let's maybe put it in the hands of the Court.

Mr. Legal Adviser: Mr. Chairman, the section will be reviewed. There is no firm policy in this, no dedicated wish to have this particular form decide the issue, but there is an expressed wish on the part of the Government to have this kind of a decision become automatic or semi-automatic in accordance with the wishes of the people who are going to be governed by their own council. This was our suggestion as to how this should be done. A plebiscite might equally be good. There is no dedication; there is just to get rid of this type of debate and have the people themselves decide.

Mr. McKinnon: That is all very nice. I just can't let this section go without replying to the Legal Adviser because I have heard an awful lot of blarney coming from him around this Council table. I have put up with a lot of it, but his last remarks were just unacceptable to me. If the Commissioner appoints an officer, the Director of Municipal Affairs, say as his officer, certainly the Commissioner and the Director of Municipal Affairs would have been in consultation prior to the Commissioner signing the order that declares the municipality. It would be on the advice of and with a consultation of the Director that the village was incorporated in the first place by the Commissioner's Order. Then the Commissioner can turn around and send the Director of Municipal Affairs as the officer to hold the inquiry in the village, and then come back to make recommendations. Now, honestly, Mr. Legal Adviser, does he really believe that the person who has been instrumental in creating the village in the first place is going to now recommend to the Commissioner, on the strength of probably losing his job and having his head roll, that it should no longer be a municipality. I mean, this is a little far fetched and I am sure, Mr. Legal Adviser sees the point even though he says, well the engineer or the officer will be impartial. I mean in certain instances and the Commissioner has the power to do this under this Ordinance, it will not be an impartial officer, and it might mean the officer's job if he goes against what was once his original recommendation. So let's play another strike.

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Mr. Legal Adviser: I wouldn't contest that Mr. Chairman, possibly the Government might consider putting in a clause or section saying appoint a person not already in the Public Service of the Territory or a person not either in the Public Service of the Territory or the Federal Public Service. There are various ideas, what we need is these good ideas of how to redo the section, we are not hard and fast.

Mr. Taylor: Well, Mr. Chairman, when you have an election and there is a recount of ballots, or this type of thing or dispute of election, we go to the Territorial Court. Now, why when you are talking about a matter so important as incorporation, and there is some dispute in the matter, why then is the Court not competent to hear that dispute? Tell me why?

Mr. Legal Adviser: I'll buy that. This is an idea, and it will certainly be considered. I am not sure how the Court would buy it but the Court might consider holding an inquiry. After all the Lord Chief Justice of England has been appointed to hold an inquiry by the British Government; I don't see why we couldn't appoint our Judge to hold an inquiry. It's a good idea.

Mr. Taylor: Yes, this is fine, but we are the people that are making the laws here, not the Court. They are interpreting the laws that we make. I am saying, why do we not write into our Ordinance, that any appeal shall be to the Court.

Mr. Legal Adviser: It is certainly to be considered. It might be a good idea.

Mr. Chairman: (Reads subsection 6(5) and (6)).

Mr. Taylor: Mr. Chairman, at this point I rise again to say why not just the judge of the Court?

Mr. Chairman: (Reads subsection 6(7)).

Mr. Taylor: One question here. What had you envisaged in relation to recommendations concerning the establishment of a municipality in the area? Let us assume for a moment that the Commissioner doesn't appoint anyone, and that indeed we are going to the Court now, shall we say. How would this apply? What type of recommendations should the judge give, other than saying yes, I agree with the proposal or I disagree with the proposal? What recommendations should he give

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regarding the establishment of a municipality?

Mr. Legal Adviser: He might make recommendations on the size of the area, or he might make recommendations that an extra area be included or he might make recommendations that the matter be postponed for a year. There are various recommendations that he can make. Now, some of these recommendations will be technical recommendations. Recommendations concerning say, certain services to be put into position by the Territorial Government prior to handing over the new village. Maybe the construction of a certain street, or the finishing off of something. The various things which were in dispute in the extension of the City boundaries, such as handing over machinery, the buying of new machinery, the construction of a new fire hall, various things like this. This would depend assuming now that it is a judicial inquiry he would have evidence from the people before him as to what they needed. He would have evidence before him from the Department of Local Government, what things were likely to cost, and so on. Then, the officer would have to make a finding, a recommendation on that to come forward. In other words, he would wrap up the proposal and say, this is the proposal.

Mr. Taylor: I can see the Director of Municipal Affairs doing this, which obviously was the intent. I am just wondering if the Judge of the Court, if this should be his duty or should he just decide that you are going to have a municipality or you aren't?

Mr. Legal Adviser: That is something that we have to think about.

Mr. Chairman: Are you clear on subsection (7)? (Reads subsection 6(8)).

Mr. Taylor: Now, if you follow along in subsection (8), if this was the case then should it not bind the Commissioner to the decision made by the Court?

Mr. Legal Adviser: It is hard in this type of report to bind the Government because circumstances may change. It is not customary when a public inquiry has been held by the man is usually called an inspector in the provinces or in England, he makes the recommendation, and this core of inspectors is maintained by the Government to make inquiries in a variety of things. There are objections to an overhead power line over a beauty spot, an objection to a road going through a certain valley, an objection to a new road cutting right through a village instead of going around it, or the establishment of a village, a municipality, a rural district and so on. These are experts in their own field. They are independent of the department concerned, although they are in fact paid by the department. They are independent. Sometimes the reports are published and sometimes they are not. The government is very seldom bound; in fact I don't know of any case where the government is bound to accept the recommendation as such. That implies a promise committed to it by legislation or otherwise. It is not the normal thing to be bound to accept the report of any commission or body established to investigate anything by the government, this is the normal thing with the Federal Government here, and in all the provinces. You don't bind yourself in advance to accept the recommendation in the blind. I wouldn't recommend that this government be so bound.

Mr. Taylor: Well, Mr. Chairman I would strongly recommend that this Government be so bound, because under section 8, notwithstanding that (a) the people for instance may have refused and properly so to accept the incorporation of the village shall we say, (b) notwithstanding that the Court has heard the case and agreed with the people and ordered that indeed there would be no establishment of a village in this hypothetical area, the Commissioner still under section 8 can ignore all that and establish a village in any event, so why all the exercise? I think that you must confine the Commissioner to the decision of the Court.

Mr. Legal Adviser: Hard

Mr. Taylor: Hard on who, the people or the Administration?

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Mr. Legal Adviser: Government. Customarily we don't like, whether they are political or non-political governments, they don't like to be bound in advance by anybody's report. It is a resolution of a dispute, say as to agree that the village will be created, but the dispute as to what its boundaries will be, for instance, Upper Liard may be recommended to be included in the village of Watson Lake, there would be pros and cons for it, the whole question of creating a village at all and become at large and the terms on which it is being created. The mill rate, the amount of population to be included, all these things at large and hinging on an inspectors report, I don't think the Government could possibly agree in advance on the blind to accept it. I can't conceive this Government binding itself.

Mr. Taylor: Yes, but remember, I am not talking about an inspector's report. Whoever created this was ... certainly must have had the idea that somebody out of Municipal Affairs would be that person. But, I am talking about where the Court makes a decision, then that decision of the court, not the Supreme Court or the High Court of the Yukon should be binding upon the Government. Otherwise, the whole exercise is futile. It has no meaning.

Mr. Legal Adviser: I can conceive the Government agreeing to be bound on the main issue, will it create a village or will it not. It in other words would accept the views that the people were in favour of it or against it and the reason for it. I can conceive the Government accepting that and saying in advance that they are bound. Then to go further and accept the terms of creation and the recommendations of the inspector in total in a block form, this I could not conceive. The one point yes, the other no.

Mr. Chamberlist: I am sure that the Honourable Member appreciates the fact that the Government couldn't be bound by a Court if the Court indicated that the Government should spent X thousands of dollar or millions of dollars. The Government couldn't be bound by that because we would have to come to the Council before we spend any money, so how can the Government be bound to any decision like that. I think that we are going beyond the area of normal consideration of this section now. Once again, I have indicated that the whole section is going to be reviewed so, why keep bringing up extraneous areas that really don't matter at this time. Give us the opportunity to review the section.

Mr. Taylor: Well, Mr. Chairman, the Honourable Member who has just spoken before, is the only one that seems to be going off on some tangent. I am talking about a decision as to whether, upon appeal to the Court, whether a village becomes a village or doesn't become a village. That is what I am talking about, and if the Court says, we are not going to have a village, then fine, the Commissioner should be bound, but under section 8 he can do anything he wants, notwithstanding what the Court might say. That is what I am talking about.

Mr. Tanner: Mr. Chairman, may I suggest that perhaps it might be a good time to have a break.

Mr. Chairman: Let us just finish this section. (Reads subsection 6(9)). I will declare a short recess at this time.

RECESS

RECESS

Mr. Chairman: At this time, I call Committee back to order. We have completed section 6. (Reads section 7, paragraph (1)(b)) I wonder if I could ask from the Chair why, in this Ordinance, those qualifications are not spelled out, or are they referred to in the Municipal Elections Ordinance? BILL #10

Mr. Legal Adviser: They are, but they require things like residence in a municipality for a year and such like things. In the case of some of these places, the whole operation may be so quick they might not have many people resident for the full period of time. You may have to change and you may have to deal with an ad hoc situation like Faro which could be an instant town, or Beaver Creek or something. You must have some flexibility.

Mr. Chairman: Clear? (Reads section 7, subsection (1))

Mr. Legal Adviser: A statutory date, Mr. Chairman. Certain things take place, nomination day and so forth, on the first Monday in August, or the first Monday in November or the first Monday in December or the first Monday in January. You may have to change these in order to get the election started. The result of that may be, in order to time the next election in tune with the other municipalities, there may be a shorter period of office or various things like that. You must use a certain amount of judgment.

Mr. Chairman: Clear? (Reads section 7, subsection (2))

Mr. Taylor: I have one question at this point, Mr. Chairman. In the old Ordinance, at this point, we got into dissolution. Is dissolution further on?

Mr. Legal Adviser: Yes, dissolution is further on, Mr. Chairman.

Mr. Chairman: Clear on section 7? (Reads section 8)

Mr. Taylor: Mr. Chairman, upon what are based these specific figures? For instance, over 300 people and you say a million dollars in assessment, it could become a village or the new concept, municipal district, which we haven't yet heard described. Why, in particular, 300? What is this based on?

Mr. Legal Adviser: It's based on a practical examination of the population of various places which might conceivably become municipalities or villages in the future. Possibly, the Council might wait and we could produce a list tomorrow, I think, of the assessable property in most of the places of the Territory. I think, maybe, this would possibly help out, to see, parallel, what the assessment is and what the population is, of every place in the Territory which could fit these figures.

Mr. Taylor: Yes, I would very much appreciate seeing such a list. Is this geared with the intent that ... as I say, I haven't yet got around to finding out what a municipal district is, but I clearly suspect what it is. Is it places like Teslin, Carmacks? Do you wish to make them all villages? Is this correct?

Mr. Legal Adviser: It's not that we wish to make them all villages. It's that we would like the situation to be such that if they meet these qualifications, they can become villages. We're not trying to make these places villages. It's just choosing a set of figures which will make it possible for some of them to become villages in the future or towns as the case might be.

Mr. Taylor: Has the Administration looked into the criteria for similar provision in the Ordinances outside, for instance the provinces, and is this in keeping with that criteria? Generally speaking?

Mr. Legal Adviser: Yes, Mr. Chairman, and the assessment figures are

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Mr. Legal Adviser continues ...

based on the amount of assessable property, taking account of the fact that Government property is not assessable. It's a practical assessment and the list was taken by the assessor on the property of these places.

Mr. Tanner: Mr. Chairman, I wonder if there has been any consideration given to, besides the assessment and the population, the area involved. I mean, three hundred people spread out over a vast area is not anything like three hundred people living in a small town. Is there any way that that has been correlated in this?

Mr. Legal Adviser: It is impossible to correlate the space, but I don't think there is any intention to artificially create municipal districts by taking a group of people spread over a couple hundred miles. If they are in some viable, reasonably well knit community, then it's possible for them to become a municipal district. But, of course, the level of services will be quite different from the level of services we expect in a city or town.

Mr. Chairman: Clear on section 8?

Mr. Taylor: Yes, we have information coming on that.

Mr. Chairman: I shall proceed. (Reads section 9, subsection (1))
From the Chair, it seems to me that it would be possible, then, with a population of only three hundred and fifty people to have a town status?

Mr. Legal Adviser: No, Mr. Chairman. Town status is five hundred to two thousand and five hundred. So, if a village moved up and was twenty percent above its correct designation, it would be made a town by the Commissioner. But the second section, of course, allows it to retain its former name.

Mr. Taylor: Well, Mr. Chairman, if, indeed, there is an area ... say that this place is a village or one of these new municipal districts, and the Commissioner decides that the population is up about twenty-five percent, so he makes a town or city out of this. This gives him the power to do so, notwithstanding whether the people of that municipality feel, maybe, that they should become a town or a city. Is this fair? Or does the Commissioner just walk out and issue an order not giving a darn what those guys think, that they will become a village or a city or a town or whatever.

Mr. Legal Adviser: The Commissioner must operate in accordance with the table which is in the previous section. This is laid down by this Council. If they agree with these figures, that's fine. If they don't agree with these figures, then they can produce different figures. There's no magic about the figures except they all in a double naught, a double zero. It's just, on advice, these figures have been used. They could be four hundred to two thousand and six hundred. There's no magic about them. It's just that we must produce some figures. They could be anything.

Mr. Taylor: The magic is in the Administration, Mr. Legal Adviser.

Mr. Chamberlist: If the Honourable Member wants to change it, can he come up with a suggestion?

Mr. Taylor: Well, once again, Mr. Chairman, I'm getting very tired of answering this question over and over and over again. I just would point out that the Honourable Member opposite has worked on this for months and months with his colleagues in respect to the preparation of this. As you note, we have found much wrong with it and we're only on page 4. I have had no consultation. I have been refused advisers. I have been told that municipal people can't come and discuss this with us. So, consequently, I can only answer the Honourable Member by saying I won't really know until I am provided with the information or an adviser.

Mr. Legal Adviser: Tomorrow, Mr. Chairman, we will circulate a list of

Mr. Legal Adviser continues ...
what our estimate is of all the centres that we know of and tie it in with the assessor's assessment of the property in these particular places. Then, a practical view can be taken as to how that particular section would work. I should say that there is no legal effect, other than the name, if a municipality changes from being a village to a town to a city. They all have the same legal powers to run their own affairs. It's just that the name is different.

Mr. Chairman: Clear? (Reads section 9, subsection (2))

Mr. Taylor: Just on that subsection (2), why? What is the reason for this subsection? Why should it be there?

Mr. Legal Adviser: Well, there are some names, such as the City of Dawson, which have acquired a certain sanctity in Canadian life and it would be a pity to call it the Village of Dawson when it would like to retain the name of the City of Dawson. We don't want to throw away our own history.

Mr. Taylor: Do we take it, then, that the City of Dawson, Mr. Chairman, is about to be reduced in status to a town or village?

Mr. Legal Adviser: Not so. It might come into the rank, so to speak. It might be reduced in rank from being a captain to being a lieutenant, but it still will be an officer.

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

Mr. Taylor: Now, before we continue. Does section 11 cover the people outside of the area to be taken into consideration in expansion?

Mr. Legal Adviser: No, Mr. Chairman. The terms of this were drafted to match the terms of the plebiscite which was held in Whitehorse in 1971.

Mr. Taylor: Mr. Chairman, we again come down to the problem. What we are talking about here now, if I read this correctly in section 10, "the Commissioner may, upon receipt of a petition from the council of a municipality, issue a proclamation altering the boundaries of that municipality ...". Alright, subsection (2) says that no petition requesting alteration of the boundaries of a municipality shall be granted until a plebiscite is held by a majority of persons who have resided within the boundaries of the area of the municipality and the proposed extension ... Oh yes, I see, and the proposed extension is in there. Yes, I missed that. Okay.

Mr. McKinnon: When the Commissioner issues the proclamation altering the boundaries of that municipality, what happens to the land included in the area which is proclaimed to be part of that municipality? Is there any transfer of the land ownership in any way?

Mr. Legal Adviser: It doesn't affect the ownership of land, Mr. Chairman. It just affects the jurisdiction by which they would be governed and taxed.

Mr. Chairman: Clear? (Reads section 11, paragraph (1)(f))

Mr. Tanner: Could I ask a question here? Is that entirely fair that you inflict upon the new municipality, the debts of the old area? Is that the only way it can be worked?

Mr. Legal Adviser: It's not the only way it can be worked, Mr. Chairman, but it's the convenient way of doing this. At a given date, say June 1st, there is a switch over. Taxes might be due from the previous financial year or previous year. The new municipality collects them as part of their own ongoing transition. They send out the bills and they add on arrears. But when they collect those arrears, they transfer them to the Territorial Government. It's the most convenient, because they have now set up in that area their collection machinery and their officers are dealing with them. But, in the financial settlement to be made at that time, account will be taken of the fact that some sums will be collected

Mr. Legal Adviser continues ...

by the new municipality which are owing to the Commissioner. It's a very much more convenient method of doing it.

Mr. Tanner: Mr. Chairman, is that necessarily required now, with regards to the City of Whitehorse in the amalgamated area?

Mr. Legal Adviser: Mr. Chairman, the Member has asked a very good question. But, I can also see he hasn't read the whole of the Ordinance. One of the last sections in the Ordinance applies this section to Whitehorse, with effect from June 1st of 1971, to make it clear that the law is this and has not changed.

Mr. Chairman: Clear? (Reads section 11, paragraphs (1)(g) and (1)(h))

Mr. Taylor: Why is the word "intent"? Should not the words "intent of the provisions of this section" be put in there?

Mr. Legal Adviser: There is not intent. It just says the provision of this section. It's a technical section and we may have to make a regulation as to the due payment date when the money is handed over to him from the City and so forth, a change of form. It's too detailed. This is just a section to tidy up details rather than to try to dream them all up in advance.

Mr. Chairman: Clear? (Reads sections 12, 13, and 14)

Mr. Tanner: Mr. Chairman, I was just wondering in both those instances where reference is made to one issue of a newspaper, is that sufficient? I would have thought at least and maybe, even as many as three. If, for some reason, there is something going on in the area in which the proclamation is going to be circulated, it may well be that a number of people are going to miss it. I think you should give them a chance to take a look at it, too.

Mr. Taylor: Mr. Chairman, I looked at that earlier when we were back a ways and I noticed in the existing Ordinance, we just called for publication in one issue of the Yukon Gazette and in one issue of a newspaper published and circulating in a municipality. I would tend to agree that maybe it should be more than one printing. There are two papers a week here, I think, in Whitehorse and there is one weekly paper. At least you would get more or less a week's run at it.

Mr. Legal Adviser: I think it would be a better idea, Mr. Chairman, to suggest that it goes in at least one, or else that it be in two successive weeks. You lose your effect if you publish it on Monday and Thursday because a person who misses a Monday is liable to be away for the week anyway. In at least one issue, or ...

Mr. Taylor: Yes, and why do we not retain the provision of publishing these proclamations and so forth, and very important proclamations, in the Yukon Gazette.

Mr. Legal Adviser: The Gazette is just the same paper with an extra inch of space to call it the Yukon Gazette. The Yukon Gazette is, in fact, the newspaper in which it is published with the title "Yukon Gazette" at the top and the crest and so forth.

Mr. Tanner: Mr. Chairman, that's not the point at all. Come on now. I think the Legal Adviser is giving poor advice. It has to be published in the Yukon Gazette, irrespective of where the Yukon Gazette is published. It should be published in the Yukon Gazette, and that should either read that, or read it should be published in a newspaper at least once.

Mr. Legal Adviser: It's the same thing, only costs more money.

Mr. Tanner: It doesn't matter what it costs. You have a legal obligation, surely, to publish something like that in the Yukon Gazette.

Mr. Legal Adviser: The reason the Gazette is used in the provinces

Mr. Legal Adviser continues ...

and Canada, is that they in fact, do publish an official Gazette by the Queen's Printer which is a matter of record and filed away. We publish a Gazette but we use a newspaper for the purpose and it's filed away in a different sense. It's only a question of words really, but, I try to get rid of the words "Yukon Gazette" when I can because in an instance or two the newspaper made a mistake and published advertisements without the crest and it was held by a court that it hadn't been published at all, although everybody had been reading it for weeks. There you have the answer you see. We want to block off people who take advantage of accidental slips for their own personal advantage.

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Mr. Chamberlist: This is where I'm with everybody here. What is written in these Ordinances applies. There is a requirement to publish in the Yukon Gazette and this is what happened. I agree with it.

Mr. Taylor: Yes, Mr. Chairman; that was my point. The Yukon Gazette, in the Interpretation Ordinance, among others, means the Yukon official Gazette, and as far as I'm concerned, this still remains in our consolidation. I say beans to administrative convenience. Let's keep the thing where it belongs and let's do it properly.

Mr. Chamberlist: I'm with you Don; I'm with you.

Mr. Legal Adviser: Okay, we'll change it, Mr. Chairman. We bow to superior force.

Mr. Chairman: Clear? (Reads section 15, subsection (1))

Mr. Chamberlist: Now, this is where I would like to have this corrected. I'm in error for not pointing this out. The existing section in the Municipal Ordinance says the Commissioner may, by order published in the Yukon Gazette. I think we should stay with what the legislation has already indicated as far as publication is concerned. We'll take a look at that particular section.

Mr. Chairman: (Reads 15(2)(3))

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Mr. Taylor: Why did you add the words, "imposed by the Commissioner"?

Mr. Legal Adviser: When the municipality is dissolved it then becomes an unorganized area and must follow the provisions of the Taxation Ordinance relating to unorganized areas and not municipalities so it just falls into line.

Mr. Taylor: What you used to say was that the taxes imposed under the Yukon Taxation Ordinance and now you say taxes imposed by the Commissioner under the Taxation Ordinance. Why the words "by the Commissioner"?

Mr. Legal Adviser: In the Taxation Ordinance, Mr. Chairman, we use the expression, "taxing authority" and the taxing authority in the Taxation Ordinance is being defined as being the Commissioner.

Mr. Chamberlist: Mr. Chairman, the new Taxation Ordinance defines the taxing authority. Now, the taxing authority may be a municipality and it may be the Territorial Government so in this area we say, "the Commissioner".

Mr. Chairman: (Reads 15(4))

Mr. Taylor: It said in the old Ordinance, "real and personal property", and in the section now you just say "all real property" and leave personal property out of it. I am just noting the difference between the old and new Ordinance.

Mr. Chairman: (Reads 15(5)(6),16(1))

Mr. Chamberlist: Mr. Chairman, I just want to clarify that the main point is anything that is done by proclamation where the words used are "by proclamation" must be possessive, this is what is indicated in this Legislation.

Mr. Commissioner: Mr. Chairman, with respect, perhaps it would be possible for the consideration to be given for a section to be inserted later on in the Ordinance which would take care of all these particular things, put all these points into one little package.

Mr. Taylor: Mr. Chairman in section 16(1) again it says that the Commissioner basically upon receipt of the petition proclaims that a municipality is no longer incorporated as a city but is incorporated as a town or village. What happens if it is a village and they by petition decide they no longer will be a village, why is this not provided as can resolve the municipality period?

Mr. McKinnon: I understand 16, why is it necessary?

Mr. Legal Adviser: A good question, I'm not sure that it is necessary at all because I can't see the vanity of people involved moving the bill down from being a city to a village when it has no legal effect. It saves them nothing out of their pockets. It is merely a changing of name which means repainting the road sign.

Mr. McKinnon: You have a formula and everything worked out under section 8 and then, "The type of municipality to be established shall be in accordance with the following table", and then "Upon receipt of a petition signed by a majority of electors of a city," just for the sake of a change of name following no formula. I think we are just getting into a mix up for no reason whatsoever.

Mr. Legal Adviser: We can take a look at it, I'm not satisfied it is essential there in case people want to use the section.

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Mr. Chairman: Clear? (Reads 16(2)(3))

Mr. Stutter: Will you resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: Are you ready to proceed with Part Two? (Reads 17(1))

Mr. Legal Adviser: That gives the standard powers of a normal company to deal with affairs. A standard section, you have met it before in the Crown Corporation.

Mr. Chairman: (Reads 17(2)(3)) Which, five thousand dollars, five thousand people, or five thousand population?

Mr. Chamberlist: A population of five thousand dollars?

Mr. Stutter: Mr. Chairman, the point that I was raising is that the present set up of municipalities is three alderman. Dawson has three alderman; will we get a fourth alderman now?

Mr. Chairman: This raises the same question. Five thousand dogs, a population of five thousand rabbits, moose, caraboo or what?

Mr. Legal Adviser: The word "population" comes from the Latin word, meaning people. When you say a population of five thousand, you mean, five thousand people. You couldn't have a population of five thousand dogs, it would be a "canopulation".

Mr. Chairman: You haven't been to Watson Lake lately.

Mr. McKinnon: Seriously, why is the Territorial Council concerned with the number of aldermen within, a village, town or municipality. I mean if a city council wants to have two aldermen, they feel that they can do the job better, no matter the population, what's wrong with that being their decision? If they want to have fifteen and take funds accordingly, I'm sure that they will all be thrown out at the next election for over-governing, municipality, town or village. Really, why should the Territorial Government be that concerned with the numbers. As the Honourable Member from Dawson says Dawson has traditionally got three; why give them another alderman if they don't want him and let them continue to have three aldermen.

Mr. Stutter: Mr. Chairman, under the old Ordinance it states quite clearly that subject to this Ordinance, the council of a city shall consist of a mayor and three aldermen and then one more aldermen for each additional thousand. Well presently in Dawson, we have three aldermen under the old Ordinance. My question awhile ago was, once this Ordinance is accepted does it mean that Dawson is going to have a fourth alderman and when will that alderman be elected?

Mr. Legal Adviser: There are very serious reasons for the changes, Mr. Chairman. It was considered for quite a period, and the first reason is that you want to make an attempt to have an odd number of people at the meeting to avoid the mayor having to be given a casting vote or to use it because you want an odd number so that you get a decision. There are other sections in the Ordinance which we will come to that will say how a resolution is to be decided and what is to be the effect of a person attempting to abstain from casting his vote. So the result is you are thrown into a mechanical situation where you have either got to have five, seven, nine rather than three, four, five, six, seven, eight, nine so the table becomes useless to you.

Mr. Chamberlist: Also, there is another point Mr. Chairman in looking

Mr. Chamberlist continues ...
into this and dealing with this and giving the municipalities the opportunity to have their input into the Ordinance itself. The Village of Faro pointed out the difficulties under which they were suffering with just three aldermen. It was specifically because of that that it was increased.

Mr. Tanner: Mr. Chairman, it seems the explanation ... who is the Chairman? It's getting confusing' with so much reading and so many people being Chairman... Under the explanation that the Legal Adviser just gave, surely, his explanation would be more consistent if he had three instead of four if I understood what the Legal Adviser said. Surely what you wanted to do was to say that the decision wouldn't have to go to the Chair, whereas, in this where you have four, the decisions are always going to go to the Chair because they are split down the middle.

Mr. Legal Adviser: At least you get a decision. The odd person out will not necessarily be the mayor; there are other people that can be odd at a meeting besides mayors.

Mr. McKinnon: The question that I still ask and that I still haven't received an answer for is why does the Territorial Government set the number of aldermen in the Municipal Ordinance. Why shouldn't it be a decision of the Municipal Council?

Mr. Legal Adviser: Salary wise.

Mr. McKinnon: It doesn't matter they are going to have raise the money by taxation, if they want to pay fifteen aldermen. The people who are electing them are going say that is way to expensive for our taste, good-bye guys at the next election.

Mr. Legal Adviser: There are no overwhelming reasons as to why, Mr. Chairman, the Territorial Council should set the number of aldermen but having once embarked on the field then it should make an attempt to be rational in setting the number and to limit it to the smallest number possible who are drawing salary who will give efficient government to the unit concerned.

Mr. McKinnon: It is definitely a question I will ask the municipal representatives because ...

Mr. Chairman: Councillor Stutter.

Mr. Stutter: Mr. Chairman, I wonder if I could get a definite answer to a question? Once we accept this Ordinance does it mean that Dawson will have to have four aldermen? I wonder how we are going to get the fourth one then. In the last election all four of them went in by acclamation.

Mr. Chamberlist: We will deal with that, Mr. Chairman when the need arises.

Mr. Chairman: From the Chair, I would like to hear these great wizards answer that question.

Mr. Chamberlist: It is quite simple; if there is not sufficient public spirited citizens in Dawson City to fulfill the functions of an elected Council there is provision in the Ordinance for the appointment of an administrator. If this is what they want then perhaps this is what we will have to do but I am sure that there are people in Dawson who will.

Mr. Chairman: Anything further on 17? (Reads 18(1),19(1),20(1),21(1)) Does this mean that he can't take an oath before a Notary Public, for instance?

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Mr. Legal Adviser: He's not on the list. It is to try and make it a formal thing to an official.

Mr. Chairman: (Reads 22(1),23(1),24(1))

Mr. Tanner: Mr. Chairman, first of all there is a typing error that should be a "g" in meetins. What concerns me here is that the councils in this area can call a committee meeting consistently and have all meetings in camera. I think the press should not be excluded from this type of meetings unless there is something very special. Only perhaps when the council wants to meet informally with each other, but otherwise these meetings should all be in public.

Mr. Legal Adviser: There is merit in what the Councillor says, but I'd ask him to draft a section which would reproduce this because we would find it impossible to draft a section.

Mr. Chamberlist: Mr. Chairman, a point that has been raised and that I have given some consideration to since we have prepared this Legislation because a certain area that is not made clear. It appears that the interpretation of the local municipality here is that when we talk about when council is meeting in committee that this also means that when council is meeting on a normal day and to discuss a bylaw in a manner that we are sitting around discussing now that they go into Committee of a Whole, they have a habit of excluding the public because they have interpreted that this is a committee meeting and therefore they exclude the public while they are discussing the bylaw and will not allow the public to hear what is taking place during the discussion of this bylaw. I want to make this clear that this is not the intent of the Legislation; the intent is only where a committee meeting is called if the bylaws are set up on an alternate week or every second week but that committee meeting then happens to be in private because it is a private committee meeting. When, during the course of a public meeting, the council resolves itself into a Committee of the Whole for the purpose of either discussing a particular bylaw that is before the council, this is public. Now, Mr. Legal Adviser I would suggest that, and to Members... this section so that we can clarify this if other Members agree with me on this particular point that this be made quite clear, that when council has their regular meeting and they move into Committee of the Whole for the purpose of discussion of something that takes place in that meeting in the manner that we work now, this the public is entitled to hear and this is not the intention of having it.

Mr. McKinnon: Mr. Chairman, all that has to be done is that other than Committee meetings be excluded from the clause. It would read every council shall hold its meetings openly, and no person shall be excluded from any open meeting except for improper conduct and it naturally falls when they resolve into Committee of the Whole. It's still part of the council meeting, and there is no way that the public or press should be able to be excluded. It leaves ample opportunity if anybody wants to say, let's go down to the caucus meeting, and the mayor says come on down to my office, we are going to have a private meeting because we are discussing somebody's work with the city or with something private. It's perfectly all right for them if they are going to do that. Anybody can go and do it all the time; it's their prerogative. But, if the section reads every council shall hold its meetings openly and no person shall be excluded from any open meeting except for improper conduct, I can't see how it doesn't fit in with the line of the regular orderly and open meetings. It also gives the opportunity for any councillor at any time to discuss something in private, they can go to it, they can call a caucus; they can call it a private meeting in the mayor's office. It doesn't matter what they want to call it.

Mr. Legal Adviser: You can evade the spirit of the section by merely having something which you don't call a meeting or you adjourn from the council chambers and go down to the Mayor's office and have a cup of coffee and you still carry on just the same. All that you are attempting to do is say that in what you might call Committee of the Whole held in the council chambers, the public must not be excluded during the course of the meeting. There has been a certain amount of mitigation over this type of thing. It was recently held in Saskatchewan that there was no objection whatsoever to, I think it was a school board or a rural council which were in the process of expropriating a farm for the purpose of building a high school, and they held a series of committee meetings, heard all the witnesses in extended form, for and against at closed meetings, closed to the press and closed to the people whose land was about to be expropriated. Then after two weeks of meetings, they held a five minute meeting at nine o'clock at night. A council meeting heard the person whose land was being expropriated briefly and then disregarded him and expropriated the land. The courts held that this was perfectly regular because they had held their statutory meeting to cast their vote in public. It is very difficult to legislate to stop people doing something they really want to do. There is not going to be a policeman standing there in the council chambers saying to them that they can do this, they can't do that.

Mr. Chamberlist: Well, Mr. Chairman, Mr. Legal Adviser has missed the point with respect that I am making. I am not saying that the municipalities should not have the right to hold meetings in committee. What I am saying is, that when council, municipal council is sitting at a normal council meeting, and as a result of something occurring at that council meeting such as the discussion of bylaws or where something is moved by formal motion of the council who is sitting at that time into Committee of the Whole for discussion at that time they are then dealing with in fact, with the matter that is before the council at that time. They have not nor do they have the power to exclude people from, this is under parliamentary procedure. They do not have the power to exclude people from the Committee of the Whole, because if this were the case, we would not be discussing openly what we are doing now. It raises the question as to remarks that have been passed by a number of times by one or two members of the Whitehorse City Council that they operate in a more democratic manner than the Territorial Council. Now, we are democratic in this instance and strongly once more because we are allowing this, and we recognize this. I am sure that all Members of Council want to see this happen. When the press is excluded, the press is the voice of the people in some areas. Sometimes their voices are very low and very distorted, but nevertheless, they are the voice of the people. They should be allowed to indicate

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Mr. Chamberlist continues ...
what takes place during a regular meeting of the municipal council. If this is not the intent now, Mr. Chairman, if Mr. Legal Adviser considers that this is not the intent, this is my personal intention to see that this kind of thing is taken care of, and this is why I suggest that it is for the willingness of Committee that we tighten this up to an extent to allow the people that some Honourable Members speak about most strongly from having the opportunity to be there and listen to what is going on.

Mr. Legal Adviser: I am trying to draft something too far. We may have to define what Committee of the Whole is and so on. We make an attempt.

Mr. Chairman: Just from the Chair, I was going to point out that generally I don't know if the municipalities follow Beauchesne necessarily possibly the Roberts Rules of Order, but generally in Beauchesne, the only time that a closed secret session is held is things such as the conduct of a member, or something pertaining to the House itself or Wartime Measures Act.

Mr. Chairman: Well, then are we clear on this for the moment, and this is for reconsideration? (Reads section 25). Clear? (Reads sections 26, 27).

Mr. Stutter: Mr. Chairman, may I ask why it specifically states all members in some instances. You know, members of council are absent in the summertime or at holiday season, does this actually mean all available members?

Mr. Chamberlist: Oh, I think the word "that" should be "who are present".

Mr. Tanner: Mr. Legal Adviser could you advise me on the problem that I have here, it is just that two Members of Council could solicit.

Mr. Legal Adviser: Solicit?

Mr. Tanner: Two members of council can require that a meeting be called. In the case of Dawson for example with four Members would they not have a quorum then with two members of council and could run the meeting without reference to the two members?

Mr. Legal Adviser: At a special meeting, I suppose they could but if they are a quorum they should be able to call a meeting, a special meeting. Are they a quorum? You see, you have four members and a Mayor, that is five members on the new Dawson City Council, not four.

Mr. Chairman: Clear? (Reads sections 28, 29(1)). This is notwithstanding a quorum?

Mr. Legal Adviser: They can't have a meeting without a quorum.

Mr. Chairman: (Reads subsection 29(2) (3)).

Mr. Stutter: Subsection 29(2), I know it is one particular section that the members of the Dawson Council did want clarified. They took it to mean that with the additional alderman now, the situation no longer will exist, but they did take it to mean that any vote that was on a tie-breaker was automatically negative. In fact it states that here, but with an additional alderman, I take it that this won't happen, or shouldn't.

Mr. Legal Adviser: It won't happen too often. There is no complete cure for this. In subsection (3) it is provided that if a person is present and abstains he is deemed to have voted in the affirmative, that is for the motion. But, in certain cases he must abstain and he must abstain by leaving the room where the transaction takes place. He can't stay, but he is disqualified from voting. He cannot stay

Mr. Legal Adviser continues ...

and be present and influence the meeting by his awe-inspiring presence. *BILL #10*
He must go.

Mr. Chamberlist: If he leaves there, he is not there. This happens in many municipalities. Supposing for instance a person is involved in a contract with a municipality via a shareholding in a specific company. So as to not get involved in the vote, what he does, he gets up from his chair and goes to the public gallery. He leaves the chamber. Then the vote takes place; after the vote has taken place then he can move back. He hasn't abstained because he hasn't been in the room. This is the way that it has been dealt with in previous areas.

Mr. Chairman: Just from the Chair, I might say that I certainly do not agree with subsection 29(3), deeming him to have voted in the affirmative. I couldn't buy that.

Mrs. Watson: Well, then what would the Honourable Member suggest then?

Mr. Chairman: I would suggest that you delete subsection (3).

Mr. Legal Adviser: There is no question, any suggestion from the House will be welcome. A lot of thought has gone into this, the intent being that there are members of council who continually abstain, and will not face up to their responsibilities. They will allow, it is a very small body, they will allow the other aldermen to take the politically unpopular decisions time without number. By abstaining they know that the vote will be carried but they afterwards have the benefit of both works. The motion will have gone through but they can say, I didn't do it.

Mr. Stutter: Mr. Chairman, this clause if it is left in just provides an absolute beautiful out. If I am sitting at or on a city council, and I am involved in a contract, I can make it look like I am a great fellow by abstaining from the voting and yet I have voted positive according to the words of this. I have voted in favour of my contract.

Mr. Legal Adviser: In that particular situation you must leave the room, because other provisions make it an offence to be there when you have an interest in it.

Mr. Stutter: Well, then I think that this particular clause should at least be clarified, because as I say, it is just a wonderful out at the moment.

Mr. Chairman: I feel that it should be deleted, just from the Chair. I could never accept it. Why not say voted in the negative.

Mr. Stutter: That could be just as detrimental, Mr. Chairman.

Mr. McKinnon: I think that it's really an attempt to be a little bit patronizing to the senior government, because you are saying that we are going to force you into voting. If the person wants to suffer the political consequences, and feels that he can make political hay out of abstaining, then it is up to his colleagues or the public to ferret him out and find out just what he is doing, either make political hay or to make himself look like some kind of a ... but, I don't think that it should be the senior government position to force that man into a vote if that is the way he wants to play it. Certainly it's his colleagues and the public's duty to get rid of him not the senior government to force him into it.

Mr. Legal Adviser: Maybe the sensible thing to do is take another look at it and see what the council members themselves think of it. The advisors might be able to advise when they attend, but it refers slightly to section 27, and it was mentioned by one of the Honourable Members ... to object to it and no business other than that stated in the notice shall be transacted at that meeting. I have had a look at it, and the purpose of that provision is, that when

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Mr. Legal Adviser continues ...

a special notice is called sometimes not in the council chambers, to be called anywhere at short notice, the notice must state what the special business is. Some members may refrain from going to the meeting knowing what the business is about. It is unfair then to transact other business not on the agenda at a special meeting in the absence of a member.

Mr. Chamberlist: That is difficult Mr. Chairman, because I see the point that is being made. You might have a member of the council who is away on holidays or is sick in hospital. You know, these circumstances might well arise. Does this mean that the municipal council has got to stop carrying out its business of governing the municipality.

Mr. Legal Adviser: No, you see, this is a special meeting, not an ordinary meeting. It is a special meeting with a specially circulated agenda for the purpose, so some members may not be there because they know exactly what the business is. They will be taken by surprise if out of a council of six members or seven members, four of them turn up and they can suddenly add anything they like to the agenda and transact special business without any notice to anybody. This is unfair. There must be some way to block it.

Mr. Chamberlist: I see the point, but ... this is quite true and I see the point. But, what about the cases where a member of a municipal council is legitimately away on holiday and legitimately sick. There is no provision in there for that.

Mr. Legal Adviser: There is, because it is a special meeting of the council, and a special agenda is circulated. He is not there. They can legitimately transact all the business in the notice that is given, but they can't add extra business like that.

Mr. Stutter: Mr. Chairman, there is just one thing I would like to add or point out at this point; I know that the Dawson City Council actually has a special meeting two or three times a month. All special meetings are treated as normal meetings. They just carry on general business. They just cannot handle the general business of the town at one meeting a month. They are called special meetings but they are still general meetings. There is nothing specified as to what will be discussed at those special meetings.

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Mr. Legal Adviser: I think they would be better off to adjourn their main meeting from one week to the next rather than make them special meetings, so that they limit themselves. Of course, who knows what meetings take place whenever two Councillors meet on the street.

Mr. Chamberlist: Well, with respect, 26(1) says Council shall hold at least one meeting each month. It doesn't mean they can't hold ten meetings a month if they want to. Why do they call them special meetings? They don't have to call special meetings if they are conducting normal business. Once they do call a special meeting, they have to lay out an agenda and they can't depart from the agenda, unless all members are present and they agree to departing from the agenda by adding to it or subtracting from it.

Mr. Chairman: Yes, they should have provision to have special meetings to discuss special circumstances without going through all this rigamarole of having to give twenty-four hour notice.

Mr. Chamberlist: Oh yes, they have to give notice. I wouldn't like to have a municipality having a special meeting, discussing affairs that I might be involved in which I want to put some input in, without notice.

Mr. Chairman: Well, again from the Chair, I would like to see the deletion of subsection 3. Has anyone else anything to add? (Reads section 30(1)(2).) Why shouldn't they be able to set their own salaries? Why should we be telling them?

Mr. Legal Adviser: We've always told them. The maximums have always been set since the first Municipal Ordinance.

Mr. McKinnon: Why should it be? Why the number of aldermen?

Mr. Legal Adviser: Well, its like any other question of why have any control. Its just a maximum, they don't have to go up to there.

Mrs. Watson: Mr. Chairman, don't you feel that we should be protecting the people in the municipalities to a certain degree? If you had a mayor and aldermen and the mayor decided to pay himself twenty thousand and the aldermen fifteen thousand, the people could do nothing until the next election.

Mr. McKinnon: That's exactly what they have to do in the Territorial Government.

Mrs. Watson: I think we would be usurping our duty as a senior government by not setting the maximums.

Mr. Chamberlist: Mr. Chairman, you know its customary to have city councils as trustees of public funds. Now, I'm going to read you a few lines from a judgement that was made and I knew that something like this was going to come up and in a judgement that was recently made with reference to some litigation dealing with a municipality. One of the B. C. Supreme Court judges said this: "It is customary to have city councils as trustees of public funds accountable to the public for the manner in which they have husbanded the finances available to them and provided by the public.

Mr. Chamberlist continued.....

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A government must ensure that both the public and the municipal councils understand the rules under which such accounting must be carried out." This is where we have a responsibility as a government, to lay down those particular rules.

Mr. Chairman: Oh yes, from the Chair, that doesn't indicate.....they may set down the rules but, the elected people set their salaries.

Mr. McKinnon: If the Honourable Member remembers the good old days when Council used to get together in caucus to fight those other guys up there and try and bring some responsible institution to the people of the Yukon Territory, one of the areas in which we all agreed was one of the responsible areas we should be moving into the same as any other responsible provincial-type legislature across the North American continent, was to be allowed to set our own indemnities with the concept being that if we were going to go hog wild and declare our indemnities to be forty grand a year or twenty thousand dollars for Executive Committee Members, the public would get so mad that they would sign their ballot in the proper place at the next election and get rid of the people who were costing them these exorbitant sums of money to be in government. I can't see the difference in the argument being put to the municipal council. Are they any less responsible; any less elected; any less protectors of the public purse than the members of the Territorial Legislative Chambers. I say no, give them their head and let them set their indemnities and if they go and escalate their indemnities to a point where the public won't stand it, let the public get rid of them. But, certainly this responsible body which through many representations to the senior government, finally got the ability to set their own indemnities, should give this same ability to the junior government which I proclaim, Mr. Chairman, are every bit as responsible and every bit as able to do it as we are here at this table.

Mr. Chamberlist: Well, Mr. Chairman, I've been through every piece of municipal legislation in every province, including the Northwest Territories and there isn't one jurisdiction that gives a municipality the particular power that is being asked for. Now the suggestion is being made and is always being made, that we should examine the other jurisdictions in Canada and come into line. Now perhaps I'm wrong; perhaps there's some area where they can and do; and if this is pointed out, perhaps we can take a look at it. But I don't think this is so and I feel that we have a responsibility to say to the municipality just how and to what extent they may spend the municipality's money. Now, I find nothing wrong with that and this is why I feel that this is very very liberal in that amount that they can set for themselves. Now there is a letter on file from a municipality when they were asking for increases to be able to increase their salaries and they said, if I recall it, "because we have asked for this increase, it doesn't mean to say that the municipality would be voting this maximum increase". And when the amendment was made to increase the maximum to give it to them, immediately this was done, they got the maximum. Now, we have to have some sort of power to say to them that this is the maximum that you can go and that's all. Now, if for some particular reason and it may well be at some later date, the municipality may say to the Territorial Government, that we feel or we wish to have this extended to such a position, I see no reason why at that time, it cannot be given. But, we should retain this particular power at this time.

Mr. McKinnon: Mr. Chairman, I am not going to accept the Honourable Member's remarks that we should always look to what happens in other jurisdictions because I've said it many times in this Chamber, I am getting sick to my stomach of hearing "It always happens to other jurisdictions." I want the Yukon to be doing something fresh and unique in government policy. Every time we bring up a policy that is just a little bit different than accepted procedure anywhere across the country, this is the argument that gets thrown into our face over and over and over again. "Well they do it this way in the other jurisdictions so this is the way we

Mr. McKinnon continued....

have to do it in the Yukon." I think they're wrong in the rest of the country in a lot of areas and for the Yukon just to follow like a sheep, blindly along, just because its done in other jurisdictions, just isn't good enough for the people of the Yukon Territory. We should be doing things that are different in government; things that are unique in government and certainly giving the municipal councils their heads to set their own indemnities, I think, is different than other areas and provincial and municipal jurisdictions and one which I agree to.

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Mr. Chamberlist: Well, Mr. Chairman, the Honourable Member knows full well that I have always taken the tack that where we can produce legislation which is of greater benefit than that legislation of other jurisdictions, I take the lead in making sure that this happens and we have much legislation where we have not taken into consideration the fact that it exist elsewhere. But here is the specific area where it is a function of government to make sure that the public purse in the municipality is protected and there are certain guidelines for municipalities to conduct themselves in. At some future date perhaps, this may be fine, but I still say that now we should leave well enough alone.

Mr. Tanner: Mr. Chairman, could I ask a question of the Legal Adviser? In the second section of 32, does that exempt an alderman, because its an expense from paying income tax or what benefit is there putting it that way?

Mr. Legal Adviser: It appears to provide an acceptable argument with the Income Tax Department so I would hesitate to change the amount. It has been worthwhile in the past and hopefully it will continue to work in the future. Now, as far as the list of salaries is concerned, its an artificial list that has been compiled by senior government. Its impossible to defend it on principle except that the government's afraid not to have the list; that's all. If the House votes it down, that's it. Its just a caution, its not patronizing, its always been there, it's a protection and there's no principle behind it except control by senior government of the expenditure of the citizens' money.

Mrs. Watson: Mr. Chairman, don't you think it helps in the case when we have potential candidates running for election to city council, don't you think its well that they have an idea what they think the stipend could possibly be if they accept or are fortunate enough to get a position. Sometime running as an alderman takes a lot of time and the man suffers personally or financially and if he knows that his stipend will be an approximate amount, it might well assist him in making up his mind to go as a candidate.

Mr. Chamberlist: There's another point that's very interesting that should be noted. We are being much more considerate in this piece of legislation than the legislation showed consideration to members of the Territorial Council when, in 32, we indicated a third of the amount of money can be almost tax free so that the mayor with seventy-five hundred dollars, he has two thousand five hundred dollars tax free and no member of this legislature here gets that privilege.

Mr. McKinnon: Well, I refuse to buy the argument that the indemnity has anything to do with the calibre or the lack of calibre that will give their names up to office. I state emphatically that I think that we had a lot better Councils around this Table when the maximum was five thousand dollars a year.

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

Mr. Tanner: I'll second the motion.

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

*MOTION
CARRIED*

MOTION CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:30 a.m. to discuss Public Bills. I can report progress on Bill No. 9. Committee recessed at 12:00 noon and reconvened at 2:05 p.m. I can report progress on Bill No. 10. Moved by Councillor Stutter, seconded by Councillor Tanner that the Speaker do now resume the Chair. This motion carried.

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

Mr. Taylor: I believe it is the intention of Committee to continue the discussion on Bills and Sessional Papers.

Mr. Speaker: May I have your further pleasure?

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

Mr. Stutter: I'll second the motion.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse North, seconded by the Honourable 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: The House stands adjourned until 10:00 a.m. tomorrow morning.

ADJOURNED

ADJOURNED

Mr. Speaker reads the daily prayer. All Councillors are present.

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

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. 1.

*TABLING OF
LEGISLATIVE
RETURN 1*

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

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 16, the Conflict of Laws (Traffic Accidents) Ordinance be introduced.

*BILL #16
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 17, An Ordinance to Amend the Landlord and Tenant Ordinance, be introduced.

*BILL #17
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

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

*BILL #18
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 21, An Ordinance to Amend the Transport Public Utilities Ordinance, be introduced.

*BILL #21
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 22, the Alaska Highway Maintenance Ordinance, 1972, be introduced.

*BILL #22
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

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

Mr. Tanner: Mr. Speaker, I have a Notice of Motion, this morning, moved by myself, seconded by Councillor Stutter, concerning a public question period.

MOTION #6

Mr. Speaker: Are there any further Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? As there are no Notices of Motion for the Production of Papers, we come to Motion No. 5. It has been moved by Councillor Taylor, seconded by Councillor McKinnon, that Sessional Papers Nos. 4 and 5 be discussed in Committee of the Whole. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION #5

MOTION CARRIED

*MOTION
CARRIED*

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

RECESS

RECESS

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

*QUESTION RE
L.P.R.T.,
ROSS RIVER
TELESTAT,
TESLIN*

Mr. Taylor: Yes, Mr. Speaker. I have a written question this morning. The Administration is respectfully requested to communicate with the Canadian Broadcasting Corporation in order to determine installation dates for an L.P.R. facility for Ross River and a Telestat ground receiving station for Teslin.

Mr. Speaker: I think you had better repeat the question.

Mr. Taylor: As to the installation dates for the L.P.R.T. facility for Ross River and the Telestat ground receiving station for Teslin.

Mr. Chamberlist: That was a written question.

Mr. Speaker: Yes, but I didn't hear the question.

*QUESTION RE
HIRING
PRACTICES
LEGISLATION*

Mr. Taylor: I have a further question, Mr. Speaker. At the last Session, or the last two Sessions for that matter, we were talking about trying to protect the Yukon workmen through legislation respecting hiring practices in the Yukon. I'm wondering if Mr. Commissioner could advise Council this morning as to whether or not legislation will be forthcoming at this Session.

Mr. Commissioner: Mr. Speaker, the answer is in the negative. The question of total labour legislation for the Territory is under study at the present time, but it certainly will not be available for this Session of Council.

*QUESTION RE
MOTION #2*

Mr. Taylor: Mr. Speaker, I have a further question. A couple of days ago, the House passed a motion, Motion No. 2, respecting the furnishings of Council. I'm wondering if the Administration could advise me as to why this motion has not been given effect to.

Mr. Commissioner: Well, Mr. Speaker, I think it is up to the Speaker and the Members of the House to do whatever they want with their furniture.

Mr. Speaker: Well, the motion wasn't addressed to anyone in particular. Perhaps, if you wish to rephrase the motion and introduce it again ...

Mr. Taylor: Mr. Speaker, there is no need for it. This is the decision of this House and all parties concerned are to give effect to the motion which is a decision of the House.

Mr. Speaker: Well, I think decorum is a province of the Speaker, is it not? And decor is part of decorum.

Mr. Taylor: Mr. Speaker works at the direction of the House, with respect, Mr. Speaker.

Mr. Chamberlist: Point of privilege, Mr. Speaker. I think that Mr. Speaker has indicated that if the motion had been directed to him, he would have been able to act upon it. There was an error in the motion not being directed. As the Honourable Member from Watson Lake has indicated, Mr. Speaker, the Speaker of the House is the responsible officer of the House. I would suggest that the Honourable Member make his motion again, directing it to the Speaker, and then he can act upon it in that particular manner.

Mr. Taylor: Well, Mr. Speaker, there is no necessity for doing such a thing. The decision of the House has been made clear in this matter, and it is a true test of the rights of this Legislature. If it is not acted upon, then this Legislature has no rights and therefore, should be dissolved at the earliest possible moment. If, indeed, the Administration wished to give effect to this motion, then we might assume that this Legislature does have rights. This is the decision of this House. The direction has gone to the Administration, and there is nothing further to be said on the matter. The results will tell the tale.

Mr. Speaker: The direction has gone to no one. There was no direction.

Mr. McKinnon: Aw, Mr. Speaker, I'm going to rise on a point of privilege. Certainly, there is no reason to use this issue to get into this type of argument. It's just not important enough. The motion read that Council's original green leather chairs should be returned to the Council Chambers forthwith. Now, what could be clearer than that? If the Administration doesn't act upon motions of this House that are as clear as that, then I have to agree with the Honourable Member that they are just paying no attention to the Members' wishes at all. The issue just isn't important enough to either get into a parliamentary wrangle or procedure over. Certainly, if we're going to fight an issue on the rights of this House, it will have to be an important issue. But, the House has clearly spoken by a majority vote its desired wishes. They felt that the other furnishings which were in this House were more comfortable and wanted them returned. To say that there is no clear direction of the House in this matter, Mr. Speaker, is just not correct. There is very clear direction and the wishes of Council in this matter should be abided by. I'm not going to get into any more of a wrangle on it, but, I just have to say that the direction is absolutely clear. The motion is clear. The wishes of the House should, certainly, be followed in this matter.

Mr. Speaker: Well, I concur with the Honourable Member that this issue is really not that important. Shall we proceed to another question.

Mr. Taylor: I have one further question this morning, Mr. Speaker, respecting preference for local contractors. I'm wondering if the Administration has done anything in this area in preparation for this Session.

*QUESTION RE
LOCAL
CONTRACTORS*

Mr. Commissioner: Mr. Speaker, the answer is in the negative. A similar question was asked by Councillor McKinnon a few days ago. Mr. Speaker, no further work has been done on this by the Administration.

Mr. Tanner: Mr. Speaker, I have a question this morning for the Minister of Health, Welfare and Rehabilitation. Would the Minister indicate to the House when the Aid to Municipalities Ordinance will be brought down.

*QUESTION RE
MUNICIPAL
AID*

Mr. Chamberlist: The answer to the question is the same as yesterday; as soon as it is ready for tabling, it will be brought in.

Mr. Tanner: Mr. Speaker, I have another question for the same Honourable Member. Have children at the Wolf Creek Juvenile Detention Camp been confined for periods of up to thirty days in solitary confinement?

*QUESTION RE
SOLITARY
CONFINEMENT*

Mr. Chamberlist: I can indicate that answer immediately. The answer is no.

Mr. McKinnon: Mr. Speaker, I wonder if I could address a question to yourself. It appears that Mr. Frank Mooney of the Northern Canada Power Commission gave a very comprehensive report on the Aishihik power project to the business community of Whitehorse. I wonder if you could use your offices to invite Mr. Mooney to appear before Committee so that the Government people could know as much as does the business community about what is happening in the development of a power project in the Yukon Territory.

*QUESTION RE
AISHIHIK
POWER
PROJECT*

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

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 15, An Ordinance to Amend the Local Improvement District Ordinance, be given First Reading.

*BILL #15
FIRST
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 15, An Ordinance to Amend the Local Improvement District Ordinance, be given Second Reading.

*BILL #15
SECOND
READING*

MOTION CARRIED

*MOTION
CARRIED*

*BILL #19
FIRST
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 19, An Ordinance to Amend the Public Health Ordinance, be given First Reading.

*MOTION
CARRIED*

MOTION CARRIED

*BILL #19
SECOND
READING*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 19, An Ordinance to Amend the Public Health Ordinance, be given Second Reading.

Mr. McKinnon: Mr. Speaker, before we go any further, evidently I haven't got a copy of Bill No. 19, and I don't think the Honourable Member from Whitehorse North has either. I wonder if we could ... these were introduced yesterday?

Mr. Chamberlist: The sheets become rather sticky at times. Perhaps Bills 15 and 19 might be together. There you are.

Mr. McKinnon: Yes, right, I see.

Mr. Speaker: Are you prepared for the question? Are you agreed? I declare the motion 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 into Committee of the Whole for the purpose of discussing Public Bills and Sessional Papers.

Mr. Tanner: I second the motion.

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for 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 Sessional Papers. Are you prepared for the question? Are you agreed? I declare the motion carried.

*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: At this time I will call Committee to order. The order of business today is Bill No. 10, resumption of discussion of this Bill, the Municipal Ordinance. We had concluded last evening on section 30. I believe that there is information forthcoming on this. I wonder if we might have Mr. Legal Adviser, Mr. Clerk. I will declare a brief recess at this time. BILL #10

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order. I believe there is some information forthcoming from Mr. Legal Adviser respecting questions asked relative to section 30. Is it section 30? No, it was further back, section 8, right.

Mr. Legal Adviser: Mr. Chairman, I have here, and I can circulate to the Honourable Members a list containing the communities, other than Whitehorse in the Territory and the population figures in accord with the last census and the 1972 assessments, if this would help the Honourable Members to understand the section 8 figures and apply them to practical things.

Mr. Chairman: Yes, could they be circulated. Has anyone anything further on section 8.

Mr. Stutter: Yes, Mr. Chairman, I notice now by the figures that we have been given, that Clinton Creek which is presently a mining town could very conceivably become a village and even by the assessment value it could become a town. I wonder what the thinking of the Administration is along this line if this Bill is accepted with these numbers in. Is it actually the intention to try to turn Clinton Creek, I wonder, into a town or village?

Mr. Legal Adviser: I can't speak for the Commissioner, but I don't think there is any present intention of dealing with Clinton Creek in any other way than in its present method of organization.

Mr. Stutter: Mr. Chairman, can I ask a further question in the same vein. Would it be possible if the Administration so desired to turn Clinton Creek into a town or a village?

Mr. Chamberlist: Do people want it?

Mr. Stutter: Then we are getting back to section 6, I guess.

Mr. Chamberlist: It certainly appears Mr. Chairman for what Watson Lake is qualified both by the assessment and by the population.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, the way that the Bills have been submitted and written up, it is something like the old Federal Acts, one relates to another and so forth. To reach a decision on section 8, it would be rather difficult until we have resolved the problems surrounding sections 5 and 6 of the old Ordinance, and I am not sure if they follow in that order in this Ordinance. That is the method of establishing a municipality and the method of appeal, and until that is determined, then I certainly couldn't consider rationally deciding on section 8.

Mrs. Watson: Mr. Chairman, I think that section 8 very much hinges on the Municipal Aid legislation also, and we really can't deal with section 8 until all of these areas are clarified. I feel that we should move on with the Bill and come back to section 8 when we have all the information.

Mr. Stutter: Mr. Chairman, I might like to ask at this point when we

Mr. Stutter continues ...

BILL #10

can expect to see this Municipal Aid legislation, if it has got to be taken into consideration along with this particular Ordinance?

Mr. Chamberlist: With respect, I have already indicated that as soon as it is ready, it will be brought forward. In reading all these Bills then we come back and recognize the fact that we have read all these things, that is why it is a package deal. Certainly, we are not asking anybody to make a decision on the Bill itself at any ... in any event, just read them.

Mr. Taylor: Well, yes, Mr. Chairman, the problem is not just to read them. I have been through this, as I said yesterday, that I have been through this on Medicare, was through it here the other day on this Low Rental-Purchase Housing. It is all very well to say, oh yes, we will just read the Bill through first, but it is known some Members of this House that when a Bill is read, it is in a position to jockey it into Third Reading by a majority of the House. I have heard many promises broken in this House, and so consequently, Mr. Chairman, I just wish all Members to remind themselves of that. Why read through the Bills now; we have got to do them all over again anyway. I feel that we should do them one time through with all the witnesses here which of course has been refused me, advisors have been refused me. So, I just wish to make this point, and I hope all Members are clear on this point.

Mr. Tanner: Mr. Chairman, could I ask the Honourable Member from Whitehorse East whether they have confirmed that some of these revisions that we suggested yesterday are going to go through, for example, letters to the Yukon Gazette, reference to the setting up of the new municipality. Have these been discussed in Committee, or is it too early yet to ask for some decision in that area?

Mr. Chamberlist: It is, with respect Mr. Chairman. It was only discussed yesterday afternoon. What we want to do is to do the reading of the Bill and then all the points that have been raised will be discussed. The suggestions that have been made will be brought back, the considerations re these suggestions will be brought back to Council.

Mr. Taylor resumes the Chair.

Mr. Chairman: Anything further on section 30? (Reads section 31).

Mr. McKinnon: Question, Mr. Chairman, to get into the philosophy of this Municipal Ordinance a bit. Shouldn't the duty of the senior Government be to outline the qualifications for a municipality to be set up or not, outline the duties of the municipal government and outline its powers as to what its function is and then leave the administrative details to the municipal councils. Why in heaven's name should the Territorial Government be worried about the attendance of municipal councillors at their meetings? Certainly this is a matter of procedure for the municipal councillors to set. If they say that a person can only miss one meeting, and then he is out on his butt, good, who cares what. Why should the Territorial Government be involved in this type of procedural business in a Municipal Ordinance in any way, shape or form? I see we then go into resignations and disqualifications. I firmly believe that that should be the prerogative of a responsibly elected body which the municipal councils are, and why in heaven's name the Territorial Government should be involved in rules and procedure that they should have the complete ability to make the same way as we make our rules and procedures as govern us in this House, should be the right and prerogative of the municipal legislatures. We should not have all this legislation on our Territorial books.

Mr. Chamberlist: Mr. Chairman, I think that in some areas the Honourable Member may be right. We will take a look at removing ... the possibility of removing the words, "with the approval of the Inspector of Municipalities", in subsection 31(3) if that ... dealing with this particular section first.

Mr. McKinnon: Subsection 31(1), the case in point, "where a member of council fails to attend meetings of the council for a period of two consecutive months, his seat shall become vacant." Why is it that a strictly municipal responsibility, to say if he fails to attend one meeting, if that is the way that they want to do it he is out, if he fails to attend two, three, four, you know. Our rules say that we are bound to attend the business of the House. That is our right, and our prerogative to make those rules, the Federal Government doesn't make them, we make them. We stand up here and pound the table over and over and say we are the masters in this House. Why shouldn't that right be transferred to another duly elected responsible body? Why should the Territorial Government be bothering itself with all these procedural rules which a municipal council should have the ability to set themselves?

Mr. Legal Adviser: Mr. Chairman, the Honourable Member has a very good point, and there is great merit in allowing a council of a municipality to set its own rules. There is just one unfortunate drawback. If the municipal council were to make the rules, such as this, it wouldn't have the force of law. The legislation setting it out and vacating seats and dealing with a lot of their procedure needs the sanction of this House to make it law. They can't do it themselves, so unfortunately, we may ask them what they wish, and there is no question that this House should seek the advice of these councils, and say, what would you wish us to do for you. The law has got to be made here, and this House cannot renege its duty to make the rules which have the force of law which take effect in these councils.

Mr. McKinnon: I think, Mr. Chairman, I am about the only Member of this House who regularly attends the municipal council meetings. I don't go to a meeting where they don't get into a procedural hassel on the Municipal Ordinance, and it is always, well the Territorial Government says that we have to do this, and this is right, it is right there in the Municipal Ordinance and they don't want to do their procedure that way. Why if we can possibly give them the ability to set their own procedures without it being formally enshrined in our legislation, then it is their baby, it is their bilawick, and we are not being the whipping boys continuously for setting their procedures that they don't want to follow. It just seems senseless for me to be making a relatively minor procedural regulation that a city council is bound by, when they are every bit as responsible, every bit as democratically elected as the Member of the Yukon Legislative Council. If the Federal Government, and it has on times, tried to insert its authority into this House, Members have just rose en masse and said, no way there is one place where we have control, and that control is in this Legislative Chamber, and there is no way that the Federal Government is going to stick their foot in to the rules of our House. If you will remember correctly, the wrangle over the prayer in the morning where we're excluding the members of the gallery, we were going to set the rule that the members or people in the gallery and the press could stay for prayers, lord knows they need it just as much as we did. At any rate, because the Commissioner came down and said, look you guys are going to cut out excluding the members of the press and the members of the gallery from prayers. We said, up yours, we are. We kicked them out for two more years, just to show him the point that we were running the affairs in our house. I think that in areas which are, as I say, minor procedural areas, that if we can possibly leave these areas and go through the Municipal Ordinance, and Mr. Legal Adviser if you can say whether this has to be in to make it effective in law or not on a procedural basis, for heaven's name give them the ability to run their own show. Who cares.

Mr. Legal Adviser: I am sorry, Mr. Chairman, the Honourable Member has made a most eloquent appeal for self government in the junior field, but there is nothing we can do. This section says, if a member doesn't attend a meeting for two months, his seat becomes vacant. There is no way that a municipal government itself can declare a vacancy for that reason. So, we don't mind making it three months, one month or six months, but if they want to have the legal effect of

BILL #10

Mr. Legal Adviser continues ...
having a vacant seat for a person who vacates his seat in effect, then it has got to be in this Ordinance. I am sorry about that.

Mr. Tanner: Mr. Chairman, why can't we give them the authority to set those themselves by merely saying, this Ordinance permits the city government to set their conditions of occupancy of those seats. Isn't that sufficient?

Mr. Legal Adviser: I am afraid that we are not yet in the revolutionary stage.

Mr. McKinnon: Well pretty close.

Mr. Chamberlist: However, as is indicated, Mr. Chairman, subsection 31(3) is ... a point is being made there where the words, "with the approval of the Inspector of Municipalities", and I see no reason why that shouldn't be withdrawn.

Mr. Chairman: Anything further on section 31? (Reads section 32).

Mr. Stutter: Mr. Chairman, I raise a point there. Why, I wonder is it stated that the resignation becomes effective the date received by the Clerk, and not tabled at council?

Mr. Legal Adviser: There is no objection to this Mr. Chairman. It just happens that there is a certain tendency in some councils, not in the Yukon, for people to hand in their resignations dated six months ahead, and to hang this as a threat at meetings of council. You have got to have some fixed date at when it becomes effective. There is no particular objection to saying, the date is when the clerk tables it, but you must have some fixed date which is not to be the date to be written into the notice of resignation which is waived at a meeting by the person who is actually signing it, and saying I resign, I resign.

Mr. Stutter: Mr. Chairman, I don't think I have quite made my point. My point is, if a resignation were handed into the clerk, it is the duty of that clerk to present that or table that at the next regular meeting of council. Why then is that not the date that the resignation is accepted and not the date that it is turned over to an office, or an officer of that council. That is my objection.

Mr. Legal Adviser: There is no particular reason, and this will be examined. It is merely a question if the member wishes to change it to that, but it is just that we had to pick a fixed time when the resignation becomes effective which is not to be the date stated in the notice which may be a year ahead. So, if the Member wishes, certainly this will be examined in common with the other things. This is an effective date.

Mr. Stutter: Mr. Chairman, I would request that it be put that way for the simple reason, in many instances, as you must be well aware a resignation is handed in during a heated argument. This way, if it is handed to the clerk and it becomes effective the minute it is handed to the clerk there is no way that that person can sort of think it over, whereas if it is accepted when it is tabled in front of council he may have a number of days to think about it and it may never become effective.

Mr. Chairman: (Reads paragraph 33(1)(a)).

Mr. Tanner: Mr. Chairman, does that include ... that is Criminal Code there, Mr. Legal Adviser, is it not?

Mr. Legal Adviser: That is Criminal Code tapped over fifty dollars.

Mr. McKinnon: What about an impaired driving charge?

Mr. Legal Adviser: That is not normally proceeded with on an indictment.

Mr. Legal Adviser continues ...

The person has a choice; he can go on indictment if he wishes, but he normally doesn't, he joins the 250 Club.

BILL #10

Mr. Chairman: Why does this appear in this Ordinance at all. Should this not be under your Municipal Elections Ordinance?

Mr. Legal Adviser: It needs double effect. We are dealing here with people who are already on the council who are being disqualified, having been elected. You have also got to deal with the same type of section, almost identical to prevent people from seeking election. It needed a double effect.

Mr. McKinnon: Do you get indicted if you get busted?

Mr. Legal Adviser: It depends on in what humour the prosecution is in.

Mr. Chairman: (Reads paragraphs 33(1)(b), (c) and (d)).

Mr. Stutter: Mr. Chairman, I find exception with this particular clause because in many instances you have a candidate that is seeking election or has been elected in a municipality that may not necessarily be a Canadian citizen or a British subject, or rather it is my feeling that these people should be eligible to be elected for the simple reason they may be completely familiar with the problems of the area and I see no reason why it should be limited strictly to Canadian citizens or British subjects. This was a point that was brought up when we were discussing the amendment to the Game Ordinance last year, and we changed it in that particular Ordinance. Mr. Chairman, surely it is up to the people in the area. If the people in the area, the voters in that area see fit to elect a certain person to represent them on council, it should make no difference whether they are Canadian or a British subject. If the people of that area have the confidence in the ability of that person, why should he be denied the right or the chance to represent those people?

Mr. Chairman: Is there anything further on this item?

Mr. Chamberlist: Mr. Chairman, when the Federal Legislation changes to indicate that, then of course I will follow it, but until such time as the Federal Legislation deals with Canadian citizens or other British subjects, then that is how I will support it. It is the Federal Law that has to be followed in this case.

Mr. McKinnon: Mr. Chairman, certainly if the council wanted to say that a person is not qualified to remain a member of council if he ceases to be a Canadian citizen period, this is this Houses' prerogative to make that amendment.

Mr. Legal Adviser: The House is supreme in this and should not necessarily take account of the quirks of odd individuals who don't happen to be Canadian citizens.

Mr. Chamberlist: With respect, Mr. Chairman, there is a time that comes along when I have to tell Mr. Legal Adviser to keep his nose out of discussions of this nature that take place in this House.

Mr. Chairman: Order please, would you kindly address the Chair.

Mr. Chamberlist: I am addressing the Chair, Mr. Chairman.

Mr. Chairman: Please do not cast reflections upon others.

Mr. Chamberlist: Well, you should have raised this question, Mr. Chairman with respect immediately, and recognized the fact that as a Member of the House I am not going to be abused in this matter by an officer of this Council, and apart from the fact that I am a Canadian citizen. You just put that in your pipe and smoke it. Just don't bring any of your Irish battles in here. We have enough of it over there.

Mr. Chairman: Order please, order. Anything further on this item?

BILL #10

Mr. Tanner: Yes, Mr. Chairman, I have one recommendation. Perhaps this should be written that, any person other than those from the Emerald Isle could hold office in the Yukon, perhaps that would satisfy Members.

Mr. Chairman: (Reads paragraph 33(1)(e), (f), (g), (h)).

Mr. Stutter: Mr. Chairman, I have one question here. I would ask the Legal Adviser to define officer, because I know this is one particular word that has caused considerable problems in the old Ordinance while I was sitting on council in Dawson. It was taken in many instances that at times the aldermen could be considered officers. I wonder if you would just define "officer".

Mr. Legal Adviser: We have made an attempt in this Ordinance, Mr. Chairman, I have forgotten exactly what section listed the officers.

Mrs. Watson: Section 41 defines officer.

Mr. Legal Adviser: Subsection 41(2).

Mr. Stutter: I beg your pardon, Mr. Chairman, section 41 doesn't define an officer; it talks about officers, it doesn't define. It says they shall be officers, but it still does not define officer, you haven't included in that definition in 41(2) all of the classification of officers. You haven't stated it there that those are the only officers.

Mr. Legal Adviser: It is difficult to define officers as it is to define gentlemen.

Mr. Tanner: Mr. Chairman has the Honourable Member got any other particular officers in mind that he could illustrate his point with?

Mr. Stutter: There is a further section, I can bring it up when we come to it, because we are getting ahead of it but I will at that time bring up the actual instance that I am talking about, where it was causing problems in the Dawson Council and it may have done at other times, but it is ahead of us yet, a few sections so I will bring it up again at that time.

Mr. Rivett: Mr. Chairman, I don't quite understand the question here. It says a "surety for an officer or employee".

Mr. Stutter: It is just that the word ... this is the first time that the word "officer" has come and I wanted a definition at this point to clarify my ...

Mr. Rivett: Yes, but in this section it says "employee" and all officers are employees, are they not?

Mr. Legal Adviser: Mr. Chairman, we made a distinction in the Ordinance between ... as a different thing between an officer and an employee. It is true an officer is also an employee, but an employee is not necessarily an officer. We have made it on the question of hiring and firing officers, we have made a distinction between what the manager of a council can do and what the council can do in relation to its own employees. We provided, I think speaking from memory, a council can dismiss an officer, but the manager can dismiss an employee.

Mr. Rivett: Mr. Chairman, the problem here is "surety" is it not? As long as there is a surety for an employee, so actually you don't need the word officer.

Mr. Stutter: Mr. Chairman, this wasn't my point. All that I wanted to do at this point was get a definition of an officer, for the simple

Mr. Stutter continues ...

reason I do intend to bring it up later in these sections that I was referring to a minute ago, and I will do just that.

BILL #10

Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Legal Adviser would feel that it is alright to indicate that a person elected to a city council is not an officer of the council, and then this clears at least that understanding that people who are elected are not officers.

Mr. Stutter: Mr. Chairman, if this were stated somewhere in the Ordinance, it would clear up all of my questions if it were definitely stated that an alderman or the mayor is definitely not an officer or employee of the municipality, then that right away answers all of my future questions in this particular regard.

Mr. Legal Adviser: Mr. Chairman, I would be reluctant to do this. I think the mayor is an officer, I don't think he would hold himself out to be officer or any official. Official and officer are interchangeable. He is definitely an officer, I think, of the council. The others are paid officers. He is an elected officer, but I think he is an officer in the same sense as the Commissioner is an officer of the Government although he, in a sense hires and fires members of the staff who are also officers. I think the two elected officers of this council are officers of the Government.

Mr. Stutter: Well, Mr. Chairman, I am afraid now the Legal Adviser has really added confusion to my problem. I take it then from what he has just stated that an alderman can also be an officer. Is this so?

Mr. Legal Adviser: No, I didn't say this. I said once he becomes an elected member, he can be described truthfully as an officer, I think. Certainly the mayor could, he is a person who is holding office. We use the shorter Oxford English Dictionary, which is a big thick book in our office. I would ask the Honourable Member to look at the definition of 'officer' and study it during the recess.

Mr. Stutter: Mr. Chairman, this is the unfortunate part about it. Since the word "officer" is being used so widely in this particular Ordinance, later on, I now have to bring it up later on there is a point where the mayor can suspend any officer at any time, which in this instance he can suspend one of the aldermen.

Mr. Chamberlist: The mayor is the chief executive officer of the corporation. I think that the point ... we have to take a look at it.

Mrs. Watson: I think that it has to be clarified, and I also believe that section 8 should be clarified with the points that the Councillor from Mayo brought up. I think that he brought up a very valid point.

Mr. Legal Adviser: The Councillor from Mayo brings up very few points but they are always sound when they do arise.

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

RECESS

RECESS

Mr. Chairman: At this time I will call Committee back to order. Is there anything further on 33(h)? (Reads 33(i)(j)). This would be the parking tickets, I suppose.

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Mr. Legal Adviser: No, Mr. Chairman, as it happens, parking tickets are not a tax. They are an item of revenue in the municipality's accounts but they are not a tax.

Mr. Chairman: (Reads 33(k))

Mr. Stutter: Well the same question would apply both in (k) and (l), but I have a little difficulty in these two particular sections because I am thinking again of one particular person who is just a carpenter. I take it then that if this remains the way it is worded, then even a carpenter couldn't work for a company that had a contract with a municipality, he couldn't draw wages then. With respect, I think that most people would read (l) just that way.

Mr. Chairman: (Reads (l))

Mr. Legal Adviser: The employee of a firm which has a building contract with the municipality is not covered by (l), it is not intended to exclude him, he is merely an employee in the normal course of events.

Mr. Stutter: I wonder, Mr. Chairman, is there anyway that this could be clarified? Does the Legal Adviser see any need for clarity here?

Mr. Legal Adviser: The need, I can't foresee is a matter for the Honourable Member. As a court would define this, a pecuniary interest in a conflict; a person who has paid money under the contract, he has a share in the contract, he might be a partner in the business, but an employee, a carpenter of a building would not be excluded merely because of subsection (l).

Mr. Chairman: (Reads 33(m), (2)(a)(b)(c)(d))

Mr. Tanner: Mr. Chairman, could I ask a question of the Legal Adviser, in this case? He has to have the acquiescence of all the members of council? One decenting vote would be sufficient to stop him.

Mr. Legal Adviser: That's considered correct. The intention here is, is provide where in small communities, the local store keeper, shop keeper, supplier of commodity may seek election of the council because if there is no one else then he can sell normal goods, like stationery, supplies and say food to maybe an old folks home or a school or so on, in the municipality and not to exclude him. The definite intention of the whole section is; to disqualify people who have contracts with the council and are in a position to influence the council to buy goods from them at the same or a higher price than they would buy it from the public.

Mr. Tanner: Mr. Legal Adviser or Mr. Chairman, could I just ask you once again. If he has to have the approval of every member, in that case, if he can obtain the approval from every member why should he have to obtain the approval of the Inspector of Municipalities? Is that not an intrusion again, into their affairs?

Mr. Legal Adviser: It is, but largely, this is put in in ease of the member himself. He can write for advice to the Inspector of Municipalities and explain his position; if he gets that then, it goes without saying, he will probably get the benefit of the approval of all the other members. It is in order to put the thing in the open, it's not specifically to give the Inspector control, it's so that people know what is going on and everything is done openly and above board before the event instead of after the event.

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Mr. Commissioner: Mr. Chairman, I wonder if I could ask a couple of questions here, I think I know the answers to them but I don't hear them being asked here. First and foremost; in section (m), I wonder if the Legal Adviser would advise Committee if the application of (m) would possibly interfere with any of the housing schemes that we have presently under discussion here because the municipalities are to be a party to most of these schemes. Under (d) why don't we require that this approval be given by bylaw? In a municipality the bylaws of the municipality are the published official documents of that body and I would like to hear the Legal Adviser just say something about those two points.

Mr. Legal Adviser: Mr. Chairman, in answer to the first question which is dealing with section (m) of subsection (1) really, if he becomes during a term of office a party to contract with the municipality, if the contract is with the corporation to be set up by the Territory, then he wouldn't be excluded but if he's a party to a contract with the purchase sale or lease of real property from the municipality itself, then he would be excluded. It is a question as to how the contract is set. The purpose is to prevent him influencing a contract with his own Council. Insofar as (d) is concerned there would be no objection to saying it should be by bylaw. The only way of recording the approval is either a resolution or a bylaw. It is simpler to have a resolution than a bylaw, there is no objection to saying "may by resolution or bylaw" and putting those words in to make sure that there is written approval of the council. If he gets the approvals of the respective municipalities it goes without saying that that will be recorded in writing.

Mr. Stutter: Mr. Chairman, I know that it is necessary to send a copy of all bylaws to the Commissioner's office but is it necessary to send copies of resolutions?

Mr. Legal Adviser: No, but the attempt is being made in this Ordinance to move the Commissioner's control one step down to the head of the Department of Local Government for these everyday approvals and to make it clear in the Ordinance, in fact the Commissioner has either moved one step up or the approval has moved one step down.

Mr. Commissioner: Mr. Chairman, if I may; I don't want to belabour the point but could I suggest that as there are going to be some items that will be getting reviewed by the Legislative Programming Committee, that this item (m) be taken a very careful look at to make sure that the people that do occupy housing that is in the net effect of the existence of which is brought about by the municipality being a party to this contract, and because he happens to live in one of those houses that he is going to be precluded from holding office in his municipality because you may all find yourselves in a municipality in a few years time with no one being able to run for office if that will carry to its fullest possible extent.

Mr. Tanner: Mr. Chairman, couldn't that be taken care of in section (2)(c) in "that in common with other inhabitants of the municipality" and it specifically says "water" so why couldn't you just expand that a little more to say "housing projects"?

Mr. Chairman: Clear? What is this (m) and (d) to be reviewed?

Mr. Legal Adviser: Yes, Mr. Chairman.

Mr. Commissioner: Mr. Chairman, I would strongly recommend that consideration be given to having these put in a bylaw.

Mr. Chairman: I think I recall, just speaking from the Chair, of a situation in Dawson where this arose and a bylaw was passed in order to resolve the problem. (Reads 34(1)). In this respect it refers back to a question I think I asked yesterday in another section. In the case of an emergency arising within the municipality, is it competent upon the members to legally hold a meeting, notwithstanding

Mr. Chairman continues ...

that only a moments notice was given of that meeting. I think that some say the clause, "where a meeting can be held in an emergency situations" should be placed in there.

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Mr. Tanner: Mr. Chairman, isn't the problem if you do that that three or four Members of Council could determine that something is an emergency and consequently go into session and pass a bylaw, which is not necessarily in the best interest of the municipality. The problem you might create, might be worse than the solution. Speaking of a genuine national emergency or something like this.

Mr. Legal Adviser: Mr. Chairman, when a emergency arises it should be preplanned and there are sections here dealing with the existence of emergency and the appointment of a coordinator for emergency purposes and what happens in an emergency situation? It doesn't require anything extra from the Council except to set up the existence of the emergency.

Mr. Chairman: (Reads 35(1)(2))

Mr. Stutter: Mr. Chairman, I have a point here, I looked all through the Ordinance and didn't find the penalty clause in this particular instance. Is it just sort of an accepted penalty? It says there "shall attend", there must be some penalty if he doesn't I suppose.

Mr. Legal Adviser: We haven't come to the end of the Ordinance yet, Mr. Chairman. Of course the bylaw can't prescribe a penalty but if it doesn't, then the Interpretation Ordinance provides that any breach of an ordinance or bylaw carries an automatic penalty.

Mr. Chairman: (Reads 35(3)(4),36(1)) This doesn't preclude the mayor not being in attendance or presiding over a meeting of the council does it? It says "the mayor of a municipality shall be a member of the council, shall preside over all meetings of the council" but if the mayor, for instance is out of town, then what?

Mr. Legal Adviser: Next section.

Mr. Chairman: (Reads 37(1)) That answers my question. (Reads 38(1), 39(1),40(1)(a)(b)(c)(d))

Mr. Stutter: Mr. Chairman, I was just wondering if it would not be possible to get away from the problem by inserting here that, officer, for the purpose of (d), would not include the aldermen.

Mr. Legal Adviser: There is merit in what the Honourable Member suggests, to make the thing clear. I think I pointed out during the recess that the word "officer" and the word "official" are gradually changing their meaning in the English language. So, it's hard to deal with them now, using old fashioned terms such as this which have come from ordinances ten and more years ago. I think the correct place to do it is, where we say in a section, the manager, auditor, solicitor and engineer shall be deemed to be officers of the council, we could put in a subsection saying for the purpose of this Ordinance, members and the mayor of a council shall not be deemed to be officers. Then it goes for the whole Ordinance. It's just a thing in English.

Mrs. Watson: Mr. Chairman, do we not say that the mayor is the chief executive officer? Would you not be contradicting yourself by doing that?

Mr. Legal Adviser: This is perfectly correct, but if a Member wants to make it clear for a person reading the Ordinance ... the courts know what the meaning is because they have taken the meaning as it is today, or as the meaning was at the time the ordinance was written. A court will know exactly what the position is. Unfortunately, it is a changing world and the language we use changes with us.

Mr. Stutter: Mr. Chairman, the real difficulty only arises, now, with paragraph 40(1)(d). If there was something added there stating that for the purposes of that paragraph, the aldermen were not termed officers, I think that would get around the problem very neatly.

Mr. Legal Adviser: It's very difficult to change English; it takes a lot of thought with this kind of real problem.

Mr. Chairman: Clear? (Reads subsection 40(2), section 41 and subsection 42(1))

Mr. Stutter: Mr. Chairman, I have a point here, too. Would this also exclude a private policing force, such as the Metropolitan Police force or an officer of the Metropolitan Police force, which had a contract with the municipality?

Mr. Legal Adviser: No, Mr. Chairman. It just doesn't deal with that subject at all.

Mr. Stutter: Mr. Chairman, maybe I didn't make my point clear. Paragraph 41(1)(a) states that "provide for the appointment of enforcement officers who may be sworn as peace officers". Subsection 42(1) states "No person having an interest, direct or indirect, in a contract with the municipality shall be appointed an officer by the council."

Mr. Chamberlist: Well, an officer and a peace officer are different.

Mr. Stutter: But, the enforcement officer could be the head of a private policing force, could he not? And, in this case, then, he would be excluded by subsection 42(1).

Mr. Legal Adviser: Oh, I didn't quite apprehend the Member's question. A person who is acting as an officer in the sense that he is appointed by the council to an office, or a person who actually gets a contract from the council to be a peace officer or to be an enforcement officer, would be excluded from being a member of the council itself.

Mr. Stutter: No, that's still not quite ... the point is that under

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Mr. Stutter continues ... subsection 42(1), no person having an interest, direct or indirect, in a contract with the municipality shall be appointed an officer by the council, that negates paragraph 41(1)(a). In paragraph 41(1)(a), an enforcement officer, and in this word again, "officer", is where a little difficulty is coming in, could in fact, be the head of a private policing force that is under contract with the municipality.

Mr. Legal Adviser: Mr. Chairman, we're clearly in difficulty with the word "officer". I would advise the Council that an enforcement officer is not an officer. This should be insane and stupid, but unfortunately, it appears to be legally correct.

Mr. Commissioner: That's the way most of our laws are anyway.

Mr. Tanner: Mr. Chairman, could I ask the Legal Adviser whether or not he is going to take steps to define what the enforcement officer, when he is appointed a peace officer, can do under our jurisdiction. Presently, any peace officer under Federal jurisdiction can carry a gun. I am extremely concerned that anybody who is appointed a peace officer should be able to carry a gun in public in this town or any other municipality in the Yukon.

Mr. Legal Adviser: Mr. Chairman, although my actions wouldn't disclose this fact, I am absolutely, totally and utterly opposed to any carrying of firearms by anyone and by peace officers except in absolute essential cases. But, I don't know where this rumour got around, that peace officers can walk around carrying guns.

Mr. Tanner: Mr. Chairman, that rumour is created by the R.C.M.P. who showed me the legislation in the Federal Criminal Code which says that a peace officer appointed under certain conditions, one of which is appointment by a municipality, can carry a gun. Section 41 of the Criminal Code, I believe.

Mr. Legal Adviser: Mr. Chairman, I don't accept this. There was a meeting held by this Government for the purpose of considering this some time ago. Certain people who were carrying out duties of enforcement for the City and elsewhere, were given a licence by the R.C.M.P. to carry guns on certain specific occasions that it handled. The breach of that would be a breach of the Criminal Code, insofar as I know.

Mr. Tanner: Well, Mr. Chairman, for my satisfaction, and I personally feel quite strongly about this, could I ask the Legal Adviser to just check his authorities again on this and bring it back to Council when we re-read this Ordinance? Thank you.

Mr. Chairman: Clear? (Reads section 42, subsections (2) and (3), section 43, subsection (1) and (2))

Mr. Tanner: Mr. Chairman, we really are having trouble with this word "officer" here. In this case, the officers, as I understand it, and some of which are outlined, are working for the manager. Surely, he has the authority to dismiss his employees.

Mr. Legal Adviser: We're really talking about the people who are appointed specifically by the council when we talk about officer here. We're talking about the auditor, the engineer, the clerk, the treasurer. The manager is *primus inter pares* with that particular group. He can't dismiss them. The workmen he can.

Mrs. Watson: Mr. Chairman, that is taken care of in subsection (4) of section 43. It clearly defines this.

Mr. Stutter: Mr. Chairman, that just states "suspend" though.

Mrs. Watson: Yes, he can suspend and then refer to the mayor.

Mr. Chairman: Clear? (Reads section 43, subsections (3), (4) and (5))

Mr. Tanner: Mr. Chairman, in these several sections here, you are

Mr. Tanner continues ...

describing what the manager can do. It says that he has the power to suspend an employee working under him and then he has to virtually justify it in front of council and council can either endorse or not endorse his decision. Unless I'm incorrect, I don't see any way the employee has any right to appeal to council. What recourse has the employee if he has been suspended? It's not specified here.

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Mr. Legal Adviser: The recourse the employee has, Mr. Chairman, is the fact that the manager can only suspend an employee in the first instance. If the employee has to be dismissed, then it must be reported to the council and the council must confirm it. So, automatically, before dismissal, the matter must be discussed and a resolution passed by the Council. It's a public meeting, and the employee could appear himself.

Mr. Chamberlist: Well, Mr. Chairman, I know this is the principle, but I'm afraid that it hasn't been done on a local level in this democratic operated municipal council we have here, just recently.

Mr. Tanner: Mr. Chairman, my point is this. You very carefully set out what the manager can and can't do, but I am aware as, I'm sure, the Legal Adviser and many Members of this Committee are, that once the employee has been suspended, the manager goes to the council and it is very likely the council will make a decision on the recommendation of the manager. There is no real technical recourse in this Ordinance for the employee. Sure, he can go to the public meeting like anybody else can, but I don't think that's sufficient.

Mr. Legal Adviser: Perhaps not, Mr. Chairman. The Honourable Member has a point. The question is, where do you put it in. It shouldn't be in the Municipal Ordinance. It's a question of bargain for conditions and the municipal employees either are or can be members of their trade union, in which event there will be a contract, in the same way as it is with Territorial Civil Servants. They have a contract and the term of the contract must be observed.

Mrs. Watson: Mr. Chairman, this is not always the case though. I think we should really take a look at this.

Mr. Legal Adviser: We can add a new subsection.

Mr. Rivett: Mr. Chairman, if you notice where the mayor suspends an employee, in subsection 40(2) ... it seems to me that the manager has more power than the mayor.

Mr. Chamberlist: Of course, he has. What's wrong with it?

Mr. Legal Adviser: Even Homer nods, Mr. Chairman. Perhaps the section dealing with the report by the mayor to the council should be written into this, when the manager does the same.

Mr. Chairman: Clear? (Reads section 44) I just have a question from the Chair. Why did you include the words "the treasurer shall act in his place"? Why the treasurer? Before, the council merely appointed someone to act.

Mr. Legal Adviser: I think, in the old Ordinance, it was the treasurer who acted in the place of the clerk.

Mr. Chairman: The old Ordinance states everything but those words, "the treasurer shall act in his place and where the post of treasurer is not held by another person..." Those words are added.

Mr. Legal Adviser: I honestly couldn't say. They appear there just by magic, Mr. Chairman. The reason would be to have an automatic appointment holding them. Why they would pick the phrase as opposed to another, I don't know.

Mr. Chairman: Why not leave it to the Council to appoint anybody they want, as they can under the existing Ordinance?

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Mr. Legal Adviser: Well, this is in default. Both are in. In the absence of the clerk, the treasurer shall act in his place. But, the council, may by resolution, appoint an acting clerk.

Mr. Chairman: Yes, but in the existing Ordinance, you state that in the absence of the clerk, the council may by resolution, appoint an acting clerk, who shall during the period specified by such resolution, exercise and perform the powers and duties of the clerk. Why specify the treasurer? Why can't the council appoint the clerk?

Mr. Legal Adviser: The point is well taken. We will look at this and see if we can design it differently. Ideally, we're thinking of the small situations, such as Dawson and Faro, where you have an automatic thing. If a meeting is called and the clerk isn't there and something has to be signed, someone can act in his place. It's designed there for a one or two man show.

Mr. Chamberlist: Sometimes the treasurer is the clerk.

Mr. Chairman: Why not let them make that appointment? Let the council make that appointment. (Reads sections 45, 46 and 47)

Mr. Tanner: Mr. Chairman, that, obviously ... somewhere else in the Ordinance, it says he's got to sign cheques in co-ordination with somebody else, the mayor or somebody. He can't sign them by himself.

Mr. Chairman: (Reads section 48) How did this "fortnightly" business get into our legislation?

Mr. Chamberlist: It means fourteen nights.

Mr. Legal Adviser: It's a hallowed expression dating from the Middle Ages, Mr. Chairman. As the Honourable Member correctly points out, it means fourteen nights. We assume, because night follows day, it also includes fourteen days.

Mr. Chairman: Well, why? This is the only Ordinance I know of where I have ever heard this expression used in an ordinance.

Mr. Legal Adviser: We go by the Shorter Oxford Dictionary, Mr. Chairman, and the word will be found there.

Mr. Chairman: Who is "we" white man?

Mr. Legal Adviser: The draftsmen of Canada, Mr. Chairman.

Mr. Tanner: Mr. Chairman, I understand the word because I was brought up fortnightly. But, wouldn't biweekly be better? Isn't that more common?

Mr. Chamberlist: Some people might not understand biweekly.

Mr. Legal Adviser: Biweekly, Mr. Chairman, is a Greek combination and it can either mean twice a week or every two weeks. The Greek in this instance is defective; the English is better.

Mr. Chairman: I think, in view of the time, I'll stand Committee in recess until 2:00 o'clock this afternoon.

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Mr. Chairman: At this time, I call Committee back to order. We are discussing Bill No. 10, the Municipal Ordinance, and we have now arrived at section 49. (Reads sections 49, 50, 51 and 52)

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Mr. Tanner: Mr. Chairman, this is an illustration of what I was requesting before from the Legal Adviser. When you talk about the solicitor for the municipality and you say that they may set the remuneration and the terms of his employment, why couldn't we do exactly the same thing for the other officers of the council, instead of being so specific?

Mr. Legal Adviser: No special reason, except it is normally done, and then this forms a sort of hand book so that everybody knows what their terms of reference are. It just so happens, I suppose, that maybe solicitors know their work better than other people who must have it broken down.

Mr. Chairman: Why is it not possible for a municipality to have more than one solicitor?

Mr. Legal Adviser: They may and they often do. In fact, this municipality does have more than one from time to time. It depends on whether you're going to have a city solicitor or you're going to have a person on a fee basis. The way the City operates at present is it engages a local firm from time to time to do their work and pays them on a fee basis. But, they could have a whole time lawyer.

Mr. Chairman: Well, they can't according to subsection (2). They can have "a", singular, solicitor.

Mr. Legal Adviser: Well, they would have a chief guy who could have two people on his staff if necessary.

Mr. Chairman: What you've done here is you've isolated. You say "or may appoint him", "a barrister and solicitor". Can this not be a little more liberal?

Mr. Legal Adviser: It's just that you do it this way. You have a clerk, but that doesn't say you can't have typists in the office as well. The chief man is the city solicitor, and the people who are working under him, work in his name, as head of the department. That's the way it's normally done.

Mr. Chairman: I still say this restricts them to one barrister or solicitor.

Mr. Tanner: Mr. Chairman, the explanation the Legal Adviser gave us doesn't really follow in this area. If, when you're talking about the solicitor or a municipal solicitor, you can say it may determine his duties and remuneration and the terms of his employment, you can equally say the same thing for the auditors. Well, maybe not the auditors, but the same thing for the treasurers, certainly, and the clerk and the manager and most other officers. Surely, that's the determination of the council.

Mr. Legal Adviser: There is no attempt made in the Ordinance to detail out the whole of the duties of any of these officers. It's just setting out certain statutory functions that they must do. The others, they can do, then, depending on the day to day instructions given by the mayor or the council, either by resolution or bylaw or otherwise. It's just a normal way of operation.

Mr. McKinnon: What if they want to appoint more officers than the Municipal Ordinance allows for? This City grows, you know.

Mr. Legal Adviser: There's room for this. It says "may designate such other officers from time to time, and may determine their duties". There's a section dealing with that.

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Mr. Chairman: I just wonder why this is in here in the singular form and why it's in at all, because it wasn't in the old Ordinance.

Mr. Legal Adviser: The reason it is is to enable the ... there is no provision made for it in the old Ordinance, but the amount of legal work may get to the point when they may retain a full-time lawyer. If they retain a full-time lawyer, without subsection (2), they would not be able to collect the costs of going to court from the unsuccessful party in the event that the city was successful in a law action. This is a necessary thing to put in subsection (2). But, we're just indicating in subsection (1) that they might have a staff lawyer and in which event, he would be an officer of the council, like the manager or the clerk, and not just an employee. It's done fairly routinely and there is no evil intent in this particular thing. It's just an extra aid as many of these things are, an extra power or an extra aid to the city, if they want to make use of it.

Mrs. Watson: Mr. Chairman, under this Ordinance, a small municipality could have one person serving as a clerk and treasurer, serving in both capacities.

Mr. Chamberlist: Mr. Chairman, when we say a solicitor, it can be a firm of solicitors. It doesn't necessarily mean any individual particular solicitor. If they wish to appoint two firms, they can. Usually, upon specific occasions, there is a requirement to ... where the law firm that is acting as the solicitor for the municipality is not able to act for the municipality if that law firm is acting for the party on the other side, then, they would, of course, have to for that specific matter, get another solicitor.

Mr. Legal Adviser: The Interpretation Ordinance takes care of it. The Clerk has pointed out to me that the singular includes the plural and the plural includes the singular in the Interpretation Ordinance. So when you say you may retain "a" barrister and solicitor, you mean any particular number that is required for the purpose of this section.

Mr. Chairman: Alright. (Reads section 53) Again, meaning plural. (Reads section 54)

Mr. Rivett: Mr. Chairman, isn't this a case of lesser majesty? This section is headed "Auditor" and down here we have a barrister. Does that mean that a barrister comes under an auditor?

Mr. Legal Adviser: I don't know who comes under who, but the section headings in the centre of the page do purport to control all the sections between that and the next heading. It's just drawing attention.

Mr. Chamberlist: But it is misleading. Perhaps, we can take it out.

Mr. Legal Adviser: Only to those who wish to be misled, Mr. Chairman.

Mr. Chairman: Clear? (Reads sections 55 and 56) That doesn't read...

Mr. Chamberlist: Perhaps, Mr. Chairman, this should be "for cause by a majority vote of all the members of the council present". If there were members of the council away, it would mean that the council would be restricted in dealing with a particular matter like this.

Mr. Legal Adviser: This is true; they would be restricted. But, if they get a majority vote of the members, it doesn't matter whether there are absent members or not. In Whitehorse there would be seven members of the council; it needs four votes to dismiss an officer for cause. If there happened to be two away, they would still require four votes. It's not a bad thing to have a certain amount of protection for the officers so they can speak their mind again.

Mr. Chairman: In subsection (1), you say "Except as provided in subsection (2), the engagement of an officer of the municipality may not be terminated except upon reasonable notice ...". Then, of course, in subsection (2), you say you can terminate him without notice for cause

Mr. Chairman continues ...

by a majority vote of all the members. Should there not be some sort of protection for the employee in this regard whereby he gets reasonable notice?

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Mr. Legal Adviser: Mr. Chairman, "for cause" is a term of art and it has a known meaning. It means for just cause which will be the court's reason for dismissing an action against the council for wrongful dismissal. There are a variety of things which would cost you cause in the eyes of a court, failure to do your work, failure to turn up for your work for an unreasonable period, taking money. A series of things like that would be held by the court in accordance with a line of decided cases to be cause. In that case, an ordinary employee can be dismissed without notice. This gives the added protection that it requires the majority vote of the council.

Mr. Chairman: It seems to me to leave the officer of a municipality in a pretty untenable position if you can just say, "Bang, chop; you're out in the street, Charlie."

Mr. Legal Adviser: If they do it without cause, then an action for unlawful dismissal lies in the courts. It's only for cause, they can dismiss by a majority vote. Without cause, they have to have two-thirds majority. This is very good protection for the employee, much better than he'd get in private business.

Mr. Chairman: (Reads sections 57, 58, 59 and 60)

Mr. Tanner: Mr. Chairman, could I ask the Legal Adviser what the fixed station of a resolution or a bylaw is. What are the various degrees of either?

Mr. Legal Adviser: A bylaw will require a number of readings going through. In the case of money bylaws, a vote is required of the taxpayers. Certain types of bylaw can be upset by the Commissioner without coming into force at all, before the third reading. Normal types of bylaw can be upset by the Commissioner by it being revoked within a year of its passage. A bylaw is more complicated, a resolution is more simple.

Mr. Tanner: Is a resolution binding on a municipality?

Mr. Legal Adviser: If it's something they can do by resolution, then the resolution binds. If it's something they can only do by bylaw, the resolution in that instance would not be sufficient to bind.

Mr. McKinnon: Like the chairs in the Council Chambers?

Mr. Legal Adviser: Like the chairs in the Council Chambers.

Mr. Tanner: Mr. Chairman, did I understand the Legal Adviser to say that there's a problem with chairs in the City Council Chambers?

Mr. McKinnon: They can deal with it.

Mr. Chairman: (Reads sections 59 to 61).

Mr. Stutter: Mr. Chairman, I have a question on this one. The word "present" as it is set in there, if I could just give you an example. In the case of a five man council, it's possible to call council together with three members, and with three members present, it is possible to pass a vote with two votes, and two votes is not a majority in a five man council.

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Mr. Legal Adviser: Yes, but the other person has been summoned. It becomes an invalid meeting if they are not all summoned to the meeting. The fact that one stays away allows this to happen by a majority of a quorum, which is not contrary to normal practices.

Mr. Stutter: This may be so but just because a member has been summoned, doesn't necessarily mean that he is able to get there. He may be sick or something, in which case you could pass a resolution. I think a bylaw is protected by section 21, but a resolution is not. Inserting the word "present", I can see where a resolution could be passed with just two members instead of three in a five man council.

Mr. Legal Adviser: This is so, but I can't see any way around it. If the person decides not to turn up, he is sacrificing his right to vote at that meeting by doing so.

Mr. Stutter: Mr. Chairman, surely just by deleting the word "present" is all that would be required. You haven't put it in in some other sections where it could conceivably have been put in as Councillor Chamberlist pointed out in subsection 56(2).

Mr. Legal Adviser: It is not enough to just take out the word "present", Mr. Chairman, because then you are changing the meaning of the whole section. The section is intended to mean, when a quorum is present at the meeting, a majority of that quorum can validly pass a resolution. That is the intent of the section. You take out the word present, then the quorum cannot pass it by a majority of the people present. It means that they have got to have a majority of the total membership of the council. In other words, in Whitehorse out of seven members, I think, you would have to have four votes, even though there are, say, five people at the meeting, which would constitute a quorum. Each resolution requires five votes to be successful so two people can block.

Mr. Chamberlist: I think that I would like to look back on it. It may be a necessity to put the word "present" in another section. I think that it is proper in this place in this section because, just look at the situation that might develop if certain members of a municipal council, if this word "present" is taken out of this section. Certain members of a municipal council wish to obstruct the ... by not being there, deliberately not being there, the passage of a particular resolution or a particular matter that should be dealt with. If the Honourable Member from Dawson City, suggests that word should come out, it means that the council or the quorum, the majority of the council would not be able to conduct any business. You see, because there would be nobody there in a case as indicated where there are five members on council. If three members deliberately stay away then the other three members would not be able to conduct the meetings of council by resolution or bylaw simply because the two members have stayed away, knowing something specific that was going to be dealt with, and found that this was a way out to stop any work being done on it. So this is the danger as well in that particular area. I don't see anything wrong in that area. I think that we should take a look at that word "present" in the other section.

Mr. Stutter: Mr. Chairman, I can't quite agree in this particular instance, because if there were two members absent, who felt by staying away from council they could block something, then if the quorum, which in this case would be three, if there was one other

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Mr. Stutter continues ...
member in that quorum has voted against it, then there were three of them that were voting against it in the first place, which is a majority. So, you still have only two supporting members in this actual case if you didn't take the word out. There would be a disadvantage for them to stay away. The two that are in favour could pass it by the way that you have got it worded.

Mr. Chamberlist: Unless there is a majority vote of the members of the council present. While three is a quorum of five, and if two is a majority, well surely that is the majority as three members. There is a quorum there; there is a majority there. In a case of a municipality where there are seven members, they couldn't conduct business unless four are there, and four is the quorum, and is also a majority of council.

Mr. Stutter: Not a majority of those present.

Mr. Chamberlist: There are circumstances where two may be legitimately ill or laying in hospital as one Honourable Member has interjected. It might also be that they are away on holiday. There might also be the instances of where there is a deliberate attempt to forestall something from taking place, and if they continue to be away, then what we would be doing in effect would be preventing a municipality from carrying out the conduct of a meeting, notwithstanding the fact that they have a quorum, and the majority of the members of the council present not necessarily voting in one particular direction, but they certainly are present. I think that this is the important point there.

Mr. Stutter: Mr. Chairman, I don't quite follow it, but I would like to look at it later and think it out and then perhaps come back to this latter before the Bill is ...

Mr. Chairman: (Reads sections 62, 63).

Mr. Chamberlist: Now, this is where I would agree with the Honourable Member from Dawson City that this word "present" should come out, because there is a case where you just had three members of a five member council passing a third reading of a bylaw. Now, this is where I think that we should give further consideration to, so that there should be before third reading is given to a bylaw, that it should be the majority of the council voting in favour or against, one way or the other. It is worth some consideration.

Mr. Stutter: Mr. Chairman, I have to disagree here, again. If you take the word "present" out in this instance, one member staying away from council could block something indefinitely. If you would leave it as a majority, unanimous consent of council, and that one member wanted to block it, all he would have to do is stay away, but by putting in "present" there, it is okay.

Mr. Chamberlist: This is one area, Mr. Chairman, where ... this is why when we have gone through this we have had our feelings and the municipal representatives come in and we get their input in this particular area. This is why we will be able to do it for some. We know what we are talking about, let's get their comments.

Mr. Legal Adviser: Mr. Chairman, if the Honourable would recollect the fact that the House rules here. We need the unanimous consent of all the Members present to dispense Standing Orders. We are providing here in the normal course of events you cannot read a bylaw more than twice in the same day, but by unanimous consent, you can suspend the Standing Order if every one present agrees to suspend it. They may, and it frequently happens here that by courtesy a Member in opposition may in fact consent to the suspension of Standing Orders and then still vote against the Bill. He will extend the courtesy to the House of allowing the House to conduct its own business. What we are providing for here is that the members present can, out of courtesy

Mr. Legal Adviser continues ... consent to the reading of a bylaw more than twice, but they would still be opposed to the actual measure. It is a matter of courtesy and I think that we could give the control of this Standing Order to a municipal council, itself.

Mr. Chairman: Clear? (Reads section 64).

Mr. Chamberlist: Something just comes to mind, should perhaps the Legal Adviser ... this I don't think we saw. If we have a copy of a bylaw under the seal of the municipality and certified by the clerk, should it not be certerified by the clerk at the time that the bylaw was passed? If we do not have that, if we do not have that, it has to be certified by the present clerk who knows nothing at all about whether the bylaw itself was passed at the time. Does it make sense?

Mr. Legal Adviser: I would ask the Honourable Member not to throw too many spanners into the works of the course of law. This section is in here, no prosecution for breach of any bylaw could ever be successful in court, because one of the things which must be approved is the execution of the bylaw, and it must be handed in by council in the prosecution. This clerk can certify from the records, that this is a true copy of the bylaw, and no more prosecution, no more court case.

Mr. Chamberlist: That has given me a thought, if this is the way that it reads.

Mr. Legal Adviser: It is like the Queen's Printers copy.

Mr. Chairman: (Reads section 65). That is an awesome power.

Mr. McKinnon: I think that we will hear from the municipal authorities on this.

Mr. Legal Adviser: This is a provision in every municipal government in the world, that a law can be disallowed by the superior government. It is a power which is not often for cause. It doesn't matter whether you say for cause or no cause. The courts will not inquire into the reason for disallowance, they will just accept the disallowance. It the normal thing to happen, but of course the Commissioner does not normally exercise this power. It is a mail fist in a velvet glove. What happens in practice is , if for some technical reason, which is the only time that it would happen, usually, for some technical reason a bylaw might have to be disallowed. A polite letter is sent to the mayor, pointing out where the error lies, and the municipality itself will always accede to the request and repass the bylaw technically correct. Sometimes they exceed their powers by accident.

Mr. McKinnon: Doesn't it usually say Governor-in-Council in other jurisdictions?

Mr. Legal Adviser: We have the Governor-in-Council sitting with us.

Mr. Stutter: Might I ask if that is what actually happened in this Council when we tried to pass the Labour Protections Ordinance last spring; it wasn't assented to by the Commissioner although it passed this House?

Mr. Legal Adviser: No. It is a different technicality. Yes, in our Ordinances, if the House recalls that the period of disallowance was changed in the Yukon Act from a two year disallowance to a one year period, to make us have a common disallowance period with the provinces. Canada has this power in relation to provincial and Territorial law.

Mr. McKinnon: That Bill didn't go to the Minister; he didn't assent to it here.

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Mr. Commissioner: It never went anywhere. That was a different thing. It was a different case, Mr. Chairman, that was referred to by the Honourable Member from Dawson than what we really have in front of us.

Mr. Chairman: (Reads sections 66, 67, 68(1)).

Mr. Chamberlist: Immovable?

Mr. Legal Adviser: It means land.

Mr. Chairman: Immovable what?

Mr. Legal Adviser: Immovable is the use of an adjective as a noun. It means an immovable thing.

Mr. Chairman: (Reads paragraphs 68(1)(a),(b),(c),(d),(e)).

Mr. Stutter: Mr. Chairman, might I ask the Legal Adviser if the N.C.P.C. could be termed as a commercial enterprise?

Mr. Legal Adviser: It is a legal question, Mr. Chairman.

Mr. Chairman: Could we have an answer to the question, please.

Mr. Legal Adviser: It depends on which way you view it. If you view it as an agency which is in business and attempting to get back substantially what it spends, then it is a commercial enterprise. If you view it as a Crown corporation, or Crown agency, which is attempting to equalize the cost of electricity through out the Canadian North, then you would say it is not a commercial enterprise. It is a political answer.

Mr. Stutter: Mr. Chairman, that doesn't really answer my question, because I know that N.C.P.C. pays a grant in lieu of taxes, at least in Dawson, perhaps it is the same thing in a round about way, but they do in Dawson.

Mr. Chairman: Mr. Commissioner.

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Mr. Commissioner: Mr. Chairman, I don't know what the Honourable Member would feel about this particular section here but one of the things that we get around to about once in every ten years, here in the Territorial Government is to put together some kind of consolidation of the ordinances of the Territory so that an ordinary individual in the normal course of events can find in one place what the laws of the Yukon are or are reported to be at that particular time. My question is; does the Honourable Members feel that there should be some requirement for the bylaws of the municipality to be put together in some kind of office consolidation form so that they are available for the general public? As a practise Mr. Chairman, I know that they are available to the general public now, you can go to the City Hall and take a look at them. I am sure that possibly here in the City of Whitehorse that perhaps they may even have them available for sale, as a consolidated package but I am wondering what the Honourable Members would think about inserting something in the Ordinance here, that would make this a requirement.

Mr. Chairman: Has Committee any discussion on this point?

Mr. McKinnon: Mr. Chairman, that is pretty costly procedure for small municipalities, isn't it?

Mr. Commissioner: The unfortunate part of it is, Mr. Chairman, is that it is in the small municipalities that the greatest difficulties seems to be in people knowing what the local bylaws and ordinances are. It's really not too difficult, Mr. Chairman, here in Whitehorse, say if you were building a house or going into a business you can go to the city park or the city manager and by personal inquiry you can find these things out it really isn't too difficult but in the smaller community where they don't have this sophisticated level of day to day service in their offices sometimes it is a rather difficult thing. Don't misunderstand me, I'm not being critical about the small municipalities, I'm simply raising the question; should there be a requirement on behalf of the general public for such things to be available; on some kind of an updated and continuing basis? To be purchased say at a nominal fee, by the man on the street.

Mr. Tanner: Mr. Chairman, the suggestion that the Commissioner is making has now got me a little confused; is he saying that it should be an obligation on the municipality to make their bylaw available to the public, or is he saying that it should be an obligation on the municipalities to update their bylaws and put them in consolidated form and make them available to the public?

Mr. Commissioner: Mr. Chairman, one would automatically lead to the other.

Mr. Tanner: But you've got one there already.

Mr. Commissioner: Yes, but it reposes in the City office. There is no obligation as I would see it, unless I misinterpret the section here, there is no obligation for the municipality to make available for public purchase the bylaws of the municipalities.

Mr. Legal Adviser: Individual bylaws.

Mr. Chamberlist: Perhaps, Mr. Chairman, this is a point that we could raise with municipal representatives.

Mr. Tanner: Mr. Chairman, I would suggest that that would be the last people to ask whether they want to make them available because that will be an expense on their accounts to do so. I think, we should make the decision here and then inform them.

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Mr. Chamberlist: I was thinking of how responsible they want to be in this matter, in advising the public.

Mr. Chairman: To continue with 69(1).

Mr. McKinnon: Mr. Chairman, before we go on to 69, I wonder if in 68 there is any other section that somehow allows the municipalities in the field of charitable or nonprofit organizations to grant exception to the taxation.

Mr. Legal Adviser: There is a section later on in the Bill, which sets out very clearly what grants they can give.

Mr. McKinnon: A person reading through this without any reference would just say the city under the Municipal Ordinance is prohibited from doing any of these things, save for provisions such and such in such an Ordinance. If I read the Municipal Ordinance, a director of some charitable organization and I wanted a grant in .. or an exemption granted from taxation and looked at the Municipal Ordinance; all it tells me is that I can't have a grant in 68(1).

Mr. Chamberlist: It says that you cannot have a grant with reference to these areas, in the Municipal Ordinance but the Taxation Ordinance would indicate the exemptions because it deals specifically with taxation. This is the idea of separating them.

Mr. Tanner: Isn't the Honourable suggesting that with the ease in public scrutiny there should be some reference here so that a person reading through who is ... who is not a legislator or a solicitor could think that that would be made know to them. It doesn't sound unreasonable.

Mr. Legal Adviser: It's not unreasonable, but the people who are looking for exemptions from taxation all know the section and the paragraph number for a long time before they go into Council to ask for it.

Mr. Chairman: Clear? (Reads 69(1),70(1)(2))

Mr. McKinnon: Why does he have to put two hundred and fifty dollars up?

Mr. Legal Adviser: It's very normal. This is not just a question of an ordinary case. It is a person who takes upon himself of going to Court to quash which has been unduly passed by the Council on the ground of illegality. You want to make sure that people don't do this lightly.

Mr. Chairman: Speaking from the Chair. In the original Ordinance which is now in effect you say one hundred dollars; wouldn't this be sufficient? Why two hundred and fifty.

Mr. Chamberlist: The cost of lawyers has gone up.

Mr. Legal Adviser: Right. Lawyer fees have gone up since the last Ordinance.

Mr. Chairman: There are a lot of people who may wish to have a legitimate claim and may not be able to scrape up two hundred and fifty dollars then.

Mr. Chamberlist: The point is, it is to prevent people who are frivolous and vexatious in various matters dealing with municipalities and attempting to overthrow bylaws. Where there is sufficient grounds for overthrowing the bylaw, the money comes back automatically and much more besides.

Mr. McKinnon: Mr. Chairman, I have always found that the people who seem to suffer most under Government mismanagement or improper legislation never seems to be the big business corporations or the individual who has the ability and the money to take care of any legal fees or representation before the Court. If for any instance, the municipality passed an illegal zoning bylaw which really affected a certain housing in an area or something to this effect and that person wanted to get a judgement from the Court that the bylaw

Mr. McKinnon continues ...

that was passed was creating a real hardship in that area that he was living in was illegal. I just don't think that, knowing the cost of legal fees, and knowing the money that he is going to have to put up originally to be able to hire a barrister or solicitor to take his case to court and then besides that having to up a security bond of two hundred and fifty bucks in the hands of the Court to make sure that he isn't frivolous or vexatious is just too much of a hardship on the person who generally finds harm done by him by Government. I have no qualms at all that when people are using the laws for stalling procedures or for their corporate benefits for this type of legislation that that is generally not the type of a person who is being affected by laws that are unjustly proclaimed upon the individual. I don't think that we should be putting hardships in the way of that individual to get his case heard before the courts.

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Mr. Chamberlist: Who should be responsible, Mr. Chairman, for the payment and the cost if the Court ruled against the applicant? Someone has to pay for the cost that is involved. This is the reason why there is some sort of security placed in there. If the person that makes the application is successful in his application, then the deposit is refunded and the costs invariably go as a matter between lawyer and client and then the money is picked up on the other side, or part of it, between the loser of the case and the lawyer on his behalf. Certainly, it is going to cost people some money to proceed.

Mr. McKinnon: Mr. Chairman, when I lay a complaint against somebody in a Court of law, the Court doesn't tell me that I have to pay a deposit of two hundred and fifty dollars in case the Court shows me wrong. What is the difference whether it is criminal or civil? I really mean it, why should a person, if he feels he is being wronged and wants to prove his case in Court, have to put up a deposit from the Court just in case he is proven wrong and that the Court will be sure to get the cost of the case. It should be just as a normal Court procedure, that if the person is shown wrong and the costs are against him then the Court collects the costs through the same method they do in a criminal or any other matter, except where it seems the guy wants to go after the Government. I think it should be a lot easier for the people to go after the Government, goodness knows, they should have the ability to do it.

Mr. Tanner: Before we go off on a tangent here, Mr. Chairman, this is a final case of recourse, where he can't do anything else. By this time before he's got to Court, or even talked to his lawyer he has probably gone to his aldermen and appealed to them. If he hasn't had any joy there and he still feels that he is dissatisfied, he can appeal to the Commissioner because the Commissioner can set aside the bylaw. If he is still not satisfied, then he goes to Court. Having gone to Court, he should be prepared, if he is that serious, and not frivolous, there are people around who will frivolously go to Court, I don't think that two hundred and fifty dollars is too much because he still has one thing he is going to do before he puts up his two hundred and fifty, he is going to talk to his lawyer, at very little cost, and the lawyer is going to look the case over and see if he has got a case and advise him against it, if he hasn't. I don't think two hundred and fifty is too much.

Mr. Chairman: Again from the Chair, everyone here seems to be normally, Whitehorse oriented, but we have municipalities other than Whitehorse where law services of legal people are not readily available. Anyone say at Dawson or Faro or anywhere else has the added burden of the expense of transportation and this type of thing. I don't think that anyone in the hinterland would embark on a project, unless they were well equipped to cope with this, plus the two hundred and fifty dollars is quite an added burden for somebody in the hinterland who doesn't live in this great place.

Mr. Chamberlist: Mr. Chairman, with respect, it is not the costs of the Court that the two hundred and fifty dollars is for. It is so that if the Court grants costs against the individual that made the application that those costs ... those costs that have been deposited, the two hundred and fifty dollars that has been deposited, would be part of the award of the costs against that individual. Quite frankly, I see nothing wrong if I want to sue the Honourable Member from Whitehorse West for some reason,

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Mr. Chamberlist continues ...

like I've felt like doing sometimes, I am sure that he would want to make sure that because he is going to be involved in costs, he would invariably seek assistance of one of lawyer friends. I doubt that this would be this done without charge, but immediately there would be costs that would be building up and he would want to make sure that part of those costs were going to be paid. This is why that portion is in there. There are many civil actions being placed where a person who is the defendant in the civil action, would go before the Court and ask the Court to order that costs in the action be paid into Court as a sign of good faith. This could be done in any event always saying that if an applicant wished to squash a bylaw before the Court that an amount of two hundred and fifty dollars will be paid into Court as deposit. Perhaps we should say at the discretion of the Court, if that would help, that would be a fine perhaps the discretion of the Court might be that only fifty dollars is necessary, but it should be at least the maximum so that the discretion of the Court can be used in saying how much deposit should be placed in the Court. Perhaps the Honourable Member from Whitehorse West would consider this point and then perhaps we can amend this to read in that way

Mr. McKimmon: I really enjoy hearing the affluence of all the other Members around this Council Table. I could see it if it was a surety of something, a guarantee against something that the person owned but for the guys normally, to come out of his pocket and lay down two hundred and fifty bucks just isn't quite as easy to some Honourable Members as they think it is to the general public. It just isn't and to have to lay it out and put it in there it doesn't say anything about surety. It is two hundred and fifty dollars in hard cold cash money that that person puts in before he has the ability to be able to take a bylaw to Court to find out whether it is legal or not. I listened to the Mayor from Dawson City on the radio the other day, and by golly there didn't sound like there was two hundred and fifty in the whole City of Dawson available, if it was all put together, by the sounds of it. I think it is pretty difficult for the individuals in the Municipality of Dawson to bring a case against Court to try and upset a bylaw.

Mr. Chamberlist: That's a good point. Now I have the picture clarified. The Honourable Member now is not opposed to a deposit being put in; he is opposed to the fact that the cash is required. Perhaps we will take a look at this and see if we can make provision for a bond in amount, cash or bond, in the amount of two hundred and fifty dollars. Perhaps that would satisfy the Honourable Member. How's that?

Mr. McKimmon: It would be better.

Mr. Chairman: (Reads 71(1)) Here again, you have reduced this from two months from the current Ordinance. Why, and why should you not let it go sixty days? Giving the people in the hinterland again a chance.

Mr. Legal Adviser: A normal appeal period, Mr. Chairman, in the Courts is thirty days now. This in effect, is giving an appeal to the Court against the passage of a bylaw so the bylaw is at risk for the period of appeal and in certain types of bylaws the Council would have to exercise sufficient caution not to act under the bylaw pending a chance of an application going to Court. It is not an unreasonable appeal period, thirty days. In a money bylaw they can go to Court at anytime but an ordinary bylaw thirty days.

Mr. McKimmon: What if the bylaw is illegal?

Mr. Legal Adviser: If it illegal, then people don't have to obey it. There is two ways of dealing with a bylaw; first the "elephant method", whereby you go to Court and attempt to quash it; or there is the crafty method where you ignore it until the council comes to you and then you take them to the Appeal Court in Vancouver, that's the "fox method".

Mr. McKimmon: Okay, there is an example. Say the Council has passed an illegal bylaw, nobody twigs to it at all because the bylaw doesn't effect anybody until sometime in the future, and the bylaw goes six months hence into effect for a specific purpose and the person who is aggrieved at that time says they can't do this; it is illegal. What's his recourse?

Mr. Chamberlist: He disobeys the bylaw so he lets them prosecute him and then the Courts will deal on whether the bylaw is ultra vires of the legislation or not.

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Mr. Chairman: (Reads 71(2),72(1)(2)) I will call a brief recess at this time.

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Mr. Chairman: At this time, I call Committee back to order. The next section is section 73. (Reads sections 73, 74, 75 and 76) *BILL #10*

Mr. Stutter: Mr. Chairman, I have a question on this section that I direct to the Legal Adviser. Would a council be permitted to borrow money directly from the bank without going through a bylaw, that is for carrying on its own expenses?

Mr. Legal Adviser: Yes, in the early part of the year, before the revenue starts to come in, they are permitted to borrow amounts in subsection 74(1), an amount not exceeding twenty-five percent of the estimated revenue of the municipality.

Mr. Chairman: Clear? (Reads sections 77 and 79)

Mr. Commissioner: Excuse me, Mr. Chairman. Say municipality "A" has borrowing powers, as of today, of one million dollars. Five years from now, we'll say that they have borrowed a half a million dollars. That means they have a half a million dollars of borrowing powers left. Five years from now, their assessment hasn't changed. They should, now, have a half a million dollars, plus whatever they have liquidated from the first half million. Is this correct? Is this on an accrual type basis?

Mr. Legal Adviser: I think, Mr. Chairman, it's the maximum at any one time.

Mr. Commissioner: Yes, well, this is not what I'm asking. This is a very important point because, Mr. Chairman, with respect, if you are saying this at any one time, you must indicate this is on an accrual basis. In other words, at no time in the life of a municipality must the total indebtedness, you know, the contractual indebtedness, exceed twenty percent of the indebtedness. I don't think that's what that says.

Mr. Chamberlist: Well, I read it Mr. Chairman, indicating that no municipality has power to pass bylaws contracting debts in excess of. So, it can't be a basis of borrowing twenty percent every year, because after five years, it's a hundred percent.

Mr. Commissioner: Well, this is exactly what I think it is, Mr. Chairman.

Mr. Chamberlist: No, I don't read it like that. It says in this paragraph in excess of twenty percent. It doesn't say in excess of twenty percent per annum. It is twenty percent of the total assessed value in the municipality. If the assessed value happened to be larger in the fifth year, the maximum that can and has been borrowed is up to twenty percent of the assessment. This is what is intended.

Mr. Commissioner: Mr. Chairman, could we suggest that the Legal Adviser might take a look at this to see that it is clearly the intent that the indebtedness at any one time, outstanding indebtedness at any one time, does not exceed twenty percent of the real property for taxation purposes.

Mr. Chairman: Does Committee agree with this proposal? Mr. Legal Adviser, would you so note. (Reads sections 79 and 80)

Mrs. Watson: Mr. Chairman, I have one question. I'd like to go back to section 76, subsection (1) and then paragraph 76(3)(a). Paragraph 76(3)(a) says "Upon receipt of the application and bylaw referred to in subsection (2), the Commissioner shall take such action as he deems advisable and may approve the loan and direct that the bylaw may be given third reading and passed". Yet, subsection 76(1) says "No bylaw for borrowing money shall be valid unless, prior to the third reading thereof, it has been submitted to and approved by the Commissioner and has received the assent of a majority of the taxpayers ...". Then, we say

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Mrs. Watson continues ...

that the Commissioner can approve a loan and direct that the bylaw be given third reading and passed, without going to the taxpayers.

Mr. Legal Adviser: There is an apparent contradiction here, Mr. Chairman. I had noticed this and I was hoping no Member would notice it. I was going to review it because I'm not sure exactly what the intent is. It certainly has double meaning, as is, but I want to find out what the intent is to be reproduced in the section.

Mr. Chamberlist: That shows the value of the Honourable Member from Carmacks-Kluane.

Mr. McKinnon: I think the preceding was a paid political announcement.

Mr. Chairman: Smile Hilda; he noticed it. (Reads section 81, subsection (1))

Mr. Stutter: Mr. Chairman, I wonder if we could have the Legal Adviser explain that one a little bit. It appears that there could be some personal liabilities on any of the aldermen.

Mr. Chamberlist: That's what it does do. That's the intention, for the misuse of funds.

Mr. Stutter: Well, is it just for misuse of funds, or, if for some reason, they went beyond this borrowing power ...

Mr. Legal Adviser: In equality, it behooves members of municipal councils to be cautious in money bylaws or expenditures.

Mr. Chairman: (Reads section 81, subsections (2) and (3))

Mr. Tanner: Mr. Chairman, previously, in indemnification of employees, doesn't exonerate the aldermen in that.

Mr. Chairman: (Reads section 81, subsection (4)) This terminology, Mr. Legal Adviser, "it is a good defence", why is this?

Mr. Legal Adviser: Well, it means he wins his action, Mr. Chairman. If somebody sues him ... supposing, for instance, the City of Whitehorse was to, we'll say buys a ship, operate up and down the river and they hadn't got the power here to do it. The cost of the ship, then, would come out of the personal pocket of the councillor who voted for it and the officers who contributed to it by buying the ship. But, if the officer who is a good employee, warns the council and says "I'm warning you that this is an illegal expenditure" and signs the warning, and they still go ahead and buy it, well, he gets off the hook.

Mr. Chairman: Well, that isn't my question. My question is the ...

Mr. Legal Adviser: A good defence means the court would not bring it against him.

Mr. Chairman: My question is the terminology. I've never seen that anywhere, "it is a good defence" to do any action.

Mr. Chamberlist: When we talk about a defence to an action, it's just simply that the person say, "My defence to this action, because you are suing me under section 81, is that I warned these people so you can't include me or sue me because I already warned these people. I'm off the hook; they were told that this was wrong. That's my defence."

Mr. Chairman: Yes, but what I'm getting at is the terminology.

Mr. Chamberlist: That is the terminology. That is the correct terminology.

Mr. McKinnon: Well, if the aldermen were acting in good faith on every money bylaw, which we presume they would be doing, wouldn't it be advisable

Mr. McKinnon continues ...

for them to write this note every time that they pass a money bylaw to make sure that if there were legal action brought, they would be protected?

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Mr. Legal Adviser: As the Vicar of Brae used to say, faith without good works is useless.

Mr. Rivett: Amen.

Mr. McKinnon: You're writing long notes as far as I'm concerned.

Mr. Chairman: (Reads section 82)

Mr. Stutter: Mr. Chairman, I have one general question. If we accept this Rental-Purchase Housing Ordinance, this in turn, requires expenditure on the part of the municipality. Must this, again, require a bylaw and would it have to go to the voters of that municipality?

Mr. Legal Adviser: I think a provision in the Rental-Purchase Housing Ordinance itself states they can borrow from the agency or C.M.H.C., whichever, without the necessity of a money bylaw.

Mrs. Watson: That's under the Housing Corporation Ordinance.

Mr. Legal Adviser: Well, it's under that. But, they use that, subject to those rules.

Mr. Chamberlist: With respect, that's under the Housing Corporation Ordinance, but the Rental-Purchase proposition that has been put before Council has no bearing at all on this. It's just a Territorial Government proposition.

Mr. Stutter: With respect, Mr. Chairman, there is a clause in there where it states that certain amounts of the expense will be charged back to the municipalities, and as an expense to the municipalities, does this require a bylaw?

Mr. Legal Adviser: I think the Honourable Member is talking about the Housing Corporation Ordinance. The Yukon Housing Corporation is set up to permit them to make agreements with C.M.H.C., Canada or the Territory, or Territorial Corporation. The Rental-Purchase doesn't include them in at all. It's a pure expenditure by the Territorial Government with the Federal Government.

Mr. Chairman: Are you clear on subsection 82(1) yet?

Mr. Tanner: Before the question was raised, I thought I was. But, now, I'm getting confused. It seems to me, in the Rental Housing Rental-Purchase ... no, no, wait a minute ... in the Housing Ordinance, there is some conflict with what we have just been reading in the last few paragraphs. My question is which one would take precedence in this area, the Municipal Ordinance or the Housing Rental Ordinance?

Mr. Chamberlist: Could I answer ...

Mr. Tanner: I want a separation.

Mr. Chamberlist: I want to separate them. There's a Housing Corporation Ordinance; there is a Rental-Purchase Housing Ordinance. They are both entirely different. I think the question that was raised is under the Housing Corporation Ordinance, with respect. There is no difference in the powers because the Municipal Ordinance has the powers that are inherent and the Housing Corporation gives additional powers to what is in the Municipal Ordinance in relation to borrowing from the Corporation.

Mr. Tanner: I understand that, Mr. Chairman. What I'm saying is where the Housing Corporation Ordinance requires participation by the municipalities to an extent of fifty percent, or could be fifty percent

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Mr. Tanner continues ...
if they chose to exercise that option, and where that fifty percent is in excess of two mills or twenty percent of the total assessable amount that is available under the Municipal Ordinance, which one takes precedence.

Mr. Chamberlist: The Municipal Ordinance. If they can't borrow under the Municipal Ordinance, well then, they just can't borrow for any purpose. But, if they are able to borrow up to that two mills, whatever the amount of dollars is, and the provisions for participation under one of the schemes of the Housing Corporation Ordinance, then they can participate. But, the Municipal Ordinance and the borrowing powers of the Municipal Ordinance are the maximum borrowing powers, in dollars and cents, that are available to the municipality.

Mr. Chairman: Clear? (Reads section 83) That takes in everything but the highways excluded then, by Commissioner's Order. (Reads section 84)

Mr. Tanner: Mr. Chairman, there is a well known case that I think applies to this particular subject. My question is whether or not the Territory has the authority to make that definition, that the city owns the streets and highways.

Mr. Legal Adviser: That's not what the section says. The section gives the jurisdiction over the law making power of the streets and lanes, roads and highways to the city. It doesn't say who owns them. Ownership is not a necessary part of jurisdiction over streets. In Canada and America, the streets are public property, but everywhere else, they are private property.

Mr. Chamberlist: I'm going to have a little bit of a difference here. My position has been made clear through the years, that the words "shall be vested in the municipality" is a question of whether or not we vest in a municipality what we haven't got to vest. The Legal Adviser made my stand on this and I'm not going to expand to a great extent at the moment ...

Mr. McKinnon: Hear, hear.

Mr. Chamberlist: My feeling has been made generally known in relation to it.

Mr. Chairman: (Reads sections 85, 86).

Mr. Stutter: Mr. Chairman, this brings up a point that has been raised in Dawson on several occasions. The road that presently goes along the front street, which is actually part of the direct road from Whitehorse to Clinton Creek. The city has been asked to assume in many instances the responsibility of this road, but there are areas of that road that they did not have, did not lay out and nothing to do with the engineering or the laying out of it. It was done directly by the Territorial Government, Department of Public Works. Their argument has been, and probably still is that that road should definitely be the responsibility of the Territorial Government and not the City of Dawson.

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Mr. Legal Adviser: I have in my office, Mr. Chairman, the list being typed up of the roads which are being excluded from the jurisdiction of Dawson by section ... by an order made under section 91. It came back to me to make a correction and it is still in my office if the Honourable Member wishes, it is possible it might be just there. I could give you an answer that is to what part of the streets in Dawson are being excluded. It came back because, apparently the right of way on a Dawson street is 40 feet on either side of a centre line and everywhere else it is 100 feet on either side of a centre line. I don't know whether the street mentioned by the Honourable Member is included on that, is a Territorial responsibility.

Mr. Stutter: I would like to see that list if at all possible, Mr. Chairman, not necessarily right now, but I would like to see it.

Mr. Tanner: Mr. Chairman, there is one other question that I have on this section. All the way through here, it defines from 83 to 90, it defines what the municipality can do with its streets and lanes. All of them refer to paragraph 91. Paragraph 91 seems to be all encompassing and it seems to me that a city could be ... understand what its problems are as far as the streets and lanes are concerned and by mere Commissioner's Order the Commissioner could change it. Surely, it leaves the city in an untenable position as to knowing exactly what their responsibilities are in relation to the streets and lanes in the city might be?

Mr. Legal Adviser: No, Mr. Chairman, in this which I have looked at as it was being typed up this afternoon, had a definite list in relation to Whitehorse, the roads, streets we said yesterday. The Two Mile Hill, the south approach, South Access Road, the Alaska Highway, and there is a list of recreation roads in the area. They are all set out and carefully described. There is no doubt about exactly what the Territory is retaining and what the city is. The list with a legal description of each particular road.

Mr. Tanner: Let me give you a specific example. Supposing for example, the city decided to close a street or a lane and wanted to do something with it which some of the taxpayers in that area didn't want. They petitioned the city council, and the city council says okay, you have convinced us, we won't close that street or lane. Then under section 91, the Commissioner can by issuing a Commissioner's Order, say that it now belongs to the Territory, close the street or lane and go ahead and do whatever the wishes of the city government. Now, it might not have been the political thing for him to do, but he could do it, couldn't he?

Mr. Legal Adviser: I suppose so. Anything can happen. I can't conceive it happening. It is a published list. The reason for the exclusion is that the Territory is retaining the liability to repair. That is the reason that it is retaining it. It is an expenditure of business. In the case mentioned by the Honourable Member, if the city were to close a street then that would be the end of the street for the city, because the ownership would then go back to the Commissioner. It wouldn't belong to the city anymore.

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Mr. Chamberlist: There again, I ... see when reference is made to the ownership reverting to the Commissioner, I don't go along with the Commissioner ever having had the ownership. He just has control and management under section 45 of the Yukon Act. So, I mean if we go on, it is going to open up a great big bag of wolves, right now we want to give the management the control in the municipality plans anyway.

Mr. Tanner: Mr. Chairman, I don't want to belabour this point, because I assume this was set out to protect the city, so the city knew where they stood. Seeing as how the Commissioner can issue a Commissioner's Order when and how he pleases, and when I talk about it, I am talking about the office. Why couldn't you, having initiated this Ordinance and putting this Ordinance into operation, why couldn't you then take out section 91, because I assume the Territory doesn't want to pick up any more streets and lanes out of the city? There might be an occasion in the future where they would want to obtain another objective and it is going to leave the city again, as I say, in an untenable position.

Mr. Legal Adviser: I haven't heard the city scream about it. I think they trust the Commissioner a little more than the Honourable Member.

Mr. Chamberlist: With that section the Commissioner has been able to ... will be able to provide an answer to the question that Councillor Stutter has raised with reference to Dawson. You see, without that, without him being able to provide that any section of this Ordinance shall not apply to any highway, he wouldn't be able to say that that particular area in Dawson doesn't apply. Now, this section gives him the opportunity to do that very thing that Councillor Stutter is asking.

Mr. Tanner: The Honourable Member is always assuming that the Commissioner is going to work in the best interests of the city.

Mr. Legal Adviser: Mr. Chairman, the order as defined in relation to Dawson. It is only a draft as yet is, the following roads are defined and located in the City of Dawson shall be excluded from the jurisdiction of the municipality concerned. The right-of-way of the Stewart Crossing - Dawson Road from its intersection with the southeasterly boundary of lot 5 group 2 in a west northwesterly direction, more or less adjacent to the Klondike and Yukon Rivers, to the ferry landing opposite Duke Street. Does that satisfy the Honourable Member?

Mr. Stutter: Yes, that is the one that was in question. We are pleased to see that taken out.

Mr. Legal Adviser: The City of Whitehorse, they have, as we mentioned the Klondike Highway, the Alaska Highway, Two Mile Hill, South Access Road, Fish Lake Road, Chadburn Lake Road, Grey Mountain Road, Wolf Creek Juvenile Camp Road and the Whitehorse Ski Hill Road, Long Lake Road, Miles Canyon Road. They are all being retained out of the city's jurisdiction. The Village of Faro, the Campbell Highway and the Faro Access Road.

Mr. Tanner: There is one missing out of that. One that I know of, Hidden Lake Road, Porter Creek. It is 25 feet long, it is a recreational road.

Mr. Chairman: (Reads subsection 87(1)).

Mr. Stutter: Mr. Chairman, I wonder if the Legal Adviser could tell us how you could possibly define "reasonable repair"? Are there many instances of, let's say a car hitting a pot hole and breaking a spring, then the car owner suing the city, is the sort of case that is in.

Mr. Legal Adviser: It is a word which is often thrashed about in law cases as to what is reasonable and what is unreasonable. If the

Mr. Legal Adviser continues ...

Honourable Member were to read the account of the law cases of Mr. Albert Haddock, who is a famous litigant in Britain, written about by Mr. A.P. Hubert, you would find out that this word has a well known and defined meaning.

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Mr. Stutter: I take it that reasonable today will not be reasonable tomorrow?

Mr. Legal Adviser: No, it is a variable and it changes quite markedly from the 16th Century or 17th Century until today. Parliament in 1200 deemed it reasonable to have a crook boiled in oil, I don't think Parliament would think it reasonable today.

Mr. Chairman: (Reads subsection 87(2),(3)).

Mr. Tanner: Mr. Chairman, if you are wondering about that as I understand it in the business licence of the town, one of the conditions of the business licence is that the business keeps the sidewalk clear of ice and snow.

Mr. Stutter: Mr. Chairman, I very nearly brought this same point up that Councillor Tanner did. I would like to ask in that case, would the business establishment be liable for any injury sustained by a pedestrian?

Mr. Legal Adviser: They are not liable pursay, but they are liable in the case of negligence. In other words if you did half the sidewalk and left the other half undone so as to entrap a person into believing that it was all done, and the person slipped, and that might by a court be held to be negligence. The city doesn't appear to enforce it, the duties of the owner of property very much. I have only seen one business in Whitehorse, which was Hougens Store where old Mr. Hougén used to come out every morning and see that the thing was clear.

Mr. Tanner: Come on, let's not bring individual businessmen in town into this House. We are talking about businessmen in general. What the Honourable oops, what the Inhonourable Member Legal Adviser has just said, is absolute hogwash.

Mr. Chairman: (Reads section 88).

Mr. McKinnon: In subsection 88(2), Mr. Chairman, if the person is damaged also along with his vehicle to the extent that he is in hospital for more than 48 hours and can't lay a complaint because he is unconscious or something of that nature, how would he go about notifying the city?

Mr. Legal Adviser: I presume somebody on his behalf would do this for him, but sofar as personal injury is concerned we have inserted a saving clause in section 89 to assist where personal injury is caused.

Mr. Chairman: (Reads sections 89, 90, 91, subsection 92(1)(a)).

Mr. Legal Adviser: It is a long section, Mr. Chairman.

Mr. Chairman: I was looking to find the old section in the old Ordinance. (Reads paragraph 92(1)(b)). Does vehicle include a snowmobile?

Mr. Legal Adviser: Yes, Mr. Chairman, in a respective section also making it quite clear that snowmobiles are included in the city's jurisdiction, both on and off the highway.

Mr. Chairman: (Reads 92(c)(d)(e)(i)(ii)(iii)(f)(g)(h))

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Mr. Chamberlist: Mr. Chairman, I want to make my position clear on this. I do not agree with this section. That my stand is that it contravenes the law and I want my position made clear to Members of Council. I have no further comments here.

Mr. Chairman: (Reads 92(i)(j)(k))

Mr. Tanner: Mr. Chairman, all the way through this Ordinance, I have been having the same ... I think that possibly the Councillor from Whitehorse West feels the same way. It is becoming more and more specific and this is one particular area. Why couldn't we just leave the majority of this to the City, and merely say as long as they don't contravene the Motor Vehicles Ordinance, for example, the City may make bylaws controlling traffic, vehicle parking and so on? Why should we sit here going through all this rigamarole, when that's what we elected City Council to do?

Mr. Legal Adviser: I suppose one could compose a general sentence. This is the way the City wants it and this is the way it has been. They want the thing spelled out for them; what they can do in words of one syllable. We have had a lot of requests for this.

Mr. Tanner: Mr. Chairman, O.K. I think this is one case we should exercise our prerogative and say well "No, that's your job, you go ahead and do it."

Mr. Chairman: (Reads (1)(m)(i)(ii)(iii)(iv)(v)(vi)(vii)(viii)(ix)(x), (2)(a)(b)(c)(d)(e)(f)) A question this time, Mr. Legal Adviser, in relation to the apprehension of people who litter up the highways, that is to say, going to the dump and scatter the highways with trash and garbage and this type of thing?

Mr. Legal Adviser: It would be a different section. There are given power by bylaw to control this and presuming that they do because they do have to have the power.

Mr. Chairman: (Reads 93(1), 94(1)(a)(i)(ii)(iii)(b))

Mr. Tanner: Mr. Chairman, in this specific case where we are setting the conditions for the municipality to operate, we tell them that they had better publish something for four consecutive weeks. If we left the Ordinance as it was before we only had something to be published one week.

Mr. Legal Adviser: I think he wants it fortnightly.

Mr. Chairman: Councillor Stutter would you like to read?

Mr. Stutter takes the Chair.

Mr. Chairman: (Reads 95(1)(a)(b)(c)(2), 96(1), 97(1))

Mr. Rivett: Mr. Stutter, just out of sheer curiosity, what is the difference between a street and an avenue?

Mr. Taylor: We should await the return of the Legal Adviser for an answer to that one.

Mr. Chairman: I think, just in speaking from the Chair, I think, in general they are at right angles to one another; sometimes a street is an avenue. Shall I proceed, or do you wait? (Reads 98(1)(2)(3)(4), 99(1)(a))

Mr. Tanner: Mr. Chairman, why would they specifically mention "wooden"; why wouldn't they just say any building that they don't like because it isn't acceptable to their bylaw?

Mr. Legal Adviser: It's not the building, Mr. Chairman; it's the erection, Mr. Chairman.

BILL #10 Mr. Taylor: It's in the existing Ordinance.

Mr. Chamberlist: Most wooden buildings are frame constructed today and if you prohibit the erection of any wooden buildings, we would have to stop building. Mr. Legal Adviser?

Mr. Legal Adviser: It is in any specified place, it may be a fire hazard in a certain way, in any specified portion.

Mr. Taylor: There are many wood products now that are fire retardant treated, which nevertheless are still wooden building. The majority of buildings are made of wood in the north, take log cabins for that matter. I would like to hear some more argument on that one.

Mr. Legal Adviser: They must have the right, in certain places to say, "No wooden building in that particular place". They might want more permanent buildings, or they might prevent a fire hazard. They might say for instance, in relation to main street that buildings must be constructed of certain specifics, or they might say in relation to a theatre, we want a concrete building. There are various reasons why you would not want to have a wooden building, in certain places.

Mr. Taylor: Mr. Legal Adviser, why don't you just go to the City again and say that the City may make bylaws respecting the construction of, why are wooden building singled out?

Mr. Tanner: Mr. Chairman, surely they could merely say that any buildings, in the opinion of the City, or the Fire Marshall, who even makes the opinion, are a fire hazard. Why be specific?

Mr. Legal Adviser: We have been asked to be specific, in the Ordinance because they want to use it as a hand book to know exactly what their powers are. We have attempted to meet with these wishes, so the Councillors, and their staff and officers and the public can see exactly what the City can do and what it can't. There is a certain element of recommendation in this, recommending them to take action in certain fields where they have the power to govern themselves.

Mr. Tanner: Mr. Chairman, I am surprised because for the last three months to my knowledge, the City has been saying publicly, in the newspaper and on the radio, that this House doesn't know what it's doing, the Administration doesn't know what it's doing, the Commissioner doesn't know what he's doing, that they are supreme in all the decisions that they make. Then, they come to us and ask us to write all their legislation for them.

Mr. Chamberlist: Ah, you're learning. Now you're learning.

Mr. Tanner: I really feel that we have better things to do than write their bylaws. Let them make their own.

Mr. Legal Adviser: In the initial phase, it is somewhat tedious to have to read these details at length but in the long run it would be a convenience for the City Council themselves, it's a convenience for everybody. I would as the Honourable Member to carp less, and listen more.

Mr. Tanner: Mr. Chairman, do I have sit hear and listen to the Legal Adviser give me advice about how I can conduct myself in this House? Which particular seat does he occupy that he can give that type of advice to the House. I not carping, I'm really serious, for three months now we've been taking the views from the City Council. I'm not just saying myself, I'm saying the whole House, this whole Territorial Administration about how clever they are about how well equipped they are to meet decisions which they are now asking us to make. I don't agree with the Legal Adviser that we should have to make these decisions, I think they should have to make their building and zone bylaws. I really think I am wasting my time here this afternoon, because of this trivia.

Mrs. Watson: Mr. Chairman, with respect I think the Municipal Ordinance, BILL #10 is for the use of all municipalities in the Territory and just because we feel that in one incidence we have been criticized it hasn't come from all municipalities and I am sure that these smaller ones will be very thankful to have a handbook to refer to, to see what their duties are, what their powers are. I think we should go ahead and try and get through this Municipal Ordinance.

Mr. Rivett: I am sure that we are going to parking stand in Mayo.

Mr. Tanner: Mr. Chairman, this raises a basic point which I have been been reporting for the last six months. The fact is that we should have two clearly defined things, we should have a charter for the City of Whitehorse because it is the only city of any con..whoops..any size in the Territory, where the majority of the residents live and we should have a municipal ordinance for the small municipalities from which they can work by because I don't think you can sit here and write regulations and legislation for a city the size of Whitehorse the same time keeping in mind the two smaller cities, or municipalities in the Territory. I think we are going about this the wrong way and this is an illustration of what I say.

Mrs. Watson: Mr. Chairman, with respect if the Member from Whitehorse North will look at other jurisdictions they have a much more lengthy Municipal Ordinance and it applies to municipalities which are very small and municipalities that are much larger than even Whitehorse.

Mr. Taylor: Yes, but that doesn't mean that we have to accept the same thing.

Mr. Tanner: Mr. Chairman, there is one point further there of course is that most of the provincial jurisdictions have specific charters for the major cities, this is true of B.C. and Vancouver, it is true of Halifax in Nova Scotia and so on and so forth. Why do we have to try and write for three entirely different entities, one piece of all encompassing legislation. I am not convinced at all that we are approaching this in the right way, particularly when I sit through this.

Mrs. Watson: Could I enquire whether the Honourable Member compares Whitehorse to Halifax, or Vancouver?

Mr. Tanner: Yes, I do in certain circumstances because in comparison with the ratio to size and importance of those various cities to those various provinces, Whitehorse follows in the same importance and prominence to the Territory.

Mr. Chamberlist: I think, Mr. Chairman, transgressed from the bases here but it pleases me here, no end to have the absolute support of Councillor Tanner in this particular area because there has been weeping and wailing gnashing of teeth in regard to the input of the municipality. We have as a result of the input of the municipalities and the request that they have made, we have produced for Territorial Council to look at these things that they have asked for. This is why we want to read them and will see in the areas where we have been forced to open up a Pandora box. I agree with the Honourable Member that we shouldn't, there are some areas we should keep away from. The request has been made that we be specific of the powers of the municipalities can have. We have done that and I would suggest again that we complete the reading of it and the Honourable Members take note of these things. When we have the representatives of the municipalities here get to them. There is no point in getting now to the Executive Members who have really complied with what the municipalities have asked us to do. It is from their requests that this piece of Legislation is now before this House.

Mr. Taylor: Mr. Chairman, would this not be based on the premise that they still come under the pervue of the supreme all dictator in the Territory being the Commissioner? The office of the Commissioner controls everything

BILL #10 Mr. Taylor continues ...

else, and indeed control the municipality. Quite often when they get into trouble no doubt it is because the Commissioner has said well why didn't you do this and why didn't you do that. Maybe that is why they want clarification with what they should or should not be doing. I wonder sometimes if they have asked for all of this in an ordinance or not?

Mr. Chairman: Just speaking from the Chair, I would like to say that after sitting on the Dawson City Council, you would be surprised the way that the Municipal Ordinance is used by members of a small council as a Bible and as a definite guide. Provided that there is input and co-operation between this Council and the municipalities, I'm sure that the Municipal Ordinance is a good thing from that point of view. It very definitely is quite a Bible to them. One more comment from the Chair. A while ago, I think Councillor Taylor or Tanner did liken the Municipality of Whitehorse to that of Halifax and Vancouver. In the same vein, I think there are certain things in the Municipality of Dawson that can be likened to Whitehorse. Shall we proceed? (Reads section 99)

Mr. Tanner: Mr. Chairman, what is the Building Code of the North? That's a new one on me.

Mr. Chamberlist: Well, the Building Code of the North, Mr. Chairman, is a relaxed code of the National Building Code.

Mr. Tanner: Is it in print?

Mr. Chamberlist: Yes, it is in print, Mr. Chairman. It makes it a little bit easier in construction for people of the North than elsewhere in Canada. For instance, an example comes to my mind immediately, in the National Building Code, there is a specific area of window space required in room. Now, under the Building Code of the North, the window space required is less. There are similar areas. It is being used quite a lot now and the Central Mortgage and Housing people are accepting not only the National Building Code, but the Building Code of the North in accepting mortgages on houses.

Mr. Tanner: I might have been a little frivolous just previously to this, because it does call me a little bit dubious. But, I wonder if I might try to illustrate a problem of writing this type of detailed information into an Ordinance. Supposing for example, a new design of housing was available to the North and it was completely new. The city perhaps, would like to incorporate it within their building code and it's written into this legislation in detail what their building code is, and this is fairly detailed, you're restricting the benefit of the public to that type, new and more practical type, of building. You're restricting the very people that you're trying to protect and help in the legislation. I have one particular thing in mind. Supposing somebody wants to design a geophysic dome, which is becoming more and more popular and there are many worthwhile engineering studies saying that this is the type of housing we should be building in the North. If you write such specific details of what the city can do in this area in the legislation rather than in municipal bylaw which is more easily changed, you might be restricting that type of benefit to the population.

Mr. Chamberlist: Well, I can answer that. I know the particular type of project the Honourable Member is referring to, but, that has been given a Canadian Standards specification and within both the Building Code of the North and the National Building Code, there is a particular section that deals with standard specifications. This is taken care of in there. It deals specifically with Canadian Standards specifications.

Mr. Tanner: Mr. Chairman, I was really using that as an example. I'm not in the construction industry and there might be many other examples of things like that. But, by putting it in the legislation and necessitating it to come right through this House for amendment and so on, I think you might be, in the long run, doing the general population a disservice rather than a service.

Mr. Chamberlist: Well, I must also point out that the Fire Marshall's regulations also deal with the Building Code of the North and the National

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Mr. Chamberlist continues ...

Building Code. There must be, surely, a code that the municipality has to put into effect. For instance, now, they have said in one of their bylaws that the National Building Code ... certain construction must according to the National Building Code. They have already done this already, in the municipal bylaws. So, we're not telling them that they could do this. What it says is that these are the powers given them, and without restricting the generality thereof, may by such bylaws, you see, adopt the provisions of the any National Code or the Building Code of the North in whole or in part. They don't have to do it. They may do it. They may wish to take out just a part of the Code and say sections 1 to 25 apply or sections 39 to 42 apply.

Mr. Tanner: Yes, but, Mr. Chairman, with respect, that is surely denying what the Honourable Member was saying. The justification was of going through this whole exercise before. I have just been informed, about five minutes ago that this is the handbook, the Bible of smaller areas and obviously, they are going to look to it literally.

Mr. Chamberlist: Well, this is a guide. Surely, this is a guide and the maximum of what they can do. You see? Because we say they may be able to do it, it doesn't mean that they shall do it, but they can if they wish. The maximum that they can do is to adopt all of the provisions of the National Building Code and the Building Code of the North. There's no doubt in my mind that no municipality will adopt, en bloc, all that is in those codes because they just couldn't apply it.

Mr. Taylor: Well, Mr. Chairman, why garbage up a piece of legislation any more than is absolutely necessary? Now, this Building Code of the North, I've never heard of it yet. If such a thing exists, and is recognized by C.M.H.C., that's real great. But, what happens if, tomorrow, we find a Building Code of the Arctic or a Building Code of the Northwest? Should we list all these things out? Should we not say here, this is garbage. Should we not say, adopt the provisions of any national or regional ... acceptable national or regional, if it's necessary, building code in whole or in part? And, then, leave this Building Code of the North nonsense out of there. That, I think, would be the answer to the whole problem. If you start specifying codes, it is absolutely ridiculous.

Mr. Tanner: With respect, Mr. Chairman, I think the Honourable Member from Watson Lake is taking the reverse view of what I was trying to say.

Mr. Taylor: No, not really.

Mr. Tanner: Yes.

Mr. Taylor: Well, in national or regional codes, there could be any several of them.

Mrs. Watson: Mr. Chairman, could we continue reading the Bill?

Mr. Rivett: Or shall we report progress?

Mrs. Watson: Mr. Chairman, I think we can get through another section. Although it is tedious, but we are here and we may as well get through as much as we can.

Mr. Taylor: Mr. Chairman, I'd like to hear some comment on this Building Code of the North. I don't buy this. It makes no sense in legislation, because as I say, as fast as new codes are created, you would have to be coming back here for midnight amendments to keep amending this Ordinance to keep up to date. What I'm saying is, if you simply said national or regional codes in whole or in part, you have, indeed, satisfied the situation, I would think. Then, it would affect any acceptable code here in the Yukon Territory, without starting to say this code and that code and that code and that code. That's what I think.

Mrs. Watson: Mr. Chairman, we can consider this type of change.

Mr. Chairman: May I proceed then, if this is going to be looked into? (Reads section 100, to paragraph (1)(f))

Mr. Taylor: Mr. Chairman, I think at this point, in view of the time, and it's been a long hard week, I would move that Mr. Speaker now resume the Chair.

Mr. Chamberlist: Well, no. Could we just, at this time, complete this section and then we can do it?

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

Mr. Chairman: It has been moved by Councillor Taylor, seconded by Councillor Tanner, that Mr. Speaker now resume the Chair. What is your wish?

Mr. Chamberlist: No. Disagree.

Mrs. Watson: Really, I feel we should finish this section.

Mr. Chairman: Those in favour, please signify by raising their hands. Disagreed? Do I see one Member abstaining? Once again, could I ask for those who disagree. Since we have had one Member abstain, I'll carry on and finish the section. (Reads section 100, paragraphs (g) to (m))

Mr. Tanner: Mr. Chairman, isn't there an omission in (k)? Shouldn't we be telling them how they should clip their tree, what shape it can be in?

Mr. Chairman: (Reads section 100, subsections (2) to (5))

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

Mr. Taylor: I second the motion.

Mr. Chairman: It has been regularly moved and seconded that the Speaker do now resume the Chair. What is your pleasure?

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CARRIED

Mr. Chamberlist: You should have transferred the Chair to Councillor Taylor first.

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. Taylor: Sure, in about fifteen minutes.

Mr. Chairman: Mr. Speaker, at approximately 10:20 this morning, Council convened ... oh. Do you wish to resume the Chair?

Mr. Taylor: It doesn't really matter. I will give the Report.

Mr. Chamberlist: If he hadn't been talking so much, he would have done his duty.

Mr. Speaker: May we have the Report from the Chairman of Committee?

Mr. Taylor: Mr. Speaker, Committee convened at 10:25 this morning to discuss Bills and Sessional Papers. Committee recessed at 12:00 noon and reconvened at 2:10 this afternoon. It was moved by Councillor Taylor, seconded by Councillor Tanner, that Mr. Speaker do now resume the Chair. This motion was defeated. It was then moved by Councillor Tanner, seconded by Councillor Taylor 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: I believe, Mr. Speaker, the intention is on Monday morning

Mr. Taylor continues ...
to discuss Bills and Sessional Papers.

Mr. Speaker: May I have your further pleasure.

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

Mrs. Watson: Mr. Speaker, I'll second that motion.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse North, seconded by the Honourable Member for Carmacks-Kluane, that we now call it 5:00 o'clock. Are you prepared for the question? Are you agreed? I declare the motion carried.

*MOTION
CARRIED*

MOTION CARRIED

Mr. Speaker: This House now stands adjourned until 10:00 a.m. Monday morning.

ADJOURNED

ADJOURNED

Mr. Speaker reads the daily prayer. All Councillors are present.

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

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. 2 and Sessional Paper No. 6.

*TABLING OF
LEGISLATIVE
RETURN 2 AND
SESSIONAL
PAPER 6*

Mr. Taylor: Mr. Speaker, I would like to rise, this morning, on a question of privilege, and ask your offices, sir, when effect will be given to Motion No. 2, my motion respecting the furnishings of this House.

Mr. Speaker: It is underway. Are there any Reports of Committees? Are there any Bills to be introduced? Are there any Notices of Motion or Resolution?

Mr. Chamberlist: Mr. Speaker, I have Notice of Motion this morning, re Rental-Purchase Housing Program. A further Notice of Motion, Mr. Speaker, re Advisory Committee on Finance. My third Notice of Motion, Mr. Speaker, is re night Sittings of Council.

*MOTION #7
MOTION #8
MOTION #9*

Mr. Speaker: Are there any further Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? As there are no Motions for the Production of Papers, we come to Motion No. 6. It has been moved by Councillor Tanner, seconded by Councillor Stutter, that this House give consideration to a public question period. Is the Honourable Member prepared to proceed with this motion at this time?

MOTION #6

Mr. Tanner: No, Mr. Speaker. I will proceed with that motion tomorrow.

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

RECESS

RECESS

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

Mr. Tanner: Yes, Mr. Speaker. I have a question for the Commissioner. In the minutes or the recordings that we received in this House, there was a notice the Advisory Committee on Land Use had been appointed. I wonder whether the Commissioner could tell us who the appointees of the Commission on Land Use were.

*QUESTION RE
ADVISORY
COMMITTEE ON
LAND USE*

Mrs. Watson: That was a bulletin.

Mr. McKinnon: The monthly newsletter.

Mr. Tanner: Perhaps, Mr. Speaker; I should make that a written question.

Mr. Commissioner: Mr. Speaker, it isn't necessary for the Honourable Member to make it a written question. But, if he will give us the opportunity to get the answer, we'll have it for him tomorrow morning.

Mr. Taylor: Mr. Speaker, I have a question I'd like to direct to Mr. Commissioner, this morning. In anticipation of the arrival of the Governor General to open the Arctic Winter Games here in Whitehorse, has there yet been an agenda prepared for his activities while here in Whitehorse, and if so, will Members be getting copies of this agenda?

*QUESTION RE
GOVERNOR
GENERAL'S
VISIT*

Mr. Commissioner: Mr. Speaker, no agenda for his itinerary has been prepared. He is here at the invitation of the Arctic Winter Games Committee to officially open the Winter Games and if and when they decide to publish anything, why, it will be published at that time.

QUESTION RE
EXPROPRIATION

Mr. Tanner: Mr. Speaker, I have a further question for the Commissioner, concerning the expropriation which took place in the City of Whitehorse some months ago. I would request the Commissioner to present to the House what action has been taken so far, which won't divulge any private negotiations, but will give the House some indication of how far the Territory has proceeded.

Mr. Commissioner: Yes, Mr. Speaker, we'll be pleased to do that. There's nothing private about this. This is the public's business, Mr. Speaker. We will indicate everything.

Mr. Speaker: Are there any further questions?

QUESTION RE
TELEPHONE
WIRES ON
CANOL ROAD

Mr. McKinnon: Mr. Speaker, the monthly newsletter, under the Game information, stated that further evidence is now at hand that game are becoming entangled in the abandoned telephone wires on the Canol Road. I wonder if Mr. Commissioner could get those people responsible, or somebody, to pick up the telephone wire so game won't be entrapped in it. And, I wonder, while I'm on my feet, Mr. Speaker, if Mr. Commissioner is aware that the same thing is happening with the fencing that used to be around the airport at Aishihik, where both horses and game are becoming entrapped in this fence which is in a state of disrepair and falling. I think that it behooves this Government to make sure that these barriers are removed so that animals can remain.

Mr. Commissioner: Mr. Speaker, it's the same old story; how everybody figures that they can come to the Yukon Territory and do their thing, and abandon everything behind, and not be held responsible for anything. I'm afraid that all our investigations, up until now, with regard to the telephone line on the Canol Roads indicate that until somebody touches it, it doesn't belong to anybody. I can well imagine that if the Territorial Government went out there and attempted to take it out of there and get money out of it in order to pay the cost of getting it out, the owner would appear out of the bushes in about twenty minutes. The Aishihik airport situation is very similar. The thing went to Crown Assets. Crown Assets saw fit to dispose of it with no requirement of any kind. The former owner was to put the place back in the state that he originally found it. Quite frankly, Mr. Speaker, these are matters that are becoming of very, very great concern to us, because I don't see why the taxpayers of the Yukon Territory should have to bear the burden of paying the cost for removing such things as the Canol telephone lines. How we're going to deal with this, I just don't know, but all I can assure the Honourable Member is that it's been a matter of concern to the Game Department and the Administration for some years. Our last attempts on this were to get an assessment of the total amount of flotsam and jetsam left behind as a consequence of the Canol project, and we have a book that must be an inch thick delineating all this. There must be hundreds of tons of material left behind, as well as the telephone lines. I just don't see how we're going to deal with the problem at all. If and when we get an answer, I'll see that the Honourable Members are advised of it.

Mr. McKinnon: I wonder, Mr. Speaker, if the Commissioner could look into the local initiatives or opportunities for work or youth programs. This seems to be the type of thing that they buy best, this type of program. It might be worth looking into.

Mr. Commissioner: Mr. Speaker, this was looked into last year when this type of summer program was announced. Unfortunately, the program was announced too late to be of any value. However, we have received advice from, I believe, the Secretary of State's office of the program for this summer, and certainly, I would take the suggestion of the Honourable Member as being a very sensible one under the circumstances. We might be able to put every unemployed youth in Canada to work cleaning up the Yukon for the next three years, and we might make a small dent on some of this junk that has been left behind over the past years.

Mr. McKinnon: Hear, hear.

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

Mr. Speaker continues ...
We now come to Public Bills and Orders.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 16, the Conflict of Laws (Traffic Accidents) Ordinance, be given First Reading.

*BILL #16
FIRST
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 16, the Conflict of Laws (Traffic Accidents) Ordinance, be given Second Reading.

*BILL #16
SECOND
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 17, An Ordinance to Amend the Landlord and Tenant Ordinance, be given First Reading.

*BILL #17
FIRST
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 17, An Ordinance to Amend the Landlord and Tenant Ordinance, be given Second Reading.

*BILL #17
SECOND
READING*

MOTION CARRIED

*MOTION
CARRIED*

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

*BILL #18
FIRST
READING*

MOTION CARRIED

*MOTION
CARRIED*

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

*BILL #18
SECOND
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 21, An Ordinance to Amend the Transport Public Utilities Ordinance, be given First Reading.

*BILL #21
FIRST
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 21, An Ordinance to Amend the Transport Public Utilities Ordinance, be given Second Reading.

*BILL #21
SECOND
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 22, the Alaska Highway Maintenance Agreement Ordinance, 1972, be given First Reading.

*BILL #22
FIRST
READING*

MOTION CARRIED

*MOTION
CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 22, the Alaska Highway Maintenance Agreement Ordinance, 1972, be given Second Reading.

*BILL #22
SECOND
READING*

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: What is your further pleasure?

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

Mr. Tanner: I second the motion.

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for 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 Sessional Papers. Are you prepared for the question? Are you agreed? I declare the motion carried.

*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: At this time I will call Committee to order. The first item of business this morning is the continuation of the clause by clause review of Bill No. 10. We have arrived at section 101. (Reads paragraphs 101(1),(a) to (h) inclusive.) *BILL #10*

Mr. Stutter: I have a question on this one, Mr. Chairman. I wonder if Mr. Legal Adviser could advise whether the Ordinance, the present Ordinance that is being studied, the Gasoline Handling Ordinance would take preference in that particular instance. What would happen if the city did not pass bylaws?

Mr. Legal Adviser: They are coterminous, Mr. Chairman. The Gasoline Handling Ordinance would take precedence over all operations in or out of a municipality. A person handling a dangerous substances may also have to carry out the provisions of any fire prevention bylaw.

Mr. Chamberlist: Mr. Chairman, I wonder, subsequent to this question that has been raised by the Honourable Member from Dawson, I wonder if Members of Committee would perhaps indicate if they would like the words, "subject to the Gasoline Handling Ordinance" put in there, so that the conditions of the Gasoline Handling Ordinance would apply first.

Mr. Legal Adviser: Putting in that wouldn't help very much.

Mr. Chairman: (Reads paragraphs 101(1) (i) and (j)).

Mr. Stutter: Mr. Chairman, I have another question on this one. Can we take it from reading this that churches are definitely considered as public buildings? I know that they are used by the public, but I wonder if it is up to the municipality to regulate loitering or sitting in the aisles of churches?

Mr. Chairman: Mr. Legal Adviser has had to leave us for a few minutes on a court matter. Could you draw that to my attention when he returns? (Reads paragraphs 101(1) (k) to (m) inclusive).

Mr. Stutter: Yes, Mr. Chairman, Mr. Legal Adviser under (j). I wonder if you could just clarify that a bit. It does seem to me that allowing municipalities to regulate loitering and sitting in aisles, particularly of churches is being a bit presumptive.

Mr. Legal Adviser: Mr. Chairman, it is a normal rule in fire control that all accesses to fire doors and exits must be kept clear at all times. When you go past a certain capacity, the people start standing in aisles of theatres or churches, if there happens to be a big ceremony on, then the whole congregation is very, very seriously at risk in case something happens. Panic breaks out and people get crushed to death.

Mr. Stutter: Supplementary, Mr. Chairman, I wonder if there is an Ordinance somewhere that covers the sitting in or, I might add, laying in aisles in bars?

Mr. Legal Adviser: There is. Quite often it is enforced. It is sometimes unfortunate that people lie down.

Mr. Chairman: (Reads paragraph 101(1)(n)).

Mr. Rivett: What is the difference?

Mr. Chairman: You see, we have (i) the National Fire Code of Canada, 1970. Could you explain this section?

Mr. Legal Adviser: I can't explain it. I don't know.

Mr. Chamberlist: Mr. Chairman, perhaps I could point this out. It is very similar to what we did in relation to the National Building

BILL #10

Mr. Chamberlist continues ...

Code, so that the powers given to the municipality to exempt certain areas of the National Fire Code in that (ii) section because it says "or the National Fire Code of Canada with the exception of any specified provisions thereof". You see, if we just have it in as one, then the municipality is fixed in adopting the National Fire Code of Canada as is. With this subsection in, it does give the municipality the opportunity to exempt certain areas that may not be applicable in a particular place.

Mr. Chairman: My question is, why the National, have we got two codes here? We have the National Fire Code of Canada, 1970 in (i) and we have the National Fire Code of Canada in (ii).

Mr. Chamberlist: I think the words "1970" should be out, because there is only one National Fire Code.

Mr. Legal Adviser: It does appear that way. It is technical and I wouldn't, myself hazard a guess without seeing Mr. Nairn or calling him on the telephone to find out what the true story is. There may be two codes, I just don't know what the position is.

Mr. Chairman: (Reads paragraphs 191(1)(o) to (r) inclusive, 102, 103(1)(a)).

Mr. Rivett: I have a question here. What is the difference between this and the section that dealt with zoning?

Mr. Legal Adviser: The subdivision of land, Mr. Chairman, relates to the size of the particular lot or area which has been purchased or is being used by somebody, even though it may be used for the purpose for which it is in fact zoned. At the moment we have a lot of trouble in that when the land becomes valuable, and a lot is sold, the person can subdivide the lot into two separate ownerships, each of whom can go down to the land registry and register their ownership. At that point then, any attempt to rezone is defeated. This is intended to give the city power to regulate subdivisions in the same way that the Commissioner has the power at the moment.

Mr. Chairman: (Reads 103(1)(b), (c), (d)).

Mr. Tanner: Mr. Chairman, why do we make that exclusion for sidewalks and boulevards?

Mr. Legal Adviser: I don't know.

Mr. Chamberlist: I was wondering whether the Legal Adviser could indicate, if he doesn't know, why was it encouraged to be placed in the legislation?

Mr. Legal Adviser: We are dealing with ... at this point we are dealing with a highway in a subdivision. When a subdivision is constructed in Riverdale, there is no requirement that a sidewalk be constructed with it. This comes later, at a later point in time. It might be an onerous thing on the land subdivider or developer to have to put sidewalks in where nobody had been putting them before. It is dealing with the highways, but it is not taking jurisdiction in this particular section of dealing with sidewalks and boulevards.

Mr. Rivett: Well, Mr. Chairman, it seems to me that you put in a highway, and then if it calls for it, you put in the sidewalks, later on, if they are needed but not before they are needed. Is that a simple explanation?

Mr. Legal Adviser: Yes, except this deals with a subdivision of land in the first instance, and says what the conditions are for the subdivision of land. There may come a later requirement for boulevards but not in the initial subdivision or else it might impede normal commercial subdivision.

Mr. Chairman: (Reads 103(1)(e)).

Mr. Tanner: Mr. Chairman, could you perhaps just wait a couple of minutes while I digest that again. I am lost there somewhere, and I think that it is extremely important in the new subdivisions.

BILL #10

Mr. Legal Adviser: Mr. Chairman, what it actually says is quite simple. It says that they can make a bylaw which will require the houses which are fronting on a street to have a sewer connection to the main. It then goes on and says, when a man is building a number of houses in a subdivision, he may be required to also have a main for the group of houses he is dealing with. If they then require that that particular main will service people for the previous two miles, they may say that instead of a six inch main, you may need a twelve inch main, or something. Then, the excess of what is normal to what is exceptional for outside subdivision, the municipality must pay. They also give them an allowance in taxes to amortize the cost of the collection system. The new purchaser will pay for his sewer to the first main. The subdivider then charges them back, but gets a freedom from taxes in effect for a period of years for the collection system. If in that connection system instead of putting in a four inch, he has to put in a twelve inch, the municipality will actually pay the difference in cost.

Mr. Tanner: Mr. Chairman, I would thank the Legal Adviser of his explanation. I think that this is another illustration of where we are getting down to too much detail. Why do we have to be so specific in this area?

Mr. Legal Adviser: Oh, well, in this particular case you are protecting the individuals concerned from being mulched in taxes for works which are not for their benefit but for the benefit of the previous two miles up the road.

Mr. Stutter: Mr. Chairman, the explanation that the Legal Adviser has just given us. If you have a sewerage pipe that is reducing in size over a long length, is not that total cost of that sewer line apportioned through frontage taxes all along that distance, even though that in one particular instance at the end of the line, it may be twelve inches, but at the beginning of the line or vice versa, it may be about four inches? I mean, the way that I read this, was more if there was a storm drain or if it was because of run off that there would be an extra size, but not so much that if it was just being used purely for sewerage purposes.

Mr. Legal Adviser: It says a sewerage collection system. A sewerage collection system, I think, has to mean a sewerage collection system. It is not storm drains.

Mr. Stutter: I think later on, it comes into storm drains, maybe that is where I should bring this up.

Mr. Chairman: (Reads 103(2)).

Mr. Legal Adviser: This is the same principle, Mr. Chairman. They take the normal highway width from you for nothing, but if they take more they pay you. They are assuming that the normal width is sixty six feet. This they can force you to disgorge from your subdivision for construction of the road.

Mr. Chairman: Without compensation?

Mr. Legal Adviser: You might take fifty acres of land and start developing with houses. Who is going to pay for the roads, except the people who buy the houses in there. The roads have to be of a standard of a maximum of sixty-six feet. If the municipality happens to decide to put the Alaska Highway, through which is a two hundred feet right-of-way, a hundred on each side of the centre line, then they must pay you the difference between sixty-six feet and two hundred feet, because doing that, you are paying for the benefit of people who are not within the subdivision.

BILL #10

Mr. Chairman: This is normal in the municipalities?

Mr. Legal Adviser: This is normal practice.

Mr. Chairman: (Reads 103(3)).

Mr. Tanner: Mr. Chairman, why would we bother to put that in, that the bylaw should meet with the Commissioner's approval?

Mr. Legal Adviser: There are certain tendencies, Mr. Chairman, in council, not all councils of course and never in councils in the Yukon, whereby when they get a chance of somebody that wants something badly, they charge him too much for it. They may breach this term. This particular section, given approval by the Commissioner on behalf of the people against whom the charge is made enrures that it doesn't offend and force them to disgorge too much money. It is not to control the council; it is to protect the individual.

Mr. Chairman: (Reads 103(4)).

Mr. Stutter: Mr. Chairman, this one really bothers me. It makes me wonder who is running the municipality to begin with, if the subdivision must be approved by the Inspector of Municipalities before it is approved by the council. This means that a subdivision, a plan of a subdivision must come from the parent body or the parent government before it is even looked at by the municipal council?

Mr. Legal Adviser: No, the procedure would be, that the subdivision plans would be submitted at the council. A copy would be sent to the Inspector of Municipalities. He would write, initial across it and write approved, and send it back in the normal course of events. If urban development was taking place, if the council, for the sake of the cheapness involved, were developing urban development on the Alaska Highway or moving into a park area, then it might not be approved. Or maybe the size of the houses might be too small, or something like that. It is not intended to be vetted in their day to day work, but it is just a precautionary. Many councils have offended in the past in the subdivisions.

Mr. Stutter: Mr. Chairman, that isn't quite my point. The point that I am trying to make is, that surely it should be approved first by the council, but before it is enacted or before it becomes final, it would then be approved by the Director or Inspector of Municipalities.

Mr. Legal Adviser: This point has merit. We can look at this when we are looking at the others.

Mrs. Watson: I think this should be redrafted.

Mr. Chairman: That is for redraft? (Reads 103(5), (6), (7)).

Mr. Stutter: Mr. Chairman, the way that it is worded, I know that we are going to redraft it, but the way that it is worded, (6) is an absolute contradiction of (4) anyway. The Inspector of Municipalities wouldn't approve it in the first place, anyway.

Mr. Legal Adviser: This is true, it is a contradiction. It states a policy. It makes it clear what one of the main grounds that the Inspector will refuse to approve it, that they just can't afford it. The House should remember that the bulk of subdividing at the moment is done by the Territorial Government, in the municipalities. This will not normally arise because it is then handed over to the municipality concerned when the subdivision is complete and the lots are sold or in the course of being sold. This will not arise very often, but hopefully it will arise more often in the future.

Mr. Tanner: Mr. Chairman, I bring to the House's attention, that I get the whole impression that a number of the Ordinances that we are passing now, the Territory is going to be getting out of the business of subdividing, certainly out of the housing business. The Corporation

Mr. Tanner continues ... will be handling it rather than the Territory direct. As far as subdividing is concerned, and I would recommend to all Members to keep in mind the asinine effect of what the Territory has done in example, a place like Faro, through overpricing of their lots. Consequently restricting business from going in and consequently restricting the funds in return of taxes in this sort of ... the powers that we are giving to the Inspector of Municipalities and the Commissioner, or be it the Executive Committee, should be very closely watched. I am not sure that their decisions that they make from a strictly business and practical point of view are always in the best interest of the people that they are trying to serve. I sometimes think that they are made from the administrative reasons rather than from good business reasons.

Mr. Legal Adviser: Mr. Chairman, I wouldn't like to let it go by, the suggestion that the Territorial Government developing Faro is asinine or that the lots are overpriced. There is a formula for arriving at a price, and unless this House gives a subsidy for the purpose of reducing the cost of the land by a proper appropriation, the Territorial Government departments involved have no option except to go on the formula. The formula, roughly speaking is, that they take the total cost of the development, divide it by the lots on a square footage basis, and it comes out with a real cost. They have to recoup the amount of money they spent. It is as simple as that. There is no secret about it. The land is actually sold for nothing. No charge is made for the raw land; just the cost of development is returned back.

Mr. Tanner: Mr. Chairman, this is neither the time nor the place to debate. I was merely using that as an illustration. However, I don't want to let what the Legal Adviser has said go either. The cost of the lots in Faro is asinine. I don't care what the formula is. The formula is wrong. It is because of the high prices of the lots in Faro, you are restricting the legitimate purposes of businessmen to go in there and consequently the town is suffering because they can't raise taxes on businesses that aren't there. I don't know, either you have to find a new formula or you have to subsidize it initially. I don't know of any other business that expects to get its return the first year, or as soon as the business comes up...

Mr. Rivett: Mr. Chairman, I agree with my learned friend. This formula is asinine. The larger the lot the smaller the price.

Mr. Legal Adviser: Yes, but it seems ...

Mr. Rivett: It is absurd.

Mr. Legal Adviser: The lots are kept to a uniform size.

Mr. Rivett: There I disagree.

Mr. Legal Adviser: I didn't say the same size. I said a uniform size.

Mr. Rivett: You mean they are pieces of land.

Mr. Chairman: Just from the Chair. The problem at Faro is, I agree with the Honourable Member, that the Federal Government and the Anvil Mining Corporation built the town site and spent these moneys. It was a company town, is a company town and will always be a company town. At this time I will declare a short recess.

RECESS

RECESS

Mr. Chairman: Is there anything further on section 103?

Mr. Legal Adviser: Mr. Chairman, before you go on, could I mention paragraph (n) of section 101. There appears to be, according to the Fire Marshall two codes, The National Fire Code of Canada, 1970 and there is another fire code and I don't think the other fire code is correctly described in subsection (ii) of that paragraph. It's an American code and although the two codes are almost coterminous. There are areas in one which are not in the other and vice versa. Certain definitions have been accidentally or otherwise omitted from Canadian definitions and it may be necessary occasionally or in relation to some materials or some types of building construction to obtain a definition from the other Fire Prevention Code. They are 99 percent coterminous. The section will have to be examined to see exactly what will have to go in there.

BILL #10

Mr. Chairman: (Reads 104(1)(a))

Mr. Stutter: Mr. Chairman, I have one question there. How does the word "planking" get in when it applies to roads? Is this for bridges?

Mr. Legal Adviser: Covers really, covers of bridges.

Mr. Rivett: Mr. Chairman, the section is entitled "Local Improvement Bylaws". Could I take that to mean Local Improvement Districts?

Mr. Legal Adviser: No, the bylaws for the local improvement of the municipality concerned.

Mr. Chairman: (Reads 104(b)(c))

Mr. Stutter: What about damages? I know of one instance where sewer connections were made right in the middle of someone's lawn in Dawson last year.

Mr. Legal Adviser: The municipality is liable for any damages it does, on a person's private property in the course of its ordinary works. They have to pay compensation.

Mr. Stutter: Mr. Chairman, there is no mention of it at all in the section about damages and compensation. There should be some mention of it.

Mr. Legal Adviser: You will find it expressed in some other place, I think, but this is merely allowing them to say what a local improvement is, on which they can expend money. There is nothing to do with the taking over another person's land for the purpose of making the improvement itself.

Mr. Rivett: Mr. Chairman, you still have recourse to the Courts, don't you, in any case, for damages.

Mr. Chairman: (Reads 104 (d)(e), 105(a)(b)(c)(2)(3)(a)(b)(i)(ii))

Mr. Tanner: Mr. Chairman, I will point out another inconsistency in the notices here; we've got two, we've got four, we've got one, perhaps when we look at this Legislation again, it can all be consistent all the way through.

Mr. Legal Adviser: We'll look at it, Mr. Chairman.

Mr. Chairman: (Reads 106(1)(a)(b)(c)(d), 107(1))

Mr. Stutter: I wonder, Mr. Chairman, if Mr. Legal Adviser could explain the very first line, "Where the Commissioner has incurred the cost of .."?

BILL #10

Mr. Legal Adviser: It will occasionally happen, especially in the small communities, that a local improvement has to be done by the Commissioner. This will normally be done, of course, by the direct request of the community concerned. When he has done this, this is a section to provide for the repayment to the Commissioner of the cost he has incurred in the local improvement. It might be a bridge, culvert, road, various odd things. The Territorial Engineering Department is continually doing these.

Mr. Stutter: As an expense though, where there is a money expense involved; would it not have to be a plebiscite before the electors of the area would accept this?

Mr. Legal Adviser: I presume it would be done at the request of the council, but you don't have a plebiscite for a local improvement. You would have a bylaw for doing the improvement and then you would have hearings of objection pursuant to section 105, then you would do the improvement. If the Commissioner does it, then he does it at a price that will have to be paid.

Mr. Stutter: But, Mr. Chairman, surely the municipality would be taking on debt and in other sections of this Ordinance where it takes on an added debt, it must go to plebiscite of the electors of that municipality. Would it not hold true in this case, also?

Mr. Legal Adviser: If that's a debt, yes, but this could short-circuit it. The local improvement might be passed directly on to the taxpayer. I don't know I want to construe the section, one with the other. It might be a way of avoiding a plebiscite for small public works.

Mr. Stutter: This is all very well, perhaps the people in the area don't want to have this plebiscite avoided, perhaps they want have a say in what is going on in this particular instance. Perhaps they don't want this thing put on them.

Mr. Legal Adviser: The basic people who need to be consulted are the people who are going to be served by this particular local improvement. The scheme which is going on in Porter Creek involved the doing of a particular work which will benefit maybe fifty or one hundred houses and they are going to pay for it in taxes. There is not much advantage of having the whole of Whitehorse in a plebiscite in respect of something happening in one area. It's of more advantage to hold a public inquiry in Porter Creek and have the people that are benefited or who object to it have their six and eight pence worth, as it were, at that time.

Mrs. Watson: Mr. Chairman, would not section 105 then apply also to section 107?

Mr. Legal Adviser: I wouldn't like to give a quick answer to that, Mr. Chairman.

Mrs. Watson: Would this satisfy the Councillor from Dawson if 105 was applicable to 107?

Mr. Stutter: Well, things are a little bit different, of course, in Whitehorse and I know there are going to be some comments here, to the way they are in Dawson because when you talk about a local improvement in Whitehorse, it can be just that. It can be in one locality but in Dawson it is apt to be more in the total community. The point that I am trying to raise is, that where any major expense is being incurred by the people of Dawson, or a municipality, they should have a say in whether or not it is, indeed, necessary expense from their point of view.

Mr. Chamberlist: Mr. Chairman, perhaps we should take a look at it in the light of perhaps, prior to the Commissioner incurring the cost of a local improvement within the municipality. It seems to me that there is some merit in what the Honourable Members have said at this time. It appears the way the section is written, the Commissioner can incur an improvement prior to it being asked for by a municipal council.

Mr. Chamberlist continues ...

This is not the intent in my mind that this should take place, that we should only go ahead with local improvements and fund local improvements, where the funding is required, if ... property owners near-by whether they are prepared to pay for the cost of that local improvement or the over all picture of that municipality do that. I would like to interject that anything done in Dawson would be an improvement. I am sure the Honourable Member here, agrees with me here but I have to look at the over all picture and I tend to support Councillor Stutter, in this particular regard that we should take another look and see what the real intent of this section is.

Mr. Legal Advser: Mr. Chairman, if we throw Jonah overboard, we might sink the ship. This doesn't empower the Commissioner to go out and do the improvement. It says "Where he has incurred the cost", we are speaking about an event in the past as this section is speaking. The machinery for how he incurs it or anything else, are not the subject in this section. It doesn't say the Commissioner may go and do it. It says, where he has done it this is how he gets his money back. There is a continuing series of improvements done on raw land, done by the Commissioner in the way of sewers, water and everything else and this is one method, whereby having done it on raw land, in a subdivision, one way or another at the request of the municipality or merely in the continuing expansion of Riverdale. When it has been incurred, whatever power he has, that's how the money comes back. It doesn't say he can go out and do it at all, that would take another piece of legislation.

Mr. Stutter: Mr. Chairman, the Commissioner has indeed incurred quite an expense in Dawson, just last year and that was buying back the water and sewer system for around four hundred thousand dollars, I think. Now, in the terms of this section, he could say to the Council, now you have to get that back from the people.

Mr. Legal Adviser: Bought? Did he construct it or buy it? A local improvement is limited in this section to these things which are listed in 104. Where the Commissioner has, at sometime in the past, done this then when he handsover that partiucular area to a city, or hands the subdivision over to a city, then the taxpayers in that particular area, who got the sewer, who got the water, have to pay for it. The Commissioner wants to be relieved of having a direct contract with the people who purchased the land so that there is an intravention, the municipality collects and they act as a collector for money which is due to the Commissioner. This is speaking in the past, I have no objection at all to examining the section but the purpose for putting it there may not be. I don't think it is to allow the Commissioner to just nakedly walk out and make a new road through Dawson City.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, there used to be a time when we used to find what we used to call the thin edge of the wedge, around this Table, but this piece of Legislation is really, and it is complementing Legislation, it is just chuck full of wedges. The way I read this section, this section could pose a big threat to communities like, Watson Lake, Carmacks, Elsa, Mayo and indeed possibly Carcross because it is the Commissioner's desire to recover as much money as he can by taxation of these individual communities. I interpret the effort in the design of this Ordinance to be aimed in the direction whereby the Commissioner has incurred the costs of fire protection and this and that type of thing in these communities, he can immediately saddle these communities at his pleasure, the way the Ordinance is now amended, with the municipalities tomorrow and then says shall, the council of that municipality at the request of the Commissioner and on his behalf shall by bylaw it says. Mandatorily the Commissioner has a means of raising taxes from the people for work which was done prior to the municipality coming into being. I think that one should look at this as well.

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Mr. Chamberlist: Mr. Chairman, there is no way that I could support that thought. I said that we should take a look at it but this is dealing specifically where it has been incurred in a municipality, not prior to an area being a municipality, it's not retroactive. Retroactive to the prior its becoming a municipality. If this is Mr. Legal Adviser's intention then we should pull it out because no way. I would even agree with Councillor Taylor in that it shouldn't be.

Mr. Legal Adviser: The Honourable Member should not be looking for a skeleton behind every bush. At the moment in Faro, the people as part of their rent pay a tax. The tax is part of the development cost, the frontal tax. People do this in Porter Creek, people do it in Riverdale, but that money was expended by the Commissioner. We have got to legalize the collection without having the Territorial Tax Collector coterminously with the City sending two bills. There has got to be one bill and the municipality merely acts as a collection agency. The next section is where they pass a bylaw the money shall be transmitted by the Council to the Commissioner. That's not giving the Commissioner any power at all, in this section to do anything except be the receptionist of money, for something which has already been done. It says where he has incurred the cost, that does not give him the power to go out and do any local improvement at all.

Mr. Taylor: Mr. Chairman, I submit that the way this section is written, the situation I have presented to you, it is quite possible for the Commissioner today to say alright and indeed in the past who have provided local improvements in all these communities, which are unorganized settlements, right at the moment with the exception of possibly of L.I.D. In order to get back revenues through taxes for projects already extended over the years, all he has got to do is to make them a village or municipality and bang oh, this section gives him the right to recover the cost by the Territorial Government of improvement in that municipality upon its coming into being.

Mr. Chamberlist: I should point out Mr. Chairman, that similar to a section that is in the existing Municipal Ordinance and that is section 92(a) which reads, "where the Government of the Yukon Territory has incurred the cost of local improvement within a municipality, the council of that municipality on behalf of the Government of the Yukon Territory, may by law, assess, levy and collect by means of a special rate, upon the parcels of land directly benefited or upon that land or the municipality of the whole, as the case may require. The cost of such local improvement with interest of a rate of 6 percent per annum." Mr. Chairman, I recall the amendment coming in and I supported the amendment, at that time. If I look up the Votes and Proceedings, I remember asking whether it dealt with the local improvement within a municipality and that's how it reads, the existing one. This is something, that with the interpretation that Mr. Legal Adviser has given I am not prepared to go along with that section, myself and I want it reviewed completely. When we say within a municipality, I would agree that if the Commissioner is asked to spend money within a municipality, there should be a way of paying this back, because a request is being made by the municipality, but if the intention is to expect a district that is formed into a municipality to pay back those funds, a long time afterwards, then the municipality is taking on something that it cannot afford to take on, unless there was an arrangement for it to be paid back by way of a grant or anything like that. I would say, Mr. Chairman, that we will review this, in the Legislative Program, to take these points up that have been raised.

Mr. Tanner: Mr. Chairman, as an interesting sidelight to this conversation, the phraseology that the Honourable Member uses ... in the old Ordinance, we used the Government of the Yukon Territory. Here we're using Commissioner. Is there any particular reason for that?

Mr. Legal Adviser: Yes, Mr. Chairman. The Commissioner, now, as an expression, represents the Government of the Yukon Territory. At some former time, back in 1960, there was an entity called the Government of the Yukon Territory which was defined in the Interpretation Act and the Council Act, but it disappeared in a group of Ordinances and has never been seen since. So, the expression, ever since, has been the Commissioner. There is no ulterior motive to the personal acts of the Commissioner.

Mr. Taylor: Yes, Mr. Chairman, there used to be another phraseology called Commissioner in Council. That seems to have disappeared out of our Ordinances as well.

Mr. Commissioner: No, no.

Mr. Taylor: Try to get it written in there.

Mr. Commissioner: It has no legislative authority. Not only has it no legislative authority, but it has no administrative authority.

Mr. Taylor: Legislative, under the Yukon Act. I will resume the Chair at this point.

Mr. Taylor resumes the Chair.

Mr. Chairman: So, section 107 will go up for reconsideration, then? (Reads section 107, subsections (2) and (3)) Is it agreed that the subject of this section will be reviewed? (Reads section 108)

Mr. Tanner: The philosophy that is being propounded here and put into legislation is one with which I, personally, happen to agree. But, there are other ways of financing local improvements within a municipality. Does this restrict a municipality to only fund in the local improvement district, any improvement, this one particular way?

Mr. Legal Adviser: Either on a frontage basis, Mr. Chairman, or according to a formula approved by the bylaw for determining special assessment. This is what they must do. The people who get the benefit have got to pay a frontage tax.

Mr. Tanner: Mr. Chairman, with respect, the major part of section 108 is paragraph (a); paragraph (b) is merely a qualification for irregular lots. Surely, within that formula, it's not saying you can work a different systems. It's still a frontage footage basis, but with irregular lots, this is the theory worked out, within that frontage footage formula.

Mr. Legal Adviser: This is so, Mr. Chairman, with the one exception that it's to be charged on this basis to the people who get the benefit. If it's not to their direct benefit, if it's to the municipality as a whole, or even a district of the municipality, then they can say so and they can charge in a different way. There are several formulas, but this is the one that is applicable where it's benefiting a small group of people.

Mr. Tanner: Within a total municipality.

Mr. Legal Adviser: Yes.

Mr. Tanner: Well, Mr. Chairman, now that we have the clarification of the irregular parcels, my question is this, and I'm not clear on the answer; does this restrict the municipality making a local improvement within the municipality to only finance in this particular way?

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Mr. Legal Adviser: Well, I can conceive a municipality having to, but not Whitehorse, occasionally go outside its area to do public works to bring in a water supply. This is always possible. It's not limited in carrying out works, to actually spending the money on a particular work within the four walls of the municipality, but this is the case in every municipality in Whitehorse, I think, but may not be in other places. They're limited to a method of charging, either to the people concerned or a group at large, one of the two.

Mr. Tanner: Mr. Chairman, with respect, the Legal Adviser has missed my point again, I think. I'm saying, in any municipality, if an improvement is made within the municipality ... Mr. Chairman, I'll refer to section 109, and I'll come back to this. I'm talking about a specific improvement for a specific area within the municipality. If I read this correctly, it can only be funded on a frontage footage basis.

Mrs. Watson: No. Paragraph 106(1)(c), "by means of a special rate"; it doesn't say it has to be on a frontage basis, on each particular parcel of land. Paragraphs 106(1)(a), (b), (c) and (d) define that quite clearly.

Mr. Chamberlist: Mr. Chairman, I would also like to point out to Honourable Members that section 108 deals with the cost of any local improvement and how it shall be calculated at the annual rate. It leaves it open to other means of financing. There's a difference between cost and finance, and I think most of us will agree.

Mr. Legal Adviser: I think the Member has a specific point. You pay a million dollars for an improvement. How do you get your money back from people who are benefited? It appears to me that unless it's going to be a general rate, it will have to be a special rate. If it's a special rate, the formula is on a frontage basis. Except for irregularly shaped lots, that is what it must be. It could be a combination of both.

Mr. Tanner: Okay, now, let me, without making a suggestion, without giving any concrete examples of financing in other ways ... did the Administration, when they formulated this policy, consider any other methods, other than the frontage footage basis?

Mr. Commissioner: Mr. Chairman, with respect, I think that it's very hard to extract one item here to answer the Honourable Member's question. I think you have to take a look at the whole system as outlined here in the Ordinance concerning local improvement bylaws and the means of determining local improvements and the total means of financing them. I think the best example that could be used would be the installation of the Whitehorse sewer and water system, in which a portion of the financing was carried by the Federal Government, a portion by the Territorial Government and a portion by the City. The City's decision to finance their share was by a frontage tax, and then the Ordinance of the day came into play as to how they were to assess that frontage tax. The same thing was used in Porter Creek, and the Honourable Member from Whitehorse North at the time, Councillor McKinnon, came to this House with a problem in connection with corner lots and irregularly shaped lots. I think that he will remember that point very clearly, and we made the necessary amendment to the Municipal Ordinance to permit the recognition of these things and the calculation of the frontage tax. So, while ... excuse me?

Mr. McKinnon: It was the Taxation Ordinance.

Mr. Commissioner: Yes, the Taxation Ordinance, Mr. Chairman. But, I think what you have to do here is, you have to take a look at the whole means of financing these local improvements. If the formula boils itself down at some point where a portion of it has to be borne by those who are going to benefit, this is what happens. But, this is after you have done, possibly six or seven things, before you get to that point.

Mr. Chairman: Clear? (Reads sections 109 and 110)

Mr. Tanner: Mr. Chairman, I said "clear" just now, but I just thought of an example that I'm trying to use. Supposing a local improvement is undertaken and supposing, for the sake of the example, the Territorial

Mr. Tanner continues ...

Government pays part of it, which means a residue to be financed by the recipients of that improvement. Could the recipients of that improvement go to the city council to save taxes and interest on the amount that is going to be paid, say "You pay it; we'll pay you back", and proceed in that manner?

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Mr. Legal Adviser: There's always provision for this in the Ordinance. There's always the option of buying it out.

Mr. Commissioner: Mr. Chairman, this option must not work to the disadvantage of those who cannot take advantage of it. In other words, resident A, who happens to have money, cannot buy out his share of the indebtedness to the detriment of resident B who doesn't have that money. Equity ...

Mr. Legal Adviser: ... shall prevail.

Mr. Tanner: How do you tell that position? By a majority?

Mr. Legal Adviser: You put a section in your scheme, whereby you fix a price for buying yourself out. It's a compounded method with interest and so forth being calculated and you can pay it out.

Mr. Chairman: Clear? (Reads sections 111 and 112, paragraphs (1)(a) to (1)(e) inclusive)

Mr. Rivett: What's a tannery?

Mr. Chairman: (Reads section 112, paragraphs (1)(f) to (1)(h) inclusive, sections 113 and 114, paragraph (1)(a))

Mr. Tanner: Mr. Chairman, in reading section 112 again, Public Health Bylaws, I don't see any particular reference to food. In speaking about public health, should we not be talking about public prevail of food licences?

Mr. Commissioner: Mr. Chairman, with respect, in answer to the Honourable Member's question, the bylaws ... the authority to make the bylaws is granted to the city, and the extent to which they can make their bylaws prevail is simply bounded by two things ... three things: the laws of Canada, the laws of the Yukon Territory and the boundaries of the municipality.

Mr. Tanner: Mr. Chairman, I think the Commissioner has illustrated a point I've been trying to make. Further on, when we start talking about various animals and so on, we're being very specific. In many instances here, we've been very specific. It is my contention that we've been far too specific for this House. The people should be making these specific identifications as to where they want to make their bylaws down in city hall, not in this House. In this case, it seems to me, we've made a very strong omission. If this is going to be the whole theory of this Ordinance, and we are going to point out areas, I think the Legal Adviser has used, a couple of times, the terminology, we are pointing out an area that we should look at. We're not necessarily making a law; we're giving an illustration of what we think they should be making laws about. It seems to me that we've missed food specifically here and this is a very important subject of contentiality to public health.

Mr. Chamberlist: Well, Mr. Chairman, first of all, we have said, "Subject to the Public Health Ordinance". Where the Public Health Ordinance spells these things out, the municipality can pass bylaws as long as they don't go outside of the Public Health Ordinance indicates. Now, paragraph (a), in the interest of the public health of the municipality and the prevention of contagious and infectious diseases, that takes in a very, very wide scope and it could include everything generally. Now, if the Honourable Member feels that we should expand it and spell it out for and in relation to restaurants and eating houses, we could write it down. But, it's already covered completely and that, really, would be superfluous to what we're saying in that paragraph (a), because anything that's in the interest of the public health of a municipality and the prevention of contagious and infectious diseases indicates that they

Mr. Chamberlist continues ...

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can make any bylaw they like. As a matter of fact, here in public health we're trying out best to eventually allow the municipalities to take the responsibility of accepting the responsibility of looking after public health within their own ... this is one of the reasons why this is so broad.

Mr. Rivett: Mr. Chairman, isn't this covered in paragraph (f), preventing and abating public health nuisances, generally? Can that be restrictive? It could cover anything.

Mr. Legal Adviser: Mr. Chairman, the Honourable Member has a point. We have been consistently going through the Ordinance, being highly detailed about specific areas with the intention of bringing home to the municipal governments concerned what their duties are and where they should set out to make bylaws and enforce them. So, with the permission of the Minister, we can look at this and see what is done, because he has a point.

Mr. Tanner: Mr. Chairman, for once I thought I caught this House in a trap, and the Legal Adviser has gotten everybody out of it. I was trying to illustrate something that I said last Friday, the fact that, in my opinion, this House was dealing with trivia in much of this Ordinance. I don't think it's our prerogative to be sitting here making these itemized details. I merely wanted the Honourable Member from Whitehorse East to stand up and say "It's all covered.", which he did. Fine. That puts me down to the ground to make my final point which is the fact that many of these things are all covered, and many of these things I don't think we should be sitting and doing. If you use paragraphs (f) and (a) in this case, you have the whole thing covered. I think it's true all the way through here.

Mr. Chamberlist: Well, with respect, Mr. Chairman. I've already indicated that where the municipalities have asked specifically for certain things to be spelled out, we have taken the trouble of spelling those certain things out, just to show that we do wish to co-operate with the municipalities in their requirements in relation to this piece of legislation. Now, they have not asked for any specific matters to be spelled out in relation to public health bylaws. In these, they have been satisfied, inasmuch as they have their own public health boards, and also their bylaws are very stringent in that the public health inspectors are doing a very good job for them. I know that the Municipality of Whitehorse is very thankful, indeed, that they have the co-operation of the public health inspectors in doing the work for them and we intend to give them whatever co-operation we can in carrying out the functions of the public health board and the public inspections in other municipalities.

Mr. Chairman: One question from the Chair. In the old Ordinance, you, in the existing Ordinance, you give the power to a municipality for acquiring, purchasing, constructing, maintaining, operating and regulating hospitals in the municipality. Why do you take that power away from them now?

Mr. Chamberlist: Because it is not contemplated that, at this time, the hospitals will be municipal hospitals. At some future date, this may happen, but it is not necessary at this time.

Mr. Chairman: Well, why not put it in there, at this time? It's in the existing Ordinance. Why not let it ride?

Mr. Legal Adviser: It was just deadwood.

Mr. Chairman: Well, at this time, I will stand Committee in recess until 2:00 o'clock.

Mr. Chairman: At this time, I call Committee to order. We are at section 114, paragraph (b) (Reads section 114, paragraphs (1)(b) to (1)(e), sections 115 and 116)

Mr. Tanner: Mr. Chairman, the section concerned has to be corrected. To my mind, it's a very small point and very much municipally orientated and I think we should leave that almost entirely to the prerogative of the city council. It could very well be that because we've got a right in this Ordinance, for the consideration of, in this case, three municipalities, we're going to write it specifically thinking of Dawson and Faro to the detriment of Whitehorse, or vice versa. It seems to me we should leave all those prerogatives of the how licensing, driving and conditions of the taxi business entirely to the municipality without trying to define what they should and shouldn't do.

Mr. Legal Adviser: It isn't ... this is just drawing their attention to their powers and making sure the power exists. It's common power that exists in every municipal government in the world.

Mr. Tanner: Mr. Chairman, that's the whole point. You see, earlier this morning, the Legal Adviser has given this advice respecting specific legal conditions under this Ordinance. Now, he again has gone back to pointing out which areas they should operate in. All the way through, we're getting two definitions of what we're doing here. Either we're writing law for the municipalities to work under, or else, we're giving them a handbook under which they should operate, or else, we're writing a book of philosophy. Which of the three are we doing? It seems the Legal Adviser uses whichever is convenient to justify some of this in here.

Mr. Legal Adviser: No, I'm not attempting to justify it, because that's a question of Government policy. But, there are clear laws that, unless a municipal government is given the specific legal power to act in a certain way, it doesn't have any power to act in that way. So, you must write out powers for it. The question, then, is how far do you go? So, we go this far, and that is we spell out the details of that power to remove any doubts that might exist in a judge's mind as to whether or not they have this power. The law books are full of a plethora of law cases attacking municipal governments all over Canada for doing things which are not within their particular municipal act. We are attempting to be specific. We could have written ... the powers of the Council given under the Yukon Act to make this kind of legislation, is contained in one line. It just says to make laws concerning municipalities. From that, then, we make this law. We possibly could have written a one line Ordinance and say each municipal government shall govern itself. We've chosen this path to detail it out and we're stuck with it.

Mr. Tanner: It seems to me that when the Federal Government gave us power to do certain things, they were able to say or prescribe, what we could do in various areas in one or two lines. Again, I go back to the same thing. I think we can tell the city what it can do, or any municipality, in one paragraph without being so specific all the way through. This particular one is one that illustrates the point probably better than any of the others. Here in the Yukon, the taxi service is going to be offered to the public, and the protection of the public in Whitehorse is nothing like the protection ... the taxi service that will be offered in Faro or in Dawson. The only way around it is, as I can see, and this is what we got around to before, that we should have one special Municipal Ordinance for the whole of the Territory, and then a special charter under that Ordinance for the City of Whitehorse.

Mr. Chamberlist: Mr. Chairman, I would like to point out that this is identical to the existing legislation under section 100 of the existing Municipal Ordinance. Not one of the three municipalities has indicated any changes in the existing sections, and therefore, no attempts were made to change it. We took it for granted that it was satisfactory to the municipalities.

Mr. Tanner: By the sheerest of coincidences, Mr. Chairman, I happen to be

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Mr. Tanner continues ...

concerned with this particular type of municipal law, within the last two or three weeks, because circumstances in the Municipality of Whitehorse have changed rather radically, as all Members are aware. With the consequence of a much larger area, the circumstances concerning taxis have changed rather radically. So, the situation when that old Municipal was written is not the same now. That's number one. Number two, besides writing what was already in the Municipal Ordinance, we're trying to update and bring it up to modern day thinking. Because it was in the old Ordinance, it doesn't necessarily have to be in the new one.

Mr. Chamberlist: I wonder, Mr. Chairman, if the Honourable Member would indicate in what particular area we can change this to satisfy the requirements that he says have now been brought about by the enlarged area in Whitehorse, because it certainly appears that the subsections provided can be dealt with by a municipality by bylaw to take in any change of the area in relation to taxi cabs. We've said quite clearly, providing for the supervision, regulations and licensing of taxi cabs. They can do it in the bylaw.

Mr. Tanner: Mr. Chairman, I prefer not to mention specific circumstances at this time because it concerns a number of businesses in town who are all in a competitive field. But, I would, really, point out to Members of Council that the major point that I'm making is that I don't think we need to go this detailed in this particular area. That's what I'm saying.

Mrs. Watson: Mr. Chairman, I wonder if I could ask the Legal Adviser a question. If we put in one general clause covering livery bylaws, would there be a danger of putting the municipality in a rather precarious legal position in this regard?

Mr. Legal Adviser: Sometimes, yes, Mr. Chairman; sometimes, no. If you permit them to make livery bylaws, you may find yourself wanting, for instance ... a city mayor wanting to make a bylaw saying that every taxi cab company must have a waiting room for patrons. The taxi cab owner immediately says, "You have no power to do that". He can regulate the taxi cabs; he can regulate livery. They might want to regulate fares, and there would be a certain amount of doubt as to whether or not they had been given the specific power to enforce price fixing amongst operators. It's these doubts that make the thing longer and longer and longer. There is no doubt about some things that they would have the basic power, but there will be doubt about other things. So, the only thing ... you're stuck with this form of organization. I agree that just because every city in Canada and North America does it, there's no reason why we should do it. But, it would lend a certain amount of caution to do it the same way as other people have done it. There have been millions of dollars wasted in law cases over this type of stuff.

Mr. McKinnon: Let's take the B.N.A. Act and the Yukon Act as examples of this type of thing. They don't go into great detail in spelling out all the administrative details. The Yukon Act is quite clear; a, b, c, d, this is where the Commissioner in Council has power to legislate. There, there and there. Certainly, the same thing should be true in the Municipal Ordinance, that we just give, or delegate the powers under certain areas to make ... and it should be just one section, to regulate liveries or taxis within the municipality, period, instead of all this crap that we've got to put up with. Let them make their own regulations concerning the control of taxi cabs within the municipalities. My goodness gracious, what a ... this is a ... it's about ... I consider this to be a waste of time and effort. I want to give the municipality all the powers that they are entitled to under the Yukon Act. We have the power to give them the government under certain areas. Let's give it to them with one line; section a, b, c, d, e, f and g. This whole mass of detail is ridiculous

Mr. Legal Adviser: There's merit in the argument and I'm attracted by it, except it's a legal presumption that a legislative council, such as this, or the Federal Parliament of Canada, has unlimited power to make legislation within the field of its competence. With a municipal government,

Mr. Legal Adviser continues ...

the presumption is the other way. The presumption is that it has not got the legislative power to do anything unless that specific power is given to the municipality. So, maybe we're leaning over too far backwards. But, you're trying to compare an apple and an orange.

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Mr. Chamberlist: Mr. Chairman, I have to specifically argue against the Honourable Member from Whitehorse West, on the point when he tends to liken, or unliken, the Yukon Act with the municipalities, especially in section 16 of the Yukon Act, where the legislative powers of the Commissioner in Council are spelled out, a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p and so on. What we've done here, in exactly the same way, is spelled out the powers that the council can use in making bylaws. Now, what difference is there? This is the argument that I cannot follow. I mean, it's a jump from the bandwagon which he knows full well doesn't apply. The sections spell it out, just like sections 92 and 93 in the B.N.A. Act spell out what can be done as far as legislative powers and competence in the area. I certainly don't hold with that particular argument as given. However, the point that is trying to be made is to try, instead of indicating the powers that should be given to the municipalities to create certain types of bylaws ... these are not administrative functions here, that are being given to them. It's the powers that they can put into a bylaw. As the Legal Adviser has indicated already, and it's a very, very important point, if we just reduced it to the power to make bylaws, it would be ridiculous because the power to make bylaws may not sufficiently cover other areas dealing with taxi cabs, for instance, about whether there should be a place from which people could be picked up to taken or where they can be picked up or taken, or whether a bylaw would permit a person to be picked up outside of a municipality or within a municipality. All these things, I see nothing wrong with and all we're trying to do is comply with the wishes of the municipalities. I heard strong remarks made about the wishes of the municipalities. Here we have complied with the wishes of the municipalities who have made no objection at all to what they have had so far. Now, we're being hit the other way. So, again, well this is a time, the municipalities, when they come along later to make representations ... we've noted what Members have said and we can deal with it then.

Mr. McKinnon: Well, this is the whole point of why I thought it would be advantageous to have members of the municipalities here from the beginning, because from my information from dealing directly with the aldermen and the mayor, indicates that the areas which I am presenting are exactly the type of Municipal Ordinance they would like to have seen drawn up and they are against the spelling out of every minute detail in the Municipal Ordinance. Now, the Member says that this is wrong. If the City is wrong, I don't know who the hell I'm supposed to believe.

Mr. Chamberlist: With respect, Mr. Chairman, I have not said that and I don't care whether the Honourable Member tries to put on an act here. Now, he may be in consultation with the Mayor of Whitehorse, because, you know, they are together practically twenty-four hours a day. But I ...

Mr. McKinnon: It was the Aldermen.

Mr. Chamberlist: But, I'm concerned about the other municipalities as well. This is a piece of legislation for all municipalities, and we have to start thinking about municipalities outside of Whitehorse as well. Certainly, if they come along now, and bring other ideas to what has already been indicated in their correspondence, well, we'll take a look at it again at that time. But, what we're doing now is finding out where ...

Mr. McKinnon: It's a waste of time.

Mr. Chamberlist: Well, it might be a waste of time for the Honourable Member. He hasn't been here much of the time during this particular Ordinance, so, you know, let's not bother about it. Certainly, we will take note of the point that he has made and let the representatives deal with it afterwards.

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Mr. Chairman: Have you anything further on section 116? (Reads 117(1)(a) and (b)).

Mr. McKinnon: Why don't we define working dogs while we are at it?

Mr. Stutter: Mr. Chairman, that is the point that I was just going to raise. I realize that these two things both (a) and (b) are in the old Ordinance, that is the purpose for which the dog is used, and (b) other than working dogs. I really do question why they are in a more modern Ordinance. I can see, perhaps, why they were in before. I would much prefer to see those two parts deleted and perhaps the councils given the right or the permission to waiver the imposition of a tax, rather than stating quite clearly in (b) that other than working dogs, in other words all dogs other than working dogs must have a tag. This is giving exemption to working dogs.

Mr. Legal Adviser: It hasn't said quite that. It says a "council may pass bylaws" for imposing a tax on the owners of dogs. It may, it doesn't have to. But, it is forbidden to impose a tax on working dogs, such as say, the dogs which are used in sleigh teams or St. Bernards or dogs which were meant for something.

Mr. Stutter: This is the point that I am trying to make. Why should those particular dogs be exempted? There are many dogs that are claimed to be working dogs, and aren't in fact working dogs. Why should they be exempt from a tax? You spell it out there, that they definitely are exempt. I would prefer to see that the councils can say, no they are not, you know, or that they are not being used as working dogs, rather than us saying that they are definitely exempt. The skidoo has taken the place of most of them anyway.

Mr. Chairman: Clear? (Reads 117(1) (c) to (g) (i) inclusive).

Mr. Tanner: Mr. Chairman, I wonder whether Council would give consideration to adding "teddy bears" after rabbits?

Mr. Chairman: (Reads 117(1)(g)(ii) to (v) inclusive).

Mr. Chamberlist: Mr. Chairman, I think that everybody should have a good laugh. I would point out that in a letter to the Administration, dated November 30th, 1971, we were specifically asked, broaden the domestic animals section to include all domestic animals and fowl. Now, we have complied, whether we are, you know, being called foul we don't know whether we are fish or fowl when it comes to this situation. We are asked by the city administration to do certain things for them in the Municipal Ordinance. We do these certain things for them. Now, we come under criticism for doing it. It is pretty hard to take.

Mr. McKinnon: Mr. Chairman, they ask to broaden the regulations. Why couldn't the Territorial Government say the municipality may make bylaws for the control of animals within the municipal boundaries? They only had dogs before, and that's what you call broadening the Ordinance, now they have control for every kind of animal that wants to run within the municipal boundaries, and may make any regulation and any control on those animals. There is where you are broadening the control of the city, not by eliminating, by specifying every fish or fowl, hamster, geese, goose or anything that comes, runs, walks, crawls in the municipal area. It is a wonder snakes aren't in there.

Mr. Legal Adviser: The Member has a good point. Just to illustrate the difficulty if you give them the control of animals, does that include snakes and animals? Is a pigeon or something else an animal? Where do you stop? When is a man bald? Is he bald when he has only a hundred hairs? When he has fifty?

Mr. McKinnon: Well, you say it anyway. You say any other animals, any way for crying out loud. You are going to get in the same difficulty with this type of legislation as you get if you broaden it right out. You know it as well as I do. Save the paper work and the time and effort, we have the same thing anyway. It is going to end up in court where everything does anyway. You know that as well as I do.

Mr. Chairman: Incidentally, we have missed ptarmigan and mallard ducks.

Mr. Commissioner: They are under the Migratory Game Bird Convention.

Mr. Chairman: (Reads 117(1)(vi)).

Mr. Chamberlist: I know, Mr. Chairman, that some of you here might think that this is all for the birds. The main thought behind this is to give them as much as possible, and then let the municipality then ask us what we don't want afterwards. All that we are trying to do is help and comply. Don't attack the Administration for trying to be so co-operative to the municipalities.

Mr. Chairman: (Reads 117(2)).

Mr. Tanner: Mr. Chairman, it seems to me, I think that Councillor McKinnon and I are saying the same thing. You have probably got the whole thing summed up in (2)(e) on page 32, and probably in the first two or three sections of 117. We are obviously not making much headway here, because I think, as you say, the Administration feels they have bent over backwards. I think they have bent over backwards, but they are probably touching the back of their head on the ground. They have gone too far. It says in (2)(c) "regulate and fix the fines and fees, including damages for trespassing on private property." Surely, that is a case for the individual who had been trespassed to go to court, rather than for them to fix the fines and fees.

Mr. Legal Adviser: No, the court doesn't fix it. It is a question of evidence. You find out when there are cattle straying onto neighboring land, how much damage they have done, then you can claim that against the other person. This keeps alive one of the most ancient traditions of British law, and that is the right to seize damage fees, as they say, before courts were properly operating in England. This is the way the people enforced the law. This will now be regulated by the municipality.

Mr. Tanner: Mr. Chairman, I don't really think the point is worth arguing. If a person's property is damaged by a stray animal, why obligate the city to set the damages that should be incurred, why not let the person who has been offended against, take the offender to court and fine them.

Mr. Legal Adviser: The Member has a point. We are making regulatory legislation. You want to make it easier to prove, easier to enforce and easy to organize, so you step in. More and more, people are expecting at one level or another of government, to do for them what previously they had to do for themselves by going to a lawyer and taking an action against someone else in the court. My phone, was there for a few months back, buzzing with complaints about horses trespassing in Hillcrest. Nobody would listen to me, when I said, why don't you make a complaint in the court. They kept on saying, what are governments for? You have to do something. This is what people expect. So, more and more the municipal government is under pressure to make legislation of this type to regulate what people can and cannot do for the comfort or the health of their neighbours.

Mr. Chairman: Clear? (Reads section 118).

Mr. Chamberlist: Mr. Chairman, I wonder if perhaps Mr. Legal Adviser can indicate whether we have perhaps missed a point here. We make

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Mr. Chamberlist continues ...
provision for a majority of the taxpayers to give an extension of a franchise, but we haven't made provision for the taxpayers to be consulted in the original granting. I think that you should make ...

Mr. Legal Adviser: Subsection (2), Mr. Chairman.

Mr. Chamberlist: Oh, that's right.

Mr. Tanner: Mr. Chairman, just a point of interest in this particular instance. Since there is only one utility, or let's assume that it was only one utility involved, what choice have the taxpayers got as far as the vote? They maybe can vote about the conditions of it, but they haven't got much chance of using it.

Mr. Legal Adviser: Mr. Chairman, this isn't a question of Hobson's choice at all. When it comes up for renewal, the taxpayers are informed, there are hearings, the whole thing is thrashed out, open and above board with quotations for prices and everything else. True, the incumbent, the franchise holder has a certain equity in that he owns established equipment in the area, which a new person would either have to buy from him or supply himself. This gives him some advantage. There is a big advantage to the taxpayer in general of having periodic review of franchises and letting the public know exactly what is happening. There is a lot more than one franchise available to a municipality. This section is very necessary. It was discovered by an accident, when a franchise was sought in, I think it was, 1962 that the city had in fact at that time no power to grant any franchises. It had to be written into the law at that time.

Mr. Chamberlist: Mr. Chairman, there is one area here which perhaps should be indicated, as to whether or not we would require a franchise holder to be given notice or give notice of terminating a franchise. I think that perhaps we should have this in there to.

Mr. Legal Adviser: That becomes part of the original contract. When you are approaching the twenty years, I suppose the franchise holder gets somewhat worried. It is written in to the contract.

Mr. Chamberlist: The point that I am making is that it is a written contract between the municipality., and if the municipality does not put it in their contract there is no protection of the Government making sure that the people have not ... that that has been omitted from the contract.

Mr. Legal Adviser: I am slightly taken aback by the suggestion, that franchise holders in Whitehorse with their batteries of lawyers, across Canada need any protection from this Government in writing up the terms of their contract by putting in a clause for notice.

Mr. Chamberlist: It is the other way around that I am thinking about.

Mr. Commissioner: Mr. Chairman, with respect, I think that the point made by the Honourable Member is quite a good one. Also, I think that this is where the expertise with which the municipality conducts its affairs to protect its own citizens has got to be allowed to come into place, and certainly notice on behalf of the citizenry as one of those things that they should be doing and they should be up on. I certainly don't think that this is the place to particularly put it.

Mr. Chamberlist: I think the same, Mr. Chairman, the Government of the Territory have also a responsibility in protecting the citizens of the Territory whether they be within the municipality or not. If the municipality has failed some way to take cognizance of the fact that there is a need for that particular clause in there. If we are not putting it in there, would this be subject to the approval of the Commissioner without, this is the point that I am

Mr. Chamberlist continues ...
making, without the Commissioner examining that clause. This is
a very, very important thing, I think.

Mr. Legal Adviser: The franchise is a contract which runs for
about eight pages and contains detailed provisions which may include
cancellation if the franchisee does not observe the terms of the
contract. It is a matter for negotiation when you are working out
the franchise.

Mr. Chairman: Section 118.

Mr. Chamberlist: I've got that, Mr. Chairman, this has now given
me more problems, because I feel that we, the Government here have
a responsibility of making sure that the clauses within the contract
do not work to the detriment of the people, notwithstanding that
it is a contract between the municipality and a utility.

Mr. Legal Adviser: The actual contract must be approved by the
Commissioner.

Mr. Chamberlist: This is fine, I have already taken notice of that
particular area, the conditions of the franchise.

Mr. Chairman: Clear? (Reads 119(1)(a) to (c) inclusive). Squib?

Mr. Legal Adviser: A squib is a small type of fire work which
small boys used to buy for a half penny.

Mr. Tanner: This is really getting to the point of absurdity, I
think when we are talking about squibs. I don't think most Canadians
even know what a squib is.

Mr. McKinnon: I thought it was a fish.

Mr. Tanner: It is just the same thing as far as I am concerned,
I agree with you. You are going on and on in this same repetitious
manner in minute detail, and I just don't think that we are serving
any good purpose here at all.

Mr. McKinnon: That is too much input from the British Isles, and
not enough from the people.

Mr. Chamberlist: I agree with that one. It should be just for
the firing and setting off of fire works. The next thing is, you
are going to finish off, I agree, you can't use sparklers, which they
hold up in the air on a piece of wire. I think that it should be
changed.

Mr. Chairman: (Reads 119(1)(d) to (f) inclusive).

Mr. Tanner: Mr. Chairman, I think there is a small mistake in here,
shouldn't it be the "acquisition and equipping of a motor vehicle"
rather than "equipment"?

Mr. Chairman: It doesn't seem to read all that right to me.

Mr. Legal Adviser: No, the equipment agrees with acquisition. They
are both gerund parts of a noun, they are subsident. You would have
to say "for the acquiring and equipping" or "for the acquisition and
equipment!" It makes them agree.

Mr. Chairman: (Reads 119(1) (g)).

Mr. Chairman: How do you judge what is garbage, Mr. Legal Adviser? BILL # 10

Mr. Legal Adviser: It has a dictionary meaning and we usually use the Shorter Oxford English Dictionary, as for words that we refer to for meanings.

Mr. Chairman: One man's garbage is another man's treasure; who sets the standards?

Mr. Legal Adviser: One can always smell it and that's one way of finding out, Mr. Chairman.

Mr. McKinnon: Like Murphy use to say, "It may be garbage to you but it's bread and butter to me."

Mr. Chairman: (Reads 119(1)(h)(i)(j))

Mr. McKinnon: Who ever heard of stopping pigeons from having sex?

Mr. Chairman: (Reads 119(1)(k))

Mr. Tanner: Mr. Chairman, I was wondering in regards to pigeons, how the Legal Adviser gets evidence in Court; does he get another pigeon to fink, or how does he actually manage to make that one stick?

Mr. Legal Adviser: No, what you do is you provide a scheme when the pigeons become too numerous for frightening away the pigeons and you charge the owner with part of the cost. If the buildings are unsightly, you tell them to clean them. It's not too easy to clear away pigeons. It is quite a costly business and many methods have been tried but very few of them have been successful.

Mr. McKinnon: Is there anything that you don't know?

Mr. Chairman: (Reads 119(1)(1)(m)(2)).

Mr. McKinnon: Before we leave this section, Mr. Chairman, I see that the Administration has tried to bring in everything and I mean everything that they possibly could where the Council may pass bylaws. When you start talking about squibs, and the nesting habits of pigeons, I can see that their imaginations have really been running rampant, to be sure that everything is included but should there not be a section saying that the council may also have the right to pass bylaws on matters of a generally local or private nature within the municipality. I mean a saving clause that you see in both the Federal and Provincial Act and probably fifty of the Municipals' Act.

Mr. Legal Adviser: I am sorry, Mr. Chairman, but that would be a derogation of the real power of this House, which I couldn't in conscience ask the House to do. There would be no need for this House to continue on, because the whole of the power would be delegated. I doubt if the Court would uphold such a wide delegation of power to a municipal government.

Mr. McKinnon: There has to be areas, no matter how comprehensive you try to make it, where the municipality should have the ability to make bylaws and it's not given to them directly by this House because you just cannot. If this is a type of Ordinance in which you are attempting to legislate, you just can't bring every matter into this Municipal Ordinance where the city, really does have the right to make bylaws. There are going to be areas which are not defined, in this legislation, where the city has the right to make bylaws and yet it is not specifically mentioned in the Municipal Ordinance. Is the city then prohibited from making bylaws in this area?

BILL # 10 Mr. Legal Adviser: We have one general section, I can't lay my finger on it right now, which allows the Municipal Government a fairly general power. I think we come to it in time but I agree with the Honourable Member, it is quite impossible to get everything. For instance, the power to prevent unnecessary noise or sound on a highway or elsewhere, this was not within the power of the city, and Councillor Livesay and Councillor Shaw who use to live in the Regina, I think, were continually being disturbed every Spring Session because trucks were running their engines every night. There was a continual complaint coming in at a quarter to ten every morning, why can't you do something about this? We couldn't, the city should have done it but they didn't have the power, at the time, we had to have a special amendment in, I think, the Motor Vehicles Ordinance to do something about it.

Mr. McKinnon: Is there this section, I would like to find it in the Ordinance; if we have passed it I have missed it, if it is in there.

Mr. Legal Adviser: My recollection is that there is some kind of a general section.

Mr. Chamberlist: The point is, Mr. Chairman, that if we do miss anything out, it is only a matter of a request being made and we will make provision for what have you.

Mr. McKinnon: That should be the Municipal Ordinance.

Mr. Chairman: (Reads 120(1)(2)(3), 121(1))

Mr. Tanner: Mr. Chairman, could the Legal Adviser advise how junked could be defined.

Mr. Legal Adviser: We make an attempt further on.

Mr. Chairman: (Reads 121(2)(3)(4)(a)(b)(5)(6)(a)(b)(c))

Mr. Tanner: Mr. Chairman, I think the important word in that whole section 6(b), when it says "inoperative", I wonder whether that hasn't been expanded enough because I see that this will be an area where there will be quite a bit of trouble. Shouldn't there be a word saying unabled or description saying unable to move under its own power? Inoperative means that, but a car being rusted really it doesn't ... but inoperative is really the major word there. Wouldn't the Legal Adviser agree that it needs further extention?

Mr. Legal Adviser: There are plenty of types of vehicles which are covered by this. A junked vehicle does not only mean a motor vehicle as such but inoperative means the negative of operative which means working, it just means not working but it can be any of those things. It's a series of "or's" "rusted or wrecked, or partly wrecked, or dismantled, or partly dismantled, or inoperative, or abandoned". If it fulfills any of those conditions, just one or two, then it goes.

Mr. Tanner: That's what I'm saying, that inoperative means the motor's not running, but if the motor's running, and the wheels aren't turning, then it is inoperative.

Mr. Legal Adviser: Even if it is operative and it is rusting, you can throw it away.

Mr. Tanner: Mr. Chairman, I can foresee trouble in a particular constituency in which I am quite familiar. I would ask that maybe the Administration would look at that definition, that one particular definition to see if more words could go in there. This is one area where I am asking for more words. They could maybe check that out.

Mr. Legal Adviser: We found ourselves without an awful lot of power except administrative power in trng to deal with the junked vehicles in Porter Creek, a certain part of the constituency.

Mr. Chairman: I notice in this section you have taken out section (e) of

Mr. Chairman continues ...

the existing Ordinance. It refers to the prevention of children below the age specified on highways or public places; it takes out the curfew provision.

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Mr. Legal Adviser: It's not fair to people if they don't want it. It's plainly not popular.

Mr. Chairman: You don't want to get out from wondering, not whether it should be in force or not, but in the case of an emergency situation and wish to impose a curfew if you have the power to do it?

Mr. Legal Adviser: There is no firm policy on this. We understood that the municipalities didn't want it but if they do want it, then they can have it back again. If they would take the chance of enforcing it, pray they don't ask the Territorial Government to enforce it for them.

Mr. Chairman: It might only be periodically it would be necessary to have it enforced. We aren't talking about the City of Whitehorse now, we are talking about the City of Carmacks and other places.

Mr. Commissioner: Mr. Chairman, this is exactly the problem, there is no way that we can enforce curfews in these areas. With or without, Mr. Chairman, we simply do not have the capability in our law enforcement agencies to police curfews.

Mr. Chairman: (Reads 121(7)(8)) I think at this time we will declare a short recess.

RECESS

RECESS

Mr. Chairman: At this time, I call Committee to order. The next section is section 123. (Reads section 123, subsection (1))

Mr. Tanner: Mr. Chairman, correct me if I'm wrong, but I don't think we read section 122.

Mr. Chairman: Oh, I thought we had. (Reads section 122, subsection (1))

Mr. Tanner: Mr. Chairman, I know the city's problems in this area, but ten days, when a person is sick or something, isn't a great deal of time.

Mr. Legal Adviser: "...when the owner thereof cannot after reasonable inquiry be ascertained ..." You see, it's easy enough to find the owner of the vehicle, if it's in any kind of condition at all. We've had a certain amount of regular trouble with this. The administrative trouble was as to who should pay the cost of towing a vehicle in about twenty or thirty miles along the highway. The Territorial Treasurer didn't have a Vote and the Territorial Secretary didn't have a Vote and the police didn't have a Vote and so forth. Eventually, we made the money available out of our Vote to solve the difficulty. But it's a continuing difficulty, abandoning cars. The police really intervene when it's at a corner or in a dangerous position. But, in that case, you couldn't find the ... we found the person who had said he bought it from an Indian or something, and the Indian couldn't be found. It was about three or four of a chain. In the end, that's it. I don't think ten days is too unreasonable.

Mr. Chairman: (Reads section 122, subsections (2) and (3))

Mr. Legal Adviser: I was just pointing out to the Honourable Member that gives twenty-five days.

Mr. Chairman: (Reads section 122, subsections (4) and (5), section 123, subsection (1))

Mr. Tanner: Mr. Chairman, subsection (8) of section 121 and subsection (5) of section 122 negate any responsibility on the part of the city having this action. Am I correct?

Mr. Legal Adviser: No, Mr. Chairman. A draftsman hasn't been born who could do that. They must prove that they have actually complied in every way with the section to get immunity. If they have departed in any way from it, then, thump, the court hits them.

Mr. Chairman: (Reads section 122, subsections (2) to (9) inclusive) Should that include "at any reasonable time"?

Mr. Legal Adviser: I think, here, no. I can't conceive a licence being demanded of a person in business after business hours in the normal course of the day. We have no objection to saying that.

Mr. Chairman: (Reads section 122, subsection (10))

Mr. Tanner: Mr. Chairman, why do we set a maximum of fifty? Why not leave that up to the city council? Maybe in some businesses, they would want a higher penalty. We should let them have the choice. If they want to impose a particular penalty which is in excess of fifty dollars for a flagrant offence, I think they should have that power.

Mr. Legal Adviser: There is no hard and fast rule about it, but it's customary, when you're setting an offence from this House and giving people the power to create an offence, to create the maximum beyond which they can't go. Otherwise, it could be a thousand dollars a day; it could be designed to get at a particular person. Fifty dollars a day can be a very heavy fine if it's actually imposed.

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Mr. Tanner: Well, I can give you an example. Supposing a business came into town with the specific intention of taking, for the sake of a better word, the public of Whitehorse. The city council couldn't act fast enough. The bylaw inspector could have imposed a fine but he would have to appeal before it could be taken up. The council, for some reason or other couldn't act fast enough. If they could impose a fine of say, a hundred dollars, it might not be worth while for the gentlemen staying there. For fifty dollars, he could still be making money in his corrupt practice.

Mr. Legal Adviser: A tricky way to do it is to give the court power to order the business to be stopped from carrying on.

Mr. Tanner: Could that still be done by the council?

Mr. Legal Adviser: Yes, it would just have to go to the High Court.

Mr. Chairman: Clear on section 123? (Reads section 124, subsection (1))

Mr. Tanner: Mr. Chairman, I don't know what that means. Could the Legal Adviser tell us what he's saying.

Mr. Legal Adviser: Yes, it's prohibiting permanent parking in trailer sites. In other words, it says you can have a trailer outside your house to accommodate your mother-in-law for sixty days, but you can't have her the whole year around, living in a trailer in your back yard.

Mrs. Watson: It says, "not less than sixty days". Shouldn't that be "not more than sixty days"? You say "not less"; do you mean "not more"?

Mr. Legal Adviser: No.

Mr. Chairman: (Reads section 124, subsections (2) and (3))

Mr. Tanner: Mr. Chairman, going back to subsection 124(1), can that subsection be used by the city to control trailers on the perimeter or right beside a trailer park?

Mr. Legal Adviser: It can be used anywhere, depending on what the council wants to do. What it says is in subsection (1), everybody can have a holiday trailer, for up to sixty days, notwithstanding a bylaw made under that, but the council can control it beyond that. So, if you go passed the sixty days, you offend against the bylaw.

Mrs. Watson: Mr. Chairman, does that mean that you can't park your holiday trailer in the back yard for the whole year?

Mr. Legal Adviser: No, you can't, if you permit the use of the trailer for living purposes there. You can have it empty but you can't have it with people in it.

Mr. Chairman: (Reads section 124, subsection (4), section 125, subsection (1) and subsection (2), paragraphs (a) to (d) inclusive)

Mr. Tanner: If he commits an offence, what recourse does he have?

Mr. Legal Adviser: It's a general clause and anybody who commits an offence with no penalty specifically provided in that section or subsection, comes under a general penalty clause.

Mr. Chairman: (Reads section 125, subsection (2), paragraphs (e) to (g) inclusive, section 126) But these only refer to trailer parks that the municipality provides itself.

Mr. Legal Adviser: Yes, that is so.

Mr. Chairman: It cannot be interpreted as going beyond that.

Mr. Legal Adviser: No. Robert Service, they have a trailer park down there. If the need arose and there was no person capable or willing to provide the service privately, the municipal government can move into the field as a public service.

Mr. Chairman: (Reads sections 127, 128).

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Mr. Tanner: Mr. Chairman, there is something wrong there, isn't there?

Mr. Legal Adviser: Yes, there is something wrong.

Mr. Chamberlist: We recognized that it is wrong, that is why we are correcting it.

Mr. Legal Adviser: There are a couple of words in there "ordinance or regulation".

Mr. Chairman: (Reads section 129 (1) (a) to (f) inclusive).

Mr. Tanner: Why do we set the limit on that one? Why don't we leave it up to them; surely they are going to make a rightful decision.

Mr. Legal Adviser: It is largely to relieve them of the pressure that is sometimes brought on them to give a bigger organization a grant or grant in lieu of taxes.

Mr. McKinnon: Why should the Territorial Government be the whipping boy. I was at the city council meeting the other day when the Y.W.C.A. came to the city council and asked for a grant. The whole council en masse, everyone said, we can't do it because we have already come up with our limit of the grants that are allowed to us under the Territorial Government. We would love to do it. We want to do it, but the Territorial Government won't let us do it. There we were guys. Why not let them have the courage, we don't want to give you a grant. We can't give you a grant because we can't afford it. Why in goodness gracious should we be the whipping boy for the municipal council. If they want to waste the taxpayers' money on giving grants to any organization, then let the taxpayers deal with the city council. Let's stop being the whipping boy for them.

Mr. Legal Adviser: A very high proportion of the expenditures of all city councils come from Territorial funds granted by this House.

Mr. McKinnon: Every marching mother is against us now. Beautiful.

Mr. Legal Adviser: We have just raised the limit. They can now give them a grant.

Mr. Chamberlist: Why don't we just make a note of it. I would like to take a further look at it.

Mr. Chairman: (Reads 129(1)(f), (g), (h), (i)).

Mr. Chamberlist: That is a good one, Mr. Legal Adviser.

Mr. Legal Adviser: That is a very important one, Mr. Chairman.

Mr. Chamberlist: Oh, you bet.

Mr. Legal Adviser: It is the cause of tremendous litigation in municipalities. People claim the right to be able to use the city streets as if they were their own private property for various forms of sale and commercial enterprises. It is the subject of possibly as much litigation of any other section in the Municipal Ordinance. The fact that they are alleys, the council have not got the power to stop them.

Mr. Tanner: Mr. Chairman, I think everybody can see the wisdom of the Legal Adviser's intelligence here, I don't think we need discuss it any more.

BILL #10 Mr. Chairman: (Reads 129(1)(j) and (k), section 130, 131(1)).

Mr. Tanner: Mr. Chairman, what is the definition of "parkade" in that sense?

Mr. Legal Adviser: "It includes any building, parking deck or deck, or similar structure for the public parking of motor vehicles, together with all ramps, stairways, escalators and other works connected therewith."

Mr. Tanner: Thank you.

Mr. Chairman: (Reads 131(2), (3)(a) to (c) inclusive). I wonder if the Deputy Chairman would read.

Mr. Stutter takes the Chair.

Mr. Chairman: (Reads 129(1) (d) to (f) inclusive, (4) to (8) inclusive).

Mr. Tanner: Mr. Chairman, this is a bit of a sweeping one. Why would you interject the Commissioner on the revenue? Why should he ... the point is that he can take some portion of them or reduce the prices if he wants to?

Mr. Legal Adviser: Yes, what is attempting to be created here is, a holding of the balance between the amount that is to be paid by the businesses to be benefited in the area of a parkade and the cost to the people who use the parkade for their cars. You inject the Commissioner to hold the balance, because a certain bias creeps in against the larger property owners in a central city area as against the subsidy given to the voters who use it, so the Commissioner holds the balance.

Mr. Tanner: Why not let the municipal council hold the balance?

Mr. Legal Adviser: Well, he is holding the balance as an independent person, because it is the council that are initiating the thing in the first place.

Mr. Chairman: (Reads subsections 131(9) and (10), section 132).

Mr. Taylor: Would this not be subject to M.O.T. regulations?

Mr. Legal Adviser: Sometimes it will, sometimes it won't. They may have to buy the bases. The Municipal Airport in Edmonton, as the Councillors will realize, is operated by the city.

Mr. Taylor: Is it under regulations, Mr. Chairman, set down by M.O.T. in many areas in many respects. Should we not be saying that here?

Mr. Legal Adviser: Yes, that is correct. I think that it is automatic; we can't provide an exception to it.

Mr. Chairman: (Reads sections 133 and 134).

Mr. Taylor: Mr. Chairman, just before we get into 135(1) and into that area, special provisions applicable to municipal districts, I am wondering if Mr. Legal Adviser could explain to me, just in some detail as to what really a municipal district is? How it can be created? Whether its creation is appealable? What is it? You say a municipal district means a municipal district established under this Ordinance. Now, you don't say how they are established. You start outlining "special provisions applicable to municipal districts", can I have this explained?

Mr. Legal Adviser: The establishment of a municipal district is provided for in common with other forms of the municipalities at about section 8 of the Ordinance itself. This is merely a special provision to deal with the raising of money to give fire protection in a

Mr. Legal Adviser continues ...

municipal district which may contain forest areas. To provide the special benefits, people may be charged a special rate, and in return for that, may not have to make payment to the municipal fire brigade of that place or another place, in a different area. It is a special provision dealing with fire costs. That is all, it has nothing to do with the establishment at all; that is the earlier area.

BILL #10

Mr. Taylor: Well, Mr. Chairman, now I know, where it has been indicated up in the earlier part of the Ordinance, I believe, section 8, it explains what it is. I don't recall seeing where a municipal district is created? How it is created? When we look at section 5 and 6, it talks about the incorporation of municipalities not necessarily municipal districts. Could I also find out what a municipal district is?

Mr. Legal Adviser: It is merely a more loosely organized and wider spread municipality, than a closely knit community such as a village, town or a city. It has all the powers once it is created which are given to any other municipality in this Ordinance.

Mr. Taylor: Are you then suggesting the thing that was just about rammed down our throats in Watson, here a year or so ago, whereby you just declared two hundred and eight square miles around the community as a municipal district. Is this what this could deal with? BILL #10

Mr. Legal Adviser: It would be an area of that size but I hadn't known that any thought was being given to considering Watson Lake as a municipal district. It might be that Watson Lake might find itself as a village or a town related to a municipality but I hadn't heard that there was any thought of making Watson Lake, or that area a municipal district. Watson Lake is a cloak in a community.

Mr. Taylor: Well the last time we were proposed to become a village, it was to be two hundred and eight square miles when measured out on the map, the proposal. That was the size of it. This sounds suspicious to me like what you might be calling a municipal district. I am trying to find out just what a municipal district is, how it can be created, whether it is appealable? I do believe in my own mind that it is still the intent of this Administration to form this thing into a village or town or something, and possibly a municipal district. This is why I asked the question.

Mr. Legal Adviser: There are no two ways about it, Mr. Chairman. I'd be wrong, if I didn't confess that the Administration feels that Watson Lake at this point is well capable of running its own affairs. It should be given the authority if they wish it, to have this. Not necessarily at all, its not even thought of, as far as I know as having anything to do with a municipal district.

Mr. Taylor: Then would you give me a practical case in point of where we would create a municipal district, in the Territory, say at this time, and what type of area we are really talking about? Are we talking one hundred square miles? Are we talking one thousand square miles? There is not a clear picture that has been given here, yet, in relation to just what exactly a municipal district is.

Mr. Chamberlist: It is not immediately envisaged that there will be a municipal district created anywhere, but the provision is so that should the occasion arise that the consultation and the will of the people within that municipal district, and only under that consideration, that the municipal district may be brought into effect. A municipal district may have municipalities within the municipal district. This often happens, so that you may have a large area and especially, we are speaking quite often to give as much autonomy to smaller areas, if they are capable of looking after themselves. It may be on the county system, that is used in some areas, where you have a large area that is a county; you have within the county municipalities, so you haven't a Government of the outer area that is governing within. I would repeat, that at this time, the Government has no idea of where they would propose a municipal district, but are preparing a piece of legislation in a manner which would take in all forms of municipal Government.

Mr. Taylor: I haven't had an opportunity to peruse the Taxation Ordinance, yet. Is reference made in the Taxation Ordinance to a municipal district at all?

Mr. Legal Adviser: It's treated as any other municipality, with the power to raise its own taxes, if it ever comes into the position. I would emphasize Mr. Chairman, that having the idea about municipal districts is at present a dream. There is no reality to it, this is just a skeleton about which, at some time in the future, we may be able to put flesh and blood.

Mr. Chairman: May I proceed? (Reads 135(1)(a)(b)(c))

Mr. Taylor: The question here is this. We are talking about municipal districts, the reference comes in here, in the fire protection area, how is that defined?

BILL #10

Mr. Chamberlist: One of the methods used in other jurisdictions, where there is a municipal district and there may be two or three small municipalities, in the municipal district. Instead of each of the municipalities having their own fire equipment, it's the municipal district that has the fire equipment. There is an arrangement made amongst the municipalities to have their fire protection attended to by one force of fire fighting people. This is the only purpose in there. Again, as the Legal Adviser has indicated, it is just a dream and that it does not apply at this time, but it is for the purpose of having the legislation there so should the time come along, at some stage it is there.

Mr. Chairman: (Reads 135(2)(a)(b), 136(1), 137(1), 138(1))

Mr. Taylor: Generally speaking, Mr. Chairman, is it not right to assume that in a municipal district, that the council of a municipal district exercise the same, or virtually the same powers as contained in this Ordinance. Is this correct?

Mr. Legal Adviser: I don't understand the question, Mr. Chairman.

Mr. Taylor: You speak of a council of a municipal district. Am I to assume that the council of the municipal district exercises the same powers, as in a case of a village or a town, in relation to the balance of this Ordinance.

Mr. Legal Adviser: This is correct. All of this Ordinance which applies, except where it specifically says so, and I can't recall any place except in the fire place, it all applies to the municipal districts, if we ever get them.

Mr. Taylor: I have no doubt in my mind that it is preordained what is going to happen over municipal, none whatsoever. I know in matters related to taxation because the Commissioner has clearly stated that if people want services in the Territory, they are just going to have to start paying for them, themselves. I know full well, and no one can prove to me any different, that this is in here for a very select and real purpose. This is why I am digging for information on it.

Mr. Chairman: (Reads 139(1)(2)(3)(4)(5)(6)(7)(8)(a)(i)(ii)(iii)(iv)(b)(9), 140(1)(2)(3), 141(1), 142(1)(a)(b), 143(1))

Mr. Tanner: Mr. Chairman, could I refer Members back to section 140(1) where they say that "on or before the 15th day of May in each year, the council shall cause to be prepared and adopted by bylaw a capital expenditure program" in other words what is being called for here, is a five year program which the City hasn't put forward, and I wonder whether the Administration when they put this in, considered an exception for the first year, for the new City Council in Whitehorse, in particular because they have got a great deal to take care of. If this goes into operation immediately, you have got to ask them between now and May 15th to project a five year program, which seems a little unreasonable.

Mr. Chamberlist: With respect, usually the projection of a program like that is done by the administration of a municipality. It has been put forward because it takes into consideration the fact that a municipality, I do agree, where it's outside of Whitehorse, but a municipality like Whitehorse, the administration is a continuing administration, unless the administration gets fired. In other communities, it's quite true to say that it's not continuous. Perhaps we could take a look at with the Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, the position is that every flea has another flea on his back to bit him and so on ad infinitum. The Federal Government makes available capital sums to the Territory. The Territory in turn makes capital funds available to the local government. It is necessary for this Government to be ahead of the game for the Department of Indian Affairs and Northern Development, so that they know what are capital requirements are for their requests to the Treasury Board of the Federal Government. We in turn cannot make up our capital requirement or request in accord with this program until we get it from the municipal government, so we have got to pass on the message to them. This is all programmed on definite dates, because you are on a time scale, so we will require it for this year

Mr. Legal Adviser continues ...

otherwise, we would have to say to the municipal Government, we cannot undertake to give you capital from Federal sources unless you meet with the requirements.

BILL #10

Mr. Tanner: I am not arguing with either of the two explanations that I have had but I am saying that you have got a fairly unique situation, this year in the City of Whitehorse. You have got double the size, double the population and completely new council, all happening at once. You've got a new capital program being offered, a new capital grounds program being offered and I can't help but wonder how the Territory has managed in the past without this projection, if it is absolutely necessary to have it for this.

Mr. Legal Adviser: It is necessary that they have something. Nobody is going to tie them to a particular number of dollars but I don't think it is beyond the powers of the administration spending three or four days to sit down with Territorial officers to make a reasonable project into the future. I think they could do it, but no one is going to hold them to the 15th of May, provided it is done before our estimates have to go forward, if that is sufficient. If they don't do it, then the Territory has to guess at it and that is where the evil lies. We are doing it without the benefit of their input.

Mr. Chairman: Clear? (Reads section 143, subsection (2), sections 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, subsection (1))

BILL #10

Mr. McKinnon: For what reasons?

Mr. Legal Adviser: There are a number of reasons, Mr. Chairman, why he might appoint an administrator. The municipality may be going bankrupt. It might be grossly inefficient. A majority of people may seek a dissolution. There are very, very many reasons. It's a last resort but it occasionally has to be done. For instance, if the council, at the start of the year, refused to strike a rate or impose taxes, an administrator would have to be forthwith appointed in order to allow the municipality to continue.

Mr. McKinnon: Well, this is one area where I think it should be outlined in specifics, where the Commissioner may appoint an administrator and cease a municipality and a council to exist. Certainly, the section, as it reads, leaves it to the Commissioner's sole discretion at any given time to appoint an administrator of a municipality. He can, in effect, terminate a municipality for any cause that he deems sufficient. I don't agree with powers that broad and sweeping for the Commissioner. I can see a controversy taking place between a junior and a senior government and the Commissioner being a person who is being plagued by all the trials and tribulations of the Commissioner's office, could be extremely short tempered and feeling pretty angry some day and saying "That's it; the municipality is winding up and I'm appointing an administrator." I don't think that that's just cause for an administrator to be appointed and a municipality to cease to function and an elected body cease to function on the whim of an appointed executive of the Minister of Indian Affairs and Northern Development. I could never accept section 155 as it stands.

Mr. Chamberlist: Well, with respect, Mr. Chairman, the Honourable Member says he could never accept it yet it's been in the legislation all the time. If this couldn't have been accepted then, why didn't he raise it before? Now, more so than at any other time, the function of the Commissioner, as we have already explained, is not the function of an individual anymore. He doesn't make that type of decision. It's made by the Executive Committee ...

Mr. McKinnon: That makes it worse.

Mr. Chamberlist: Well, in the eyes and mind of the Honourable Member, that might make it worse, but I don't think that he is any more responsible by expressing himself in that particular light. This particular section is there for the necessary protection of the public first, and if I thought for one moment, myself, that the Commissioner would abuse that particular area while I, or any other Member on this Council remained as Executive, there would be hell apopping. I just wouldn't go for it.

Mr. McKinnon: Mr. Chairman, the reason why there are wholesale changes in the Ordinances and changes in legislation is because people's thoughts change, the Government's ideas on priorities change and legislation becomes outmoded when applied to the facts of life at any given time. It is because it was in the old Ordinance just isn't a good enough argument to say that it should or should not be in the new Ordinance. I just ... my philosophy of government is that less and less control should be centralized in the power of the office of one man. That's a philosophy with which some Members of this House disagree. But, you still can't shake my philosophy of letting people have their heads, and removing more and more powers from the office of one man or the office of the senior government. I don't think that I'm being inconsistent in my stand because if anybody takes a look at my stand, right from my first day in this Session, it has always been to take power away from the Federal Government, to bring it to the Territorial Government and to take the power from the Territorial Government and give it to the junior government. I don't think I'm being inconsistent in thinking that this is my philosophy of government. Because

Mr. McKinnon continues ...

BILL #10

it was in the old Ordinance just isn't an excuse that I'll accept for why it should be in the new one. I think it should be spelled out for cause, as I think the Honourable Legal Adviser has often stated; things are not done except for cause. I think that the causes should be specific in the Ordinance as to why and when and where the Commissioner can step in and cause a municipality to cease to exist and appoint an administrator for it.

Mr. Chamberlist: Mr. Chairman, I will go as far as agreeing to an extension with the Honourable Member who has just spoken because some of the good words have been taken out and I don't know how I pass them. There were reasons in the existing Ordinance why an administrator could be appointed. For instance, the present section 353 of the existing Ordinance says in any case where a municipality is in serious financial difficulty and the Commissioner deems it in the best interest of the municipality and the ratepayers and creditors thereof, that the affairs be conducted by an administrator, the Commissioner may, by order in writing, appoint a person as the administrator of the municipality. Now, I have to ask the question, Mr. Chairman, as to why this sound section which spelled out the reason why an administrator would be put in, is not in there. I would like to point out to Honourable Members here that, during the complete discussion of the debate, I was on other duties elsewhere. This particular section, apparently, has been overlooked by me. I would go as far as that particular area, but, certainly, when the Honourable Member offered a challenge that he was not inconsistent, I beg to differ there. In some areas, the inconsistency has been showing up continuously. But, I grant it; he has the right to be inconsistent. I agree with him.

Mrs. Watson: Mr. Chairman, the necessity of having an administrator doesn't just go on financial difficulties. There might be an occasion where your city council resigns, the municipal council as a unit. Then it would be necessary to have someone to carry on the continuity of the government of the municipality until we go through the machinery to elect a new city council. So, there are two areas.

Mr. Chamberlist: Mr. Chairman, all the more reason why the ... the Honourable Member who has just spoken ... all the more reason why I feel that this particular section should be looked at. There were some really good sections in the existing Ordinance that covered those things. I'm just not very happy at this moment that, specifically, the first section was removed and other areas as well, with reference to the committee of ratepayers to be set up. I think we ought to take another look at this.

Mr. Tanner: Mr. Chairman, the circumstances that necessitate this action being taken are of such import that surely, it is important enough to warrant calling of Territorial Council together to make this decision.

Mr. Legal Adviser: Mr. Chairman, I suppose I must share the responsibility for having the section this way. There's no doubt that it is different from the last one. The last section laid out specific conditions as to when an administrator should be appointed. The situation arose where we had to appoint an administrator, and appoint him quickly, because the council in Dawson either resigned or refused to meet. There was a question of getting out paycheques to the staff, so we appointed Mr. Colbert to be the administrator to run the council pro tems until elections could be called and the new council set up. I think that was the situation. It had to be done there and then. Now, in drafting, I was asked for my advice as to whether or not the Commissioner had the legal power to appoint an administrator to take over the administration of the City of Dawson to get the salary cheques out on a Friday, without calling the Territorial Council back to amend the Ordinance. I gave the ... I said well, any council which can't pay its paycheques on Fridays is in serious financial difficulty. Maybe I was right; maybe I was wrong. But, we went ahead and appointed an administrator, the local town clerk, and pulled him back again. Now, I don't think it's possible to have this section spell out in detail the various reasons why you need an administrator. It's very possible I could guess at it, but we have to go through the Ordinance and say, section by section, or have an omnibus clause, that when the council does not perform any particular duty or any of the duties under this Ordinance, an administrator will have to be appointed, add in financial reasons and so on. It's

Mr. Legal Adviser continues ...
a very difficult thing. I don't think there is any provincial government in Canada that does not have the power, very smartly by order, to appoint the local manager or whatever the official, to take over pro tempore the administration of a council. The public needs protection. There is no objection to somebody making an attempt to spell out the reasons, but it would be a power like when the Commissioner deems it in the best interest, or when for the purpose of good government, or for the purpose of continuity or when the council is not carrying out its duties in accordance with this Ordinance, or something. It's got to be something like that that enables the quick order to be made and equally quickly, an order to pull it back. But, that's the only time that I can recollect when an administrator was appointed. But, it could happen and if it happens, there are millions of dollars involved in some of these situations. You may have to step in. It's a political act of the Commissioner on the advice of the Executive Committee, not a personal act, and the members who support him on the Executive Committee are subject after that to be censured in this House.

Mr. McKinnon: Well, Mr. Chairman, that's an administrator speaking an administrator's philosophy coming from the mouth of the Legal Adviser. There is a more basic principle concerned here. We're talking of a body that is duly elected, democratically, by the electors in a community. Then, we're talking about the right and the ability, for no cause whatsoever, for an appointed Civil Servant to be able to dismiss that duly elected body. Mr. Chairman, I couldn't agree with the words coming from Mr. Legal Adviser and I think that the causes should be spelled out as clearly and precisely as possible in the Ordinance, where a Commissioner can act in the dissolution of a municipal council and in the appointment of an administrator. I don't think that a more dangerous principle could come about in this House than giving the ability and the right and the power to the Commissioner far greater than he had in the old Municipal Ordinance, to dissolve a duly elected, democratically elected municipal body on, as it reads, the whim of an appointed Civil Servant.

Mr. Chamberlist: I agree with that version, when the Honourable Member puts it that way and I think we should take a look at this. I don't like the idea of the Minister of Indian Affairs and Northern Development having the power to dissolve this Council either. So, I think we'll take another look at this.

Mr. Legal Adviser: Honourable Members, I'm not trying to block off debate, but could the Honourable Members suggest what type of a clause would be acceptable. It can't be too long a clause. It must set out the disobedience of the council of the law, or something, in some kind of a general way. It is an administrative act which can't be appealed.

Mr. McKinnon: For discharging squibs?

Mr. Chairman: I take it, then, that this problem is going to be reviewed. (Reads section 155, subsection (2), sections 156, 157, 158, 159)

Mr. Tanner: Mr. Chairman, it would be, then, logical to assume that the Director of Local Government would be appointed in this case, I suppose?

Mr. Legal Adviser: No, Mr. Chairman, I think the normal thing to do would be to appoint the senior administrative officer employed by the council concerned, itself. The town clerk would take over; the city manager would take over. This is the custom in such a case. The senior government doesn't become involved, if it can help it.

Mr. Chairman: (Reads sections 160, 161, 162, 163, 164, 165, 166)

Mr. Tanner: Mr. Chairman, how far down can he deputize that authority in respect of a municipality? To a clerk maybe?

Mr. Legal Adviser: A clerk or a municipal government clerk would be inspecting the collection of debts and that kind of thing. You have to go down that far in order to check back or audit the books, this kind of thing.

Mr. Tanner: Mr. Chairman, that's the only power he can delegate though, is it?

Mr. Tanner continues ...

BILL #10
Of all the other powers he has under there, that's the only one he can delegate, the inspection of books and records and so forth?

Mr. Legal Adviser: Who can delegate and to whom is a grey area. Taking it by and large, when the Inspector is mentioned throughout this Ordinance, it means himself. If the person wants to sign a letter, he will sign it "So and so, for Inspector of Municipalities". It will be the act of the Inspector, in the same way as acts of the Civil Servants are acts of the Commissioner. I've tried not to be tied down on it.

Mr. Chairman: (Reads section 167, subsections (1) and (2))

Mr. Taylor: Mr. Chairman, shouldn't that read "shall"?

Mr. Legal Adviser: I don't think so, because it would first have to be constituted. I have no objection to having "shall" there but this is for the purpose of the people accepting the appointments.

Mr. Taylor: I means in subsection 167(1) where it says "The Commissioner may, on complaint ...". Should not the Commissioner be forced to, on complaint, launch an inquiry?

Mr. Legal Adviser: Well, Mr. Chairman, I think "may" must be somewhat discretionary there. If every person who has a grievance were to request a Board of Inquiry and had "shall" in there ... you know, it has to be somewhat discretionary. It's got to be a real complaint with some hard evidence that something is going wrong before the Commissioner will upheave the works of a municipality by having a Board of Inquiry. It's got to be pretty serious.

Mr. Chairman: (Reads section 167, subsections (3) to (5) inclusive)

Mr. Taylor: Mr. Chairman, I would draw your attention to the time. At this time, I would like to move that Mr. Speaker do now resume the Chair.

Mr. Tanner: I second the motion.

Mr. Chairman: It has been moved by Councillor Taylor, seconded by Councillor Tanner, that Mr. Speaker do now resume the Chair. What is your pleasure? 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 the Report from the Chairman of Committee?

Mr. Taylor: Mr. Speaker, Committee convened at 10:25 a.m. to discuss Bills and Sessional Papers. Committee recessed at 12:00 noon and reconvened at 2:10 p.m. this afternoon. I can report progress on Bill No. 10. It was moved by Councillor Taylor, 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: In respect of the agenda for tomorrow, Mr. Speaker, I believe it is the intention of Committee to proceed with Bills and Sessional Papers.

Mr. Speaker: May I have your further pleasure?

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

Mr. Chamberlist: I second the motion.

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

Mr. Speaker continues ...
agreed? I declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: This House now stands adjourned until 10:00 o'clock to-
morrow morning.

ADJOURNED

ADJOURNED

Mr. Speaker reads the daily prayer. All Councillors are present.

Mr. Taylor: Mr. Speaker, I rise on a question of privilege, this morning. I'm wondering, Mr. Speaker ...

Mr. Speaker: One moment; you are out of order.

Mr. Taylor: I have a question.

Mr. Speaker: We haven't come to order yet.

Mr. Taylor: Oh, I'm sorry.

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

Mr. Clerk: There is, Mr. Speaker.

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

Mr. Taylor: Mr. Speaker, I have a question of privilege, this morning. I'm wondering if Mr. Speaker could advise me when effect will be given to Motion No. 2 respecting the furnishings of these Chambers.

Mr. Speaker: It's underway.

Mr. Taylor: On my question of privilege, Mr. Speaker, could I be informed when?

Mr. Speaker: As soon as possible.

Mr. Taylor: Thank you, Mr. Speaker. We seem to be on the horns of a dilemma.

Mr. Speaker: Are there any Documents or Correspondence to be tabled? Are there any reports of Committees? Are there any Bills to be introduced? Are there any Motions or Resolutions?

Mr. Tanner: I have a Notice of Motion, Mr. Speaker, re the appointment to the Advisory Committee on Finance. *MOTION #10*

Mr. Speaker: Are there any further Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? As there are no Motions for the Production of Papers, we come to Motion No. 6. *MOTION #6*
It has been moved by Councillor Tanner, seconded by Councillor Stutter, that this House give consideration to a public question period.

Mr. Stutter: Mr. Speaker, I'd like to move that that motion be referred to Committee of the Whole for further discussion.

Mr. Chamberlist: I second the motion.

Mr. Speaker: It has been moved by the Honourable Member for Dawson City, seconded by the Honourable Member for Whitehorse East, that Motion No. 6 be referred to Committee of the Whole. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: Motion No. 7; it has been moved by Councillor Chamberlist, seconded by Councillor Watson, that the Government of the Yukon Territory establish a Rental-Purchase Housing Program as outlined in Sessional Paper No. 2, First Session, 1972. Is the Honourable Member prepared to proceed with this motion at this time? *MOTION #7*

Mr. Chamberlist: Mr. Speaker, I would ask that this motion be set over until tomorrow morning.

Mr. Speaker: Motion No. 8; it has been moved by Councillor Chamberlist; *MOTION #8*

Mr. Speaker continues ...

MOTION #8

seconded by Councillor Watson, that this Council recommend to the Commissioner that the appointment of Councillor Taylor as a member of the Advisory Committee on Finance be revoked.

Mr. McKinnon: Mr. Speaker, this House is becoming more confusing to me every day. I was wondering whether this motion could be put over until the further motion comes out, finding out who is going to replace this Councillor. It might have a big bearing on whether I support this motion or not, depending on which Honourable Member is going to be chosen to replace the Honourable Member for Watson Lake on the Financial Advisory Committee. As I understand, that was the intent of Councillor Tanner's motion this morning. If I could have them both together, in front of me, I'm sure it would certainly help me in my deliberations and in my voting on the motion. Unlike other Members, I'm not aware of all the intrigues of Government that are going on and who is in and who is out at any given time in Government.

Mr. Chamberlist: I would rise on a point of order at this time, Mr. Speaker. Mr. Speaker, you have not first asked whether the mover of the motion is prepared to proceed with the motion and I would suggest that the Honourable Member who has just spoken will give cognizance of the fact that Mr. Speaker was still in the position of asking that question first.

Mr. Speaker: Is the Honourable Member for Whitehorse East prepared to proceed with this motion at this time?

Mr. Chamberlist: Yes, Mr. Speaker. I wonder if Mr. Speaker could draw the attention of the Public Gallery to the fact that it's not necessary for any blasphemous remarks to be made in this House while a Member of the House is speaking.

Mr. Speaker: The Gallery will please refrain from any remarks.

Mr. Chamberlist: Mr. Speaker, I do not intend, at this time, to make any reference to the Honourable Member's from Whitehorse West remarks because no doubt, he will have the opportunity to remark on this particular motion. I feel that there's a time when there is necessity for a change in the Advisory Committee on Finance, the same type of change that has been suggested in previous Councils by Honourable Members of the House. This is the reason why this has been put forward at this time.

Mr. McKinnon: I wonder, Mr. Speaker, would the Honourable Member permit a question? Who is intended to replace Councillor Taylor on the Financial Advisory Committee.

Mr. Chamberlist: Mr. Speaker, I do not intend to answer that question, but ask that the motion be dealt with. This motion is quite clear and specific. It asks that Council ask the Commissioner to revoke an appointment. Any further matters can be dealt with afterwards.

Mr. Speaker: Are you prepared for the question?

Mr. Chamberlist: Question.

Mr. Taylor: Mr. Speaker, respectfully, I believe all Members would wish to debate this particular question. Prior to using my time in debate, Mr. Speaker, I wonder if I might first be permitted a question of the Honourable Member.

Mr. Chamberlist: Agreed.

Mr. Taylor: Would the Honourable Member, prior to debate on this question, please indicate to Council the reasons for the motion to remove me from the Finance Committee.

Mr. Chamberlist: I have already indicated, Mr. Speaker, that the reason is that there is a desirability for a change at this time.

Mr. Taylor: Well, speaking to the motion, Mr. Speaker, I can say firstly that I was apprised of this position yesterday morning, and much to my amazement, I was invited in to the office of the Executive Committee members and given the opportunity of saving myself a great deal of embarrassment by resigning my position as a member of the Advisory Committee on Finance, for which I thank the Honourable Members for notice, at least. There are only two real reasons why one could think that I could be removed, or should be removed, from the Advisory Committee on Finance of this Legislature. One would be that I have been derelict in my duty for some reason or other, or that I have betrayed my oath, or have failed to contribute materially or competently in the exercise of my duties on behalf of the House, as the only independent member of the Financial Advisory Committee, or indeed, the main Committee involving Administration. I'm the only one, other than the Executive Committee. This, Mr. Speaker, is not the case. I've not violated my oath at any time. I have conducted myself in the best manner I feel possible in the course of my duties on this Committee. So, it leaves only one other alternative. I must be ... it must be that I'm being removed because I am not going along with the crowd, so to speak. This is the only other alternative. I have obviously, offended a group in this House. If I have offended them, it is only then because I constantly challenge legislation which I feel is, or could be, detrimental to the people I represent at this Table, and that is the people of the Yukon. If this be the case, as I believe it to be indeed, Mr. Speaker, then, it is just incredible that in a democracy, or a purported democracy, the Yukon Territory, that such a thing could occur. It seems to me that we have a force of four Members under the control of one Member, and notwithstanding that legislation is good or is bad, I am expected to take a stand on behalf of those four Members, even if it is to the detriment of my people or the people of the Yukon. I cannot compromise and I never have compromised and I never will compromise, a principle. That principle is wrapped around the right of every citizen of this Territory, to have as adequate, as honest and as forceful a representation in this Legislature as he can possibly get. That is why people go to the polls and elect people to come to this Table. If I am to be compromised, I would sooner resign my seat as a Territorial Councillor, than give effect to what I feel is bad legislation, hastily prepared legislation or ill considered legislation. It is my duty to constantly challenge and I will continue to challenge, notwithstanding this motion is carried, which I believe it will be. It's a block vote. I will continue to challenge this type of legislation and policy and so forth. I ran to this Table as an independent Member; I'm tied to no political party. So, that being the case, I know of no political caucus. In any event, I ran on an independent basis and that's the basis of that. When we speak of Financial Advisory Committee and my duties in Committee, I feel that the Committee has not functioned in the best interests of this House in latter day times, and so I tread the thin line. I have a copy of my oath here. I have taken the same oath as the members of the Executive Committee, incidentally, Mr. Speaker, and I'm muzzled to the same extent, although I'm not an administrator. It says that I will not, without due authority in that behalf, disclose or make known any matter that comes to my knowledge by reason of such appointment, that being to the Financial Advisory Committee. So, lest a Member rise to say that what I'm about to say now is a violation of this oath, this is not true. I arrived in these Council Chambers, with all other Members, and was presented with a Bill, that is the Rental-Purchase Housing Bill, which involved the expenditure of seven and one-half million dollars. This is linked to the Budget, as indicated in the Commissioner's Opening Address and, I might say to this House, no consideration was given in Finance Committee. A Committee meeting was not held to discuss this matter prior to presentation to this House. So, in that respect, the Administration, or some members of the Administration, are bulling this one through. Further to this, there have been to date ... I have not been involved in any discussions in relation to the Municipal Aid Bill. So, I question the motives of those Members who do this type of thing. For this, and for other reasons, not going along with the crowd, I am being ousted. I know this is going to be a fait accompli, and all I can say is, when you oust me, you oust the people. Because, Mr. Speaker, I am the only representative, as I stated, on that Committee who is not involved with Administration, from this Council. It is my duty to keep them honest and so consequently, I'll say very little more. I don't think there is any more to be said, Mr. Speaker, except, I say to the Honourable Member involved, seated across the aisle, that when he does revoke my position on that Committee, he in effect, gives the people a slap in the face as well. I'll take my licking like a man. I will continue

Mr. Taylor continues ...

MOTION #8

to sit here and continue to challenge these things I have outlined earlier, and I will tolerate almost anything, but I will not tolerate an interference with the legislative procedures of this House. Whenever these things arise, you will find me in there pitchin' with the rest of them. Thank you, Mr. Speaker.

Mr. Speaker: Are you prepared for the question.

Mr. McKinnon: No, Mr. Speaker. I still find it very difficult to vote on Motion No. 8, as I still haven't found out who the Administration, or the Government, sees to put in Councillor Taylor's position. For all I know, Mr. Speaker, perhaps the Honourable Members have decided to put me in Mr. Taylor's position on the Financial Advisory Committee. Of course, this would have a very different bearing on my vote and on the debate that I'm taking. But, as long as the Honourable Members refuse to let it be known who they intend to replace Councillor Taylor with, it certainly limits my ability to debate and to argue on this point. However, all things being as they are, I think it's probable safe to assume, Mr. Speaker, that Councillor Taylor is being ousted from the Financial Advisory Committee for the reasons that he states. I congratulate the Honourable Member from Watson Lake for being ousted, because since I have known him in this House, for many years, I have known him to be a man of integrity, a man of principle and a man who truly believes in the democratic process of being answerable to only one boss and that boss, the people who elect him. I think that his answerability to the people is the reason for his success at being elected more times to this Council than any other Member sitting here at this Table. Mr. Speaker, it seems that when success in Government is dependent upon one's ability to compromise on principle or sell out on principle, it will certainly be interesting to see who the rising young star in Government is these days, and who has the ability of not challenging the Honourable Member for Whitehorse East and allowing himself to go along with the trained seal act which is so much in evidence in the Council Chambers these days. As I say, I congratulate the Honourable Member for not going along, for not selling out and not compromising on principle, and I certainly think he has taken the proper stand. I think that this is only one more instance of the terrible lack of input from the public that this Government is going along with. The Honourable Member from Watson Lake was the link with the public in the Government of the Yukon Territory. The Honourable Member from Watson Lake was the only person in the Administration or the Government who was giving any input whatsoever as to what the people in the Yukon Territory wanted. Mr. Speaker, it is a real loss to the House, to the Financial Advisory Committee and to this Government, that the Honourable Member from Watson Lake is no longer to be on the Financial Advisory Committee. As I say, though, I do congratulate his stand and I certainly welcome him into the ranks of Her Majesty's Loyal Opposition.

Mr. Stutter: Mr. Speaker, the Member from Whitehorse West has asked who is in mind to replace Mr. Taylor. I have asked that the Executive members not link my name with this particular motion and they have done just that. I am the one who has been asked to take this position. I think, by giving you this information now, it won't in any way, make a difference in the way the Member from Whitehorse West votes, any more than it will make a difference in the way I intend to vote on this particular issue. Thank you.

Mr. Speaker: Are you prepared for the question?

Mr. Chamberlist: Mr. Speaker, in closing off this debate, I think there should be certain things said and made clear, so that there can be no doubt in the minds of the Members of Committee here and of the public. It's quite often that the media, at times, does not report the situations as they arise in this House. As they take place, there are some parts of the media ... there's a certain part of the media who, perhaps, are controlled like trained seals by an Honourable Member that sits in this House as a result of his responsibility to the area of media. Now, Mr. Speaker, I firstly would like to indicate that at no time has any consideration been given to the removal of Councillor Taylor for any other purpose than the purpose I have indicated when I moved this motion, that there is requirement for a change. Now, the suggestion that the Rental Housing Program, that funds have been discussed without the Honourable

Mr. Chamberlist continues ...

Member's position, is quite erroneous for the simple reason that the Bill itself indicates quite clearly, as does the Sessional Paper that was attached to it, that a request is being made of Council, whether they are interested in proceeding with this particular program and if Council is not interested in proceeding with the program, then that is the end of the situation. It would be a sorry day, indeed, for the Yukon that a Rental Housing Program, where seven and a half million dollars is being made available to the Territory at no cost to the Territory, would be turned down. The question with reference to the Municipal Aid Bill, it has been made quite clear that the Administration and the Legislative Program Committee is working very hard at getting something together that would be satisfactory and beneficial, indeed, to the municipalities. Before the question of funds being attached to, or to form a part of the Budget, the Financial Advisory Committee is always consulted. This would take place. Now, the Honourable Member from Watson Lake indicated that I am revoking the position. This is again, the decision of Council. Now, Mr. Speaker, I must comment on the points that have been made by Councillor McKinnon, because to many of us here who recall three and a half years ago ... I should bring to the attention and bring forward very clearly, that it was Councillor McKinnon who ousted Councillor Taylor from an Advisory Committee on Finance at that time. Now, isn't it peculiar now, Mr. Speaker ...

MOTION #8

Mr. McKinnon: Mr. Speaker, I wonder if I could rise on a question of privilege. In no statement did I deny the right of the Honourable Members to oust anybody they want from any position. It is the right and prerogative of this House. I didn't even make the point in any of the remarks that I made in debate.

Mr. Chamberlist: Nevertheless, Mr. Speaker, it was taken as that, that he was ... that Councillor Taylor was being ousted. Now, Mr. Speaker, I am going to read into the records, from Second Session, Volume 2, Votes and Proceedings, firstly, from page 769: "It has become a tradition in this House for the Financial Advisory Committee to sit for a year. However, there is nothing in law that states that this has to be the case and it is the prerogative of this Council, at any time they so choose, under the well defined terms of the Yukon Act, to change the make-up of the Financial Advisory Committee. The motion has been studied at length; it is perfectly in order and I think the question should be called." Mr. Speaker, they were the words of Councillor McKinnon at that time. Mr. Speaker, I again, refer to the same Session, page 770, these words: "Mr. Speaker, with respect, certainly this is a question for the House to decide, whether this motion is in order or not." The speaker of those words, Councillor McKinnon.

Mr. McKinnon: Agreed.

Mr. Chamberlist: Further, into the record, page 776, these words: "During the course of the last year, there has been a major change in the constitutional set-up of the Yukon Territorial Government. This change has not been effected through a change in the legislation. It has come about through a change in the operation of the Financial Advisory Committee. For the first time, the Financial Advisory Committee is an effective, viable institution. All three Members who are on the Financial Advisory Committee as such, became a part of the Budget Programming Committee. We're well aware of how effective their voices were in actually preparing the Budget for the Yukon Territory. It was the first time that the elected Members really had a say in the Government of the Territory. Because of this sudden change in the constitutional make-up of the Territory, a majority of the Members of the House, more or less of like minded philosophy ..." I interject, Mr. Speaker, the same thing applies. There are many Members who have a like minded philosophy. Besides ...

Mr. McKinnon: Mr. Speaker, I rise on a question of privilege.

Mr. Chamberlist: No.

Mr. McKinnon: Yes; Mr. Speaker, when one looks at the Rules of the House, one will find that the debate must be pertinent to the issue. I find nothing pertinent with the motion in the debate that the Honourable Member

MOTION #8

Mr. McKinnon continues ...

is carrying out. It seems, rather, that he is setting up straw windmills in order to be able to knock them down. I don't think that one Member of the House disagrees with any of the statements that he has made or that I have made prior to the Votes and Proceedings, that the majority of this Council has the right to set the officers of the House and conduct the business of the House. What has that to do with the motion that is before us, that Councillor Taylor's appointment to the Financial Advisory Committee be revoked and someone else replace him? That is the question at point and it is the only point that should be debated. Where this debate is leading us to, I have no idea.

Mr. Speaker: Shall we proceed with the motion?

Mr. Chamberlist: Yes, with respect, Mr. Speaker, I am forced to answer in this way because of the remarks that were made by the Honourable Member in speaking on the motion, and because, with respect, he spoke on the motion in that manner, I would suggest, Mr. Speaker, that I have the right to reply to him. I know, Mr. Speaker, it hurts him a lot to realize that the words that he said now flash him straight in the face. However ...

Mr. McKinnon: I agree with everything you say.

Mr. Chamberlist: The whole point, Mr. Speaker, that I make at this time, is that what is in the motion is something that has been supported by the Honourable Member from Whitehorse West in the past. It is on this basis that this motion is made, following his own particular thoughts. Therefore, Mr. Speaker, I would request that the question be raised.

Mr. Speaker: Are you prepared for the question? Are you agreed? Division has been called. Mr. Clerk, would you poll the House, please?

Mr. Clerk: The Honourable Member from Carmacks-Kluane?

Mrs. Watson: Yea.

Mr. Clerk: The Honourable Member from Whitehorse West?

Mr. McKinnon: Disagree.

Mr. Clerk: The Honourable Member from Watson Lake?

Mr. Taylor: Disagree.

Mr. Clerk: The Honourable Member from Dawson City?

Mr. Stutter: Disagree.

Mr. Clerk: The Honourable Member from Whitehorse East?

Mr. Chamberlist: Yea.

Mr. Clerk: The Honourable Member from Whitehorse North?

Mr. Tanner: Yea.

Mr. McKinnon: Oh. What will the Speaker do?

Mr. Clerk: The vote is tied, Mr. Speaker, three for and three against.

Mr. Speaker: I declare the motion carried.

Mr. McKinnon: Oh, goodness gracious me.

Mr. Speaker: Order. The motion is carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: We now come to Motion No. 9. It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Council extend the sittings of the House on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays by extra sittings on those days between the hours of 7 p.m. and 9 p.m. each night.

MOTION #9

Mr. Taylor: Mr. Speaker, I move that the motion be moved to Committee for discussion.

Mr. Chamberlist: I wonder, with respect, I wonder if Mr. Speaker can indicate whether the Member who has put the motion is prepared to proceed?

Mr. Taylor: My motion is quite in order.

Mr. Speaker: Is the Honourable Member from Whitehorse East prepared to proceed with this motion at this time?

Mr. Chamberlist: Yes, Mr. Speaker, I am prepared to proceed. At the same time I will allow any Member who wishes to put it into Committee for discussion to so do.

Mr. Tanner: I second the motion to put it into Committee, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Whitehorse North, that Motion No. 9 be referred to Committee of the Whole. Are you prepared for the question? Agreed? I declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: We now come to the question period. Mr. Clerk, will you see if the Commissioner is available. I will now 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 that I would like to direct to Mr. Commissioner this morning. It has reference to a tender, an invitation to tender as published in the media here yesterday, respecting tender for the supply of gasoline and diesel fuel from public outlets through out the Yukon on a credit card system. I would like to ask Mr. Commissioner, how this credit card system is designed to work? Whether this tender will be done by area or will it be for all over the Yukon, all in one tender, all in one contract?

*QUESTION RE
TENDER FOR
GASOLINE AND
DIESEL FUEL*

Mr. Commissioner: Mr. Speaker, I think that the tender has been broken up into two parts. One on a credit card system for delivery to vehicles and the other one on a bulk delivery system to, we will say, road camps and things of this nature. To the best of my knowledge, there will be no change in the basic manner in which the tender will be awarded. Instead of the present method of billing and bookkeeping that is done with the Territorial Government vehicles, each vehicle will be equipped with a permanent credit card that goes along with the vehicle which will be the authorization or the authority to fuel the vehicle. The fueling will be accepted on that basis. I think that I recognize the potential for concern that the Honourable Member has, and I would like to assure him that there is basis for concern in this matter. We are attempting to make it just a little bit more practical, a little bit easier as far as our own internal financial and bookkeeping arrangements are concerned, in the purchase of fuel for vehicles of the government when they are away from bases in which

Mr. Commissioner continues ...
we already have fueling supplies of our own.

Mr. Taylor: Supplementary to my question, Mr. Speaker, will the fuel in both these contracts, the bulk ... the tender for the bulk fuel supply and the tender for the motor vehicle fuel supply, will these be broken up into areas so that the smaller operators in the various areas through out the Yukon will have an opportunity of bidding in their area? In both the instances, the bulk fuel, like for schools and what not and for the delivery and the dispensation of motor vehicle fuel.

Mr. Commissioner: Well, Mr. Speaker, this is just exactly what I am trying to answer for the Honourable Member. I am simply saying that there will be no basic change in our method of awarding the contract. If the Honourable Member wants to leave the question with me, I will endeavour to get the tender documents here and the Honourable Members can see for themselves just exactly ...

Mr. Taylor: Yes, that was to be further supplementary, Mr. Speaker, would the Commissioner kindly lay on the table copies of these two tenders.

*QUESTION RE
ADMINISTRA-
TION
BUILDING IN
DAWSON*

Mr. Stutter: Mr. Speaker, I have a question for the Commissioner. On November 3rd, the Yukon Historic Sites and Monuments Board came out with a resolution from their meeting, that the Board recommend to the Commissioner that steps be taken to ensure the preservation and security for the Administration Building in Dawson. I have a two part question. First, did the Commissioner receive that recommendation and secondly, can he report anything on it?

Mr. Commissioner: Mr. Speaker, the receipt of the recommendation I can confirm. As far as what is going on with it, I would have to research this to determine it. To the very best of my knowledge, and subject to any information that I receive to the contrary, there is a prior request from the Federal Historic Sites and Monuments Board for this building. I will endeavour to bring further detail forward as soon as I can, Mr. Speaker.

Mr. Speaker: Are there any further questions?

*QUESTION RE
LICENCE
RENEWAL
CERTIFICATES*

Mr. McKinnon: Mr. Speaker, I wonder if Mr. Commissioner is aware that his licencing department is sending out licence renewal certificates for areas which are now inside the extended municipal boundaries, and are no longer responsible, I feel, for a double licence from both the municipality and the Government of the Yukon Territory?

Mr. Commissioner: Well, Mr. Speaker, if the Honourable Member will give me an instance, maybe I could answer his question.

Mr. McKinnon: Well, perhaps Mr. Speaker, I should see the Commissioner personally on this. Some of the instances where the double licencing has come about, I don't know whether those people want their names mentioned in the House who have received applications for renewal of their Territorial Business Licences where they now come under the aegis of the city as far as business licencing is concerned.

Mr. Commissioner: Very good, Mr. Speaker, but I would point out to the Honourable Member that there are certain kinds of businesses that will require both licences at this point in time, for example under the Liquor Ordinance, all liquor outlets must have Territorial licences. If the municipalities in which they reside want licencing, well, that is their privilege to do so. So, that there are certain areas in which there is basically double licencing.

Mr. McKinnon: Is this the only area, I wonder, Mr. Speaker?

Mr. Commissioner: No, Mr. Speaker, I think that there are others. I just don't happen to have any right at the tip of my tongue at the

Mr. Commissioner continues ...
moment. I would be pleased to have representations from the
Honourable Member in this matter personally, and see what is going
on.

Mr. McKinnon: I wonder then, Mr. Speaker, If I can ask Mr. Commissioner *QUESTION RE
STATUS OF
EMPLOYEES
FROM D.P.W.*
when employees transfer from the D.P.W. to the Territorial Govern-
ment, with the takeover of the Alaska Highway, what will be the
status of those employees? Will they take their seniority over to
the Government of Yukon Territory from the Department of Public Works
or will they start on the lowest scale possible?

Mr. Commissioner: Mr. Speaker, this is a very complicated question.
Basically speaking the people are being made employment offers from
the Government of the Yukon Territory. The protection that they are
seeking and that they are receiving are subjects that are presently
being reviewed by the Federal authorities and the Territorial
authorities. It covers a very wide range of things, Mr. Speaker.
It is not answerable just in simple yes or no form.

Mr. McKinnon: Mr. Speaker, will the Commissioner be prepared to
present a paper to Council concerning the takeover. Many employees
of D.P.W. are concerned that they will be starting in the Public
Service of the Yukon Territory at the lowest rate of pay possible
for their classification? It would certainly allay these fears, if
they knew that this was not the case.

Mr. Commissioner: Mr. Speaker, I would like to assure Honourable
Members that the members of the Federal Public Service who are
involved have possibly one of the most powerful unions in Canada
representing their case. I hardly think that they are lacking in
proper representation. I can't promise to table a paper on this
subject, Mr. Speaker. It is presently being negotiated and is
under review. When these negotiations and this review is completed,
I would be very pleased to table the results of this for the
Honourable Members.

Mr. Taylor: Mr. Speaker I have a question of Mr. Commissioner. I *QUESTION RE
REVOKING
APPOINTMENT*
am wondering, in view of the motion that was presented in this
House this morning, asking the Commissioner to revoke my appointment
as the Member of the Financial Advisory Committee. I am wondering
if the Commissioner would do me the courtesy of taking action on
this motion at the earliest possible moment and advising me.

Mr. Commissioner: Well, Mr. Speaker, as soon as I have notification
of this, I am quite prepared to act.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Legal Adviser a *QUESTION RE
RECOURSE IN
VERBAL
AGREEMENTS*
question. If a person enters into a verbal agreement as a partner
or to receive commission in a business, and these moneys are not
forthcoming, does he have recourse under the Labour Provisions
Ordinance, to recover his money?

Mr. Legal Adviser: Not normally.

Mr. McKinnon: What would be his recourse, Mr. Speaker?

Mr. Legal Adviser: His normal recourse would be an action at law
through his own lawyer not through the Department of Labour. Basically
it is not a labour matter. It is a breach of a private agreement
between the parties.

Mr. McKinnon: If the person cannot afford to bring action through
a legal office, is it possible for him then to bring any action of
any kind?

Mr. Legal Adviser: No, it is not impossible. He would have to do
it himself. He doesn't get assistance from the Government in doing

Mr. Legal Adviser continues ...
it. He does it himself if he can find a lawyer to act for him, that's all very well. If he can't, he should make an attempt to formulate the document himself with advice from the court officers.

Mr. McKinnon: The court officers are available to give this type of advice for an individual who would like to commence his own action?

Mr. Legal Adviser: Not really, Mr. Speaker, but they would assist him in filling in his documents. They are not empowered to give legal advice.

QUESTION RE INFORMATION FROM C.M.H.C. Mr. Taylor: I have a question that I would just like to ... for the records, direct to Mr. Clerk and determine whether or not we have yet received information from C.M.H.C. or Mr. Hendricks, more particularly in respect of the Rental-Purchase Housing Bill?

Mr. Commissioner: Mr. Speaker, if I may rise to that question. The answer is in the negative, but we anticipate that there will be information here today.

Mr. Taylor: Thank you.

Mr. Speaker: Are there any further questions?

Mr. Commissioner: Mr. Speaker, may I have the opportunity of answering a question that was asked yesterday that I was unable to answer. Councillor Tanner asked a question about the make-up of the Land Use Advisory Committee. My office was advised on the 8th of November by Mr. Trevor, the Regional Director of Resources of the desires of his officers to set up a committee which would advise on an informal basis only the engineer named in the Land Use Regulations. Secondly, to advise on the implications of any proposed land use operations. Thirdly, for the purpose of keeping the Territorial Government and the Department of the Environment officials advised on any proposed land use operations. Fourthly, meetings of this group to be called at the call of the Chairman as required. There are basically three groups represented on this committee. A group representing the Federal Department of Indian Affairs and Northern Development. A group representing the Territorial Government, and a group representing the Department of the Environment. The Territorial Government's representatives are; Mr. Baker, Mr. Bilawich, Mr. Fitzgerald, Mr. Williams and Mr. Gouldner. Representing the Department of the Environment; Mr. Savoie and Mr. Schweitzer. Representing the Department of Indian Affairs and Northern Development are; Mr. Brandon who is the chairman, Mr. Craig, Mr. Sanregret, Mr. Nyland, Mr. Retallack, Mr. Frankish and Mr. Needham.

Mr. Tanner: Mr. Speaker, I would like to thank the Commissioner for that full and prompt reply.

Mr. Speaker: Are there any further questions? We wish to thank the Commissioner for his attendance. As there are no Private Bills in Order nor Public Bills in Order, may I have your further pleasure?

Mr. Taylor: Yes, Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing Bills and Sessional Papers, and Motions if so required.

Mr. Speaker: Is there a seconder?

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

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Whitehorse North, that the Speaker do now leave the Chair for the purpose of resolving into the Whole to discuss Bills, Sessional Papers and Motions. Are you prepared for the question? Agreed. I declare the motion carried.

Mr. Speaker continues ...

The Honourable Member for Watson Lake will please take the Chair in Committee of the Whole.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chairman: I will call Committee to order. When we last rose from Bill No. 10, we had completed the reading of section 167.

BILL #10

(Reads section 168). Explain, Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, this is an attempt in a mild way to reproduce the system they have in some other provinces, whereby ... since the municipality then gave their own officers, that an attempt be made in the appointment of new persons, that a prescribed set of qualifications can be set out by independent people to which these candidates must conform. That is we are appointing a treasurer, the Board will set out that certain trainings or bookkeeping experience may be necessary. It won't apply to present holders of offices, but it will begin after the Bill is passed to apply to new appointments to what might be termed as Civil Service of a municipality itself. Now, the intention is that this Board will be composed of, in the main, the mayors of each of the municipalities, presently three, Dawson, Faro and Whitehorse. There would then be a secretary or chairman from one of the Territorial Government Departments carry the bookkeeping side of the transactions. The mayors themselves, will be the body who will set the standards for employment. It is going to be a power transfer from point to point and promotions, and hopefully the Civil Service of the municipalities may become a bit more organized.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, it seems to me, here comes another Board. We have enough boards in here to build a boardwalk, I am afraid, right back to Ottawa. Here, if I interpret this correctly, you are saying that no municipality can hire an officer of that municipality until these peoples credentials have been set by the board. Now, the board is consisting of the mayor of every municipality. I am not just so convinced that the Mayor of Whitehorse, for instance would want a decision made on the ... in respect of a future officer of his municipality by the Mayor of Dawson or the Mayor of Faro, and vice versa around the circle. I really can't see the need for this type of thing. What is happening here is, here again, is that the Commissioner is taking over the responsibility virtually for everything. He makes regulations, and prescribes the forms. It says, there shall be a board, "the board shall establish standards", it is all shall. "Every council shall submit a list of candidates for the office together with details", I see no need for this. Why can't you do it like we have done in the old days and like everybody in most jurisdictions still do, notwithstanding what has been pointed out earlier, if you want to go and hire an officer for your municipality, the council get together and they find that this person is competent and capable for that position, they hire him? Why call a board together? In such a vast Territory as this, it is even going to propose a transportation problem getting people back and forth. It would lead to, in my opinion, very poor management. I would very much suggest, it would not surprise me if the municipalities came back and raised a little smoke on that one.

Mr. Tanner: Mr. Chairman, if I may. I have a few reservations about this, primarily about the practicability of putting it into operation. I think that maybe all Members would be wise to reserve their decisions on this until such time as we meet some of the members of the various municipalities and get their feelings on it.

BILL #10

Mr. Chamberlist: Well, Mr. Chairman, of course we will do what those Honourable Members suggest. The purpose of the Board of Examiners in the structure is the way that it is set up. It is to really bring in the municipalities so that they can decide whether a person is qualified in a municipal sphere. This doesn't necessarily indicate that a person is employable or not employable. It is really to set it up in such a way, set the board up in such a way, and you will note, that the Board of Examiners are going to consist of representatives of the municipalities. Set up in such a way that indeed the Board of Examiners, themselves, the municipalities can lay down what are the required qualifications for a person, who let us say, has applied for the situation of a treasurer, auditor or one of the top officials or the city clerk. Now, in this direction, it is left to the municipalities to say whether or not the qualifications shall be in that particular area. I feel that once the representatives of the municipalities look at what is intended, I think that they will support this particular area. However, I do agree that this should be one area in which we will ask the representatives when they come here after reading through it, to indicate their feelings on it.

Mr. Taylor: Mr. Chairman, I would like to direct a question to Mr. Legal Adviser, and ask. In preparation of this Bill, where section 168 came from? Did it come from the Administration? Did it come from any individual? Did it come from the municipalities, themselves asking and presenting this particular item, or did it come from the Legal Adviser?

Mr. Legal Adviser: I am not prepared to disclose the answer to that question. This is Government policy, at present, who produced the original idea, that is not for the Government to disclose. I can say that the original idea did certainly not come on the way that the Honourable Member's finger is pointing. The original thought for this is, we found it in the British Columbia Act where they have a much more elaborate board than this. This is a simple board. It is not a Government Board, it is a local government board.

Mr. Taylor: Well, I am afraid at the moment that I am opposed to it. I am not permitted an advisor from the municipalities at this time, but I am certainly going to look into this one.

Mr. Taylor resumes the Chair.

Mr. Stutter: Mr. Chairman, I would like to ask one question then, of the Legal Adviser. If this particular piece of legislation here, is taken from a B.C. one, I am wondering if the same requirement for a quorum was necessary? Three members here of a board constitutes a quorum, and yet if the board is made up of all mayors of the municipalities what happens if you have 200 mayors? Does three still?

Mr. Legal Adviser: That will be looked into at that point. I can only foresee one or two more municipalities in the next few years, that would come within this Ordinance. I think that it is a fair thing to have the mayor of each municipality have them meet regularly together. This meeting of the mayors will have a good effect on the municipalities. It will enable the mayors to exchange views about a number of things besides the Board of Examiners. Our thought is that it is a very forward moving clause in that sense. It brings them together for the purpose of discussing their employees. The new employees they would be hiring. A variety of things, but their prime function of course, is to try and upgrade the municipal Civil Service. It might end up eventually, if we had enough municipalities by having a Civil Service with compatibility of interchange between the clerk of one, the treasurer of another and so on in the officer group of the municipalities concerned. We think that it is a very forward moving section.

Mr. Stutter: One further question, who would pay the expenses of this board getting together, of the mayors coming together, in the Yukon it can be quite an expense?

Mr. Chamberlist: This is something, Mr. Chairman, that would have to be worked out by the Board of Examiners themselves. It may be that each municipality would pay part of it and it would be shared with the Government of the Yukon Territory as well, because the Inspector of Municipalities is acting as chairman, the three mayors of the municipalities. It could well be that this would be done. This is something which is part of the housekeeping of an arrangement like this. I don't think that it is something that there can be a hangup on, because it will be worked out afterwards. Everybody would probably be asked to participate in it.

BILL #10

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

RECESS

RECESS

Mr. Chairman: I will now call Committee back to order. Have you anything further on 168? (Reads 169(1))

BILL #10

Mr. Legal Adviser: Mr. Chairman, that should be 169 to 174.

Mr. Chairman: (Reads 170(1))

Mr. Tanner: Mr. Chairman, why do we use this phraseology, "the Government of the Territory", I thought we were informed, within the last few days, by the Legal Adviser, that that was a nonentity now and we haven't used it since 1961. It seems to me that when there is a liability the Commissioner disappears, but when there is a liability the Government of the Yukon Territory takes over.

Mr. Legal Adviser: These sections are reproduced, Mr. Chairman, from the old Village of Faro Ordinance. If a mistake was made, there was a mistake made then, I'm not saying there was a mistake.

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

Councillor Stutter takes the Chair.

Mr. Chairman: Anything further on 170(1)(2), 171(1)(2))

Mr. Legal Adviser: Mr. Chairman, the numbers are changed in that, the old numbers were the numbers of the old Municipal Ordinance, but there is no other change.

Mr. Chairman: (Reads 172(1))

Mr. Taylor: What section is that in the old Bill?

Mr. Legal Adviser: It was part of the Village of Faro Bill. I think, the House will recall that when the Bill incorporating the Village of Faro was introduced to this House, certain arrangements were made dealing with the financing of the affairs of the Village. The effect was that because there were no taxpayers in the Village who could vote on a money bylaw in accordance with the terms, of the then Municipal Ordinance and reproduced in this Municipal Ordinance that a special deal was made in the incorporation which gave control over capital expenditures. These sections were passed into law, at that time and are reproduced now. I think the only change in that particular section is to take the word "ratepayer" as it was in the old Bill and change it to "taxpayer" as it is in this Bill. In other words the money bylaw provisions of the Municipal Ordinance do not apply to the Village of Faro, but the special money law provision which is detailed in this section, 172.

Mr. Taylor: Yes, Mr. Chairman, I'm just having difficulty, I have a copy of the Faro Bill, but I cannot find these sections anywhere.

Mr. Legal Adviser: They are in it, yes, Mr. Chairman.

Mr. Chairman: (Reads 172(2), 173(1), 174(1))

Mr. Legal Adviser: Mr. Chairman, that's designed to have a one year council, in Faro, so that the biannual election will be held at the same time as the other two municipalities.

Mr. Chairman: (Reads 175(1), 176(1))

Mr. Tanner: Mr. Chairman, would the Committee take note that I would like some more backup information on that section and that at this time I don't intend to discuss it, but that it is an item that I would like to discuss when we have the municipal representatives here.

BILL #10

Mr. Chairman: Does Committee agree?

Mr. Legal Adviser: Mr. Chairman, it is intended to reproduce the existing law. The intention, as everybody knows, is that when an area is annexed the people in that area are in doubt as to what the tax liability is, both for arrears of taxes then due, and for future of taxes and for taxes falling due in that fiscal year. Then section 11, the details of how the tax liability and other things should be organized on an annexation of a new area, how it should be dealt with. To resolve any doubt that may exist as to when this Ordinance comes into force, or when those rules apply, it provided in this section that the people who are residents, in an area that is taken over by a city or a village have their tax liability switched on that day from liability to the Commissioner to the new area. Now, when that happens the city would be collecting the taxes and arrears of taxes, but in respect of arrears of taxes, it is set out in section 11, that they have the liability to hand over the money collected to the formed tax authority which imposed the tax, and for the cost of the services.

Mr. Tanner: Mr. Chairman, that is the very reason I am questioning it, that's understood and I am pleased that it will be clarified in the future so that when we do have amalgamation, or municipalities come together, the people know what they are getting themselves into. This is a very specific case, but this is a very specific case in this particular one. I think, that it warrants more discussion or more details of how we are going to handle it in the particular case.

Mr. Chamberlist: Mr. Chairman, the situation is that effective from the first day of June, 1971, the City of Whitehorse and the additional area was annexed, what we are actually saying now is that section 11 of this Ordinance indicates, that when the boundaries of the municipality, hereinafter called the old municipality are altered so as to include within its boundaries an additional area, not part of another municipality etc. This means that we have to provide, within the Ordinance a clear definition of when the annexation of the great area of Whitehorse took place. That's where we have the words "have deemed to be", and this covers that because this has already happened so it doesn't deal with any other matter just to put into the Legislation when that took place and that was on that date.

Mr. Tanner: Mr. Chairman, both the Legal Adviser but particularly the Honourable Member, is now belabouring the point which I very clearly understand. What I want to do is that I want more details on how we are going to effect that decision before I make a decision on the paragraph that we are now discussing, 176. I assume there are negotiations now going on about how you are going to in practice do that, in this case with the City of Whitehorse? With a concurrence in agreement of the City of Whitehorse?

Mr. Legal Adviser: It's just a normal part of an ongoing thing. It appeared, I think in my office, that some people were in doubt as to what its legal effect would be. Rather than have people become involved in a law case, it was thought, a wiser precaution to make the situation clear in this House exactly what the position is. It was a position that everyone understood at the time, but if some people are in doubt there is no point in having a law case to decide this, we can decide it here and just make the situation crystal clear, for people, it's in their interest.

Mr. Chairman: Clear on 176?

Mr. Tanner: I'm not clear on 176, Mr. Chairman. I would like the Committee to take note that I want it reviewed.

Mr. Chairman: (Reads 177(1), 178(1)) Is it the wish of Committee, that we read Schedule I, word by word? One almost requires a map, I think to follow it out. (Reads Schedule I, Schedule II, Schedule III) That completes the initial reading of that Bill.

Mr. Taylor: Mr. Chairman, I wonder if we could report progress on this Bill?

Mr. Chairman: Is it the wish of Committee that I proceed with reading of Bill No. 11, Municipal Elections Ordinance? Agreed?

BILL #11

Mr. Taylor: Mr. Chairman, it will be necessary for me to leave the Chambers for a meeting here, in a few minutes. I wonder if I might have permission to leave prior to noon?

Mr. Chairman: Committee agreed? Permission is granted. The Explanatory note is: The purpose of this Bill is to provide the machinery for the election of the members of all municipal councils. The machinery varies little from the current law but is now presented for the first time as a separate Bill. The main thrust of the changes concern the eligibility to vote and hold office which is granted to adults of twelve months residence. The system of disqualification of persons who have committed election offences, who vote or are candidates when debarred by personal interest, is exemplified. (Reads 1,2(1)(2),3(1).4(1),5(1)(a)(b)(c),6(1)(2)(a)(b),(3))

Mrs. Watson: Mr. Chairman, I would like to point out an error in section 6(2). "In this section, taxpayer means any person", I believe it should read any elector.

Mr. Legal Adviser: I'd like notice of this, Mr. Chairman, because we would have to consider whether or not we were going to put the qualifications of a taxpayer in order to vote on a money bylaw, must be resident in the municipality for twelve months, it might have to be, I'm just saying that it might have to be every person over the age of nineteen years. That, doesn't then square then with the corporation, so it has to be made clear that, that applies in respect of people but not in respect of corporations.

Mrs. Watson: Mr. chairman, you can't leave it the way it is.

Mr. Legal Adviser: No, it will have to be changed.

Mr. Tanner: Mr. Chairman, perhaps the Legal Adviser can give us some background as to what the other jurisdictions do as regarding the corporation voting? Is the general trend to just bar the corporations from voting now?

Mr. Legal Adviser: Mr. Chairman, if you want a frank answer it is an old fashion method of giving people who pay taxes some control over expenditure over large sums of money, in municipalities. The trend is to bring it down to the people who vote, rather than the people who only pay taxes. We have adopted the halfway house point of giving everyone a vote, but giving some control over all expenditures to people who actually finance those expenditures.

Mr. Tanner: Mr. Chairman, the Legal Adviser misunderstood my question, or perhaps I didn't phrase it very clearly. I am saying about the corporation vote, is it the general trend to do away with that across Canada?

Mr. Legal Adviser: Where the control of all matters in a municipality, including the expenditure of large amounts of money is given to the voter, then corporations lose their vote. Where it is in an area where the taxpayers have control, then corporations are taxpayers and they are given that vote, so it depends on which philosophy you are following.

Mr. Rivett: Mr. Chairman, Mr. Legal Adviser, in 5(1)(c) aren't you restricting travel around the Yukon?

Mr. Legal Adviser: Yes, Mr. Chairman, there is some restriction there because you want residents to vote where they are substantially residing. The idea is a person who lives in Dawson, doesn't get a vote in Whitehorse.

Mr. Chairman: (Reads 7(1)(a)(b),8(1)(a)(b)(c)(d),9(1)(a)(b)(c)(d)(e)(f)(g))

Mr. Tanner: Mr. Chairman, turning back again to the corporation vote BILL #11
for paying taxes, does a business licence in this case ... is that
considered a taxing facility, to obtain a business licence through
a corporation vote?

Mr. Legal Adviser: I think it's intended to be property taxes, but
you can check it by the Taxation Ordinance itself, the definition of
taxpayer in there, as to who pays taxes and what are the taxes.

Mr. Chamberlist: Mr. Chairman, a business licence under the Taxation
Ordinance is not a tax.

Mr. Chairman: (Reads section 9, subsection (2))

Mr. Tanner: Mr. Chairman, I'm really very concerned. Going back to the
same paragraph. I can think of another instance where it's not defined
who has the right to vote for the corporation. For example, supposing
a landlord who is paying taxes makes a contract with a tenant to pay the
taxes and he doesn't explicitly say "You have my right to vote.". Who
has the right to vote?

Mr. Legal Adviser: The landlord. It's the landlord who is the taxpayer,
so he gets the vote. He's just contracting through an agent. He might
have said to the bank, "Take the tax and pay it out of my account."
The bank in that case is the debtor of the creditor, who is the landlord
who is depositing money in the bank for a purpose. So, the bank owes
this man money. They take an amount from the bank account and pay the
taxes. That does not give the bank the right to vote as a taxpayer for
the multitude of people for whom this business service is done.

Mr. Chamberlist: I think, Mr. Chairman, it clearly defines the person
who is named on the assessment roll as the taxpayer. If you say cor-
poration, Joe Blow Limited is named as the property owner of a parti-
cular piece of property. He is the taxpayer and he has entitlement to
vote himself or through his agent. He has to advise the municipality
the name of the agent. The municipality must have that agent on file.
Now, some cases do come along where a corporation sells its property
and it has an agreement for sale. Now, not only has that company or
its agent the right to vote because it is named on the assessment role,
but any other person who has an interest in that property is a tax-
payer and has the right to vote. This has been shown before, as well.
So, sometimes, he gets two people who are involved and have a right
to vote.

Mr. Legal Adviser: I wouldn't accept that legal opinion, Mr. Chairman.

Mr. Tanner: Mr. Chairman, you're saying that every shareholder in White-
horse who has property here has a right to vote?

Mr. Chamberlist: No, no, no, no. Mr. Legal Adviser says he wouldn't
accept that legal opinion, but I don't want, at this stage, again, go
into any argument with him, because I know I'd win. Because, that's
how it is. It's quite clear that anybody that has an interest in a
piece of property gets a copy of the tax notice sent to him by the mu-
nicipality, in relation to the taxes. I do in many areas and so do many
other people. I know that where he has an interest, he can vote. Pri-
marily, the point is that whoever is named on the assessment roll is a
taxpayer.

Mr. Tanner: Okay. Let me ask you another question, then. Can you assign
that right, number one. And number two, what happens when, not a corpora-
tion, but a private individual who sells his house ... his name appears on
the tax roll in the same circumstance. He has an agreement of sale, but
who has the right to vote on taxes?

Mr. Chamberlist: Both of them.

Mr. Legal Adviser: No, the right is not capable of being assigned. But,

Mr. Legal Adviser continues ...

when a sale takes place of a piece of property, it either takes place by a registered transfer in the Land Titles Office, or it takes place by an agreement for sale. Now, when the agreement for sale is executed by both parties, in law, a sale is deemed to have occurred. A new owner is created, although he will not at that time be registered in the Land Titles Office. But, the old vendor is still the legal owner and may under certain circumstances be entitled to exercise the right. The right to vote on a money bill is not subdivisible in relation to that piece of property itself, unless it is done in the normal way in the taxation department of the municipality. For instance, if an individual or a corporation owns an apartment block, then, the owner gets a vote merely because he collects an amount for taxes or has people pay up a portion of taxes, without any official division of the assessment in the municipal office. This does not create a multitude of voters, one each in respect of each apartment block.

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Mr. Tanner: Well, Mr. Chairman, in the last money bylaw put out in this City, a number of people who had agreements for sale were refused the right to vote. If I understand what the Legal Adviser just said, they should have had that right to vote and if they didn't then, have they now, as we have now written this Ordinance?

Mr. Legal Adviser: Not without their going and assuming the tax liability in respect of the other person. The only way that that can be done is to complete the sale. Tax is a tax against property. So, if the taxes aren't paid, the city has the right to proceed against the owner of the property and that is the owner in law. The owner in law, as far as they're concerned is the registered owner in respect of whom the name appears on the tax roll. Now, a case has occurred where an owner let his property, and this occurred in Whitehorse, to a tenant and there was an agreement for sale or something like that. There was an amount of rent being paid and the tenant was supposed to pay the rent and the taxes and didn't. The tax notices went to the landlord who was resident in Victoria. They went for three or four years and were ignored. Eventually, the property was sold for a very small sum.

Mr. Tanner: To the tenant, I presume.

Mr. Legal Adviser: No, it wasn't sold to the tenant; it was sold. This particular case is one of the reasons why we have re-organized the whole structure of taxation and enforcement and collection. This particular case was brought to our attention.

Mr. Tanner: Mr. Chairman, there is some grey area as far as this corporation goes, and I suggest to Council we give consideration to wiping out the corporation vote within the municipalities.

Mr. Commissioner: Mr. Chairman, under section 8 here, to be eligible to become an alderman, a person must be the full age of nineteen years.

Mr. McKinnon: Should be on election day?

Mr. Tanner: On polling day?

Mr. Chamberlist: On nomination day.

Mr. McKinnon: No; he should be able to be nominated.

Mr. Commissioner: Well, it doesn't say.

Mr. Legal Adviser: Well, I think, Mr. Chairman, we can work at this backwards. Amongst other things in section 8, it says to be eligible to become an alderman, the person must be eligible to vote as an elector for that election. To be eligible to vote at that election, he must be nineteen years on the day on which the poll is taken. If you apply section 5, paragraph (1)(b), I think that might provide the answer. But, I think it should be clarified.

Mr. Chamberlist: I think we should clarify it.

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Mr. Legal Adviser: I think the correct thing for the alderman might be that he would have to be nineteen on the day on which he is nominated, because that's the commencement of the election. But, it depends on what the House wishes to have. Clarity is essential in this type of section.

Mr. Chamberlist: Well, Mr. Chairman, I think it's been already cleared through the law that nomination day is the day of election and polling day is just a day that has been put forward for the day of election, because if a person would be nominated who was under the age of nineteen on nomination day, and there was no other candidate, you would be in the position of having a person on nomination day, under the age of nineteen being declared elected. This cannot happen.

Mr. Legal Adviser: I think the House will realize that since the Commissioner asked the question, and since two Members are disagreeing as to the exact interpretation, and I'm not absolutely sure, I think it might be better written to say, to be eligible to become an alderman, a person must be of the full age of nineteen years, or of an age on which he will attain the age of nineteen years prior to the date of election, or some such phrase, to make it crystal clear. But, it depends on what the House says. Only, make it clear.

Mr. McKinnon: Mr. Chairman, I would suggest that other jurisdiction should be looked at. I would, in election for people who were allowed to be nominated when it was twenty-one ... when you had to be twenty-one to vote. They were eligible to run in the election and they didn't reach their twenty-first birthday until just prior to the election day. The person who I speak of is now the Premier of Manitoba, Mr. Schreyer, who first ran when he was twenty years of age and during the election campaign, came to be twenty-one years of age. He was not disqualified from running in the Manitoba provincial election because his age was under twenty-one prior to the voting day.

Mr. Chamberlist: You're making legislation do whatever you want it to do. As it is now, and I repeat, the way we've got it now, if a person wants to be nominated on nomination day when he's under the age and he has no other candidates, then he would find himself in trouble. He cannot be declared elected because he isn't the full age of nineteen. So, I think the suggestion that has been made by Mr. Legal Adviser, that we word it in that particular way, will take care of the point that has been raised. I see nothing wrong with that.

Mr. Chairman: Is it the wish of this Committee that this section be reviewed?

Mr. Tanner: Mr. Chairman, would the Committee make some comment on whether they would review the corporation vote, too?

Mr. Chairman: Is there any further discussion on whether a corporation should be permitted to vote?

Mr. Commissioner: Well, Mr. Chairman, it's up to the Honourable Members what they want to do. They can make the Ordinance speak as what their wishes are. I would caution Members of Committee in this regard because, in most of the municipalities of the Territory, you would be denying your major taxpayers the opportunity to cast a ballot. Mr. Chairman, with respect, if you deny the corporation to vote, which as I understand it, is what the Honourable Member is asking for, you are denying the major taxpayers in most of the municipalities in the Yukon Territory the right to cast a ballot.

Mr. Chamberlist: I'm sorry. I was only making reference to those under nineteen. Those are two things that can be brought in at the same time. Certainly, the corporations should have a right to vote. At the moment, in the existing Ordinance, from section 239 to section 244, it deals with voting in those areas. Section 239 reads "Subject to the provisions of this Ordinance, a corporation carrying on business within a municipality is eligible to vote at an election if it is a ratepayer...". Then, it goes on to indicate that a person may vote on behalf of a corporation if

Mr. Chamberlist continues ...

there is on file with the clerk a written authorization deeming that person to be an agent of the corporation to vote on its behalf, such authorization shall be filed with the clerk before the second Wednesday in September. I don't think there is anything wrong with that at all.

BILL #1.

Mr. Legal Adviser: The change that's been made is to take away the corporation vote for the individuals seeking election at an election, but to retain the corporation vote in respect of the expenditure of large sums of money. We've stopped at a half-way house. We haven't taken away their vote, but we've taken away the election vote and not the money bill vote.

Mr. Chamberlist: Well, with respect, that wasn't my understanding that we were intending to do this. The corporation should have one vote as a taxpayer. Yes, one vote as a taxpayer. I see nothing wrong with that. To me, it seems, I will agree with the Commissioner, very wrong indeed, if you take away from corporations the right to vote as a taxpayer or to have the right to vote as a person, because the corporation is a person. This is why it appoints an agent to vote on its behalf. We already say, in our legislation, that a corporation is a person and then to deprive them of that right, I don't think that's right there. I'm sorry if there's been any misunderstanding.

Mr. Legal Adviser: Mr. Chairman, I have no hard feelings about it, but the sections are clear. Only people get votes at election, but people who are taxpayers, including corporations, get votes on money bills. That's the way the Ordinance is written. If the House wants this changed, fine. But, they don't get an individual vote, except on a money bill.

Mrs. Watson: A corporation is not considered a elector in this Ordinance.

Mr. Legal Adviser: No.

Mrs. Watson: This is why we must be very careful of ...

Mr. Legal Adviser: And it can't be nineteen years old. The way it's written up is a person entitled to vote at an election who is a citizen, is nineteen years old, and resided for twelve months. Now, a corporation could be nineteen years old, I suppose and could have residence, but it cannot be a citizen or other British subject. So, it's the definite intention of this Bill to give votes at an election to people only. They may pay taxes or they may not but every resident, in effect, gets a vote. It's universal suffrage for over nineteens. In money bills, you define taxpayer as being anyone who pays a tax of more than twenty-five dollars, whether they are a corporation or a person, or the wife of a taxpayer.

Mr. Chamberlist: I would suggest that we leave this for discussion.

Mr. Chairman: I think, in view of the time, I'll now stand Committee in recess until 2:00 o'clock.

RECESS †

RECESS

Mr. Chairman: At this time, I call Committee back to order. Coun- *BILL #11*
cillor Taylor, do you wish to resume the Chair?

Mr. Taylor resumes the Chair.

Mr. Chairman: Do you have anything further on section 9?

Mrs. Watson: Well, Mr. Chairman, I think there is a policy issue here with section 5 and section 6, the difference between elector and taxpayer. In the elector qualifications, we removed the corporation as an elector. We felt that corporations as persons could vote. In section 6, the taxpayer corporations were given the vote. Now, I would like to have some of the opinions of some of the other Councillors regarding this principle, whether this is the idea they should go by or not. Other jurisdictions give corporations the right as electors and taxpayers. We felt that, possibly, we should compromise and let corporations not have the ability as electors but to be included in the taxpayer category.

Mr. Rivett: Well, Mr. Chairman, don't you think that as far as corporations are concerned, they should be electors, in the sense that it is very important to them who is the mayor and the alderman, as well as money matters? This way, they have no vote as an elector, the way I read it.

Mrs. Watson: That's right.

Mr. Rivett: They have a vote on money matters, but they would probably be just as interested in who the mayor may be or might be, and the aldermen.

Mrs. Watson: Mr. Chairman, they would be receiving the vote as individual people still.

Mr. Rivett: Mr. Chairman, we're talking about corporations, though.

Mrs. Watson: That's right.

Mr. Tanner: Mr. Chairman, I see two problems here. I, personally, don't think that corporations should vote on a tax bill. I think each Member should make up his own mind on that and come to a decision. But, from the conversation before lunch, it was very obvious that certain Members and the Legal Adviser are at odds as to the definition of a taxpayer and who votes for the corporation. I would like to have that clarified at some time in the future.

Mr. Legal Adviser: Mr. Chairman, I'd ask that that not be thrashed out at this moment. All that is required for a corporation to physically vote is, that they authorize some person to act as the agent of the corporation. The corporation is not an entity except on paper in the Territorial Secretary's office. It can do nothing except operate through a human person. So, some human person, he doesn't have to be a director, he can be just an agent ... some corporations have no directors in the Yukon, not resident in the Yukon, but they physically own property here. So, if a corporation gets the vote, they will get a document authorizing them to vote on behalf of the corporation and that corporation will get one vote. It will get one vote in respect of the existence of the corporation, not a vote in respect of each piece of property the corporation owns. There are some groups of companies here who have as many as twelve companies tied together and a piece of property registered in the name of each individual company which will give one entity up to twelve votes. Now, some people object to this and, certainly, one of the leading corporate taxpayers in the Yukon has publicly declared he will only exercise his one single vote on behalf of his group of companies. He has done this regularly at each election for the last two or three municipal elections. But, the problem is not who casts the vote. The problem is what does the Government do in the preparation of this piece of legislation.

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Mr. Legal Adviser continues ...

The piece you have before you, in sections 6 and 7, represents, basically, a compromise between two different views. Do people and corporations in the particular municipality have a vote for the election of members of that council and the mayor, or, do you wipe out the corporation vote entirely. This Bill says you take away the corporation vote for election of the mayor and council, but you retain it in the sense that as a taxpayer, it can object to money bills. This is our compromise, but we're urgently seeking the views of the individual Council Members because we have no hard and fast views about it. We would like to know, and then, having got the opinion of the House, we are perfectly prepared to redraft the two sections to give expression to the wishes of the Council. But, we would like to know what the wishes are so that we can commence the drafting.

Mr. Chairman: From the Chair, have the municipalities outlined anything or made any comment on either section ...

Mr. Legal Adviser: Not that I'm aware of. I think they will accept the view of the House.

Mr. Tanner: Mr. Chairman, I'd like to state my position very clearly. I'm not in favour of corporations having the right to vote as a taxpayer on a money bylaw. But, there is still a question in my mind about what is a taxpayer and who pays when somebody else, other than the registered owner is paying the taxes. I haven't had this clarified yet.

Mr. Legal Adviser: With respect, Mr. Chairman, at this point, I prefer to confine the debate for a few moments, if possible, to seeing what the House wants in relation to voting for people and corporations. Now, we can discuss then the quite difficult legal problem involved in the suggestion of this Member about who votes in respect of a particular piece of property, whether it will give rise to two votes or one vote, and if it's one vote, which people should have the vote, the person who is registered in the land registry or the person, if such exists, who has agreed at a future time to become the registered owner. That's a separate kettle of fish and can be discussed in detail later on. But, we would ask the views of the Members as to these two sections which are, should corporations have a vote in two places, one place or no place.

Mr. Chairman: How would this affect the Anvil Mining Corporation in respect of the Municipality of Faro?

Mr. Legal Adviser: Well, I think that should be excluded from consideration at the moment, because it's an agreement, an understanding, between the Government and the residents of Anvil and the Corporation itself, that the residents will have a vote. So, we've got to give the residents a vote there. The Corporation of Anvil is one of the few corporations which are taxpayers. There are very, very few in number. But, it so happens that a very large block of the property in Anvil is registered in the name of the Anvil Corporation. They are the major taxpayers. The bulk of the residents are living on rented property, and my understanding is, there are agreements between the residents with regard to reductions in rent which are progressive with long service for that particular Company which will end up in those residents being able to acquire the property eventually. This is part of their conditions of employment. But, at the moment, I think there should be no change in the Anvil situation where there is a special section in the Bill dealing with the rights of the major taxpayers to control certain expenditures of the corporation. That's done by means of appealing, in effect, to the Commissioner to block it. I think Anvil is a separate deal altogether, Mr. Chairman.

Mr. Chairman: But, is provision made here for it?

Mr. Legal Adviser: Provision is made in the Municipal Ordinance for that control.

Mr. Chairman: Yes, I realize that.

Mr. Chamberlist: The question was asked, Mr. Chairman, with reference to what the municipalities feel about corporations. Municipalities have indicated

Mr. Chamberlist continues ...

that the only things that they are worried about is that the agents file their names at a given time. They say ... you will note in section 239, a corporation may file the name of their agent with the clerk by the second Wednesday in September. Section 255 requires that the clerk post the preliminary list of electors by the second Wednesday of September. It is impossible to wait until all the names of the agents have been filed and then prepare and post a preliminary list on the same day. This is what they're asking for. Another item that needs clarification is whether or not a corporation must file this name annually or is a name once filed good until revoked. This should be clarified. Now, they are not opposed to corporations having a vote or being a taxpayer. It would seem clear to me that if a municipality can tax an individual or a corporation, why should not the corporation have a right to say how those taxes are to be spent. The only way they have that right is if, when a money bylaw is presented, they have the right to vote through an agent. By the same token, if a city council has the right to expend the monies raised by taxpayers, why should not the corporation, as a taxpayer, use their one vote to choose the alderman who will say how that money is to be spent. It seems to me that there's a requirement for everybody who participates in a municipality, in the expending of money, whether it be by those who are elected or those who have to supply the funds, should be given consideration in that particular area. I feel that the corporation has an identity through the agent and the corporation can appoint anybody over the age of nineteen to act as its agent. If it doesn't appoint anybody over the age of nineteen to act as its agent, in view of the fact we have made nineteen the age of people who can vote, that should be adjusted to fit that particular area. There might be a private corporation, for instance, that is a taxpayer and it happens to be a family corporation. Now, why not, where there is a son or daughter of the age of nineteen or over ... why shouldn't the corporation have that son or daughter act as the agent for the corporation for purposes of a vote. Does Mr. Legal Adviser want to comment?

Mr. Legal Adviser: I don't want to go into the business of nineteen, but there is no requirement in law that the agent of a corporation has to be nineteen, twenty-one or otherwise. He could be an agent for a corporation and sign a valid contract and bind the corporation from the time he could write.

Mr. Chamberlist: Except, we're not speaking about ... we have dealt with the age of majority. If we're dealing with the age of majority, we don't want to destroy that particular concept that the Age of Majority Ordinance has brought into being, that people of a proper age can do certain things. If it isn't in here, perhaps Mr. Legal Adviser has indicated because it's not in here, it shall defy ... well, this become ludicrous. Now, nobody is going to allow a child to vote or cast a vote. It certainly should indicate what age the agent should be. But, then, we're going away from the broad principle of what we're seeking now. I would feel that a corporation should be treated in exactly the same manner as a person, but one vote. I agree that I don't care if a corporation has a hundred pieces of property and is the largest taxpayer in the area. They should have the right to cast one vote.

Mr. Legal Adviser: Mr. Chairman, would any of the other Members like to give their views?

Mr. McKinnon: What were the old requirements? I can't find it here.

Mr. Legal Adviser: The corporation had a vote, for people and ... for both the election and the money bills.

Mr. McKinnon: There was no delineation between money bylaws and an election.

Mr. Legal Adviser: No. They just had a vote.

Mr. McKinnon: Well, who was eligible? What people were eligible to vote on a money bylaw? Other than corporations.

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Mr. Legal Adviser: Taxpayers. All taxpayers. Well, ratepayers, but a ratepayer and a taxpayer are now interchangeable terms.

Mr. McKinnon: This has been broadened anyway, because it used to ... you had to be liable for payment, directly or indirectly, of a yearly rental of not less than one hundred and eighty dollars. Now, it's to pay a tax over twenty-five dollars to be eligible to vote on money bylaws. It seems that we've broadened and made quite a bit more liberal the ability of people to vote on money bylaws. I think if we're going very liberal in one area, perhaps, it would be wise to maintain the one vote corporation at this time also. It's a rather acceptable compromise.

Mr. Legal Adviser: Yes, we've accepted the principle for elections, in general, as one man, one vote.

Mr. Tanner: Mr. Chairman, there is just one further comment I'd make. If the Honourable Member from Whitehorse East follows his logic to the point where he continues the argument he is making, then equally make an argument saying the amount of tax being paid should have some weight with the number of votes you cast. Obviously, there are some corporations that incur much higher taxes than other corporations and some of the corporations registered in the City are extremely small and pay almost no more taxes than any private householder. If you follow your same argument, Councillor Chamberlist, to the logical conclusion, you should then start apportioning the amount of votes that each one should have.

Mr. Chamberlist: Perhaps I'll explain it further. Because an individual, Joe Greene, owns two hundred thousand dollars worth of property, it doesn't mean to say that he should have any more votes than the man who owns ten thousand dollars worth of property. He should ... whether he pays more taxes or not, it matters not. The principle should be that if he is a taxpayer, not how much is involved in him being a taxpayer, he should have just one vote. As far as I'm concerned, the White Pass and Yukon Route should only be entitled to one vote, and any small company, like Mac's Newstand Ltd., should only have one vote. As far as I'm concerned, they are both taxpayers. This is the way it applies, to my logical way of thinking.

Mr. Chairman: From my own point, I'd just as soon hear some representations from the municipalities in this matter, as well.

Mr. Legal Adviser: There is one other point raised also, and that is who should vote on money bylaws. Should it be everyone or should it be property owners. Taxpayers. Taxpayers is kind of broad in the definition of taxes because it includes utility charges. You might be paying utility charges and not be paying real property tax.

Mr. Tanner: Mr. Chairman, when I raised it this morning, I asked and I think the Honourable Member answered, but from what the Legal Adviser says, he didn't answer completely. If you are paying a business licence fee, are you in that case, able to collect ...

Mr. Legal Adviser: I'm not talking about business licences.

Mrs. Watson: Mr. Chairman, the definition of taxes under the Taxation Ordinance includes service and utility charges, and by our definition of taxpayer, it is anyone who pays a tax of twenty-five dollars annually. Well, most people, whether they are property owners or not, pay at least twenty-five dollars in utility and service charges annually. So, by using that definition, we're opening taxpayer quite liberally. It would include many people, not just property taxpayers. The question is, should we say who pays a property tax of twenty-five dollars annually, or just tax?

Mr. Chamberlist: I feel inclined to agree with the fact that we have opened up the Ordinance to allow people who are electors to run for office. I think it would be proper at this time to expand it further by, when it comes to money bylaws, perhaps opening it up to renters as well. A person who pays rent in an apartment has included in their rental

Mr. Chamberlist continues ...

a portion of taxes because that rental is set by the owner of the property on the basis of the operational overhead of the block of apartments, which includes the taxes that are paid by the owner. I'm not tight myself, in this and it's entirely up to Council if they feel it should be expanded to follow the trends that we have all agreed upon to open up municipal elections to everybody. Why not follow the same route.

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Mr. Chairman: From the Chair; in the matter of Faro, we have a problem here. We have one Corporation controlling pretty well most of the community.

Mr. Stutter: Mr. Chairman, I can see a real danger creeping in here if we include water and sewer charges as a tax for this purpose. At the moment, this was a point that was brought up last year when the Municipal Ordinance was amended or rather ... I'm not so sure it was amended. It was pointed out to me in a question to the Commissioner asking whether, in fact, a number of Indians and welfare recipients in the Dawson area, who were actually having their rent paid on their behalf by the Department of Indian Affairs, if they were entitled to vote. It was pointed out, quite rightly, that they were entitled to a vote. But, now, if you take this into consideration also, that the water and sewer should be part of the tax, you're also getting these people again, voting on money bylaws. I would have to think twice before I would go along with that thinking.

Mr. Chamberlist: If we could leave this until ... this is something from the discussions the representatives from the municipalities will have an opportunity to read what has been said by various Members, and when the time comes along, they could put own views forward.

Mr. Chairman: Anything further up to section 10? (Reads sections 10, 11, 12, 13, 14, 15 and 16).

Mr. Chamberlist: Mr. Chairman, I have read something that I think I should bring forward to Council, because earlier I had no wish to mislead the Committee. Earlier, I pointed out that in one letter, certain requests were made with reference to corporations. Another letter, one was from Mr. Bellevue when he was in his position as city clerk and now I have another letter which is from the present city manager, which asks something entirely different with reference to corporations. So, I want to point this out now, just in case it would be pointed out afterwards. There are two letters from the same municipality asking for Council to consider two different methods of handling the suggestion re corporations.

Mr. Chairman: (Reads sections 17, 18, 19, 20, 21, 22). Does that read right? It doesn't seem to read correctly, it says "take all other proceedings provided by this Ordinance". What does that mean Mr. Legal Adviser?

Mr. Legal Adviser: It is the start of the closed poll when they are finished. Any other proceedings which are there, which may be sealing and so forth, you have to do them.

Mr. Chairman: "Take all other proceedings provided by this Ordinance", does that read correctly?

Mr. Chamberlist: Oh, yes, I think that is to check to see that no other person other than those allowed in the polling booth are there at the time of the counting.

Mr. Legal Adviser: It is correct English to say to take proceedings. You take proceedings against a person. That is when it is normally used, you take proceedings in court against a person.

Mr. Chairman: (Reads section 23(1) to (3) inclusive).

Mr. McKinnon: Subsection 23(3) why?

Mr. Chamberlist: Yes, I will tell you why. In the case of a tie, an elector must be able to cast his ballot. If the returning officer is not an elector, he has no right to cast a ballot. He wouldn't be able to break the tie.

Mr. Chairman: Clear? (Reads subsection 23(4) and (5)).

Mr. McKinnon: What if he didn't?

Mr. Legal Adviser: Then an action would lie against mandamus for not doing that. He can be ordered by the court to do it. Casting lots is a very hallowed tradition.

Mr. McKinnon: I agree with you, but the man casts the lots, flips the coin, decides to vote against what the coin said anyway.

Mr. Legal Adviser: Ah, but there is somebody looking over his shoulder with an interest at that point. He is not making a secret ballot.

Mr. McKinnon: I mean, you can't just say I am going to put the X on the other one and put it in the ballot.

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Mr. Legal Adviser: Well, then an action will lie by the candidate who has lost the election by the casting of that vote, it can upset election, clearly.

Mr. Chamberlist: Anywhere in the Yukon, any casting vote would mean a contraverted election in any event.

Mr. McKinnon: Any election is contraverted within a thousand votes.

Mr. Chairman: (Reads subsection 23(6), (7), section 24)). Have you got that? (Reads sections 25, 26, 27, 28, 29, 30). That seems to read double, Mr. Legal Adviser.

Mr. Chamberlist: Duplication.

Mr. Legal Adviser: What is the question?

Mr. Chairman: In section 29(1), Mr. Legal Adviser, pardon me 30(1) there seems to be a duplication in the words "every deputy returning officer".

Mr. Legal Adviser: Yes, there is definitely, Mr. Chairman, the words "every deputy returning officer", is included twice. I just noticed in the Ordinance that there are no duties or powers or functions assigned to a special constable.

Mr. Chairman: It is at this point that you would do that then.

Mr. Chamberlist: There is a special duty there, "a special constable to assist in maintaining the peace and order of an election", surely that is a duty. Isn't it?

Mr. Legal Adviser: He doesn't seem to have the power to do anything. I think that at some point he should be deemed to be a peace officer or something, to give him some power when you call the constable to do something.

Mr. Chamberlist: He is a special constable, not a peace officer.

Mr. Chairman: We need a subsection (2) to 27.

Mr. Legal Adviser: I think he is left in the ... everybody else has everything spelled out for them except a poor special constable who is required to do the tough work.

Mr. Chairman: As I say, would this not be done in section 27 with a new subsection (2)?

Mr. Legal Adviser: I suppose it could.

Mr. Chairman: (Reads sections 31, 32, 33).

Mr. Tanner: Mr. Chairman, I would assume that there won't be a need if there is a tax bylaw coming up, there won't be a need to make another roll.

Mr. Legal Adviser: Yes, so as to make it clear who prima facie have a vote on a money bylaw.

Mr. Chamberlist: Mr. Chairman, this has been a special request by the municipalities.

Mr. Tanner: I would just point out to Honourable Members that there is a form of discrimination there. Electoral lists are open to anybody, and there is a ... perhaps a suggestion that those with "T" have got some superiority to those without a "T" beside, for what it is worth.

Mr. Legal Adviser: Of course, it could be eliminated by putting a "T" opposite every name, and then you would tell a lie.

Mr. Chairman: (Reads section 34).

Mr. Tanner: Mr. Chairman, we can go back again that is a rather serious *BILL #11* implication that they keep putting in there because for example, if somebody wants to solicit a certain number of people for a specific reason, somebody outside the Territory wants to get a list of electors, should we make that distinction between voters? If the City wants to provide that information they should get that from their taxation roll. I don't think you should make that distinction on a list of electors.

Mr. Legal Adviser: Mr. Chairman, you have got to have a list, so the Returning Officers have the list and if the list is made at all it has got to be published so that people can check against people who are not entitled to vote but might attempt to vote wrongly. We have got to be open and above board about this.

Mr. Tanner: That's not my point, Mr. Legal Adviser. My point is this, certainly, you have got to have a vote and you have got to go through all those proceedings but really, it seems to me that we are suggesting that they can use this method as an "administrative-out" to make their job simpler so that when they do have a tax bylaw vote they don't have to go to a list of taxpayers to find out who they are, which I think is the only reason for it. In so doing you are distinguishing one group of people from another when I don't think you should make that distinction.

Mr. Legal Adviser: How are people to know that the city accepts them as a taxpayer, unless they have the list to consult.

Mr. Chamberlist: I am very pleased that Council Tanner has brought this up, Mr. Chairman, because here is an area of discrimination that has been requested by the city. I saw this, I allowed this to go in because I wanted to hear people on Council speak about it and quite rightly too. I would surprise Members of this Council if I indicated what the municipality really wanted to put in, in that regard on a voters' list. I am afraid Mr. Chairman at this particular point I wouldn't say it but when the Members of the municipalities come forward, then they can indicate their own correspondence in this particular matter.

Mr. Stutter: Mr. Chairman, surely there is a list prepared anyway for those taxpayers on a money bylaw and this list can be looked at by the public anyway. I don't see the point in drawing this distinction just because of a letter "t" behind their last name, because both lists are available in the first place.

Mr. Chairman: Well, we will put that one down for questioning then. (Reads 35(1)(a)(b), 36(1)(2)(3)(4), 37(1)(2)(3)(4))

Mr. Legal Adviser: Mr. Chairman, there is a line of type left out there, I'm not sure exactly what it is. the last Wednesday of some month in each election year.

Mr. Chamberlist: The last Wednesday, in each month of

Mr. Legal Adviser: We can check with the draft. These ordinances have to be retyped up to twenty and thirty times so occasionally a word got lost here and there.

Mr. Chairman: We have marked that as not complete. (Reads 38(1), 39(1)(a)(b)(c)) Is that correct, Mr. Legal Adviser?

Mr. Legal Adviser: The original, I think, of subsection (4) of section 37, Mr. Chairman, reads the Board of Revision shall sit on the last Wednesday in October of each year. I think that should read "sit on the last Wednesday of October in each election year. The other dates are the same. What is your request just now, Mr. Chairman?"

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Mr. Chairman: It is just a typing error. (Reads 40(1)(2)(a)(b)(c)(d), 41(1)(a)(b)(i)(ii), 42(1)(2)(3))

Mr. Stutter: If I might just go back I just noticed that there is a certain amount of contradiction in 41(1)(b), it states "in at least four conspicuous places in the municipality, if the municipality is not divided into polling divisions; or in a conspicuous place in each polling division.." In Dawson there is generally just two polling divisions so that just calls for two notices then. Instead of the minium four?

Mr. Legal Adviser: Yes.

Mr. Chamberlist: With respect, the Municipal Election in Dawson there is only one polling division. I am sure the Honourable Member is probably thinking about the Federal or municipal election has north and south in Dawson in a municipal or Federal election but in a municipal election Dawson City is one poll just as it was in Whitehorse prior to this last election, it was all one poll.

Mr. Tanner: Mr. Chairman, it might be correct that the Honourable Member should be remind the members from Dawson what goes on in his municipality, and it is very nice of him to do so but the point that the Member makes surely is the fact that where there is only one poll, or two polls, you still have to have the half dozen minimum number of persons.

Mr. Legal Adviser: No, there doesn't seem to be anything unusual in this. If the whole place is one, you have to have four notices, like Whitehorse. If, you divide it into polling divisions, then you put a notice in each division. Isn't one enough? How many notices do you want in Dawson?

Mr. Stutter: My point is, Mr. Chairman, that in one instance it says, regardless of the number of Poles, Czecks, or Finns in Dawson, the point is that in one instance it does say "four conspicuous places". If, that area were divided into two polling stations then only two notices are required. Should there not be a minium number of four notices? You are calling for four in one instance.

Mr. Legal Adviser: It doesn't seem necessary, having to regard the size of the places we are dealing with.

Mr. Tanner: Mr. Chairman, I could give you an illustration out of my own constituency where is half the time one polling division in the... top of the feed mill to the Takini area north including Porter Creek, Crestview and all the way up the Mayo Road, well in Porter Creek, itself there is almost two distinct areas, one on one side of the school and one on the far side, the trailor court and you would have occasion there where some of these people, who live just at this end, the south end of Porter Creek are limited. I think the Member makes a good point.

Mr. Legal Adviser: There is not particular virtue in two, three four or five. It really is in relation to the size of the area and to put it in a place where people would see it. The main one that people should see is when it is posted in a newspaper, it has got to be in a newspaper.

Mr. Chamberlist: I think the indication is, what the minium is, but it's up to the Returning Officer to post twenty-four up, but this is the minium that is being suggested, at least. If you wish to put more up there is nothing to stop you.

Mr. Chairman: (Reads 43(1)) That's singular?

Mr. Legal Adviser: Yes, Mr. Chairman.

Mr. Chairamn: (Reads 43(2))

Mr. Tanner: The disussion, we just previously had brought another point to mind, which came up in the last city election, right here. When they are setting up these polling divisions, is there anywhere in this Ordinance

Mr. Tanner continues

where there is an obligation, should a delegation of people, from one area come and ask the city that they should have a Forming Committee because they are a distinct area within the municipality. Is there some obligation on the city, to at least give recognition to their plea? The reason I bring this up is because in the last city election, the first one in which there was five poll divisions, there was, to my mind two distinct areas which were left out. One can impute any intentions one likes, but they were left out and there were requests made on their behalf in time, before the polling divisions were actually set and there was nothing done about it. There was no recourse, I think if this could happen, it could be an appreciative thing. For some reason the present City Council, sitting at that time might have some reason not to want some area revoked. By using the Ordinance, exactly as it says, we are not really protecting all the residents in the overall area.

Mr. Legal Adviser: It is very difficult to deal with a question like that, because it is a factual thing. If, enough people request to the City, I would be quite surprised if the City would refuse the request. How do you define, how many electors must request? Or what proportion of people? And so on. It is very difficult to say, people living so many miles out then you might have fifty. If you could think of some formula which would do it, I'm sure consideration would be given to it. We would do the writing, but we couldn't dream up the formula.

Mr. Tanner: Mr. Chairman, we have been told both in this piece of Legislation, particularly the one we have just been discussing in Committee, that some of this, full package that we have been talking about, is what you might say a guidebook or a philosophy and I would like to see something expressed, in this particular area, where there is not necessarily an obligation, but to bring it to the attention that we are cognizant of the fact, that the city could intentionally leave out an area. I would suggest that we leave it, Mr. Chairman, to the technicians to find the fault.

Mr. Legal Adviser: Mr. Chairman, there has been a change and the City should be able to pick up the philosophy because there is nothing mentioned about polling divisions, in the previous Ordinance. This brings in the concept of polling divisions and I think, the people who organize and run the City are sufficiently intelligent to be able to take the message.

Mr. Tanner: Mr. Chairman, if you want to be specific, I requested and I had a number of people asking that the City, in time before they went through the motions of setting up the polling divisions, I asked them specifically to set up a polling division and they didn't do it. Now they claim it was an oversight, and I don't believe them. That's not the point, the point is that a request was made, via myself and other citizens and they didn't do it. I think there should be some obligation to recognize that type of request because I don't think that it is unreasonable.

Mr. Legal Adviser: They couldn't have set up a polling division under the old Ordinance. Polling booths are not polling divisions.

Mr. Tanner: I asked for both, actually. I asked for a place to poll, a booth if you like, but I also asked for a division because I thought this area was a specific division.

Mr. Legal Adviser: That might depend on when the request was made, because a similar request was made in relation to setting up a polling station in the hospital, and unfortunately, you honour a time scale, once the places are appointed in the notices, they cannot change. If a request is made in sufficient time before the announcements are made, and order is made setting up the elections of where people will vote, then it can be done, but if the request is made after a certain date in November, there is no way to change, it is illegal. So it is just possible that when the Honourable Member, made that request or his constituents did, they might have been too late because in at least one other case, which one of the Honourable Members is familiar with an attempt was made to see if something could be done but it just happened to be too late.

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Mr. Tanner: I am merely saying, Mr. Chairman, that the request was in time. It was made before the time that was set out in the Municipal Ordinance. In fact the admission by the City, at the time was that they could do it.

Mr. Chairman: (Reads 44(1),45(1),46(1)(a)(b),47(1),48(1)(a)(b))
I think at this time I will declare a brief recess.

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

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Mr. Chamberlist: Mr. Chairman, I would like to comment for the record, at this time, that it appears that the saga of sonny and chair is coming to an end.

Mr. Chairman: (Reads section 49)

Mr. Tanner: Is six days sufficient time?

Mr. Chairman: Did you get your answer?

Mr. Legal Adviser: It's a question of construing out the dates. All the dates are looked at together rather than one at a time. Is the Member suggesting a subdivision there?

Mr. Tanner: It seems to me that six days isn't very much notice for something as important as a municipal election. Mr. Chairman, perhaps the other Members have some comments to make. It just seems to me that maybe two weeks would be more appropriate.

Mrs. Watson: I think it would be possible to have more time than that because subsection 48(1) says the place at which nomination proceedings will be set on the first Monday in November by the council.

Mr. Chamberlist: October is the preliminary list.

Mrs. Watson: Your election is on the first Monday in December, is it not? So, it does give you enough time.

Mr. Chamberlist: Well, with respect, Mr. Chairman, if we look back, we will find that there is provision for the preliminary list to be ...

Mr. Legal Adviser: Nomination ...

Mrs. Watson: Nomination ...

Mr. Chamberlist: Nomination.

Mr. Tanner: Mr. Chairman, you might as well proceed. Apparently, nobody else has read the Municipal Elections Ordinance.

Mr. Chairman: You can note that for question, if you like.

Mrs. Watson: Mr. Chairman, it does say, at least six days interval ... "at least" means the minimum.

Mr. Chamberlist: Well, it's exactly the same, with respect, in section 268 of the present Ordinance, "by the returning officer at least six days before nomination day". There hasn't been an objection to that.

Mr. Legal Adviser: Well, there's more to it than that, Mr. Chairman. You have to also include in that notice where the poll is going to be held. So, you want to give them some time to decide. The poll will not be held for a further few weeks. It's more the nomination than the nomination notice.

Mr. Tanner: Mr. Chairman, while we're on that particular subject, I've always wondered why most municipal elections, throughout the country I believe, are held in December. It seems a bad time of the year to me.

Mr. Legal Adviser: It's coming towards the end of the year. I think the Honourable Member is probably not aware of the fact that the financial year of a council is always the first of January. So, you want to hold your election at such a time as will enable the new members to take over on the first day of the financial year. So, it has to be December.

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Mr. Chairman: (Reads section 50)

Mr. Tanner: Mr. Chairman, this brings up another point which I noted comment on in one of the local papers. I don't recall exactly what the various councillors were saying about the amount of their deposits, but it seemed to me that they felt that fifty dollars wasn't sufficient to warrant ... stop frivolous candidates. One thing that appealed to me ... one other thing that appeals to me is if perhaps, instead of having two electors, you had twenty. In the Territorial and Federal elections, you need far more than these two, or just two. If they had to find twenty or thirty other people to support them initially, you might then stop the frivolity on the part of a candidate who has just thrown his name into the hat to cause the public ... create public ...

Mr. Legal Adviser: If my recollection is fair, Mr. Chairman, I think the request made by the municipalities, as far as we became aware of it, was to abolish the deposit entirely. This was debated by the Administration at great length and they came down with the decision to introduce in this Bill a deposit. So, there must be some way of stopping frivolity at an election. Maybe, the way is to have a greater number of nominators; maybe not. But, it is at least one way of stopping frivolous candidates.

Mr. Tanner: Well, Mr. Chairman, could I ask the Executive Committee members, when they review this section, to perhaps give thought to having more than two other electors nominate a candidate.

Mrs. Watson: Mr. Chairman, I wonder if this isn't placing a hardship on a smaller municipality such as Dawson, if you had to have twenty electors signing a nomination paper for each nomination. This might pose quite a problem.

Mr. Legal Adviser: Why, you get all the votes then.

Mrs. Watson: Well, you might as well not have the polling then; you would practically have it by the nomination.

Mr. Chamberlist: Not necessarily, Mr. Chairman, because in Territorial elections, the same thing applies. They still have to get twenty.

Mr. McKinnon: Twenty-five, isn't it?

Mr. Chamberlist: Twenty-five, you're right.

Mr. Stutter: Mr. Chairman, I didn't get in on the total conversation, but I do know that if you require too many signatures on it, it's not hard to get signatures. You can run around and get them really easily. There isn't really much point in making it a big number.

Mr. McKinnon: The money is the thing that has really always bothered me. To think that here the guy is taking his time out to put his name before the public and get all the names called that he could possibly get called and that only political candidates can get called, go through the whole thing and have the crashing thing happen to him that he's not big enough in his pitch and he loses his deposit, in the Territorial election, two hundred and fifty bucks and in the city, fifty dollars. I think he's gone through enough without him having to put money out of his pocket, too, to be able to listen to the judgment of his peers. I have never been able to accept the losing money for going into a political contest. I think, if anything, a guy should get fifty bucks for having the courage to get up there and have all those people call him names.

Mr. Legal Adviser: Well, Mr. Chairman, I think the Honourable Member is under a slight misapprehension. There is no question of returning the deposit for a municipal election to the successful candidate. I think their deposit is gone for all times. They never get it back.

Mr. McKinnon: What? Sure you get your deposit back.

Mr. Chamberlist: It's the unsuccessful candidate who never gets it.

Mr. McKinnon: You mean they don't get their deposit back if they ... for a Territorial election, it's two hundred and fifty bucks. I'll have to go borrow money from somewhere to run again.

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Mr. Legal Adviser: I don't recall what happens to the deposit in a municipal election.

Mr. Tanner: The deposit in the municipal election, for those candidates who don't receive fifty percent of the lowest candidate's vote, they lose their deposits. I agree with the Honourable Member. I don't think that ... maybe, they should have to put the money up, but they should get it back again.

Mr. Chamberlist: Mr. Chairman, I don't see anything wrong with having to put the money up if they can get it back again. But, I think if they just have to put the money up, it would have to be about five hundred dollars to make sure that these people are capable of getting that five hundred dollars. Otherwise, you finish up with a lot of people who are running but nobody who had confidence in giving them the five hundred dollars. You know, trusting them with it. Oh, well, I would think twice too, in some areas. They're not very hard to ... this is the same thing that applies everywhere. I haven't heard of a municipality that does not take a deposit in any part of or any jurisdiction. It's something that is standard right across Canada, and we've reduced it from the hundred for the mayor to make it just fifty dollars, right across the board. It's just a minimal thing.

Mr. Chairman: Is that to be reconsidered then.

Mr. Legal Adviser: I don't think so, Mr. Chairman. I think the feeling is that it's regretful it has to happen but there doesn't seem to be any other way around it.

Mr. McKinnon: I think everybody is going to listen to the city's representation.

Mr. Legal Adviser: You're talking there to the successful candidate.

Mr. Chairman: Is the provision that the candidate will get his money back if he polls better than fifty percent of the winning votes?

Mr. Legal Adviser: Yes, there is, further on at section 84.

Mr. Chairman: Oh, there is. Okay. (Reads section 51)

Mr. Rivett: Mr. Chairman, isn't paragraph 51(1)(b) rather superfluous?

Mr. Legal Adviser: I wouldn't think so, with respect, Mr. Chairman. The nominators will do more than just sign their names. They say that they believe, and they are the guarantee, the guarantor, that they have checked on the list and believe this man is qualified. That's what they are really nominating about.

Mr. Rivett: Well, they wouldn't put him up there if they didn't think he was qualified, would they?

Mr. Legal Adviser: If it's accepted so, they wouldn't object to saying so.

Mr. Chairman: (Reads sections 52, 53 subsections (1) and (2))

Mr. Chamberlist: Isn't "so on" unusual legislative talk. It doesn't appear to be ... perhaps, we could correct it.

Mr. Legal Adviser: It indicates what he is supposed to do. Otherwise, we must write out this paragraph four times ... five times, is it? You have the first nomination meeting; you have the three other unsuccessful meetings, and then, you must repeat the fifth time to say what happened. I think it can be understood.

Mr. Chairman: (Reads section 53, subsection (3))

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Mr. Stutter: Mr. Chairman, just exactly what is the point of this? If the three names are submitted to the Commissioner for his approval, and it takes one of them to fill the vacancy, surely that one person would have been interested in being nominated in the first instance.

Mr. Legal Adviser: Well, you see, this is not a question of choosing between three names. It's a question of strong-arming one of them to please take the vacant office. This is what happens.

Mr. Stutter: Again, Mr. Chairman, if you have to strong-arm somebody into taking a position such as alderman on a council, you might as well forget it in the first instance.

Mr. Legal Adviser: But, how do you fill the vacancy?

Mr. Stutter: Well, you don't if there isn't somebody there willing to fill it.

Mr. Legal Adviser: It has happened in the past there has been a vacancy and a certain amount of persuasion in the right quarter has persuaded somebody to allow his name to go forward.

Mr. Tanner: Yes, Mr. Chairman, I agree that happens in many instances, but surely, that's an informal thing. It doesn't have to be put into the legislation.

Mr. Chamberlist: Well, we'll take a look at this.

Mr. Legal Adviser: The Commissioner won't act unless he is instructed to act.

Mr. Tanner: Who needs the Commissioner? There are other influential people who could help that gentleman, whoever he may be, make his decision.

Mr. Chamberlist: The Commissioner becomes an actor of this, but we'll leave this particular section out. We'll discuss it afterwards with the representatives of the municipalities.

Mr. Chairman: (Reads sections 54, 55, 56)

Mr. Tanner: Mr. Chairman, I understand that that section about withdrawing within twenty-four hours is in and I can see there's a reason in some certain circumstances to have it in. Conditions might change, or circumstances might change in that very delicate period of twenty-four hours. Doesn't that also set it up where you could rig an election by running a whole bunch of candidates and everybody would withdraw leaving only one there?

Mr. Legal Adviser: Of course, but we can't preach moral values. We can only preach for practicality, and you must allow this period of twenty-four hours. It's the customary thing to do, before the printing starts. At that point in time, you put down your gate and you enclose all the people who are there for the election.

Mr. Chamberlist: It should be pointed out, Mr. Chairman, that this is another reason why the deposit is there. If somebody withdraws their nomination within twenty-four hours, they don't get their deposit back. That's relatively clear.

Mr. Chairman: Where?

Mr. Chamberlist: It's in the Territorial and Federal ordinances as well. Yes, it is in this one. I will find it.

Mr. Chairman: (Reads sections 57, 58) Shouldn't section 59 read "Each ballot box shall be provided with a lock and key and metal seal ..."?

Mr. Legal Adviser: It is the same thing as a seal.

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Mr. Chairman: I don't believe so.

Mr. Chamberlist: A seal is over and above a lock and key.

Mr. Legal Adviser: Yes, but it is to make sure that the box isn't tampered with except by the authorized person.

Mr. Chamberlist: You didn't say that. With respect, Mr. Chairman, Mr. Legal Adviser said a lock and key were the same as a seal, but on a ballot box you put a lock and key and then you seal the lock and key.

Mr. Legal Adviser: Later, but not before the poll.

Mr. Chairman: I would think, just from the Chair, that this is going to have to read and metal seal. It is the numbered metal seal that is the safe guard of the ballot box. You can have many keys to the padlock.

Mr. Legal Adviser: I don't know. This is the interposition of the words "or metal seals" is new.

Mr. Chamberlist: In section 293.

Mr. Legal Adviser: Section 277 says, "each ballot box shall be provided with a lock and key and shall be made of some durable material" and so on. The Committee of which the Honourable Member is a member interposed the words "or metal seal".

Mr. Chamberlist: I think, Mr. Chairman is correct, I would say. Section 293(2)(c) "forthwith deliver the locked and sealed ballot box with the sealed packets".

Mr. Legal Adviser: That is quite different. This is after the ... the returning officer will have seals or a method of making sure the box is not tampered with after the polling starts, but the two days before the election, he is supposed to keep in his ballot box the material which he is supplied with from the returning officer. That is where he is supposed to keep them, so he has to either lock the box or seal it. Afterwards, he then takes out his materials, shuts the box and he puts a seal on it in the presence of other people to show that it can't be opened again until the votes are counted.

Mr. Chairman: This is talking about the type of ballot box. This is where you need the seal so that you can seal it later, it has got to be part of the materials.

Mr. Chamberlist: That is right, Mr. Chairman. It's after the counting takes place, the ballots are then put in envelopes provided and the envelopes are sealed. You must place the sealed packets marked on the outside with a memorandum designating their respective contents in the ballot box used at his polling station. Lock and seal the ballot box with the sealed packets contained therein, and attach the key thereto, and forthwith deliver the locked and sealed ballot box with the sealed packets contained therein to the returning officer in accord with the returning officer's instructions. It is fairly obvious that it has to be locked and sealed.

Mr. Legal Adviser: I am sorry, Mr. Chairman, it is a very minor thing, but our section 66, reads that "before the commencement of the poll, the deputy returning officer at each polling station shall show the ballot box to be used at the polling station to all persons present so they may see that it is empty; and lock or seal the empty ballot box in a manner that will prevent it being opened without breaking the seal, and forthwith place and keep such ballot box in open view for the receipt of ballot papers."

BILL #11 Mr. Chamberlist: It's wrong.

Mr. Legal Adviser: This may be wrong but we are contemplating a series of seals or a lock and key. This is the way it is drafted. It is not a mistake.

Mr. Chairman: It is, we need those seals.

Mr. Chamberlist: It should be lock and seal.

Mr. Legal Adviser: Maybe, but the way that this present Ordinance is drafted was to allow it to either locked or sealed. Maybe we should change it. That is a different thing.

Mr. Chamberlist: We should take the word "or" out and put "and" in. That makes it lock and seal.

Mr. Legal Adviser: Well thats a policy change then.

Mr. Chamberlist: This was intended, I am sure. Just one word is wrong, that is all.

Mr. Chairman: Well, I will certainly question it if there is no ...

Mr. Chamberlist: Lock and seal, it is the same in every election. Territorial or Federal.

Mr. Chairman: Well, I had better read the section, in any event. (Reads section 59). I would think that this should be revised to include the use of seals. (Reads sections 60, 61(1). Shouldn't they be just alike?

Mr. Legal Adviser: You mean ballots? Sometimes it may not be possible. There are occasions, they may not be absolutely alike, and if you are going to have a printing mistake coming through the polling books would lead to a law case. I think that you are dealing with may be several thousand books of forms. The printer may not be able to keep them exactly alike.

Mr. Chairman: (Reads subsection 61(2) to (6) inclusive, sections 62, 63). Deputy Chairman would you assist me at this time.

Mr. Stutter takes the Chair.

Mr. Chairman: (Reads sections 64, 65 and 66).

Mr. Taylor: Mr. Chairman, I notice the difference from the Ordinance, now reads lock and place his seal on. I notice this has been changed and this would have to be restated along the lines as suggested here earlier in the other section.

Mr. Chairman: I think if 59(1) it is changed, this particular section would have to be changed in accordance with.

Mr. Legal Adviser: Well, they must match, yes.

Mrs. Watson: Mr. Chairman, I would like to bring up one other point with regard to the ballot papers. In 61(3) we state, "the ballot papers shall have printed thereon the names, addresses and occupations of the candidates". Now, do we have separate ballot papers for the mayor? Separate ballot papers for the aldermen? We do not specify this.

Mr. Legal Adviser: I think that it goes without saying. Ballot papers shall show the names of the candidates. You are talking about an election for mayor, a separate election for the councillors. They are interchangeable right the whole way through. Each election is two elections held at the same time.

Mrs. Watson: Should we not specify that we should have two separate ballots?

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Mr. Chamberlist: Yes, I would think, with respect, the reason that was put in there because there was consideration being given to another method of choosing the ...

Mr. Legal Adviser: No, this isn't so, Mr. Chairman, this has always been the way. None of these systems have been changed in relation to ballot boxes, sealing or anything else except that one about the sealing. Everything else is the same. You are talking about one election but you actually get two ballot papers.

Mr. Chairman: Clear on section 66? (Reads sections 67, to 70 inclusive). I presume that this should be "a person". (Reads section 71).

Mr. Tanner: Excuse me, that applies to everybody except in the case of a money bylaw, the company agent, is that correct?

Mr. Chamberlist: That is right, because the agent, there is a requirement for the agent to register his name with the municipality prior to a certain date.

Mr. Legal Adviser: No, Mr. Chairman, there is no requirement in the Ordinance that the agent must register his name before a certain date. He has got to be authorized in writing by the company.

Mr. Chamberlist: He has to supply ...

Mr. Legal Adviser: It isn't in the Ordinance.

Mr. Tanner: Mr. Chairman, I don't know if it is in this Ordinance, but certainly it was in the last municipal election, that if you hadn't registered by September 5th, you couldn't even get it changed and be added to the list after that, and I thought that was wrong.

Mr. Taylor: Well, Mr. Chairman, I note also that in this section, you removed the sub (b) which provides for a person being vouched for by a person whose name appears on the revised list of electors, who shall take and subscribe an oath to the affect that he knows the person trying to vote. Is this covered in another section? Certainly, if someone is missed on the voters list they should have an opportunity to swear an oath and vote?

Mr. McKinnon: Subsection 75(b) is this the oath or affirmation? It is the same thing.

Mr. Chamberlist: Yes, that is right.

Mr. Tanner: Mr. Chairman, could we have some guidance on the money bylaw, and the registration of the agents by the company with the municipal office, and at what time if they aren't registered but can find qualification, that they can be sworn in the same way as any other candidate?

Mr. Legal Adviser: Mr. Chairman, there should be a list of the companies who are entitled to vote. It matters little, who casts the vote for the company, provided that the person is authorized by the company. So, there is no particular necessity for registering the name of the particular agent in advance. In any event, whether there is or isn't, it didn't find a place in this Ordinance.

Mr. Chamberlist: Well, Mr. Chairman, it is in the existing Ordinance that a company must indicate to the municipality the name of the agent of that company who shall be the person to vote on behalf of that corporation. If it has been removed from this Ordinance, I think that it should be replaced. I thought that it was still in here.

BILL #11 Mr. Legal Adviser: No, Mr. Chairman, it is not in this one.

Mr. Commissioner: Couldn't that be done by the municipality's own bylaw?

Mr. Chamberlist: No, because we are making the legislation on elections. They can't make bylaws for elections. This is our legislation not the city's legislation.

Mr. Legal Adviser: The important thing is the authority, not the knowing of the name of the man, if the company is known there, they vote. It doesn't matter much ... the requirement is there, that they register and then that person is deemed to be the agent until the change is made. This gets out of date, because in year one, the company registers the name of a particular agent, who may be a bank manager or could be anybody. He leaves the Territory. It is forgotten about and then somebody comes along to vote, and he is told, no, you haven't got a vote because two or three months before a technical requirement was not met. It wouldn't matter if it was a requirement that they do this and be given the authority by a regular authorized document to change the name. These technical requirements do cause a lot of trouble and they disappoint and upset people when they find they are challenged because as a bank manager he hasn't ... his predecessors have neglected to know his name in advance or any other company.

Mr. Tanner: Mr. Chairman, while I understand the Legal Adviser's information, in that particular area, that is not really what I'm saying. I'm saying can't a legal entity, in this case if we accept the premise, that the corporation can vote, why can't they, just the same as any taxpayer in a municipal tax bylaw, why can't they be sworn in, in the same way as anybody else? Right now, the necessity is to be registered, for example if a city election is in December it is by September, within the next three months you can't change that. Mr. Chairman, I can assure the House that I tried to do just that, in the past municipal election, and was not able to.

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Mr. Legal Adviser: Mr. Chairman, a person who is omitted from the list, can go and vote on the day of election, although he has never applied for a vote and nobody has ever known of his existence, provided that he swears the vote that he is entitled to. He can do it right up until two minutes of polling closing. There is no reason why a company can't have the same privilege, of handing in the name and the agent, swears or fills in a prescribed form, making a declaration, and the declaration is in two forms; one that he is the authorized agent of the company concerned, he has got to make an affirmation, which is subject to a charge of perjurious fault and two; that no person to his knowledge has voted on behalf of the company before, at that election. There are two affirmations and they should be normally sufficient. People aren't going to go around faking, just as a general rule and if they do, then they are subject to penalty.

Mr. Tanner: Mr. Chairman, what the Legal Adviser is talking about now is an extension of what I am asking. You are talking about the agent who is voting for the corporation, I'm talking about the corporation itself. The corporation has to be registered as a taxpayer in a city right now in September, and they can't get on to that register before the municipal election after September. I think they should have more time to get on because quite frequently a new corporation will come in, in the space of an election period. They are not as familiar with the system and when the first publicity is given of the election in early September, they can't then get on the roll, anyway.

Mr. Legal Adviser: Mr. Chairman, I don't think any injustice is done because when a person goes to cast his vote, one of the requirements is that the individual must be a resident in the municipality for twelve months. It is no hardship on a company to require this, they are suppose to be residents for three months before the election so at least they know what the election is all about.

Mr. Tanner: That's not what I'm saying, Mr. Chairman, with respect, I'm asking about a company that has been here eighteen months. Could have been here eighteen months between two elections. The elections are every two years. If, the company came in for example immediately after the election and did not register their agent or did not register their company because they are a taxpayer, in the space of the next twenty-three months but before the next election, in September when the first publicity is given to the coming election, he hasn't registered, but seeing that publicity he goes ahead and wants to register he is unable to presently in the city municipal election.

Mr. Legal Adviser: The question mistifies me. As this Ordinance is written, but not the last one, this one, they don't have to do anything. The agent produces a written document, five minutes before the close, without ever having to register or go anywhere and he gets the right to vote on behalf of that company. I can't see how we can be more generous. It defeats me.

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Mr. Tanner: I'm talking about the company, not the agent.

Mr. Chamberlist: What Mr. Legal Adviser has missed and perhaps I can ... The thing is that there is no way that the corporation has been able to indicate to the deputy returning officer, that indeed, the corporation, is qualified to vote. Because an agent comes along and says, I have a document that says that I am the agent of Joe Blow Limited, this doesn't automatically give him the right to vote on behalf of the company. There is a requirement that the company be qualified to vote. This seems to me that there is a little bit lacking. Another question that must arise is, what makes a corporation a resident? You take a law firm, that might have a thousand corporations registered in their office; are they a resident company within the municipality? What is the yardstick that makes a corporation qualified to vote in a municipality? If, you say that because of the fact that they are a resident, registered in the municipality, you would be replacing the law firm who are usually the agent for that corporation, in the Territory, in the position of casting a thousand votes on their behalf, unless you specifically say, prior to them doing that they have to be a taxpayer, or they have to have a resident office. You must give some reason for them being, or having the power to vote. We must be protective inasmuch as because somebody sets up a corporation for three hundred and fifty dollars, I think, that it has gone up now, it's about six hundred, eight hundred whatever it is, it doesn't mean to say that they should have the power to vote in a municipal election. We should protect that area.

Mr. Legal Adviser: I seem to find myself as a whipping boy, for something that seems very, very simple. We haven't yet decided we'd give corporations a vote, this is subject to discussion, but in any event the only suggestion is that corporations who are taxpayers, will ever get a vote, whether for money bylaws or anything else. If, they pay taxes they are entitled to vote. If they don't appear on the electors' list, they can appear, like anyone else, and say we pay taxes, we are a corporation therefore put us on the list. Something goes to the revising officer. We haven't given them a vote yet. Anyone who is omitted from the electors' list, improperly, has the right of appeal to the Board of Revision and they can go there and say, that there it is. They must first pay taxes. A taxpayer means, not somebody that is going to pay taxes in the future, it means somebody that has paid taxes and when they pay taxes, presume that it is to be correct. We have got a corporation who is a taxpayer, the corporation does not have to be a resident. Corporations reside in different places and if they do business somewhere, like the Yukon, they are captured because they have got to start registering in Mr. Taylor's office as soon as they have started a business here. All normal corporations, some corporations can slide out. There are amendments coming to the Companies Ordinance, which will make sure that the ones who are really residents here, in the sense of doing business will have to register. Some of the biggest companies here don't, in fact register at Mr. Taylor's office, but they are corporations and whether or not they are residents, it's the taxpaying propensity of the corporation that gives them their vote. If a corporation pays taxes and is on the list, the agent does not have to be any age, provided he can write, he can be the legal agent of a corporation. An agent means a person who is acting in the place of a person who is qualified so the agent doesn't have to be a resident. He just goes along and on the form, I am the agent, this is only one vote, and that's it. I can't see how we could possibly make it simpler.

Mr. Chamberlist: I think we should review the whole corporation ...

Mr. Legal Adviser: That's a different thing, whether we get the corporation to vote or not, but at least, Mr. Chairman, we should make it simple, but we do give them the vote.

Mr. Chamberlist: Well, it's not simple, Mr. Chairman. Again I think what Mr. Legal Adviser has indicated shows all the more the confusion that takes place as a result of corporations which are capable of being registered in one office and at the same time they may be taxpayers because

Mr. Chamberlist continues ...

they own a piece of land but never be here they aren't a resident taxpayer. They're not a corporation within the meaning of being in business and taxpayer, all they have is registered office in a lawyers office. It places the position if there are a thousand lots, each owned by a different company, and they have their offices in a law office and each one of those companies designate to one lawyer and say that they are the agent. You have published in the paper that these companies appoint an attorney for that particular purpose, so they finish up that you have in the hand of one man, the right of a thousand votes. I'm just being very liberal, I'm just saying a thousand votes. To me, it seems we have to go beyond that, we have to say exactly a corporation must be, and what it must do prior to its having the same right of voting as an individual. I would say it would have to be as exists in the existing Ordinance section 239, subject to the provisions of this Ordinance, a corporation carrying on business within the municipality, is eligible to vote at an election, if it is a ratepayer. This must be the key, we must have to say it quite clearly and we are not spelling it out.

Mr. Legal Adviser: Mr. Chairman, the only thing that is in this Ordinance is a corporation must be a ratepayer. That's already in it, I don't think we have to change it.

Mr. Chairman: May I take it then that this section then will definitely be reviewed anyway. (Reads 67(1),68(1)) It seems to me I have read these sections. (Reads 72(1),73(1))

Mr. Taylor: Mr. Chairman, here again where you take out "but an elector entitled to vote as agent of a corporation shall not be prevented by this section from voting in both capacities," I just note that has been extracted.

Mr. Legal Adviser: If a corporation has a vote, it's a thing, it may be a bit spiritual, but a thing. A person whose an agent of that corporation cannot be deprived of his own vote.

Mr. Taylor: You have now, respectfully Mr. Chairman, in the existing Ordinance, you say; an elector is entitled at the same election to one vote for each candidate, to be elected. Then you go, to carry on under our Ordinance, but an elector entitled to vote is an agent of a corporation will not be prevented by this section from voting in both capacities. I am just wondering why you have deleted that?

Mr. Chamberlist: It was superfluous.

Mr. Legal Adviser: You want to make it clear that he is making two different declarations. One declaration as the agent of a corporation, and if he is only allowed to vote once, he is deprived of one vote. You would then have to make sure that you got a person who was not qualified to vote to be the agent. What you would do would be to get a person from outside the municipality to be the agent, to get you two votes but that is a bit troublesome.

Mrs. Watson: Mr. Chairman, this Ordinance, as it is written now, we do not give the right to corporations to vote at elections, we only give them the right to vote on money bills as taxpayers, that is why that was taken out of that section.

Mr. Chairman: Speaking from the Chair, 73 puzzles me, it says, "an elector is entitled at the same election to one vote for each candidate to be elected".

Mr. Legal Adviser: If there are six candidates, and he gets one sixth of a vote for each candidate, what do you do?

Mr. Tanner: Incidentally, that's an interesting point, can you not exercise all your votes and vote for three without invalidating the ballot?

Mr. Chamberlist: But, you can only vote for one.

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Mr. Legal Adviser: You don't have to vote at all.

Mr. Chamberlist: You can vote for what it says, not less than one, and not more than six.

Mr. Taylor: How about when you have two candidates for mayor on a ballot? The elector is entitled to vote for each candidate, at the same election. So, he could vote both candidates, if you interpret it this way.

Mr. Legal Adviser: Each candidate to be elected.

Mr. Chairman: As clear as mud. (Reads 74(1))

Mr. Chamberlist: I think, I can see the point that Councillor Taylor has made just now, quite right. An elector is entitled to one vote for each office of candidates. The same candidate might have fifty candidates, he can vote for the fifty.

Mr. Legal Adviser: That can't be, no.

Mr. Taylor: It's got to be changed.

Mr. Chamberlist: It has got to be changed.

Mr. Legal Adviser: It has been there a long time. It has been unamended, since 1958. An elector is entitled at the same election for one vote for each candidate to be elected, but an elector entitled to vote as agent for a corporation shall not be prevented by that section from voting, in both capacities. That's what the old one says. We have knocked off the second sentence; the first was left in its pristine state undisturbed.

Mr. Taylor: Mr. Chairman, this is another good reason why we could use some more input from other elected Members in the Legislative Programming Committee.

Mr. Legal Adviser: One hesitates to tamper with something which has stood the long test of the number of court cases that this old Ordinance has survived.

Mr. Chairman: (Reads 74(2)(3))

Mr. Taylor: That has increased from one hundred dollars.

Mr. Chairman: Inflation. (Reads 75(1)(a)(b)(c)(d)(e)(f)(g))

Mr. Tanner: Mr. Chairman, there is an expression used here which I have asked the Legal Adviser in a few ordinances in the past and he has finally given me my answer. The expression is, the deputy returning officer either personally or through his poll clerk may, and upon request shall. Now, many times in past ordinances I've contended that we have been writing "shall" and "may" in the wrong context. I think that might be an out on that point. Just as a matter of interest, point out to Members that perhaps I won't remember it, but maybe one of them might remember next time, and they can remind the Legal Adviser that this is what I would like to use.

Mr. Chairman: If the Member would like to restate that to the Legal Adviser, now.

Mr. Tanner: Now, that the Legal Beagle has returned to us, I was just telling Members of an expression used in 75(g), where it says "a poll clerk may and upon request shall..." which is an expression I have been looking for since I sat in this House. There are many occasions when the legislation could be written in that manner and isn't, to give better protection to people who are applying to the Government, in certain areas for specific things. The discretion is left to the person in that department many times and that is a protection to the public that I would like to see. Personally, I would like to see the Legal Adviser using it when he writes up some of the written legislation.

Mr. Legal Adviser: Mr. Chairman, I agree with the Honourable Member. It's a very good point. It just so happens that there is very little occasion when you go down from the level of "the Commissioner may" to "the Commissioner shall". It doesn't often happen when you are dealing with the procedures used in an office or typing correspondence and so on. It's the policy manual that should contain this, to detail it to people that they are to be respectful of the public and explain it if possible. It's difficult to write it in the top level of legislation.

Mr. Chairman: (Reads section 75, paragraph (1)(h)) Should that read in paragraph (i), with a pencil?

Mr. Legal Adviser: A lot of this language, Mr. Chairman, is a little bit archaic. You mark it in ink, for instance. So, I presume at one time, they may have used the expression, to mark it in pencil or mark it in ink. When you say, "mark it in pencil", and you say a pencil provided for the purpose, ten years ago, this would have been the normal way of putting it.

Mr. Chairman: Would it not be possible to put in there, "with the pencil provided"? (Reads section 75, paragraph (1)(i))

Mr. Tanner: Mr. Chairman, a small point there. If the person voting, either inadvertently or deliberately, told somebody in the polling booth that he has, in fact, voted for a, b, or c, does that invalidate his ballot?

Mr. Legal Adviser: There are two questions here. In checking with the old Ordinance, I see here it says, "shall mark his ballot paper by placing a cross opposite the name of the candidate". Here we have "shall mark his ballot paper in a pencil provided for that purpose by placing a mark". I'm just wondering, if he uses his own pen, would that also invalidate it.

Mrs. Watson: It does, doesn't it?

Mr. Chairman: Yes.

Mr. Legal Adviser: Well, is this the intention, to force him to use a pencil provided?

Mrs. Watson: Well, some would use red pen and this type of thing.

Mr. Rivett: And, then you could identify the ballot.

Mr. Legal Adviser: Well, it's ... I'm not ... you see, what happens to the ballot paper at the time of the counting, the agents and candidates will object in various ways to the ballot being accepted as a legitimate vote for one particular person. This whole thing has to be very cautiously proceeded with from that point of view.

Mr. Tanner: Mr. Chairman, wouldn't it be best to say that he would mark it with a cross and leave it that way, because the various forms can change from time to time. Are we going to have to change the Ordinance? For example, as you said, you made a good point, ten years ago pen or ink might have been used.

Mr. Legal Adviser: I can remember the discussion of whether you mark with a cross or not. People have become accustomed on forms to giving a tick and a high proportion of the ballots are now, in fact, marked by a person giving a tick, notwithstanding the instructions. It would be harsh to invalidate people who now use a tick instead of a cross. I think a mark should be left in because a mark would include a cross.

Mr. Chamberlist: Mr. Chairman, they are invalidated in Federal and Territorial elections under the Canada Election Act. You have to ... they

BILL #11

Mr. Chamberlist continues ...

show you the specific type of mark that has to be put in, and that's a cross. It has to be done with a pencil and whole of the cross must be in between the two straight lines. Now, the purpose of that was explained to me once. People in the past have been able to put their thumb on, if you use a pen, and I know this can be done, try it some-time ... you put a pen mark, especially with a ballpoint, or write your name on a cheque and wet your thumb; put your finger on it and you can place that signature on another cheque. This is why they made the rule that it must be done with pencil only. You can't take a print off it.

Mr. Legal Adviser: But, you only give them one ballot paper.

Mr. Chamberlist: But, they manufacture ballot papers, you know in other places. I don't know. I'm not tight on this. I think we should still follow the Federal rules until such time as theirs change when it comes to balloting.

Mr. Tanner: Mr. Chairman, could the Legal Adviser just give me an opinion in that case, the one I illustrated previously, where ... it says here, it is mentioned and I assume later on that it's invalidated. But, somebody comes out of the ballot booth, having made their decision and on the way out, tells the returning officer or anyone else standing there, "I've voted for Joe Blow", does this invalidate his vote?

Mr. Legal Adviser: If it's already gone into the box, I can't see how anything does, but even if it's before he puts it into the box, I can't see how that would invalidate his vote. If it's made an offence to disclose this, then it might be an offence.

Mr. Tanner: But, isn't that what it says here?

Mr. Chamberlist: It is an offence to disclose who you're voting for, in the polling booth.

Mr. Legal Adviser: In the polling booth but not afterwards. I mean, it's an easy thing to say "Up Joe Blow" when you're going out. That discloses it quite sufficiently but it doesn't actually official disclose it.

Mr. Tanner: Well, Mr. Chairman, I have been in a polling place in Whitehorse and I saw this happen and the returning officer questioned it at the time. They decided that it didn't really affect the vote so there was no change made. That would be the rational reasonable decision to make, but sometimes, in the heat of an election, people do make arbitrary decisions and consequently, do invalidate votes on such minor points as this. It was just an interesting point, that you could very easily invalidate somebody's vote who, in ignorance, walked out of the ballot box, or rather the polling booth, and says "Oh, I've voted for George.". Technically, I think, right now he could invalidate their vote.

Mr. Rivett: Mr. Chairman, this paragraph (f), as I understand it, the deputy returning officer initials the ballot. Is this the ballot that goes in the box, or is this the counterfoil?

Mr. Legal Adviser: No, I think it's the ballot ...

Mr. Rivett: Well, he can make a mark on it to identify how he voted.

Mr. Legal Adviser: Not only that, but of course, the counterfoil is available. Let me check.

Mr. Chamberlist: The reason for the initialling of the ballot is so that when the voter brings the ballot back, the returning officer looks to make sure that his signature is on it, and there hasn't been a switch of a ballot taken place. The number is the same as in the book and put on the list.

Mr. Rivett: Mr. Chairman, he could identify how he voted.

Mr. Chamberlist: No.

Mr. Rivett: Why not?

Mr. Chamberlist: Because all the ballots have the same signature on the back.

Mrs. Watson: But they have numbers on the back. The supps do.

Mr. Legal Adviser: I think the ballot has a number, too. It has to be identified for court purposes if the court insists on a check back to see did the people vote. I think it's on the prescribed forms. In theory, in this type of election ... held in a Communist country, you can identify how everybody voted. The serial number was originally introduced to prevent a Philadelphia election, where you give the first person a blank sheet of paper and he returns you a blank correct ballot which is then marked by the man standing outside and the series goes on, every person delivering back a clean sheet to show they have deposited the thing in the box. That's what a serial number is.

Mr. Chamberlist: Ah, yes. But the number of the ballot is not placed in a book as to who that ballot was given to. This is the way it would be. Oh, no; it is not done.

Mr. Legal Adviser: Yes it is. They write the voter's number on it.

Mr. Chamberlist: No. They do not. The only thing that they have by way of a number is the number that the voter has. If he's the twenty-first person who came in, he is number 21 person who is voting. But, it is not the number that's on the ballot. All the returning officer has is that signature to look at to make sure that that ballot has been properly received. That's the only purpose.

Mr. Rivett: Mr. Chairman, the signature on the ballot can be changed; so, he can identify any ballot that he wants.

Mr. Chamberlist: No, no.

Mr. Rivett: Why not? He can initial it any way. He can just put a dot or something beside it.

Mr. Chamberlist: But when he comes to the counting of the ballots, they only count the mark of the ballot. They don't know who is on the back of it.

Mr. Chairman: It does state in paragraph (i), that the ... it says right there, in the last line on the page, "shall show the same to the deputy returning officer...". This is with the signature, or with his signature on the back of it. The candidate's mark is sealed within the paper, so that it is not seen. (Reads section 75, paragraph (1)(j) to (m) inclusive)

Mr. Taylor: At this time, I think I'll resume the Chair.

Mr. Taylor takes the Chair.

Mr. Chairman: (Reads sections 76, 77 to paragraph (2)(b)) Should that be "locked and sealed"?

Mr. Legal Adviser: Mr. Chairman, if there is a seal, there is no need for a lock.

Mr. Chairman: (Reads section 77, subsections (2) and (3))

Mr. Tanner: Mr. Chairman, in that case, does that preclude if they have, say for example, five polling stations and they can't have central count because it has to be done in the polling booth?

Mr. Legal Adviser: Polling station.

Mr. Tanner: Well, Mr. Chairman, why would he insist on that. It might

BILL #11

Mr. Tanner continues ...
be more convenient ... I just can't think of a circumstance, but it might be more convenient to a municipality to bring it all together.

Mr. Commissioner: Mr. Chairman, in order to answer the Honourable Member's question, earlier in your Ordinance, you established the procedures that would go on and one of the procedures was that every returning officer is in charge of that polling station and must have special functions in that polling station.

Mr. Chairman: (Reads section 77)

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

Mr. Tanner: I second the motion.

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

*MOTION
CARRIED*

MOTION CARRIED

Mr. Speaker resumes the Chair.

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

Mr. Chairman: Yes, Mr. Speaker. Committee convened at 10:50 this morning to discuss Bills, Sessional Papers and Motions. I can report progress on Bill No. 10. Committee recessed at 12:00 noon and reconvened at 2:05 this afternoon. I can report progress on Bill No. 11. 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: In respect of the agenda for tomorrow, I believe it is Bills, Sessional Papers and Motions.

Mr. Speaker: May I have your further pleasure?

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

Mrs. Watson: I second the motion.

Mr. Speaker: It has been moved by the Honourable Member for Dawson, seconded by the Honourable Member for Carmacks-Kluane, that we now call it 5:00 o'clock. Are you prepared for the question? Are you agreed? I declare the motion carried.

*MOTION
CARRIED*

MOTION CARRIED

Mr. Speaker: This House now stands adjourned until 10:00 o'clock tomorrow morning.

ADJOURNED

ADJOURNED

Mr. Speaker reads the daily prayer. All Councillors are present.

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

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, today, Legislative Returns Nos. 3 and 4.

*TABLING OF
LEGISLATIVE
RETURNS 3
AND 4*

Mr. Speaker: Are there any Reports of Committees? Are there any Bills to be introduced? Are there any Notices of Motion?

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion this morning, respecting freshwater fisheries.

MOTION #11

Mr. Speaker: Are there any further Notices of Motion? Are there any Notices of Motion for the Production of Papers? As there are no Motions for the Production of Papers, we come to Motion No. 10. It has been moved by Councillor Tanner, seconded by Councillor Rivett, that this Council recommend to the Commissioner that Councillor Michael Stutter be appointed to the Advisory Committee on Finance.

MOTION #10

Mr. Stutter: Mr. Speaker, I would like to move that Motion No. 10 be referred to Committee of the Whole for further discussion.

Mr. Taylor: I would second the motion.

Mr. Speaker: It has been moved by the Honourable Member for Dawson, seconded by the Honourable Member for Watson Lake, that Motion No. 10 be referred to Committee of the Whole. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: We now come to the Question Period. Mr. Clerk, will you see if the Commissioner is available.

Mr. Taylor: Mr. Speaker, was there not a motion deferred from yesterday to this morning? On the Order Paper, there is, I believe, a motion by Councillor Tanner. Oh no, it was a motion by Councillor Chamberlist, respecting Rental-Purchase Housing.

Mr. Speaker: That is in Committee of Whole.

Mr. Chamberlist: As I recall, Mr. Speaker, I think it was deferred until this morning.

Mr. Speaker: What motion was that? Number 9?

Mr. Chamberlist: Number 7.

Mr. Speaker: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that the Government of the Yukon Territory establish a Rental-Purchase Housing Program as outlined in Sessional Paper No.2, First Session, 1972.

MOTION #7

Mr. Chamberlist: Mr. Speaker, I would ask that it be moved in Committee of the Whole, for discussion.

Mr. Taylor: Mr. Speaker, I would so move, that this Motion No. 7 be moved into Committee of the Whole.

Mr. Chamberlist: That's already been done.

Mr. Taylor: It is not competent for the Member to move this.

MOTION #7

Mr. Tanner: I second the motion.

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Whitehorse North, that Motion No. 7 be moved into Committee of the Whole. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: 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
TELEVISION
PROGRAMMING
REPORT,
ARCTIC
INSTITUTE

Mr. McKinnon: Mr. Speaker, I'd like to read a little background of my question to the Commissioner into the records. A report was made public yesterday by the Arctic Institute of North America that says, "Local and regional radio and television programming are more important in northern areas of Canada than receiving live television with no northern content." It says, "Without changes to bring this about, the ninety million dollars to be spent on the communication satellite, the need is not justified." The report says that a C.B.C. poll has shown that there was no discontent over delay of sports programs in the north, such as the week-old hockey games, and longer broadcasting hours could be provided through the Frontier Package. The report added, "Therefore, the northern dissemination of live television seems to be of doubtful validity as one of the main objectives of the ninety million dollar satellite communication project." I wonder, Mr. Speaker, if Mr. Commissioner could direct one of his missives, which he does so well, towards the so-called northern "experts" who are going to sit down south watching any type of television they want, and are going to tell us in the north what we can watch here.

Mr. Commissioner: Mr. Speaker, I would be very happy to do so, because I heard this report, Mr. Speaker, as I'm sure, all Honourable Members did. All I can say is the individual who wrote this would have been well advised to accompany Councillor Watson, Assistant Commissioner Fleming, Mr. Pearson and myself around the Territory here about three weeks ago. I am afraid that he would never have put his name to this particular piece of misleading information.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: I wonder, just as a follow-up question, Mr. Speaker. Were any of the Members notified or were any of them interviewed? Was the Commissioner interviewed by the Arctic Institute when such a report was going on? Was anybody in the Yukon interviewed? Because, I know of no one who would have given these answers to such a reporter if these questions were asked.

Mr. Commissioner: Well, Mr. Speaker, if anyone in the Yukon was interviewed, I'm not aware of it. Certainly, I wasn't interviewed on the subject. I would very much like to offer an invitation to this particular individual. Maybe the Arctic Institute will send him up here. I would like to take him to Mayo because I have one or two friends up there who consider that my total duties as Commissioner are just completely negated by the lack of any kind of television in their community. I'm sure, Mr. Speaker, that you would agree very much in this connection.

Mr. Speaker: Are there any further questions?

Mr. Commissioner: Mr. Speaker, I have an answer which I would like to give verbally at this time, in connection with a question which was asked by Councillor McKinnon two or three days ago. May I proceed at this time? This has to do with a question that the Honourable Member asked about the cost estimates that I gave regarding recovering empty beer tins, throughout the Territory. I believe that the Honourable Member's question really was the backup information as to why we are not prepared at this time to suggest a refund for the use of this type of beer tin. The sale of canned beer was discontinued in the Yukon as it was deemed unethical and impractical

Mr. Commissioner continues ...

to continue same without also making possible a method of disposal of cans to prevent further litter and pollution. It is entirely probable that, in order to recover and dispose of beer cans, the Government of the Yukon Territory would have to pay upwards of thirty-five cents to forty cents per dozen in costs. This is a conservative estimate which would rise as more dozens were redeemed. Of this, twenty-five cents per dozen would go to the person returning the cans, while the remaining costs would be cartage and disposal costs. In other provincial authorities, the charge to the consumer has increased twenty-five cents per dozen, which is reimbursed to him upon his returning the tins. The provincial authority then covers the cost of hauling and disposal. However, as a result of the price increase, the provinces are finding that the sales of canned beer have been reduced to the point where having the beer canned and providing warehouse facilities plus the cost of disposal, is making the canned beer very impractical and expensive to carry. It is anticipated in other areas that, very shortly, canned beer will not be available. This would result in it also being unavailable for the Yukon. We have inquired into the possibility of the British Columbia Breweries or Brewery Warehouse purchasing our empty cans and the price for this service. They replied to the effect that they were not willing to do so at any price. However, they are willing to purchase our empty beer bottles. If the Government of the Yukon Territory is not prepared to charge the consumer for the extra costs, and should the decision be that we were to, once again, sell canned beer, the profit margin on the beer would be reduced to approximately seventeen percent. Presupposing that, as canned beer becomes more scarce and difficult to purchase, the Yukon Territorial Government Liquor Control is not charged a premium by breweries for this special service of canning. So, I trust, Mr. Speaker, that this backup information which I have provided will satisfy the Honourable Member that the problems involved in the disposal or the proper handling of the canned beer is more or less, a reflection of what is going on in other areas. It is not entirely of our own making.

Mr. McKinnon: I wonder, Mr. Speaker, whether Mr. Commissioner has any solution for the canned pop problem which is every bit as great as the canned beer problem, in the Territory.

Mr. Commissioner: Mr. Speaker, without having any actual or factual knowledge to back up this statement, I would feel that, in view of what is apparently happening with canned beer, a similar fate will overtake the canned soft drink market as well.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I was wondering, when the Alaska Highway was widened and paved from the Mayo to the Carcross cut-offs, all the billboards were removed along the right-of-way, and it just looks beautiful. Why, in heaven's name, were the billboards allowed to be put back when you could have made an area where people who wanted to advertise their services ... people could have turned off and gone and looked at the billboards and the services available. The whole of that area, which as I say, was completely eliminated from unsightly billboards, has now billboards up all over the place.

*QUESTION RE
BILLBOARDS*

Mr. Commissioner: Mr. Speaker, there are times when the Administration is criticized for not obeying the wishes of this House. I would like to assure the Honourable Member that if a favourable motion, directing the Administration to remove these billboards, passed this House, give me twenty-four hours and we'll get rid of them.

Mr. McKinnon: Would the Administration, then, be prepared to make a site for those people within the municipalities, wanting to advertise their services? Could this site be made available?

Mr. Commissioner: Mr. Speaker, it will be done simultaneously.

Mr. McKinnon: Great.

Mr. Commissioner: With the removal of the present boards.

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

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

Mr. Tanner: I'll second the motion.

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for 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. Are you prepared for the question? Are you agreed? I declare the motion carried.

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.

SESSIONAL
PAPER 4

Mr. Chairman: At this time, I call Committee to order. It has been suggested by some Members that they wish to proceed now with some of the motions in Committee. The first item is Sessional Paper No. 4. Councillor Stutter, would you take the Chair, please.

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, Sessional Paper No.4, I don't seem to have a copy of it at this time ... Sessional Paper No.4 is a request to the Administration from the Teamster's Union having to do with a representation to the House with respect to workmen's compensation and the Workmen's Compensation Ordinance. I have received this morning at my desk, a copy of a letter to the Commissioner from the United Steelworkers of America, signed by Mr. Harvey Kent, who has asked that when discussions come up relevant to this question, he could also be invited to attend and so, I would ask that Committee ... I think, at this time, what we should do is try to set a date so that Mr. Clerk could advise these people when we might wish to discuss with them problems relative to workmen's compensation. He could contact these people and let them know when we are prepared to do so. I would suggest, possibly, a week today, for instance.

Mrs. Watson: Mr. Chairman, I would suggest a date sometime in April or early April, after we deal with the municipal package and the budget. We would then be in a position to give the attention to the representatives on this when they come to Council.

Mr. Chamberlist: Mr. Chairman, I think, in this particular area, we should wait a time until the consideration that we have been giving to the funding of workmen's compensation comes along as one overall package. Then, at that time, we would be able to take a better look at the situation and have the input from these various people. We can't give any indication now when it is coming, but it is in the process of being worked out.

Mr. McKinnon: This Session?

Mr. Chamberlist: No, I can't indicate that. We can, perhaps, obtain some information on that for Members of Committee, but it would be inappropriate at this time. Until such time as the Government is prepared to indicate the overall package dealing with workmen's compensation, we could proceed with it.

Mr. Taylor: Well, Mr. Chairman, with respect, I don't think I can buy that argument because there appears to be a great hardship worked upon people involved in the workmen's compensation area. This volume of

Mr. Taylor continues ...

representation that is coming to this House ... if there is, indeed, preparation being ... preparation of a new Workmen's Compensation Ordinance, or indeed, policy, then I think it behooves us to hear these gentlemen and find out just what the problems are that they're experiencing and take that under cognizance when we do build and produce something for eventual presentation to Council. I think it is clear to everybody that these two large unions represent quite a segment of the labour force in the Yukon. As I say, it behooves us to give them a hearing and this is what they are asking for. I would respectfully suggest that we do so at the earliest possible moment.

SESSIONAL
PAPER 4

Mr. Chamberlist: Well, Mr. Chairman, might I suggest that we leave this matter in abeyance until the Executive Committee has had the opportunity to discuss the substance of these letters and then, perhaps, we would be able to bring forward a paper with reference to policy dealing with the overall matter.

Mr. Taylor: Mr. Chairman, this is the Administration. I'm talking about this Council. They have come to the elected representatives of the people asking for a hearing and as I say, it just seems so unusual to me to hear that this would not be done. I would ask that it be done at the earliest possible moment. In this event, Members could ask questions and give some direction to the Executive Committee as to what and where this Ordinance is creating difficulty. To defer it is no answer.

Mr. McKinnon: Well, I'm of the belief, Mr. Chairman, that the best work that this Committee does is when they have a piece of proposed legislation or a White Paper or a Sessional Paper before them and they have the input from witnesses who are vitally interested in that and we thrash it out to come up with a compromise or the best legislation that all the minds working together can come up with. If the Honourable Member says that there is a move about to bring about a Yukon funding for the workmen's compensation program, I for one, couldn't be happier. This is something that has stuck in my craw for ten years now and it's time that we funded our workmen's compensation and administered it from the Yukon Territory. Now, I'm sure that this is going to be one of the main points in the briefs from the union representatives that we hear. I would be willing to wait until such time as the Honourable Member could tell us when this legislation will be available, or at least, a paper available so that we could have the representation from those people, the unions vitally involved in it, and have this type of dialogue around the Committee Table. I think, then, we could really come up with some good legislation. I would like, however, as it says in Sessional Paper No. 4 that advance copies of the brief from the Teamsters could be made available to Councillors ... I was wondering whether we could ask the representative of the Teamsters here if we could have copies of their brief available to Members so that they could study it. Perhaps, this could be valuable to Executive Committee members in their deliberations concerning the legislation. I would be willing to wait until such time as the Honourable Member could provide us with a date when the legislation will be made available and we could govern ourselves accordingly from that moment on.

Mr. Chamberlist: Yes, Mr. Chairman. I thank the Honourable Member for his remarks. Of course, the Government is just as interested in obtaining the briefs in advance so that the Executive Committee can give consideration to the briefs. We don't know at all what the briefs are going to contain, so therefore, it would be inappropriate for us to discuss what might be the contents. I can assure all Honourable Members, Mr. Chairman, that as soon as we have copies of the organization's briefs made available, we would then be in a better position to prepare a paper advising the Members of Council what the Government intends to do or is prepared to do in relation to the whole matter of workmen's compensation.

Mr. Taylor: I'll resume the Chair at this point.

Mr. Taylor resumes the Chair.

SESSIONAL
PAPER 5

Mr. Chairman: The next item is Sessional Paper No. 5. Councillor Stutter will you take the Chair?

Mr. Stutter takes the Chair.

Mr. Taylor: Thank you, Mr. Chairman. We are back into our Fisheries debate, as you noted I gave notice this morning of motion respecting fresh water fisheries, once again. The motion is really a restatement of the motions that have been involved prior to this date. The matter has been the subject of a great deal of discussion. Former Councils have asked the former Administrations, if you prefer it, to endeavour to allow the Territory to takeover fresh water fisheries. I have caused to be done some research on this subject and it goes back into 1967, when we stated our very first motion. That is a restatement of the motion that I have given notice on this morning. Without going on and on and repeating what has been said before. I think that all Members are aware of what is involved in the takeover. I do think that there is some urgency here inasmuch as licences must be printed. I believe that it is not clear as to who is going to print the licences, the Territorial Government or the Federal Government. This is why I have raised the question at this time. I would urge that when the motion comes up, that all Members give it their whole hearted support.

Mr. Chamberlist: Well, Mr. Chairman, not knowing what the contents of the motion is, there is no possible way that any Member can proceed to give it whole hearted support. I think that one must know the contents of it. Is there anything in particular that Honourable Member would like to suggest with reference to the information in the Sessional Paper, itself? Whether or not we should ... what has been asked here, with respect Mr. Chairman, in the last paragraph is that "Council is asked to signify by formal motion whether or not we should seek Governor-in-Council authority for the delegation of certain portions of the administration of fisheries in Yukon Territory". I was wondering whether the Honourable Member who has just spoken, will indicate his feelings in relation to this particular paragraph?

Mr. Taylor: Yes, well, Mr. Chairman, there are volumes and volumes of what I have indicated in relation to this question. The motion that he refers to is similar to a motion which the, then Councillor ... Member from Whitehorse East moved, seconded by the Member, then the Member of Dawson in 1967, Second Session which will be found on page 93 of those Votes and Proceedings.

Mr. Chamberlist: What was the name of the Whitehorse East Member?

Mr. Taylor: It reads, "it is the opinion of Council that an agreement be entered into with the Federal Government which would transfer to Territorial control, the operation of Fresh Water Fisheries". Now, my motion that I gave motion of this morning is a complete restatement, from that point on, we went on through 1968 Second Session, 1968 Third Session, 1968 Fourth Session, 1969 Second Session, 1969 Third Session.

Mr. Chamberlist: Would the Member permit a question?

Mr. Taylor: May I proceed, Mr. Chairman? I will certainly permit a question when I have concluded my remarks. 1970 First Session, 1970 Second Session, 1970 Third Session, 1970 Fourth Session, 1971 First Session and 1971 Third Session, all relative to fisheries. My proposal is that we of course as per this Sessional Paper accept the responsibility for fisheries. We have been trying since 1967. It is a restatement of the original position, and I would ask for support of Council when that motion comes around. I would gladly consider the question that the Honourable Member wishes to ask me.

Mr. Chamberlist: Would the Honourable Member from Watson Lake indicate, that if this was in the Session of ... Second Session of

Mr. Chamberlist continues ...

1967, whether the present sitting Member of Whitehorse East, was the Member of Whitehorse East at that time of the motion.

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Mr. Taylor: I will ask the Honourable Member from Whitehorse East himself, if he can't remember who was sitting in that seat at that time, that is his own problem.

Mr. Chamberlist: Let's stop the stupidity. Would the Honourable Member indicate who was the ... whether the Second Session was the sitting Member or not. I would like to know who moved the motion.

Mr. McKinnon: What color chair was he sitting in?

Mr. Chamberlist: Green obviously.

Mr. Chairman: Order please.

Mr. Taylor: I would ask the Honourable Member to consider whether he was sitting in his seat at that time, and if he wasn't he has got it answered.

Mr. Chairman: I think from the Chair, I had better say that this getting a little bit out of hand.

Mr. Chamberlist: You're sick. I am going to get my psychiatrist.

Mr. Chairman: Order please.

Mr. McKinnon: I didn't know you had a psychiatrist.

Mr. Chamberlist: I've got one on staff. I am still trying to ascertain, Mr. Chairman, whether Council should signify by formal motion whether or not we should give the information that has been requested by the Commissioner. I still didn't get from the Honourable Member who spoke previously, whether he wishes indeed to signify by formal motion? If he doesn't he should say so and then somebody else can move a motion. Because fisheries has been something that he has been pressing for, I wanted to give him the opportunity of making a simple motion. If he is unable to make a simple motion, then I will have to do it for him.

Mr. Taylor: Well, Mr. Chairman, I think that the psychiatrist on staff or wherever the Honourable Member refers to, I think that he should consult him again. I just stated and have given Notice of Motion this morning in relation to this question asking that the Territorial Government of the Yukon Territory takeover the responsibility for fresh water fisheries from the Federal Government. Nothing can be clearer. This Sessional Paper has asked that this Council give instructions to the Administration by formal motion. That is why this motion is not in this Committee, that is why it is being a formal motion, that it is in the House. Now, I can't say it any clearer than that. Possibly the psychiatrist may be able to clear up this point.

Mr. Chamberlist: You are sick, you are a sick animal.

Mr. Chairman: Order please, order.

Mr. McKinnon: Mr. Chairman, I would like to ask Mr. Commissioner a question. The administrative ability that the Department of Fisheries is willing to give to the Territorial Government. Is this exactly the same delegation of authority as they give in the provinces, no less and no more?

Mr. Commissioner: Mr. Chairman, this is not the total fisheries package that is normally given in the provinces. It is a portion of it. I think that Honourable Members will remember that in prior times, the Council had the opportunity of getting the whole package and they turned it down. We have been still working with the fisheries

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Mr. Commissioner continues ...

people since that time, and as indicated in this paper. It clearly states what they are now prepared to give us. If I may be permitted, Mr. Chairman, while I am on my feet, I strongly recommend to Council that they accept at this time what has been offered to us, because possession is nine points of the law. If we at least get this much and can handle it and show that we can handle it, which I am sure we can, then we can argue and fight for some more.

Mr. McKinnon: I am wondering, Mr. Chairman, if I can ask Mr. Commissioner what areas of fresh water fisheries that are normally given to the provinces to delegate are being refused the Government of the Yukon Territory by the Department of Fisheries?

Mr. Commissioner: Mr. Chairman, the ... if Honourable Members would take a look at the second paragraph here, you will see, "the proposal advanced by the Honourable Jack Davis is the delegation of the administration of freshwater sports fisheries exclusive of salmon, arctic char and other anadromous fish, i.e., fish which ascend rivers to spawn." Now, the sport fishery is the only segment of the fresh water fisheries that we are being offered at this time. In the provinces, they administer on behalf of the Federal Government everything within their own boundaries except insofar as the spawning fish go and they co-operate in that particular area. The handling of the sea fishery, of course is entirely a Federal situation in all parts of Canada. It is not delegated to the provinces. The limitations that are placed on us here likewise concern commercial fishing. In other words we will have no say at this time in the commercial fresh water fishing. The provinces do have a say in this matter. We will have nothing at all to say about the element of fishery that is looked upon as the Indian's rights of fishing. We will have nothing to say in this area. In the provinces, I do believe that this is an area in which the provinces enforce the regulations agreed to by the Federal Government. There is quite a serious, or should I say, quite a lengthy list of things that we will not have the ability to do. We are getting our toe in the door here in the important element, namely the licencing, the sports fishery and we will have the opportunity of proposing regulations in those areas that we would like to see enforced here in the Yukon Territory, which is really the important thing, Mr. Chairman, if I may be permitted.

Mr. McKinnon: Well, Mr. Chairman, I would certainly like to know the reasons why the package was originally offered to the Territorial Government, the entire package with the same responsibilities as the provinces had in the field of fisheries, and then it was removed by the Federal Government, and now just part of the package is coming back to the Territorial Government?

Mr. Commissioner: Mr. Chairman, I must ask the Honourable Members to take note of the proper sequence of events. The package was offered to this Council as it would have been offered to a province. This Council did not accept it at the time that it was offered. A long period of time elapsed before we had the authority or the wishes of this House to go back to the Federal Government. We have gone back to them and this is the best that we have been able to negotiate at this time. It was not fair to blame the Federal authorities for taking something away that they had already offered, because it was this House that saw fit in its wisdom not to take the package when it was originally offered.

Mr. McKinnon: Well, Mr. Chairman, I am not going to let the Commissioner get away with that. I remember when it was defeated in this House and I voted for the motion in favour of taking over fresh water fisheries. We should have at that time, it was defeated. Then there was a period of time when Council in later years passed motions asking and evidently the transfer from the fisheries was incumbent upon a cabinet decision and that decision evidently was renegaded at the last hour, from all that I can understand. The package was withdrawn from the Territorial Government. I think that

Mr. McKinnon continues ...

that is also a proper sequence of events concerning this fresh water fisheries takeover in the Yukon Territory.

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Mr. Commissioner: Well, Mr. Chairman, with respect, I would not propose to get into any kind of debate with the Honourable Member on this. I do believe that irrespective of what happened subsequent to the Council decision, you know not to take over the package, I think that it was generally felt by the Fisheries people of that point in time that they had to proceed ... that they were going to be handling this responsibility themselves from the Federal end. It is only been in recent times that we have been able to solicit the interest of the Fisheries people, through their Minister to even get the package this far. I think that in the light of all the circumstances, Mr. Chairman, that this is the best that we can hope for and I strongly urge the Honourable Members to give us the motion to get this part of the package in the full package. We will then be in a position to seek more of those things which are normally provincial type responsibilities in Fisheries.

Mr. McKinnon: Mr. Chairman, I am not prepared either, to debate with the Commissioner over the history of the takeover of Fisheries in the Yukon Territory. I do think that the really important thing is to get the licensing and the control in our hands and just the absolute bollix that came about when the Department of Fisheries tried to control the licensing from Ottawa is evidence enough that we have to have what ever controls that the Great White Father is willing to give us in the Yukon Territory. Get them in our hot little hands, just as quickly as possible. I would certainly support any motion taking over any aspect of control of Fisheries that the powers that be down in Foggy Bottom are willing to give us at this time.

Mr. Taylor: Mr. Chairman, I just wanted to make one point. That the motion that I referred to in 1967 was carried for the takeover of fisheries by Council.

Mr. McKinnon: No, there is one prior to that.

Mr. Taylor: That was in 1967 Second Session.

Mr. Chairman: I wonder if I might ask from the Chair if some Member wishes to put forward a formal motion at this point or shall we let the ...

Mr. Taylor resumes the Chair.

Mr. Chairman: The next item is Motion No. 6, moved by Councillor Tanner, seconded by Councillor Stutter that the House give consideration to a public question period. It was referred to Committee for consideration or decision on February 8th.

MOTION #6

Mr. Tanner: Mr. Chairman, this is something that I would like to pursue in Committee, but I think maybe most Members would not want to proceed immediately with this because there are other more pressing details, motions and so forth in the House that we should ... Pardon? Well, it is up to Honourable Members if they want to proceed with it. I would like to give my point of view on the subject.

Mr. Chairman: Proceed.

Mr. Tanner: Thank you Mr. Chairman. Ever since I have been in this House, Mr. Chairman, I have always had the feeling that quite often the public ... the eighteen months that I have been here, doesn't have a lot of idea of what we are doing, or they don't understand what they are doing. I think one of the reasons is, that the public gallery has very seldom got many people in it. It seems to have more these days than it did. I think one of the reasons that

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Mr. Tanner continues ...
this happens is they feel remote from us. They don't seem to be able to approach us and perhaps we as Territorial Councillors in our various constituencies are supposed to cover this particular field, but I don't think the public as a whole feel that the Council as a group is approachable. This suggestion that I have here is one way of overcoming this problem. I had a list here; I lost it. Perhaps the Chairman could give me a few minutes while I find my notes which had on this subject.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, while the Honourable Member finds his notes on the subject. I would just like to say that I think that in discussion on this matter, there are a couple of points. One is, that certainly a question period could not be permitted in the House from across the bar of the gallery; that is strictly out. Secondly, that any decision on this matter could not bind Members of the House for what is done beyond their own Sittings. In other words, a motion passed of this nature would not be binding upon the Members because it is contrary to the Rules of the House and the rules of our procedures. I think that the Member does raise a good point. I see this more particularly in Whitehorse, because when I leave these Chambers until the time I return I am constantly besieged by people who have problems, everything from Workmen's Compensation to gosh knows what. The phone just keeps ringing. People do have problems; so plus my own constituency work, I find that a multitude of it is done right here in Whitehorse. The people have found me approachable. I think that the Honourable Member stated that sometimes people have the feeling that Members are not approachable. I just hope he hadn't included me in that particular category. I certainly am approachable, always have been and always will continue to be. I think that if the Member does have difficulty in respect of the public, he should do what we do in our district. We have a public meeting. We invite the public to come down and ask questions. We attempt to answer them. Sometimes there is the odd egg thrown but generally they wound up very rousing and informative affairs. If there is to be a public question period, I would suggest that this be the prerogative of the Member involved and certainly, if something should affect any other Member, he should give us the courtesy of inviting the Members all to join in on the platform if they so choose. I must remind all Honourable Members that it is their individual prerogative, and any decision on this matter by the House cannot be binding upon the Members.

Mr. Chairman: Councillor Tanner are you prepared to proceed with your argument?

Mr. McKinnon: Mr. Chairman, just a few words. I always welcome any type of change in rules that would allow the public to have access to information that they may require. I think that the most enjoyable part of politics and probably the only enjoyable part of politics for me, is to be able to move amongst the public and be at public meetings and receive input from the public in a good give and have dialogue with them. If it were possible for this House, I would have no objection at all for people for an hour or two hours on any day certain, to be able to ask any questions of the Administration and of any Member in the House. If the Rules of the House made that possible, I would support the motion whole heartedly. I do believe and I have made this argument at this Table before, and some Members do not agree with me, but it is my feeling that at this time in the history of the Yukon, that the public do feel themselves very removed from having any input in the Government of the Yukon Territory. Anything that we could do to resolve this and get the public directly involved with the Government of the Yukon Territory, I would be all in favour of.

Mr. Chamberlist: Mr. Chairman, I find that the public are so involved with the Government of the Yukon Territory, that I know the Commissioner and myself have had the public call us any time between the hours of twelve midnight and six in the morning. So, I know that the public are involved. I agree with what Honourable Members have said. There is a requirement for a stewardship meeting at times to allow people in individual Member's constituency and also in other constituencies, of having the opportunity to speak and question them, but then it comes into whether the prerogative of the House would be infringed upon, if we allow the public address within the Chambers. I agree with Councillor Taylor on this specific point, that it is not within the Rules of the House at this time for this to happen. As for myself, I intend in the very near future to have a stewardship meeting whereby I will face the public in my constituency and others who wish to come along, and get them to participate in dialogue so that they can know how I am carrying out my duties on behalf of them. Dealing with the motion itself, I feel that it cannot be done at this time. We should not proceed with this particular method of meeting the public.

Mr. McKinnon: As a resident of Whitehorse East, may I have the time and pleasure?

Mr. Chamberlist: Of course the office of the Executive Committee Members is always available to all members of the public from any part of the Territory. We serve the people of the Territory including as far as Ross River and Watson Lake. We do take notice of that.

Mr. Chairman: Councillor Tanner, do you have anything further to add to this?

Mr. Tanner: Mr. Chairman, obviously my lack of experience in the way that I have introduced this, has come through. Really, what I have been saying is, going a little further than what the Honourable Members have been saying. The Honourable Member from Whitehorse East used the expression "face the public", and I think that is the way many Members think of it. I really do believe that this House is an entity, is divorcing itself from the people. Okay, if any individual Members want to go and talk to their constituents, that is fair enough. That is not the point that I am getting at. There is a definite lack of communication between the public as a whole and the House as a whole. How you overcome it I don't know.... This is the one suggestion that I have, for example that we set one day a week, perhaps Friday where we would prorogue at three-thirty and we would be available for written questions to the Clerk from three-thirty to five so that they can address us as a body and hear what we have to say about anything that we want to ask us. If the Rules of this House don't allow it, then obviously I am out of order. Perhaps all Members would think about it. At the next Session, if not this one, we could find some method of overcoming the lack of direct involvement to the group not just any individual member. I have seen the reaction of most Members, although I have afforded them with a little time for some humour. I sincerely believe that it warrants consideration for the future. I will bring it up again next session, when I have obviously given it a little more research. Approach it a little differently.

Mr. Taylor: Mr. Chairman, the statement has been made again and I wish to clarify it. I know at least for my own part, I know of two other Members of this House that are approachable at anytime by the public, other than the time that we spend in these Chambers when there is no access to us other than possibly recesses. As I say, if the Member has a problem, somewhat as the Member from Whitehorse East pointed out, hold a meeting, a public meeting. Invite questions, invite the public. This is the way that you solve your problem, but it is not competent for this House to at least within this Chamber to bind its Members to a question period. It is not competent to have conversations over the bar. That is the essence of the whole question.

MOTION #6 Mr. Tanner: Mr. Chairman, I am not talking about an individual Member and whether or not they can communicate, that is each individual Members problem. I am saying that perhaps the tradition that has been built up, that we have in this legislature for twelve hundred years or the past eight hundred years it might be out of date. Members are so jealously guarding all these prerogatives that perhaps they are forgetting what the public is looking for. I would sincerely ask all Members to consider the problem, and to think about it before the next Session of Council. I am going to bring it up again at the next Session. I am going to suggest that perhaps there is an obligation on us to sit as a body and address the public. If our Rules are wrong and we can't do that, then we must find some way where they will come within the Rules, if I am correct in what I say.

Mrs. Watson: Mr. Chairman, I would like to add to what Councillor Tanner is saying. I think that there is another method whereby Council doesn't seem so irreproachable to the public. Rather than the public coming here to us, possibly we the Councillors should go to all areas of the Yukon Territory. I am sure that there are communities in this Territory that haven't, wouldn't recognize Councillors if they met them on the streets. Councillors from Whitehorse, Councillor from Dawson in my constituency and this type of thing. I feel quite strongly, that each Territorial Councillor should try to get to know as much of the Territory as they possibly can. Then assess this situation in the Territory. Go to these people in the outlying areas. I feel that I should as a Member from Carmacks-Kluane should make myself known to the problems that exist in Whitehorse. We get blinded and we talk only of our own constituency. We are preparing legislation not just for our constituents but for the Yukon as a whole. So rather than sit here and ask the public to come to us, and ask us questions, why don't we go out to them, all of you possibly this summer, and really become acquainted with the Yukon and let Yukoners become acquainted with us.

Mr. Tanner: Mr. Chairman, I thank the Honourable Member for her suggestions, at least she is approaching it a little more constructively than other Members. I think that her suggestion has a certain amount of merit. For the time being, I will withdraw my motion and suggest that perhaps the idea, irrespective of how badly I have tried to formulate it, has some merit.

Mr. Chairman: I think that in closing this one, I would just like to say from the Chair, that in seconding the motion I was particularly in favour of the principle of it. I think that there have been some very good ideas put forward this morning. I think some of them should be held in mind for some future occasion.

Mr. Taylor resumes the Chair.

Mr. Chairman: Is it the seconder's wish too that the motion be withdrawn.

Mr. Stutter: Agreed.

Mr. Chairman: Is it Committee's wish that Motion No. 6 be withdrawn from Committee? The motion is so withdrawn. At this time we will declare a brief recess.

RECESS

RECESS

Mr. Chairman: I will now call Committee back to order. The next matter of business is Motion No. 7. It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that the Government of the Yukon Territory establish a Rental-Purchase Housing Program, as outlined in Sessional Paper No. 2, First Session, 1972. Proceed.

MOTION #7

Mr. Chamberlist: The motion is clear, Mr. Chairman and I would ask that concurrence be given to it.

Mr. Tanner: I would like, Mr. Chairman, if, all Members agree, that there are two or three questions that I would like to address to the Commissioner. I don't know whether I should shout or we could expect that he might come in.

Mr. Chairman: Would you like the attendance of Mr. Commissioner, at this time?

Mr. Tanner: Yes, Mr. Chairman.

Mr. Chairman: Mr. Clerk would you see if Mr. Commissioner, is available?

Mr. Clerk: Yes, Mr. Chairman.

Mr. Chairman: I will stand Committee in recess for this time.

RECESS

Mr. Chairman: I will, at this time call Committee back to order. Councillor Tanner.

Mr. Tanner: Mr. Chairman, the Commissioner, or the Executive members have presented us with Legislative Return No. 3, and I refer the Commissioner to that in particular to the third, no fourth paragraph at the bottom. It says, "Treasury Board has made it clear that if the Yukon Territorial Government program is introduced, no additional funds could be made available for a similar program exclusively for Indians." I would ask the Commissioner, to whom no additional funds could be made available.

Mr. Commissioner: Mr. Chairman, I would suggest that the answer to the Honourable Member's question is; to any agency who purported to be putting out housing that should be for Indians. I think that the wording is quite clear here. We have checked this out with the Federal authorities, Mr. Chairman so that there would be no questions afterwards that we has incorrectly answered. A question from the Honourable Member says, that the Treasury Board has made it clear that if the Yukon Territorial Government program is introduced, that is the program as it is before you now, no additional funds, in other words, no funds over and above this amount, would be made available for a similar program exclusively for Indian people. However, Treasury Board has approved Federal financial responsibility for operating deficit in respect of Indian and Eskimo tenants. So I would think that the answer to the Honourable Member's question is, that money will not be made available through any agency that would expect to get funds from the Federal Treasury Board, exclusively for Indian housing.

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

Mr. Stutter takes the Chair.

Mr. Taylor: There are many anomalies in this question and I am a little disturbed. Although the program sounds like a cracker jack of a program, I am still a little disturbed about these anomalies. On this issue, that was just discussed by the Honourable Member, it stated quite clearly that if we embark on this program, then the Indian people will lose their own

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Mr. Taylor continues ...

right, of making individual arrangements for housing with C.M.H.C. This is what it means. I feel that it puts their position in jeopardy with C.M.H.C., because if an Indian band wished to embark on a housing program for Indian people, the C.M.H.C. would come back and say, "I'm sorry but there is program in existence in the Yukon Territory, and you must avail yourselves to that because we are funding that as well" I think that the Brotherhood, themselves, or Native people themselves, and the bands and band chiefs are a little concerned on this subject. It is my information that, indeed, since this matter has come over the Table that Indian people have forwarded communications to the Minister, in this regard. They are indeed very concerned. I think it behoves us, certainly myself on behalf of the Native people of the Territory to insure that this is a fair and equitable program for them as well. There has been a program underway now for some time, a housing study, which is being done by the Native people, themselves through their band chiefs and band council. It is my information that they next meet sometime around the last five days of March, this is when they were programmed to meet. This question has come up rather rapidly, there is just so many anomalies here. This program is going to be especially good for nonstatus Indians, those who cannot take advantage of programs designed by Indian Affairs, or whatever, through themselves and C.M.H.C., so the nonstatus Indian, or some of these people are going to be able to benefit by this program. Also, low income people of the white status. What concerns me basically now, is that I think we should know what these strings are, what the answers are. Mr. Hendricks was here a short time ago, a number of days ago, and he promised that he would send us back information as to some of these strings. We did manage to dig out in our discussion the other day, a few facts; one is that the land must be vested by the Commissioner, the land upon which this housing is to be places. This somehow leads me to believe that all these people will have to live in a subdivision form of development. I would like to know this, or as Councillor McKinnon asked, is it possible that housing can be built in other areas? Not withstanding that there is no sewer and water, for instance, services provided, on a collective scale. They said they have to be serviced, if services are available. It occurred to me then, that as far as the Native people are concerned that this would all most, or could rule out the moving of the Whitehorse Indian Village then, for instance. It makes it difficult. C.M.H.C. will determine the maximum income. These are just three areas, understandably, there are many, many more questions to be answered. This is what Hendricks said. Hendricks also said, "Yes, Mr. Chairman, I will send back to you answers to many of these questions and a query has gone out." I don't think we should make a move on this particular question, until we have the answers. We have gone, as what has been termed by some of the Members, a gift of seven hundred and fifty million dollars. Maybe it is a gift, or seven and one half billion dollars, maybe it is a gift, but I've never really seen it, seen a gift from Ottawa in this form, yet. There are many many strings attached. It also stated that there is no plan, well, I have here a copy of the plan and of these sixteen thousand dollar homes. This is why, as I stated earlier, Members need time for research and it is very, very difficult sitting in the House here, to get this information, you've got to roar around at night, in-between recesses and everything else to try and get enough information to develop a logical and sensible and reasonable approach to some of these problems, notwithstanding, Hendricks said there was no plan. There is a plan and so I say that they is so many anomalies here. I would ask that Council leave this matter until we can get answers to some of these questions. I think that it is rather important. There are other questions, we are talking about the level of services, all right who decides what these levels of services will be? Does the Federal Government, this Council, the Administration? There is no end of questions. In respect of the Native people, who will decide who will get the houses? Will the band chief and the councils be a part of these decisions? In other words, there's so many questions to be answered. I have a whole string of questions here, that I'm interested in. It is of such a multitude, it is hard to know where to begin. I would ask that Member defer this question until we get the answers from Mr. Hendricks and Members have an opportunity to bring witnesses, indeed if necessary, to get answers to questions relevant to this motion for this program.

Mr. Tanner: Mr. Chairman, Mr. Hendricks did specifically say that he thought he would be able to send us the details of the breakdown of the survey that was done concerning the four hundred and sixty families. I would ask if the Commissioner, or maybe the Clerk has reviewed that information yet?

MOTION #7

Mr. Commissioner: Apparently, Mr. Chairman, this information has not been received but it is definitely forthcoming. This wasn't a figure that was drawn out of the air, so this we can assure Honourable Members that it is on its way.

Mr. Tanner: Mr. Chairman, the Commissioner said in answer to my question concerning to whom funds will not be available, if this plan goes through. To pursue this question a little further, did I understand him correctly when he said that even the Department of Indian Affairs would not now have the money for Indian housing, because they have none in their funds, their budget for this year. Will they in future have money for houses to be built, specifically for Indians?

Mr. Commissioner: Mr. Chairman, I think the answer to that question is whether or not, if we proceed with this plan, as to whether or not we are doing a good job in providing housing for all the citizens of the Territory who otherwise would not be able to afford it. If we get our hands on this seven and one half million dollars, if the Honourable Member has agreed that we should proceed with the program and the Department of Indian Affairs feel that for one reason or another our administration of this, or the general program and the manner in which we are handling it tends to discriminate against Indians or is not doing the job on behalf of all our citizens, including Indians then I think that the answer to the Honourable Member's question is that, that money will be taken away from us or we will be denied access to the total funds and they will take some of that money themselves and do the job which we have shown, by our inaction, or our inability that it is not being done to their satisfaction.

Mr. Taylor: Mr. Chairman, I think that it behoves us to recognize that while we speak, there should be no difference between Native people, and nonstatus Indian and white and certainly we all agree on this point. Nevertheless,...

Mr. Commissioner: That's the name of the game.

Mr. Taylor: Nevertheless there is a distinction because under the Indian Act and under the Department of Indian Affairs there is a very strong difference and now we have Native people questioning their right their aboriginal rights, we have demands made upon governments, not our Government but the Federal Government for the exercise of certain prerogatives under treaties. We have got to be careful, it sounds very simple to go and accept this seven and one half million dollar program but we have got to be careful, we may infringe on their rights. These Native people as one segment of our community have the right to vote for Members at this Council Table and it isn't often that directly we can assist them. We assist Native people in the same manner as we assist everybody else, but in this area we have got to be very, very careful that we don't infringe on any rights that may exist. This is why we must know that before we buy this Bill, if we cannot do a good service to them. It has been suggested now that the Federal Government will dictate to the Yukon Government on certain terms, the Federal Government will have that say. We have got some of those terms from Mr. Hendricks, more information is forthcoming. I would like to know what those terms are. In other words how far does the Federal Government go, involve themselves, in what is being sold here as a Territorial program. If, it is a Territorial program then we run the show in the Territory. That is question number two. No strings attached and no, .. if, this is a direct gift of seven and one half million dollars then fine, we run the program and if C.M.H.C. say that we set the levels, and we say different, then tough beans on C.M.H.C. but it has been suggested by Mr. Commissioner that if we don't go along with Federal

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Mr. Taylor continues ...

Government dictates, then it is indeed possible for the money to be withdrawn. Let us find that we are entering into an agreement with the Federal Government, or else the Federal Government are giving us a gift, now let us straighten that out first. As I say, let us not infringe on the rights of the Native people.

Mr. Commissioner: Mr. Chairman, I am not going to get involved in the rights of the Native people, but I would like to answer this. The criteria under which we were given two million dollars here, a few years ago in order to propagate the so called, low-cost housing scheme here, have certain basis financial limitations attached to it that were proved to be unworkable and inequitable and as a consequence of the pressures from this Body here, these things were changed. Insofar as the seven and one half million dollars that is being made available, at the present time and for the paper that was originally presented to Council, this is precisely what it is for, to provide housing for those people, who are residence of the Yukon Territory, irrespective of ethnic origin, who do not have the means of securing proper housing under any of the presently existing Territorial or Federal Government programs. The string attached to this, is that the money is be used to build houses, it is not to be used for any other purpose, this is the string that is attached. There must be no impediment concerning ethnic origin, concerning the people who will be permitted to occupy the house. These are the strings, they are very obvious strings, this is the whole name of the game. Insofar as it being a Territorial Administrated program, it has very clearly been said that it is to be a Territorial Administrated program. The mechanics have already been outlined and the root that is to be followed, the root that is basically dictated by the wishes of the Council. Once it gets down to the community level, it has been suggested that there will be community committees set up concerning who will occupy the houses and this type of thing we will attempt to handle at the community committee level. I don't think that this is something that this House would want to dictate. The string is that it has to be used for housing and the ethnic origin of the occupants is not to be a feature as to who gets into these houses.

Mr. Taylor: Mr. Chairman, I just rise to state...

Mrs. Watson: Mr. Chairman, I think that there is one very important point here that ...

Mr. Chairman: Order please.

Mrs. Watson: One very important point, here that some of us are missing. This program is not a compulsory program, it is a completely voluntary program. No one is going to be forced to live in this house. People are asked to apply to take advantage of this housing program. I think, in this way we are protecting the individual rights of every resident of the Yukon Territory. If Indian people do not wish to apply, do not wish to live in a house, they are not going to be forced to do so.

Mr. Tanner: Mr. Chairman, I think that maybe the Honourable Member has probably quite clearly summed up the situation, that is true, but what is the alternative? If they don't wish to live in our housing, or these houses where else do they go? The Commissioner has said there are no other funds available.

Mr. Chamberlist: With respect, Mr. Chairman, there is a question that was asked, of Mr. Commissioner and just to read the faces of those questions, the Territory will not assume responsibility of the Federal Government under the Indian Act towards Indians for their housing, that was the question, as to whether the Territorial Government would be assuming Federal responsibilities for housing Indians. Going into this answer, there is no way, that this answer will indicate that the ... other than the answer is no. The Territorial Government does not intend to take over the responsibilities of the Federal Government. I think,

Mr. Chamberlist continues ...

the answer should be looked at and broken down. Firstly, that the Indian Act does not designate the provision of housing for Indians as a Federal Responsibility. If, there is any attempt to say that the Federal Government, because of the Indian Act has a responsibility for housing Indians, this is not defined in the Indian Act, so therefore it is not a Federal responsibility to say. But, the introduction of a Territorial housing program would not relieve the Federal Government of its statutory obligation, and in its statutory obligation, it is a requirement to take care of certain aspects of the registered Indian's life. We know this. The important thing that must be considered here, is that the Rental-Housing Program, that has been provided and is being suggested to this Council, is that it is a wholly Yukon orientated program. This must be made quite clear that there has been no basis from where the Federal Government has said to the Yukon Territory, this is the way that you are going to operate this program, except to say that this program is for all residents, and it doesn't matter what their ethnic status is, this is the important factor. The factor is to make available to low income family residents in the Yukon, regardless of their ethnic origin. Sometimes there is a feeling that Native people can be prejudiced but I wish people would look the other way that sometime non-native people can be prejudiced. It is about time that people started looking that way too. Again, in the last paragraph, we must break down the answers to these questions received because of the question that has been asked. Treasury Board has made it clear that if the Yukon Territorial Government program is introduced no additional funds could be made available for a similar program exclusively for Indians and that is to the Territorial Government, no money can be made available to the Territorial Government for housing exclusively for Indians. This is the main point. The main answers to the main questions. The questions surrounding whether or not the Territorial Government is going to take over the responsibility of Federal Government housing and the answer obviously is, no. The Territorial Government does not intend to do that. The question that has been put, Mr. Chairman, is whether or not we indeed, want a rental housing program, outlined in accordance with the Sessional Paper. The section on page 23 of the top, .. on page 3 of that Sessional Paper is quite clear in relation to the eligibility of persons who would be able to obtain this house. It says, "Residents of Yukon would be eligible to obtain units under this program if their incomes do not exceed levels which would project rates in excess of the maximum rents established for the units being provided. Eligibility for occupancy as a tenant would cease at a time, or within a reasonable period after the time, that a tenant's income reached a level which projects a rental rate in excess of of the maximum rent established for the unit being occupied." It is fairly obvious in that paragraph alone what the intent of the Sessional Paper is, what the intent of the program is. Certainly, if any Member feels that there should be other areas of seeking finance by the Federal Government for housing of exclusive Indian housing program, if indeed, this was wanted by them, it must be through other sources and through other ways. We should not in anyway attempt to damage the progress of this Rental Housing Program. Housing is needed in the Yukon for all people. I don't think that there is one Member of this Council that would deny that point because they cannot deny that point, no attempt should be made to destroy what we are trying to seed. The approval of the Rental Housing Program, and certainly if there are any matters of the Administrative area in relation to the program, if there are any matters of an area perhaps where there might be a requirement for other types of housing to seek the ways and means of finding other types of housing. I ask Members not to destroy what we have been trying for years to get and that is available housing for people irrelevant of what their colour, race, or creed, or any ethnic attachment at all. We should support the principle of the program itself.

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Mr. Taylor: Mr. Commissioner has pointed out that there are two strings attached, in his mind, to this program. One has reference to ethnics. There is no recognition of ethnic groups, and I agree with this. Number one, this is very desirable, as long as it does not prejudice the rights and prerogatives of an ethnic group. What I'm saying here is this. It is my information, or my assumption, that the adoption of this Bill will indeed, prejudice existing rights of the Native people in the Yukon. Now, if I can be assured that the acceptance of this Bill by this Council does not, indeed, prejudice the rights of the Native people of the Yukon, on that point, I will agree with you. But, I have to be shown because it is my information that this will prejudice their rights. Now, this type of program has been proposed to provincial governments and the Native people in other jurisdictions in Canada, I think more particularly right now, Saskatchewan, I'm still attempting to get some more data for Council in this particular regard ... this has been proposed, whereby the province will set up and embark upon housing schemes which will involve the development of housing within, in Saskatchewan's case, Indian Reserves, Reserves established by treaty. This has been refused ...

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Mr. Chamberlist: This is a different situation.

Mr. Taylor: It isn't a different situation, Mr. Chairman, with respect. This has been refused by the Natives and their bands and their council because they feel that any move towards provincial control alienates them and erodes their right, in particular in Saskatchewan, in respect of their determination of aboriginal rights, whatever they might be, and the evolution of the treaties that they signed with the Government years ago. Now, here it has been suggested again, that the acceptance of this program will prejudice the right of the Native people to go back, for instance and one instance alone, to C.M.H.C. They say alright, we have another program. They can't get it. This is a forced housing program upon Indian people, let's put it that way. We have picked phrases out of the air, catch phrases, one after the other here. Secondly, this program ... how long did it take, for instance, to develop this Municipal Ordinance, this series of Ordinances we're getting at? It took months, and indeed, I suppose, years of work and effort to develop it to where it came to this Council Table. How long did it take to put up, oh, anything. Take the power subsidy program. It took some time to develop that program and bring it to this Table. This program here arrives on our desks the day we come through the door. Two days later we have Mr. Hendricks with us. Bang, it's discussed; a motion is put forward to move it, by the Honourable Member from Whitehorse East, on through the ...

Mr. Chamberlist: It took a week.

Mr. Taylor: It's a gift. Let's buy it. So, after much discussion, much debate, the Member said "Alright, I'll be real nice to you guys and I'll withdraw my motion but I'm going to put it back in a week." This brings us full-swing around. This is one week later. It's Wednesday again. Notwithstanding that we have no information, notwithstanding that information is now gathering which I think is important and all Members of the House should digest, notwithstanding that we are pointing out anomaly after anomaly after anomaly, after we get into it, notwithstanding that we are told things like "No, there is no plans, no programs and yet here are the plans", notwithstanding that it is push, push, push ... Mr. Chairman, with all due respect to the Honourable Member, I feel that he has a responsibility, not only to all the people in the Yukon, but more particularly to the Native people of the Territory, to allow them the opportunity of completing their study, of making any representations that they may or may not wish to make to this House. That is their prerogative and they should have that opportunity. We should wait until the information comes from Mr. Hendricks who is either an adviser ... I can't recall if he was with C.M.H.C. or an Indian Affairs and Northern Retardation gentleman or who he was. But, in any event, I think we should hear from him and view what information he is now compiling for us before any decision is made on this subject.

Mr. Chamberlist: Mr. Chairman, I really must raise some objections to

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Mr. Chamberlist continues ...

any suggestion that is being made that the Government or any member of the Government is attempting to mislead this House. On the contrary, I would suggest that there was no word mentioned about plans not being available for standard houses. I do not recall that there were any suggestions that there were no plans available and certainly, there is no argument at all that, or rather, with reference to the acceptance of responsibility that members of the Government have taken in relation to housing. Now, it would indeed, be a lack of responsibility if the Government did not recognize and work towards alleviating as quickly as possible, the accute housing shortage for low income people. This would be an abdication of responsibility, and this, I submit, Mr. Chairman, is what is taking place now in some of the areas of objection that have been raised by the Honourable Member who spoke prior to me. It seems to me that when the time comes along for this motion to be voted on, Members have a very, very responsible position and they must search their own minds as to whether or not they are acting responsibly if they turn down the principle of a program of housing. Now, if Members are for the principle of housing, there should not be any question at all of voting to the contrary. I have said already, there are areas in any program which become problematical after a time. I think that not one Member of the House would not be prepared to recognize there are certain aspects of any program, and specifically housing, which may, inadvertently, affect the few. But, the overall program is a requirement where you cannot be fixed on, where you have to be flexible, where you have to recognize the need for the program itself. Mr. Chairman, I have no intent, now, of going over what has already been said by Members of this Council and Members of previous Councils for some considerable time. There is an accute housing shortage in the Yukon, and here we have a program brought forward to overcome, not completely but in part, the housing situation. Being brought into it, to the detriment of the majority of the people in the Yukon, are Native and ethnic attitudes which we all, as individuals, know exist. There is not a Member of Council who doesn't recognize the requirements of upgrading the housing situation that the Native people live in. But, I don't want to recognize Native people as Native people. I want to recognize them as Canadians and I want to recognize that they have the same responsibilities to other Canadians as we have to them. I'm prepared to stand up and say to them, "There are many things that have happened wrong towards you in the last hundred years and I'd like to do my part in making sure that you get properly treated in future.". But, I want them to get treated properly in exactly the same manner as anybody else. I think that we should deal now with what is intended in the motion that has been put forward. The question simply remains ... the formal motion has been asked for agreeing to the establishment of a Rental-Purchase Housing Program as outlined in this Paper. This is the point that is being asked, and I wish we could just stay with that particular area and then, so that we can allow the Federal Government to provide the monies available. I just can't see anybody going against it. I know the Honourable Member from Whitehorse West has declared himself, for a long time, and over many Sessions, about the shortage of housing. I think it would be wrong if any Member of this Council would go against that principle. Perhaps, if other Members wish, still, to debate this, I will not call for the question, but I hope that we will be able to come to a decision one way or the other, so that if any Member wants to say "No; I'm against it", let him say it. But, the motion has to be passed. It's the last stage before the Federal Government will be able to make available that money to us. Make no mistake in it. It's right here and now. If we can't get this information to the Federal Government today, you can kiss that money goodbye because it comes out of the Budget.

Mr. Taylor: Yes, well, Mr. Chairman, whatever happened to the good old days when the Honourable Member sat and represented the people? He would be arguing the same argument I am arguing right now.

Mr. Chamberlist: Never.

Mr. Chairman: Order, please.

Mr. Taylor: However, the Honourable Member has stated, how about relief

Mr. Taylor continues ...

for housing. We have worked hard in this Council for as long as I have been here, anyway, to try to find a decent housing scheme and number of schemes for the people of the Yukon. But, what happened? Now, in our scheme of things, we don't have our Low Cost Housing anymore. We worked hard to get that in here. We need it. We need double the amount of funds for Low Cost Housing. It's gone. The C.M.H.C. who provide us with all these wonderful gifts, so-called, have placed restrictions on loans up here, so that people in outlying districts have great difficulty in getting C.M.H.C. loans because of the servicing commitments. How far do those servicing commitments apply here, to the person who lives in the outlying district? I heard great talk here today about everybody being Whitehorse oriented but there are some that are Territorially oriented in their thinking. I think you should look at some of the problems inherent in the outlying districts, without just considering this. I consider the remarks of the Honourable Member as nothing more than a smoke screen because, if this were not the case, we would have these facts and figures coming before this House. It has been pointed out, very clearly, many times during this discussion, that we are seeking objectives which have no basis of ethnic segregation. Very true. But, I also point out, again, and will continue to point out, that it may be in searching and achieving these objectives, we prejudice the rights, in this case, of the Native people. If the Member is so sincere that this is such a wonderful program for the people of the Yukon, then he would have no compunction at all about getting us down here some representation from the Minister or from anyone else of authority that, indeed, in writing and signed, this will not prejudice those rights. At that point, I will agree. Secondly, why is the Member pushing this so very, very hard? Or, indeed, why is Ottawa? This is being a tool for Ottawa. I work for the people and we want answers. I'm just not as ready to vote a seven and a half million dollar Bill just overnight. This is push, push, push, push, ram, ram, ram with the old powder ram, like an old powder loaded musket. We've seen too much of this in the last year or two in this Council. We are entitled to answers in order to base our decisions on some sort of fact. This is all fairy tale, Mr. Chairman. I'm not prepared to vote in favour of this Bill until I have those assurances and until I have, at least, some basic reasonable information on what the strings are. The Commissioner says there are only two strings. Well, I have about three or four listed here just from the discussions with Hendricks. Hendricks said, yes, indeed there are more and I'll write them down on a piece of paper and send them to you. Well, alright, let us wait until we get this information before we buy this package.

MOTION #7

Mr. McKinnon: Mr. Chairman, I am rather amused by listening to everybody's rights being prejudiced in this House. If anybody's rights are being prejudiced in the field of housing in the Yukon Territory, it is a majority of people in the Yukon Territory of which I happen to be one, and they are the ones who are getting it in the neck. I'm sick and tired of paying rent for housing. I'm sick and tired of not owning my own home. Because of my income, I don't fit into any kind of subsidized program. I don't want any subsidization. I want more than eight hundred square feet. I want more than a \$16,000 house. I'm not going to be forced into a 50 by 100 foot lot in that crackerbox ghetto across the River. So, I'm screwed. I just can't have a house in the Yukon Territory. I'm speaking for the majority of the wage earners in the Yukon Territory. We talk about prejudicing the rights of people in housing. I'm one of those guys who is getting it right in the teeth in being prejudiced against being able to build a house with no mortgage funds available where I would like to build a house. I think that the Honourable Member from Watson Lake has raised a lot of good administrative questions and I also have a lot of administrative questions on a housing program as extensive as the one we're going into. I have one suspicion of the Administration in administering a program. I agree with the Honourable Member; I don't think and this is a personal and pure political opinion, that they are doing a very good job of administering any program in the Yukon Territory at this time. But, it's still what they are getting paid for and what they are there for, to administer programs that we see to put into legislation. I would give some advice. The Honourable Member from Carmacks-Kluane stood up and said that it will have to be the individual who will have to apply for this

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Mr. McKinnon continues ...

housing. I say to you that in certain areas of the Indian population, the non-status Indians, if you're going to wait for these people to come and apply, you're never going to get houses built for them. Once they see the paper work that is going to be involved, and we all know that there is going to be rafts of paper and forms to fill out, you're not going to get them. You are going to have to work with two agencies. You're going to have to work through the Yukon Native Brotherhood and the Association of Non-Status Indians, and the village councils and the bands, in order to be able to find out where the housing is needed and who should qualify, in priority for the housing. I think you must be flexible. If this program turns out to be inflexible, it is just not going to work. I mean, if a person who is a non-status category and is on a traditional hunting ground or on a trap line, I believe that that person should be allowed to build the house that he wants, where he wants it. He often doesn't need eight hundred square feet and he often doesn't need a house of \$16,000 value. I'm worried that we will see one plan that will be applicable to every situation in the Yukon Territory. "Brother, you take that house that we have said is going to be good for you, or you don't have anything at all." There has to be, as I say, a real input coming back and the needs of the individual families or individual people who need the house where they want the house have to be a prime consideration in this program, or it's just not going to work. I tell you, in the administrative detail, I'm going to be on the butts of the Administration long and heavy in the workings of this program, because it is one that I have fought for for a long time and it is one that I'm interested in. The principle of the program in accepting the money and getting housing started under this program just can't be delayed. I'm going to vote for the motion, for sure, but as I say, the administrative detail, I'll be suspicious of and I'll be on the tails of the administrators.

Mrs. Watson: Mr. Chairman, I would like to remark to the suggestion made by the Councillor from Whitehorse West, that we would have to work through an agency. I beg to differ on this, particularly in the outside areas. If a Territorial Councillor knows his area, he knows the areas where housing is required and he knows the people who will be interested in acquiring housing through a Rental-Purchase Program. It should be the duty and the responsibility of every Territorial Councillor to go out and tell these people the details of this program and assist in applying. Now, if the people want to work through an agency, this is fine. But, I think every Councillor, particularly from the outlying areas, should assume this responsibility if we go into this Rental-Purchase Program. If we accept this, then, we must make the people aware of all of the details of it, and it's only through doing this that we will be able to learn, ourselves, where we as the Government are making mistakes. The next year, we can correct these mistakes. We can't sit back here and criticize the program and say the Administration is doing wrong; bring some more suggestions to us. We must go out ourselves and make sure we know what the program is actually accomplishing.

Mr. Chamberlist: Mr. Chairman, I just want one sentence. I want to draw to the attention of the Honourable Member from Whitehorse West, he raised a valid point with reference to the different types of homes. On page 1 of the Sessional Paper, under the type of housing, the very first sentence reads "While the size of the units may vary in accordance with need ...". Now, this is where the flexibility will come in and that will be dealt with accordingly when the time comes along.

Mr. Chairman: I think, in view of the time, I will stand Committee in recess until 2:00 o'clock.

RECESS

RECESS

Mr. Chairman: At this time, I will call Committee back to order. We are presently discussing Motion No. 7. Is there anything further on this motion.

MOTION #7

Mr. Taylor: I believe, Mr. Chairman, that you, yourself, had several questions you wished to ask on this. Before resuming the Chair, I just want to say that there are inconsistencies here, and I'm still concerned about the rights of the Native people in respect of this program. I think it's a good program otherwise, dependent upon some of this administrative information forthcoming. But, I am kind of 'twixt the devil and the deep blue sea as to how to vote. I want the program but I want to know what strings are attached to it, and I want the assurance from someone, maybe Mr. Commissioner or somebody else, that, indeed, the rights of the Native people in the Yukon will not be infringed in any way by this program.

Mr. Commissioner: Mr. Chairman, I wonder if I could have the opportunity of reading a memorandum that has been given me that is related to Mr. Hendricks' visit. This is signed by Mr. Fleming and he advises me that in a telephone conversation with Mr. Jake Hendricks this morning, he confirmed that he had received the Territorial Government, Votes and Proceedings and has read them through. In his opinion, there was only one question that remained unanswered and this was concerning the method used in computing the number of houses that will be required in the Yukon for both Indian and non-Indian residents, that is, four hundred and sixty houses. The answer is as follows: "Indian Affairs and Northern Development started off with the Native people and they have complete records on all Indian people, giving the type of housing that they were occupying. The total was two hundred and thirty-six houses required by registered Indians. Indian Affairs and Northern Development used the Territorial Government Survey that was done a number of years ago in Whitehorse and, using the same formula, applied to other communities the number of houses required by non-Native people. It was two hundred and twenty-four." The total of these two figures was four hundred and sixty.

Mr. Taylor: Is the Commissioner prepared to give me the assurances that I requested?

Mr. Commissioner: Mr. Chairman, insofar as it is within my capabilities to give these assurances, the answer is yes. This is an administrative problem. The matter is as to whether or not, if Council decides to go for this, we have the capability of administering in a manner that is satisfactory to this House. If we haven't, the program will soon come to a halt. This is basically, the question.

Mr. Taylor: Mr. Chairman, based on those assurances, I'll, with some reservation, go along with the acceptance of this motion, although as I say, with some reservations. I just want to ... I have always thought, "Beware of Greeks bearing gifts", and I don't think that this is really a gift. However, if it will ease the housing situation any in the Yukon, real fine. I'd like to hear what other Members have to say. I will resume the Chair at this time.

Mr. Taylor resumes the Chair.

Mr. Stutter: Mr. Chairman, there is really only one thing that bothers me a little bit. Motion No. 7 does seem to me to be a two part motion. One part of it is spelled out quite clearly in black and white, and that really boils down to the fact, or the question, do we accept Rental-Purchase Housing Program, and I think everybody does. I certainly do. The second part seems to me, if we do accept it, then, under the terms of Legislative Return No. 3, it appears to me that the existing Indian Housing Program ceases to be and that we only have one housing program in the Yukon that will provide housing for people in the low income brackets. Now, the figures that have just been released by the Commissioner indicate that of those four hundred and sixty units, in all probability, two hundred

Mr. Stutter continues ...

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and thirty-six of those units are going to be used for Indian people, that is, registered Indian people. The other two hundred and twenty-four are metis, whites, whatever other than Indian. It does seem to me that, once we have accepted this program, I notice that in the first year, there are just going to be forty units put in. I'm wondering if, particularly in the first year, this is going to cause a real hardship. Surely, there must be almost that many units at the moment that are slated by Indian Affairs to be built in the Territory. This is all over the Territory and they have their separate programs in the various areas. So, I'm wondering, once we've accepted this and in the first year, when the forty units are to be built, I suppose it is safe to assume that the forty units will be put in the Whitehorse area the first year on a test basis.

Mr. Chamberlist: Not one will go into Whitehorse.

Mr. Stutter: Oh, well, I'm pleased to hear this anyway. Really, my only worry is that once we've accepted this, we have, in actual fact, accepted the idea, or altered the fact that the Indian Housing Program has ceased to be. I'm wondering if those four hundred and sixty units, then, is a realistic figure. I wonder what the projection figures for the needs of the people really are, if two hundred and thirty-six are just for Indian people alone. Is this realistic?

Mr. Chamberlist: Well, the point, Mr. Chairman, that has been raised by the Honourable Member with reference to the Indian Housing Program ceasing to be ... this isn't so. All that has been indicated is that this is a program for all residents. It doesn't matter what they are. If the Indian Affairs Department, who may have money in their existing Budget, we don't know, for carrying on building more house, they can do so outside of this program. This is a program for everybody. If the Indian Affairs Branch wants to put another housing program in, then perhaps they should. If we could possibly get more funds to build another housing program, as well, added to this one, I think we will. As everybody here knows, we also have another program of housing that the municipalities are participating in. What we are seeking is more and more programs for more and more housing. I would like to assure the Honourable Member that there is not intention at all of trying to interfere with any other department's program in any way. All we want to assure you is that this is a Yukon oriented program for all Yukoners.

Mr. Stutter: Mr. Chairman, it's all very well to say that the Department of Indian Affairs may have some money in their accounts at the moment. But, the minute that we put forward this motion, it's a cinch that if they don't have any money in their possession at the moment, they are not going to have any.

Mr. Tanner: Mr. Chairman, the Commissioner said exactly that, that once this proposal goes in, to the best of his knowledge and I think that's the actual way he phrased it, there will be no more money available to the Yukon from any other agency for housing.

Mr. Chamberlist: No, he didn't say that.

Mr. Tanner: Mr. Chairman, that's what he said. Mr. Chairman, does the Honourable Member not agree with what was said this morning?

Mr. Chamberlist: I think that the ... I don't have to explain the Commissioner's words. This is for him to explain. But, I know for a fact that there are funds available in Indian Affairs to continue building houses. That's why I know that this is a program ... this is the answer. The paper that we got today might make it quite clear. The Treasury Board has made it clear that if the Yukon Territorial Government program is introduced, no additional funds could be made available for a similar program exclusively for Indians. Now, this means to the Territorial Government, because the funds are being made to the Territorial Government. The paper also indicates that the Federal Government would not deviate from its statutory obligations. Surely, it's up to the Indian people to explain and find out what the statutory obligations are. But, we have to deal with this as a Territorial Government program. I'm not going to

Mr. Chamberlist continues ...

go into a debate at this time as to whether the interpretation of the Commissioner is the same as the interpretation of mine. I don't think the intention of neither one of us is to try to say that there are no other housing programs going to be permitted. We're going to continually try to find more and more moves to get more and more housing. This is the name of the game. If we can get housing from other sources, we're going to try to get it. It's as simple as that. But, because we can't answer you something specifically, are you going to say "Because you can't answer me specifically, let's throw everybody else out in the street"? What a way to conduct an operation. We need housing. Let's get what is offered to us. Let's go on and get more. But, don't throw out of the window what we have.

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Mr. Tanner: Mr. Chairman, I want to change the subject because a couple of hours on this same housing program is a long enough question ... I want to say this. My understanding of the situation is that this is the total authority for funding housing programs in the Yukon if we accept the program ...

Mr. Chamberlist: No, it's not.

Mr. Tanner: ... and now that we know that, or now that I feel I know that, at least we have that information straight. I wonder whether I could ask the Commissioner or the Honourable Member what input, I, as a Councillor, or any other Councillor, would have in the policy that is put forward in this Sessional Paper when it comes into being, if we accept it.

Mr. Chamberlist: Well, specifically, one, there will be, probably, a discussion with Councillors as to where the most appropriate place for these houses to go is. It's the intention of the Government to consult as much as possible with Territorial Councillors because they know the conditions in their own particular areas, of where housing is required. Certainly, it is not the intention of the Government to act without them in a very, very, important area like this.

Mr. Tanner: Mr. Chairman, I didn't mean specifically talking about where the houses are going to be placed. I'm talking about the philosophy that is going to go into regulations and policy of this program.

Mr. Chamberlist: I wonder, Mr. Chairman, if the Honourable Member can give a specific example so I can answer it because it's a general thing.

Mr. Tanner: Well, the Honourable Member from Whitehorse West made a very good illustration this morning or the last day we discussed this. He said there are certain people who do not want to live in the communities that we choose to live in ourselves. That is a philosophy of life which I think should be incorporated within this housing program. What I'm saying is that, if various Councillors around this Table, wanted to try to implement that program, how do we do this? Or, is the Administration going to go ahead, and once they have the financial authority to spend that money, set a policy and regulations which we cannot then have input to?

Mr. Chamberlist: Well, with respect, Mr. Chairman, the need for allowing the Government to administrate in the interest of the people in the Yukon is something, I think, that everybody would recognize. This is what Government is there for. Certainly, if there are areas where there is a specific point raised and there is consideration for the Government view in the particular area, consideration will be given to that particular aspect. But, I can only caution Members on, for instance, suggesting that if we go and build two or three houses in a completely virgin area, and then have to come up with the funds to supply the services, the schooling and things like that ... then, we would have to come back to the Council to ask "Where are we going to get the money to do this. You people vote on it.". There is that aspect that has to be considered as well. These are things that the ... this is the housekeeping of the program. I don't think that we should go into that specific area while we're discussing the principle of the program itself. Certainly, I think every Member of Council who has shown the interest that he has shown in what the administration of this program will be, shows his

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Mr. Chamberlist continues ...

concern in the overall picture, but I just ask Members to recognize the fact that you can't say that you're not going to give the Government the right to administer. As soon as you do that, you finish up with anarchy. You don't want anybody to administer. You want everybody to run wild. There has to be some Government. Now, I have argued as strongly as anybody in relation to Administration over the years, but I recognize and always have recognized the fact, and I think every Member does, that there must be an Administration. It's just like operating a business. Businesses that haven't an administration don't operate very well and they fail. This is the principle that must be adopted when you come into Government. You have to have an Administration. This is what I'm asking you to recognize, the fact that we must be allowed to administrate in the areas where administration is required. We just simply, at this time, and I put it quite clearly, want the right to be able to say to the Federal Government "Yes, we'll take advantage of the offer that you have made us.", and then, go from there.

Mr. Tanner: Mr. Chairman, I would like to here reiterate again, to clarify another point ... is it the eventual intention of the Government, the Administration, or what have you, to move this program under the authority of the Housing Corporation?

Mr. Chamberlist: It is hoped that all housing programs will come under the Housing Corporation.

Mr. Chairman: Just from the Chair. I have two questions arising out of this last discussion. The first one is will the Native people of the Yukon have a constant input into this program, in terms of siting, locating and this type of thing, of these buildings?

Mr. Commissioner: Mr. Chairman, this happens at the community level. Very obviously, on page 3 of the presentation that was given to you, it reads "Participation by tenants is vital to the success of this type of rental housing project. It is proposed therefore, that the formation of a tenant housing association for each project or community be encouraged, to be responsible for allocation ...", namely, who is going to go into these houses,"... siting where applicable, assessment and collection of rents, maintenance of buildings and general local administration of the program."

Mr. Chairman: Yes, I was aware of that. My question is, will the Native people have input to, for instance, through their band council, the Brotherhood in terms of setting up this program and allocating buildings and this sort of thing?

Mr. Commissioner: Mr. Chairman, with respect, this is where I see that the input would come, right at this community level. It would be up to Native people to use whatever instrument that they want to. I'm sure that they would be using their band council, their band managers, the people who have set up an administrative framework in most of the communities to assist them. I'm sure that this would be what they would use.

Mr. Chairman: I have just one further question I would direct to the Honourable Member from Whitehorse East. Where are these first forty homes to be sited? You've indicated that not one of them will be in Whitehorse. Now, obviously they are somewhere else. I'm wondering if he would explain where these forty houses will be built.

Mr. Chamberlist: Mr. Chairman, I could just indicate that there has been some preliminary discussion and when I say preliminary discussion, this is something that has been talked about in the Executive Committee, but no firm decision has been made, except for the fact that the first forty houses will not be in the Whitehorse area. I'm sure that will satisfy Mr. Chairman, because he has always indicated that everything that is being done, is being done only for Whitehorse. This time, we're making it quite clear that none of the first group of homes will be in the Whitehorse area.

Mr. Tanner: Mr. Chairman, why not?

Mr. Commissioner: The need is greater elsewhere.

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Mr. Tanner: Mr. Chairman, is there money allocated under this plan, or within this plan, or is part of the seven and a half million dollars to provide the services, the municipal services, which will be necessitated by the building of these houses? For example, let's take a wild guess and say that we're going to put some houses in Carcross.

Mr. Chamberlist: That's very wild.

Mr. Tanner: I thought that might be attractive to the Honourable Member. We have to do it in such an area where there are now no municipal services. Obviously, by building these houses, we are going to incur more costs. Is that part of the program being looked at and is it incorporated in the money that we are talking about here?

Mr. Chamberlist: No. It will not be part of the seven and a half million dollars. The seven and a half million dollars, as I understand and perhaps if I'm wrong, the Commissioner will correct me, is for the housing alone. Now, it is fairly obvious that there are certain areas where there are certain services there to be connected to, and where services are not available, it has been indicated, they may be able to provide their own services, such as septic tanks and things like that. This might simply give those particular requests that have been made with reference to placing some of these units in other certain areas. It's a general thing. It's very, very difficult.

Mr. Tanner: Mr. Chairman, if the Honourable Member reads the Votes and Proceedings and looks at what he just said, he will realize he has said one of two things. Either we are not going to put, generally, in places where there are services which will have to be extended, and in groups, or alternatively, we are going to spot these houses all over, in many various locations, in which case the very proper question which the Member from Whitehorse West asked was a right one. That is, in fact, what is going to happen. If we do put them in areas where the municipal services will have to be extended, then the Territory is going to incur further indebtedness. It's bound to happen because you have to run sewer lines and so on and so forth, don't you? So, you can't say that the program won't cost this Territory any money.

Mr. Chamberlist: Nobody suggested, Mr. Chairman, that the program won't cost the Territory any money, but I call to mind one of my very, very old ascendants, King Solomon, who had a very, very difficult time trying to satisfy everybody. It's the story of saying this is my child; which half do you want ... I'm trying to give the child away. Somebody says well, never mind; don't cut the child up. The mother says, I'd rather you give it to them, as long as you don't cut the child up. This is the story. Somebody says ... well, I really don't care what happens, as long as we get the housing. That would really be the judgment of Solomon, to get the housing. Everybody is trying to cut up the program. Quite frankly, I've already indicated the Government is going to do what we possibly can to see that the houses go into the areas where there is the most need for them. Certainly, the Councillors will be consulted in relation to this particular point.

Mr. Tanner: Mr. Chairman, is the Honourable Member saying that I haven't got the right to ask questions, so I can make ...

Mr. Chamberlist: I didn't say that.

Mr. Tanner: That is exactly what you are saying. All I'm trying to do is get sufficient information to make a rational decision. Here I end up chopping up children. Mr. Chairman, would the Honourable Member, or maybe the Commissioner perhaps, ...

Mr. McKinnon: That's right. Go the other way.

Mr. Tanner: I wonder whether the Commissioner could indicate how far the thinking of the Administration is going, re the resale of houses. I have some difficulties in this area, too.

MOTION #7

Mr. Commissioner: Mr. Chairman, we haven't given any thought to anything outside of getting the program either approved or disapproved before this Council. Now, if you get away about four steps off into the future, why you're never going to take ... I would like to suggest resale problems with regard to the kind of housing that we are talking about here ... I would be very hopeful that Honourable Members would not judge the program on this part of it. I'm quite confident if the original occupant of a house decided that he did not want to continue to live in it, he did not want to purchase it, it would be a very strange thing indeed, in the Yukon Territory if there wasn't somebody else practically knocking at the door as the original occupant moved out and either wanted to continue on a rental basis or would be able to buy it or something. If it is use that the Honourable Member is worried about, I just cannot see, with the lack of housing that we have in the Yukon, that continued use would not be available. Now, whether it was rental or purchase would depend upon the circumstances surrounding the individual who would be the next one to qualify and this person would be designated by the tenant housing group.

Mr. Tanner: Mr. Chairman, what I think ... what I really had in mind is that the fact that part of this program, which is a new concept, a tenant can rent and eventually buy, is maybe what is apparently ... the advantages aren't as obvious as they might at first have seemed. In the first place it says if you rent the house for a number of years, some of the rent goes towards the purchase price of the house. What I am and what I know is that having made that effort and bought the house, from what the Honourable Member said before being on Crown land, I think the Commissioner said in some cases they are going to have to be on Crown land, do they in fact have title and clear title so they could sell?

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Mr. Commissioner: The answer is yes.

Mr. Tanner: Mr. Chairman, I have one further problem, one further question which I would ask the Commissioner. As the Commissioner is well aware there was a committee set up to study the relocation of the Indian Village in Whitehorse. In fact, the Commissioner's Assistant, Mr. Hodgkinson sat on that committee as I did. I would ask the Commissioner to make some comment on how this program, he feels, might affect the relocation program that the Indians on that committee put forward to the Minister of Indian Affairs?

Mr. Commissioner: Mr. Chairman, that is a pretty tough one to answer. This committee was set up as a consequence of representation made to the Minister by the Native people here in Whitehorse. The committee was set up to make recommendations to the Minister concerning the relocation of the Whitehorse Indian Village. While I know that this has been delivered to the Minister, I have not had any communication from the Minister or any of the senior officers as to whether the Minister has accepted this proposal or whether he has not accepted it. I would tend to feel that the Minister in his answer with regard, you know, to the proposal that has been put forth by this committee who recommended a new site, a new village and you know, very elaborate move of the Native people here, no matter what his answer is, be it yes, or be it no, he is going to take into account the financing of this move. I would tend to feel that it would really have ... as far as I am aware, it would have no bearing on this program unless it was a decision of the people who were running this program that some of these houses should be located in the new site of a Whitehorse Indian Village. I think really, that the Minister's answer with regard to this village relocation here, would certainly be taken without regard to this program.

Mr. Tanner: Mr. Chairman, it brings up an interesting point. The Commissioner did say in his earlier reply, that basically he feels that the total funding of housing in the Yukon in the future, well certainly in the next five years future will be through this program if we accept it. I am asking whether, in the Commissioner's opinion that would preclude any further funding should the relocation committee and the Indian Village in Whitehorse be able to convince the Minister that what they are saying is correct, whether this program will preclude the funding of that particular project?

Mr. Commissioner: Well, Mr. Chairman, I cannot speak on behalf of the Minister in this regard, but I would tend to feel that the proposals as made by this Committee are such and so far reaching that if this program was to be instituted into that particular context, that there would be no money left for any other housing.

Mr. Chairman: Question from the Chair. If the Minister is, notwithstanding anything that our housing authority did, instructed you to build thirty houses out of this fund in Carmacks, would you do it?

Mr. Commissioner: Mr. Chairman, the Minister is not going to be able to give me any such instruction. It is going to be money that is voted through this Council and the terms and conditions under which it

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Mr. Commissioner continues ...
is voted is the only way that I can spend it. Mr. Chairman, with respect, the Minister, my Minister, is not guilty at any time of giving me instructions to do things that are contrary to the wishes of this Council with regard to the voting of money.

Mr. Chamberlist: Mr. Chairman, could we have the question please?

Mr. Chairman: Is there any further discussion?

Mr. McKinnon: I wonder, Mr. Commissioner, if you know what was available in the Department of Indian Affairs and Northern Development estimates for housing under the Indian Affairs Branch last year and what will be available in this years estimates?

Mr. Commissioner: Mr. Chairman, I don't have that information but it is published information, and we can certainly get it here for ... you know, for the information of the House, there is nothing secret about this. I can't tell you what it is off hand. Well, Mr. Chairman, according to the Clerk we can furnish what the information was concerning last year, but we do not know what the future year is.

Mr. Chairman: Would this information not be available from the Indian Affairs Department?

Mr. Chamberlist: Question.

Mr. Chairman: Is there any other discussion on the subject? Question has been called. Are you prepared for the question? Are you agreed? Any disagreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

MOTION #9

Mr. Chairman: The next motion is Motion Number 9. It has been moved by Councillor Chamberlist, seconded by Councillor Watson that Council extend the sittings of the House on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays by extra sittings on those days between the hours of 7 p.m. and 9 p.m. each night.

Mr. Chamberlist: Mr. Chairman, as a result of some discussions with reference to this motion, the following arrangement has been suggested. I would ask that Members agree or disagree with the new time schedule. Effective Monday, next Monday that the new times for sittings will be from 9:30 to 10:45 a.m. and from 11:00 to 12:00 noon, and from 1:30 to 3:00 p.m. and from 3:15 to 5:00 p.m.

Mr. Chairman: We have a motion before us, we must either deal with it in some manner or another. I am at the direction of the Committee.

Mr. Chamberlist: I indicated, Mr. Chairman, that since that motion, this has been suggested. I am speaking on the motion, now. If this suggestion is satisfactory, then the motion will be withdrawn. If anyone would like to comment on it?

Mr. Chairman: Does Committee agree with this proposal? Is the seconder of the motion prepared to withdraw?

Mrs. Watson: Agreed.

Mr. Chairman: Does Committee agree to withdraw the motion? The motion is accordingly withdrawn.

Mr. Chamberlist: I wonder, Mr. Chairman, whether it would be recorded that the new times as indicated will be acceptable to everybody.

MOTION
#10

Mr. Chairman: I am sure that it is recorded in the Votes and Proceedings of the House. The next motion is Motion No. 10. It has been moved by Councillor Tanner, seconded by Councillor Rivett

Mr. Chairman continues ...

that this Council recommends to the Commissioner that Councillor Michael Stutter be appointed to the Advisory Committee on Finance. Councillor Tanner.

MOTION #10

Mr. Stutter: With respect, Mr. Chairman, I was the one that asked to have this put into Committee. I would at this time, before the question is called, like to state my reasons for having this put into Committee. Shortly, I am going to propose a motion, which I know will get the support of this House, because it is the very same reason that was given yesterday for the dismissal of the then member of the Financial Advisory Committee, and that is, from now on this appointment of the third member, be for a one year period only. If I should receive the support of the House in this position whether this motion carries or not, I will only serve on that Committee for one year. The reasons why I request this is as I say the reason given yesterday, and the reason accepted by all Members for the dismissal of the then member on the Advisory Committee. This is one reason why I hope that it will get support. It is my feeling that every Member of this Council, if they have a chance to serve on that Committee, should do just that. I understand that it is part of the terms of the office that one must swear an Oath of Secrecy. Until each Member has at least served on this Committee once, there is no way that any Member can find out for sure exactly what goes on within that Committee. I think that perhaps when certain matters are being discussed in Committee, it would be of a great advantage if all of us knew how the hands of these people are tied. Since, yesterday, since I mentioned that my name had been suggested for this position, I have had two or three people comment. Some of them feel that I have "sold out", was an expression, sold out to the clique or to the governing body that is now within the Council. I want it known publicly, that if for one moment I felt, myself, that this was what was happening, I wouldn't accept the position even if I get support. Also, as I have stated in private, if I should find this situation developing, as a member of this Advisory Committee it would be my immediate intention to resign from that Committee. In no way do I want my hands tied to the extent that I feel absolutely obligated to support everything that is put before this House. I realize that on money matters, matters that have been discussed in secrecy or within the Financial Advisory Committee, in these matters I must abide by the oath that I would be prepared to take. I just want it made absolutely clear, that if I take this position, it will be for only one year, and I shall be quite ready to resign if at any time I find a situation developing where I feel that I am being used by the existing group. I think that at this time I should ... is it in order for me to put a formal motion forward on this one year appointment?

Mr. Chairman: I think the answer is to amend the existing motion, by adding the words thereto, would possibly achieve your purpose.

Mr. Stutter: May I have a moment or two to draft that amendment?

Mr. Chairman: I will declare a brief recess while the Member prepares the amendment.

RECESS

RECESS

Mr. Chairman: I will now call Committee back to order. Mr. Stutter. *MOTION #10*

Mr. Stutter: Mr. Chairman, I am not adding an amendment at this point, but I want it clearly, in the records that should I be elected to this position at this time, it will only be for a period of one year, or until the completion of the present budget, the budget now under study.

Mr. Chairman: Is Committee clear on this subject?

Mr. Tanner: Mr. Chairman, could I ask the Honourable Member why he didn't put it in as a amendment?

Mr. Stutter: Mr. Chairman, it has been pointed out to me that this would be binding on Council. There is no way that I can ask, that at this appointment be from year to year, it is entirely up to me in this particular instance. It is my feeling that it should be a position for only one year at a time, if, it takes a separate motion, at another time I would do just that way, I would do it. I can't see how to incorporate it with this particular motion, to put across my present desires.

Mr. McKinnon: Mr. Chairman, that seems to be a political, a very interesting type of philosophical debate which I enjoy very much with the Honourable Member from Whitehorse East. Yesterday he was reading into the record some words of wisdom that were said in the House, in the Second Session 1968 in the Votes and Proceedings which came from my lips. They even sounded better yesterday than they did at the original time of the statement. It seemed to me that during the course of the statement, Mr. Chairman, that the Honourable Member was, more or less accepting the concept of the theory of the Financial Advisory Committee, under an Executive System of Government and agreeing with my analysis of it. I was wondering if the Honourable Member still does agree with the analysis of the Financial Advisory Committee as he read into the records, yesterday, as was stated by me in the Second Session, 1968.

Mr. Chamberlist: Mr. Chairman, I was agreeing yesterday with the concept that if the majority of Council have a responsibility, when they are light thinking people to take responsibility of leading the Government. Since the last time we have had a further constitutional change and the constitutional change, that we have today, has far greater benefits for the people of the Yukon Territory, than that minor change that was made to allow for an Advisory Committee of Finance to exist. We have it quite clearly, yes we believe the take over of Government in exactly the same way the Honourable Member has indicated.

Mr. McKinnon: The point that I made Mr. Chairman was, the only way that I could see this Executive System of Government working because the budget is such an integral part, it is the core of the Government's program and philosophy. You can only do as much as you have got money to do. In there are the limitations of the scope of your policies that you are going to present for the fiscal year, or indeed a five year program, or an ongoing program. The point that I made was that the majority of the House, which choose the members of the Financial Advisory Committee, which is exactly what is happening here. The majority of the House is choosing the members of the Financial Advisory Committee and then be able to present the budget to this House as a budget which has the majority of the House in favour of it. This of course would change the make up of the Chambers to some great degree. It would mean that some Members of the Council were in fact presenting the Government's budget and would be prepared to stand or fall on the acceptance or rejection on that budget in the House. I would take it that Mr...from the remarks of the Honourable Member from Whitehorse East, that he agrees that this is the

Mr. McKinnon continues ...

MOTION #10 type of Government that has to be in order for an Executive Committee, or Financial Advisory Committee to be effective in the House.

Mr. Chamberlist: Except for one specific point, that the present majority recognize the need for using, wherever possible, the help of those Members of the House, who are willing to help in Government. We are fully aware that the Honourable Member from Dawson is quite prepared in wishing to participate across all lines to bring forward for the benefit of the people healthy and proper arrangements. Of course we accept the principle of his help.

Mr. McKinnon: Mr. Chairman, if as a member of the Financial Advisory Committee the Honourable Member from Dawson, disagreed in principle with a certain policy or philosophy which was in the budget of the Yukon Territory, would that member be allowed to make a minority report on the budget or stand up and say I don't agree with this aspect that has appeared in the budget or would he be expected to come into the House as agreeing with the budget in total and in helping to defend and in helping to present that budget to the rest of the Council?

Mr. Chamberlist: A member of the Financial Advisory Committee, of course taken the responsibility of recognizing the function of a Financial Advisory Committee. As I have already indicated, to bring forward for the House a budget that is beneficial proportions to the people of the Yukon. One would have to deal with occasions, such have be indicated by the Honourable Member, when and how they arise. These things haven't arisen because members of the Financial Advisory Committee, all ways apparently have been in agreement with what has taken place.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, how this Member can stand and make such a statement, I find absolutely extraordinary. If I am to take that as a indication of all the other things he has stated and told us in this House, I would have to say that I could not believe the Honourable Member from here on, ever. We have had disagreements in Finance Committee, several. I will give you one, just one case in point and that is on medicare. I think the Honourable Member will recall, stating well it doesn't matter, you have got to go along with this thing because we, as the Financial Advisory Committee of this Council must be agreed and I said no, I disagree. I said whatever is relevant to the matter that we were discussing at the time, put it up to Council. No, that can't be. I pity the Honourable Member, opposite when he has to be faced with this same decision. I really hope that he stands up to his Majesty, across the trail as I did, but it is not fair to say that we were always in agreement. I just pick this one case to point out, I won't cite any more.

Mr. Chamberlist: Mr. Chairman, in reply to the Honourable Member who has just spoken, I can only point out the lack of values that he has on the Financial Advisory Committee when he is prepared to stand up in this House and indicate that there has been any disagreement in relation to the funding of any particular program. I am not going to be sucked into the position that he allowed himself to brought into by opening his mouth about what had taken place at various discussions during Financial Advisory Committee. He obviously has no value for the oath that he did take. Certainly, I could indicate certain aspects of what takes place in Financial Advisory Committee Meetings, but it is not for me to do this, and I don't intend to do it. All that I can say to all Honourable Members and specifically to the Honourable Member from Whitehorse West, because he knows, he has sat on the Financial Advisory Committee Meetings, although we may in areas disagree with certain principles once within that meeting we have a majority decision. If he feels that he cannot accept that majority decision because there is a breach, in his own mind of his political philosophy, he would then say, I resign, because I cannot comply with them. The Honourable Member from Watson Lake, he didn't resign. As a matter of

Mr. Chamberlist continues ...

fact, as he has already indicated he was asked if he would like to, but obviously the fact that he didn't resign must have meant that he was in full agreement with the aspects and the conduct of the Financial Advisory Committee. I know full well and I would say this of the Honourable Member from Whitehorse West, that if he felt that he couldn't agree with a philosophy of a particular matter within the Financial Advisory Committee, he would then come to the House and say that he could not agree with what has taken place and therefore I cannot sit any further on that Committee and I resign. I would say to the Honourable Member from Dawson City that should he accept the position, that if he felt he would be compromised in any way by sitting on the Financial Advisory Committee; and if he felt that he couldn't in all conscience work with this on the basis of the budget that is being presented, then at least he would I am sure, have the honesty to come before this Council and say that I resign. I am saying that he would have the honesty and I said this of the Honourable Member from Whitehorse West, but this didn't lie with the Honourable Member from Watson Lake; he couldn't see this point, to him it was only a matter of, I, want to be on this Committee, whether it is right or wrong. Now, he says he wasn't satisfied with certain things, but he didn't come in the House and say, "I, resign because I can't follow these things, what is taking place in Financial Advisory Committee is wrong." I have lost my respect for him because of that, it takes a man to stand up and say, "I, want out". When the time comes along Mr. Chairman, for me to say, I want out, monetary value doesn't matter to me and I will come along and say, "I want out".

Mr. Taylor: Mr. Chairman, in reply to the Honourable Member, I am very sorry that he lost respect for me, or finally said so, he has never had any as long as he has been in this House. This is no news to me. I might say that in terms of the Finance Committee in all deference to what the Honourable Member before has just stated that, in the Financial Advisory Committee, this was set up by virtue of the Yukon Act, and three Members of Council sat on this Committee. The Committee, in duty sits with the two Executive Assistants or Executive and Administrative Assistants as you prefer, of the Commissioner. The man who takes the other position is the only one who is not part of that Executive Committee so consequently it is the duty, or it was my duty at least in this new experiment to try to keep things honest; to try and get as much input for all the people responsible, into the Committee. I was not hornswaggled when I was told, as I related a few moments ago, that it was necessary that the three Members of Council on that Committee agree. That is absolutely not necessary and I would suggest to the Honourable Member who is about to accept this position that if this gets thrown at him, tell them to go jump in the lake because a committee is a committee and the majority do rule in that committee as in any other committee. It is not necessary for all members to agree. I stated in Committee whenever I disagreed that when the matter arose, it was usually a budget item, when it arose in Council I would be bringing the matter before Council. That was simply that. When Council came I have from time to time pointed out where I disagreed. Don't be smoked screened on this one. Incidentally, it is interesting to note that since this Committee has started, the Chairman of that Committee is of course, the Honourable Member from Whitehorse East, to has yet to present at any point in time or budget a report of the activities of that Committee. He has stated, well there is the budget, that's my report. That's not good enough either. I think that this Council, being a Committee of Council has a right to know what that committee is doing. That has yet to be forthcoming from the Honourable Member from Whitehorse East. Insofar as the Oath of Office, I would advise any Member of Council, that gets on that Committee not to be hornswaggled there either. You have a very, you have to take a very serious oath, the oath that I had to take is the same oath that the Ministers have taken. It is a pretty serious piece of business. When I disclosed as I disclosed today discrepancies and in this case I cited, medicare, as being the one issue, I didn't say what segment of it, but something relevant to medicare. That doesn't impart from oath, one little bit. Don't be hornswaggled in what obligations you have under this oath, it also smoke screen and most other things are smoke screen that seem to be emanating from one certain section of this Council Chamber. As for resigning, I don't resign, I stay there to fight, until I am thrown out

MOTION #10

Mr. Taylor continues ...

as far as that Committee was concerned. I was heaved out not for, as I say, not for anything I had done wrong in Committee, but because the Honourable, the Gentleman who is in charge right at the moment, of this whole Council Chamber it would seem, hold all but three seats, decided that he doesn't like the fellow and that is why. I just don't go along with being told what to do by one individual. That is the product of someone being drunk with power.

Mr. McKinnon: Mr. Chairman, I find myself agreeing whole heartedly with the Honourable Member from Whitehorse East, his analysis of the Financial Advisory Committee are exactly the analysis of the way that the Financial Committee was run, as the picture that was put before Council after the Second Session 1968. If, it didn't run that way, I'd be saying, what a hell of a way to run a Government. If you couldn't present the Financial Advisory Committee coming in and saying this is the Financial Advisory Committee budget, this is the Government budget and here is the Government budget to the House, then there is no way that this Government could work, I don't think but I think, the Honourable Member from Dawson should be absolutely aware that if he doesn't toe the line then he is told to get out, if he says I disagree with this then that man gets out. Once he comes in with the budget he can't present a minority report that there are certain aspects of that budget that he agrees or disagrees with. He is defending that budget as the Government budget to the Members of this House. There is no way that one can think that he can breach Cabinet secrecy, or budget secrecy once he steps into that Financial Advisory Committee position. I just hope that he's going in with his eyes wide open.

Mr. Chamberlist: Mr. Chairman, I first want to make it quite clear, that the Honourable Member has indicated that we have at times very important points in common when it comes to certain aspects, and I agree that if at any time, and this is what I have always said, if the Honourable Member who has been suggested to go onto the Advisory Committee felt that he couldn't, I, would want him to say clearly. I feel that his honesty is enough. We all know this, we have watched him at work, his honesty is enough that he will come forward and say that. I don't want it to be left that the Honourable Member from Watson Lake has been turfed out for any particular reason because I am not going to give any particular reason, because I will not allow myself to be brought into a debate which would perhaps become most embarrassing to the Honourable Member. So I would ask that we proceed with the motion.

Mr. Taylor resumes the Chair.

Mr. Chairman: Is there any further discussion on this motion. Are you prepared for the question? Are you agreed? Contrary? I will declare that the motion is carried.

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

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Mr. Chairman: At this time, I call Committee to order. Have you anything further up to section 78? (Reads sections 79, 80, 81) BILL #11

Mr. Tanner: Mr. Chairman, I wonder if I might open some of the windows. I find it warm in here. Thank you.

Mr. Chairman: Right. (Reads sections 82, 83, 84)

Mr. Stutter: Mr. Chairman, I just need to read that again. It doesn't seem to me to read correctly.

Mr. Legal Adviser: Mr. Chairman, it reads correctly, I think, but there is an omission. It should be "the office of alderman or mayor".

Mr. Chairman: Does Committee agree?

Mr. McKinnon: I think the money should be given back in all cases. I don't care if they got two votes. He's gone through the whole political process. He has put his name up there and he has been totally rejected. Just wiped out by his peers because they don't think he is worth a darn. The guy loses fifty bucks besides. I'll ask the City on this. I don't agree with it at all.

Mr. Rivett: That would mean that all deposits would be given back.

Mr. McKinnon: Oh, sure.

Mr. Rivett: He would still have to put up a deposit.

Mr. McKinnon: It's a punishment for being told nobody buys your program. If that isn't punishment enough, I don't know what is.

Mr. Stutter: Mr. Chairman, to me, it's still a bit vague. It states here "... if such candidate fails to receive one-half of the total number of votes received by the candidate elected with the lowest number of votes and in all other cases,...". Surely, the wording there is ...

Mr. Legal Adviser: Is it the comma that troubles the Honourable Member? Is it the comma?

Mr. Stutter: No, I can't put my finger on it but it just doesn't look right, "... elected with the lowest number of votes and in all other cases, the amount of the deposit shall be returned to the candidate."

Mr. Chamberlist: Well, I can explain it. Supposing there are six candidates running in a Whitehorse election. The lowest number of votes of the six candidates has two hundred votes. It means that anybody who has received a hundred and one gets their money back. Those who have received less than a hundred, they don't get their money back.

Mr. Stutter: Clear, Mr. Chairman. I was thinking of only one alderman and it often is that they are voting for three aldermen at a time.

Mr. Tanner: Mr. Chairman, that's an interesting point that the Member for Whitehorse North ... rather, East, has brought up. Why should the guy who gets a hundred and one votes get the money and the guy who has one vote less have to come through and pay it?

Mr. Legal Adviser: We had to pick something and we picked half. Or, at least, it's always been half; we didn't pick it. This is the same section. It just happens to be half. It could be two-thirds; it could be a third. We say a half.

Mr. Tanner: Mr. Chairman, I think we talked about this the other day. If the Members of Council feel that there is ...

Mr. Chairman: (Reads section 85, subsection (1)) How is this one hundred

Mr. Chairman continues ...
dollars with two sureties ... could you explain that?

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Mr. Legal Adviser: He doesn't have to pay cash. He just has to make a promise. But, he joins with two people who say, if he doesn't pay, we pay on his behalf.

Mr. Chairman: (Reads section 85, subsections (2) and (3), sections 86, 87, 88, 89)

Mr. Tanner: Mr. Chairman, could we have a short pause while we open our little presents?

Mr. Chairman: May I proceed? (Reads sections 90, 91, 92, 93)

Mr. Tanner: Mr. Chairman, this could be an exceedingly important decision which is put to the voters on a civic money bylaw. Usually, the drafting of these documents is very precise. It seems to me that this is not as precise as it should be. Already, we have had many problems defining taxpayer. When you say "as nearly as possible", is that a sufficient legal description to cover all the contingencies that might arrive on the vote on a money bylaw?

Mr. Legal Adviser: One could do it by using the Latin expression and saying the proceedings shall be mutatis mutandis, the same as. We have commenced, sometimes to use English. To me, it is quite precise. One must remember that an election and voting on a money bylaw are commonly held simultaneously to reduce the expense. The whole procedure can be just carried parallel to ... but, I think I would bore the House tremendously if I rewrote the first ninety-six sections in just to deal with money bylaws. I hesitate to think it would be effective, unless ...

Mr. Tanner: Mr. Chairman, of course you would solve the whole problem if you didn't give the right to a taxpayer on a money bylaw. You wouldn't have that problem.

Mr. Legal Adviser: That's right.

Mr. Chamberlist: We are reviewing this, Mr. Chairman, so ...

Mr. Chairman: (Reads sections 94, 95) That would mean they give it third reading? That infers that third reading would not be given to the money bylaw; is that correct?

Mr. Legal Adviser: When it can't be passed, and the way that you pass it is by Third Reading, is the meaning that I would attribute to the expression.

Mr. Chairman: You have referred all through this and the other Ordinance to Third Reading. I was just wondering why the difference here?

Mr. Legal Adviser: There is no particular reason for it. It just happens to be ... we are copying this almost verbatim from the election provisions of the old Ordinance. We didn't see any reason for change. It just wasn't thought up, to change it.

Mr. Chairman: (Reads 96(1) (a) to (g) inclusive). Does that mean to say that you can't really serve a cup of coffee at a meeting? A sandwich.

Mr. Legal Adviser: It is very hard to give a definite meaning to it. The intention must be a criminal intention. It would require a criminal intention. People don't anymore vote because of a cup of coffee. A meal, he might be called to persuade him, but giving him a cup of coffee would not be construed, I think, in modern days as a bribe.

Mr. Chairman: But, you say, meat, drink or refreshments which infers that you can't serve a beef sandwich and a cup of coffee to a guest who attended your meeting as a candidate. The Federal law recognizes this, and makes provision for it. It seems to me that it should be made a little clearer in this particular Ordinance. According to this you can't give a guest a glass of water or you are subject to a penalty under this Ordinance.

Mr. Legal Adviser: It is the purpose for which it is given, for procuring or preventing the passing of a money bylaw, or for the purpose of influencing the person to whom the provisions are given. To give or refrain from giving is both. It would be very difficult to prove that giving a cup of coffee was for that purpose, and not for the purpose of sustaining him while he was listening to the political speech being given. If he gave him coffee to bring home, it is a different thing.

Mr. Chairman: What is not expressed is not implied, Mr. Legal Adviser.

Mr. Legal Adviser: That is not a doctrine of law, Mr. Chairman, it is a quaint saying of the former Speaker which is slightly inaccurately quoted.

Mr. Chairman: It has great meaning in the Territory.

Mr. Legal Adviser: The petition has given it a meaning. A correct quotation, Mr. Chairman is, the expression of one does not exclude the expression of another.

Mr. Chairman: What is not expressed is not implied. (Reads 96(1) (h) to (x) inclusive). What happened to (y) and (z)?

Mr. Legal Adviser: Was there a (y) and (z)? I don't know what we would do if we had to go back to the (a)? Go back to (aa) and (bb).

Mr. Chairman: (Reads section 97).

Mr. Legal Adviser: Mr. Chairman, before leaving that. If you wished, that would be a section where you could say, or the providing of coffee or similar like refreshments by a candidate during the course of a political meeting. If you wanted to be absolutely crystal clear about it.

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Mr. Chairman: For my own ... From the Chair, my own personal opinion is that yes, we should clarify this rather than ...

Mr. Legal Adviser: That would be the place.

Mr. Chairman: However you may wish to review it. (Reads sections 98, 99, 100). I just wonder if that means a week, Mr. Legal Adviser?

Mr. Legal Adviser: There is a lot of law on what "forthwith" means but, I think that it can be fairly said to be as soon as reasonably as possible. I know that leaves "reasonably" the thing. It has been interpreted in a lot of cases, the kind of statute which says you must report a motor accident to the police forthwith, and then debate what is forthwith.

Mr. Chairman: (Reads 100(2),(3)). (101).

Mr. Chamberlist: Mr. Chairman, excuse me, I wonder if Mr. Legal Adviser would this mean that a person is disqualified from voting at any municipal election in the Territory, or any municipal election anywhere?

Mr. Legal Adviser: The writ only runs within this section of the country. It wouldn't be valid in Alberta or British Columbia.

Mr. Chamberlist: Then what happens if somebody is disqualified from driving in the Territory. Would this mean that the person is not disqualified from driving anywhere else?

Mr. Legal Adviser: Yes, if the judgment said, disqualified from driving full stop issued by a court here, it only means in the Territory. The terms of the Criminal Code especially provide that the sentence is disqualified from driving on any highway in Canada. That is always made part of the sentence. By the Criminal Code being Federal Legislation this writ runs through out the provinces.

Mr. Tanner: Mr. Chairman, the Honourable Member from Mayo has pointed out that ... the penalty for corrupt practices for a member of city council, the penalty is three years. The penalty for a person who performs corrupt practices as an elector is seven years. I think they have either been reversed, because surely the offence is much more serious if a person sitting on a council does something wrong than someone who does something wrong as an elector.

Mr. Legal Adviser: Not, quite, Mr. Chairman, a councillor is disqualified from being a candidate for three years, or from voting in a bylaw for three years. The individual is disqualified merely from voting. It is a writ or a penalty which is rather longer. It is longer. He can still stand for election after the three years, but he can't vote.

Mr. Chairman: Clear?

Mr. Legal Adviser: It takes them off two councils.

Mr. Chairman: (Reads section 101).

Mr. Chamberlist: Well, Mr. Chairman, I don't think this section goes far enough, because we are limiting the grounds of where an election can be controverted. It appears that the way it is now, perhaps the Legal Adviser will correct me if I am wrong in assuming this, there are only two reasons really why the election can be controverted. It is because of an individual or because the person elected under (b). There are certain things that take place in elections, which courts have in the past set aside the election as well because of certain things that have taken place with reference to things happening. The very first municipal election that I was involved in here in 1952 was when at the parish hall here, people were voting at card tables. People were sitting down like a bridge game, sitting on four sides of the card table and filling out their

Mr. Chamberlist continues ...
ballots. This sounds like that is not in here.

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Mr. Legal Adviser: Mr. Chairman, the Honourable Member is correct in saying there are two main grounds. One is that the election is void by reason of corrupt practices or offences. To void an election you have got to have either a corrupt practice or an offence. If it is not one of those two then it is okay. That is a general ground not necessarily committed by the individual candidate. Subsection (b) is in relation to one single person, but that person shouldn't have been elected. One overturns the whole election and the other overturns the election of the particular individual against whom the complaint is made. It gives the list of disqualifications.

Mr. Chamberlist: Where are the others. Where are the other offences listed, Mr. Legal Adviser.

Mr. Legal Adviser: What were the other offences?

Mr. Chamberlist: "The election is wholly void by reason of corrupt practices or offences committed at the election". What is an offence committed at the election? Where are the offences? Where is it indicated what is an offence at an election, in the Ordinance.

Mr. Legal Adviser: There are other offences which are capable of voiding an election besides an offence listed here. It is not uncommon to have murders committed, attempted murders, various forms of intimidation against people and their families, giving people extra votes, various forms of fiddling with the actual compilation of the list of electors itself by the officials in charge of the election. They may not necessarily be mentioned individually by name in the Corrupt Practices Section of this Ordinance. They are offences, and they are committed at an election. There general offences, and that voids the whole election, in (b) you are attacking just the one individual. At least that is the way that I see it.

Mr. Chairman: (Reads section 102). Clear? (Reads section 103(1)), that should be "petition".

Mr. Legal Adviser: Yes, Mr. Chairman.

Mr. Chairman: (Reads 103(2), sections 104, 105, 106, 107, 108). What such circumstances would these be, Mr. Legal Adviser?

Mr. Legal Adviser: You mean for moving to another place? Well the House will recall a declaration by a former judge, that he would never again sit in the City of Dawson. He held that the facilities there were not adequate for the dignity of the court or consistent with the proper procedure of holding a court, so he refused to go back. Now, our present judge has not made any such declarations in respect of any place. We may get the situation where we have no hall big enough or available or may be occupied at the time necessary. It might have to be moved to Whitehorse for various reasons, for the bringing of technical evidence or various things. I can conceive of this happening. This present judge has said on more than one occasion that whenever it is possible and convenient for the parties, he will go to any part of the Territory to hold any trial, so I can't conceive of this happening now. It could happen.

Mr. Chairman: Should it not be mandatory within our Ordinance, that if for instance Carmacks, something was to happen there and a petition was made in respect of a seat in that area or whatever, that the judge should take the court under any circumstances to that community, even if he has to do it in a tent?

Mr. Legal Adviser: It could be done if the Honourable Member would tell the judge, it is not for me to tell him.

Mr. Chairman: Well, we are making the laws.

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Mr. Legal Adviser: Yes, but one needs the co-operation of the Bench, I think. I think the court should, if circumstances really demand it, have the power to move to a convenient point, but the House is supreme in the matter. It might be 40° below in a tent.

Mr. Chairman: (Reads section 109, 110, 111, 112, 113).

Mr. Chairman: (Reads 114(a)(b)(c)) I am just having difficulty with subsection (c), as you say "have extensively prevailed at the election" I just wondered what that is exactly?

Mr. Legal Adviser: Occasionally what happens is that the judge will find that in relation to an election, there is some evidence of it, extensive corrupt practices, that may not be brought home to an individual. He is giving a judgement and he may just disqualify a person for reason a, and judges commonly try to cut down the reasons for their judgement. Maybe to limit the right of appeal to the main point of issue. Just supposing that an election partition was brought against some person because of a disqualification by reason, let's say being under the age of nineteen. In the course of the evidence it became clear that there was a lot of corrupt practices, I think the judge would have a duty to bring that matter to the attention of the clerk. The judgement is a narrow, carefully drafted thing by the two lawyers on each side. It doesn't contain any extra, stuff like reports about corrupt practices. That is putting the duty on the judge to bring it home, once to give the situation a fuller judgement really.

Mr. Chairman: (Reads 115(1),116(1),117(1)(2)(3),118(1),119(1),120(1),121(1)(2),122(1)(2)(3),123(1),124(1),125(1)) This is subject to another go through, I guess. Is it your wish that I report progress? The next Bill is Bill No. 13. I wonder if at this time, the Deputy Chairman could assist me?

Mr. Stutter takes the Chair.

Mr. Chamberlist: Mr. Chairman, I wonder if we can deal with Bill No. 14, because we might be able to finish that, that is a very short one.

Mr. Chairman: The next Bill for consideration is Bill No. 14, or Bill No. 13, Taxation Ordinance.

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Mr. Chamberlist: Explanatory Note. The purpose of this Bill is to meld in a single Ordinance all real property or equivalent taxes and their assessment and collection. In this Bill are blended the taxing powers of the Commissioner in his capacity as the Administrator of unorganized areas of the Territory and the councils of organized municipalities. The procedural dates and formal steps in imposition, levying property assessment, payment of interest and penalty, etc., are made the same as far as possible. The difficulty caused by the difference in the financial year and on the old argument of whether tax is paid currently or in arrears was faced and coped with fairly by making it clear that tax is due and payable each calendar year both municipally and Territorially. This method resolves some of the tax transfer difficulties met with in extending the Whitehorse boundaries, and extends to all taxpayers the accounting privileges accorded in the transfer. When a person continually defaults in tax payments, the former Ordinance provided for eventual sale of the property with certain delaying time limits. This has been abolished. Under the new procedures an independant Mediation Board must now grant permission for the final steps of the collection procedure. Where the Board has failed by negotiation or time extensions to persuade a defaulter to make payment of arrears, it may grant permission to the tax authority to transfer the property to either the Territory or the municipality. Safeguards are also built in to protect the interests of mortgagees and tenants.

Mr. Rivett: Mr. Chairman, I have a question for the Legal Adviser. Are taxes paid in advance or arrears or how is this being resolved?

Mr. Legal Adviser: Mr. Chairman, the Treasury has done research, extending back to 1958, dealing with the Taxation Ordinance, and the Municipal Ordinance and the answers that they have come up with are

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Mr. Legal Adviser continues ...

that in both the Taxation Ordinance and the Municipal Ordinance taxes were paid currently in a financial year. The mistake developed because with the accounting method of the Territory, taxes were debited to a particular financial year depending on when the bills went out, whether prior to or after the first of April, in the calendar year. So they were wrongly debited to one year or the other. We have gone back to 1958, and regularized the position as it was as the first institution of this type of taxation. Set it out now in this, that it is in a calendar year that the taxes are due. It resolves the problem by going back first base.

Mr. Taylor: Mr. Chairman, I note that we have a stranger in the seat of the Honourable Member from Mayo.

Mr. Tanner: Mr. Chairman, I was very pleased earlier on this afternoon, when the Honourable Member from Dawson suggested that we rotate the position on the Financial Advisory Committee, but I am pleased to see that the Administration has so quickly seized on this opportunity to rotate the position of the Commissioner.

Mr. Chairman: (Reads 1,2(1))

Mr. Tanner: Mr. Chairman, I have a question concerning the "improvement" including things thereunder which would be transferred by the transfer of land, is then possible to tax in lieu as well?

Mr. Legal Adviser: The quick answer is no, Mr. Chairman.

Mr. Chairman: Reads section 2(1), definitions of, "jurisdiction", "land", "local improvement", (a)(b)(c)(d)(e)(f)(g), "municipality".

Mr. Legal Adviser: Mr. Chairman, (f) should be, "providing other services normally found in organized communities".

Mr. Chairman: So note Mr. Clerk. Continues reading definitions, "occupier", "owner", "pipeline", "prescribed", "real property", "Registrar", "regulation", "taxes".

Mr. Tanner: Mr. Chairman, is that definition "utility charges" included there, sufficiently clear? Because electricity is a utility charge.

Mr. Legal Adviser: Yes, but it not imposed pursuant to the Municipal Ordinance or any of these ordinances. It is clearly a utility charge but we are only dealing with the utility charge imposed pursuant to any of these ordinances, and that doesn't include electricity.

Mr. Chairman: (Reads section 2, definitions of "taxes", "taxing authority", "trailer", "trustee")

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Mr. Chamberlist: Mr. Chairman, I think perhaps, Mr. Legal Adviser should note that we haven't indicated what service and utility charges are. We should perhaps, say service and utility charge excludes electricity and telephones. A telephone is a utility charge. It's referred to as a utility and electricity is referred to as a utility. So, I think we should specifically exclude those so that there is no doubt in anybody's mind.

Mr. Legal Adviser: Mr. Chairman, I can conceive of either electricity or telephone service being provided by the Territorial Government or the municipality in certain cases, to people as a utility. If it is, it then is under the Municipal Ordinance. But, the particular charges we are talking about only mention a service or utility charge imposed pursuant to the Municipal Ordinance, the Local Improvement District Ordinance or the Financial Administration Ordinance, of any kind, garbage, sewage, water, electricity, telephone, no matter what it happens to be. There are many forms of utilities. Electricity is imposed by a contract made with the particular utility concerned. That's all. So, it's a private contract.

Mr. Chamberlist: Well, Mr. Chairman, I don't think that's sufficient because it would be the Territorial Government or the municipality who will taxing authorities which will be giving franchises. Giving a franchise would, in fact, be giving the right to somebody to create a utility charge. Now, I don't know whether the law would go that far, but it's not clear for John Q. Public. If it means that we can make it clear by putting just the small section in to say excluding where they are not supplied by a taxing authority, then I think, this would make the position clear. I wonder if any other Member would like to comment on that particular point.

Mr. Legal Adviser: Well, I had thought I made it clear by listing the Ordinances which give the authority to provide the charge. We can make it clear a different way by saying any service or utility provided by the authority.

Mr. Chamberlist: Well, yes. That would be better.

Mr. Legal Adviser: I don't want to exclude telephones; I don't want to exclude electricity.

Mr. Chamberlist: Provided by the taxing authority.

Mr. Tanner: Mr. Chairman, isn't the real hangup here the word "utility", and the ambiguous meaning that it has. If you, perhaps, get rid of "utility", that would be a better way of defining it.

Mr. Legal Adviser: Mr. Chairman, I have attempted to make this word as wide as possible. So, I naturally resist the attempt to try to define it narrowly, because the Territorial Government does, in many cases, provide unusual utilities in unusual situations, and so do cities.

Mr. Chamberlist: I would think that that might be a good idea, a utility provided by the taxing authority. Then, if it happens, at some future date, that we are capable ... well, we are capable and can make some money out of it, too ... of taking over the N.C.P.C. and Yukon Electric operations, then, it becomes a utility.

Mr. Commissioner: Mr. Chairman, could I ask where, in this area, does a pipeline situation occur. Is this clearly covered here now?

Mr. Legal Adviser: The pipeline service will be a utility if it is provided by the authority. But, if it's a private thing, then it has to have a franchise and it's a completely different kettle of fish.

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Mr. Legal Adviser continues ...

At the moment, in Mayo, N.C.P.C. provide a utility, under private contract, but by authority of a franchise. You can actually provide service by private contract, but the franchise grants them the exclusive right yet gives them no authority to charge. That's a matter of private right and control in the franchise documents themselves. If a pipeline situation develops, it would depend on who owned the pipeline. If it became a Government owned pipeline, importing fuel from Haines, Alaska or Faro, then it depends on who is being serviced, whether it is a utility or not. If the municipality owned the pipeline, under authority of the Municipal Ordinance, it sets charges, then it becomes a utility which is covered by the Taxation Ordinance. If it's a private line, such as White Pass, then, without a franchise, it is of no account at all because it is merely a private contract; with a franchise, it then comes under the powers of the particular authority to grant the franchise, and again, it's a question of service in return for payment. We can shut off the service if the payments aren't made, but it's not a Government tax. We are attempting here, to define what a tax is, which we can use the big stick provided in this Ordinance as an aid in collection.

Mr. Chamberlist: The point Mr. Commissioner is making is can we tax a pipeline. The answer is yes. We can tax the pipeline as an improvement.

Mr. Legal Adviser: Oh, yes. We can tax the pipeline. No, not an improvement. In the Ordinance, there is a scale, a schedule, of charges which apply to pipelines.

Mr. Commissioner: I believe this is very important, Mr. Chairman.

Mr. Legal Adviser: It varies with the size of the pipe. It's a schedule. I think it's in the regulations made under the Ordinance. This is the way it was in the past. There is a standard charge which ignores what the pipeline is for and charges for the pipeline. Say there is so many miles of telephone wire, the ...

Mr. Chamberlist: This is what I'm saying. When you put a tax on so many miles of pole line, you're taxing it by way of an improvement. It's an improvement that you're taxing because you're taxing the company. A pipeline, you're taxing the pipe, so many miles of pipe. In this particular context, we're talking about including service or utility charges imposed in respect of property. Property. It's not the charges; we're saying charges imposed in respect of property. This is the point that I'm making there, whether or not we should make it clear that the utility charges we are talking about are not charges for utility services. If somebody pays a bill of twenty-five dollars for electricity to the Yukon Electric, it is not a utility charge that the Government of the Yukon Territory or the government of a municipality is making. This is a charge for the service that is being supplied. In here, it has, includes in respect of property, not of service. Mr. Legal Adviser, do you see the point that I'm making?

Mr. Legal Adviser: I can see the point, Mr. Chairman, but the method adopted for service charges in areas under the Commissioner's jurisdiction is one of two different ways. One is by the publication of a scale of fees under the Financial Administration Ordinance for the service rendered and it's charged in respect of the particular property concerned with the service. There are two forms of that charge. One is a charge in respect of the commencement of the service and the laying down of the pipe. The second charge is the charge for the utilization of the service month by month. The first is formulated by means of a unit charge or a frontage charge or some other method, which is a basic charge. Now, you can then charge them so much afterwards or you can lump it all in the first one. Now, if it's imposed in respect of the property and it deals with the property and the person sells the property, the obligation remains in respect of the payment of the charge, on the new owner. This Ordinance allows an easy method of collection. The same thing happens in relation to the municipalities. They're taking over the collection of charges in respect of the sewer distribution in Porter Creek. There is a frontage tax imposed in respect of everyone who gets a connection. That is against the property. That basic charge can be collected, formerly under the Financial Administration Ordinance,

Mr. Legal Adviser continues ...

and now, under this Ordinance. So, we can go to the resident owner and bill him and say "Pay that, or else". It is added to his taxes and attracts interest in the normal way. It's an attempt to make out collection easier.

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Mr. Chamberlist: With respect, Mr. Chairman, I don't see it that way. Perhaps we should mark this and we'll talk about it in Legislative Programming afterwards. Otherwise, we're going to be expanding on this a long way. To me it seems quite clear that this ... we're talking about ... I wonder ... why don't we talk from the word "and" and beyond that. It says "and also includes any service or utility charges imposed in respect of property pursuant to ..." these Ordinances. It doesn't say in respect, also includes service and utility charges. I'm saying that service and utility charges are not taxes within the meaning of this section, or if it intended to be that, but we haven't made it clear. We've only said in there that there are services or utility charges imposed in respect of property. You can't break it down and stop reading at a certain point. You have to read the whole sentence and the whole sentence, to me it is clear, relates specifically to property pursuant to the Municipal Ordinance, the Local Improvement Ordinance and the Financial Administration Ordinance. This is how I read it.

Mr. Legal Adviser: What we are trying to do, Mr. Chairman, is, where this is a tax collection Ordinance, mainly, apart from the imposition of taxes ... it's a tax collection Ordinance. We want to be able to collect in the same formula, by the same method, genuine taxes which people understand as taxes and also, what used to not be called taxes, but which are still not called taxes, yet included in the collection procedure; other charges, for the provision of utilities to a particular piece of property. We don't care whether they are taxes or not.

Mr. Tanner: Mr. Chairman, perhaps we can go along with the suggestion of the Honourable Member that you should discuss this further. I've had, in all three Ordinance that we've been discussing ... another thing that has been bothering me is, in this Ordinance, the third one that we're reading, concerning taxes, we don't define taxpayer. So, I don't want to get into the differences we had before, but if you go back to the definition of a taxpayer in the Municipal Elections Ordinance, it refers you to section 6 of the Municipal Ordinance. If you go there, it refers you to section 76 ... I beg your pardon. Section 6 in the Municipal Elections Ordinance refers you to section 76 in the Municipal Ordinance. Section 76 of the Municipal Ordinance doesn't really give you a definition of a taxpayer. The one place it should occur, I do believe, is in this one we are reading now.

Mr. Legal Adviser: Mr. Chairman, you only define a word when it is necessary to define it. We need to define taxes, but we don't need, in this Ordinance, to define taxpayer at all. If taxes are imposed in respect of property, it says that every person who is an occupier and every person who owns, and so on, pays taxes. Now, if you're going to attempt the impossible by having a common definition of taxpayer, you have twenty or thirty ordinances you must deal with. For instance, there is a tax in respect of liquor, in respect of gasoline, in respect of fuel oil, all different taxes. There is no way of making a common definition. But, in this Ordinance, we're using taxes and we're even including in it, things which we know are not taxes. But, that doesn't affect it. It's a special definition used for this Ordinance and this Ordinance alone, in relation to this Ordinance.

Mr. Chamberlist: Well, that's what's bothering me now. Now, Mr. Legal Adviser has said that we are including things that we know are not taxes and this is where it is. In the Interpretation Section, we're trying to say something about taxes that we know are not taxes.

Mr. Legal Adviser: That's right. We just say it's included as taxes.

Mr. Chamberlist: Well, if we know they are not taxes, why say it? Let's take a look at this.

Mr. Legal Adviser: It's like saying masculine includes feminine. We

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Mr. Legal Adviser continues ...
know it's not so, but we do it.

Mr. Tanner: Mr. Chairman, I wonder, at the same time that the Committee looks at that, if they would just check through in all three Ordinances, and where we do define taxpayer, because we do try to define it in the Elections Ordinance ...

Mrs. Watson: That is the only place.

Mr. Tanner: No, it isn't. The Elections Ordinance, section 6 refers you to section 76 of the other Ordinance.

Mr. Chamberlist: Well, we have a different circumstances in taxpayer.

Mr. Chairman: I take it that these sections in particular will be reviewed. (Reads section 3, subsection (1))

Mr. Chamberlist: Let's finish this section. Start at "taxing authority".

Mr. Chairman: I got right down to "trustee".

Mr. Legal Adviser: We've finished this section.

Mr. Taylor: Mr. Chairman, I would like to draw the attention ... in order to speak about the definition of "trailer" or "mobile home". It's not consistent really to the letter with the Municipal Ordinance. In for instance, paragraph (a), "a vehicle, whether equipped with wheels or not and whether self-propelled or not, that is used or designed ...". In the Municipal Ordinance, it says used or designed as a dwelling or sleeping place. Paragraph (b) ... this Ordinance says "that is used or designed as a dwelling or other use;" . Now, this is one great, vast difference here. Now, connecting both, the Municipal Ordinance ...

Mr. Legal Adviser: Now, it might have been that the typist left a piece out of here.

Mr. Taylor: Well, it's a very important error.

Mr. Chamberlist: Well, thanks for pointing it out.

Mr. Taylor: Now, in the Municipal Ordinance, under paragraph (b), "to provide living accommodation or other use" is consistent with what you have in this Ordinance, "to provide living accommodation or other use". I do take umbrage with the term "other use". I don't think that that has solved the problem of clarifying what a trailer or mobile home for the purpose of taxation is, at least. You have qualified it by saying "to provide living accommodation". Now ...

Mr. Chamberlist: I've said it was a mistake. We're going to correct it.

Mr. Taylor: This is something else. You say to provide living accommodation, and then you add the words "or other use". Now, this could then include a van, a highboy, a utility trailer, one to haul your skidoos around with; it could be anything. "Or other use" is too broad to my way of thinking, for the purposes of taxation. I think that has to be reviewed and corrected.

Mr. Legal Adviser: The words "as a dwelling or sleeping place" need to be changed. But the definitions are two definitions, designed for two different kettles of fish altogether. In the Municipal Ordinance, you want to provide a definition wide enough so that you include, or not include at your discretion, a holiday trailer and various other for of accommodation. In this, we want to make out definition as wide as possible so that, when a trailer becomes, in effect, a mobile home, and is placed in side, it then becomes subject to tax. The tax is from a different point of view. We're not trying exactly to make them the same.

Mr. Taylor: Mr. Legal Adviser, I don't believe you have achieved your

Mr. Taylor continues ...
objective is this particular form. I would, whenever we go through
this again ... I must ask, in both the case of the Municipal Ordinance
and in the case of this Ordinance, that something else must be provided
a little more specific than the words "or other use". That, in my
opinion, is far too broad. In view of the time, I would move that Mr.
Speaker do now resume the Chair.

BILL #13

Mr. Chairman: It has been moved that Mr. Speaker do now resume the
Chair. Is there a seconder?

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

Mr. Taylor resumes the Chair.

Mr. Chairman: Is there a seconder to this motion? Could we have order
please.

Mr. Stutter: I second the motion.

Mr. Chairman: It has been moved by Councillor Taylor, seconded by Coun-
cillor Stutter, that Mr. Speaker do now resume the Chair. Are you pre-
pared 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 the Report
from the Chairman of Committee?

Mr. Chairman: Mr. Speaker, Committee convened at 10:20 a.m. to discuss
Bills, Sessional Papers and Motions. Motion No. 6 was withdrawn in Com-
mittee. Committee recessed at 12:00 noon and reconvened at 2:05 this
afternoon. Motion No. 7 was carried in Committee. Motion No. 9 was
withdrawn in Committee. Motion No. 10 was carried in Committee. I can
report progress on Bills Nos. 11 and 13. It was moved by Councillor
Taylor, seconded by Councillor Stutter, that Mr. Speaker do now resume
the Chair and this motion carried.

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

Mr. Taylor: Mr. Speaker, I believe, in Committee, for tomorrow, we
will have Bills and Sessional Papers.

Mr. Speaker: May I have your further pleasure?

Mr. Tanner: 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 Honourable Member for Whitehorse
North, seconded by the Honourable Member for Whitehorse East, that we
now call it 5:00 o'clock. Are you prepared for the question? Are you
agreed? I declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: This House now stands adjourned until 10:00 o'clock to-
morrow morning.

ADJOURNED

ADJOURNED