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Mr. Chamberlist: I can't find the copy of the new tax list, Mr. Chairman, perhaps we can leave this point until later.

Mr. Chairman: This point is under review. Anything further in section 75?

Mayor Wybrew: No, Mr. Chairman.

Mr. Chairman: Section 76, section 77, section 78?

Mayor Wybrew: Section 78, Mr. Chairman. Just a remark, a point here Mr. Chairman 78(1). "On the day following the poll and at a time determined, the returning officer shall receive the ballot boxes used in the election,..." It is my understanding that the Returning Officer already has the ballot boxes under 77(2)(c).

Mr. Legal Adviser: The thing contemplates Deputy Returning Officers doing the counting in the respective areas, and bringing the whole thing then into the Returning Officer.

Mr. Chairman: Sections 79, 80, 81, 82, 83, 84?

Mayor Wybrew: Section 84, the office of alderman and mayor perhaps.

Mr. Chairman: Section 85?

Mayor Wybrew: Nothing.

Mr. McKinnon: Section 84, there was some discussion in city council on this. I really believe that everybody should get their fifty bucks back. I can't see why a person should be penalized for offering his name as a candidate in an election. The public completely rejects him. What does he have to get to not to... he fails to receive one half of the total number of votes received by the candidate elected. He has been completely rejected by the public. What can be more humiliating than your peers not even giving you half of the votes the ... the total of the votes of the one elected. You have been completely and absolutely and totally rejected by the public and besides all that humiliation, it costs you fifty bucks besides. Why? Who makes by the fifty dollars. I am sure that it is not going to cause any candidate that we call nuisance candidates not to enter the field if they choose to believe that they are going to get a certain amount of votes. I don't think that it does anything but add to the humiliation of a guy who has just got whipped soundly and absolutely at the polls. I wonder if the city has any feelings on it? If they believe that it should be in there, I am not going to argue at all, any more. It is just that ... what do we put up \$250, I think it is for a Territorial election, so why should people lose their money which is substantial to a lot of candidates in a Territorial election, \$250 for the knowledge of knowing that they have been completely rejected at the polls by their peers, and besides that it cost them \$250. It is fifty bucks in the city. I don't see any reason for it.

Mayor Wybrew: I didn't hear that.

Mr. McKinnon: If you think that it is a good section, I am not going to argue, it just doesn't bother me.

Mayor Wybrew: Well, you mentioned city council, Mr. Chairman, with respect there. This was discussed by city council. There were two councillors who thought that the "forfeited" should go. There shouldn't be a deposit. A decision was not made by council as a whole, and I have nothing to report on it.

Mr. Chairman: Section 85?

Mayor Wybrew: Nothing.

BILL #11

Mr. Chairman: Section 86?

Mayor Wybrew: Nothing, Mr. Chairman.

Mr. Chairman: Sections 87, 88, 89, 90, 91, 92?

Mayor Wybrew: Section 92, Mr. Chairman, 92(2), "where the by-election occurs in the period mentioned in subsection 91(2)", shouldn't that be "mentioned", and "the nomination day shall be twenty days after the date of the report of the Court of Revision". Shouldn't that be "Board of Revision"?

Mayor Wybrew: The Court of Revision sits on your assessments.

Mr. Chamberlist: Court of Revision also attends to the voters as well.

Mayor Wybrew: It is the Board of Revision on your voters list.

Mr. Legal Adviser: Board of Revision in this Ordinance. I don't know the reason for this difference, it may be, just a suggestion, to differentiate from a Court of Revision which revises the assessment of property. This may, it is only a possibility.

Mr. Chamberlist: We will take a look at it.

Mr. Legal Adviser: It should be Board at that point anyway, unless it changes throughout the Ordinance.

Mr. Chairman: Anything further on section 92?

Mayor Wybrew: No, Mr. Chairman.

Mr. Chairman: Sections 93, 94, 95, 96, 97, 98, 99, 100. Have you anything further on this Bill?

Mayor Wybrew: Nothing, Mr. Chairman.

Mr. Chairman: Is it your wish that I report progress on Bill No. 11?

Mr. Chamberlist: Have we gone through everything already?

Mr. Chairman: He hasn't any further questions. I believe that there will be some information forthcoming on a later date.

Mayor Wybrew: Yes, I promised that I would get two or three answers back for you. You asked two, I do believe, and I think that Councillor Watson wanted one or two. I will get these to you forthwith. I want to thank you for the courtesy extended. Thank you very much.

Mr. Chairman: I would also like to express the thanks of Committee for the hard work that you and your council have done in this endeavour. Thank you very much for coming before us and assisting us in the development of this legislation. You are excused.

Mayor Wybrew: Thank you, Mr. Chairman.

Mr. Chairman: Do you want to make a run through these Bills again, and pick up what we haven't done yet?

Mr. Tanner: Mr. Chairman, will recall that we have all waited until Monday to get some information. I think that we are going to continue with the Local Improvement District Ordinance.

BILL # 15

Mr. Chairman: I have also got that Electric Public Utilities to go to. Mr. Clerk will you distribute these. There should be enough for one for everybody.

Mr. Tanner: Mr. Chairman, could I ask the Legal Adviser whether we can ... that the Department of Local Government can proceed to issue the notices that are necessary this afternoon ...

Mr. Legal Adviser: They don't have to go out this afternoon. In fact I would assume that someone would have been in touch with them. I haven't been myself, except to Watson Lake. We do not have to send them out today, until they know definitely that the Ordinance is going to be changed except by this House. If they know that, then of course the notices can be incorporated changes or whatever the case may be. It is done by bylaw. BILL #15

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

Mr. Taylor: Mr. Chairman, I have been trying to buy time to get representations ... further representations on this. You all have before you the main representation of the Watson Lake Local Improvement District. The reason that I have been asking for time. It came to my attention as quite a shock that the Department of Local Government had not sent copies of this Bill to the Local Improvement Districts for their consideration. Consequently, not knowing that at the time, I sent one, of course, off to my own community of Watson Lake, where we have an improvement district, and they of course created this representation. Further to that, I sent a copy of the Bill plus a copy of this comment to both the chairman of the Haines Junction L.I.D. and the chairman of the Mayo L.I.D. asking them for their comments. I also sent them a copy of the Bill, of course. I have heard back from neither. I did phone the Mayo L.I.D. and got hold of the chairman there over the noon hour in anticipation of this coming up. He has not got the correspondence that was sent out to him as yet. He is going to double check the mail today. I sent it on the 15th of February. It may be that he thought the secretary of the association may have it and not considered it. He is going to look it up today, and pass on any comments that they might have. Basically, the objection to the Bill as far as Watson Lake is concerned is in section 7 of the Bill which refers to section 10 of the Ordinance, where it states that "the Commissioner shall transfer local improvements in a district to that district. (2) The Board of Trustees shall operate and maintain any local improvements in that district." The Watson Lake L.I.D. plus the public, they had quite a meeting on this apparently, and agree that they do not wish this mandatory provision in the Ordinance at this time, where the Commissioner shall transfer local improvements and the Board of Trustees must, irrespective of what they think, take the responsibility for its maintenance. They feel that this is a matter ... should be a matter of negotiation. I would tend to agree with them too. We find in the Taxation Ordinance in section 54(1), if I might refer you back, that would be Bill No. 13, section 54(1). In section 54(1) when the Commissioner transfers in the Municipal Ordinance, in any event, "the Commissioner shall consult with the taxpayers in any area liable to pay a tax in respect of a local improvement, and where a majority of such taxpayers agree, the Commissioner may construct a local improvement." The wording and the thought behind this type of section is more desirable in the L.I.D. Ordinance, than the flat out undemocratic approach of the Commissioner shall transfer local improvements to a district. In other words, they want the consultation factor in there. This is recognized in the Taxation Ordinance, and we see no real reason why this cannot be incorporated in the Local Improvement District Ordinance. They have made in their submission some attempt at this, and I don't know that it meets the full requirement where they say, well they want to get the 'shall' out of there and get 'may' in, for the one sole purpose of asking for negotiation before anything is forced upon an L.I.D. Now, possibly, Mr. Chairman, Members may wish to comment on this particular suggestion.

Mr. Stutter: I wonder if Mr. Legal Adviser can tell us the real reason why it is "shall" in this particular instance?

Mr. Legal Adviser: As far as I know, it is just the ongoing policy of the Commissioner to have his discretions taken away, and that is when he constructs a local improvement, he does it at the wishes of the inhabitants. Once it is constructed, they run it, not him.

BILL #15

Mrs. Watson: Mr. Chairman, I would like to speak to that. First of all I would like to thank the Honourable Member from Watson Lake for setting himself up as the advisor and specialist in local improvement district administration in the Government of the Yukon Territory. However, I also was communicating with the people in Haines Junction Local Improvement District, and they also made recommendations. Every bit of this Ordinance, the amendments were taken up with them. It is quite surprising that the section that the Honourable Member is now referring to, that Watson Lake seems to find unpalatable, was one that was received very favourably at Haines Junction. They feel that if there is a local improvement within their community, they should have the say in how it is run. I also refer to the last paragraph of the letter that the Honourable Member has just sent around, "we, know you will do your utmost to keep the handling of the districts affairs at a local level." Surely local improvements should be handled at a local level. This is what these people are requesting. This is the objection that we have had time after time in the smaller communities, unorganized areas before we had a local improvement district. Everything was done from Whitehorse, and we felt, and I think justifiably so, sometimes some of the work, the decisions that were made in Whitehorse were wrong. They didn't know the situation in the community. If you leave the administration of these local improvements to the people within the community, I think that you are going to have better administration. They appear on the spot for the problems that the local improvements will bring about sometime or another.

Mr. Taylor: Mr. Chairman, I thank the Honourable Member for her comments. I wish to assure the Honourable Member that I am not by any means an authority on local government or local improvement districts but I do attempt to convey to the L.I.D.'s from time to time things of such minor importance as this Bill, if it is considered to be of minor importance. It isn't to me. As I state in communicating with at least one of the other L.I.D.'s that nobody had bothered to send them a copy of the Bill. I think that this is something that the Department of Local Government should have done. That this Administration should have done rather than just heaving it on the table and forgetting these people. They are the people that have to live with this Ordinance. You note that when we discuss Municipal Legislation, we go and we consult with these people in the three municipalities. I submit to you, Mr. Chairman, that people who take on the task of trustees in a local improvement district are elected also by the people as are aldermen and as are councillors. I think that they should be entitled at least to the courtesy of knowing what is going on. I don't doubt that at any time, I should comment on this too. The Honourable Member has suggested that I was trying to get into the affairs of possibly an L.I.D. in her district. It is my duty to try and ... you have been asking me, you want opinions, the only way that I can get those opinions is ask for them from the other L.I.D.'s. It is not my intention to stick my nose in anybody's affairs. I sent out the following letter, in all fairness, I knew that Haines Junction was looked after but in all fairness I sent it. "I said enclosed please find a copy of the proposed amendment to the Local Improvement District Ordinance now before Council. I have also enclosed a copy of the Watson Lake Local Improvement District's submission, and would most appreciate your early consideration and comments in respect of these proposed changes." Nothing could be more democratic and fair than that. I sent a copy to Watson Lake ...

Mrs. Watson: With a copy to the Councillor from Carmacks-Kluane?

Mr. Taylor: Well, that is their own prerogative. I am seeking information. However, I sent that in all fairness to both the other L.I.D.'s. I certainly agree, I hope I have never left the impression at this Table with anybody that I am not in favour of L.I.D.'s running their own affairs. As a matter of fact, I was the person who got the L.I.D. thing started in the first place, many years ago, and fought hard in this House to get L.I.D.'s. However, we still maintain the position that these people should run their own affairs. Right here

Mr. Taylor continues ...

in section 10(1) as proposed, the Commissioner starts to run the affairs. He shall transfer a local improvement in a district to that district. That is mandatory, there is no question about it. Whether the L.I.D. wants it, understand it, or are capable of handling that proposition, this gives the Commissioner the power to say, here Charlie you've got it, you are stuck with it. I say that you are stuck with it, so you are stuck with it. (2) "The Board of Trustees shall operate and maintain any local improvements in that district." This too is mandatory, and I think is indeed too severely, the senior Government are poking their nose into the affairs of L.I.D.'s. I think that there should be, as was suggested a few moments ago, as is suggested in the section 54(1) and 54(2) "Prior to the construction of a local improvement, the Commissioner shall determine, according to the preference of a majority of the taxpayers concerned, the manner in which the costs thereof shall be levied or charged." In other words there should be something written into this Ordinance which provides for consultation and acceptance by the people. This is my point.

Mrs. Watson: Mr. Chairman, I think that the Honourable Member has made a very good point. 54(1) is the process that the Commissioner must go through before a local improvement ever goes into the L.I.D. You must have the taxpayers agreement to it. The local improvement is there as a result of this type of consultation, once it is there then the L.I.D. takes over the administration of the local improvement. Your consultation has to go before you have your local improvement and the people agree to it.

Mr. Tanner: Mr. Chairman, the Honourable Member from Watson Lake made a big song and dance about wanting time and he had to get more information. He was going to talk to everybody. I notice that his letter that he has given us is dated February 11th. I wonder what he has been doing with it for the past ten days?

Mr. Taylor: If the Member can't figure that one out, I would suggest that the Member should sharpen up. I have been sitting here attempting to get further information prior to the 11th of February. It was only on February 14th, I learned that the other two improvement districts, at least one of the two, I should say, had no knowledge whatsoever of this Bill being before this House. This is when I sent the correspondence out asking for this. If it is harrassment that you want, beware of how far you travel.

Mr. Legal Adviser: The Honourable Member has made a point, that in some way the Department of Local Government is at fault in not consulting with the Local Improvement Districts. It is a custom in this House as long as I have been associated with it, that Bills are laid on the Table, and they are not given to anyone until after this House has had an opportunity to introduce the Bill, and possibly Bills can be circularized by this House and commonly are to people. It is not the function of the particular department to consult in advance of this House except by means of normal informal meetings on an ongoing way to ascertain the wishes or need. I think that it was most improper if the Director had consulted them in advance of this Bill.

Mr. Taylor: Mr. Chairman, I respectfully submit, this Bill was introduced on the 3rd of February. I would charge that it was negligent of this Administration not sending copies of this Bill out to the Local Improvement Districts. I really do. It was introduced on the 3rd day of February of this year.

Mr. Chamberlist: And, when, Mr. Chairman, did the Honourable Member get a copy of it?

Mr. Taylor: On the 3rd day of February of this year.

Mr. McKinnon: Mr. Chairman, I think that there has probably been a misunderstanding from the Local Improvement District and I can really understand why it would come about. To read the Local Improvement

BILL #15

Mr. McKinnon continues ...

District Ordinance under section 7, it would also mean that they would have to go through the whole of the Taxation Ordinance to get the connection between the two. As I understand it, the only way that the Commissioner can make a local improvement in any area, is by being able to get a majority of the ratepayers to agree. Certainly if the majority of the ratepayers in an area do agree, then it should be mandatory that they do take care of that local improvement if they have given the decision to agree. Just a reverse argument though, if they have voted in favour of the local improvement, then it should be incumbent upon the local improvement district to maintain that local improvement that they have voted for. If you give them the discretionary power, it means that an irresponsible local improvement district could renege on the wishes of the people who have voted in favour of a local improvement and in favour of paying for it. I think that this section, read in conjunction with the Taxation Ordinance is complementary, and probably ... I know that if I were in a local improvement, I wouldn't have had time to go through all the Taxation Ordinance and understand it and how it goes in with the Local Improvement District Ordinance. After having read the two Ordinances, I can see how they do complement one another. I think that it was the less accepted of the responsibilities by putting it in as a discretionary manner, rather than wanting to accept more responsibilities which I am sure that the local improvement districts want to do.

Mr. Taylor: Yes, well, Mr. Chairman, I agree with every word that the Member just said. As long as we can refer back so that consultation may be done. This is the Municipal Ordinance, it has nothing to do with the Local Improvement District Ordinance. Or the Taxation Ordinance, pardon me. If you say anywhere in here that the Commissioner shall transfer local improvements in a district to that district, pursuant to ... subject to the terms of the Taxation Ordinance, my problem is resolved.

Mr. Legal Adviser: A drafting formula can be invented.

Mrs. Watson: Mr. Chairman, it is a problem. You do have local improvements that are there as a result of the consultation that has gone before. I can recall the sewer system that went into Haines Junction. The taxpayers who are on that sewer line were consulted before it ever went in. The taxpayers had accepted the local improvement that were directly affected. Why should not the local improvement take over the administration of that.

Mr. Taylor: One point, Mr. Chairman, in answer to the Honourable Member, they already have. This is it, it is administrated at the local level, which cause no problem here. In subsection (1) of 10, if it was qualified by saying, local improvements in a district pursuant ... do something which forces negotiation, then our problem is over.

Mr. Chairman: Mr. Legal Adviser, would it not be possible to puting the three words, after approval thereof? This would solve the problem, surely.

Mr. Legal Adviser: Yes, as I say we might be able to do it. I can't risk drafting something which would make it difficult or impossible for the Commissioner to operate in this section in respect of local improvements in existence. I couldn't risk it. We are looking at a forward thing in the Taxation Ordinance, consultation in the future, but there has been consultation in the past.

Mrs. Watson: Mr. Chairman, I would like to bring out another point again. Right now, within local improvement districts you have local improvements that are operated and maintained by the L.I.D. You have other local improvements that are operated and maintained from Whitehorse. It just doesn't make sense. These people would just as soon operate and maintain all the local improvements in their own area. They want the administration at the local level.

Mr. Taylor: Well, Mr. Chairman, this is the point. As I say, in the case of Watson Lake, we are administrating our ... all our local improvements and we are administrating them through the L.I.D. at the local level. There is no problem here. What we fear is the new local improvements, this stuff forthcoming. We don't want the Commissioner coming down and saying, okay chaps here is a local improvement, we are going to install it whether you like it or not, and that is it. There is no compulsion upon the Commissioner to consult with the people, the ratepayers of a local improvement district in respect of a new local improvement, if you prefer unless you tie, make section 10(1) pursuant to the terms of 54(1) of the Taxation Ordinance, or some other equivalent section somewhere in some other Ordinance. It is that simple.

BILL #15

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

RECESS

RECESS

Mr. Chairman: I think at this time I'll call Committee back to order. *BILL #15*
We were discussing the Local Improvement District Ordinance.

Mr. Taylor: Mr. Chairman, I'm wondering if Mr. Legal Adviser has been able, over the recess, to find the solution to the problem I suggested.

Mr. Legal Adviser: Mr. Chairman, I think the easiest way to resolve it is to make absolutely certain that the word "local improvement" has only one meaning in both Ordinances. It has to be expressed in the Taxation Ordinance because we want to know in that Ordinance what it means, and it has to be expressed in this Ordinance. Off hand you could say in the definition of this one, local improvement means "a local improvement pursuant to the Taxation Ordinance." And then we know exactly we've got the same animal to deal with in both ...

Mr. Chamberlist: Mr. Chairman, I wonder if we could have this done today so that we could complete this and pass this out of Committee so that we can perhaps recess today. We won't be able to recess today if we don't complete this Ordinance so that the Local Improvement Districts can conduct their elections in the manner that they want to.

Mr. Taylor: Mr. Chairman, I respectfully submit that we have a great deal of work before us yet, to complete, and it is not possible to even think of recessing today. We have two or three motions and we also have Bills in Committee for discussion prior to recess.

Mr. Tanner: Mr. Chairman, I thought all those Bills had work to be done on them and I personally don't know of anything that is pressing sufficiently that we should have to stay very much longer.....

Mr. Taylor: Well we have two if not three motions, and I have the representations now received on the Yukon Transport Public Utilities Ordinance. So we have much work ahead of us, so I don't think there is too much haste here. But would Committee agree then to a suggestion made by Mr. Legal Adviser, that would solve the first part of our problem in respect to this Bill.

Mr. Chamberlist: Mr. Chairman, I have no problem but if the Honourable Member from Watson Lake has problems I'm always prepared to help him overcome his problems. Mr. Legal Adviser and Mr. Chairman, can say this can be done as quickly as possible, not to inhibit the Local Improvement Districts from carrying out their elections. I'm sure we can work another day at it.

Mr. Legal Adviser: Mr. Chairman, just a couple of small points we dealt with in this Ordinance, there is a mis-spelling of "Council" for Board in the section, there is a line to be eliminated in subsection (5) of section 6 which is at section 2 of this Bill. And I, to understand that there is another amendment to be proposed, which hasn't been formally proposed yet. A section number must be proposed for that. That's all there is to it. It can be done by sometime tomorrow.

Mr. Chamberlist: Mr. Chairman, in that case I would move that Bill No 15 be amended by adding immediately after section 2 (d), add a subsection (e) the following, "A person is not qualified to become a Trustee or, if elected a Trustee shall be disqualified from remaining a member of the Board of Trustees if he (a) has been convicted upon indictment of an offence in Canada, unless he has been pardoned therefor or completed his punishment. (b) ceases to be a resident of the district, (c) is convicted of making a false statement in his acceptance of nomination, (d) ceases to be a Canadian citizen or British subject, (e) uses information gained through his position as a member of the Board of Trustees,

BILL #15

Mr. Chamberlist continues...

to gain a pecuniary benefit either directly or indirectly, (f) is the judge of a court of civil jurisdiction, (g) is an undischarged bankrupt, (h) is the auditor or officer or employer of the district, (i) is indebted to the Commissioner or to the district for taxes or the provision of any services in respect of a thing or matter arising in the district exceeding fifty dollars, except any indebtedness for current taxes, (j) is a party to a subsisting contract with the district under which money is payable or may become payable for work, service, matter, or things, (k) have a pecuniary interest whether direct or indirect in any subsisting contracts with the district under which money is payable or may be payable for any work, service, matter, or thing, or else becomes during his term of office a party to a contract with the district for the purchase, sale or lease of personal or real property. (2) subsection (1) does not apply to a person by reason only, (a) of his being a shareholder in an incorporated company having dealings or contracts with the District, provided he does not vote, debate or be present at a meeting thereof, while any question affecting the company is discussed; or (b) that he, as devisee, legatee, executor or administrator, or otherwise involuntarily by operation of law, for a period of not more than twelve months, is a party to or holds a contract with the District; or (c) that in common with other inhabitants of the District and on like terms, he contracts with the District for water or other municipal services; or (d) that after obtaining the approval of the Board of Trustees and where there is no other inhabitant of the District capable of providing specific goods, wares, merchandise or service, he, with the approval of all the other members of the Board of Trustees, contracts to provide specific goods, wares, merchandise or service to the District, provided that he does not vote or is present at a meeting of the Board of Trustees or any committee thereof, while questions affecting the contract are decided."

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

Mr. Tanner: Yes, Mr. Chairman, I second the amendment.

Mr. Chairman: It's been regularly moved by Councillor Chamberlist, seconded by Councillor Tanner that an amendment be added to section (2) (e) and as was just read out, I think all Members have a copy before them, are you prepared for the question?

Mrs Watson: Mr. Chairman, I think we should change the numbering of that. It should not be (2) (e), It should be 6.1 in the Original Ordinance.

Mr. Chamberlist: In this Ordinance that we are dealing with then it will be put into the location.

Mr. Legal Adviser: If that's agreeable with the House, I think it should go into a separate section. It's too long to be two subsections.

Mr. Chairman: So your motion would then read what? That a section be added?

Mr. Chamberlist: The motion is satisfactory but that it be amended by adding thereto.

Mr. Chairman: Well you have all heard the amendment or have copies before you, are you prepared for the question?

Mr. Chamberlist: Question?

Mr. Chairman: Are you agreed? I declare the amendment carried.

Mr. Taylor: Mr. Chairman, we have the second important item in respect of the submission of the Watson Lake Local Improvement District. I think it's a pretty important section. We've all heard today about how we like to see L.I.D.'s operate in a democratic manner and so forth, the

Mr. Taylor continues...

L.I.D. Trustees and the ratepayers in Watson Lake have indicated that *BILL #15* Section 14 should not give the Commissioner the power to dissolve the Local Improvement District, and substitute a Territorial Administrator. The Board of Trustees is elected by the people of the District and they, the Trustees feel strongly, the decision to eliminate an elected body should come from the residents and not be subject to the power of one man. Also that we recommend a section be instituted for the protection of the District, that if there is just cause for removal of a member or members, a petition by the people could be presented to the council, and the council then have the power to remove same." And they add, "we hope you will present our recommendation with forceful arguments". This was understood when we first established L.I.D.'s ,...I could refer you back to 1965, Second Session when the matter was discussed and there was an opinion sought of Mr. Legal Adviser, and I'd like to quote from page 456 of Second Session 1965 , in which the Legal Adviser, talking about the creation and dissolution of an L.I.D. He states " in section 18 there is a right to petition for dissolution, again the Commissioner is not bound to act on it". What are you going to do? Are you going to have the right to appeal to the Territorial Court? Wouldn't you rather have the people appeal to their Councillor that they were against this and the Commissioner would then have to make his justification to you. This would be much better and effective than having a lot of litigation. You would be entitled to ask the Commissioner why, when there is a sizeable body against the proposal, he has gone ahead and done it. He may have good reasons but they will obviously have to be very good if the majority of the people in the area are against it. Would I suggest that it is through you that the people in the area have the most effective voice." Now this was in 1965, mind you, that was some years ago, but this was the philosophy behind the dissolution section at that time. I don't know, I feel that when we created the L.I.D. Ordinance, and gave the people in these small areas the right to become involved at the local level, so to speak, in the administration of public works in the form of local improvements within their Districts, it was intended that they should have as much autonomy as we could possibly give them. And certainly they don't have the autonomy that is invested in, for example, municipality or village, which is a municipality. I think that in this area, these people have a very good point. I know and I might say at this time too, that this Watson Lake Local Improvement District was the pilot program in the whole L.I.D. scheme of things. There is no doubt about it, they've had their problems over the years, and this is a new Ordinance at the time, and getting the thing running has been a bit of a problem, but I think it's working out real good at the present time anyway. They've come a long way and they've proved that an L.I.D. can work. And I might say that we can all be very proud of this L.I.D. ...this particular L.I.D. at least. I feel very, very strongly that these L.I.D.'s must be autonomous if possible, and I think that when it comes down to the Commissioner having the right to dissolve an L.I.D., I think it must be, again, in consultation with the L.I.D. Trustees and the ratepayers in the L.I.D. as do the representatives of the Local Improvement District in Watson Lake. There is a great deal of confidence and trust reposed in these people because like we, at this Table, they are elected individuals, and they're held responsible for the functions of the L.I.D., and I would ask that Committee give consideration to re-writing section 14 along the lines they have suggested to provide another means of dissolution where the Commissioner must consult with the ... and have the agreement of the majority of the ratepayers in any L.I.D. before he can dissolve an L.I.D. and appoint an administrator.

Mr. Chamberlist: Mr. Chairman, there's a couple of points first I'd like to correct. We have referred to ... on page 3 of the Bill, section 9 dealing with amendments to section 14. We have referred in error to the word council. We should be using Board of Trustees. We should correct that and I think as a result of that the L.I.D. in sending their letter to the Honourable Member from Watson Lake, have referred to council in the wrong text. I'm sure when they talked about council they were talking about their Board of Trustees, and not the Territorial Council, and the opinion that was expressed by the Legal Adviser of the

BILL #15

Mr. Chamberlist continues...

day in 1965 was suggesting, at that time, Territorial Council. So of course we must be careful not to confuse what the issue is. Now we've already gone through the particular area dealing with the purposes of why there is a requirement for an administrator to be appointed when we have gone through the Municipal Ordinance. And I think the same arguments that were brought forward and the same submissions that were brought forward then are applicable in this particular case as well. It is all right to say that members of L.I.D. are ... perhaps have responsibility for the L.I.D. district but it is the taxpayer that has the responsibility to find more money if they have to go and step in... if Government has to go and step in and perform the functions that should have been carried out by an L.I.D. who have in some way, either by neglect or by mismanagement been unable to utilize the funds which have been given to them to perform proper function. There's also the case of where it may be that there would be difficulty in finding members of the public in the L.I.D. district to act as a Board of Trustees, therefore without a Board of Trustees, we have to have somebody who is to step in until such time as a Board of Trustees can be found and reelected again. So the whole point of an administrator... we've already gone over this picture and very clearly. I personally feel that Government has a responsibility not only to protect the public in that area where the L.I.D. is, but to protect the public in all other areas who also come up with funds to supply that particular area. It is very, very, rare indeed, that an administrator would be put in or that the Commissioner would act upon that, but the Commissioner has to have that power to do that if the necessity arises. Certainly we can find ways and means of saying that... in dealing with elections there, we might, because it happens to be an L.I.D. district and not a municipal district, we might say well let the circumstances prevail for electing Territorial Councillors in an L.I.D. district if you want it to be removed completely from that of a ...the requirements under the Municipal Ordinance. But that would go too far. And an L.I.D. of course is ...the next stage to an L.I.D. is a municipality, so we are treating a municipality and an L.I.D. district in exactly the same manner when it comes to the suggestion that an administrator would be put in to that area. I find that we cannot change that particular point because we've already dealt with that and the municipalities recognize where the need for an administrator might arrive. I particularly take note of the ... questions and answers between the Honourable Member from Dawson City and myself, I know he recognizes quite clearly why there is a need to have that particular power of administrator under certain circumstances. I cannot support the suggestion that has been made.

Mrs. Watson: Mr. Chairman: This particular section, there's a need for this particular section in the L.I.D. Ordinance, even more so than in the Municipal Ordinance, because the structure of the Local Improvement District does not make them responsible for raising revenue on which they operate. They operate on a grant from the Consolidated Revenue Fund of the Yukon Territory and the big danger is if these people do misuse some of the money that has been given to them. It is not just the people in the local L.I.D. that will suffer, it is the people of all of the Yukon Territory who will have to make up this deficit. And it is very important that there should be a vehicle whereby someone can step in and take over if it is necessary.

Mr. McKinnon: Well, Mr. Chairman, I've heard the Honourable Member from Whitehorse East stand up in this House, and say how abhorrent section 9 sub (2) of the Yukon Act is to him, that the Governor-in-Council may at any time dissolve the council and call a new council to be elected. The Governor-in-Council could tomorrow, without any cause whatsoever, without any reason whatsoever, dissolve the Yukon Legislative Council. I don't think that it should be the prerogative of one elected body, for without cause to just willy-nilly have the ability and the power to dissolve another duly elected representative body. I made the point in the Municipal Ordinance, that I didn't like the sections of the Municipal Ordinance which stated for what causes the council of the municipality could be dissolved by the Commissioner and an administrator put in its

Mr. McKinnon continues...

place, removed from the Municipal Ordinance. I thought the Honourable Member from Whitehorse East was in agreement with my statements at the time and had made the point that he thought the section dealing with what cause, the Commissioner could dissolve a municipality should be retained in the new Municipal Ordinance that he agreed with the principle just as it was abhorrent for him to think that the Governor-in-Council could dissolve this body tomorrow for no cause. Where he has the ability to not to be able to have that responsibility for no cause whatsoever, and the Commissioner just to dissolve a council, he could protect the rights and the prerogatives of the municipality, that he would do so. I think that this right goes down to the junior level of Government too, and that the causes for which members of the Local Improvement District can have their council at the L.I.D. level dissolved should be in the Ordinance and should be stated. It is not be difficult, it was stated in the old Municipal Ordinance what those areas were, of gross mismanagement, of fandangling where the L.I.D. or the municipalities could be terminated by the Commissioner and an administrator put in their place. Just to give, as it does in this section, "where the Commissioner deems it in the best interests of the district, that its affairs be conducted by an administrator and who is to say what the best interests of the district are, better than the people who are in that district, are the duly elected representative body of that district. Certainly, there has to be a section in both the Municipal Ordinance, and the Local Improvement District Ordinance that spells out for what causes the Commissioner can go in there and just completely negate a democratically elected body and put an administrator in. I think that any Member of this Council, that didn't make it implicit or force it upon this Government to be explicit, what cause was where the Commissioner can go in and remove a municipal body that they are negating a responsibility in this Chamber. I don't think it is an impossible section to overcome, I think, that we have agreed in the municipal area that it should be for cause of some sort or another. The only reason where the Commissioner can move in and dissolve a municipality, that that right should also go to the Local Improvement District also. They too also, are duly elected people, chosen by their peers, the people of the Yukon Territory.

BILL #15

Mrs. Watson: Mr. Chairman, it is quite obvious that the Member for Whitehorse West is not too familiar with the Local Improvement District Ordinance, as it exists today. There is a section on dissolving Local Improvement Districts and part of that section; section 18 states, "upon receipt of a petition, signed by a majority of persons in the district eligible to vote at an election of trustees for that district, The Commissioner may by order, publish in the Yukon Gazette, dissolve that district" So that provision is in that Ordinance right now. This is when "administrator" goes in, the section that is in the amended part of the Local Improvement District Ordinance, this is when an administrator goes in, when the Local Improvement District is in trouble to straighten it out, it doesn't necessarily mean that the Local Improvement District has to be dissolved. There are times, when possibly you don't have a Board of Trustees, everybody resigned, who is going to carry on the day to day business? Somebody is going to have to do it, everybody will say, why doesn't the Government do anything? As it is now, they cannot, but somebody has to be able to go in and take care of the everyday business until a new council can be elected, or the affairs can be straightened up. It does not have to dissolve the L.I.D.

Mr. Taylor: Mr. Chairman, we find no quarrel with the, I believe it was section 18, of the L.I.D. Ordinance. We find no quarrel with it because here is a case of where the people are petitioning the Commissioner. There is something going on with this district, but under this section 14, "Where the Commissioner deems it is in the best interest of the district", that is whenever he takes a notion, in his opinion its necessary he can appoint an administrator. (2) "On the appointment of an administrator of a District, the Council shall be deemed to have been retired from office and to be no longer qualified to act for or on behalf of the District" and I concur with wisdom that has just been expressed by the Honourable Member from Whitehorse West, it is just too great a power, I would think, as he, that there should be cause shown

BILL #15

Mr. Taylor continues ... and this should be stated in the Ordinance, as to under what circumstances does the Commissioner have the prerogative of exercising this particular right.

Mr. Chamberlist: Mr. Chairman, my stand has been explained by the Honourable Member for Whitehorse West, I still say I find it ... Section (2) of the Yukon Act gives the right of the Governor-General-in-Council to, ... and this body here, at any time it wishes, and of course I won't allow that particular area to happen to a municipality unless of course there were proper grounds and I go along with that principle. I think that the Honourable Member for Whitehorse West, with respect, he jumped the gun here because obviously he wasn't aware of section 18, of the Local Improvement District which dealt... he probably was aware of it I would say, but hasn't managed to tie it in with it. The objection that I have in this particular suggestion that is being made, that it is to completely remove it. I don't mind the spelling out of certain areas, where it should be removed but keep in mind that under section 18, it's the people in that area that act, that can in any event. You take the L.I.D. district of Mayo, one or two years ago overspent to the tune of some fifty thousand dollars. This happens because they were new to it, they went ahead with their work, by rights we should have put an administrator in there, to straighten things out for them and then let the Board of Trustees act but they recognized their mistake and with the help of Local Government, that seemed to be getting kicked in the teeth most of the time, they were able to straighten out their affairs. This is the type of thing we are talking about; when there is a requirement for an administrator to be put in a Local Improvement District. The people in Watson Lake are no different from the people in Mayo, or Haines Junction, I hope, where they are not subject to mistakes in the operating of their district and they can overspend. They can overspend to the extent where there is no way that they can get out of the difficulty and it would be a requirement from them, themselves as the Honourable Member for Carmacks-Kluane has said, it would be a public outcry. The public would say, what is the Government doing about it, they are not doing anything about it. The next thing you know you will have radio stations screaming at Norm Chamberlist. It is as simple as that. All that we are doing is trying to make sure that there is provision to take care of that very thing that could happen anywhere, by accident or by error. It is not a harsh thing, but certainly if Mr. Legal Adviser feels that there is a way of following the line that we've used, we intend to use in the Municipal Ordinance by indicating under what circumstances the administrator ... This is something we are going to consider, and we are quite prepared to consider that as well but to say completely get rid of the administrator, there is no way...

Mr. Taylor: Mr. Chairman, with respect, I don't think anyone has said, "get rid of the administrator!" What we are saying is that the decision to dissolve the Local Improvement District Board should be done really in conjunction with the Board and the people of that district. Under section 18, that is possible, under section 14.1(1) it is not possible, it is "where the Commissioner deems it is in the best interest" and it has been pointed out that cause should have to be shown here before the Commissioner would have the right and deem an elected body to be dissolved. He should have to show cause, this is only normal. Maybe Mr. Legal Adviser..

Mr. Chairman: I take it this section is then to be reviewed?

Mr. Legal Adivser: I would take it that it will be more than reviewed, apparently we are under the hammer to get this Ordinance out pretty much in time. There is no special thing about this section. The draft of a section was commenced when the Municipal Ordinance was being done and the question arose, what is a parallel position in the Local Improvement Districts when things begin to go wrong. We looked and then here on the fire was the question of what had happened in Mayo, where we had no power to do anything other than dissolve the district which is a very, much more serious step, then it was decided to put in a section

Mr. Legal Adviser continues ...

to deal with something that may happen in the future, it is not directed against the Watson Lake, local trustees. It is merely a routine housekeeping measure, that is drafted this way to take care of something that may happen in the future. As for suggesting for cause, we could put in the words "for cause", but who is to decide the cause, in the long run it is an administrative and not only is it administrative, it is a serious political act of the Commissioner, on the advice of his Executive Committee to take this step. The House then can question him and attack it, but first the step must be taken. BILL #15

Mr. Taylor: Mr. Chairman, with respect, the House isn't always sitting, and these things don't always happen when the House is sitting. I feel very strongly, as do the people, certainly in Watson Lake and we are not just about Watson Lake, we are talking about 3 and we could be talking about 30 because we are talking about the future. It is very important that something be done 14.1(1) and (2) which provides under what circumstances the Commissioner would have the right to dissolve, otherwise I think that it must be done in consultation and concord with a majority with the ratepayers of a L.I.D. We have got to find some way around this, but the way this reads right today, I would suggest that if there is any case of rushing this through, that it be deleted and brought back at some other time.

Mr. Chamberlist: Mr. Chairman, I would like to get an answer to this question that I give to the Honourable Member from Watson Lake. If a L.I.D. district didn't have a Board of Trustees, or the Board of Trustees had run into a debt of one hundred thousand dollars or more, does he think it incumbent upon the Commissioner to wait until the taxpayers say whether or not the Commissioner should step in and put an administrator in to straighten it out and what would happen if the taxpayers say, no we don't want an administrator to straighten it out, who is going to straighten it out?

Mr. Taylor: In answer to the question that was just asked of me, by the Honourable Member for Whitehorse East, I can only reply to this, that if an L.I.D. got into such a fantastic pickle as suggested by the Honourable Member, then the Department of Local Government should be disbanded forthwith because you have, I understand an Inspector of Municipalities, who is suppose to be working with these L.I.D. trustees and the management of their Local Improvement Districts and if such a thing were to occur, I'm sure that the people in the district would be made aware of it, by some means or another, in a thing as small as a L.I.D. and then it would be the duty of the Commissioner to consult with the people and determine whether or not it is advisable to appoint an administrator or indeed, to straighten the mess out to try and get these trustees backit was a very hypothetical case, but that is why I asked it.

Mrs. Watson: Mr. Chairman, I also consulted with the Local Improvement *BILL #15* District in my constituency and because I knew there would be opposition to this section, I particularly referred them to the this section and asked for any comment. I asked them to consider it completely. Not one of them wanted to have this section deleted because they realize the danger when you have a board like this, who is receiving money, spending money, but is not having to raise the money. They can see where this could get out of hand very easily and that everybody is going to have to pay for the mistakes in one district. Everyone in the Yukon Territory. They feel that this section is quite adequate to take care of any situation that might arise. Surely the Commissioner wouldn't step in unless it was an absolute necessity.

Mr. Taylor: Mr. Chairman, with respect, I have discussed this matter with the chairman, of the L.I.D. Board in Haines Junction and he says he's in perfect agreement with it. But I might say that the situation presented by the Honourable Member is caused.....let's spell it out, let's write it in the Ordinance, what is caused? What this says is that when the Commissioner deems it is in the best interests of the district, and I submit that that is not sufficient. It's too great a power to give to the Commissioner over elected representatives.

Mr. Chamberlist: Mr. Chairman, this comes back to the other argument...

Mr. Commissioner: With respect, Mr. Chairman, when this House passes a budget, they are giving the administration of this government the authority to spend money. With that authority are all the implied limitations that are involved in this particular.....those limitations that are proposed in the Financial Administration Ordinance. If you are going to tell the purveyor of that money, namely the Commissioner, the government of the territory, the administrative arm of the government, if you are going to tell that purveyor of the money that he must obey the laws of the territory in the purveying of that money, and at the same time, you take away from him the ability to enforce those laws, you might just as well not give him any money. This is the problem with the L.I.D. I have nothing but respect for the position of the Honourable Member from Watson Lake, but unfortunately history of the L.I.D.'s up until now, has not been such that leads me to believe that the future is going to be anything different than the past. This is the embryo stage of municipal and local government and you cannot expect these people, these trustees, to know all the finese and have all the managerial capabilities around about them in order to conduct all these affairs in a perfect manner. There's no way that you can expect this. Therefore, it is quite easy for these people in an inadvertant manner to get into financial jams from which only one place is going to get them extricated; namely the Commissioner. The Government of the Yukon Territory is not empowered to step in at this particular point in time. The other alternative is to come back to this House here, and raise untold sums of money, taxation throughout the Territory, to pick up or bale out of the position that the L.I.D. got us in. This particular situation has already happened on one occassion, fortunately we were able to pick up the pieces without too much difficulty. It was a lesson that we learnt and we found out that we had no powers at all under the Local Improvement District Ordinance as it stands prior to this amendment, to deal with the problem in a manner which is a business-like manner, in which we can deal with all other problems within Y.T.G. Municipalities are getting into a little bit different kettle of fish because they are corporate entities in that sense of the word and there is an element of particular and peculiar responsibility within that area in which the confines of their indebtedness and the confines of their contractual ability are very very clearly delineated in the Municipal Ordinance. Not so, is the case with L. I. D. We send them your money, we tell them that it is to be spent in a certain manner, that if they don't spend it in those manners, we don't know

BILL #15

Mr. Commissioner con't....
until after they're finished. If they enter into contracts, the contracts are entered into, certainly on behalf of the L.I.D. as the paying agency only. The individual or the government behind those contracts is the Government of the Yukon Territory. Believe you me, Mr. Chairman, I know that in itself this sounds like a very very harsh provision in the Ordinance. Personally, as an individual I am not happy about controlling these kind of prerogatives or discretions but they are not used in a haphazard manner. They are used in all instances at this time, on the advice of the group, the Executive Committee, on whom two Councillors sit. All I can say to you is that if the days arrives when the L.I.D. becomes a municipality, you're getting into a different ball of wax here, but while they are L.I.D.'s, they are basically creatures of this House and I strongly recommend to you that you don't deny the powers of this House to retain some control over them and that's effectively what you're asking for right now.

Mr. Taylor: Mr. Chairman, I don't have any argument with what the Commissioner has just stated. Certainly, the power must repose in the Commissioner to step in when things do go sour. What I am saying and what I do find an argument with is it must be for cause. Now, if cause be indicated, then it must be spelled out. If it's mismanagement, misappropriation of funds, or whatever you want to call it, this is the argument. Spell out what that cause must be. For what cause the Commissioner could just step in and arbitrarily decide or by any other means decide, that it is in the best interests of the district that the L.I.D. be dissolved, and then deem these people to be dissolved. We must indicate what those causes shall be.

Mr. McKinnon: Mr. Chairman, I haven't disagreed really, with anything any Member or the Commissioner has stated at this House. The point is that there is an area in the Municipal Ordinance which spells out when the Commissioner deems in the best interests to put an administrator in. One of those reasons was in the area of Dawson City, where the municipality resigned and certainly the government had to act immediately in putting an administrator in there. That's one of the points the Honourable Member from Whitehorse East raised and one of the points I agree with is that the government should have the ability to send an administrator into either a Local Improvement District or a municipality, where there is a mismanagement of funds, obvious to the Government of the Yukon Territory, then, the Commissioner should have the ability to put an administrator in. The thing that I object to is the way that it is in 14(1) now, that there is no cause whatsoever for any reason, that an administrator may be appointed. I can see the area, where through a very strong local administrator heading on to a collision course with a government, and the government saying the easiest way to be rid of him is just to.....let's deem the Local Improvement District Council to retire from office and appoint an administrator because it's obvious that we're heading on a collision course and governments being what they are, they don't want to upset the status quo and they don't want to shake the ship. That person, in that instance, has no comeback, as I see it, on the Government of the Yukon, because they don't have to give any reason, they don't have to give any cause as to why that Local Improvement District has deemed to be no longer holding office and why an administrator is appointed there. He can scream and holler all he wants ...there wasn't any mismanagement of funds under my hands, we were doing what we thought were the bests interests of the people, and that poor guy and his council is just out crying in the wilderness, with the strength of the public maybe, behind him, but still, the administrative arm of the Yukon Territorial Government has ceased that Local Improvement District out of being and has appointed an administrator. I think that this Local Improvement District has to have some sort of protection and I think that it isn't too difficult. There are so obviously, several areas which are going to be in essence, the only areas when the Commissioner is going to use this power to put in an administrator. One of them is if they all decide to resign on their own accord or if there is an obvious mismanagement or overspending of funds. Or, for other cause. If that kind of safeguard was written into the Ordinance

Mr. McKinnon con't....

where the Local Improvement District knew where they stood, they had some protection and also the Territorial Government still has the ability of putting in an administrator in certain areas where it was obvious that difficulties were happening in the Local Improvement District. Just to allow the power to just sit there and not have to give any reason of any cause, or any protection for the Local Improvement District and just be able to declare it not to be in being any longer, is, I think, unacceptable.

BILL #15

Mr. Chamberlist: Mr. Chairman, we mustn't overlook another subsection on page 4. It's 14(5)(2): "that the Commissioner shall, appoint a local committee of two or more taxpayers, with whom the administrator shall consult in relation to the conduct of the affairs of the district." There's no reason at all why the Commissioner, perhaps, will appoint two of the trusteesit's the administrator who has to have control. This, more or less, argues against the argument that was put up by the Honourable Member from Whitehorse West, the input of the district itself is being removed completely. There's a mandatory requirement here for the Commissioner to have a couple of taxpayers connected there, working with the administrator.

Mr. Taylor: Well, with respect, Mr. Chairman, this is not the problem. This is after the administrator has been appointed. Our problem is not what happens after he's appointed, our problem is in his appointment. The section referred to by the Honourable Member has nothing to do really, with what we're talking about in 14(1) and (2). We're talking about the appointment of the administrator by virtue of the dissolution of the board and there's where our problem is and I say spell out cause. We've then solved our problem.

Mr. Chamberlist: Well, Mr. Chairman, the Honourable Member did not answer the question that I've put to him which would have made some difference in my thinking in this particular matter. He danced around it. I would like to get a direct answer from him in that particular regard. Should we allow the taxpayers in a circumstance such as I described, to be able to say to the Commissioner, notwithstanding that we're in debt, and notwithstanding that we're in trouble, and notwithstanding that we've got..... we say no, you can't put an administrator in. What happens then? We're not looking after that particular point that has to be looked after.

Mr. Taylor: Well, Mr. Chairman, simply as I've just stated to the Honourable Member, if the cause is spelled out in the Ordinance, the Commissioner dissolves the L.I.D. Board for cause, then there's nothing the people can do about it. The Commissioner has the right as long as the Commissioner can clearly show that there's cause. If it's misappropriation of funds, fine, if it's mismanagement, fine, but spell out what those circumstances are.

Mrs. Watson: Mr. Chairman, if putting in for causes is put to a certain degree, but, as the Commissioner pointed out, most of these people have never had any experience with local type of government whatsoever, they're going to make mistakes that they don't plan on making at all, I know that this was given consideration at one time, your Board of Trustee may well come to the Commissioner and say look, we're all fouled up. Do you think you can send out an administrator to get it straightened out and put us on the right track again. If you had that section in for cause, you wouldn't be...the Commissioner wouldn't be able to go along with the wishes of his Board of Trustees.

That's not cause, that's interest of the L.I.D. I know this in itself has been given consideration because they just haven't had the experience in local government and don't have the assistance of a legal adviser, don't have the background on legislation, reading legislation, and they know that they're in trouble and they want to do something about it, let's get them an administrator. Let him set up the books.

BILL #15

Mr. McKinnon: Mr. Chairman, we all know around here, how governments work and we all know the confrontation courses that governments can head themselves on, fully thinking that they're acting in the best interests of the people. In this Ordinance, as it's written, all the strength and all the ability to do things, and all the power is on the hands of the Yukon Territorial Government. It is just so within the realm of possibility that a Local Improvement District could really get on a collision course with the Government of the Yukon Territory and the Government of the Yukon Territory can steamroll the Local Improvement District without a by your leave or for no reason whatsoever except that they decide that the Local Improvement District is no longer going to exist and an administrator is going to go in. Let's not fool ourselves that the Commissioner can't find two or more taxpayers in that area that are going to side with the administration for any reason whatsoever, and join the administrator on the local committee of two or more taxpayers. You're just negating the whole concept of trying to bring democratic government down to the level of the Local Improvement District and you're really not that serious about bringing democratic institutions to the people at the Local Improvement District if you don't somehow, write in some protection that the administration of the all-powerful Territorial Government, with no reason whatsoever, can go in and just steamroller a Local Improvement District without them having any recourse whatsoever. Please, look at the section and try and find some areas, two or three reasons that would give an administration cause, to upset a Local Improvement District, and then for other type of cause section, and you'll take all the arguments away because I can guarantee, that within those two or three areas of just cause, you're going to be covered in perpetuity where you have to move in an eliminate or move an administrator into a Local Improvement District. Don't retain the powers in this Council, that we are so diligently trying to wrest from the senior government for the development of the Yukon Territory. I urge you to examine it, before this Ordinance is passed.

Mr. Chamberlist: Mr. Chairman, I don't think that we're going away from the principle of democratic government, simply because we don't want to abdicate the responsibilities that the government has. I think that if we abdicate those responsibilities and neglect looking after the funds of the rest of the people of the Territory, this in itself, would be an abdication. I'm sure the Honourable Member, he knows that we're got no argument with the general principles that have been laid down and expressed by all of us here, the encouragement of local government on a local level, wherever possible. But, to give it away completely without any stopgap, the only danger that I see that the Honourable Member has indicated, is sometime there may be somebody, a Commissioner, who may decide to do something on his own. Under our system that we're growing into, it won't be the Commissioner that's going to do that type of thing. By the same token, I would plead with him to understand that government has a responsibility and this is what we've accepted. The responsibility of being prepared to take a firm stand and place in a position, an administrator, when the necessity arises. I certainly no, that....I hate the word "deemed to be", most Members have heard me stand up here and say what I think about those words, "where the Commissioner deems to be able to do something or other", "where the Commissioner, if in his opinion," this I know, is a dictatorial power that you give to an individual and let me say this, that if there was no Executive Committee here, and if it was on the old system that we had prior to this Council, I would be on the side of the Honourable Member from Whitehorse West, and I too, would take the same stand that he is taking now. If any time it happens, that the Commissioner takes an action, while I'm on the Executive Committee, without...an action of policy without the Executive Members knowing about it, I wouldn't be with them. I would also, be back here as a Council Member, an ordinary Council Member. I'll make that position clear. Perhaps the Honourable Member hasn't got the confidence in the Executive Committee Members, I know he hasn't. I feel sure that he understands what we're talking about, when we talk about an Executive Committee being responsible. And we are trying to be responsible by recognizing the fact that we have a responsibility to protect the taxpayers' money of the Yukon. Not, simply the conduct of an area that has an L.I.D. We look to them expanding from an L.I.D. to a municipality, when they become a municipality, they are then covered by the Municipal Ordinance. In that Municipal Ordinance, the areas are spelled out because they

Mr. Chamberlist con't....

will be raising some of their own taxes as well, directly. Quite frankly, as much as I'd like to go along with concept, I cannot go along with it because my thinking is stronger on the side of government must have protection for the monies that other people from other parts of the Territory, have placed in our hands to look after and it your hands, as well. BILL #15

Mr. Commissioner: Well, I don't want to interject here really, Mr. Chairman, but I appreciate the opportunity. The point I make is that we have a history here now of approximately seven years, if I remember correctly, in dealing with L.I.D.'s. The L.I.D. in Watson Lake, the L.I.D. in Mayo and the L.I.D. in Haines Junction, and certainly, I think the historical pattern of the administration has attempted to treat these people with respect and endeavour to encourage them not to inhibit...I think that this should be taken into account when the Honourable Members are considering what terrible actions that we are potentially being accused of bringing about. ~~This has not been the historical pattern of the government~~ and I simply cannot see that, I simply pass this on, Mr. Chairman, for Members' consideration.

Mr. Taylor: Mr. Chairman, I think that it's important to recognize that up to 1958, the old original Ordinance, let us look for a moment at section 315,"in case a municipality fails for any reason to provide for the payment of either the principal money or the interest on any debentures issued or guaranteed by the municipality, when the payment is due, any creditor or elector of the municipality may apply to a judge of the Territorial Court for an order authorizing the appointment of an administrator for the municipality." There was, and the point I'm getting at, there was cause, cause had to be shown for this. So it's a municipality, so? Well, when things subside, Mr. Chairman, may I continue? The existing Municipal Ordinance on the appointment of an administrator in a municipality...."in any case where a municipality is in serious financial difficulty and the Commissioner deems it in the best interests of the municipality and the ratepayers and creditors thereof, that ~~its~~ affairs be conducted by an independent administrator, the Commissioner may, by order in writing, appoint a person as the administrator of the municipality." Again, cause has to be shown here. It's spelled out in the Ordinance. This is all I'm asking for L.I.D. Spell out cause, if it's mismanagement fine, spell it misappropriation of funds, fine. Just spell out cause and you've solved my problem. To leave it....'the Commissioner's deeming it in the best interests of the district, that's not what I consider fair, equitable legislation. You might just as well shut the L.I.D.'s down. You don't need them. Run the thing as you used to with your Department of Administration.

Mr. Chairman: Any further comments on this section?

Mr. Taylor: Does the Legal Adviser, think, Mr. Chairman, that he could define cause in the areas I've defined and I believe we were just talking about mismanagement or misappropriation or something of this nature.

Mr. Legal Adviser: Mr. Chairman, I've been thinking with this in my head, the key thing is who is going to define what happened in a dispute. You've given the Commissioner a power, and true you could limit it by a few words, but as he says he's limited already by "he must deem it in the best interest of the district." You can say where serious problems have arisen or are about to arise in the government. Any formula you like, You can even add in the words "where the Commissioner for cause, deems it in the best interests of the district." Then put in formulas of various kinds, but in the last resort it's really meaningless because the Commissioner on his advice, actually takes the decision because no way can you draft a suitable section which would allow a vote on it or a plebiscite or go to the courts. When it does have to be taken, it really has to be taken promptly. You can tinker around with the wording any way you like, but in the last resort it comes back to the same thing. It's an administrative act for which the Commissioner, in this House, has now become politically responsible.

BILL #15

Mr. McKinnon: At least, Mr. Chairman, if "for cause" is interjected into the Ordinance, it means then, if the Local Improvement District feels that they have been unjustly done by, that they have some legal recourse to the Commissioner of the Territory. He has to prove the cause for which he declared the Local Improvement District no longer to be. The way it is now, that protection is not given to the Local Improvement District.

Mr. Legal Advisor: Not really, that doesn't say that, Mr. Chairman. It says that he deems the cause. That's not what you're giving us, as I see it. It's a tough section and I suppose, in many ways, it's a tough section to stomach. If you're going to have a tough section, you might as well take it neat, instead of taking it bit by bit.

Mr. Taylor: Mr. Chairman, you must remember that you're not dissolving an appointed board. If this was an appointed board, this would be a horse of a different quality. You're talking about dissolving a body, elected by the people.

Mr. Tanner: Mr. Chairman, all this discussion this afternoon, I think that most Members basically, agree with both points of view but surely you can boil it all down to a simple case of pay your money and you get the goods and that's what happens here. These people do not raise the money so they consequently aren't in the same classification as a municipality. If they want to become a municipality and take that responsibility, then they shouldn't be dissolved in this manner. Until such time as they raise the money, I contend, Mr. Chairman, they haven't got the same rights and prerogatives as the rest...

Mr. McKinnon: Mr. Chairman, they do raise part of the money. What is the difference of them raising part of the money and the Government of the Yukon Territory raising part of the money that pays for the administration of the Government of the Yukon Territory. What's the difference between the seven provinces of Canada other than Alberta, Ontario or B. C., only raising part of their revenues and yet demanding full autonomy on the spending of those revenues that they have received. Certainly, we're negating the argument all the way down the line. The reason that we can't give them any responsibility is because they only raise part of their revenues then those Members expounding those arguments, can't stand up in this House and say that they want autonomy in the Yukon Territory. Certainly, if we're only ready to pay part of our revenues, then we only deserve part responsibility. I won't buy it, I've never been able to accept it and fortunately, most of the citizens of Canada haven't been able to buy that type of argument. It just seems to me that the steamroller Territorial Government has the complete and absolute jurisdiction in this section with absolutely no protection for the Local Improvement Districts. I say that some protection should be on the other side, that cause should be written as to the reasons that the Commissioner can completely negate a wholly elected body. Just to say that, "where the Commissioner deems it to be in the best interest", good-bye elected body, that's not good enough.

Mr. Chamberlist: That's not so, because you are completely forgetting section 18.

Mr. McKinnon: That's the other side.

Mr. Chamberlist: But, you are completely forgetting that because section 18 can be interpreted that there is a requirement to go to the taxpayer in any event.

Mrs. Watson: I can't really see the hangups that some people have on this, when the people themselves, who are directly involved with the Local Improvement Districts don't find this section repulsive at all.

BILL #15

Mr. McKinnon: That's not according to the other end of the Territory.

Mrs. Watson: In a conversation with some of the people of Watson Lake, they weren't that opposed to it either.

Mr. Chamberlist: This letter here, the way it has been written up, the Board of Trustees is elected by the people of a district and they, the trustees, feel strongly the position to eliminate an elected body should come from the resident and not be subject to the power of one man. Immediately they are wrong because they are not subject to the power of one man. Also, that we recommend a section be instituted for the protection of the district that if, there is a just cause for the member a petition by the people could be presented to Council. Now, there're talking about a Board of Trustees, and now they are talking about Council, which are they talking about? Are they talking about the Territorial Council? Quite frankly, I think that, Dear Don, should have replied to them and asked them, what do they mean and then we would have known what was meant.

Mr. Taylor: Dear Chairman, I rise once again to point out ...

Mrs. Watson: Mr. Chairman, the people who ...

Mr. Chairman: Order please. The Chair, will recognize people, one at a time and I must ask Members to seek recognition from the Chair before standing.

Mr. Taylor: I was just replying to a question just asked me.

Mr. Chamberlist: You know better than that.

Mr. Chairman: Councillor Watson.

Mrs. Watson: I also would like to add, that the people who are not on the Board of Trustees, who live in these Local Improvement Districts would in all probability welcome this type of a section within the Ordinance so that they too have a Board of Trustees who spend money high, wide and handsome, could be painting all the fences blue and not using the money for anything else, there is a way that they can be protected.

Mr. Taylor: May I answer the question now, Mr. Chairman? Mr. Chairman, in answer to the Honourable Member, the Council referred to is quite clearly set out in 14(2) "On the appointment of an administrator of a District, the Council shall be deemed to have retired from office" The council they refer to there is their own board. I think I have mentioned this about three times now, so I think we should have that straight. Council should mean, the board.

Mr. Chamberlist: Mr. Chairman, I would move that that section remain as is.

Mrs. Watson: I'll second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson that section 14.1(1) and (2) remain as is, except

BILL #15

Mr. Chairman continues ...

with the word "Board" being changed, I gather. Are you prepared for the questions? Section 14 under 9 of the new Ordinance referring to 14.1 (1) and 14.1(2), that these sections remain as is.

Mr. Taylor : Mr. Chairman, speaking to the motion. Mr. Chairman, just before this motion is passed, I can say with the passage of the motion I certainly can't agree with what otherwise should turn out to be a rather good Bill when the amendments to it are forthcoming. I can say, if you pass this piece of legislation, or pass this motion agreeing to the acceptance of 14.1(1) and (2), which is a portion of section 9 of this Bill, then you do too great a disservice to the general public, you provide an extra dictatorial power, which has no place in this Yukon Territory and beware of what you do if you accept this motion because you are going to be in a lot of serious trouble over it. It is just another indication of bulldozing, ram it down the people's throats. I don't know who is in charge here, whether it is the Commissioner, or the Honourable Member from Whitehorse East, who may fancy himself as a premier or something, but I am saying ... The Commissioner says that Commissioner means Commissioner, I am informed at the Table on many occasions that Commissioner doesn't mean Commissioner anymore, it means the Member from Whitehorse East, I haven't yet determined who is Commissioner around here in terms of this legislation. I must say that this is something I could not possibly accept, nor can the people of the Yukon Territory. If, you want issues, you want people to find issues to fight this is just going to be another one that you are going to have on your back.

Mr. McKinnon: Mr. Chairman, speaking on the motion, I do find it extremely difficult to accept this type of legislation, as we see in the Local Improvement District Ordinance, and the only word that I can find in my vocabulary to the Members of this Legislative Council is hypocritical. I find it extremely hypocritical for a body to continuously and constantly pressure and scream and shout to the Federal authorities for more power in the Yukon Legislative Council and the Yukon Territory, then in turn deny the principles and responsibilities that they are able to give to junior governments, under both the Municipal and the Local Improvement District Ordinance. I find it very ironic, at this time in the history of the Yukon Territory that the Government of the Yukon Territory is making the same, fatal mistakes that governments have made since the incorporation of that institution known as democracy. The whole history of democracy has been the inability of the senior government to let the junior government have their head. Up until this last Session of Council, this Council was always bending over backwards in giving as much responsibility as it possibly could to the governments of both the municipal and the Local Improvement District level because I don't think that they wanted a charge levelled against them that they were levelling against Ottawa in not giving the Yukon Territorial Council more legislative control. As I say, Mr. Chairman, the only thing that I can say is that I find this Government hypocritical to the utmost in not allowing...

Mr. Chamberlist: Point of order, Mr. Chairman. I rise on a point of order. I wonder if the Honourable Member can be drawn to the Beauchesne's Rules and I am sure or he recognizes in many places in Beauchesnes the word "hypocritical" is not permissible when referring to Members of the House or the Government.

Mr. McKinnon: I will conclude my remarks by saying, I find it very difficult to understand how this Government won't give the same rights and powers to the junior that they are so constantly demanding from the senior government. I think that any representations that this Government makes in the future to the Federal Government are always going to be covered by the inability to give that same right and responsibility to the junior governments they are constantly crying for themselves.

Mr. Chamberlist: Mr. Chairman, just in closing, there are two points that I would want to discount in these; the first one is the suggestion the Honourable Member from Watson Lake that this was bulldozed, I think anybody sitting here, any member of the press, any member of the public gallery has seen to what extent that the points have been debated, so the accusation that it has been bulldozed is totally wrong. The Honourable

Mr. Chamberlist continues ...

BILL #15

Member from Whitehorse West, at this time makes a specific point, that because the Government of the Yukon Territory, in its wisdom has decided to put a protective section in to protect the taxpayers of the and indeed the taxpayers of Canada, because the taxpayers of Canada are involved with some of the monies, or most of the monies that come into the Yukon which are spent also, in Local Improvement Districts, it is now being said by the Honourable Member for Whitehorse West, that because the Government of the Yukon has accepted its responsibility in protecting the funds of the people of the Yukon Territory and Canada in saying, we now are refusing to recognize the acceptance of a lower government and the powers of the lower to be given. I think, that's wrong, I think it is destroying the concept of what we are trying to get, we must in exactly the same way that we are trying to show to the senior government, our senior government, the Federal Government, that we are responsible, we also expect the lower echelon of government to show that they too are responsible. I think, by showing the Government of Canada that we are able and capable of providing legislation, to protect the taxpayers money, that is responsibility and I don't think that anybody should deny that we are trying to do just that; protect the taxpayers money. This is the first time that I have ever been accused of being negligent in my duty because I want to protect the taxpayer. This is quite a switch. If, I would have been able, I would have said; let's give the L.I.D as much money at they want, to use in what ever way they want. If I said that and supported that then I should be really told in no uncertain terms, that I am being irresponsible. The Government of the Yukon Territory has not done that, we have brought forward a piece of legislation which protects the taxpayer and at the same time recognizes the need that the Commissioner will not act, on his own without the Executive Committee. This is made quite clear in all legislation, where the words, "the Commissioner" is written. I think that Members of Council should begin to recognize, in view of motions which are going to be placed on this floor and are also ready to be discussed with reference to more responsible government and more Executive Members on the Committee, and more Members of Council. There is a responsibility to recognize that there is no point in having bodies, if you don't take the responsibility that those bodies need to take to operate a government. Mr. Chairman, I am satisfied, in my own mind and when it goes to the vote, I am sure the majority will be satisfied in their minds that we are acting responsibly. This is the decision that must be made. Do I act responsibly to vote on the basis of this particular point? Am I given the responsibilities to protect the taxpayers money? If the answer is yes, it can only be voted in that way.

Mr. McKinnon: Mr. Chairman, I think

Mr. Taylor: Mr. Chairman, I just want to say one thing, Mr. Chairman before this vote is taken. That last speech, I heard is very reminiscent of something which would come from the dictates of Castro; that "I am here to protect the people". "I am going to protect the people because the people are not sufficiently capable of looking after themselves" I am saying to you this, to all Members of Committee that the failure to sit down here and write legislation, which would in this case delineate cause in this Ordinance and the passing along of this tower to Mr. Commissioner from this Legislature, is just another, if this motion is passed, case of more and more being shifted from this Legislative Body to the administration. I don't think there is any solace to be found in the fact that the Honourable Member from Whitehorse East feels that this Executive Committee is working, in my opinion it is failing miserably. I will make that point at another time. I think that, that is evident to everybody in the Yukon Territory. I say that this is being bulldozed through. I think if the Honourable Member had any consideration for other Members of this House, he would indeed, sit down with the Legal Department, with Legislative Programming Committee, or some other arm of Government, or a committee of this Council or indeed, this Committee of the Whole and say now, look we are all in general agreement with what we have been saying here except for the fact that we want you to find cause. He's not saying that, he is saying that, okay, times up, that's enough the clocks whistling around, I'll make a motion which he has done, let us retain this and move this out

Mr. Taylor continues ...
of Committee. As far as I am concerned, it is bulldozing and it is absolutely dictatorial and if this motion is passed..well this is typical of what we have to face and what the people of the Territory must face and this is why I am going to be asking for dissolution of this Council in a very, very short period of time. I wonder then, if these same gentlemen who make mockery of the rights of the people of the Yukon Territory, today, will continue to make mockery of these people, I wondering if they have got guts enough to go and face their people and put it up to them..

BILL #15

Mr. Chairman: I wonder if the Member would keep his remarks relevant to the question at hand.

Mr. Chamberlist: Here, here.

Mr. Chairman: Order.

Mr. Taylor: Mr. Chairman, I am keeping my remarks very relative to the question at hand.

Mr. McKinnon: I would just like to make one point, Mr. Chairman, I will be very brief prior to the question being called. The Honourable Member for Whitehorse East, who is making the point of how he is protecting the taxpayers money, I say that he could have done this for sure and also protected the Local Improvement District by taking the time, for he and the Legal Adviser drafted the section somewhere along the line that, where a Local Improvement District is in serious financial difficulties, and where there is a question of mismanagement of Government funds or where other causes that the Commissioner deems necessary, the Commissioner may appoint an administrator, such and such. I think that that would have handled the difficulty that the Honourable Member says he has in protecting the taxpayers funds and would have definitely satisfied my objection that cause be written before a Local Improvement District is abolished on the whim of the Commissioner.

Mr. Tanner: Mr. Chairman, I call for the question as well, I think the question should be resolved very quickly. What the Honourable Member has said, is exactly what it says here. The only thing he has added, is whether or not the financial responsibility ... I really think the Honourable Member is being frivolous, this is the Member for Watson Lake and I would call for question.

Mr. Chairman: Question has been called, are you agreed? Those in favour please signify in the usual. I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: I think that was the last section to be debated, at this point on the Local Improvement District Ordinance. May we report progress on the Bill? Agreed?

Mr. Legal Adviser: Mr. Chairman, before we depart from this Bill, is it the understanding of the House that we put in the amendments that were passed today, then if that is done, it comes back to Committee tomorrow and unless...Would it need Standing Orders to be suspended in order that it be passed into final law tomorrow, so that Commissioner can give assent to it.

Mr. Chamberlist: I doubt whether we will be given that consideration by a Member or Members, and if not, it means that this House will sit until Wednesday, until we get this through. The necessity for the Local Improvement Districts to have this legislation, and we must give it to them because we really like to give the lower governments, at the local level the legislation that they have asked for and want.

Mr. Chairman: Is it the wish of Committee, that we report progress on Bill 21. I beg you pardon that is Bill 15. May we proceed to Bill 21. I will just declare a brief recess while we get this straightened out.

RECESS

RECESS

BILL # 21

Mr. Chairman: At this time we'll call Committee back to order. We are at the present time discussing Bill 21, does that agree with Committee?

Mr. Taylor: Mr. Chairman, at this time in view of the fact that we have just received a brief, with respect to Bill 21 and in view of the time, I would like to move that Mr. Speaker do now resume the Chair.

Mr. Chairman: Is there a seconder?

Mr. McKinnon: I want to know what the position of the Government is on Bill No. 21? Are representation from the Yukon Transport Association being invited before Committee? Also, will the Territorial Secretary be available for discussions on Bill No. 21? At least get the order clear in my mind, how we are going to proceed with it.

Mr. Chamberlist: I have no objection, Mr. Chairman, if Members wish to have a representative to appear, by all means.

Mr. Chairman: Is Committee agreed?

Mr. Chamberlist: Nobody has asked for one, that is the point. If someone asks for one, then I am sure Committee can agree, but until they ask for one, we will continue with the Bill.

Mr. Taylor: Mr. Chairman, this is why I tried to buy time today to get this submission in, and it would be appreciated if we could have witnesses, as suggested by the Honourable Member for Whitehorse West.

Mr. Chairman: Are there any specific witnesses required so that notice can be given to them?

Mr. Taylor: I would suggest, Mr. Chairman, a representative from the Yukon Transportation Association and possibly our Registrar of Motor Vehicles.

Mrs. Watson: Mr. Chairman, isn't Mr. Taylor the Chairman of the Utility Board? We couldn't ask him to appear here as a witness.

Mr. Chamberlist: I don't think that there should be any objection, it might be.. I find nothing wrong, we can ask for the Chairman of the Northern Canada Power Commission to come in if we wanted him, I see no objection. I have been accused many times of not being parliamentary and not giving consideration to Committee of the Whole, I think it is a reasonable request that I can't and shouldn't refuse.

Mr. McKinnon: Mr. Chairman, I think it is rather obvious that there is no one with more expertise, in the field of Public Utilities or the Transport Public Utilities, as Chairman of the Board and also for his attendance at the Provincial, Federal conferences on uniformity of legislation in which the Federal-Provincial trucking regulations come into a large play which are in future even going to be even more in play in the provinces and in the Yukon. I would certainly, for one like to see, Mr. Taylor before Committee.

Mr. Tanner: Mr. Chairman, if the gentleman, in question wants to come, he can always plead the Fifth Admendment.

Mr. Chairman: Is it agreed by Committee that Mr. Taylor and a representative...

Mrs. Watson: Mr. Chairman, I would like to point out that this gentleman that we are discussing, is a the Chairman of an independent board and I think that we might be putting them in a very embarrassing position by asking him here, and putting him in a position where he might have to refuse to answer questions.

BILL #27

Mr. Chamberlist: I don't argue with my colleague on this, but the rule of this House is that where a person is asked to attend Committee, we have to abide by the wishes of this Committee, this is the rule.

Mrs. Watson: Are we making a wise rule? This is my question.

Mr. Chairman: May I ask Committee when they wish to discuss this Bill then? Is tomorrow morning the wish of Committee. I think at this time the Chair would entertain a motion for the Speaker to resume the Chair.

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

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

MOTION CARRIED

Mr. Speaker resumes the Chair.

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:15 a.m. to discuss Bills, Sessional Papers, and Motions. I would like to report progress on Bill 13, 14, and 11. Committee recessed at 12 noon and reconvened at 1:45 p.m. It was moved by Councillor Chamberlist, seconded by Councillor Tanner that Bill No. 15 be amended by adding thereto the following; (1) a person is not qualified to become a trustee or if elected a trustee will be disqualified from remaining a member of the Board of Trustees, if he (a) has been convicted upon indictment of an offence in Canada, unless he has been pardoned therefore has completed his punishment, (b) ceases to be a resident of the district. (c) is convicted of making a false statement, in his acceptance of the nomination, (d) ceases to be a citizen or British subject, (e) uses information gained through his position as a member of the Board of Trustees to gain a pecuniary benefit, either directly or indirectly, (f) is a judge of court of civil jurisdiction, (g) is a undischarged bankrupt, (h) is auditor or officer or employee of the district, (i) is indebted to the Commissioner or to the district for taxes, or the provisions of any services in respect of a thing or matter arising in the district exceeding fifty dollars, except any indebtedness for current taxes, (j) is a party to a subsisting contract with the district under which money is payable or may become payable for any work, service, matter or thing, (k) has a pecuniary interest either direct or indirect, in any subsisting contract with the district under which money is payable or may be payable for any work, service, matter or thing, (l) becomes during his term of office a party to a contract with the district for the purchase, sale or lease of personal property. 2. Subsection 1 does not apply to a person by reason only, (a) of his being a shareholder, an incorporated company having dealings or contracts with the district, provided he does not vote, debate, or be present at the meeting of a Board of Trustees or any Committee meeting thereof, while any question affecting the company is discussed, or (b) that he as devisee, has devisee, legatee, executor, administrator or otherwise involuntary by operation of law for a period of not more than twelve months is a party to or holds contract with the district or (c) in common with other inhabitants of the district, and on like terms he contracts with the district for water or other municipal services, (d) that after attaining the approval of the Board of Trustees, and where there are no other inhabitants of the district capable of providing specific goods, wears, merchandise or service, he, with the approval of all the other members of the Board of Trustees contracts to provide specific goods, wares, merchandise, to the district provided that he does not vote or is present at the meeting of the Board of Trustees, or any Committee thereof while questions affecting the contract are decided. This motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that section 9 of Bill No. 15 section 14.1(1), 14.1(2) be allowed to remain as is, this motion carried. I can report progress on Bill No. 15. It was moved by Councillor Taylor, seconded by Councillor McKinnon that Mr. Speaker do now resume the Chair, this motion carried.

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

Mr. Taylor: Mr. Speaker, I believe we have on the agenda, Bills, Sessional Papers, and Motions for tomorrow morning.

Mr. Speaker: May I have your further pleasure?

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

Mr. Speaker: Is there a seconder?

Mrs. Watson: I'll second that.

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? Agreed? I declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: This House now stands adjourned until 9:30 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, Legislative Return No. 9.

*TABLING OF
LEGISLATIVE
RETURN 9*

Mr. Speaker: Are there any Reports of Committees? Are there any Bills to be introduced? Are there any Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? As there are no Motions for the Production of Papers and there are no Motions, we come to the Question Period. Mr. Clerk, will you see if the Commissioner is available. We will now have a short recess.

RECESS

RECESS

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

Mr. Taylor: I have a question, Mr. Speaker, and I would direct it to Mr. Speaker himself. I wonder if I could be informed this morning if a date has been determined by the Speaker and the Administration for the return to Council following this recess? Has this been established?

*QUESTION RE
RETURN OF
COUNCIL AFTER
THE RECESS*

Mr. Speaker: The answer is yes, as far as the Speaker is concerned anyway. If you want to address the question to the Administration, by all means go right ahead.

Mr. Taylor: Yes, Mr. Speaker, I had forgotten that the Administration maybe appear to be running this Council, possibly I would direct that question to the Honourable Member from Whitehorse East.

Mr. Chamberlist: Mr. Speaker, there hasn't been a decision as yet as to whether or not we are recessing. It depends on whether the House is going to co-operate in completing what we can do prior to a recess, so that an answer will be given.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I would like to ask the members of the government whether they have had time to study the Man in the North technical paper issued by the Arctic Institute of North America, and if they plan any action concerning the communications study of the Arctic Institute as has been tabled in Council?

*QUESTION RE
COMMUNICATIONS
STUDY*

Mr. Commissioner: Mr. Speaker, I am committed to replying to the earlier question. I have personally not perused the document in question too carefully yet, but a cursory glance at it, Mr. Speaker, would indicate very clearly what the tone of our reply will be.

Mr. Speaker: Mr. Commissioner, I hope that you won't forget the requirements of a place called Mayo.

Mr. Commissioner: Mr. Speaker, with such eminent citizens such as yourself and one or two others of your colleagues, there is no way that this could possibly be done.

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

Mr. Chamberlist: Mr. Speaker, at this time I would like to inform the House that Bill No. 21, An Ordinance to Amend the Transport Public Utilities Ordinance is being withdrawn.

*BILL #21
WITHDRAWN*

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

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Whitehorse North that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers and Motions. 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. We have before us this morning in Committee, we have three motions, Motion Nos. 14, 15 and 16. Is it your wish that we proceed with these at this time? Is Committee agreed? The first motion, is Motion No. 14, "moved by Councillor McKinnon, seconded by Councillor Tanner. It is the opinion of this Council that all billboards along the Alaska Highway within the Metropolitan Area of Whitehorse be removed as soon as practicable. And be it further resolved that the Government of the Yukon make areas available both north and south of the City of Whitehorse adjacent to the Alaska Highway where goods and services may be advertised." This motion was moved into Committee on February 17th. Councillor McKinnon.

MOTION #14

Mr. McKinnon: I have no further comment, Mr. Chairman. The reason that it was moved into Committee, I think that some Honourable Members thought that there could be amendments brought to the motion, that would make it even more effective than it appears as stated in Motion No. 14. Anything that could be done to give it more effect, I would be all in favour of it. Any Honourable Members who want to move any amendments to that, I would be more than happy to receive them.

Mr. Chamberlist: The question is, Mr. Chairman, whether or not it is desirable to have billboards removed from all highways except in specifically located positions. I support the idea of the motion, and I would suggest that we extend it, extend the motion, I haven't my copy of the motion here with me. Mr. Chairman, I would move and I would write out the amendments to the motion, that Motion No. 14 be amended by placing immediately after the word "along" the words "all highways of the Yukon" and further amending by removing all those words after "practicable" and inserting "and make areas available in designated places". Could we have a brief recess?

Mr. Chairman: I will declare a brief recess.

Mr. McKinnon: Before you recess, before the move is called. I think that we should be careful when we amend this motion. I think that if I could make a suggestion, we could use this area ... one thing in the motion which the Honourable Member for Whitehorse East pointed out which is wrong. I didn't take into the consideration the extended metropolitan area, so that it means that the areas by the motion were ... designated areas would be where goods and services could be advertised, would have to be outside the Mayo cutoff and the Carcross cutoff, which wasn't the intention at all. I was thinking of something like the South Access Road where the Government could provide an area with picnic tables and washrooms and where goods and services and a road map could be provided. Also somewhere at the other end, so that even if it is within the city limits it doesn't matter. If I could make a suggestion. Wouldn't it be a good idea

Mr. McKinnon continues ...

to try this within the metropolitan area of Whitehorse as a first type of effort, and see how it works and how everything is managed in this area, which is by far the most offensive because of the number of businesses near the metropolitan area of Whitehorse. The signs along the Yukon highways aren't nearly as offensive and strung out as they are on either end approaching the City of Whitehorse, because of the size of Whitehorse. We could be making a very real hardship because I am talking about places along the Klondike Highway like Pelly and Stewart and these areas. They only have one sign as people approach their premises. Whether this would mean the removal of those signs from those areas advertising by the amendment, I don't know. Wouldn't it be a good suggestion to try it in the metropolitan area first. See how it works, and if we were well satisfied with the work that was being done in this area, then move out to embrace all the highways within the Yukon, making sure that we still allow places for people to advertise goods and services. If it is the intent of the motion as amended, to stop people from advertising their services, then I would have to be completely against it. We have to allow for this advertising to take place.

MOTION #14

Mr. Rivett: Mr. Chairman, I concur with my fellow Councillor. I think that in a rural area the conditions change entirely. How many signs are there along the highway, very few, and if you remove those... This isn't a good thing at all.

Mr. Chamberlist: Mr. Chairman, the reason that I wanted to amend it was to ... the Honourable Member from Whitehorse West at times becomes firm when putting a motion forward. I just wanted to get from him the co-operative attitude that has come from him now. We are quite prepared to recognize it. However, there is one area, and I am quite prepared to agree that it should be tested in the Whitehorse area. I think that we cannot accept that the signs shouldn't ... he pointed this out now, we cannot accept the location. If it is going to be a test for the Whitehorse area, the location of the signs be placed outside the Whitehorse area in a manner that it reads now. But if it would indicate that "further resolved that the Government of the Yukon make areas available within the metropolitan area, both north and south of the City of Whitehorse", then you would have the location within the metropolitan area. Is that satisfactory? Mr. Chairman, if we remove the words "both north and south of" then it would read, "And be it further resolved that the Government of the Yukon make areas available", well then it is not the Government of the Yukon that makes it because it is the City of Whitehorse.

Mr. McKinnon: It would be on the highway right-of-way.

Mr. Chamberlist: On the highway right-of-way, yes, we can. "and be it further resolved that the Government of the Yukon make areas available in the City of Whitehorse adjacent to the Alaska Highway." How would that be?

Mr. Chairman: I will tell you what I'll do, I will declare a brief recess.

RECESS

RECESS

Mr. Chairman: At this time I will call Committee to order. We are considering Motion No. 14. What is your pleasure?

Mr. McKinnon: Mr. Chairman, I would like to withdraw Motion No. 14 at this time, with the assurance that I will bring in another motion on the same subject tomorrow morning.

Mr. Chairman: Would the seconder agree? Would Committee concur? I declare that Motion No. 14 has been withdrawn in Committee. The next motion is Motion No. 15. "Moved by Councillor Taylor, seconded by Councillor McKinnon, In the opinion of Council, the Administration give consideration to recommending an amendment to the Yukon Act, increasing the membership of the Yukon Legislative Council from

*MOTION #14
WITHDRAWN*

MOTION #15

MOTION #15

Mr. Chairman continues ...

seven to nine members, by creating an electoral district which will include Carmacks, Faro, Ross River, and an additional electoral district for Whitehorse." There is an amendment to this motion.

"Moved by Councillor Stutter, seconded by Councillor Tanner that the words "a minimum of" be inserted in line three between the "to" and "nine". Our first question is on the amendment.

Mr. McKinnon: Mr. Chairman, before the question is called on either the amendment or Motion No. 15, I wonder whether I could make a suggestion or not. My suggestion would be, that this motion would sit in Committee until those motions of which I have no knowledge but have been promised by the Honourable Member for Whitehorse East concerning constitutional development in the Yukon, are tabled before this House. I was in the office of the Member from Whitehorse East, and he told me the general content of the motions that would be coming from his hand and from his office concerning constitutional development. He said that there would be called a caucus meeting of all Members of the House prior to these motions being introduced to the House. We didn't get into the specifics and the numbers and the years, and this type of specific terminology about the motions. As he stated that he was to call a caucus meeting of the whole House prior to these motions being introduced. The reason that I would like to see this motion sit in Committee is that following the caucus meeting, if this motion became superfluous and redundant because of a series of motions that were coming from Council after meeting in caucus. I have no objection at all of withdrawing as seconder of this motion providing that the intent of this motion was being fulfilled. I have no problem at all in accepting where motions concerning constitutional development come from as long as this House is united and presents a stand of unanimity to the Federal Government when motions concerning the progress of this House towards the eventual goal of responsible Government come about. I think that all Members know what I think of the way that the present Government of the Yukon Territory is being run, there are very few words that I can use, because people keep running to Beauchesne's and saying, I can't use that kind of word in my assessment of the Government of the day of the Yukon Territory. This doesn't stop the prime consideration that all Members have to moving if they believe in democratic principles towards the eventual goal of responsible government. As I say, if it would make the House unanimous in dealing with constitutional motions in the same effect exactly that the Honourable Member from this motion, which is already once passed unanimously in this House, where it came about through the passage of motions that have been promised by the Member from Whitehorse East. Then at that time, I would be willing to accept the motions in a constitutional package, and let this motion die. However, if we found that during meetings of caucus, and during meetings concerning constitutional development that we couldn't agree, if we got hung up in the numbers that the Members wanted to go to fifteen, twenty, twenty-five or some ungodly number that I would be completely against, I would like to see this motion stand, because I think that the sensible number of members that we should seat in this House in the foreseeable future, nine members. It is a sensible apportionment I think of districts within the Yukon Territory presenting the political facts of life in the Yukon Territory at this time. If the question were not called on Motion No. 15 until we saw the package that was forthcoming, and had a hand in shaping the package that was forthcoming in constitutional motions, if this was taken care of then I would be prepared as seconder, to let this motion die on the Order Paper and proceed with the package of motions concerning constitutional development. If we can't agree on the constitutional motions in caucus, then I am prepared at that time to let this motion be voted on and let this motion and the amendment be debated.

Mr. Chamberlist: Mr. Chairman, as the Honourable Member has said, because of the fact that I recognize the importance of constitutional development in the approach to greater autonomy for the Yukon, I took the opportunity of discussing with him what in fact I had in mind, not the full details for the simple reason that I felt it not right to

Mr. Chamberlist continues ...

bring motions forward when the complete information that is required is not available. I was not aware when I had given notice of motion that the constitutional report was going to be tabled in the House of Commons. It was only that afternoon that I had learned that it was to be tabled. This is why I did not proceed with the motions. In any event, I have made it quite clear that constitutional reform is a consideration of all Honourable Members. I can give all Honourable Members my personal assurance that no motions will be placed forward until all matters relating to constitutional reform have been discussed and the principles involved will be dealt with. I am somewhat surprised that notwithstanding this, I don't know if it was an attempt to get me tripped up in some way that the Honourable Member from Watson Lake even entered into the thought of bringing the motion forward when he was made aware as well that, what my intent was after withdrawing the ... after saying that the motions would not be coming forward. It appears that when you try to do something that everybody should go along with, and do it in a manner that is worthy of this Council Chamber. We get one Member using subterfuge to overcome a principle that we all want, everyone of us. I tend to agree with the Honourable Member from Whitehorse West, that there should be one hundred percent agreement on the basis of going to the Federal Government and saying, look this is what we want for the Yukon. If the Honourable Member from Watson Lake wishes to be a hero and wants to be held in public esteem. It is quite possible that he is held in public esteem, not because of the fact that he is known, but because he is not known enough. I speak bluntly, because this motion that was put forward was simply to damage the principles that the Council of the Yukon are seeking to get for the people of the Yukon Territory. I am disturbed that anybody should wish to take advantage of the fact that I have withdrawn the motions simply to wait until we have the information. I can assure the Honourable Member from Whitehorse West once again, as far as I am concerned, there will be nothing that will go forward that will not have the agreement of all Members of Council.

MOTION #1

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

Mr. Stutter takes the Chair.

Mr. Taylor: Just to keep the records straight, Mr. Chairman. I have been accused of many things in the statement made by the Member who has just spoken. I really can't buy that particular argument. I think if you will note, all Members of Committee will note that I first raised this matter in the House on Wednesday April 1st, 1970, and received unanimous approval to the addition of the two electoral districts referred to in Motion No. 15. This is nothing new. This is not subterfuge. Then, at this Session on Thursday February 3rd, 1972 I raised the question in the question period, and at that time indicated that I would be following this up with a motion. There is no subterfuge. The Honourable Member did bring in motions. I have no knowledge of what those motions contained. No one in my acquaintance knows what those motions if they were of similar provisions, I am unaware of this. I haven't been taken into the Member's confidence. However, the motion is not subterfuge. The motion has been clearly stated on and referred to on many occasions in this House. It is merely a restatement of the original position. There is nothing new about it. There is no subterfuge. I looked for whole hearted support to it. I do concur though, listening to the remarks at the Table this morning by the Honourable Member from Whitehorse West and the Honourable Member from Whitehorse East, that if there is something coming, I would certainly like to hear about it. I am sure that all Members would. I would suggest in that case, that we just report progress on Motion No. 15, Mr. Chairman, at this time.

Mr. Chamberlist: Mr. Chairman, I am not going to let this lie. Yesterday when I asked if the Honourable Member from Watson Lake would withdraw his motion so that we can do this very thing, he said no. Today, again, I say that this is where the ping pong ball bounces

MOTION #15

Mr. Chamberlist continues ...
from table to table, today he is with it. That is fine, okay.

Mr. Taylor: Mr. Chairman, the Honourable Member is confused. It is not my intention to withdraw this motion. I merely suggest as the Honourable Members have indicated that we report progress on this motion. That the motion will remain until such time as we have discussed this matter in caucus.

Mr. Chairman: Is it the wishes of Committee to leave this motion in?

Mr. Tanner: As a seconder to the amendment to the motion, I did it as a courtesy to the Honourable Member from Dawson, because I think that he had a good point. There are two things that I would like to point out. Number one is, that this motion substantially confirms an article I wrote... for a recent conference in town, which was my opinion, and I thought this motion was pretty fair. Also, what I think all Members should consider is the fact that we are going to get a report tabled in the House of Commons very shortly, concerning reform and I think that we should all wait until then.

Mr. Chairman: Is it the wishes of Committee that we leave Motion No. 15 in Committee? Agreed?

Mr. Taylor resumes the Chair.

MOTION #16

Mr. Chairman: The next motion, is Motion No. 16. "Moved by Councillor Taylor, seconded by Councillor Stutter. That the subject of a logo symbol for use by the Government of the Yukon Territory, be discussed in Committee of the Whole." Councillor Stutter will you take the Chair, please.

Mr. Stutter takes the Chair.

Mr. Chairman: Order please.

Mr. Taylor: Mr. Chairman, it came as some surprise, I'm sure, to many Members of the House, that the Territorial Government had embarked upon the use of this symbol, which is apparently termed a logo symbol, which was supposed to be symbolic of the Yukon and adopted for ... now this comes as quite a surprise to me, in as much as I saw a copy of it in the front of the local newspaper, it perports to be some sort of a mountain climber, on the Chilkoot Pass. I would submit .. it would appear to me that the logo symbol does not reflect in any way shape or form the Yukon Territory. It is more in keeping with something of another jurisdiction, possibly Alaska or British Columbia. And so much as it is perported to be centered around the climbing of the Chilkoot Pass, I don't think that it is the function of the administration that they appoint a civil servant to produce such a thing without the consent and consideration of the people of the Yukon, either by whole involvement or indeed, the involvement of this legislature. Now when we first determined that we wanted a flag, a number of years ago, we went out and held a contest, and put up a prize of a hundred dollars for the best design of a flag. Any of you who have been here for some time ... however a tremendous number of ideas for a flag came forth. Oh I can't remember how many hundred of them, many of them very good ideas. From this group the symbol for the people of the Yukon Territory was selected and that today is our flag. When we talked about the provision of a Mace as another symbol, in this Territory it is a symbol of authority to speak in the legislature, we involved all the people of the Yukon in this. We held a contest, and one gentleman from the R.C.M.P., as a matter of fact, was the successful prime creator and received one hundred dollars, and his design of all the other designs was the one that was adopted. Now I submit, Mr. Chairman, that the hearings you get on this case of this logo symbol, that it would be in the best interests of the Territory, to do the same thing. To have a contest, inviting anyone, citizens, boys, girls, adults, to submit what they feel would be a proper and adequate and more typifying type of symbol, and a gift of a sum of one hundred dollars, split up as it was before and has been done in the past. I really think that this is very, very important. Many people... it has been suggested to me that this is to replace our Klondike Mike, our gold panner, on our license plates. This I learned lately, and I understand that the public opinion is running pretty strongly in favour of keeping this logo symbol off the license plates, and retain Klondike Mike as the trademark of the Yukon Territory which is known throughout the Territory. So in any event, we have a trademark symbol. We also, incidentally, trademarked the word Klondike and many of these belong, so this is why I have asked this Committee, and I'm sure of all Members...one particularly, the Honourable Member from Dawson, has much to say on the subject, but I wish to make the point, that in my opinion the appointed Civil Servant should not be embarking on a program such as this. I think it does involve the legislature...the people, I should say, and I think this is the approach we should take, and I do not think that this logo symbol of a few people wanting to climb the Klondike Trail, the Chilkoot Pass should be adopted for use until such time as such a contest be held.

MOTION #16

Mr. Tanner: Mr. Chairman, frankly I personally don't know what the Honourable Member is talking about. I haven't seen this new ...group. and I think that until such time that we do see it, It is a bit fruitless standing here talking about it. I think we should leave this with the ...committee until such time as we can see what we are talking about.

Mr. McKinnon: When is it possible for the Department of Travel and Publicity to bring over the logos that we've been talking about. I don't know, I've heard nothing about it...that's why when people in bars say I hate the new symbol or I like the symbol, well I honestly

MOTION #16

Mr. McKinnon continues...

don't know what they are talking about. And if I could see the logo with an explanation of the people that created it, maybe I could enter into the discussion on this motion intelligently. Is it possible for the administration to provide a copy of the new logo with an explanation of what we are talking about? Then perhaps we can proceed, if not, then we can have it at another time....

Mr. Chamberlist: Mr. Chairman, you know I heard the Honourable Member from Watson Lake who spoke on the logo and he started off by saying that "I know nothing about it" and then he went on to speak for fifteen minutes about something he said he knew nothing about. I agree with what the Honourable Member from Whitehorse West says, if information is required on it, we'll find out from the Yukon Travel and Publicity Department whether it can be made available. But when the Honourable Member from Watson Lake stands up and says "I don't know anything about it", which he does incidentally, then he speaks about it for fifteen minutes, well what can you do? Now tonight he's going to be a hero on the radio station that he complains about the logo, but let them get on the radio and say he spoke for fifteen minutes not knowing about what he's talking about. The man admits it himself.

Mr. Taylor: I'd just like to say that the copy I've seen was in the local newspaper....I will now resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Stutter: Mr. Chairman, from my point of view, sure I'd like to see this new logo, but when I raised this question in the House, or asked this question in the House which started this whole thing a few days ago, my main concern is the emblem that is on the license plates and I couldn't care less what the new logo is. I just don't want to see that panner taken from the license plate. If the logo is used in the advertising circuit, that's fine, I have no argument with it as long as we can participate in the debate on it. But at this point, I would like to see that that symbol on the license plate is not changed, and I think that this is the thing that most of the people are agreeing is that the symbol on the license plate remain indefinitely. This is what I argued for.

Mr. Chamberlist: Well Mr. Chairman, I want to point out that the matter is a budget item. I will have some specific remarks to make in relation to what has taken place on this logo. But it is a budget item and it will be discussed completely at the time of the budget. I also understand there was some publicity on it but a facsimile to the logo is going to be in the Sourdough Rendevous Parade. This is what I have heard as well. I heard it in exactly the same way as all you people heard it, by reading it in the newspaper. But I can't debate something which is a budget item, which the Honourable Member from Watson Lake knows full well is a budget item. Well I'll leave it at that.

Mr. Stutter: Mr. Chairman, I would like to ask the Councillor from Whitehorse East one question. When we come to this, when we are discussing it on the budget, I could very well accept the item in the budget that provides for a new logo, but I can't accept that if we accept that in the budget, it means that the symbol on the license plate is replaced. To me they are two completely different, separate things. I don't want to see any change on the license plate, and I don't think anybody else does.

Mr. Chamberlist: But Mr. Chairman, I agree with what the Honourable Member has said, and I will indicate to him now, that my feelings are that the license plate should not be changed from what it is, if we are dealing with that specific item. But my objections are against the manner in which the Honourable Member from Watson Lake, and I repeat said he knows nothing about it and spoke for fifteen minutes on that.

Mrs. Watson: Mr. Chairman, The logo has a gold pan on the left, and other comments on the logo will be forthcoming, ... have Klondike Mike written under the gold pan.

Mr. Stutter: Mr. Chairman, I wasn't aware that there was any name written underneath the pan, and anyway I couldn't care less whether you called it Klondike Mike, Victoria Pete or whatever. It's the symbol that matters and it means something even to children.

MOTION #16

Mr. Chamberlist: Councillor Taylor is always misinformed and here was another one of the instances.

Mr. Chairman: Is it your wish to pursue this matter any further at this time?

Mr. Chamberlist: No.

Mr. Chairman: We will declare a recess.

RECESS

RECESS

Mr. Chairman: At this time I will call Committee back to order, and stand Committee in recess until 1:30 p.m.

RECESS

RECESS

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

NATIONAL
PARKS

Mr. Commissioner: Mr. Chairman: I appreciate the opportunity of rising at this time. The clerk has distributed to Members of Council the copy of the press release that pertains to a speech that my Minister has made in the House of Commons today, that in effect creates a National Park in the Kluane Game Sanctuary, it is up to you, Mr. Chairman, if you would like me to read this, at this time.

Mr. Chairman: Proceed.

Mr. Commissioner: "More than 18,500 square miles of land in the Yukon and Northwest Territories have been set aside to create three new National Parks" Jean Chrétien, Minister of Indian Affairs and Northern Development announced today. "These new parks will be in the Kluane area of the Yukon Territory along the South Nahanni River and on the Cumberland Peninsula of Baffin Island in the Northwest Territories. They are Canada's first National Parks above the Sixtieth Parallel. The addition of these northern parks means that ten new parks have been created since 1968, whereas only two parks were set aside in the preceding thirty years. For the first time, outstanding natural areas in every province and territory of Canada are represented in Canada's National Parks system. The three northern parks will increase the total area included in Canada's national parks by more than 50 percent from 31,300 square miles to 49,800 square miles." Mr. Chrétien said that he had discussed the creation of these parks with the Commissioners of both Territories and preliminary talks had also been held with the Territorial Councillors whose constituencies include the parks. All groups directly affected by these land withdrawals will have an opportunity to make their views known. The Minister said that creation of the parks will not be permitted to affect in any way the traditional use of wildlife and fish resources by the Native people of the North. "We will discuss with the Indian and Eskimo people who live near the parks, ways to make sure that they get their share of the jobs created and every other possible economic advantage the parks can provide," he said. He went on to say that he had transferred the administration and control of these lands to the National and Historic Parks Branch. Following this withdrawal today from disposal by Order-in-Council and had directed the branch to undertake initial development plans pending consideration by Parliament of amendments to the National Parks Act. The Minister said, that it is important to set aside lands in remote areas now, for future generations of Canadians - Northerners and Southerners who may face pressures not yet foreseen. "Our northern policy recognizes the importance of balanced development which benefits the people and protects the environment." He said, "these National Parks will stimulate tourism and will provide economic and social opportunities for northern residents". The three National Parks contain some of the most spectacular scenery in Canada. The Kluane area (8,500 square miles) in the southwest corner of the Yukon Territory, includes Mount Logan the highest peak in Canada and one of the world's largest non-polar icefields systems. The new park along the South Nahanni River covers 1840 square miles, more than double the 870 miles set aside in April 1970. The South Nahanni is Canada's most spectacular wild river and the most of it is now protected within the park which includes Virginia Falls, twice as high as Niagara, three major canyons reaching 4,000 feet in height and a vast number of caves and sulphur hot springs. The Baffin Island area (8,200 square miles) located mainly north and west of Pangnirtung Pass in the Cumberland Peninsula of Baffin Island is the first National Park lying above the Arctic Circle. The area is noted for its spectacular fjords and deeply carved mountains dominated by the massive Penny Icecap Mountains reach 7,000 feet and the Pangnirtung Pass 60 miles long and often a mile deep is icefree. Commenting on the new parks and looking ahead, Mr. Chretien said "Since 1968 we

NATIONAL
PARKS

Mr. Commissioner continues ...

have created ten new national parks for the people of Canada. There has never been an expansion comparable to that of the last four years. We now have the framework of an outstanding national system, but we must not stop here. There is much more to be done if we are to protect our natural heritage. We have twenty-eight parks now and we need at least sixty by the year 2000. We are in a race against time" Mr. Chairman, Members of Council have been provided with background material, from the Minister's office. The clerk has posted a coded map, here on the wall for Councillor's reference. Any representations, either collectively or individually that Council wish to make to my Minister, I would be most happy to see that these are conveyed to him, in regards to this particular matter. Thank you, very much, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Commissioner. I believe the only other matter we have for discussion, at this time is Bill No. 15.

Mrs. Watson: Mr. Chairman, would I be permitted the privilege of expressing a few remarks on the announcement that has just been made?

Mr. Chairman: Proceed.

Mrs. Watson: This announcement of a national park in the St. Elias Range in the Kluane Game Sanctuary is a most interesting and promising development for this Carmarcks-Kluane constituency. I feel that no other area of the Yukon Territory offers so many features for the enjoyment by the public and also offers so many contrasts of the scenic beauty in the Territory. This area of the Territory, has for many years needed the establishment of some type of industry or government attention, in order to make an economically viable area. The establishment of a National Park in this area will give the residents of the North Highway and the Haines Road an opportunity to expand and develop to meet the needs of such an exciting future. I look to the establishment of a National Park in this most scenic area as a means to provide employment, to many people of the Territory and particularly to assist in providing the basis for permanent employment for the people of this locality. It would also give the opportunity for employment to many of our people who have a natural adaptation to this type of occupation. I also look forward to the establishment of the many services, that a proposal such as this will necessitate and the orderly development of the communities along the North Highway. In the establishment of a National Park, Mr. Chretien, has taken into consideration the requirements of the exploration and mining people and has tried to accommodate this most essential industry in order that both industries can develop and provide the Territory with a good economic basis and at the same time provide an area for recreation and enjoyment for the people of the Yukon, and truly all the people of Canada. The proposed park in this area offers the opportunity for an established economic base and an exciting challenge to meet the requirements of an industry such as a National Park. I feel most pleased and proud to have the opportunity to represent the constituency of Carmarcks-Kluane, in particular, and the people of the Yukon Territory, in lending my support to such a far reaching and progressive development as a national park in the St. Elias Range, in the Yukon.

Mr. Chairman: Have you anything further in this matter?

Mr. McKinnon: Mr. Chairman, as a person who frequents the area of Kluane or many instances and has been a strong proponent of national parks, for over ten years, in the Yukon Territory I would like to take this opportunity to say that I congratulate the Minister on his announcement that there will be a national park in the Kluane area, and I also, would like to take this opportunity for applying for the administrator of the National Park, in the Kluane area...as one of my things that I would really like most in life is to be sitting in that superintendents house at the experimental farm, gazing over what certainly has to be one of the most beautiful regions in all the world. I think that this is really a great milestone in the

Mr. McKinnon continues ...
development of the tourist industry and the Yukon generally. I can see just nothing but good coming from the announcement of the minister, which took a certain amount of political courage; when a man shows courage in this instance, no matter what party he is, I would be first to stand up and congratulate him. As I say, I think it is a red letter day, in the history of the Yukon Territory. I couldn't be happier for the people of the Kluane area, for the Yukon Territory, and for the Member who represents, what has to be one of the most beautiful constituencies in all the world also.

Mr. Stutter: Mr. Chairman, I also, would like to very heartily like to congratulate the Minister for forming this park in the Territory. I, at one time felt that I probably represented one of the most beautiful areas of the Territory, until, I think last summer, even after being in the Yukon sixteen years, I must admit I made a point of travelling around the Territory and when I saw the area that has now been turned into a park, I was immediately impressed by the sheer beauty of it. Last spring, on the Commissioner's or Council tour, when we did have a chance to fly over part of it, again, it was certainly impressed on me the sheer beauty of the area I heartily congratulate the Minister. I hope that there is thought being given to other areas of the Territory, at a later date to be set aside for national parks, also.

Mr. Tanner: Mr. Chairman, I would like to concur with what has been said today. I think, its long overdue. I congratulate the Minister, but I think that there is one area that has been overlooked, as far as congratulations are concerned. We should also, congratulate the Executive Committee, because obviously they have some input into this decision, their reasons and their opinions were solicited and I am quite sure both Members of Executive Committee were instrumental in getting this decision made at this time. I think, it is a great step forward, as the Council for Whitehorse West, said, it is a great step forward for the Yukon. I think, it can do nothing but good for the Yukon and I personally would like to thank the Minister and everybody else involved in giving us this fine national park.

Mr. Chamberlist: Mr. Chairman, I have very little to add, I think that everybody in the Yukon, with very, very few exceptions recognizes the fact that it is about time that the area of Kluane Lake, which really is so beautiful, is recognized in the manner, in which it has been recognized that is, the creating of a national park.

Mr. Chairman: Anything further?

Mr. Rivett: Mr. Chairman, I would like to endorse, Councillor McKinnon's attitude.

Mr. Chairman: The next item of business, is Bill No. 15.

BILL #15

Mr. Chamberlist: Mr. Chairman, the amendments which have been talked about are now here. I was wondering, Mr. Chairman, how would Mr. Chairman wish to proceed? Would you like to read the Bill from the beginning again, or go ahead with the amendment?

Mr. Chairman: It is not necessary to reread the Bill, the amendments have been passed, as far as I know.

Mr. Chamberlist: Mr. Chairman, I would move the Bill No. 15, An Ordinance to Amend the Local Improvement District Ordinance be reported out of Committee as amended.

Mrs. Watson: Mr. Chairman: I second the motion.

Mr. Stutter: Mr. Chairman, with respect, if I could just have a few minutes to check it over, I have only just come in and seen the Bill, I would like to just check over to see that the points that were mentioned in Committee were taken care of.

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

BILL #15

Mr. Stutter takes the Chair.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Mr. Chairman, the amendments that I had called for, in a somewhat lengthy debate yesterday, in this matter, has not been forthcoming. I had asked that section 7 of the Bill referring to section 10, of the said Ordinance should show some interrelationship with the provisions of the Taxation Ordinance, this is not forthcoming and I have been told quite frankly, that Government, would just not absolutely go along this, even though, I was under the understanding when we left that subject yesterday that some attempt would be made to interrelate the two. Section 14, subsection (1) and (2), by motion yesterday, were allowed to remain. I wish to state again that I consider this piece of legislation, most repugnant. I think that there is a lot of good in the Bill, but from that very point, I could never, never endorse the passage of this Bill. It is a pity that all the other sections are in it as well. I like the other sections, but that section I just can't buy and consequently I will be voting against the Bill.

Mr. Chairman: I wonder if I might ask, from the Chair; it does appear under section (5)..I don't know whether this is a typographical error here. Looking at the old Bill, it is the numbering I question, more than anything else. Would it be (5) under the new Bill, it says previously, "paragraph 8(3)(a) is repealed and the following substituted therefore;" then it gave (a) and now I notice it gives(5).

Mr. Legal Adviser: The paragraph should be; "(a) by posting notices in at least four conspicuous places in the District;" In the old Bill that was the first insertion. Then, the new subsection 5 was the second insertion. There were two amendments to section 8, one was 8(3)(a) and the second was 8(5).

Mr. Chamberlist: Mr. Chairman, I suggest that we recess for a few minutes, while this is corrected.

Mr. Chairman: Is that agreed by Committee? I will declare a brief recess, while this is straightened out.

RECESS

RECESS

Mr Chairman: It was regularly moved by Councillor Chamberlist, seconded I believe by Councillor Watson, that Bill No. 15 pass out of Committee as amended. Are you prepared for the Question?

Mr. Tanner: Mr. Chairman, just before the question is called, I'd like to congratulate the Chairman on being so acute as to picking up that one paragraph which the administration missed, that every other Member missed, and it seems to me an illustration of what an excellent Chairman he is, and we look for great things from him in the future.

Mr. Chamberlist: With a fulfilment of a function permanently.

Mrs. Watson: Question.

Mr. Chairman: Are you agreed? Agreed. Those in favour please signify in the usual manner. I declare the amended Ordinance carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chairman: As we have nothing further in front of us I think, this afternoon, the Chair would welcome the motion that Mr. Speaker do resume the Chair.

Mr. Chamberlist: Before this Mr. Chairman, I'd like to indicate to the House that the Municipal Aid Bill will be introduced tomorrow in the House.

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

Mr. Chamberlist: I second the motion.

Mr. Chairman: It has been regularly moved by Councillor Tanner, seconded by Councillor Chamberlist, that Mr. Speaker do now resume the Chair. Are you prepared for the question? Are you agreed? I 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: Yes Mr. Speaker. Committee convened at 9:50 a.m. to discuss Bills, Sessional Papers and Motions. Motion No. 14 was withdrawn in Committee. I can report progress on Motion No. 15. Committee recessed at 11:35 a.m. and reconvened at 1:50 p.m. It was moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 15 be reported out of Committee as amended. This motion carried. It was then moved by Councillor Tanner, seconded by Councillor Chamberlist, that Mr. Speaker do now resume the Chair and this motion carried.

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

Mr. Chamberlist: Yes Mr. Speaker, I would move that first reading be given to the amendments to Bill No. 15, an Ordinance to amend the Local Improvement District Ordinance.

Mrs. Watson: I second that.

Mr. Speaker: The House will now come to order. It has been moved by

Mr. Speaker continues...

the Honourable Member from Whitehorse East, seconded by the Honourable Member from Carmacks-Kluane that the amendments to Bill No. 15, an Ordinance entitled The Local Improvement District Ordinance be given first reading at this time. Are you prepared for the question? Agreed? I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

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

Mr. Chamberlist: Mr. Speaker, I move that second reading be given to the amendments to Bill No. 15 an Ordinance to amend the Local Improvement District Ordinance.

Mrs. Watson: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East, seconded by the Honourable Member from Carmacks-Kluane that the amendments to Bill No. 15, an Ordinance entitled The Local Improvement District Ordinance be given second reading at this time. Are you prepared for the question? Agreed? I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson, that third reading be given to Bill No. 15, an Ordinance to amend the Local Improvement District 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. 15, an Ordinance entitled The Local Improvement District Ordinance, be given third reading at this time.

Mr. Taylor: Mr. Speaker. Speaking on third reading on this Bill, as I indicated to Members in Committee, I am totally in opposition to this Bill as I think all Members of the House should be. This Bill infringes a, what I consider to be, a civil right, civil political right. In this respect, for the edification of Members, I would like to read into the record one of the International Covenants on civil and political rights to which Canada is a signatory, which states that, "Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant. Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms are herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;" this I submit is not provided for in this Bill, Mr. Speaker, inasmuch as the Commissioner is given the power in this Bill, to dissolve when he deems it in the best interests of a District, a body elected by the people. "(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;" I submit to you, Mr. Speaker, and Honourable Members, that there is in this Bill no remedy. There is no judicial right of appeal. There is no right of appeal to anybody. As far as I am concerned, Mr. Speaker, this is a very important matter, one of the more serious that have ever come before this House, and when we give to the Commissioner, who is an appointed public servant, the absolute power to dissolve an elected body of the people when he deems it the best interest to the District, in this case, without showing cause or having to show cause, this Bill compromises the principles of fundamental democracy itself. And I would urge all Members to reject the passage of this Bill as it is my intention to do.

Mr. Speaker: Are you prepared for the question? Are we agreed?
Mr. Clerk, will you poll the House.

Mr. Clerk: Member from Carmacks-Kluane?

Mrs. Watson: Agreed.

Mr. Clerk: Member from Whitehorse West?

Mr. McKinnon: Disagree.

Mr. Clerk: Member from Watson Lake?

Mr. Taylor: Disagree.

Mr. Clerk: Member from Dawson?

Mr. Stutter: Agreed.

Mr. Clerk: Member from Whitehorse East?

Mr. Chamberlist: Agreed.

Mr. Clerk: Member from Whitehorse North?

Mr. Tanner: Yea.

Mr. Clerk: The vote Mr. Speaker, is four yeas, two nays.

Mr. Speaker: I declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: Are you prepared to adopt the title for the Bill No. 15?

Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker I move and seconded by Councillor Watson, that the title to Bill No. 15, An Ordinance to Amend the Local Improvement District Ordinance be adopted as written.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East, seconded by the Honourable Member from Carmacks-Kluane, that the title of Bill No. 15, an Ordinance to Amend the Local Improvement District Ordinance be adopted as written. Are you prepared for the question? Are you agreed. I declare the motion carried, and that Bill No. 15 has passed this House.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: May I have your further pleasure?

Mr. Chamberlist: Mr. Speaker, I ask if Mr. Commissioner would be prepared to give assent to this Bill at this time?

Mr. Commissioner: Mr. Speaker, I am pleased to give assent at this time to Bill No. 15 being an Ordinance to Amend the Local Improvement District Ordinance.

Mr. Speaker: May I have your further pleasure?

Mr. Tanner: Would Mr. Chairman like to indicate what's on for tomorrow?

Mr. Taylor: I am informed that there is a Bill forthcoming tomorrow,
Mr. Speaker.

Mr. Speaker: May I have your further pleasure?

Mr. Chamberlist: Yes, Mr. Speaker, I move we call it five o'clock.

Mr. Speaker: Is there a seconder?

Mr. Tanner: I second that motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East, seconded by the Honourable Member from Whitehorse North, 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 9:30 a.m. tomorrow.

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? Are there any Reports of Committees? Are there any Bills to be introduced?

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson that Bill No. 12, an Ordinance entitled Municipal Aid Ordinance, be introduced at this time.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member from Carmacks-Kluane, for leave to introduce Bill No. 12, an Ordinance entitled Municipal Aid Ordinance. Are you prepared for the question? Agreed? Leave granted. Are there any Notices of Motion or Resolution?

*BILL #12
INTRODUCED*

MOTION CARRIED

*MOTION
CARRIED*

Mr. McKinnon: Mr. Speaker, I would like to submit a motion concerning advertising on Yukon Highways.

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. Stutter: No questions.

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?

Mr. Taylor: Mr. Speaker, I would like to direct a question to Mr. Commissioner this morning, and ask him when he expects to be able to Table the agreement in respect of the Alaska Highway takeover by the Government of the Yukon Territory and some details respecting the takeover

*QUESTION RE
ALASKA
HIGHWAY
TAKEOVER*

Mr. Commissioner: Mr. Speaker, I can't name the date when this will be possible, but I'm hopeful that the necessary estimates and the agreement can be Tabled either simultaneously or something close to simultaneously. The details in connection with this have been the subject of many long series of meetings, Mr. Speaker, and I am sorry that I just cannot name the date at this time.

Mr. Speaker: Are there any further questions?

Mr. Taylor: Yes, Mr. Speaker, I have a further question I would direct to the Honourable Member from Whitehorse East. I'm wondering if I could ask if this Municipal Aid Ordinance, being a money Bill, has cleared Finance Committee as yet? Financial Advisory Committee.

*QUESTION RE
MUNICIPAL
AID
ORDINANCE*

Mr. Chamberlist: The Municipal Aid Ordinance is not a money Bill, it is just a formula for providing municipal aid. All funds in reference to

Mr. Chamberlist continues...
that Bill will be the subject of an item in the budget discussion.

Mr. Speaker: Are there any further questions?

QUESTION RE REGISTRATION Y.H.C.I.P. Mr. McKinnon: Mr. Speaker, it is almost ten days now since registration day for the Yukon Health Care Insurance Plan, I wonder if the Member from Whitehorse East could tell us what percentage of the Yukon population have registered so far with the Yukon Health Care Insurance Plan.

Mr. Chamberlist: I'm very pleased to advise all Members of the House that over fourteen thousand people have had their names registered.

Mr. McKinnon: What percentage would that be?

Mr. Chamberlist: I cannot give the exact percentage, but I'll be pleased to give the information for the Honourable Member, but however, we are very happy with the way this progress... It's based on seventeen thousand five hundred and something registrations, so with a little bit of mathematics it's about fourteen-seventeenths.

QUESTION RE TAKHINI HOUSING Mr. Taylor: Mr. Speaker, I have another question I would direct to Mr. Commissioner relative to the Highway takeover. I believe he mentioned in Question Period here some weeks ago, that there was no intention by the Government to take over housing in Takhini. Is this still the position of the Government?

Mr. Commissioner: Well, Mr. Speaker, the Honourable Member is getting into an area here which is just about impossible for me to answer properly. If I remember correctly, the question that I was asked was, was the Takhini Housing part of the Highway takeover. And the answer is no. I think there was a further question asked, and that was, was the housing that is in the road camps part of the Highway takeover, and the answer is yes. Now at the present time there is great difficulty being encountered by the Federal Government who are the donors, you may say, of the Highway, in connection with housing problems, rental rates that are involved because the Territorial Government's rental rates structure, by virtue of agreement with this Council is, that we must collect from the person who has the house, the rental that we have to pay for the house to the Federal Department of Public Works. As a consequence of this, we are actively asking the Federal Government at this time to give consideration to give us the management and the control of sufficient housing in the Whitehorse area that would permit us to be the handlers of this housing instead of handling it through a third party. Now I'm sorry I can't go any further at this time Mr. Speaker, but that is where the matter stands at this time.

Mr. Taylor: Thank you, Mr. Speaker.

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

Mr. Chamberlist: Mr. Speaker I move that the Council recess until 9:30 a.m. on Tuesday the 14th of March.

Mrs. Watson: Mr. Speaker, I will second that motion.

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

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: This House now stands adjourned until 9:30 a.m., the 14th of March.

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.

Mr. Taylor: Mr. Speaker, I would like to rise on a point of privilege this afternoon, to point out that two very historical events are appearing in the House this afternoon. One of course, is the introduction of the Mace presented to the Speaker and this Legislature by the Governor General on March 6th of last. Secondly, I think that it is very fitting that we have with us, Mr. G. I. Cameron a well known and respected long time resident of the Yukon. He has accepted the duties of Sergeant-at-Arms of this Legislative Council. Indeed this gentleman has resided and served the Yukon for almost half a century. I am sure, Mr. Speaker, that all Members will join me in welcoming Mr. Cameron to this House, and extending to him our well wishes in the exercise of his most important duty in the service of this House.

Mr. Speaker: Are there any Documents or Correspondence to be tabled? I have for tabling a letter from the City of Whitehorse, dated March 14th, 1972, and signed by His Worship Mayor A.G. Wybrew.

*TABLING OF
CORRESPONDENCE,
MAYOR WYBREW*

Mr. Chamberlist: Mr. Speaker, there is for tabling the Sessional Paper No. 9 and Legislative Returns Nos. 10 to 13 inclusive.

*TABLING OF
SESSIONAL
PAPER #9
LEGISLATIVE
RETURNS #10
TO 13*

Mr. Speaker: Are there any Reports of Committees? Are there any Bills to be introduced? Are there any Notices of Motion or Resolution?

Mr. Taylor: Yes, Mr. Speaker, I would like to give Notice to a Motion as follows: "That whereas it is the intention of the Government of the Yukon Territory to implement a compulsory Health Care Insurance Plan, effective April 1st, 1972; and whereas a significant majority of the Yukon electorate have requested that a plebiscite be held on the question of Medicare as it affects the people of the Yukon; therefore be it resolved that it is the opinion of Council that a plebiscite be held on the question of the proposed Health Care Insurance Plan prior to the implementation of Medicare in the Yukon Territory."

MOTION #18

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

Mr. Taylor: Mr. Speaker, I have one additional Notice of Motion respecting sister cities of Dawson and Seattle.

MOTION #19

Mr. Stutter: Mr. Speaker, I have Notice of two Motions. One re Northern Health Services and the second motion regarding dress of servants of the Council.

*MOTION #20
MOTION #21*

Mr. Speaker: Are there any further Notices of Motion? Are there any Notices of Motion for the Production of Papers? As there are no Notices of Motion for the Production of Papers, we come to Motion No. 17. It was moved by Councillor McKinnon, seconded by Councillor Tanner, that the Government of the Territory bring forward regulations effectively controlling advertising on Yukon Highways.

MOTION #17

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

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: We now come to the Question Period. Mr. Clerk, would you see if the Commissioner is available. We will now have a short

Mr. Speaker continues ...
recess.

RECESS

RECESS

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

QUESTION RE Mr. Taylor: Yes, Mr. Speaker, I would direct a question to Mr.
PETITION Commissioner this afternoon, and ask him if he has yet received a
ON copy of a petition from Mr. Harvey Kent on behalf of the citizens
MEDICARE of the Yukon with respect of the Medicare Program?

Mr. Commissioner: Mr. Speaker, the answer is in the affirmative, and I have acknowledged receipt of the petition by mail this morning to Mr. Kent.

QUESTION RE Mr. Taylor: I have a further question. I am wondering if during
FINAL the course of the recess, Mr. Speaker, if Mr. Commissioner has received
CENSUS from Ottawa any final census figures on the Yukon?
FIGURES

Mr. Commissioner: Mr. Speaker, I would have to defer that answer. Maybe Mr. Clerk could help me out on this. I am not too certain as to whether there has been anything really further ... more up-to-date information than what we previously had. Could we have the opportunity of finding out about that, please, Mr. Speaker.

Mr. Taylor: Thank you, Mr. Speaker.

Mr. Speaker: Are there any further questions?

QUESTION RE Mr. Tanner: Mr. Speaker, could the Commissioner assure this House,
RUN-OFF DUE that some plans or some thought has been given to the situation which
TO QUICK the entire area might find itself in, should we have a very quick
THAW thaw with the inordinate amount of snow which has fallen. I personally believe that there is going to be a considerable problem if that run-off is very heavy in my constituency, particularly Porter Creek, and I should imagine the City of Whitehorse, generally is going to have a problem. Has the Administration given any thought to it or laid any plans should this event occur?

Mr. Commissioner: Mr. Speaker, not that I am aware of specifically as regards to the Whitehorse area. I think that Honourable Members are aware, that our flood problem areas are normally the Dawson City region and the Mayo Townsite and one or two other of the river crossing areas. All that I would like to suggest in reply to the Honourable Member's question is that the Territorial Government would be more than prepared to assist the City of Whitehorse in developing any contingency plans that they felt were right and proper, and likewise the Emergency Measures Organization stands ready and available to assist in any kind of natural disaster. Beyond that, Mr. Speaker, I really have nothing to offer at this time.

Mr. Speaker: Are there any further questions? We wish to thank the Commissioner for his attendance. As there are no Private Bills or Orders, we come to Public Bills?

BILL #12
FIRST
READING

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 12, the Municipal Aid Ordinance, be given First Reading.

MOTION
CARRIED

MOTION CARRIED

BILL #12
SECOND
READING

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 12, the Municipal Aid Ordinance, be given Second Reading.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: What is your further pleasure?

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

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 Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers and Motions. Are you prepared for the question? 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: The first item of consideration in Committee at this time is Bill No. 9. That is the Housing Corporation Ordinance. I believe we have pages provided to us of amendments. First being page 2. Mr. Legal Adviser can you indicate the changes on page 2? Should it not be the word "bylaws" in 7(1)? Is the Committee clear on this? It is a typographical error. Next page is page 5.

BILL #9

Mr. Tanner: Mr. Chairman, on page 1, I understood that the Committee decided there was to be a word added in Corporation under Section 2 right at the very end after "families or individuals"?

Mr. Legal Adviser: Mr. Chairman, No, it wasn't intended to do that because this reproduces exactly what is in the Canada Act. We checked the definition with the Parent Act, because the Parent Act specifically only gives the Crown Corporation the power to give to the Territorial Corporation money for this purpose, families or individuals.

Mr. Chairman: Anything further up to page one? We will proceed to page five.

Mr. Legal Adviser: This is a typographical error, Mr. Chairman. It is the word "reproduces" in the third last line.

Mr. Chairman: Right. Is it clear? The next page is page six.

Mr. Legal Adviser: There is a typographical error in the spelling of "Corporations", Mr. Chairman, in Section 23, subsection(1) on the third line.

Mr. Chairman: Is there anything further on page 6? Next is page 11.

Mr. Legal Adviser: Just to add in the verb "may" in the third word of Section 41, subsection(1).

Mr. Chairman: I believe also the word "Commissioner" has been changed to "Corporation" in Section 39 (1).

Mr. Legal Adviser: Yes.

Mr. Chairman: Clear? I would ask a question, I believe that 35 (1) on page ten was up to revision. That is what I have noted here.

Mr. Legal Adviser: You should change the word "or" to "and" in the second line, Mr. Chairman. I haven't got a clean page, so I don't know if it has been done or not.

Mr. Chairman: This is in 35 (1)?

Mr. Legal Adviser: Yes, in the second line. It should read, "Where the Corporation enters into an agreement with a municipality and the Canada corporation." It should be redrafted, it appears not to have been done.

Mr. Chairman: We will agree that that should be done. Is there redrafting to be done, is that correct?

Mr. Chamberlist: Mr. Chairman, we have agreed that the word should read "and" instead of "or".

Mr. Legal Adviser: Not just that; there is something else. It should read, "with the municipality and the Canada corporation and the municipality."

BILL #14

Mr. Chairman: Is it your wish that we report progress further on that? Is the Committee agreed? We shall report progress. The next Bill, we have is Amendments to Bill No. 14. Page three, I believe it was 13 (1).

Mr. Stutter: Mr. Chairman, just before we leave that last Bill, I noticed that I had a remark on the end of it. After reporting progress the Clerk had been directed to ask for Briefs from Municipalities. Were these Briefs asked for and were there any replies?

Mr. Chairman: No submissions have been made. On Bill No. 14 the revised page is page number three, I believe you all have copies of the Bill. Could Mr. Legal Adviser define what the amendment was here or change?

Mr. Legal Adviser: Just to change "mail" to "registered mail", Mr. Chairman, and that is in Section 13(1) and in Section 16 just to change "earliest" to "earlier". There are only two things involved so you have to use the imperative instead of the superlative.

Mr. Chairman: Clear? It was moved by Councilor Chamberlist and seconded by Councilor Watson that Bill No. 14 be reported out of Committee as amended. Are you prepared for the question? Are you agreed? I declare that the motion carried.

MOTION
CARRIED

MOTION CARRIED

BILL #19

Mr. Chairman: The next Bill will be Bill No. 19. Mr. Legal Adviser?

Mr. Legal Adviser: In Section 2 of the Bill changing Section 9 of the Ordinance it changes there from "appointing a Medical Health Officer to be a member of the Board" to be, "an Adviser to the Board."

Mr. Stutter: Mr. Chairman, I wonder if I might ask Mr. Legal Adviser if he did have a chance to contact the B.C. or Vancouver to see what progress they have made on a Bill that was recently passed regarding glue sniffing.

Mr. Legal Adviser: I did. I wrote a couple of letters, but all I got was a promise of a reply, but we got no factual reply. But I did see last week's "Province" and the matter has been raised before the City Council of Vancouver and it would appear as if they are taking steps by bylaw to deal with the situation by authorizing their City Licencing Officer to refuse Business Licences to establishments which consistently flout the spirit of the law, by supplying noxious substances to persons under 12 years of age. This would not be the way that we would deal with it.

Mr. Stutter: Mr. Chairman, I wonder if Mr. Legal Adviser was also aware that a news broadcast was made a few days ago saying that this type of legislation was totally unworkable.

Mr. Legal Adviser: Well I think, Mr. Chairman, this was said in this House by someone on the last occasion that it would be impossible to work a kind of system like that here.

Mr. Tanner: Mr. Chairman, did the Legal Adviser make any changes in Section 35?

Mr. Chamberlist: We have added, Mr. Chairman, Section 3, there

Mr. Chamberlist continues
where the words, "grounds for believe and does believe" and we have "grounds for believing and does believe" we have put in there. In subsection 5 we have where the words did read, "without an order and make such search as he deems fit" we have now , "and makes such search as he deems fit for the purpose of enforcing this Ordinance."

BILL #19

Mr. Tanner: Mr. Chairman, I'm glad to see that in, however I would confirm the comment of the Member from Dawson, as I think the Ordinance is unenforceable, but we might as well go through with it, but I don't really see how you are going to make it work.

Mr. Legal Adviser: All we can do it try, we can't do anymore than that. This is true of a lot of Territorial Ordinances, they don't work but we try hard, Mr. Chairman.

Mr. Chairman: Do we have anything further on Bill No. 19?

Mr. Chamberlist: I would move that Bill No. 19 be reported out of Committee as amended.

Mrs. Watson: I second that.

Mr. Chairman: It has been moved by Councillor Chamberlist and seconded by Councillor Watson, that Bill No. 19 be reported out of Committee as amended. Are you prepared for the question? Agreed? I declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chairman: The next Bill is Bill No. 12.

BILL #12

Mr. Chamberlist: Mr. Chairman, the purpose of this Bill is to give legislative authority to the payments of municipalities of an annual Municipal Aid Grant and an annual grant in lieu of taxes which will be in substitution for all other grants previously paid to municipalities.

Mr. Stutter: Mr. Chairman, I wonder if there is any backup material available on this Bill, I would like to see it for my part in comparative figures, particularly where Dawson is concerned. I would like to see the actual figures concerned, the actual grants that are now to be deleted, and the total amount that the grant will from here on be.

Mr. Chamberlist: I wonder, Mr. Chairman, if we could go ahead with the reading and we will bring this information forward tomorrow for the Honourable Member.

Mr. Stutter: That is agreeable with me, Mr. Chairman, as long as the Bill has progress until I have that information.

Mr. Rivett: Mr. Chairman, could we have the same information for Mayo.

Mr. Chamberlist: Mayo doesn't come under that particular type of catagory.

Mr. Chairman: I would ask for the same information for Faro.

Mr. Rivett: Aren't comparative figures available?

Mr. Chamberlist: Well, Mr. Chairman, this deals with municipalities only. The only municipalities are Whitehorse, Faro, and Dawson and we can bring forward that information.

Mrs. Watson: Mr. Chairman, I think that we should bring forward the information for the Honourable Member from Mayo who requested

BILL #12

Mrs. Watson continues
that Mayo should be considered becoming a municipality with....

Mr. Chamberlist: It doesn't relate to this Ordinance with respect, Mr. Chairman. This Ordinance only relates to the aids the municipalities would get. If the Honourable Member from Mayo and the Honourable Member for Carmacks-Kluane want figures relating to L.I.D. districts which may be a municipality that is entirely a different matter. I think we could deal with municipalities as the Bill is now and ask for that other information afterwards because there should not be any difference made right now, as far as L.I.D.'s are concerned because L.I.D.'s do not come in the municipal structure at this time.

Mrs. Watson: Mr. Chairman, we are quite aware of this, it is just that we are looking to the future and if there is a possibility there will be other municipalities in the Yukon, other than the three, we should provide the information that the Honourable Member from Mayo is requesting.

Mr. Chamberlist: I don't know what the Honourable Member is requesting. The Municipal Aids deals with municipalities. We can give these dealings to municipalities. Mayo is not a municipality so we can't give them municipal information.

Mr. Legal Adviser: Mr. Chairman, I am sure that the Department of Local Government is capable of producing information of the past. The first piece of information that was asked was, I presume because the word comparative was used, how much aid was given to each municipality last year and how much would result from this Bill in this year? Now you can't give comparative figures from Mayo, Watson Lake or Haines Junction, but no doubt they could come with a total figure or something if that is what is wished, but it might take a bit more time.

Mrs. Watson: With respect, we are just not going to get it across to these people. Mayo and Haines Junction are L.I.D.'s; they are operating on grants. The operators may be able to give them some information. I am sure that the Honourable Member wishes information on the amount of land that is now given on behalf of the L.I.D. However, he would also request the information, I am sure, that if these L.I.D.'s should become municipalities what would be their municipal aid bracket at that time based on this legislation? I am sure this information would be a big help.

Mr. Chairman: Would there be anything further on this matter?

Mr. McKinnon: Mr. Chairman, I would certainly like to see the figures presented from the City of Whitehorse as to what the actual figure will be by the current census of the grant from the Territorial Government under the Municipal Aid Ordinance as proposed under Bill No. 12. I would also like to see a breakdown of the total figure of grants to the City of Whitehorse under all the grants that came about due to various Ordinances the year prior, that is of course, which are available to Council.

Mr. Chamberlist: I have been given some figures by the municipality. They haven't given me the figures for tabling in the House so I am reluctant to table in the House what has been given to me by way of a confidential memo, if the City of Whitehorse is willing to provide some information to Members of Territorial Council they should go ahead and do this.

Mr. Stutter: Mr. Chairman, with due respect, these grants are put forward by the Territorial Government. If we request this information from the Territorial Government, is it necessary to get the information from the City themselves?

Mr. Chamberlist: If it is a matter of grants only we can give this, BILL # 12
but the Honourable Member from Whitehorse North asked much further
than what grants the Territorial Government are giving. As I
understood it for the information, and as I say if the City of
Whitehorse is prepared to allow me to present the documents that
they have given me, I am quite prepared to do so.

Mr. McKinnon: Mr. Chairman, as I understand it, there will be one
grant given to the municipalities now, under the Municipal Aid
Ordinance whether they are grants given or if they are in different
Ordinances in other years. I am talking about the grant in respect
of paving, the grant in respect to sidewalks, construction. What I
would like to see is comparative figures as to what the grant under
the new Municipal Aid Ordinance will announce to the City of
Whitehorse in the fiscal year that we are talking about, and also,
what is the actual money that we are giving to Whitehorse in the
year prior under all the different grants which are now going to be
encompassed in the Municipal Aid Ordinance as one package of
grants.

Mr. Chamberlist: There is no objection, Mr. Chairman, to give out
that information because this can come from Territorial Government sources.
I repeat I cannot give what has been given to me by the City of
Whitehorse unless they say I can go ahead and give you this
information.

Mr. Tanner: Mr. Chairman, surely to resolve these particular
problems, it wouldn't hurt to request from the City their comparative
figures. I feel that they have never been up to Council and maybe
they can be tabled tomorrow and we could discuss them then.

Mr. Chairman: Are we clear on this matter? I think at this time
we will have to take a short break to change tapes again.

BILL #12

Mr. Chairman: I will now call Committee back to order at this time. I will proceed with the reading of Bill No. 12. (Reads Bill No. 12, sections 1 and 2)

Mr. Tanner: Mr. Chairman, that expression in the second line, "In this Ordinance, unless the context otherwise requires", sounds to me like a very vague way of saying what these things actually mean. I don't recall ever seeing that phraseology before. It just might be that you might describe that as sloppy drafting. The context is surely open to interpretation, and many times you can read those words as you want to ... as you read the context. I would suggest that the Legal Adviser look at that expression and maybe come up with something a little more emphatic.

Mr. Legal Adviser: I have no objection to that line being taken out.

Mr. Chamberlist: The words, "unless the context otherwise requires", are superfluous and we'll remove it.

Mr. Chairman: Agreed? (Reads sections 3 and 4)

Mr. Tanner: Mr. Chairman, one question there. What appeal should the municipality not have ... not agree with the Territorial figures. What appeal does the municipality have to say that your figures are wrong and ours are right?

Mr. Legal Adviser: This is a question of fact, and I think that Mr. Chairman, we have no option but to accept the official counting authority of the nation, which is the people who do the census. Then Statistics Canada updated whether the change of area, from year to year, and this is the expression that Statistics Canada are the final judge.

Mr. Stutter: Mr. Chairman, we all, I believe, received a copy of the letter from Faro. They have a very good case here. They would like to have their population reviewed on a much more frequent basis than through Statistics Canada, because they point out that in a fast growing community, such as Faro, the population changes fantastically. They show a fifty per cent increase as a matter of fact, over a one year period. This has got to be taken into consideration. There could well be other areas within the Territory that are equally spontaneous in growth, as Faro has been. I think it should be taken into consideration in this Bill.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Yes, Mr. Chairman, I have been talking with the Mayor of Faro, and they are very very concerned there. There is a possibility for instance, that within the next year there may be additional housing units go into the Village. These can go in within the space of one year; you could have another 75 or 100 residences in there. And if the municipalities are bound by a general census, which only occurs possibly once every five or ten years, or whatever it might be, then we would be doing a great injustice to any municipality which expands on an annual basis. More particularly if we get a resource boom in the Territory, it's obvious that though these municipalities will expand, they won't receive the funds which can reflect expansion. The letter, I'm sure, that most Members have a copy of it points this out. Even today where the initial census figures for the Faro area are 850, where on the payroll of the Anvil Mining Corporation they already have over a thousand people, as itemized in the letter. This is

Mr. Taylor continues ...

BILL # 12

of course increasing. I think that some formula or better means of determining the number of people in a municipality has got to be found. I have not been able to conceive of an idea of how this could be done, other than asking the municipalities to do it with some sort of controls upon them. Maybe other Members may come up with an idea, in this regard, Mr. Chairman.

Mr. Rivett: Mr. Chairman, I have to concur with the Member from Watson Lake. In Mayo, the census was taken incorrectly. Have you any recourse? For instance, who do you appeal to in a case like this, to the census itself?

Mr. Legal Adviser: In the case of Mayo, Mr. Chairman, it would come under subsection (3) of section 4. It has an automatic appeal; it's the only community which has.

Mr. Rivett: Mr. Chairman, if the census was taken incorrectly?

Mr. Legal Adviser: Mr. Chairman, if Mayo was to become a municipality, it would be measured by Statistics Canada in accordance with the population at the time of its incorporation. But what you do with another community I don't know.

Mr. Chamberlist: Mr. Chairman, I see the problem and it's given me a lot of bother because the first thing I must explain is that when Statistics Canada do their census, in the case of Faro, they take into consideration not all the people that are there because many of the people that are there not being residents long enough are included in the area from whence they came. Although, two months later they belong to that particular area. But this doesn't help the situation and the Honourable Member from Mayo has made a very valid point; indeed, the census in the Mayo district was taken wrongly. I don't know whether through the Territorial Government office, indicate to Statistics Canada firstly, that there is an error and ask them what they intend to about correcting the situation. I would ask that this item be left and the Government will take another look at it and come up with something that is more equitable than Statistics Canada. It appears to me that it is indeed a damaging aspect to Faro, especially if by the springtime they have 1500 people there, say by June 1st. Where there is a date set here, they have 1500 people, notwithstanding they have 1500 people, they're only going to get the grant for 850.

Mrs. Watson: By the same token, should the Anvil Mine at Faro curtail some of their operations and withdraw some of the people. Say they withdrew 200, 300 of the employees Faro would still be getting their grant based on the D.B.S., so it does level itself out. In one case they may not be getting the amount of grant that they really feel they should be getting, and in another case they may be getting more of the grant than they should be getting, but you must take some figure at which you can set the payment of this grant. You can't take the census every year; you can't leave it to the municipalities to take the census. What would you call residents, the minute they arrive there, or how long do they have to reside in the community before they can be counted as residents of the community? There would be a lot of problems involved if you didn't use some figure such as this. I have also had a letter from the Village of Faro and they state in their second paragraph, that they have appealed the census figures, and they haven't received a reply as yet. I believe that the figure of 850 that was used, that the Village of Faro is presently using is just a first figure and is not final figure. The final census figures haven't been released. So until Faro does get a reply on their appeal, it is a little difficult for us to consider their case an exceptional case.

BILL #12

Mr. Taylor: Mr. Chairman, I'm afraid that I can't agree with the Honourable Member. I think that we have two issues at stake here. One is eventually how we resolve the rights and wrongs of the census figures, that are being produced by the Federal Government. Now assuming that they will be finalized and everyone is happy that they reflect the true picture in each area, fine, that's one issue. But the big issue here is how do we offer equity in the dispersements of grants, under this Ordinance, if indeed these populations are changing and there is no means of determining what change has been affected in any given area or municipality; in this case, municipality, on a year to year basis. This is what we must resolve; otherwise, we would be foolish to proceed with a piece of legislation such as this, based on the census figures, because how long is the census, five or ten years apart? Much can happen in five years, more particularly in the Yukon where we have a large resource based economy. Things have a tendency to take off very quickly, when things do occur here in the Territory. My suggestion would be that we throw this back to the Administration and let them kick it around again and maybe come up with some ideas. I think that any individual Councillor, if he might have any ideas that he could throw into the pot, could see one of the Committee Members and pass it along. Certainly, I don't think that we could proceed with the Bill until we resolve this particular problem.

Mr. Chamberlist: Mr. Chairman, so far it's been good debate. But to say that we can't proceed with the Bill because of one particular section, this is ridiculous. I have already said we'll hold this and we'll come back to this, but to stop the Bill working that's obstructionism. We will have a look at this again.

Mr. Taylor: I just don't like to be called an obstructionist. I'm just saying that this is the meat of the whole Bill, Mr. Chairman. This is why I suggested that they kick it around and review it, and come back to it. I'm not obstructing, I hope.

Mr. Chamberlist: Mr. Chairman, then we're going to proceed with the rest of the reading of the Bill, but we will be taking this particular point into consideration, after we've reported progress.

Mr. Chairman: Agreed?

Mr. Tanner: Mr. Chairman, I have one suggestion that the Executive Committee may consider, when they are looking at this. What really all of us are saying, apart from the errors or mistakes that might be made by Canada Statistics ... really what we're saying is, if a municipality doesn't like the figures we're taking in or plugging in to say that's how many people they've got; they want someone to appeal to. On the other hand, we've also got to protect our own purse and we don't want to give out a figure frivolously. So really what you're looking for is someone to appeal to from both parties. Now one of the things that we've been doing in this Session is setting up boards ... everytime we turn around there seems to be another board being formed. But surely it wouldn't be that difficult if you still used Statistics Canada, because they are the only authority in the country ... but also had some recourse if for example the city of Whitehorse does not agree with your figures. The way this legislation reads ... they can't do anything about it. They are stuck with the figure that we choose. We don't necessarily have to go to a complete census, if they can show, as Faro has attempted to do, by payroll for example, in that particular incidence. The city of Whitehorse could show definite examples as why they think our ... for the sake of argument, 12000 is wrong, and they've got 12500, and they can prove it logically, they should have someone they can talk to. Right now they haven't. I think there will be ... and I hope you will consider that as one of the alternatives.

Mr. Rivett: Mr. Chairman, I find this argument an overpayment to give solace to the underpaid.

Mr. Stutter: I would like to point out from the Chair just before we proceed with this Bill, that if we look at the reverse side of the coin that if it's left the way it is worded; in the case of mining towns, which has happened in many instances of Canada and all across Canada, which have disappeared over night; it's hardly logical to think that the Territorial Government has continued to make payments at the last census rate for the next five years. So I think the section has got to be left out from both points of view.

Mr. Legal Adviser: Mr. Chairman, the House could move on from this section. I'm sure that the Honourable Member from Whitehorse North might be able to come up with some method, even if it's only counting the number of dog licenses dividing by four. But we should be able to produce some formula, but if the Members in the meantime would give us some idea; we will try. It's only a compromise in any case to try and get what the figures are because nothing is certain in the intervening years.

Mrs. Watson: Mr. Chairman, we must attempt to have some kind of constant yardstick of which the Government knows the amount of grants, that they will have to budget for. And the municipalities themselves have an idea of what type of grant they are going to receive. We are defeating our whole purpose of this Bill. It was the idea of the Bill, when the municipalities did not know what type of money they would be getting every year. We must remember; we must attempt to arrive at some kind of constant yardstick with not too many variables in it.

Mr. Taylor: Mr. Chairman, just one point. There is nothing in this Bill yet, that I've found yet that compels the Commissioner to pay grants to anybody. It always says here, like in subsection 3(1), "The Commissioner may pay to each municipality", and everywhere the Commissioner pays it says "may", and everywhere else it says "shall". There is no compulsion upon the Commissioner to pay anybody if he doesn't wish to. So I think that this is a point to ponder.

Mr. Chamberlist: The money is dealt with in the Budget. This is just the authorizing Bill, and that's the time when you raise the question as to whether the money that is going to be paid to the municipalities is the right amount. I think the Member from Carmacks-Kluane has made some really good points that must be considered. We must also remember, as well, that if a municipality says and exactly the same as Faro says, that they have 1250 people there or 1500 people there; that doesn't necessarily mean that they are qualified residents, as has been indicated for the purpose of doing a census. What makes a resident? This is something we have to deal with. We've got to look into this, I agree. I would ask that we proceed with the Bill. We will take another look at it and come forward with another suggestion.

Mr. Taylor resumes the Chair.

Mr. Chairman: Any further comment? (Reads sections 5 and 6)

Mr. Tanner: Mr. Chairman, I wonder if I could ask the philosophy behind the first one, excluding (a). If I have a vacant lot in the city, I have to pay taxes on it. Why doesn't the Territorial Government have to pay taxes to the City Government if they have a vacant lot?

Mr. Chamberlist: I would like to indicate, that much of the lands in the municipality in greater Whitehorse are now vacant right up to the mountain tops. You know, if we start measuring the value of the land we would have to pay the Government of the Yukon Territories, which is bankrupt. Keep in mind, as well, that the reason why it says the Commissioner may make a grant it's because the Commissioner is not compelled to make a grant; the Crown cannot be forced to make a grant, if something is being done out of the goodness of the

BILL # 12 Mr. Chamberlist continues ...

heart of the Yukon Territories, to the taxpayers just like everybody else.

Mr. Chairman: (Reads sections 7, 8, 9, and 10) I believe that it is the wish of Committee to be returned to the Administration for consideration. Committee agreed that I report progress on this Bill. Now this is all that is before Committee at the moment. We have two motions in Committee, I believe, that both matters have been deferred; one is Motion 15, an Amendment to the Yukon Act, to increase the membership of Council; the other is the subject of the Logo symbol, which is coming up later. There is nothing else to do at this time.

Mr. Chamberlist: Mr. Chairman, I have indicated that I was waiting for the copy of the report on the Constitutional Reform. Now I have been advised that the report has not been tabled in the House of Commons. The reason being, that when Parliament finished its session all Committees came to an end, and it's only in the last few days that the Committee has been struck again, so that I would expect that it would be coming forward for tabling in the House. We will be getting copies immediately after.

Mr. Chairman: For the moment, it would seem as if we are out of business.

Mr. Legal Adviser: Mr. Chairman, I have the feeling that the Municipal Ordinance Amendments ... it's just a question of ... if you adjourn for coffee, we might be able to dig up the Amendments to two other Bills, which are fairly well registered.

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

RECESS

RECESS

Page 724
Tuesday, March 14th, 1972
3:15 p.m.

Mr. Chairman: At this time we will call Committee back to order. I believe the next item of business is Bill No. 13. I believe it has noted in the letter tabled from the City they have made recommendations. I believe this under review, is it not? BILL #13

Mr. Legal Adviser: Sorry, Mr. Chairman, what was the question?

Mr. Chairman: I believe just before going into these amendments we have received a representation from the City of Whitehorse respecting the charging for services. Is this under review by the Administration?

Mr. Legal Adviser: It wasn't under review until the question has been asked but now since the Municipal Ordinance hasn't been finally drafted it can be reviewed before it comes back to the House.

Mr. Chairman: I guess the first item is section 2.

Mr. Legal Adviser: When the Bill was discussed before, Mr. Chairman, there was a thought that the definition of "local improvement" might be reviewed. What has happened since is that the definition here has been standardized to the other Bills resulting in no change to the definition of "local improvement" in this Bill.

Mr. Chamberlist: Mr. Chairman, except that we have left off the words "or utilities' charges".

Mr. Chairman: Speaking from the Chair, under the definition of "trailer" or "mobile home", were we not going to take away the words, "or other use"?

Mr. Legal Adviser: We were going to put it in, Mr. Chairman.

Mr. Tanner: Either I am confused or someone around here is confused, because I have a note under the "trailer" or "mobile home" that there was an error in the way that that was drafted and you were going to change it. The words, "or other use" are there now.

Mr. Legal Adviser: We are on that definition, Mr. Chairman. The two words "sleeping place" have been inserted into the definition and that particular definition has been standardized with the Municipal Ordinance definition. In the definition of "taxes", Mr. Chairman, there has been a slight change by taking out the words "utility charges"; the word "utility" caused some puzzlement and offence, so it has been removed.

Mr. Tanner: Mr. Chairman, I am sorry, I still am not clear on this "trailer" definition. Would the Legal Adviser please read what the definition of "trailer" or "mobile home" is on the copy that he has in front of him.

Mr. Legal Adviser: Yes, Mr. Chairman, "trailer" or "mobile home" means "(a) a vehicle, whether equipped with wheels or not and whether self-propelled or not, that is used or designed as a dwelling or sleeping place or for other use; or (b) any structure whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another by being towed or carried and to provide living accommodation or other use."

Mr. Tanner: Thank you, Mr. Chairman, I am now clear on that.

Mr. Chairman: Just from the Chair, what prevents the Administration from taxing a trailer which is used for the conveyance of goods and this type of thing? This is where the "or for other use" comes in. The next item is section 3.

BILL #13

Mr. Legal Adviser: Mr. Chairman, I think that has been fairly well completely realigned and two paragraphs of the subsection have been tied together and the intention is to meet the generally expressed wishes of the House during the debate to make it clear that the only part of religious property which is ... I am sure the Commissioner doesn't wish to disagree, that the only part which is being excluded from taxation is the part used chiefly for devine service, public worship or religious education and any other part of the religious property would be subject to tax.

Mr. Chairman: Clear? Next is section 7(1).

Mr. Tanner: Mr. Chairman, can I go back to that first section. 3(1) reads, "For the purposes of this Ordinance all real property or property deemed to be the real property pursuant to this Ordinance is liable to taxation subject to the following exceptions". One of the exceptions is, now you have paragraph 3(1). Would the Administration inform me as to who has the decision now? Do they have to exempt it or does the city make a decision?

Mr. Legal Adviser: The original two sections, Mr. Chairman, were paragraph (d) and paragraph (e). Under the law, as it was, both in the Territory and the municipalities, there was no option, an exemption had to given if the land fitted there. This makes these people exempt by law by the statute. As I understood, it was the wish of this House that religious property used for a religious purpose would be exempt.

Mr. Tanner: Mr. Chairman, that wasn't my understanding at all. My understanding was that the decision of whether or not to exempt religious property should be in the hands of the city and not in the hands of this Council.

Mr. Legal Adviser: In their own Ordinance, Mr. Chairman, if they wish to exempt other property they give a grant, within their power. We are consoling the property... this Houses'wish and the question was asked of the Mayor, when he was attending this House. He fitted in with this wish that the part used for religious worship should be exempt but not the other part. We have only designed, at least what I thought, was the wishes of the House.

Mr. Tanner: It is my personal contention, Mr. Chairman, that I think that when the Mayor was here, and in his letter he mentions it again, I think the city council should make their decision. Quite frankly I think they are placing responsibility, which is theirs on us. If it is the wish of the majority of the Members here that they want to leave it as it is, there is not much I can do to change it, but personally I still think it is wrong. The city should be making that decision, not us.

Mr. Chamberlist: A point, Mr. Chairman, and it is this, that this piece of legislation applies to all taxing authorities. It is not specific for a municipality and because it is not specific for a municipality it has to be generally dealt with. Mr. Legal Adviser has already indicated that the municipalities can by way of grant, if they wish to give back the taxes that a church organization....They can give it back by exempting it, if they want.

Mr. Legal Adviser: Mr. Chairman, this is a very limited exemption indeed, it is only the portion of the land and the portion of the particular building. For instance in the church here, which is not a thousand miles away from me, the basement probably would have to pay taxes and the upper floor would be exempt.

Mr. Chairman: Anything further on this section? Section 7.

Mr. Legal Adviser: Mr. Chairman, the only change in this is a symantical change to move the adjective or the adverb annually from one portion of the sentence to the other.

Mr. Chairman: Section 17(1).

BILL #13

Mr. Legal Adviser: Mr. Chairman, this is just a date change. All the dates in the obligations of a city council and in the taxation event, point by point have been reviewed and a series of date changes will appear from time to time but they are all very carefully programmed, one Ordinance to the other. Preparation of the budget, the imposition of taxes, the notification of school taxes, and so on they are all carefully programmed now, into one very cohesive series of events.

Mr. Chairman: 18(1).

Mr. Legal Adviser: This is just a date change as well.

Mr. Chairman: 22(2).

Mr. Stutter: Mr. Chairman, I had a note on mine that 22(1)(a) was to be reviewed, I don't see any change in it.

Mr. Legal Adviser: It was reviewed but the review turned out to keep it as it was, Mr. Chairman.

Mr. Chairman: I see in 22(2) it is the two successive weeks, rather than two successive issues. Clear? 23(1)(d).

Mr. Legal Adviser: It is a symantical change, Mr. Chairman, to make it read better.

Mr. Chairman: 50(1).

Mr. Chamberlist: We have got a change that hasn't been noted, 35. Altered to the seventh day of January. We did that... oh yes, that is right.

Mr. Legal Adviser: 50(1), Mr. Chairman, this has been reviewed so we collect the wishes, I think the whole House, to transfere to this House the control of taxation and remove it from the Commissioner, but in the review it appeared difficult in the practicality of "the situation to year by year have an annual meeting of this House to fix the actual rates imposed by the Commissioner in respect of land outside of the municipality and in respect to school tax to notify the municipality so this is in effect giving the House the power to control by its own motion any increase of taxation from one year to the next. In other words, it is assumed that the House has passed a particular level of taxation in year one, that they would give an implied consent to the imposition of a similar level of taxation in the following, but if it was increased the Commissioner would have to come to the House and ask for a motion.

Mr. Chairman: Speaking from the Chair, I am not clear and I wasn't clear last time and I just don't have the Votes and Proceedings at hand because this came up a little quicker than I had thought it might. The review of the Votes and Proceedings at the last go-around on this general subject, in a former session left us completely unclear as to whether or not the Territory, the Commissioner-in-Council position was restated in this other manner, the manner like we see before us today. I remember when we asked this question, Mr. Legal Adviser replied that, it was just a drafting type of situation and it just didn't make any change. I am not prepared, until this is clarified to me, to accept the Taxation Ordinance, or any part of it until this section 50 is clarified, and for the moment the only way I can see to clarify it, is to put it back to the Commissioner-in-Council status, that it originally was in. I don't think it is competent for this Legislature to give the Commissioner any edge whatsoever in terms of assessment. The legislative powers to the Commissioner in respect of taxation, direct taxation are given by the Commissioner-in-Council. This has always been a bug in this Council, ever since I have been here. We let it go for one specific purpose and now we are having a terrible fight to get it back and I believe that was over the Hillcrest affair we let it go. I think that this should read, "Subject to this section, the Commissioner-in-Council shall on or before the 1st day of March, in each year in accordance with this Ordinance levy taxes"

BILL #13

Mr. Chamberlist: Mr. Chairman, there is no way that the Commissioner, can do this unless he gets a resolution by Territorial Council. I am sure the Honourable Member will admit to that, and that is simply the answer.

Mr. McKinnon: Mr. Chairman, why does it say "higher" or "lower" rate? I can see that if it is remaining the same rate of taxation throughout the year that there is no problem, but why should the Commissioner get the kudos for lowering the rate which he has the power to do, if he wants a lower rate and the Territorial Council takes the onus for raising the taxes, if in fact the taxes have to be raised. If there is a change in taxation, why shouldn't those members in charge of the Government get the political kudos for lowering the taxes...

Mr. Chamberlist: I would point out, Mr. Chairman, that subsection 3, says, "Where, by a resolution, the Territorial Council has so approved, the Commissioner may vary the rate of tax levied".. According to location, yes this is quite true but he still may vary it and it still has to come from the Territorial Council, but all the same we've no objections of putting it in, if it will make the Honourable Member feel better.

Mr. Legal Adviser: Mr. Chairman, you can't do it in subsection 3 because that is allowing the Commissioner to impose a different rate in a different place because of a different purpose. I don't think anyone has any objections to putting in "at a higher or lower rate than the previous year." In my drafting, it never occurred to me; I have never heard of the Commissioner lowering taxes, or anybody. We can use the word "different"

Mr. Chairman: Any further discussion on section 50? 54(1).

Mr. Tanner: Mr. Chairman, could I go back to section 46(3). I have a note that we were going to change the amount there. "The costs in any case before the Court of Revision or before a judge shall be confined to the costs of witnesses" etc. etc. and we have got fifty dollars in there and I think I made a case at the last time of decision that this should be...that fifty dollars wasn't very practicable and this should be at least one hundred.

Mr. Legal Adviser: I think the Honourable Member did make a case, but I may have felt the temp. of the Members wrongly, or been differently advised but it didn't appear to me that that was the general opinion.

Mr. Tanner: It did to me, Mr. Chairman. I am a Member, Mr. Chairman. There is a certain muttering I can hear on my right, and he says that it has been suggested that fifty dollars is very reasonable but then other members of the public who haven't got the Honourable Members well-known ability to defend himself in court, and I for one would have to get a lawyer, and I couldn't get a lawyer for fifty bucks.

Mr. Chamberlist: You couldn't get one for one hundred dollars either.

Mr. Tanner: Right, let's start him off at one hundred anyway, instead of fifty.

Mr. Chairman: What is Committee's wish in this matter?

Mr. Legal Adviser: I just say this, Mr. Chairman, the majority of appellants lose their appeal and would have costs given against them, it hurts the taxing authority more than it hurts the individual.

Mr. Tanner: Mr. Chairman, this is sort of the same assumption the Legal Adviser is making here, when he thinks that we should take all the consequences of raising taxes because they always go up, now the day might arrive when taxes might go down and we might want to take credit for it. The day might arrive when an appellant in a court case might win.

Mr. Chairman: The next section is 54(1), (2).

Mr. Legal Adviser: The only change here, Mr. Chairman, is to add the word, to repeat the words, "in an area outside a municipality" in subsection 2. Subsection 3, of course you will be saying it, but there is just that change. BILL #13

Mr. Chairman: Subsection 3 in or delete it?

Mr. Legal Adviser: The only sections which are mentioned in the list, are ones that are changed. The words "outside a municipality" are added in both (1) and (2).

Mr. Chairman: I am aware of that but I say subsection 3 is not out; it is remaining.

Mr. Legal Adviser: It will remain.

Mr. Chairman: Anything further on 54? Section 59.

Mr. Chamberlist: In 56 the word "rate" is changed to taxpayer. You have got that.

Mr. Stutter: Mr. Chairman, I guess I am just risking the same answer from the Legal Adviser, but again I had a note that 57(1) was to be reviewed, I take it the review decided to leave it as is?

Mr. Chairman: I have a question mark on that.

Mr. Tanner: I remember that particular case, we said that how often could they go, how far could they go back, isn't there any statute of limitations when a guy beats a taxing authority for a few years and he can say "Well, I can get that year free." I think the House agreed that there should be a cut-off basis.

Mr. Legal Adviser: It didn't appear to me that the House agreed that if a person escaped taxes for two or three years, that automatically he escaped taxes for those years.

Mrs. Watson: Mr. Chairman, I think we changed "arrears" to "taxes" so he would be liable for taxes which were missed, but you wouldn't have a penalty in your interest.

Mr. Chairman: 59.

Mr. Tanner: We haven't finished. Mr. Chairman, the question arose last time as to how far back the tax assessors can go, to pick up back taxes that haven't been paid and I understood the feeling of the House at that time that there should be a limitation on how far he can go back, and there isn't. That is the way I read it.

Mr. Legal Adviser: We have a statute of Limitation, I couldn't give you the answer of time, but a normal contract is six years. How far you can go back in taxes, I don't know without looking at the statute of Limitations, but normally the privilege, I am sorry to say, runs back to about twenty years.

Mr. Tanner: Mr. Chairman, do the other Members agree with me that we should maybe put a limit on that, maybe six years, the same as a normal contract.

Mr. Legal Adviser: It is not what the section says it says. "the arrears omitted for the year last preceding" which is one year, so this only gives him the power to act for one year. If we change it we might be giving him much more power than that in that section.

Mrs Watson: Change the assessor to the authority...

BILL #13

Mr. Legal Adviser: Namely the authority is changed. It should have been that in the first place.

Mr. Chairman: Section 60 (2) .

Mr. Legal Adviser: This is not a new section, it's a numbering change plus a new section. All the other sections will be renumbered when they are typed up. But it appeared on examining the section that it was an automatic imposition of an assessment every year whether or not the business tax was going to be levied. This was put in in ease of that position so that the Business Tax Assessment Bill will not be prepared unless the city or whoever it is, intends that year to charge a business tax. It holds the section in suspense indefinitely.

Mr. Stutter: Mr. Chairman, may I ask then if these two sentences then will be added to the present two in the Ordinance?

Mr. Legal Adviser: No. Subsection (2) would become subsection (3) and so on down to (8).

Mr. Stutter: I see. Next section then is section 8. Subsection (8), Pardon me.

Mr. Legal Adviser: Yes, that's just a change of assessor for authority.

Mr. Stutter: And (8) really becomes (9) now.

Mr. Legal Adviser: (8) becomes (9) yes.

Mr. Chairman: Clear? 61 (1).

Mr. Legal Adviser: This is the imposition of school taxes, Mr. Chairman and the word different can be changed to higher in the appropriate way to this section. It gives the council the authority of deciding any increase of taxation. The council wants a different ... of a higher tax.

Mr. Chamberlist: Well this replaces the whole of 61.

Mr. Legal Adviser: Yes, Mr. Chairman.

Mr. Chairman: Reads 61 (1), (2), (3), (4) and (5). Just in speaking from the Chair, my position is the same in 61 (1) as it was in 60. I have no intention of furthering this Bill unless it reverts back to the Commissioner in Council.

Mr. McKinnon: Mr. Chairman, how would section 3 read with "different" instead of "increase," the final...

Mr. Legal Adviser: It would read, I think, Mr. Chairman, the Commissioner may not change the rate of school tax levied through subsection (1), or notified, I think it should be in the past, ... or notified to these authorities pursuant to subsection (2) different to the rate levied or notified in the immediately preceding year, unless the Territorial Council has by resolution approved the amount of the change.

Mr. McKinnon: Well I think it is pretty important. Will Mr. Legal Adviser look at the factors?

Mr. Chairman: This is under revision.

Mr. McKinnon: Sub (3) of 61, right.

Mr. Chairman: 62 (1)

Mr. Stutter: Mr. Chairman, may I just refer back briefly to 61 (1), why is it necessary to put not within a municipality liable to taxation

BILL #13

Mr. Stutter continues ...

surely it should read as it does but without those last seven words?

Mr. Legal Adviser: No, Mr. Chairman, the Commissioner imposes a tax in respect of the area outside the cities, the city imposes a tax inside the city at a rate fixed by the Commissioner.

Mr. Chairman: 62 (1).

Mr. Chamberlist: Just the words of Local Improvements.

Mr. Legal Adviser: No, there's no change except remove the "s" from the word Ordinance in the first line.

Mr. Chamberlist: You've got the words...

Mr. Legal Adviser: The words "local improvements on property" pursuant to...

Mr. Chairman: Clear? 64 (1)

Mr. Legal Adviser: It's just been changed from six percent to nine percent.

Mr. Chairman: Clear? 72 (1).

Mr. Chamberlist: You know this, Mr. Chairman, that sections 1 and 2 are deleted... well subsections (1) and (2) are deleted and then subsection (3) which we've just read becomes (1).

Mr. Chairman: 73. What is the change here, Mr. Legal Adviser?

Mr. Chamberlist: 73 (1) Mr. Chairman?

Mr. Chairman: Yes.

Mr. Legal Adviser: The words here "with the consent of the Commissioner" were deleted.

Mr. Chairman: Clear? Next is 82 (1).

Mr. Legal Adviser: Mr. Chairman, one of the Honourable Members objected to the excessive detail of the various charges to be made in operating the tax collections procedure, so his request was acceded to and a flat percentage charge has been inserted.

Mr. Chamberlist: Well we've made a point. They always give consideration to an Honourable Member's request.

Mr. Chairman: 83.

Mrs. Watson: Mr. Chairman, you haven't dealt with 82 (1).

Mr. Chairman: Well that's what I thought we were just dealing with. 82 (1) is what I thought we were on.

Mr. Legal Adviser: Yes, "or improvements" were added in the first line, Mr. Chairman, everything else just stands.

Mr. Chairman: Clear? 83 (1).

Mr. Legal Adviser: That's the one I explained before, Mr. Chairman, about the ten per cent surcharge.

Mr. Chairman: Clear? Now 87 (1) is then deleted.

Mr. Legal Adviser: Truth to tell, Mr. Chairman, we couldn't find why it was there in the first place, so we just took it out.

Mr. Chairman: Next is 98.

Mr. Legal Adviser: It's just to reflect, Mr. Chairman, the change of the charge. It is called the administration charge instead of the advertising charge.

Mr. Stutter: Mr. Chairman, if we delete 87 (1) doesn't it change the numbering for the rest of your Bills?

Mr. Legal Adviser: That can be picked up, Mr. Chairman.

Mr. Chairman: Clear on 98 (1)? 106 (2).

Mr. Legal Adviser: I think it's just to add the words in dealing with vacant lots, to throw in "vacant lots in a local improvement district as well as a municipality," and to change the grammar, I think, in subsection (5). It just changes the words "the said period" to "the period mentioned in subsection (4), if you don't use the word "said" to reflect a change from one subject to another.

Mr. Chairman: I see in ... I'm still trying to figure out the difference in 106 (2). But what you've really done is take out the words "of the municipality in which the lot is situated".

Mr. Legal Adviser: Yes, we have just taken one or more lots in a municipality or local improvement district, which makes it clear then that we are dealing with the place which it is situated.

Mr. Chairman: Clear?

Mr. Chamberlist: There is one added word there that we have in 106 (2) (b), 'contains a statement that it is a an application with respect... " and we've got no ... that is an application.

Mr. Tanner: Mr. Chairman, in the following point that was brought up in the letter that we have tabled today from the city, I feel it was a reasonably good point and I'd like to hear the other Member's point of view. Is the fact that the city's asking whether they can have the authority to add property to the tax roll? The expression they use is "the supplementary roll system," and I've heard of many cases where they describe in their third paragraph, where people do build houses, and by guess or by golly or by good judgement, manage to avoid a year's taxes. Is there any way that we can incorporate that idea or what do other Members think of incorporating that idea ... that we be able to add property to the tax roll after it's closed.

Mr. Legal Adviser: Mr. Chairman, the Commissioner had what I thought was a rather good idea just before we sat to discuss this, and that is leave it alone in the Taxation Ordinance, but in the Municipal Ordinance itself give them a general power to charge per service, so if they supply a service let them charge. It would be difficult to organize a tax and valuation.

Mr. Commissioner: Mr. Chairman, I would like to suggest that in the Municipal Ordinance on page 38, section 129 (j), it would appear to me to give the City the power they want.. It says here that they have the authority to make by-laws, to prescribe the fees or other charges to be made for all services performed by the municipality, its officers or employees; well it would appear to me that they could make a by-law respecting a particular piece of property that was not on the taxation roll and on that by-law name the fees that they were going to charge for the provision of general municipal services for the balance of that year with no difficulty at all. I see nothing to prevent them from doing that, unless the Legal Adviser says they couldn't do it.

Mr. Tanner: Mr. Chairman, is the Commissioner suggesting that the City in that case, or a city in that case, would make a separate by-law for

BILL #13 Mr. Tanner continues
a piece of property ...

Mr. Commissioner: Oh they would have to. Oh, yes.

Mr. Tanner: Well I wonder whether the Commissioner wouldn't agree it's rather a cumbersome way of going about it. I think if they for example, extend Riverdale one street long and they add twenty-five houses, is it the Commissioner's intention or suggestion there that they should add a by-law for twenty-five individual houses?

Mr. Commissioner: Mr. Chairman, I would imagine that this would happen monthly, or quarterly, that the city manager would bring to the city council a list of properties which had arrived at a state of completion during that period of time, and indicate the value of municipal services that would normally be assessed to them for the balance of that taxation year and that then in one by-law each parcel of property would be indicated either that month or quarterly or however it was done. I don't think it would be necessary to have a by-law for each individual parcel of property, but it would be necessary to indicate in the by-law each parcel of property that was to be affected.

Mr. Tanner: Mr. Chairman, could the Commissioner mention the paragraph again ...

Mr. Commissioner: Page 38 in the Municipal Ordinance, section 129, item (j) under 129.

Mr. Legal Adviser: I would think that the correct reading of the section and they should be able to do this.

Mr. Commissioner: Mr. Chairman, I agree very much with the municipality in this instance because there is no way as a consequence of our building season, ... if the Honourable Members have been following their dates that are located in the Ordinances here there is just no way that you can include the results of, we'll say, the upcoming building season in your next assessment roll to apply to the next taxation year. There is no way it can be done, and we have a situation at the present time in Faro, Mr. Chairman, which exists, where I believe a large number of homes were built within the community which were not on the assessment roll at the present time and therefore are not liable to taxation in the current taxation year. Now this is even, relatively is even worse than the Village of Faro, than what it is here in the City of Whitehorse. But I think specifically what the cities are looking for here is where a large commercial enterprise comes into being and finds itself in that hiatus, and the city is called upon to provide a very large amount of municipal services in connection with it. They want the ability to be able to reimburse the general revenues of the city for those services. Subject to any opinion expressed to the contrary by the Legal Adviser, certainly I think that that section that we've indicated here gives them the authority to make a by-law to cover themselves in that instance.

Mr. Tanner: Mr. Chairman, we seem to be in general agreement of the principle, and I just want to ask the Legal Adviser, when they drafted section 129 and they got to (j) did they have it in mind that the ...for services per se or also including taxes, because virtually that is what we are doing here right now.

Mr. Commissioner: No, not quite.

Mr. Legal Adviser: It's not intended, Mr. Chairman, and that section was never intended to allow people to avoid taxes. But when they provide a service similar to the services which we charge for under the Financial Administration Ordinance to the engineering department, we impose a charge and they can do the same.

Mr. Chamberlist: The problem though you know, the city should have some consideration given to them when a large project, Mr. Chairman, is constructed in the municipality, and it's after the assessment has been done that for practically a year the building can be in various

Mr. Chamberlist continues

stages on construction and there is no taxes assessed against perhaps a half a million dollars worth of construction. And they should have a means by which they should be able to tax them there. This particular section which the Commissioner has referred to deals with services provided to that particular building. Now it may be that those services are going to be provided there, but the service must be available. The fire department must be standing by and it's standing by for everywhere else. Now can, and this is where Mr. Legal Adviser should indicate whether, it can be prorated for what services would have to be given to them. Or should we not seek another way of saying that during the construction of a specific building there could be taxation on it.

Mr. Commissioner: Mr. Chairman, with respect, just before the Legal Adviser answers that, I don't think the Honourable Members want to disrupt the taxation procedures, so all I warn you is that if you are going to attempt to have something less than a full taxation year, you must make provision for all the necessary things that would be provided for a full taxation year. You must provide for the notice of assessment, you must provide for the Court of Revision, in other words I merely suggest the Honourable Members that the complications that may conceivably be involved as a consequence of their trying to provide something less than a whole taxation year, may be more costly than what could be recovered. I strongly recommend that the Legal Adviser take a hard look at this section (j) here to see if there is any reason why this could not be used by the municipality in a perfectly proper and legal manner to get what is their just due and just to the rest of the taxpayers in the community at large. And also remember that if we are going to get back into the taxation aspect of this, the Territory becomes involved in the school taxing aspect of it. I strongly recommend that we try to keep it as simple as possible.

Mr. Tanner: Now look, Mr. Chairman, I'm not disagreeing with the Commissioner, I'm just wondering whether, as I said before when this was originally written, the object wasn't to do what we are doing now. What we are really doing is finding some vehicle to accommodate the city's request. What confused me a little bit is in our attempts to accommodate the city and using that paragraph we aren't, maybe not in fact but in theory, putting them back into the taxation business in a different way than we originally intended them to be.

Mr. Legal Adviser: There is no doubt that we are putting them back into a different sort of business but I thoroughly agree with the Commissioner that to actually start off to tax as opposed to a service or utility charge would be a very very onerous thing in this Ordinance. I don't know anywhere in Canada, off hand, where it's done although somebody did mention one particular example where it was done. But the House should not forget that when the assessment is made it's made on the building and improvement and of the stage they are at construction. So in a big building at the end of a building season it's pretty well seventy-five per cent complete and it will pay taxes in respect of that seventy-five per cent completion. It just doesn't escape entirely. It's not as if it pays no taxes if it's not finally completed. It pays taxes at the stage of completion it has reached when it's assessed.

Mr. Chamberlist: This is true, but during the construction of a particular building many months might elapse where the municipality has to have stand-by services, and somehow or other the municipality must be able to get revenue from that building as a result of having that stand-by service available to that building. This is, I think, where we have to look at it. I made reference, Mr. Chairman, to the fact of taxation because I know that Vancouver, the City of Vancouver because of the construction they have, you take a ...one of the Royal Towers buildings, let's say, which takes three years, they know at the time of taxation for a full year they can get a full year out of it, but they have what they call an ... constructions stage of assessment, and I think it's quarterly, and they assess it. This is by

BILL #13 Mr. Chamberlist continues
arrangement somehow or other. I don't know exactly how it's done but there is provision in the B.C. Act to do this, but I'm just suggesting that if we can by any means get hold of a method of doing it this way to protect the municipality... and indeed protect ourselves because we might have a large piece of work going on outside the municipality which we would want to get in on and make sure that the owners pay some service fee of some kind.

Mr. Chairman: I think at this time we will call a very short break while they change tapes.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order. Have you anything further on 106(2) at this time? I note there are some drafting revisions to be made. Is it your wish that I report progress on Bill No. 13?

Mr. Tanner: Mr. Chairman, could I just make one comment as a courtesy to the City, whether we could ... the Chairman could instruct the secretary to point out the discussions that we have had here, or they can read the minutes, but point the particular section that we are referring to in the Municipal Ordinance to accommodate them in this particular area?

Mr. Chamberlist: Further to that, Mr. Chairman, I would like to point out that this letter to Mr. Speaker, is dated March 14th. The Legislative Programming Committee have been working during the recess on revamping and reviewing of different sections. Certainly if the City would have submitted this information to us earlier after the Mayor had been here, we would certainly would have been able to get on with this and do something. I am sure that all Members will appreciate that we have just received it and haven't had the time to take cognizance of it.

Mr. Tanner: Mr. Chairman, in actual fact, the Honourable Member doesn't ... the Honourable Member doesn't make much difference, because we have taken care of three things they have asked for. The other two sections haven't come up. The only one that we might have bypassed because the letter was late was the Mediation Board. It might be a courtesy to the City if we could perhaps tell them.

Mr. Commissioner: It is to our advantage to help the City any way that we can financially.

Mr. Chairman: At this point in time, we seem to have caught up with the work before us. What is your further pleasure?

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

Mr. Tanner: I second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Tanner that Mr. Speaker do now resume the Chair. 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 Committees?

Mr. Chairman: Yes, Mr. Speaker, Committee convened at 2:20 p.m. this afternoon to discuss Bills, Sessional Papers and Motions. I can report progress on Bill No. 9. It was moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 14 be reported out of Committee as amended, and this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 19 be reported out of Committee as amended, and this motion carried. I can report progress on Bill No. 12 and Bill No. 13. It was moved by Councillor Chamberlist, seconded by Councillor Tanner that Mr. Speaker do now resume the Chair, and this motion carried.

Mr. Speaker: May I have your further pleasure?

Mr. Taylor: Mr. Speaker, at this point in time, I believe that we have kind of run a little short of work, but I believe that tomorrow

Mr. Taylor continues ...
we may have Bills, Sessional Papers or Motions.

Mr. Speaker: May I have your further pleasure?

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

Mr. Chamberlist: I second that motion.

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

*MOTION
CARRIED*

MOTION CARRIED

Mr. Speaker: This House stands adjourned until 9:30 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? Are there any Reports of Committees? Are there any Bills to be introduced? Are there any Notices of Motion or Resolution?

Mrs. Watson: Yes, Mr. Speaker, I would like to give Notice of Motion regarding the newly created Kluane National Park. *MOTION #22*

Mr. Speaker: Are there any further Notices of Motions or Resolutions? Are there any Motions for the Production of Papers? As there are no Motions for the Production of Papers, we come to Motions. Motion No. 18, it has been moved by Councillor Taylor, seconded by Councillor McKinnon, "that whereas it is the intention of the Government of the Yukon Territory to implement a compulsory Health Care Insurance Plan effective April 1st, 1972; and whereas a significant majority of the Yukon electorate have requested that a plebiscite be held on the question of Medicare as it affects the people of the Yukon; now therefore be it resolved that it is the opinion of Council that a plebiscite be held on the question of the proposed Health Care Insurance Plan prior to the implementation of Medicare in the Yukon Territory." Councillor Taylor are you prepared to proceed with this motion at this time? *MOTION #18*

Mr. Taylor: Yes, Mr. Speaker. As all Members are aware, the question of Medicare has been under consideration in the form, in its first form, in the form of a Bill, the Health Care Insurance Ordinance. This has been under question now for some time. It is clear, made clear to everybody that it is the intention of the Administration to introduce a Health Care Insurance Plan effective, I believe the effective date is April 1, 1972. There has been a lot of debate on the Plan, discussion or this sort of thing. The general public have been made aware of at least many aspects of the proposed plan through the media of radio, through public meetings held by the Administration and public meetings held in and around the Territory. It would seem Mr. Speaker, that there are many people who are not very happy with this Medicare Plan. It may well be Mr. Speaker, that there are many people who are indeed happy with this proposed Medical Health Care Plan. As a result of the dissension, the discussion on this subject, people have taken upon themselves to cause a petition to be circulated throughout the Territory. This petition has asked that a plebiscite be held in the Yukon Territory on this most important issue. I might say that the petition was not petitioning the House. The petition was petitioning the Crown, that is the representative of the Crown, in this case, the Commissioner of the Yukon Territory. I believe, though that the people who produced this petition have presented copies to all Members of this Legislature for their guidance and consideration. It is for this reason, Mr. Speaker, that I have proposed this most important motion, Motion No. 18, asking that a plebiscite be held on the question of the proposed Health Care Insurance Plan prior to the implementation of Medicare in the Yukon Territory. In effect, this would mean that hopefully if Members would agree to the will of the people, that we would defer the April 1st implementation date for as long as it may take for this Council to receive by plebiscite the decision of the people. I might also point out too, Mr. Speaker, that this is the second time that the people have sent in a petition related to this question of the Health Care Plan. The first petition I believe was, well, I won't say ignored but it was not respected, and it was pointed out by some Members that the information on the petition was so incorrect in their opinion, that it was not to receive any consideration. However, the second petition, I am sure the wording of the petition is quite clear. It states quite plainly,

Mr. Taylor continues ...

MOTION #18

"failure to hold a plebiscite will indicate that the signatories of this petition no longer have confidence in the Territorial Council, and will therefore suggest that the Council be dissolved and an election held". This appears to me, Mr. Speaker, to be a very clear cut demand by the people to exercise what has been and always should remain, their democratic right in Canada. They ask merely for a free vote on the subject. The question of whether it is good or bad is not the question that we decide here today in terms of this motion. The question that we must decide, Mr. Speaker, is whether or not the people are to be listened to. Whether or not indeed they will have that right, a free and democratic right, to express their opinion in the normal manner. I think in conclusion without saying too much more on it, I think that everybody is quite well aware of the importance of this motion. I think that I should say that to agree with the motion, we justly and properly, shall we say deal and serve the will of the people. Failure to accept this motion, would clearly indicate that the Council does no longer agree with the will of the people, and would indicate that therefore the Council has obviously lost the confidence of the people. It is a two way street, Mr. Speaker. I would ask Members to give very careful consideration to the ... to accepting this motion, because clearly and precisely this is what this motion is all about. Do the people have the right to a free vote and the freedom of choice, or do they not? It is my submission, and the submission of this motion, Mr. Speaker, that says that they do indeed have that right.

Mr. McKinnon: Mr. Speaker, I seconded the motion, calling for a plebiscite on the Medicare Plan. In my ten years of Government, I have never seen such a mass rejection from the people of the Yukon Territory towards a Government plan that is being crammed down their throat. Mr. Speaker, we have plebiscites in the Yukon Territory on such minor things, and I mean minor things as to whether we should lower the drinking age from twenty-one to nineteen years of age. We have held plebiscites on whether the City of Whitehorse boundaries should be extended. Mr. Speaker, I contend that this is probably a much more important question than either of those two questions that this House saw fit to put to plebiscite to the people. When we have four thousand and twenty-four signatures on a petition, which represents 78.2 percent of the voters who cast their ballots in the most recent election for the Yukon Territorial Council, then, Mr. Speaker we have an overwhelming support of the people of the Yukon Territory against the plan which they feel isn't in their best interest. Mr. Speaker, it is easy to see why it isn't in the best interest because the majority of the people know that they are getting much less coverage than they did in the past for an increase in cost of their premium. Mr. Speaker, I believe that every Member of this Council should be here to protect the interest of their constituents and the people of the Yukon Territory. I think that the Government of the Yukon Territory has made a tragic mistake as many people of many governments, if one looks at history of those who are new to power. They believe that with the ascendancy of power that they can forget the people who put them into their place of exhalted ... their exhalted position, and that they no longer have to listen and no longer have to heed the wishes of the people. It is a mistake that has been made by many, many governments before us. It is a mistake that has been made by this Government, and it is going to be made by governments in the future. Of course, in our type of democratic society rather than having a military bunstadt we wait for another couple of years, until election time where the people bring their rath out against those Members who have gone against the wishes of the people and turn them out of office. I believe, and I believe this sincerely, that they are so, have so little regard for the people of the Yukon Territory, and have so little access to the real wishes of the people of the Yukon Territory that if there were an election tomorrow, those four people who have formed the majority in this House would be ignominiously defeated at the polls. If they would take the opportunity just to put a sacrificial scapegoat up in one riding just to prove how unpopular the decisions that are being made. I would just like to challenge them to do this, to call a

Mr. McKinnon continues ...

by-election in any of the ridings in the Yukon Territory where any one of those four Members who form a majority in this House are in assendency. They will certainly find just how unpopular they are and their decisions are amongst the people of the Yukon Territory at this time. This motion calls for a plebiscite. It is backed by four thousand and twenty-four signatures, and Mr. Speaker, I feel that if this petition is disregarded, it will just be another blighten example of the absolute disregard that this Government holds for the people and the expressed wishes of the people of the Yukon Territory. Mr. Speaker, if we have to wait for another two years for the people of the Yukon Territory to have their say at the polls and rid the Yukon of a Government that has absolutely no identification with the people of the Yukon Territory, then that is what we will have to do. I think Mr. Speaker, if a plebiscite did go on the proposed Medicare plan, that it would go down to overwhelming defeat as the vast majority of the Yukon people are not in favour of it. The tragedy of the whole thing is, that it didn't have to be. Everybody is in favour of Medicare. It is probably more sacred these days than motherhood is. It is just the plan that has been presented by the Government of the Yukon Territory which is not the best plan for the money that is being involved. Mr. Speaker, if we had of gone about this sensibly and rationally and brought a plan before the table at the Yukon Legislative Council, it would have been unanimously accepted by the people at this table, and by the public of the Yukon Territory. Instead, we are getting a second rate plan at a high cost factor, and the people and the families in the Yukon Territory, and you just cannot continually underestimate the intelligence of the public of the Yukon Territory, in saying you don't know what is good for you, but we know what is good for you, and we are going to give it to you whether you like it or not. Mr. Speaker, the people who form the Government of the Yukon Territory to this day are going to find that out in the very near future. Thank you, Mr. Speaker.

MOTION #18

Mr. Stutter: Mr. Speaker, I would have preferred that this motion had been put into Committee of the Whole for more discussion. However, there are a number of things that I would like to say on it. To begin with in the covering letter that went with the petition, the statement is made that this petition, or rather to the best of my knowledge the signers of this petition are not attempting to reject the principle of Medicare, but do strenuously object to the very poor cost - coverage ratio. Now, this sort of contradicts a bit with one of the statements that is made in the petition itself, and that is that the petition is being looked upon, or rather that Medicare is being looked upon by some of the signers as just another method of increasing taxes. It states here, that said tax be used apparently to pay for medical coverage for those unemployed indigenous people and recipients of welfare who presently receive medical care from the tax dollars sent to Ottawa. So, it seems that many of the people that have signed the petition are in fact against Medicare, because this is one of the very basic principles of Medicare. That those who are a little more fortunate do help to support those that are not so fortunate. One of my planks, one of my main planks at the time that I was seeking election, was to bring Medicare to the Yukon Territory. Last night I looked through all of these names on this petition. I went through the list twice. There isn't a single page in here that contains names from Dawson City. I am not sure whether that indicates that there wasn't a petition circulated in that area, although I believe there was, and I am not completely sure of the feeling of the people there. Much of the argument, I think, much of the objection by the people that have signed the petition, is the cost as stated in this letter, the cost - coverage ratio. Medicare is a non-profit coverage, and as such it will be completely up to the members of the public as to how much Medicare is going to cost. There is no way that we are going to know for a year or so, just exactly what that cost is going to be. If the people themselves abuse the privilege and go to doctors at the least possible excuse, I can see where Medicare is going to cost a lot more than even the premiums that are stated now. As far as the coverage is concerned, I agree that we could have had more

Mr. Stutter continues ...

MOTION #18

coverage, but again on a non-profit basis. More coverage is only going to escalate the costs of providing that coverage. Again, this comes right back to the public. If we were to go to a plebiscite now, it seems to me that there is only one way that you could go to a plebiscite, and that is to state some other type of plan. If you go to a plebiscite, if you had a plebiscite on the plan as it is now worded, I am quite sure it would be defeated. My objection to the plan all along has been the cost of it, not the principle. It has been the cost of it. I am still against the cost of it. I still, if this thing carries through, will be looking very sharply at the report that is made the first year showing those costs, because I can't repeat too often that it is the public themselves that will determine how much this coverage is going to cost. It is the public and our doctors in the Yukon. I can well believe that some of the doctors, and I am not saying they are dishonest, it is just human nature that some of the doctors will in some cases see an opportunity here to accept cases that perhaps under normal circumstances they wouldn't. This also is going to add to the cost of it. We are going to have to watch Medicare no matter what happens. A plebiscite, if it had gone to a plebiscite, I could have completely agreed to it going to a plebiscite, had this been done several months ago. We are only sixteen days away from the deadline. I for one have already had a notice from my insurance which is Yukon Medical, Y.M.S.A. telling me that my coverage is terminated the first of April because the Yukon is accepting a plan. I am not saying that this is a reason why we should necessarily follow through with it. I really do feel that to go to a plebiscite on this at this point is a mistake. I don't think that a lot of the people that have signed this bill, have even given consideration to the fact that they themselves are the ones that will determine the cost to them, and also they are the ones that would determine the type of coverage at a later date. Thank you, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, there are one or two major points I think must be placed before the House at this time. Firstly, have we a right to recognize a motion of this type, when the Mover and the Seconder have specifically referred to a petition? The Rules of the House as laid down in Beauchesne are quite clear when they deal with petitions. Standing Order Number 70, is very, very specific and the forms 105 and 106 on page 402 of Beauchesne also show the procedural methods in which a petition of this nature can be presented to the House. Annotation Number 334 is also very clear, and indicates that the petition must have original signatures or marks and not copies for the originals. Obviously this House cannot accept that a petition has been presented. We have been made aware that a petition, if it is called that, and if in fact it is that, has been presented to the chief executive officer of the Government of the Yukon Territory. The Members of this House have received a copy of this document. To those that have examined thoroughly the document and the preamble to the document, the letter to the Commissioner, and the preamble note on the lists of signatures, which by examination can be seen to have been duplicated and replaced by the clever use of photostatic machines, will recognize that the amount of four thousand and twenty-four signatures that has been referred to, is indeed an amount which has duped and is attempting to dupe the people and the public of the Yukon into thinking that the voice of the Yukon is being heard loud and clear. To those that have examined this document, it will be readily seen that there have been whole pages which have been duplicated, half of the pages of signatures which have been placed on machines and then revamped and put onto another sheet. There have been signatures of up to twenty in number on one page written by the same person with the same pencil. There have been instances of where one person has had his signature on eleven different sheets. Some very well known names have been signed on there, Winston Churchill, Sir Stafford Crips, Bing Crosby, and Sammy Davis Junior.

Mr. McKinnon: Everybody is against it.

Mr. Chamberlist: No, we can well see ...

MOTION #18

Mr. Speaker: Order.

Mr. Chamberlist: We can well see that when we start talking about four thousand and twenty-four signatures, what has taken place in attempting to bring forward a document which has very little merit in its own production. Mr. Speaker, it has been suggested that the petition has been submitted to the Crown. Well, when it came from the Honourable Member from Watson Lake, who has stood in this House on many occasions over the years that he has been in the House and objected to the Commissioner being the Crown, now he indicates that he is the Crown. This is really something that has to be considered. The Honourable Member from Whitehorse North, however, suggests ...

Mr. Tanner: When?

Mr. Chamberlist: ... from Whitehorse West suggests that somebody should be a sacrificial scapegoat. I am suggesting that he should put himself in that position, or in fact the Honourable Member from Watson Lake, who has spoke so much about the disolution of this body, should put himself in that position. In fact hearing that the Honourable Member has agreed, I am sure, Mr. Speaker will accept his resignation at any time, so that he may seek office again in his particular riding. I will indicate, Mr. Speaker that I am prepared to give a thousand dollars to any charity, out of my own pocket, that the Honourable Member from Watson Lake wishes to name, if he gets re-elected should he run again. As a matter of fact, I will go better, I will say two thousand dollars. That is how sure I am of his rejection.

Mr. Speaker: Order, order.

Mr. McKinnon: Mr. Speaker, may I ask the Honourable Member a question, please?

Mr. Chamberlist: Well, when I am finished, Mr. Speaker, I am sure that I will allow the Honourable Member to do that. Mr. Speaker, the points that have been made by the Honourable Member from Dawson, who spoke in all kind consideration of what the basic thing is, is quite sound. He being, now a Member of the Financial Advisory Committee, will be watching very closely the expenditures. The point especially that he makes with reference to the costs, is quite true. It is the public who must help in keeping the costs down. It is interesting to note that just a few days ago, in the other place, in Ottawa, that the Honourable Minister John Munro indicated that there is a plan afoot. I have been on some of these Federal-Provincial ministerial meetings dealing with this point, that there is a plan afoot to join the all hospital services and medical services under one unit. Consideration is being given to increasing the facilities under the Act so that optometry will be taken into. It is an ongoing particular subject. I would ask Mr. Speaker, that Members of this Council not damage the need of the people of the Yukon in a proper Medicare Plan, which they have been supplied with and a plebiscite would not do anything but damage to the plan, and that this Committee vote against ... that this House vote against the motion.

Mr. McKinnon: Mr. Speaker, I wonder if the Honourable Member from Watson Lake or the Honourable Member from Whitehorse West went to the people and were elected....

Mr. Chamberlist: Point of order.

Mr. McKinnon: And were elected again, would the Honourable Member be prepared ...

Mr. Chamberlist: Point of order. With respect, Mr. Speaker, the Honourable Member can stand up and ask a question, but certainly he can't get into the debate again. What is your question?

MOTION #18 Mr. Speaker: What is your question?

Mr. McKinnon: I would ask the Honourable Member if either the Honourable Member from Watson Lake or myself went to the people and were elected again, would he be prepared to ask for a dissolution of the House and a new election for the Yukon Territorial Council?

Mr. Chamberlist: I would put it this way. I am concerned with the Honourable Member from Watson Lake. If the Honourable Member from Watson Lake went to the public, and was re-elected again, I would ask for a dissolution of Council.

Mr. Speaker: Let us proceed with the motion.

Mr. Taylor: Mr. Speaker, I wonder if anyone wishes to speak before I make my final closing address? Mr. Speaker, in closing the debate, I have listened with some interest to the remarks that have been stated in respect of Motion No. 18. I think that some Members must be working under a misapprehension in respect of the comments by the Honourable Member from Whitehorse East. He has stated that the petition that I referred to earlier, in my earlier remarks is somewhat out of order in discussing it in this House. I don't really feel that it is correct for two reasons. One, I would like to quote from the Beauchesne that the Honourable Member has referred to. Annotation 331, and just the very first paragraph, "The right of petitioning the Crown and Parliament for redress of grievances is acknowledged as a fundamental principle of the constitution, and has been uninterruptedly exercised from very early times." Mr. Speaker, it seems quite clear that ever since Canada began and British Parliament began and down through history, this has always been a right of the people. The Honourable Gentleman has stated that as I stated earlier, that this petition that I have a copy of was sent to the Crown. I have been informed Mr. Speaker, indeed several times during this and other Sessions, that when you say Commissioner, you don't mean Commissioner any more, you mean the Executive Committee, of which the Honourable gentleman is a member.

Mr. Chamberlist: I rise on a point of privilege, Mr. Speaker. Mr. Speaker, the Executive Committee is not the Crown. The Commissioner of the Yukon Territory is not the Crown. The reference that the Honourable Member has made to annotation to 331 has no bearing on this matter at all.

Mr. Taylor: May I continue, Mr. Speaker. However, I just wish to make that point. I feel that it certainly does have much bearing. The Honourable Member made light of the petition. A copy of the covering letter that I have states that, "you will have noticed that I have enclosed photostatic copies of the signatures but please be advised that the original copies are available and may be examined on request. I think that more or less clarifies the point raised by the Honourable Member. The petition is not to this House I might say, so I don't know why the Member gets so concerned. There was a suggestion made by the Honourable Member for Dawson with respect to the aspect of tax. I submit to you, Mr. Speaker, that by regulation here some time ago, 1972/32 is the regulation under the Yukon Health Care Insurance Plan, the Commissioner issued a regulation setting the fees to be charged for medical care plan which is to come into effect presumably on April 1st, 1972. I submit with respect, Mr. Speaker, and Honourable Members, that this is indeed a tax, a tax or impost upon the people. This is something that only this Council should have the right or the prerogative of doing. We have argued this point many times in other areas. It is not competent for the Commissioner to impose a tax upon the people until this Council has agreed.

Mr. Chamberlist: We passed the legislation.

Mr. Speaker: Order, order.

Mr. Taylor: So, consequently this was done by regulation. It is highly improper, and I would suggest illegal and may be a time when this might be tested. I think that as I said before, that we either have faith in the people or we have not faith in the people. It has also been suggested, Mr. Speaker, that the petition is in part irregular. I have noticed, I believe, Christopher Columbus even got on this one somewhere. I am sure that I saw it in there somewhere.

Mr. Chamberlist: I didn't see Don Taylor's name.

Mr. Taylor: Obviously, there were at the last election voting this Council into being, there were five thousand one hundred and fifty-two electors voting this Council to this Table. Signatories are four thousand and twenty-four. I might remark on what the Honourable Member from Dawson has stated that he didn't see anything from Dawson. I am informed by the bearers of this petition that they have yet to receive some petitions from Faro. Apparently some are in and some aren't. There have been none in from Dawson or from Clinton Creek as yet. There are a few others lost or in the mail or they haven't been picked up prior to this date. Indeed I would assume that when all the petitions are in, from what I have been able to gather, that there would be many more signatures to be considered in respect of the petition that I spoke of earlier. However, I think that it is clear, and the Honourable Member from Whitehorse West has pointed this out, that there is so much dissension in the public. The public have made a request of the Government, it is now the duty and the responsibility of every elected Member in this House to adhere to that request, and allow the democratic process to proceed. If this is not done, if this is not done, Mr. Speaker, I say to you this, that this Council has no longer the respect of the people of the Yukon Territory. I feel that if this motion passes then the next move should be for dissolution.

Mr. Chamberlist: You resign.

Mr. Speaker: Order, order.

Mr. Taylor: I would ask, Mr. Speaker, that Members support this most important motion.

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

Mr. Taylor: Division, Mr. Speaker.

Mr. Speaker: Mr. Clerk, will you poll the House?

Mr. Clerk: Honourable Member for Carmacks-Kluane?

Mrs. Watson: Disagree

Mr. Clerk: Honourable Member for Whitehorse West?

Mr. McKinnon: Agreed.

Mr. Clerk: Honourable Member for Watson Lake?

Mr. Taylor: Agreed.

Mr. Clerk: Honourable Member for Dawson?

Mr. Stutter: Disagree.

Mr. Clerk: Honourable Member for Whitehorse East?

Mr. Chamberlist: Disagree.

Mr. Clerk: Member for Whitehorse North?

Mr. Tanner: Disagree.

Mr. Clerk: The poll, Mr. Speaker, is four nays and two yeas.

Mr. Speaker: I declare the motion defeated.

MOTION
DEFEATED

MOTION DEFEATED

MOTION #19 Mr. Speaker: Motion No. 19. It has been moved by Councillor Taylor, seconded by Councillor McKinnon, that it is the opinion of Council that a representative of Council attend meetings in the City of Seattle, March 20th, 1972 relative to the inauguration of the Sister City relationship between Dawson City, Yukon and Seattle, Washington. Are you prepared to proceed with this motion at this time?

Mr. Taylor: Yes, Mr. Speaker. For some time now, we have been attempting to bring to the Yukon Territory industry and tourism. Apart from our little battle or should I say major battle with the City of Edmonton some years ago, with the respect to the retention of our product, our main tourist product being the Klondike. Little, I think has been accomplished in this field other than those efforts put forth by our Department of Travel and Information, and the work of the people of Dawson in publicizing our Klondike. It has been brought to my attention that there is to be a meeting in Seattle on March 20th, that is Seattle, Washington, U.S.A. between the City Council of Dawson and members of the City Council of Seattle in an endeavour to create a sister city relationship between the two. It occurs to me from the correspondence I have had the good fortune of acquiring on this subject, and the resolution involved that this would be most beneficial to the Territory. I feel that a Member of this Legislature if possible, should attend this meeting. Consequently this is why I have brought forth the motion, as a courtesy of course to the Honourable Member for Dawson, who represents the area, and thought that it might not be his position to do this. I would like to really ask the Honourable Member for Dawson if he could give you a little outline as to what the import is of this most important meeting.

Mr. Stutter: Yes, Mr. Speaker, at the moment, there isn't a great deal of information available, except of course that I think that anybody that has read any of the historic books on the Gold Rush into the Territory will know the part that was played by Seattle in the stampede to the Yukon. The first boat, I forget the name of it at the moment, left Seattle and arrived on the coast in '98, and that same boat as a matter of fact is being restored as part of the over-all plan. The words "sister city" are perhaps a little misleading. In actual fact, the resolution states that Seattle would like to adopt Dawson City as a sister city. In other words our first concern of course, was that perhaps we were stepping into a pond and our first step would take us completely out of depth if the City of Seattle was looking to becoming a sister city with Dawson. Of course our funds, or the funds available to a little place like Dawson would in no way contribute towards such a union. I think that the word "adopting" is quite significant. No matter what, as long as this is developed by Seattle along the correct lines, and I am sure that it will be, with the input of people from the Yukon, this could be a fantastic boost to the tourist industry in the Yukon which is already the second most important industry and gather momentum from year to year at a fantastic rate. We need tourists in the Yukon and to me this is just another real important step in the tourist industry. I think that I have made copies of most of these letters and resolutions available to most Members. If there are some that would still like to read the letter and resolution before the motion is put to question, I would be happy to pass them around.

Mr. Speaker: Is there any further debate on this subject?

Mr. Tanner: Mr. Speaker, I am ... I think that all Members are in

Mr. Tanner continues ...

support of this motion, and I personally hope that the Member from Dawson attends as our representative. I would urge all Members to support this motion. I would urge all Members to ask the Member from Dawson to be our representative in Seattle.

MOTION #19

Mr. Chamberlist: I wonder, Mr. Speaker, if an amendment to the motion would be in order so that the Honourable Member from Dawson City can be, in the one motion, made the representative.

Mr. Speaker: Any further debate on this? Are you prepared for the question? Agreed? I declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Motion No. 20. It has been moved by Councillor Stutter, seconded by Councillor Taylor, it is the opinion of Council that the Administration request the Department of National Health to provide equipped dental offices in the communities of Watson Lake, Mayo and Dawson City to permit regular periodic dental care. Are you prepared to proceed with the motion at this time?

MOTION #20

Mr. Stutter: Yes, Mr. Speaker. This motion has resulted from quite a bit of discussion with the people of Dawson to begin with, and then later with the Zone Director of National Health and with the senior members of the Whitehorse Dental Clinic. I find that one of the reasons why the rural areas such as Dawson, have been getting very poor dental service, is not so much the dentists themselves are not willing to go there, but that each time that they go there they have had to load up anywhere from four hundred to seven hundred pounds of dental equipment, either in their car or send it down by plane, in order to perform this dental service. When they have gone by car, particularly in the winter time, naturally they had to set up dates well in advance of the time that they go in order that appointments might be made. In many instances they have had to travel the highway in very adverse weather, 50 and 60 below, as I say, with this relatively expensive equipment loaded in the back of their cars. It is not only the question of moving the equipment in such adverse weather, but also the fact that it is a loss of a day on each end of their visit. They must allow one day to travel down there and then perform their care for a week or whatever it happens to be, and another day coming back. I have had discussions with the senior partners of the Whitehorse Dental Clinic, and have been assured that if equipment were to be put in these three major areas...they have pointed out that there isn't much point in going to other areas because they are extremely isolated and the population in those areas wouldn't warrant the equipment being put there. In the case of Faro now, Faro already does have equipment. It is the equipment that came off the C.D. Howe. Elsa has equipment. This equipment belongs, as a matter of fact to the senior members of the dental clinic. Watson lake does have a chair and a light, I believe. Looking at dollars in any event, I am told that it would cost around four thousand dollars to put the equipment at both Dawson and Mayo. Probably two thousand to three thousand at the most to bring the equipment up to the point, up to the satisfactory point in Watson Lake. We are looking at, for equipment, possibly ten or eleven thousand dollars. On talking with Doctor Jeyachandran, he assures me that it would be quite feasible and quite possible to set aside office space or space where this equipment could be kept and looked after without much difficulty and without much expense in each one of these three areas. Really, it seems that with this, which is relatively a small amount of expenditure, the rural areas could expect to get a much better dental coverage service than they have been getting in the past. I think that we have got to take into consideration that in these areas it is not just the fact that they are not getting the dental care, but at the moment anytime that dental care is needed in many instances, these people are obliged to travel into Whitehorse, which is a fantastic expense. It has been suggested that if this equipment were to be put in, that perhaps a small rental fee could be made to the dentists that use it

Mr. Stutter continues ...

MOTION #20

in order to keep the equipment up, or that in some instances or perhaps all instances, the actual tools themselves, the little hand grip, the drills and what have you, would be the property of the dentist travelling so that it would just be the basic equipment that was being used. This is the main reason that I have put this motion forward. I really urge that all Members would support it. It is just a recommendation that the Administration recommends that the Department of National Health does spend this amount of money to provide better service to many people of the Yukon. Thank you, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, I would move that this be moved into Committee of the Whole for discussion. There are some aspects that will require debate on this. I think that it would be only fair to all Members that they get the knowledge of what is happening.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East, seconded by the Honourable Member from Whitehorse North, that Motion No. 20 be moved into Committee of the Whole for further discussion. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

MOTION #21

Mr. Speaker: We now come to Motion No. 21. It was moved by Councillor Stutter, seconded by Councillor Taylor, that the officers of the Council be required to wear robes befitting their office while attending Council.

Mr. Stutter: Yes, Mr. Speaker, within the last twelve months, we have seen two very significant physical changes take place within this Council. The very beautiful chair and table that are used by the Speaker were donated to this Council by Mr. Grant McCrady. He donated his labour; the material was provided by the Territorial Government. Now on the sixth of March, we have the Mace. These are both to my way of thinking, signs that we are indeed taking a few more steps towards provincial status, or at least in appearance in any event. I believe that the furniture now, including the Mace, greatly add to the apparent dignity of the Council Chambers. I think that it is perhaps an excellent time to go one step further and recommend that Mr. Clerk, Mr. Legal Adviser, and the Sergeant-at-Arms be provided with fitting robes. I have to use the word robes, because I don't know whether they are uniforms, tunics or what have you. In any event, that they have fitting robes while attending Council. I would urge all Members to support this motion.

Mrs. Watson: Mr. Speaker, I would like to support this that the Councillor from Dawson City has put forward. There is just one question that comes to my mind. I don't know whether robes includes wearing wigs or something of this nature, or whether it is just a uniform. I would like to support the motion.

Mr. Tanner: Mr. Speaker, I would like to support the motion too, and I have a couple of recommendations. I would like to see the Legal Adviser in a jesters' uniform. I would like to see the Clerk of Council in a top hat, because I am quite sure that nobody else in any other jurisdiction in the country wears a top hat, just to make him look distinguished and a little bit different. The jesters uniform is of particular importance though, because the diamonds would look nice and the pompom on the bottom of the hat would look different. I am quite sure that the wearer of this particular robe would be happy, and feel quite at home in that particular costume. I would support this motion that the Honourable Member ...

Mr. Taylor: Mr. Speaker, as seconder of this motion, I can say without any qualifications whatever, that I am thoroughly disgusted to hear the mockery of such a matter. It was brought to the attention, I am sure if Members were listening, by the mover of this motion, to the attention of the House, the dignity in this House is what we are looking

Mr. Taylor continues ...

for. I most heartily concur with the Honourable Member. I know when the former Councils have worked very, very hard over a number of years to try and bring more dignity to this House. It is very, very difficult to retain an air of decor and dignity with the type of conversations that I have just heard. I think that it is important now that we have been given this beautiful Mace. It is introduced into our procedures, that indeed we follow as closely as possible the proceedings of other legislatures in Canada. This of course is what the Honourable Member from Dawson is suggesting in his motion. Although we cannot go all the way, we can go part of the way. Just while on the subject, I might say that there are certain furnishings of the House, the green chairs which everybody now is very familiar with, I believe belong to this Council. The picture of ... the pictures on the walls, there are three pictures. The chair on which Mr. Speaker sits, the Mace, two tables, I believe are the property of this Council. I think that an inventory should be taken by the Sergeant-at-Arms, Mr. Speaker in order to determine what belongs to this Legislature, there for the people and what belongs to the Government of the Yukon Territory. This should be done at the earliest possible moment, because of course, the Sergeant-at-Arms is charged with the responsibility of looking after the furnishings of the House. I would ask for whole-hearted support in this motion. This being done, full and whole-hearted respect for those things that are asked for in the motion.

MOTION #21

Mr. McKinnon: Mr. Speaker, I am afraid that full and whole-hearted support of this motion is not about to be forthcoming from the Honourable Member from Whitehorse West. As one of the more casually dressed Members of the Yukon Legislative Council, I made the decision quite some years ago that there was no more ungodly, uncomfortable dress known to man, than a suit and a tie. One of the pleasures of living in the Yukon where you didn't have to be putting on a front continuously, you could rid yourself of the stiffling garments which people in other jurisdictions are forced to wear on all occasions, all day long. If one will note from Standing Order No. 28 of the Rules of the Standing Orders of the House of Commons, which is Rule No. 17 in our House, that every Member desiring to speak is to rise in his place, uncovered and address himself to Mr. Speaker. It is the only rule concerning dress in the House of Parliament or in our Standing Orders. It means nothing more than it proves that if he happens to be lounging back in his Chair in the House with his fedora over his head, covering his eyes so that he can be sleeping peacefully, ignoring the debate, when he wants to speak he takes his hat off and chucks it on the floor, or in the corner. That is what uncovered means. It is the only rule as far as dress is concerned in the House of Parliament or in our House here. The pomp and ceremony and the circumstances is something in democratic institutions which, frankly turn me off. I recall being delivered at the door just prior to the opening of the Arctic Winter Games. The ceremony for the opening of the Arctic Winter Games where the Governor General was concerned. You shall do this, you shall be here at such and such a place, you shall take your seat on such a thing. Your seat shall be numbered. You move here, only these members move there, the other members move there. Really, the money and the time that is wasted on these ceremonial functions to me is just a really waste of the taxpayers' money. The House as we know it is stiffling. We have all the windows open in the afternoon and one can hardly breath. I have known G.I. for years, and I can just imagine him with a heavy Sergeant-at-Arms uniform. God knows it is terrible enough for him to have to sit here all day long listening to the debates of this House, other than to have to wear a regular Sergeant-at-Arms uniform, which is a heavy drill uniform cloth with medals and a cock hat and the whole bit. I wouldn't care if the Legal Adviser, if he were a good Legal Adviser, appeared in a pair of guanchies, for crying out loud. If he did, the duty of the business of this House instead of being a stooge for the Government, which all Members know that that is where he is getting his pay cheque from, and that is who he has to support. I don't care less if the Clerk of Council appeared as casual as they want to be, to be comfortable in this House. There is a fellow in

Mr. McKinnon continues ...

MOTION #21

Cuba who wears battle fatigues and a big beard that the people think is pretty popular. I would say his putting in some very much needed and very popular government reform. He is not too concerned about the way he dresses, the way he looks before the public, but he is very concerned about the policies that are emanating from his government and what the people think of the policies that he is putting into the government. I ... One of the great things about a government, one of the good things about a government is that you don't have to follow all the traditional pomp and ceremony that is in all other legislatures. Forget about the dress, let us forget about the more pomp and more circumstances. Let us be concerned with one thing, with getting all the power that is necessary at this Yukon Legislative Council to be able to fulfill what a democratic function should be, and that is governing for the people that have seen fit to elect us. I will never forget going over to the Northwest Territories, my first vision of the Northwest Territories Council. There were R.C.M.P. constabulary in their scarlet uniforms standing all around the halls, there were page boys in dress running around with messages from one to another. All the functionaries were dressed in robes and standing in the wings and sitting at the tables from one end to another. The Commissioner, the Mace, the procession was all there, and of course the Commissioner of the Northwest Territories was sitting in the place where an elected member should be, in the Speaker's Chair, governing absolutely, fraternalistically dictating to the members of the Council what they could do and what they could not do. They have all the traditional pomp and ceremony of a responsible legislature, and didn't have one iota of power that a true democratic legislature should have. As I say, I am going to vote against the motion. I think that we are just becoming an aneiod with the pomp and circumstance of government, and ignoring what we really should be primarily interested in, and that is in getting the absolute power where it rightly belongs, to the government of the Yukon Territory, so that we can legislate for the people of the Yukon Territory.

Mr. Speaker: Form is more important than the substance.

Mr. McKinnon: I want the substance, Mr. Speaker.

Mr. Speaker: Are you prepared for the question?

Mr. Chamberlist: Mr. Speaker, I have a couple of remarks to make. I think that it is necessary to recognize that although when the motion was first put in, one or two Members spoke in jest. We spoke in jest merely because the motion itself is appreciated and we view the fact that there are many requirements to build up a responsible legislature. To build it up into a manner that we can accept for our own future what has been the parliamentary system under which we in Canada are governed. Mr. Speaker, I was somewhat disturbed when the Honourable Member from Whitehorse West made reference to the Premier of Cuba, without mimicing Castro and suggesting that this is the manner in which we should construct ourselves in the Yukon, and also applauding the policies that have been laid down by him. When, I see from time to time, he stands up and preaches free enterprise, and then now stand up and applaude the extreme leftest communistic tendencies that are existing there, it surprises me that he doesn't once again say I am always consistent, because there again ... isn't consistent. This motion has made no reference to his own personal dress, although he was obviously feeling that it was directed at him. It was not directed at him. I, in some jocularly was thinking of saying, and I am saying it now, that the only Member of this Council that is uncovered, is the Honourable Member from Mayo. However, it wasn't intended to be disrespectful to the motion and to the House. Mr. Speaker, I am going to support the motion, because I think that in the future that we have in the Yukon, and the future for parliament of the Yukon, that is the Yukon Legislative Council, there is a requirement that we continue on the basis of what has been known as normal parliamentary procedure and structures of the British Parliamentary System. The British

Mr. Chamberlist continues ...

Parliamentary System has been used in many countries. It would also be recognized that in those Soviet socialist republics, they still have people who attend as officers of their precedence, and they conduct themselves in the proper manner. I would respectfully suggest that the Honourable Member would not be allowed to sit in the Soviet Socialist Republic precedence, in the manner in which he sits now. I would further suggest that if I were to come in dressed in that manner, I would have the press tear me to pieces, because it happened to be me. You see, that the point that must be taken Mr. Speaker, is that the motion itself is really calling for advancement in the manner in which this Legislature is run. I would support the motion.

MOTION #21

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

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: We now come to the question period. Mr. Clerk will you see if Mr. 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. McKinnon: Mr. Speaker, I will try to put this in the form of a question just to make it legal, but it will be more of a statement of fact. I would personally, as the first International President of the Arctic Winter Games Corporation, and often taking this Government to task, I would really like to thank on behalf of the people of the Yukon Territory and all my constituents, that very real help and effort that went from the Yukon Territorial Government who are the success of the second Arctic Winter Games in Whitehorse. I know that the Territorial Government's involvement, particularly the Member in charge of the Department of Education and I wonder, Mr. Speaker, if I could ask Mr. Commissioner if he would pass on the very real thanks of all the people of the Yukon Territory to the Yukon Territorial Government for a job extremely well done.

Mr. Commissioner: Mr. Speaker, the shock of passing on such compliments might be a little difficult, but at the same time I will be happy to do so. The Arctic Winter Games, Mr. Speaker, was not only a success from a point of view from actual activity, I think it was a success from the point of view of bringing people together..... particularly the governments and if anyone has any questions or any doubts in their minds as to the ability of the generation that is coming along to take the place of us, to take the place of most of us who should be on the retirement list right now, I think that the Arctic Winter Games and the presence of them here at Whitehorse this last week should put that well to bed and I would be most happy to comply with the wishes expressed by the Honourable Member.

QUESTION
RE
LOTTERIES

Mr. Stutter: Mr. Speaker, I have a question for the Commissioner. I have had a question now on the Order Paper for almost since the very first day of Council regarding Lotteries and I have more or less a follow-up question on that. I would like to ask Mr. Commissioner if the information is lacking from Ottawa or is it just information that has to come purely from Territorial level. I had hoped to proceed with another motion at sometime during this Session and I was wondering if this thing is apt to be delayed for some time for the answers to my former question.

Mr. Commissioner: Mr. Speaker, I thought that the answer had already been prepared but I will ask the Clerk to look into this further as one of the Members of the Executive Committee was charged with this responsibility. But we will follow it up indeed.

QUESTION
RE
APPOINTMENTS

Mr. Taylor: Mr. Speaker, I've noticed in the media there has been a ... which is usual form in advertising Commissioner's Orders issued during the month of February, in this case 1972. It refers to the Yukon Act and of course it is understood that there is no power of this Legislature or certainly the Commissioner who makes regulations in respect to the Federal Act. I am wondering if the Commissioner has given any consideration to finding another means of appointment and levelcation of appointments in respect of the Financial Advisory Committee without referring to it as the Yukon Act because this House as a Government, has no power to amend that Act or the regulations in respect of it.

Mr. Commissioner: Mr. Speaker, I don't quite gather what the Honourable Member's question is, but if the Member is questioning the authority under which members of the Advisory Committee on Finance are appointed, they are appointed pursuant to the Yukon Act, period.

Mr. Taylor: Just to clarify my question, I have no argument with what Mr. Commissioner states. It is just that I am stating that the Commissioner cannot make Orders affecting the Federal Act and I am

Mr. Taylor continues

wondering....possibly under an area of our Territorial legislative powers the Commissioner may make regulations, but certainly not in respect to the Federal Act.

Mr. Commissioner: Mr. Speaker, this is a very long and involving question and if there is any specific item the Honourable Member wants to refer to I would get an answer, but the question of the Commissioner's powers to issue regulations under the Federal Act, a lot depends on what the Federal Act particularly applies to and in this instance the Yukon Act, there is authority for the appointment of the Advisory Committee of the Yukon Territorial Government.

Mr. Speaker: Are there any further questions?

Mr. Taylor: Oh, I have further question I intended on asking this morning and I direct it to the Honourable Member from Whitehorse East and ask when we may expect the answer to Question No. 5?

QUESTION
RE
QUESTION #5

Mr. Chamberlist: I already indicated Mr. Speaker, that this matter is being dealt with at the time in the budget as it is a budget item, as the Honourable Member is well aware of, and we will be dealing with it at another time.

Mr. Taylor: Yes, I was looking forward to a written reply on this matter, that is why it stands on the Order Paper. Mr. Speaker, I wonder if I might again say when we might have this reply?

Mr. Chamberlist: The answer is the same as it would be at the time of discussion of the particular item. There will be a reply given at that time.

Mr. Speaker: Are there any further questions?

Mr. Taylor: Yes, I have a supplementary question. When will the budget be presented, Mr. Speaker? Perhaps the Honourable Member from Whitehorse East could answer that question?

QUESTION
RE
BUDGET

Mr. Chamberlist: We hope to present it as soon as we have cleared up the few pieces of legislature that have come back for amendment.

Mr. Speaker: If there are no further questions I would like to thank the Commissioner for his attendance. As there are no Private Bills and Orders we come to Public Bills and Orders.

Mr. Chamberlist: Mr. Speaker, I move and seconded by Councillor Watson that the amendments to Bill No. 14, the Ordinance entitled Mediation Board Ordinance be given First Reading at this time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East and seconded by the Honourable Member from Carmacks-Kluane that First Reading be given to the amendments to Bill No. 14, an Ordinance entitled Mediation Board Ordinance. Are you prepared for the question? I declare the motion carried.

AMENDMENTS
BILL #14
FIRST
READING

MOTION CARRIED.

MOTION
CARRIED

Mr. Speaker: When shall the amendments of the Bill be read for a second time?

Mr. Chamberlist: Mr. Speaker, I move and seconded by Councillor Watson the amendments to Bill No. 14, an Ordinance entitled Mediation Board Ordinance, be given second reading at this time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East and seconded by the Honourable Member from Carmacks-Kluane that second reading be given to the amendments to Bill No. 14, an Ordinance entitled Mediation Board Ordinance. Are you prepared for the question?

Mr. Tanner: Mr. Speaker, on a point of procedure I don't think we voted on the first amendment. Far be it for me to correct the Speaker, but you didn't put the question Mr. Speaker on the first.

AMENDMENTS
BILL #14
FIRST
READING

Mr. Speaker: We will now proceed with the First Reading of the amendments to Bill No. 14 an Ordinance entitled Mediation Board Ordinance. Are you prepared for the question? Agreed? I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED.

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

Mr. Chamberlist: Mr. Speaker, I move and seconded by Councillor Watson the amendments to Bill No. 14, an Ordinance entitled Mediation Board Ordinance, be given Second Reading at this time.

AMENDMENTS
BILL #14
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 Second Reading be given to the amendments to Bill No. 14, an Ordinance entitled Mediation Board Ordinance. Are you prepared for the question. Agreed? I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED.

Mr. Taylor: Mr. Speaker, I do not believe the question was put.

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

MOTION
CARRIED

MOTION CARRIED.

Mr. Taylor: With due respect, a vote hasn't been taken. If we could just take a vote on the matter I'm sure this could be cleared up.

Mr. Speaker: Agreed? I declared the motion carried.

MOTION
CARRIED

MOTION CARRIED.

BILL #14
THIRD
READING

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

MOTION
CARRIED

MOTION CARRIED.

Moved by Councillor Chamberlist and seconded by Councillor Watson that the Title to Bill No. 14, the Mediation Board Ordinance, be Adopted as written.

MOTION
CARRIED

MOTION CARRIED.

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

AMENDMENTS
BILL #19
FIRST
READING

Moved by Councillor Chamberlist and seconded by Councillor Watson that the amendments to Bill No. 19, An Ordinance to Amend the Public Health Ordinance be given First Reading.

MOTION
CARRIED

MOTION CARRIED.

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

AMENDMENTS
BILL #19
SECOND
READING

Moved by Councillor Chamberlist and seconded by Councillor Watson that the amendments to Bill No. 19, An Ordinance to Amend the Public Health Ordinance be given Second Reading.

MOTION
CARRIED

MOTION CARRIED.

Moved by Councillor Chamberlist and seconded by Councillor Watson that Bill No. 19, An Ordinance to Amend the Public Health Ordinance, to given Third Reading.

*BILL #19
THIRD
READING*

MOTION CARRIED.

*MOTION
CARRIED*

Moved by Councillor Chamberlist and seconded by Councillor Watson that the Title to Bill No. 19, An Ordinance to Amend the Public Health Ordinance, be Adopted as written.

*BILL #19
TITLE
ADOPTED*

MOTION CARRIED.

*MOTION
CARRIED*

Mr. Speaker: I declare that Bill No. 19 has passed this House. Are there any further questions?

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

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 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.

Mr. Chairman: Before we call Committee to order we will take a coffee break.

RECESS

RECESS

Mr. Chairman: We will now call Committee back to order. I believe we all have enough copies of the amendments to Bill No. 4.

BILL #4

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, just before we get into these amendments; during the last discussion, on this Electrical Public Utilities Ordinance, we had much debate in the House with Mr. Legal Adviser and the Honourable Member from Whitehorse East, with relation to just who this Bill would cover. Furthermore, whether or not N.C.P.C. could enter into franchise positions or agreements or not. We are informed..... and several other questions. So I took it upon myself, Mr. Chairman, to send a telex to Mr. Digby Hunt. I will quote the telex, that I sent. This incidentally was on February 16 last. "Re Council consideration of Electrical Public Utilities Ordinance. Wish to know two things, firstly, can N.C.P.C. enter into franchise agreement in its own name or on behalf of the Crown; secondly, if an Electrical Public Utilities Board is established in the Yukon, would N.C.P.C. submit to the authority of the Board? Would appreciate your earliest reply", and that was on February 16. On February 22, Mr. Chairman, I received the following reply, "Re your telex, February 16, N.C.P.C. can enter into franchise agreement in its own name at anytime..Since N.C.P.C. is a Crown Corporation, dated under a Federal Statute and responsible to the Parliament of Canada through the Minister of Indian Affairs and Northern Development, it cannot be placed under the jurisdiction of any other body or organization. However, N.C.P.C. would co-operate to the fullest extent possible with any public body established in Yukon, to review the activities of Public Utility Companies. N.C.P.C. would submit to a Public Utilities Board, if the proposed tariff and would be prepared to explain reasons for charges. Under franchise agreement, N.C.P.C. would be prepared to set out conditions under which rate changes would be made during term of agreement. Regret unavoidable delay in reply. A. D. Hunt, District Assistant Deputy Minister of Northern Development". I thought that when next we rose to discuss, or I should say sat to discuss, Bill No. 4, I would bring that to the attention of all Members.

Mr. Taylor resumes the Chair.

Mr. Chairman: Mr. Legal Adviser, could you help guide us through these Amendments.

Mr. Legal Adviser: Mr. Chairman, the first change is the addition of paragraphing to subsection(1), section 26. The House asks that, payments which would be required from potential consumers as a condition of the installation, be made part of the jurisdiction of the Board, and complaints to be filed in relation to these charges.

Mr. Chairman: I will read the amended portion of subsection(e). (Reads amended subsection(e)) Any discussion? Clear on section 26 ?

Mr. Legal Adviser: Mr. Chairman, there is a verbal change, a typing change, in subsection(3) section 26. The "or" was in the wrong place. It was after "calculated delay" instead of before it, in the second line. There are no changes in section 27, Mr. Chairman. In section 28 (1), there's another verbal change. The word "in" was omitted.

Mr. Chairman: One moment, why is section 27 (1) coming back as an amendment?

Mr. Legal Adviser: It's not, Mr. Chairman. The whole page was retyped.

Mr. Chairman: Oh, I see. Section 28?

BILL #4 Mr. Legal Adviser: The word "is" is just inserted, the fourth word. There is no change in section 38, Mr. Chairman. In section 39, the word "on" is put in; it's just a typing error in the original proof.

Mr. Chairman: Section 29 (1)?

Mr. Legal Adviser: Section 39 (1)(a).

Mr. Chairman: There is nothing further then on page 4.

Mr. Legal Adviser: No, Mr. Chairman.

Mr. Chairman: Section 39, you say?

Mr. Legal Adviser: Yes, Mr. Chairman, on page 6. You change the word "of" to "on". Now, I think section 40, Mr. Chairman, and section 41 can be taken together. There was a discussion, during the debate, as to whether or not, the jurisdiction of the Court should be interfered with in the way the original draft of section 40 purported to do it, by excluding prerogative writs and only giving an appeal, then in section 41, on a point of law. The exclusions have been removed from section 40, subsection(1), which you objected to. A wide range of appeal has been given in section 41. The preface for this is the new Federal Court Act, that provides that in respect of any board appointed by the Government of Canada or any tribunal, an appeal lies in a number of ways, which did not lie before. This gives very wide powers of appeal, where anything legal arises, or where the board makes a finding of fact to in effect twist the facts, to give it a false jurisdiction. All these things are now delineated out, and the particular one is where it doesn't observe a principle of natural justice an appeal will in fact lie and there is nothing to do. It will be required to be read, Mr. Chairman.

Mr. Chairman: (Reads the amendments to sections 40, 41), Any further discussion on sections 40 and 41? Clear?

Mr. Legal Adviser: It would be my recommendation to the Government, that this form of section eventually be the controlling section for all boards and tribunals set up by the Government. And to that end, if at anytime we are amending the Judicature Ordinance, that this be placed in the Judicature Ordinance Amendment in a proper way.

Mr. McKinnon: Why isn't that amendment brought before the House Advisory Board or Mediation Board and different tribunals that we're setting up, that all come under this protectively filled clause...

Mr. Legal Adviser: But I'm not trying to anticipate the Government's decision. I say that this is my recommendation to do this, but it takes time and ...

Mr. Chairman: Does this then complete the amendments to page 6?

Mr. Legal Adviser: On page 7, Mr. Chairman, there is merely the insertion in section 45, subsection(1), of the indefinite article. In section 47, at the end, there is the insertion of the words, "or to imprisonment for a term not exceeding one year, or to both fine and imprisonment". One of the Honourable Members raised the point that this should be inserted; so it has been.

Mr. Chairman: Clear on section 47, subsection(1)? Anything further on page 7?

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 4 pass out of Committee, as amended.

Mr. Chairman: Is there a seconder? Any further discussion, are you prepared for the question? Agreed?

Mr. Chairman continues ...

I declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chairman: The next item is Bill No. 10, The Municipal Aid Ordinance.

Mrs. Watson: Mr. Chairman, we only have the one amendment to the Taxation Ordinance, then we will be finished with that Bill. Could we consider the Taxation Ordinance?

Mr. Chairman: I think that it was agreed, that we would continue in rotation with the Bill, or whatever.

Mrs. Watson: Mr. Chairman, this is the last one for that Ordinance, and then it would be completed, the Taxation Ordinance. ...as of yesterday, we could check these amendments and rather than switching back and forth and have to adjust our thinking.

Mr. Chairman: Under the direction of the Committee, it was agreed that we would go through in rotation, but if you want to change this, this is fine. We will defer it to the Committee. Committee agreed? Okay, on to Bill No. 13. In Bill No. 13, we have an amendment to section 61.

*BILL
#13*

Mr. Legal Adviser: Mr. Chairman, the House will recall that section 61, subsection(3), was put to one side until we could prepare a proper amendment to reflect the intention of the House, that any change as opposed to any ... any change in the School Tax of the rates set by the Commissioner could not be made by the Commissioner, unless the Territorial Council could approve the change. That has been done and the whole section has been typed out, which we are looking at.

Mr. Chairman: (Reads the amendments to section 61) . Anything further on section 61.

Mr. Chairman: Is there anything further in 61?

BILL #13

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 3 pass out of Committee as amended, I mean Bill No. 13 pass out of Committee as amended.

Mrs. Watson: Mr. Chairman, I will second that motion.

Mr. Chairman: Are you agreed that Bill No. 13 be moved out of Committee as amended? All right. It has been moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 13 be reported out of Committee as amended. Are you prepared for the question? Agreed? I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: Is it your wish to go to Bill 10 at this time? Agreed. Mr Legal Adviser will you start off by referring to section 2.

Mr. Legal Adviser: Yes, Mr. Chairman. In section 2 there are definition changes. The "assessor" has been changed from the original draft starting with the "assessor of municipalities" to "the assessor appointed by the Commissioner pursuant to the Taxation Ordinance" which was what he was throughout the Taxation Ordinance, except in the definition section. Clerk is inserted merely because some of the other officials are inserted...we were just adding up. The definition of "taxes" is also changed to reflect the fact that utility charges are not included in service charges. The definition of "trailer" is changed to add in the words "or for other use", which was omitted in the original definition but which did appear in the definition of other Ordinances. The words "trailer park" have been changed to effect the point made by one of the members of the city council, that it should include a mobile home park because some of the permanent parks are now being called mobile home parks, and this remains to be made clear.

Mr. Chairman: Is there any discussion on 2? (He reads definitions "assessor", "clerk", "taxes", "trailer" or "mobile home" and "trailer park".) Clear on 2?

Mr. Legal Adviser: Section 6 is completely reproduced for the information of Members, but all the subsections are the same. They have not been changed, Mr. Chairman. The section has been recast to effect one of the points that was made during debate that it would be wrong for the Commissioner by an Order to establish a municipality and then have a series of changes proofed. It would be better to propose the establishment of the municipality and then allow the public to give their input. Allow the holding of an inquiry and then have the final order made establishing it depending on the reports and the findings made by the ... and also to meet the point that an independant clerk should be appointed to adopt the subject so a section has been put in saying that no member of the Federal Public Service of the Territory is eligible to be appointed to hold the inquiry which would be held in the area to determine the wishes of the inhabitants in this particular matter. Also the slight change in drafting, a long three lines have been compressed into one word in pagagraph, (e) of section (2), how the residents may appeal, and in subsection (9) of the original draft it has been moved back up and the people who will vote on the petition or sign the petition are people who would be eligible to vote if the municipality was established. I think they all remain... In subsection (3) the appeal may be signed now by twenty-five residents and not twenty-five per cent of the residents.

Mrs. Watson: Mr. Chairman. I'd like to point out that in this section they deliberately did not make provisions for a referendum as such.

BILL #13

Mrs. Watson continues....

A referendum is very restrictive. In a referendum you can only vote on certain questions. When you have the ability in an area that is proposed to go into a municipality, if you have the ability to prepare an appeal it may be that the people of that area, that proposed municipality, are not opposed to the municipality but would be opposed to the boundaries that are being proposed for the size of the municipality. If you had a referendum, they are limited, they could not voice their thoughts on the proposal. Whereas if you have an appeal, twenty-five residents can get together and prepare all of their suggestions and their thoughts regarding the proposal that the Commissioner has set forth. I think through this type of procedure the people in the municipality have a much better opportunity of expressing their opinion regarding the proposed municipality to the person, who will be an independent person, who will be hearing the inquiry. I think it is to the people's advantage that this section should be retained. The people in the proposed municipality.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I was hoping that this wouldn't come up until after noon hour. We've just received the amendments and wish to study them a little further, which I will do over the noon hour, but so far as I can see in reading section 6, there is no possible conceivable way that I can agree. I think I know what's behind it all right. Or where the Commiss.... First of all it starts off "Where it appears to the Commissioner that the population in any area and the assessed value of property in that area meet with the requirements of section 8 he may, subject to the provisions of the Ordinance, by order propose the establishment of a municipality", so he issues an order. Now this really says the Commissioner wants the municipality to get the municipality.

Mr. Chamberlist: He just proposes it. He just proposes it.

Mr. Chairman: Order. Could I have order please.

Mrs. Watson: Mr. Chairman, you need not read all the ...

Mr. Taylor: Mr. Chairman, possibly you would like to wait until after lunch when the Members may be a little more inclined to listen to what I have to say.

Mr. Tanner: Mr. Chairman, I think what the Honourable Member has said is true, it is true that he just got the amendments and it's near enough twelve o'clock, I think we might be recessed.

Mr. Chairman: Yes. I will declare a recess until 1:30 p.m.

RECESS

RECESS

Mr. Chairman: I think at this time we will call Committee back to order. We are presently discussing Bill No. 10, Municipal Ordinance.

BILL #10

Mr. Taylor: Mr. Chairman, before we rose for recess we were discussing some of these multitude of amendments to the Municipal Ordinance and we were more particularly at section 6 and I must say I am very disturbed with the wording in section 6. I would like the Administration to review section 6 once again in order to bring it back in a more democratic presentation. Under section 6(1) it says...it virtually gives the Commissioner a blank cheque throughout. It says in 6(1), "Where it appears to the Commissioner that the population in any area and the assessed value of property" also taken into account, "meet with the requirements of section 8", that being the section that states the estimated population, the minimum population is 300 with an assessment over one million dollars, he may, subject to the provisions of this Ordinance by order propose the establishment of the municipality. This could be a village, this is what I am primarily thinking of now. In the Territory, I know for a fact, it has long been the desire of the Administration to impose village status upon Watson Lake and if we note that we have an assessed value of property in Watson Lake of two million six hundred and ninety-three thousand six hundred twenty dollars, at the moment. I would suppose, Mr. Chairman, that it is certainly the intention still of the Administration to impose upon Watson Lake village status. Say he does by order, make this proposition, in subsection (2) it states "Within one month for the making of the proposal order...gives public notice in a newspaper circulating in the area proposed". If we were talking about Watson Lake... I note there are two other areas, there is Elsa and Clinton Creek; they are both mine towns but they would fall into this category at the moment. If he so chooses to put in this notice it is not necessarily that the newspaper is seen by everybody in the district. There is no clause here for posting the notices as was done currently under the present Ordinance. That is one thing I would like the Administration to note that if this does get railroaded through the posting of notices must be there. He also determines how the residents of the area may appeal against the proposal order, he posts that in his notices, then it comes down to (3) and it states now that he has posted the order, "by order proposed the establishment of a municipality". He has posted the order, now if anyone wishes to appeal it doesn't really say how long this appeal period is, but it states "an appeal pursuant to this section must be signed by not less than twenty-five residents of the area proposed to be established as a municipality, who would be entitled to vote, if a municipality was established in the area". (3) does not state how long people have to appeal this supposed order from the Commissioner. I think that should be considered. Having done that ... It also doesn't indicate how many appeals may be received, is it just an appeal, one appeal or could it be several appeals, by several different people, that isn't clear. Now we get down to (4), Mr. Chairman, "Where the Commissioner receives an appeal pursuant to this section, he shall fix a time and place within the area for the holding of an inquiry and shall appoint a person to hold the inquiry". We have moved to where the Commissioner has given his intention to create a municipality, he has issued the notices and he has provided for the appeal, assumably. Now he receives an appeal, in order to deal with that appeal, he appoints someone to hear the appeal and as it states in (5) this excludes a member of the Federal Public Service, or the Public Service of the Territory. He appoints this person. (6) "The person appointed to hold the inquiry pursuant to subsection (4) shall hold the inquiry at the time and place fixed by the Commissioner's Order and shall hear any evidence and receive any submissions made supporting or objecting to the proposal contained in the Order"; In other words, to the Commissioner's proposal. The person holding the inquiry has the power to summon witnesses and has all the powers of a judge of the Court. Why then should this not be a judge of the Court? Another question I raise, why this person is appointed by the Commissioner? Finally, "As soon as may be after the conclusion of the inquiry," this person transmits the documents, I presume to the Commissioner in the form of a report on the inquiry, and he may make recommendations concerning the establishment

BILL #10

Mr. Taylor continues ...

of a municipality in the area. Now we have someone else throwing in recommendations. The crunch comes in subsection (9) "Upon receiving the report of the person holding the inquiry, the Commissioner will consider the report and may", not "shall", "may by order establish the municipality, or amend, or cancel the Order proposing the establishment of a municipality". This, I submit, Mr. Chairman, is giving the Commissioner a blank cheque to run amuck throughout the Yukon Territory and impose municipal status on communities not ready for municipal status, or maybe not agreeable to accepting municipal status. We went through this some time ago, in the case of Watson Lake and the only thing that saved the day was the existing Ordinance and under the existing Ordinance, the one which is in effect today and the one which saved the day for the people of Watson Lake, the Commissioner when he is...where it appears to the Commissioner that conditions of a settlement, that this should go into a municipal status, places a resolution before the Territorial Council proposing the establishment of a village, that is what he must do now and where the Territorial Council approves a resolution, he then causes notices to be published, there are no notices in this proposal that is before us today, published also in the newspaper, then within two weeks of the posting of the notices, or the publishing of the notices referred to in subsection (2), which ever is the later, the Commissioner receives a petition of complaint, containing the signatures of not less than twenty-five rate payers, the Commissioner shall refer the complaint to the Territorial Council for consideration. In this case, it is coming back to the elected Members, for them to debate and decide the issue. Where the Commissioner receives no petition of complaint, or where a petition of complaint has been referred to the Territorial Council and the Territorial Council has not by resolution withdrawn its approval of the proposed village, the Commissioner may by Order establish the village. In other words, what I am getting at is, there is some protection and that protection is at the level of the elected representative of the Territory. I submit, Mr. Chairman, that we must, in order to give fair legislation to the people of the Yukon, especially in this most important area, and in light of the problems which are inherent with the takeover, or the enlargement of this municipality, I think it behoves this Council to take much of this away from the Commissioner and put, indeed, if not in this Council, which I don't think it should properly be anymore, put it in the hands of the Court. Let the Court make the inquiry, but not a person appointed by the Commissioner. As I say, I find the thing absolutely repugnant, and I think I know what is behind it; I hope that I am not correct but this gives the Commissioner the right, immediately, tomorrow if he so chooses, to make Clinton Creek, Elsa, and Watson Lake, based on the statistics and based on 1972 assessment figures, villages, and I find nothing in here which could prevent him from doing so. So, I would respectfully ask the Administration to take into account the remarks I have made to take this back and bring it back in a much more democratic form.

Mr. Chamberlist: Mr. Chairman, never mind about this much more democratic form of putting jam over the situation. Let us get down to what the Honourable Member is trying to say. Is he saying that the person appointed by the Commissioner, should be a judicial officer, I wonder if he would answer that question first?

Mr. Taylor: Mr. Chairman, I am saying that the Court should cause the inquiry and hear the inquiry.

Mr. Chamberlist: Mr. Chairman, I want to get from the Honourable Member, and I seem to be having difficulty, I asked him a simple question; does he want the person who is in charge of the inquiry to be a judicial officer? This is the first question, we will go on to the next afterwards, but is this what he is trying to ascertain?

Mr. Taylor: Yes, in a sense I can take the question that has been asked of me two ways. If you say, is the person appointed by the Commissioner to be a judicial officer? I would say no appointment by Mr. Commissioner of any person, I am saying that we spell out the legislation that the Court, where a petition is received and so forth in opposition to the imposition of municipal status that the Court then hear the case and make recommendations to the Commissioner.

Mr. Chamberlist: Is the Honourable Member suggesting that the Court should be making the legislation?

BILL #10

Mr. Taylor: Most certainly not, Mr. Chairman. I am saying that the Court should be there to protect the people.

Mr. Chamberlist: Where does the legislation come from? It comes from the people, we are the people here. I see no difficulty in having incorporated the person holding the inquiry shall be a judicial officer. We have in fact given that person that power because we are saying, "that has all the powers of the judge of the Court". If it happened to be a person who has been brought in from one of the provinces to act in an impartial manner so that he could arbitrate in this manner the power while he is there in that position are the same powers as that of the judge of the Court. This makes him a judicial officer while he is in the hearing. This is what I understand from the Honourable Member, and now he says he wants and he agrees that he should be a judicial officer. I can't follow, or perhaps I haven't got the particular point that he is making. The way I see it he has indicated he would like to see that the person that is appointed should be in actual fact a judicial officer but any person who has the powers of the Court becomes a judicial officer for that particular purpose.

Mr. Taylor: Mr. Chairman, what I am saying is that the Court...you refer to subsection (5), no (7) "the person appointed by the Commissioner has all the power of a judge of the Court" What I am saying is this power should be vested only in the judge of the Court, that is what I am saying.

Mr. Chamberlist: Mr. Chairman, I wonder if the Honourable Member would indicate what then, ..the judge of the Court, if he is referring to specifically... I suppose in this area, I suppose you are saying the judge of the Territorial Court should be the person? Suppose the judge of the Court isn't available? Supposing it's the magistrate who has given the power to the Court, supposing it is a judge from somewhere else, that might be brought in to sit as the Commissioner? I can't see the point that is being made there, it is not a valid point.

Mr. Taylor: The point that is being made, I thought I explained it in much detail, that the people have no protection from anyone appointed by the Commissioner, unless it be the judge of the Court, who is unbiased and fair.

Mr. Chamberlist: The Honourable Member must realize that if we use the judge of the Court, therefore no further appeal could go to the judge of the Court because he has heard the case. This whole section is specifically made so that there is a procedure of appeal and it is in this particular area that I have played a part in bringing this together so that there are appeals. The procedure of appeal is quite clear, that is twenty-five residents can sign a document asking for an appeal to take place. The Commissioner, when he receives this appeal, he fixes a time and place and then appoints a person to hold the inquiry. The section also goes on to say that that person who holds the inquiry, has got the power of the judge of the Court. It may be that he is going to be the judge of the Court, it may be that he is a magistrate, it may be that he is a special lawyer who has been brought in from outside, the Commissioner, for that particular case and hearing, to sit on it he has the power of the judge of the Court. What is being asked for, Mr. Chairman, is clearly given, this is why I can't see the point that is being raised.

Mr. Taylor: What is being asked for is a blank cheque, Mr. Chairman, to give the Commissioner the right to create a municipality. He can, under this section, as I stated before, he can, by Order proclaim that there will be a municipality, or that he proposes to proclaim a municipality. The same thing.

Mr. Chamberlist: No way.

Mr. Taylor: Then I can't read this right. Correct me first, before we get any further. (1) "Subject to the provisions of this Ordinance, by order, proposed the establishment of a municipality in that area". Do

BILL #10 Mr. Taylor continues...

I misread this? That he can't do this in fact.

Mr. Chamberlist: Where are you getting this?

Mr. Taylor: In subsection (1) of 6.

Mr. Chairman: 6(1).

Mr. Taylor: "The Commissioner subject to the provisions of this Ordinance, by order, propose the establishment of a municipality in the area." You say I am wrong?

Mr. Chamberlist: Mr. Chairman, he is wrong because he doesn't order the establishment of a municipality, he proposes the establishment of a municipality. There is a lot of difference between an order specifically establishing a municipality and then proposing. It is as a result of that proposal that is being made that the appeal sections come into force. Perhaps, Mr. Legal Adviser can go on?

Mr. Legal Adviser: Possibly it is my fault, Mr. Chairman. When the Commissioner makes solemn declaration of any kind, Mr. Clerk of this House, is in charge of publication of regulations and has to see to it that the order is placed before this House, in some solemn form. It must be published and it must be bound up to the Regulation books. The normal course of the thing is, that you either make regulations when you make ordinances and a Commissioner's Order can be a number of things. To make it clear for people who are dealing with paper work...when I was drafting this I said, "by order proposed" there is no objection at all to saying, "may subject to the provisions of this order, propose the establishment of a municipality in that area" if that would be the wish of the Honourable Member. Then leave out the words "by order". This was the request of the Honourable Member, I am assuming. The second point the Honourable made, was you have then got to take out the word "order" in the first line of (2). It then reads "Within one month of the making of the proposal, the Commissioner shall give public notice.." To make the point of the notice to the public, there is no objection to adding in after the end a paragraph 3 of subsection (2) the words, "and cause a copy of the notice to be posted in four places in the area," there is no difficulty with that. So far as the time of appeal is concerned we took out the details of the appeal in order to make it simple so the proposed which established how the residents may appeal, the method of appeal isn't detailed out here, but any number of days doesn't matter but to do that all you would have to do is to add in after the subsection (3) words "and serve it on the Commissioner within so many days after the making of the proposal." It doesn't matter to the draftman how many days I put in, you could say thirty days, it doesn't really matter. It is just a question of agreeing on the number of days. So far as the power to the person is concerned, he is in fact during the period of sitting on this inquiry, he is a judge, he has the powers of a judge. If something looks like a duck, quacks like a duck, walks like a duck, and has feathers like a duck, it probably is a duck. If this person is appointed to hold the inquiry, he has all the powers of a judge and must act like a judge, then for all superior of that inquiry he must be so regarded and he must act judicially. If he doesn't then the Court itself can injunct. It is difficult, I can see that the Honourable Member might want to have a judge appointed, but it is not the proper function normally speaking, for a judge. He decides questions in a dispute and makes order against the Administration constantly, this is what courts do. They should be kept in that position as much as possible, an independent position and not made part of the Commissioner's Administration. Once you ask the judge to come in and decide questions of policy you are making it difficult for the Court to operate in a normal everyday function because eventually become subject to the Administration in deciding policy and advising on policy, not just function. As far as the word "may" is concerned in section 9 there is no objection at all to changing the "may" to "shall" because the Commissioner must consider it, but he must have the option to accept the report or reject it because it is the Commissioner acting on behalf of this Council, the Executive Officer operating under this Ordinance and is subject to question by this House. This House that is deciding and delegating the power to the Commissioner and the Commissioner

Mr. Legal Adviser continues ...

acts on the advice of Members of this House. I think that at least of all the points I've picked out, and several points that the Honourable Member made ... I think except to make it absolutely certain who this person will be the draft here, makes it very clear that we are making every attempt in drafting to see that if it is offence to any person. Except for that point, I think all the other points have been met.

Mr. Tanner: Mr. Chairman, there is just one other point I would bring up. I think you have got to define "residents" the twenty-five residents because technically surely they could be children.

Mr. Taylor: Mr. Chairman, I think I generally concur with the Legal Adviser up to section 3 in the taking out of 6(1) the words, "by order" in (2) providing for the posting of notices in at least three or four conspicuous places within the area. I also concur that some time period should be felt out here so the people know exactly how long they have got to consider the question of such importance and make their representations because here, where communications are quite often difficult, through the import of the imposition of a municipality this is pretty heavy business anytime you consider it. I would suggest either sixty or ninety days would be premitted for the public in order to consider the question of incorporation. Certainly, no less than sixty days, which would give them two months to consider the question. On 4, I am hung right up on 4 because here again the Commissioner appoints the person to hold the inquiry and I think we at this Table should appoint someone, that someone not necessarily being the judge but being the Court, the High Court or Supreme Court as we now call it. These are the people I think, that should hear the appeals from the people and conduct the inquiry and make the recommendations accordingly to the Commissioner, if that could be done. I note we just were appointing one person, everywhere else we have got boards, we have got boards for this, and boards for that, we have enough boards to build a boardwalk. But here the Commissioner is appointing this person. I'd say that the public interest is better served by appointing the Court to hear this appeal. I would like to hear some more comments from Members on this.

Mr. McKinnon: Mr. Chairman, I still have an awful lot of problems with subsection (2) of section 1 because as I read it...section 6 as I read it, it could go like this "that the Commissioner gives notice in a newspaper of an area proposed to be established as a municipality," he goes through all these different things and sets it out in black and white; the area, the population, the assessment, the mill rate, then he sets out an appeal section, "The residents may appeal against the proposed order" I imagine that he would have it in the newspaper that if twenty-five residents or more of the area objected to it then they may appeal to the Commissioner and the Commissioner will then appoint a person who shall hold an inquiry. Okay, we have got the person, who ever he may be, who is chosen by the Commissioner to hold an inquiry, he has the power to summon witness, administer oaths and do all these things then, he may or may not, it may be a very real rejection of those residents inside the proposed area against the establishment of a municipality. He reports to the Commissioner, he reports for instance on the inquiry and may make recommendations concerning the establishment of a municipality in the area. Upon receiving the report from the person holding the inquiry, the Commissioner will consider the report and may by order establish a municipality or amend or cancel the order proposing the establishment of the municipality. Nowhere through this whole procedure is there any allowance for eventually some type of referendum or plebiscite to be held. It could in fact mean, that the person holding the inquiry, even though he realizes there is a rejection from the people within the proposed area to establishing the municipality, recommend on his information and on his expertise that notwithstanding this, that the municipality should be established because in his opinion it is still in the best interest of the people, but that is not good enough. Even if he thinks that this is in the best interest of the people and recommends to the Commissioner and the Commissioner accepts it, if the majority of the people in that area are rejecting the idea of the municipality, I don't care if it is the Duke of Edinburgh, or the Queen of England, whoever it is appointed to the Board of Inquiry, they have

BILL #10 Mr. McKinnon continues ...

not got the right over the expressed opinion of those people in that area to decide what type of government they choose to live under. If the people have to somewhere along the line, to have an input in deciding what form of government they are going to live under, and this doesn't provide it and that is where it eventually fails along the line.

Mr. Chamberlist: Surely, Mr. Chairman, the very fact that there is provision for twenty-five residents to object before a judicial officer, wouldn't this objection itself be the people saying "no, we object to it." Isn't this the very thing that the Honourable Member who has just spoken is getting at? That there is an objection available to the establishment of the municipality, is this what is being done?

Mr. McKinnon: There is nothing binding upon the objection, they could have the majority of those people within the area signing a petition objecting. The person holding the inquiry could still recommend to the Commissioner..even though a majority of people have signed a petition appealing an order the Commissioner is making to establish a municipality. That person is not bound by it in any way, shape or form. He could still recommend to the Commissioner that even over the objection of the majority of residents, I recommend because the people don't know what is good for them, I know better, because I am an expert on municipal affairs, that a municipality be established, and the Commissioner goes ahead. There really still is no saving provision for even any number of those areas who are going to be incorporated in the municipality, to object to the creation of a municipality. It is very nice to have all these nice sounding appeal sections available but when the crunch comes it can still be over the express objections of the majority of the people, who should have the ability to choose what type of government they want to live under. The Commissioner in the final analysis can still order a municipality to be created and that is wrong.

Mr. Taylor: Mr. Chairman I would like to direct a question to the Legal Adviser. Where there is legislation to show where this can be done, in other provinces and more particularly in the province of British Columbia, the incorporation, it was shown to me here some weeks ago and I just had a glance at it, I had no time to really get the detail on this but apparently under that legislation a referendum is taken. I am wondering if this is not the case in all the provinces?

Mr. Legal Adviser: ... How you get the people to vote....But there is no objection to that, and I think in putting in a section here. ... You could say it is adherent thought of the inquiry shall have the power to ascertain the wishes of the inhabitant. ...An ordinary person to turn up in a calling would be impossible in Whitehorse to get the people to vote. BILL #10

Mr. Taylor: Mr. Chairman, I think we shouldn't vote. We haven't gotten quite that far yet. We should have, I think, if I read this correctly, is have the Commissioner go through this procedure as we have provided it up to Section 3 and at that point no objection is made. Well, maybe I'm a little ahead of myself here too, but let's assume that we got that far, if there is an objection made at that point of time then possibly that would be the time to have a referendum or we might say notwithstanding no objection, if this is more preferable, is made then a referendum be held. It might be supported by ... well maybe this is what we should be doing. We've got to be as democratic as possible.

Mr. Chamberlist: I have a suggestion, Mr. Chairman. We have a lot of men, why don't we put in a section where the but give the right to the person who is having a hearing to order a referendum and somehow be able to report to the Committee. In his report he can recommend that a referendum be made. Will that satisfy the fact?

Mr. McKinnon: Not quite good enough. You see in the majority of cases where the Commissioner proposes to establish a municipality in that area, and when everything is lined out and the people realize what the advantages and disadvantages are to them, this all has to be stated about the assessment, the mill rate, and the appeal section and everything. Generally, I feel that a municipality is going to come about being created in an orderly fashion and that there isn't really the need in most of the instances to go to the plebiscite issue, but there has to be some point in time where, after the appeal and everything is handled and after the recommendation of the person who made the inquiry through the Commissioner, that some point in time is allowed where some percentage, and it has to be a healthy percentage, of the population within that area to demand a plebiscite on the proposals that have been finalized by the Board of Inquiry and by the recommendations of the person making the inquiry. Make that 25%, a substantial number, that there is a real grassroot's objection to the municipalities being formed and they're prepared to put their money where their mouth is and sign a legitimate petition and petition the Government because there is general ground swell of opinion against the form of Government that is being proposed, then a plebiscite has to be called. Generally, I don't think it is necessary, but I think it should be there for the provision where the person making the inquiry has made a mistake, where the person may be imported from places east is neither an expert on municipal affairs, I don't really care. What the people of the Yukon think, I'm telling you that this is what you have to do, to be able to have a sound and efficient and good municipal government. I don't care if that is what he thinks or not. I don't care if he's right or not, it is still the basic decision of the public that we have to live over/under it that we have to have the ability to choose the type of Government they want to live under. Now there has to be in some eventual, some part of the organ, an eventual plebiscite type of provision that allows for the people to have common input into the establishment of a municipal government within their borders.

Mrs. Watson: Mr. Chairman, I think there comes a point in time where the Members of this Legislation must assume some responsibility in their thinking also. I've been listening to this debate where we've gone through the appeal and now we are considering a referendum. I

BILL #10

Mrs. Watson continues

am very concerned if a proposal goes to an area proposing a municipality, an appeal is heard, a referendum is turned down, this could happen two or three times, it has happened in other municipalities. How do we, the Government of this Territory, provide for the local administration of the affairs of that area? Are we going to let this continue on and on? Or, are we going to at a certain point in time, step in and say, you people are able to be responsible for your own affairs and we feel that you should assume this responsibility. I think in this legislation we can only go so far and then we must cease, so that the local people realize that there is a point in time where they are going to have to have a responsible Government on a local level at the very grassroots. This is what we are talking about here all the time in this Council Chambers and we are not really encouraging it in the other areas in the Yukon Territory.

Mr. Taylor: Mr. Chairman, in all the remarks from the Honourable Member I did get, are more typical of a very sad attitude of an administration and more recently so. Notwithstanding what the people needed, want, or not they are going to get it. It is going to be rammed down their throats. And thisand I gather....

Mr. Chairman: Order.

Mr. Taylor: I gather from the remarks of the speaker before that we've got to tell these people that at some point in time they will have to look after their own affairs, pay their own taxes, and that type of thing. I've heard this from the Administration. What we must do is avoid that particular attitude, I feel. We must go and say now look, we would like to get you people on your feet as a municipality, now here's what the situation is. Then level honestly with these people and say here is what your mill rate is and here is what you may expect in grants and get down into the grassroot of thing. Say, now here are the good points and the bad points, and now here think it over and tell it, it's like selling soap rather than marching in finest Gestapo fashion and saying, notwithstanding you don't want it you're going to have it. That is what I've picked out of the attitude of the former speaker and I won't want to see that happen to the Yukon and this is why I'm asking that the people have the protection, some way or other. First, they should have the protection of the court, the court should be the one they hear any, shall we say, representations opposed to establishment of a municipality. If a referendum should be held before a municipality is established by the Commissioner, it would take two-thirds of the voting population to accept it or reject it and if it is rejected, it must be rejected for good reason then the Administration would have to then reassess their position and say, well, find out why it was rejected and go back again with another proposal, until they come to a proposal which is agreeable on both sides.

Mrs. Watson: Mr. Chairman, I'm sorry that the Honourable Member wasn't able to understand, however I'm not going to repeat. In this piece of legislation we have given the people in a certain area the opportunity to almost make, to make a type of proposal, to stipulate the boundaries, the type of municipality that they would like to establish. This is why I believe this is a good piece of legislation. Where they don't have to say "yes" or "no", where they are given the opportunity to say, "we think the assessment you have given us is too hard and we don't feel that we have the taxbate," where they are able to say, "we feel the boundaries that you giving us for a municipality are much too large," or "that the boundary is much too small". They are able in this legislation make a counter proposal to the inquiry on the terms of which they would like to have a municipality. This is why I believe that this is very good legislation.

Mr. McKinnon: But there is the fatal flaw in legislation. There is

Mr. McKinnon continues...

nothing in this Ordinance that binds the person holding the inquiry to the wishes of the people within the proposed municipality. He can say, he can bring the report in, I was met with a ground swell of opposition to the proposal of the municipality, they didn't want it, they told me to shove it. But, notwithstanding this, I know it is better for the public to have that municipality in that area, therefore, I am recommending to you Mr. Commissioner, that you by Order, establish a municipality in the Haines Junction area, period. That's it. Even though, the people may have been in arms against and up at the inquiry, there is nothing which binds that person holding the inquiry to listen to them to have any affect upon their representations upon him or to report to the Commissioner following the representation that this is what the people wanted to be done in that area proposed. This is why I'm saying you have to have some clause that either binds the person holding the inquiry if there is an objection by some method or another that the people will eventually be heard. Because that is where the flaw is in the legislation, and I say in the majority of these instances it is going to be a neat simple form that the Territorial Council will be well aware of and sell it to the people prior to it ... everything is going hunky-dory, but there is going to come a point in time when there are things which don't match. The people are going to be against the establishment of the municipality and in essence they are the ones who should have the ability in the final analysis to say what type of Government they are going to live under.

Mr. Rivett: Mr. Chairman, what it needs is an appeal from the appeal. This is the wanted information.

Mr. Chamberlist: The first thing is to conduct an inquiry. May I make a recommendation for a municipality. He doesn't know if there is..he doesn't find out the facts and that personally will soon make the recommendation against the municipality.

Mr. McKinnon: And they may be in favour of it too.

Mr. Chamberlist: Also it might well be that the person who holds the inquiry makes the recommendation that there should not be a municipality. The Commissioner received such a report, he may or may not feel within the court. I believe that there is something wrong there if we appoint an inquiry, if we should take the advise of the inquiry and leave it to the discretion of the Commissioner. This is the point that we have to look at. It is already said in this House that the Commissioner doesn't want to have a discretion in legislative matters. A difficulty again, I find that in fact we have given if Mr. Legal Adviser can comment on this, we have given the Commissioner discretion in subsection (9) "upon receiving the report of the person holding the inquiry, the Commissioner will consider the report." He must do that, he must consider the report. "And may by order establish the municipality or amend or cancel the order proposing the establishment of the municipality." So that is a very very wide discretion. Now the Commissioner indicated and he indicated here in this Council that he doesn't want that. In the earlier remarks I made thatproposing the inquiry, but I must say at this point that although I have some agreement with the Honourable Member from Whitehorse West in what he proposes and the Honourable Member from Watson Lake, but I disagree with the Honourable Member from Watson Lake when he is being fixed and specific saying it must be in the court. There is no reason for that at all. I reject that part of his submission. Perhaps we should take that section back again and look at it and see if it needs a change somewhere. Give some consideration to a referendum in a certain area. My suggestion that I made is that the person who holds the inquiry should have the power to declare a referendum if he feels the need for a matter if there is need indeed for a referendum to take place. But give it a hard launch, if there must be referendum it destroys the whole concept of the

BILL #10

Mr. Chamberlist continues ... of sometimes having to make a fixed decision. I draw the Honourable Members attention to the fact that Whitehorse itself is a city as a result of an administrative decision of proclamation in 1949. Immediately after, within a few months after, a plebiscite for Whitehorse to become a municipality was turned down. Now if the decision hadn't been made at that time and House Members know I opposed the principle that was used at that time because it was an improper principle and this is why I believe there should be grounds for a referendum. The City of Whitehorse would not have been a City of Whitehorse today, it would not be in a position as it is today growing and expanding, if somebody hadn't taken the bull by the horn and said, "This has got to be." A decision was made. I force everybody to look back on that decision. So I ask Mr. Chairman, that we leave this section and go back to the Administration for full consideration any area where recommendation can be made now before we leave this section as to where that particular memo should be made and we will consider it now.

Mrs. Watson: Mr. Chairman, I would just like to bring up one other point that I am very very disturbed about, having both a referendum and an appeal. Under an appeal you could have 25 residents do a great deal of work, investigate, thoroughly do the research and decide that there was no possible way they could function as a municipality. They could present a very good case, the Board of Inquiry, then you have a referendum and 75% of the people vote for a municipality. What recommendation would your Appeal Board make to the Commissioner then? This is the type of thing we cannot get into, we have to be very careful in using both.

Mr. Taylor: Mr. Chairman, with respect the referendum ... that the majority are in favour of a corporation then there is no question about it, there will be a corporation. However if a majority states for a good reason one way or the other, if they state that in the referendum that they do not wish a municipality, then it is at that time not a municipality.

Mr. Chamberlist: This is where I have to differ with the Honourable Member because as I have already pointed out, it was not that attitude that was adopted when the City of Whitehorse became a municipality. The City of Whitehorse wouldn't be a municipality today, it would just be an unorganized area within the meaning of what an unorganized area is. So there is, you know, sometimes father has to say to his child, "This is what should be," because there is an necessity that comes to recognize certain things in Council. I don't want to be hard-core about this particular item, but the Honourable Member from Carmacks-Kluance made a very very solemn point again that here we have lots of those areas to deal with at the same time. Should we have an appeal with a referendum or should be have referendum to be the basis of the route. Now, can we have our cake and eat it, I don't think we can, but here is an area we felt in putting this together offers considerable discussion and I see where we have no proceeding there in subsection (9) because I don't like, it is a threatening area, which allows to the Commissioner, I don't like it. I agree with the Honourable Member from Watson Lake and ... so if you will leave it with us we will go back again.

Mr. Legal Adviser: Mr. Chairman, just one point on the Commissioner's question. You must give the Commissioner some descretion. After the report comes in I would feel that having made a proposal of certain forms and so forth, a recommendation comes in, whether it is after the referendum or after the report and then the new order had to be formed to meet with the wishes of the people and their recommendations. So he must use his discretion whether or not to change it to put it into the form the people want it. This is an exercise in drafting and discretion so you can't order without putting the form of the order in, you've got to have something....

Mr. Taylor: Possibly this matter might be resolved if the Administration would refer to Section 6 in reviewing the brief some of the provincial approaches towards this problem and I think that the one from British Columbia might solve it.

BILL #10

Mr. McKinnon: I don't agree with appeal after appeal after appeal after appeal, it just goes on and on indefinitely. What I am saying under the Ordinances that now stand there have to be in, the majority of cases, I'm positive there has to be a section 6 that will work with no problems whatsoever, but there is legislation as it is amended at this time. The availability of two things happening, one, a person, even though the expressed desires of a community are against a municipality being formed, advising the Commissioner that there should be a municipality and it takes place, or the other - the people expressing a very real desire to the person making an inquiry that there be a municipality formed and he giving the report to the Commissioner that there should not be a municipality formed and the Commissioner making an order that a municipality not be formed. These instances take place there has got to be an availability of some source of referendum, plebiscite, call it what you will, petition that the people in the final analysis have the type of Government that they want to live under.

Mr. Rivett: Mr. Chairman, before the Commissioner makes his proposal, he makes it on some facts that are equivocal to the Board of Inquiry. So why not eliminate the appeal here and replace it by a plebiscite?

Mr. Legal Adviser: Mr. Chairman, who would be eligible to vote in the plebiscite? The people who are in support of a municipality are the other people of the Territory would form a municipality in its place. I had to make that point.

Mr. Taylor: Mr. Chairman,have to see the areas what they would like to do. We did it once ..

Mr. Legal Adviser: In the Whitehorse situation, the people of Whitehorse turned down the idea of being a city. In Faro this Council went in also represented here, and they regressed the order of Commissioner creating Faro and a special Bill had to be produced. So in two of the three instances that we have had here, people involved have turned down the proposal that they be created into a municipality.

Mr. Chairman: Can I have order please.

Mr. Chamberlist: Everytime we have one it's been turned down, surely you can't deny them their basic rights?

Mr. Taylor: This happened when we formulated the greater of the Whitehorse area. We went through this exercise. The Honourable Member from Whitehorse West and myself were very much involved in it. We went out and told the people the facts as we saw them, each as individuals and as a group. They made their choice. The fact is that they made their choice, it wasn't thrust upon them. I don't think we should thrust this upon people in the outlying area. I think the choice ultimately has to rest with those people who are going to be affected.

Mr. Legal Adviser: There wasn't a choice in that type. The choice was that the people in Whitehorse were given a vote as to whether or not the outside areas should be incorporated. That was it. So that the people who were not concerned did have a vote.

Mr. Chamberlist: There is any point of course that must be contended with. You might have a specific area with a pile of people in it, like in the case of Faro, there are only about five of them are taxpayers. Who is going to bear the brunt of the municipality. The taxpayers or

BILL #10

Mr. Chamberlist continues...
the other people, so who is going to vote. The five taxpayers or everybody that lives there. There are many areas that have to be considered and weighed. I'm growing sympathetic towards a referendum of some description someplace, as I said we'll leave it and we'll get along with the rest of the amendments and come back to it later.

Mr. Tanner: Mr. Chairman, just before we do, time and again we put things over for further study and then the Legal Council when he is telling us how he draws at something tells us that was my interpretation of the feeling of the House. Perhaps before he goes away he could tell us what his feelings are and what he is going to draw to when he comes back we won't have to go through the exercise again.

Mr. Taylor: Mr. Chairman, I would think that there would have to be some study made. As I pointed out we should take a look at the approaches British Columbia takes towards the problem and possibly some of the other provinces. We might find something that has to be examined, what you call your legislative program.

Mr. McKinnon: Well I have no problem with section 6 as I said before; I think that it is a majority of instances and it is going to work beautifully. Everything is going to fall into place. In some instances it is not and in those instances there can be a frivolous section on this input of the people who have to be a very real working. Where you have a government has a distinct expression by a lot of people that isn't really what is wanted then it goes to plebiscite. In a vast majority of instances section 6 is going to work without any problem whatsoever, and it shouldn't be 25 residents who say we want a plebiscite, 25% maybe even a majority, I don't know what actual formula is sound out, but eventually if section 6 doesn't work out then it should go to the public.

Mr. Chamberlist: Would the Honourable Member be satisfied then if there were a section put in

Mr. Taylor: Just one question, Mr. Chairman. Is it also referred to that the plebiscite be binding on the Commissioner?

Mr. Chamberlist: Mr. Chairman, he can't make it binding. But at least you have heard the voice of the people. This is what the Honourable Member wants, you know, he wants to hear the voice of the people.

Mr. McKinnon: In the last plebiscite expansion wasn't binding on the Commissioner but I say it will be tie, and now particularly if the point is being made over and over again that the Commissioner is nothing but a figurehead, I think upon the advice of the majority in Council, that's their necks they're putting on the chopping block if they aren't going to work to the opinion. I'd just love to be in opposition in all kind of instances because I can give it to them every day of the week while Council's in session.

Mr. Taylor: We went through that this morning. I will now resume the Chair.

Mr. Chairman: The next section then, section 6 is up for review. Section 7, subsection (2) .

Mr. Legal Adviser: Mr. Chairman, this is just that there are several of these slight alterations throughout the Ordinance. The Members wanted notices to be published in two issues of the paper, one week apart instead of just two weeks in the newspaper. So this has been done throughout the Ordinance and we need this protection section.

Mr. Chairman: There was some question with sub (d) and sub (e) of (1), has that been resolved? Okay, next section 14 (1) .

Mr. Legal Adviser: It's the same, Mr. Chairman, two weeks apart.

Mr. Tanner: Mr. Chairman, I think we agreed to a small change didn't we in the twenty-five thousand, to twenty-five hundred people in the estimated population in 8. We didn't put a maximum. That will be changed won't it?

Mr. Legal Adviser: Oh yes that will be changed.

Mr. Chairman: Clear on 14 (1)? 15 (1)?

Mr. Legal Adviser: The same thing, Mr. Chairman, two weeks apart.

Mr. Chairman: 16 (1)?

Mr. Chamberlist: Tax payments. Mr. Legal Adviser, who are these petitions addressed to?

Mr. Legal Adviser: They don't have to be addressed to anyone, it's just a petition but you've got to start to address the Commissioner. and as a result of the petition signed the Commissioner may order. We could put in a part of the petition signed to him.

Mr. Chamberlist: Yes, well that's what I mean.

Mr. Legal Adviser: We could have the Honourable Member named to a person who is the petitioner.

Mr. Chairman: There was some discussion in 15 that the word should be changed from "newspaper" to the "Yukon Gazette"

Mr. Legal Adviser: It was considered, Mr. Chairman, but there are a whole series of things being copied here. What you find in any newspaper. But on examination you find that the Gazette and the newspaper are the same. We don't have any Gazette in reality. It's the news-

BILL #10

Mr. Legal Adviser continues....
paper designated I think, by the Territorial Secretary to be the recipient of the advertisement...

Mr. Chairman: 25 (1) It was altered to read mayor.

Mr. Legal Adviser: It's "council" to "mayor", Mr. Chairman.

Mr. Chairman: Clear? 29 (1).

Mr. Legal Adviser: The change there, Mr. Chairman, has been "decided by a majority of the Members of the Council present at a regular meeting." instead of first general meeting.

Mr. Stutter: Mr. Chairman, I notice that sub (2), I had a note there to change that. This was an objection put forward by the council of Dawson, and I think it's a very valid objection, that in the way it's presently worded that the vote must be taken in the negative. I think that's where their objection came in. There is no reason why the vote should have to be taken in the negative. That was in 29 (2). Do we provide this?

Mr. Legal Adviser: I recollect the struction detail and it was left as is because there was an objection by Dawson but apparently an objection by nobody else. It seemed to me the wishes of the ... they were quite simple. That's the biggest...

Mr. Stutter: I'd like to point out, Mr. Chairman, that there is more than just the City of Whitehorse.

Mr. Chairman: Well subsection (3) has been deleted.

Mr. Legal Adviser: No, Mr. Chairman. No. Except that ...

Mrs. Watson: Mr. Chairman, I'd like to ask of the Member from Dawson what he was objecting to.

Mr. Stutter: Mr. Chairman, I've just referred to the actual discussion which took place, if I may just check it over, but, I notice too that perhaps the objection raised by Dawson may no longer exist because of the additional aldermen. In the old existing case where there were three aldermen and one mayor, you did definitely have many instances where you had a division. This is where it came in. But this does bring me to the point also that I raised in previous discussions, that it is my belief that even with the advent of this new Ordinance, it's very unlikely that Dawson will have more than the three aldermen, for the simple reason that in the last few years the mayor and council have gone in by acclamation, so it's doubtful if there would be a fourth alderman, so this case ...proving to continue in the Dawson area.

Mr. Chamberlist: There is a sector, of course, Mr. Chairman, that if after three nominations, the municipality hasn't got a person who named, then there is provision made for a person to be appointed.

Mr. Stutter: Mr. Chairman, that can very well be, but what's the point of appointing somebody to be on the ... to be the fourth alderman when there isn't anybody there in the first place, who is interested in being that person.

Mr. Chamberlist: I wonder if, with respect to the Honourable Member from Dawson, that he shouldn't be doing something about making the people up there recognize that ...the fact that they are the oldest municipality in the Yukon and therefore should put the interest in the management of the government of the municipality. Perhaps there's something wrong that these people up there themselves should be looking at. That Dawson has got to start doing things for themselves. And at least the very first thing they should be doing for themselves

Mr. Chamberlist continues....

is making sure that they have a government to run their own business. All we are trying to do is give them more encouragement so that they can have more people to run their business. I'm sure that the Honourable Member from Dawson knows full well how difficult, much more than any of us, knows how difficult it is for people up there to run for office but surely we can't limit them, we have to be as wide as possible to give them the powers of any other municipality we have. I think that perhaps if they recognize the fact that the Territorial Government is interested in maintaining Dawson City as a viable municipality because of the fact that it is history, they should recognize this fact and do whatever they can to help build their own status, instead of just laying down and saying well we haven't got enough people to do the job. Does it mean that they want the municipality to come to an end? Surely not.

Mr. Stutter: Mr. Chairman, I'm glad that the Honourable Member has given me a chance now say, Dawson people are very aware of their importance in the Yukon and their one big objection is that this Council isn't aware enough of the importance of Dawson in the history of the Yukon. I might point out that tourism, which is now the second most important industry in the Territory would be nil if it weren't for the history that started in the Dawson area. And the Federal Government is committed now to pour hundreds of thousands of dollars into the promoting and for the preservation of the history of the Yukon, but the Territorial Government, as far as I'm concerned, and as far as many of the people of Dawson are concerned, are not doing enough to promote Dawson and tourism within the Territory because of Dawson and the Klondike area. We're very aware of this importance.

Mr. Chamberlist: Surely, Mr. Chairman, that this piece of legislation in itself, which is to increase it's powers of the municipality of Dawson by increasing the size of its council, recognizes indeed, that they are an area where there should be more self government for them, and in view of what the Honourable Member from Dawson just said, and the remarks that I have made, the people of Dawson should recognize the fact that the Territorial Government is interested in what takes place in Dawson, and will get every possible support from the Territorial Government in trying to help it maintain itself as that important area which indeed brought a lot of history and a lot of money into the Yukon Territory.

Mr. Stutter: Mr. Chairman, I'll have further remarks to make along those lines, I believe, when the Municipal Aid Bill comes up.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I couldn't let this section of subsection (3) go by without registering my protest in respect of it. Subsection (3) of 29, which it was my hope would be deleted, which states "Any member of council when present who abstains from voting shall be deemed to have voted in the affirmative." I could not hold with the acceptance of subsection (3) and it was my understanding that it would very likely be deleted but I see that it is still in there. It is my wish and hope and desire that it will be deleted.

Mr. Chamberlist: Mr. Chairman, all a person needs to do is to just leave the chambers, then it's taken care of. Really it's a protection for the Member.... it may be a member of a city council, may have an indirect interest in something and the idea, this is for him to leave the room and then he doesn't have a vote. Otherwise it's considered to be a vote.

Mr. Taylor: So, Mr. Chairman, notwithstanding if he has a pecuniary interest, he ~~may~~ doesn't vote.

Mr. Chamberlist: An indirect interest, not a pecuniary interest.

BILL #10 Mr. Taylor: Well even if he has a pecuniary interest he wouldn't vote. That's a matter for his conscience to decide. But I can't honestly see again where you can predetermine a vote of a member who abstains from voting. I don't think that anywhere in the constitution we have that. And I don't think that even if we did have the right, that we should exercise it. I think that this is up to a man's own conscience and as far as I am concerned section 3 is offensive and should be deleted.

Mrs. Watson: Mr. Chairman, there is another point here. It could well be that in a council session some very dicey question comes up and members have to make a decision that... take a vote on it, and this is forcing members to vote or else leave the chambers. Because of their political involvement they would like to vote both ways and they are not able to, so they cannot stay in that chambers and not vote. They have to leave the chambers, and I think we should leave this in for this reason.

Mr. Chairman: In speaking from the Chair, I wonder then, if this is the main intent of this section why it doesn't read that any member of a council when present shall cast his vote.

Mr. Chamberlist: Well this is what I mean.

Mr. Chairman: Yes, but this isn't what you have said.

Mr. Taylor: He hypothetically assumed it so.

Mr. McKinnon: Well I don't have this problem, Mr. Chairman, because if a member is going to try to waffle and straddle both sides of the fence and won't make a decision, and says I'm going to abstain and does abstain then it's public knowledge that the person has abstained from voting and that the public has full availability to attack that member for not making a stand...or not making a vote on the matter. I think that there's Members in this House who have felt the brunt of the public when they did not make the decision. And certainly it's completely his prerogative if he hasn't got the political courage to stand up and say I'm going to vote this way because of this, or I'm not going to vote this way because of that, then he is going to hear it from the constituents, and well he should. But why should we be forcing him to make the vote one way or the other. There's Rules of Beauchesne in a ... on page 54 of course, "Disallowance of a vote on the score of personal interest is restricted to cases of pecuniary interest and has not been extended to those occasions when the dictates of self-respect and respect due to the House might demand that a member should refrain from taking part in a division." I think the person has the ability if he is going to refrain from taking part in the division because he thinks that there may be a pecuniary or some other aspects that he shouldn't be taking part in the division, can stand up and make a case that they are abstaining because of these reasons and then of course, the public has the ability to say, we don't agree with your reasons for abstaining. You should have cast a vote. Lets leave the onus on the member, if he wants to abstain and wants to suffer the consequences of abstaining, let him abstain. If he wants to vote one way or the other, let him vote one way or the other. But we shouldn't be forcing him to do any one of these three things. Let the electorate take care of him if they don't like the way he is conducting their business.

Mr. Chamberlist: I would suggest that we remove that section. Would that make everybody happy, that subsection (3)?

Mr. Stutter: Agreed.

Mr. Taylor: I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: I think it might be a good time to call a recess.

Mr. Chairman: At this time, I now call Committee to order. Anything further on section 29?

BILL #10

Mr. Stutter: Yes, Mr. Chairman. I would like to go back to section 29, subsection(2). I have now had a chance to look through and find the appropriate section in the wrong proceeding, when this came up before. The point I made then, that was overlooked today, is why are we asking the municipalities to do something, that is not done in this House. I am talking about when it comes to voting, in Committee or in the House, at all, the only time that the Speaker votes is in a case of a tie. When he does vote, he votes completely according to his own conscience. He is not in anyway forced to vote in the negative. But section 9, subsection(2) forces that person to vote in the negative. Also, it states that the Chairman or the Residing Officer shall definitely vote. Now why must this be in the case of the municipality? This is going to crop up in many, many instances now in the municipality of Dawson. Maybe it won't happen so much in an area where you have seven aldermen and a mayor, but in the smaller councils it's going to happen often. I think that this must be reviewed. The municipalities should be dealing with rulings, that we have in this Council.

Mr. Legal Adviser: Mr. Chairman, just one point. We are not saying that the presiding officer vote in the negative. We are saying, that in the case of a tie, that's the end of the matter. The decision is not to give two votes to the presiding officer.

Mr. Stutter: Mr. Chairman, the point that I am trying to get across is why, to begin with, you're making the assumption in the wording there. Rather it's not even an assumption, you're more or less stating that the presiding officer will vote. Now here, the presiding officer does not vote, in any instance, unless there is a tie. Then he votes according to his conscience, not in the negative. I'm not suggesting, and I don't think that it has ever been suggested that there ever be two votes for the presiding officer.

Mr. Legal Adviser: We can look at it, when we're together in Committee. But the thing is, we've got to know, in the redraft, whether the presiding officer has one vote, no vote, or in effect two votes. Or whether ... three or four alternatives will do in drafting ...

Mr. Stutter: Mr. Chairman, I don't really agree. I don't see where the difficulty crops up. We don't have the difficulty here. In the case of Dawson or any other small municipality, where you have one mayor and four aldermen; there are going to be many instances where the vote is divided, without the presiding officer voting. But when the presiding officer does vote; he only has the one vote, and he can vote just according to the way he feels.

Mrs. Watson: Mr. Chairman, I think that this points to a meeting, where if one of the aldermen is absent; that leaves three aldermen and the presiding chairman. The three aldermen and the chairman cast their vote, and it makes it a tie.

Mr. Stutter: No it doesn't. This is exactly my point, Mr. Chairman.

Mrs. Watson: We are saying including these presiding officers, though.

Mr. Chamberlist: Mr. Chairman, I think that the Honourable Member from Dawson is correct. But of there, if a Chairman and the three others vote, and it is two to one, the Chair doesn't have a vote. It shouldn't have a vote because there's a majority; so, you see, it doesn't apply. I don't think that there is any necessity here

Mr. Chamberlist continues ...

BILL #10

for it to be in here at all. I think it should be taken out. You don't need it; it's just superfluous, Mr. Chairman.

Mr. Chairman: Committee agreed then to the deletion of subsection(2)?

Mr. Legal Adviser: Think what the actual effect of this would be. When there are four people present, at a meeting in Dawson, any two of the four can carry every single vote, regardless of what the other two want. If this is the wish of the House, at this time; I can't conceive it. Two members of a four-member group will win every single vote, by putting into effect to deprive the fourth person of his vote, at all, except in the event of a tie.

Mr. Chamberlist: Now that we are having an extra Member of the council, there are four people there, who will show up at the council meeting. I take it, the mayor, the chairman, and four members. So, if there are two members voting yea, and two voting nay, then the chairman splits the vote, and he votes. If there are three members who vote yea, and one member votes nay, there is no necessity for the chairman to vote, in any effect. So, this is the point; we don't need it there.

Mr. Legal Adviser: This is true, if everyone turns up for every meeting. What I am suggesting, Mr. Chairman, that there is eventually only going to be three aldermen ... which would mean a four-member situation continuously. But whether or not they all turn up, we've created a situation where there are four people present, any two members must always vote and deprive the presiding officer of a vote.

Mr. Chamberlist: Surely, Mr. Chairman, it is the responsibility of the municipality of the people in the municipality, to see that they have people there to turn up to council chambers and do their duty there. I don't see the necessity there, myself. I see the point the Honourable Member from Dawson is making. If a person is in the Chair, he should not vote until such times as is necessary for him to break the vote. But for him to be able to vote, and then vote again ... what he has actually said there, is that the vote should be in the negative, so he does get an extra vote, to vote in the negative. Here is another proposition that might arise. Supposing we went along and left this section in. Here you have a position of two people saying no, the third person saying yes, and the chairman saying yes, so you have two yes and two no. Now notwithstanding that, the chairman he decides in the negative, after he has voted positive. What type of section is that? It's very confusing. I would say that it should be withdrawn.

Mr. Legal Adviser: What the section says is this, "where the votes... are equal for or against a question, the question shall not be decided in the positive" ...

Mr. Chamberlist: It doesn't say that. It says, "including the... presiding officer".

Mr. Legal Adviser: Assuming that there are four people present, you can't decide any positive question of expenditure or otherwise, as long as it's there.

Mr. Stutter: Mr. Chairman, may I ask a hypothetical question?

Mr. Legal Adviser, what happens if there is one Member away from this council chamber then? Who is sick, or something. And if the votes are three, and if you were to use this same rule, no matter what it was, the votes were three and three. It's automatically defeated, it's in the negative.

Mr. Legal Adviser: Mr. Chairman, there are respected rules, as to how the Speaker would normally vote. That is, he would vote to break a tie.

Mr. Chamberlist: My feeling, Mr. Chairman, is that we should withdraw this section.

Mr. Tanner: Mr. Chairman, I think that what the Legal Adviser is saying is that, he assumed when he was writing this, and I assume that all the people that got together made the same assumption, is that ... we're going to have a vote. The Member from Dawson assumed that he wasn't going to have a vote; and that would be my assumption too, incidentally. Many meetings that I have ever attended, the man that's running the meeting, Mr. Chairman, Mr. Speaker, or what have you, doesn't vote; until, such time as there is a tie. And he votes as his conscience dictates. If you get away from the basic assumption, that you're making Mr. Legal Adviser, I think that makes sense what the Member from Dawson is saying.

Mrs. Watson: Mr. Chairman, I would like to ask all the Councillors to reconsider section 29, subsection(3). When a member from Council, abstains from voting, we should force him to leave the chambers, when he's abstaining from voting. Their mere presence, when discussions are going on, and a vote is being taken, they can influence the vote that is being taken in there, by their mere presence. This is very true. We can't deny it. We aren't asking very much. If they don't want to vote, they leave the chambers. If they stay in, then they can influence the vote. By their very presence in the discussion, there will be an influence on the members' vote.

Mr. Chamberlist: There are recognized rules of debate, where a person is able to participate in the debate, at anytime. But if there is an interest that this person has, at the time of the voting, that person should leave the chamber, and not participate in the debate. This is a standard rule that's been on forever and ever.

Mr. McKimmon: Mr. Chairman, in the city councils, if there is talk about bids for a contract, and somebody is in the construction business and his firm is bidding on it, surely, he is denied the vote. But his expertise and his knowledge in that business should not be lost to the council because he's involved in the contracting business. He should be doing all in his power to help the council make the wise decision as to what should be coming about in the field in which he is expert. I can think of examples when I was involved in the liquor business. I used to use my experience as a proprietor of an establishment ... on the Liquor Ordinance. I wouldn't vote though when it came up for a vote. I can think of areas in the medium question, if it came up, where I would try to use my knowledge to make all the Members aware of what was happening, but not take a vote. My presence in the room isn't going to intimidate any Member of Council, which way they are going to vote, one way or another. If that Member is going to be intimidated, then he shouldn't be at that council table, in the first place. The votes are absolutely public, as they come up, whether the member is there or not. Do you mean to tell me that some guy is going to be sitting here cowering and scared to vote in the negative or in the positive because that member involved in the discussion, is President of the Chambers. This is getting a little too far out. I don't see any reason for some ... being in there anyways.

Mr. Tanner: Excuse me, Mr. Chairman. Right up to now, we've withdrawn subsection(3), as I understand it. ... the Honourable Member from Haines Junction ...

Mr. Chairman: Order please.

Mr. Tanner: The situation, that we're at right now, is as I understand it, Mr. Chairman, please correct me ... We've taken out subsection(3), and we're discussing subsection(2). The Honourable Member wants to bring back discussion on subsection(3), is that the position? I thought we'd made a decision, personally.

Mrs. Watson: I just wanted to bring that one point up. If a person is present in the room and wants to abstain from voting when the

Mrs. Watson continues ...

BILL #10

voting occurs, they should leave the chambers, because they can just by their very presence, influence the vote. I don't think that this is too much to ask. I'm not going to give in.

Mr. Chamberlist: The municipality has their own powers and their own bylaws as how the conduct of a municipal council takes place. It is not necessary for that particular item to be in the legislation. The municipalities can make that rule of the governing of their own house. This has been done quite often and they have the power to do that. Let's leave it to them to do it, and let them stew in their own juice, if they want to stew in their own juice.

Mrs. Watson: Mr. Chairman, I'm not going to give up on this completely. We will have new municipalities, people who do not realize that they can exercise this power. This should remain in this Ordinance.

Mr. Tanner: Mr. Chairman, perhaps Mr. Legal Adviser can advise me, as I don't have my Ordinance here. What is in the present Ordinance?

Mr. Legal Adviser: There is nothing in the present Ordinance, that is similar to this. The draft of this Ordinance was drafted on the definite policy decision, that when a member has a personal or pecuniary interest and a discussion is taking place, whereby, he or his firm is discussing, they are contracting business firms, or to a member of his family or any other thing, on which he would be attempting or would be to the detriment of the public to influence the council; he should not partake in the discussion or advocate one course of conduct or another to the body, to which he is a member. But should have the same vote in the discussion, and the voting. This section is drafted as part of that ongoing policy to keep local politicians, or local government clean, both in appearance and in fact.

Mr. Chairman: It is the Chair's understanding, anyways, that we were on section 29, subsection(2), and that section 29, subsection(3) has been deleted. Agreed? What is your pleasure, in relation to section 29, subsection(2)? Is this to be deleted, as well?

Mr. Stutter: I would like to propose an amendment to section 29, subsection(2), if it isn't to be deleted. I would like to propose that the presiding officer or the mayor or the chairman only vote in the case of a tie. Then at that time, he votes according to his own feelings. Just exactly the same rules as we have right here, Mr. Chairman.

Mr. Chairman: What does Committee wish to do with section 29 subsection(2)? Could we have some direction to section 29 subsection (2); is it to be deleted, or what?

Mr. Stutter: Mr. Chairman, I would like to point out that, at the time that I brought this up before, Mr. Chamberlist himself said, I think, Mr. Chairman, that this is a reasonable proposition, I conceive no objection, that is when I asked to have it changed, in the first discussions.

Mr. Legal Adviser: Mr. Chairman, I have to advise you that if subsections(2) (3) are taken out, then subsection(1) must be taken out as well. Subsection(1) says, "All acts authorized or required to be done by council shall, except where otherwise provided in this Ordinance, be done or decided by a majority of the members of the council present at a meeting". And if we take out subsections(2) and (3), we are deciding that two out of four members present can then run the meeting. Two out of four is not a majority, so we cannot take out the section. We've got to draft ... it should then read, "the majority of the members who vote are permitted to run the meeting, or something like that."

Mr. Stutter: Mr. Chairman, using that thinking, then three out of the six anytime here could rule things, which is correct; and that is the way it should be. It's still only fifty per cent, three out the six can do it and do, if there is a member missing.

Mr. Legal Adviser: Mr. Chairman, three out six is not in my arithmetic a majority.

Mr. Stutter: It's exactly the same proportion. Three out of six, two out of four is still fifty per cent. There is no majority in either one of them.

Mr. Chamberlist: This is where this section is very good because they wouldn't be able to deal with a matter that a majority didn't vote on. It's all for the better. It puts you back into the position that we wanted, or perhaps we wanted without having subsections(2) and (3) in there. I think it's good to be in there like that. The people, in the case of a smaller council, can make up its mind, one way or the other.

Mrs. Watson: Mr. Chairman, I'd like to revert back to section 29, subsection(3), again. If you look at section 29, subsection(1), "decided by a majority of the members of the council present at a meeting"; by that mere person sitting in there, he would be present at the meeting. Not voting. But you would still have to carry that vote by a majority of the members present at the meeting. So he would be influencing the votes just by sitting in his chair in those chambers. If he went out, he wouldn't be at the meeting. He wouldn't involve the majority. So, I really think that we should reconsider this. I think that we should even go as far as discussion. The Honourable Member brought up contracting. For example, a contracting firm in the City of Whitehorse has applied to take a contract for some work for the City. Anyone who has anything to do with that contracting firm should not sit in on discussions, regarding that contract. In some way, he could influence it. It wouldn't be fair to that person. In all likelihood, he would not. But if they do not know that they shouldn't sit in on it, they should be forced to leave the chambers. I think in the light of section 29, subsection(1), we should really look at section 29, subsection(3).

Mr. Chairman: I wonder if the Chair could have some direction, in this matter. Is it your wish to retain section 29, subsection(1)?

Mr. Chamberlist: Mr. Chairman, we'll reconsider the whole of section 29 and come back on it.

Mr. Stutter: Mr. Chairman, I would like to point out that if section 29, subsection(1) is left, with the objection raised by Mr. Legal Adviser, surely again, you would just have to add in, the majority of those present, except if you need to leave it in the presiding officer.

Mr. Legal Adviser: We can amend the section as soon as it reaches the House. It's only a draft ... but when you change one section, you've got other phrases, which have to be changed.

Mr. Chairman: We will take a look at it.

Mr. Chairman: Clear? The next section is 40(1).

Mr. Legal Adviser: There is just a minor change in that. The power of the mayor is to cause an officer or employee to be prosecuted for any negligence or carelessness. The old draft had prosecuted and punished. It is not his function to punish, so that it is now prosecuted or disciplined.

Mr. Chairman: Subsection (2)?

Mr. Legal Adviser: In subsection (2) of 40, there is a provision which is reflected in another provision elsewhere, that the council may, after giving the employee time to be heard, reinstate him or dismiss him.

Mr. Chairman: Are you clear, then on 40? Subsection 41(1)?

Mr. Legal Adviser: This section has been recapped in a slightly different order. A subsection has been put in, to be a general subsection to allow the council to replace any officer in case of his absence or illness. This means that we remove the two or three other subsections where each individual officer appointment they have the power to replace or cancel. It is just a drafting device.

Mr. Chairman: Are you clear then on 41?

Mr. Legal Adviser: This is just the placing of the word "administrative" in front of officers, Mr. Chairman.

Mr. Chairman: Clear? Section 43?

Mr. Legal Adviser: This is the same, Mr. Chairman, but it also has put in the power of council. The duties of the council to give the employee a chance to be heard.

Mr. Chairman: Section 44 is deleted, subsection (2) is deleted.

Mr. Legal Adviser: Yes, that subsection substituting for the clerk, Mr. Chairman.

Mr. Chairman: Is Committee agreed? Section 47(1)(c).

Mr. Legal Adviser: We have added the words in (c) "be responsible directly or indirectly" for the funds of the municipality, to make it clear that the treasury is responsible in normal cases for disbursing of the funds.

Mr. Chairman: Clear? Section 48(3)?

Mr. Legal Adviser: Mr. Chairman, this is inserted at the request of the City of Whitehorse, who wanted power to have their cheques to be signed by other than human hand.

Mr. Chairman: Clear? Section 54(2)?

Mr. Legal Adviser: This is to insert "administrative officer" in subsection (2), and take out the words "forthwith", and insert "Commissioner" instead of "inspector of municipalities".

Mr. Chairman: Clear?

Mr. Stutter: Just one question on that. Would that normally be done by sending a copy of the bylaws of the municipality which is required anyway under the Municipal Ordinance, if we argued it out ...

Mr. Legal Adviser: Any way would be good enough.

BILL #10 Mr. Legal Adviser: Bylaw might take time to be tided up that is all and so forth. Any way of informing the Commissioner, inform him so that the correspondence ...

Mr. Stutter: My point was could that appointment be made without a bylaw? If it is made with a bylaw, then the Commissioner is notified in any event, then 54(2) becomes ...

Mr. Legal Adviser: No, Mr. Chairman, you can do various things. You can by resolution designate an officer to hold more than one office. You might say a contract.

Mr. Chairman: Section 54(2). Clear? Section 55?

Mr. Legal Adviser: There is a slight change in that, Mr. Chairman. It said "shall for remuneration, hours of work and may for fringe benefits".

Mr. Chairman: Clear? Section 56.

Mr. Legal Adviser: We had to insert the word "administrative" in front of officer, in the two subsections. Also the same in 57 and 58 and 59, Mr. Chairman. That is all the changes there are in those sections.

Mr. Chairman: Are you clear then on sections 56, 57, 58 and 59? Section 61?

Mr. Legal Adviser: This is a clarification of the original draft, and it says that an act must be made at an open statutory, regular, adjourned or special meeting of the council to be valid. Exercise of authority by the council. The old draft didn't ... wasn't as specific as that.

Mr. Chairman: Are you clear? Are you clear on 61(2)? Section 62? I believe the addition is the word "and" was required there, was it not?

Mr. Legal Adviser: Yes, that is all. Section 61 will have to be reviewed, Mr. Chairman. Section 61(1) will have to be reviewed. It provides that the acts of the council shall be done by a majority of the members present at the duly constituted meeting, so it has to reviewed in the light of the earlier decision of what constitutes a majority of authorities on that or a majority.

Mr. Chamberlist: This was taken care of by 61(2).

Mr. Legal Adviser: Section 61(1) says Mr. Chairman, that no bylaw is valid unless passed by a majority vote of the members of the council present at a duly constituted meeting of the council. The suggestion is that to provide a different formula for passing bylaws, which does not require a majority of people present. It has got to be reviewed.

Mr. Chairman: Alright, section 61(1) is up for review.

Mr. Legal Adviser: Yes, Mr. Chairman, 61(1).

Mr. Chairman: Section 62?

Mr. Legal Adviser: I think again, Mr. Chairman, it is just the insertion of the word "and" where it was omitted.

Mr. Chairman: Section 68?

Mr. Legal Adviser: Now, this is a specially drafted section to permit the city to give lunch to visiting potential manufacturers.

Mr. Chairman: Was this not for the addition of a development officer?

Mr. Legal Adviser: The suggestion was made buying a lunch in the Travelodge for a visiting delegate would be giving away something of the city, and would be illegal according to the earlier draft. The change allows them to furnish information and routine administrative services to persons in the course of development of industry and commerce.

Mr. Chamberlist: Does that include a dinner.

Mr. Legal Adviser: It would include a dinner or lunch for the person who was sent here.

Mr. Chairman: Clear? Are you clear on 68(2)? Section 70?

Mr. Legal Adviser: In subsection (2), Mr. Chairman, we switched the necessity to pay cash into court to give security for the amount required.

Mr. Chairman: Section 73?

Mr. Legal Adviser: There is a drafting point here, Mr. Chairman. It is just to insert "subject to this Ordinance and the Taxation Ordinance," into the section to tidy the thing up.

Mr. Chairman: Are you clear on section 73? Section 74?

Mr. Legal Adviser: Mr. Chairman, this I think should be read because there is a substantial change from the earlier draft.

Mr. Chairman: (Reads section 74 amendments to Bill No. 10)

Mr. Stutter: Mr. Chairman, I have a little difficulty with that second section, number 2. That seems to me that there are certain times of the year that the amount of money outstanding or unpaid on the taxes for all purposes would not be very great. There could be instances anyway where the borrowing power is very limited by this section.

Mr. Legal Adviser: Mr. Chairman, I don't think so, the intention of this drafting was to give the borrowing power for the purpose of meeting current expenses of up to seventy-five percent of the previous years gross revenue.

Mr. Chairman: I notice that you don't call it the current municipal year, you just call it the current year now, is there a reason for it?

Mr. Legal Adviser: We are trying to get a measure, and the only way that you can measure is by measuring a known yard. If they collected a hundred dollars the previous year, they can borrow as from January 1, up to seventy-five dollars. Now, the previous bill said twenty-five percent. The representation that was made was that they don't start getting extensive sums of money until six months have elapsed in the current year.

Mr. Chairman: Are you clear on 74? Section 76?

Mr. Legal Adviser: There is just a small change in this, Mr. Chairman, in subsection (1), that is to put "when so required" into the third line. The effect of that is to leave the section as it was originally intended to be drafted, clear up the misconception that arose the last time that this section was discussed.

Mr. Chairman: Are you clear on 76? Section 77?

Mr. Legal Adviser: It was just a typing error, Mr. Chairman, "of" for "or".

Mr. Chairman: Clear? Are you clear? Section 78?

BILL #10

Mr. Legal Adviser: This is to make it clear, Mr. Chairman, that the debt of a municipality cannot exceed twenty percent of the assessed value of the property. There was some discussion as to whether or not that could be read to be, they could accumulate debt at a rate of twenty percent per annum. This makes it clear, or I hope that it makes it clear, that they can only at any time have a total debt of twenty percent of the assessed value of the property.

Mr. Chairman: Are you clear on 78? Section 79?

Mr. Legal Adviser: It is just to change "inspector" to "Commissioner", Mr. Chairman.

Mr. Chairman: Are you clear? Section 82?

Mr. Legal Adviser: There was a lot of debate when it was being discussed, Mr. Chairman as to what was the limit to be allowed for borrowing, not for borrowing but for spending on capital items out of revenue. The limit has been changed from two mills to three mills, and the wording has been changed just very, very slightly, it is not of importance, we call it capital items instead of capital project.

Mr. Stutter: Mr. Chairman, I still have difficulties with this one, because in actual fact in Dawson's case this would amount to a borrowing power of thirty-three hundred dollars.

Mr. Legal Adviser: Capital spending power out of revenue.

Mr. Stutter: My point is still the same anyway, because there is an instance that has just happened, perhaps they did go a little too far in this particular instance, but there was a chance to get in on the Winter Works Program, and in this particular instance Dawson had to come up with about eight thousand dollars in order to get a twenty thousand ... or get in on a twenty thousand dollar grant. Now, I take it that if this section were in effect, to get this eight thousand dollars, they would have had to go into a plebiscite?

Mr. Legal Adviser: It depends on what the spending was, Mr. Chairman. If it was a capital item, they would have to go to the people. If it was normal revenue, and they were spending the revenue for a normal on going program, they wouldn't have to go to the people. The intention is, that you limit the amount that a municipality can spend on capital items, which are properly speaking, capital items. The spending their revenue, the revenue should remain in their current expenditure in the O & M column. If it is capital, it should be borrowed and the load should be spread between the present and the interjected.

Mr. Stutter: I still have a little difficulty on this. Perhaps I am just a little hung up on the term that you are using the capital expenditure. In this particular instance, the one that I have just mentioned, it does seem to me that it very definitely would be a capital expenditure, it wasn't O & M. This sort of thing could conceivably come up again. It does seem that thirty-three hundred dollars is awfully light.

Mr. McKinnon: What we are saying in effect of Dawson City, the maximum that they could take out of current revenue is for the supply of a pick-up or a car, period. Anything else has to go to O & M.

Mr. Chamberlist: No.

Mr. Commissioner: Mr. Chairman, with respect, what we are attempting to do here, is to encourage municipalities to get themselves on to a proper funding program for their program. If the life of a capital item, say a sidewalk, or a sewer line, if the estimated useful life of that is twenty years, we want to encourage the municipalities to incur a debt and liquidate that debt over the life of the asset, say twenty years. This is why these provisions have been made in

Mr. Commissioner continues ...

giving the borrowing power and the Government of the Yukon Territory has up until now and I don't know any reason why it is going to change, we will continue to be the purchaser of the debentures of the municipality, providing they meet the criteria that is here and then the liquidation of this will be as part of the rate structure for a period of twenty years. The water and sewer system of Whitehorse for instance. We would never have had sewer and water in Whitehorse if I, the taxpayer had had to pay my full share of the cost of that capital works going past my property. This is what we are endeavouring to do. We are simply saying that in any one fiscal year, that if the municipality wishes to use current revenue for capital projects, that only three percent or three mills of that current revenue may be used for direct capital projects. Now, the borrowing power for other capital projects is dealt with in prior sections which the Honourable Members have just been reviewing. The liquidation, the amortization of that is looked upon as an O & M item.

BILL #10

Mr. Legal Adviser: I also draw your attention, Mr. Chairman, that over the page is subsection (2) and (3), provide for the ... for where money is placed in a revolving fund for the replacement of equipment, the expenditures can be made from that fund without a vote of the taxpayers. This would be a normal bookkeeping transaction.

Mr. Commissioner: Mr. Chairman, I am sure that all Honourable Members realize that you have the same kind of funding in the Territorial Government here, where the equipment and the equipment liquidation fund does not appear as a separate item in your estimates. This money is an internal transaction, there is equipment rental rates established and the money that is in that fund permits of the expenditure for the replacement of any equipment. You have the same situation in the store departments where you have similar type requirements, and in municipalities basically the same thing. In other words what we are attempting to encourage, is that a municipality get onto the same kind of budgeting process and amortization of capital projects as what the Territorial Government has.

Mr. McKinnon: Say that there is a piece of valuable historical property or artifacts comes up and the seller says, I am going to sell it to the City of Dawson City or the highest bidder at five thousand dollars cash on the barrel head. That means that the City of Dawson isn't able to take advantage of that offer, they would have to go through all the procedure of borrowing money under the other sections of the Ordinance to be able to do anything of this nature over thirty-three hundred dollars that the mill structure rate as outlined by Councillor Stutter is correct.

Mr. Commissioner: Mr. Chairman, with the ... what the Honourable Member is talking about, while this is possible, we would certainly hope that an item of that magnitude in relation to the city budget of the City of Dawson, would go to a vote of the ratepayers. Now, the financing of it, that is another set of rules altogether. We would be very hopeful that items of that magnitude in that kind of that kind of a context would be subject to the vote of the ratepayers.

Mr. Chairman: Have you anything further on this?

Mr. Stutter: Mr. Chairman, I might like to come back to this later. I would like to read this section over in private rather than take up the time of Committee.

Mr. Chairman: I think that request can be considered. Section 99?

Mr. Legal Adviser: It is really a change in words to make it clear what the original draft didn't say very well.

Mr. Chairman: This Building Code North, I still haven't got that clear. Why do we make reference to that? Why don't we just say the National Building Code?

BILL #10 Mr. Legal Adviser: I strongly advise the Honourable Member to have a five minute talk with Mr. Tom Nairn, who understands these Codes. He described it to me, that there is a series of on going conferences that bring out a series of Codes at some period of time after the conference is over, for Fire Code, Building Code and amendments to the Building Code of the North and they are interlinked in quite an intricate way that only an expert could explain. This is a drafting which I have checked with, and so far as I can find out, the building experts and so on, how it should read. We want to give the power to a council to adopt a Canadian Building Code in whole or in part and adapt for their purposes. There are about five hundred other codes, I am informed, across the continent and various states. There are American Codes in all of them.

Mr. Chairman: I have noted here that we say any national or regional code, to dispense with the Building Code of the North.

Mr. Legal Adviser: That would open the gate to a lot of what can only be described as that particular type of drafting as a kooky building code. We want to stay with Building Codes that are understood in this region and applied. I would suggest that we accept this wording. Anything else endangers the ... It is very tough drafting, because they both apply sometimes, one applies other times.

Mr. Tanner: Mr. Chairman, I am a little confused as to why the Member is questioning this? I don't really see what his objection is.

Mr. Chairman: Basically, I have never heard of such a thing as a Building Code of the North until this volume came out. I believe that it was suggested that ... I have noted here, that we could say national or regional code.

Mr. Chamberlist: Mr. Chairman, this was the suggestion that was made by the Honourable Member, by Mr. Chairman himself. The Building Code of the North is a Code of long standing, and it is designed especially to deal with areas in the North where construction of buildings are necessarily different because of heat losses especially, and also the fact that there is a requirement to get a standardization of fire insurance rates and the like. For instance in the Building Code, I thought I explained this when we discussed this, in the Building Code of the North, there are provisions for sizes of windows in the premises to be a little bit smaller than what is required under the National Building Code. This is an example, there is a different areas of the different sizes in bathrooms, of the minimum sizes of rooms that are available. This way, municipalities can then adopt any part of either one of the codes. This is their prerogative.

Mr. Chairman: Alright, the next section is 104. Just to go back a moment, was there not to be a change in 100?

Mr. Legal Adviser: Mr. Chairman, I have come to the end of my list of amendments.

Mr. Chairman: Was there not to be a change in section 100(1)?

Mr. Tanner: In planning for zoning, I think in (1).

Mr. Legal Adviser: That change is marked in the Clerk's book, but it is not one of the list of amendments that I have in here. I think that we have adopted the last, it has changed from "planning appeal board" to "zoning appeal board". What was the Chairman's other question?

Mr. Chairman: There was a question on 103 also. I have noted here with brackets around the words "but excluding the construction of sidewalks and boulevards;"

Mr. Legal Adviser: That was reconsidered, Mr. Chairman, but the reconsideration was unfavourable to the wishes of the Honourable

Mr. Legal Adviser continues ... Member. The particular provision is for the protection of people who might be over charged unfairly. So, we decided to leave it in. In other words it is a road going past a man's house, it could be a large ... it could be a boulevard with trees, rose bushes and what have you. He should not be charged for all this beauty. The charge should be limited to the normal forty or sixty feet, for the protection of the individual, the small man, the little guy.

Mr. Chairman: Well, it was a question raised by the municipalities.

Mr. McKinnon: I thought these sections were going to, parts of these sections were going to be with the other sections that the "inspector of municipalities" was going to be changed to "Commissioner".

Mr. Legal Adviser: Yes, Mr. Chairman.

Mr. McKinnon: Section 103.

Mr. Legal Adviser: Not that one. It must have been omitted, it is not on my sheet.

Mr. Chairman: I notice 103(4).

Mr. Legal Adviser: This appears in (4) and (5).

Mr. Chairman: The "inspector of municipalities" disappears.

Mr. Legal Adviser: Yes, it will disappear. It should have been done. Carrying from one page to another, I think that it got lost.

Mr. Chairman: Will it for sure be done?

Mr. Legal Adviser: I see the Clerk nodding his head, Mr. Chairman, so I am sure that it will be. Now, in section 104 if we are on that, the definition here of a local improvement has been changed to standardize it with the definition which was approved by the House in the Taxation Ordinance.

Mr. Chairman: Clear on 104? Section 105.

Mr. Legal Adviser: It was just a preposition, Mr. Chairman.

Mr. Chairman: Are you clear? Section 113.

Mr. Legal Adviser: It was just to eliminate an unnecessary "s" after the word Government of Canada. There is only one Government of Canada.

Mr. Chairman: Might I ask what happened to 107 in your considerations? 107(1), what was your decision? The word circled "shall" in number 3, and we have "shall by bylaw".

Mr. Legal Adviser: It was considered in common with the others, Mr Chairman but the draft as it is, seemed to be the best draft for affecting the situation. Where the Commissioner incurs a cost, and does it with the wishes of the inhabitants, and the municipality takes over the operation of that particular local improvement, then it must be an obligation on the part of the council to collect the money and forward it to the Commissioner. If the word "shall" didn't appear the Commissioner would never get his money.

Mr. Chairman: Are you clear on 113? Section 115.

Mr. Legal Adviser: There is just the insertion of a word there, Mr. Chairman, to reflect the Whitehorse view, that they should be able to have sewage treatment plants.

Mr. Chairman: Clear on 115? Section 117.

BILL #10 Mr. Legal Adviser: There's just a minor change here, Mr. Chairman. One of the Honourable Councillors has something against working dogs and so there has been an elimination to that section.

Mr. Chairman: Clear? 121(2)?

Mr. Legal Adviser: Mr. Chairman, there's just a change...the figures were wrong in that subsection.

Mr. Chairman: I've noticed changes also in (3), which should refer to (1). Possibly that is in error. Subsection (2) line 1 should read subsection 1, correct? Subsection (3).... Clear then on 121(2)?

Mr. Tanner: Mr. Chairman, excuse me but I think there is a request for an addition to the Public Health Ordinance, 112. We don't actually have there, I think I brought it up last time, any ability by the city to make laws ...public health laws governing food outlets. We do have restaurants but I mean people operating food outlets.

Mr. Legal Adviser: Mr. Chairman, I think it would be wrong to just take out "restaurants"....they have the general power to make general bylaws to....I think that this is drafted in conditions wide enough to give the power to deal with anything that has to do with food.

Mr. Chairman: Clear on 123? 123 subsection (9).

Mr. Legal Adviser: Mr. Chairman, this was to meet one of the objections by one of the Honourable Members who objected to inspectors flatly telling when the businesses would close.

Mr. McKinnon: Section 116, as I understand it, Mr. Chairman, prohibits the city from setting up an internal bus schedule within its jurisdiction. There was thought on this and I don't think that there was any reason that anybody thought that they should be precluded from setting up bus system within the municipality, if they so desired. It says "subject to the Motor Vehicle Ordinance, the council may pass bylaws for certain things," and buses not operated in accordance with a set time schedule and we took out that it would preclude a city transit system from being set up and nobody could see any reason for that being precluded to the city if they found that they wanted to do so.

Mr. Legal Adviser: Mr. Chairman, the purpose of this section is to allow the city to control taxicabs and other smaller transports which are applying for hire. There is no relation to giving the city power to set up its own transit system. If the House wishes to do that, we could but we'd need a separate set of bylaws permitting the city to go into that type of business. Each...not denying the city the power, they have not got the power as I see it, to set up a transit system. If we want to give them the power, we can work on a set of bylaws making the power to do it.

Mr. Chamberlist: This applies under the Public Utilities, Public Transportation...

Mr. Legal Adviser: More than that, Mr. Chairman, we'd have to put the power in the Municipal Ordinance saying you can have a city transit system then you'd have to go to the Public Utilities Board applying for permission to do it, just like anyone else.

Mr. Chamberlist: With respect, Mr. Chairman, if a company wanted to put in a public transportation system they would apply for the public utility...I am talking about the company, if the city was going to put in its own transportation system then it would come under the public transportation regulations as well because we have said quite clearly that the Public Transportation Ordinance would apply to everybody, we are trying to make it apply to even Federal Government agencies. Certainly, we would want to make it apply to a child of our own making, a municipality.

BILL #10

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Could I ask a question here, Mr. Chairman? To set up any bus transit system here, anywhere in the Yukon Territory they have to apply through the normal licensing authority. The question I think the Honourable Member really wants answered here is, can the city on its own apply to that transit agency, under the present Municipal Ordinance, can they do it, or can they not do it?

Mr. Legal Adviser: They haven't got the power in this Ordinance to do that, we want to give it that, fine, but we have to draft it in.

Mr. Chamberlist: Mr. Chairman, as I understand it anybody has the power to apply to the public transportation...under the Public Transportation Ordinance to have a public transportation system operating. It would be under that Public Transportation Utilities Ordinance that the power would be given. This part deals with licensing and regulating. Certainly, the municipality wouldn't have to license and regulate its own operated municipal transportation system because it would have its own power, it is not going to pay itself a license fee, surely not.

Mr. Legal Adviser: Mr. Chairman, we seem to be going off on a tangent, it is a basic rule of law that a municipality has only got the power to do something when that power is granted by the senior government. Whatever the Public Utilities Ordinance, anyone can apply to them for permission, any person who has the power in the first place to go to them. They have no power to run the system, whether or not they get the license until this Ordinance is amended to give them that power. They don't have to exercise it but they have to have the power here first and then they go to the board and ask for any authority.

Mr. Chamberlist: With respect, I have got to argue against that in section 118(1), Utility Franchises Bylaws says this, "Subject to the approval of the Commissioner, the council may by bylaw grant a franchise upon such terms and conditions as it may prescribe, to any person undertaking to provide electric light, electric power, gas, cable television, telephone or transportation services or other similar or related services to residents of the municipality". They have got the right to do it there, are we saying now that they haven't got the right to do it?

Mr. Legal Adviser: It doesn't include the other. They have the right to grant a franchise. They can't give a franchise to themselves unless they have got the power to operate the system when they get the franchise. If that was wished we could do it. They have not got this far. Just because a man can marry a woman, doesn't mean a woman can also marry another woman.

Mr. McKinnon: The point was raised in debate anyway that there was no objection to the city or to the Members, if the city wanted to set up an internal bussing system within the metropolitan area they should have the ability to do that. I think we should give it to them while we are going through this Ordinance, rather than if they so desire in the future to come back to the Council and change the Ordinance to allow them to set up an internal bussing system, why not do it now? There is no objections, I don't think any members of the city council or the Territorial

BILL #10

Mr. McKinnon continues ...

Council objected to them being able to set up this kind of bussing system if they so desired. I wish they would, I think it would be a tremendous asset.

Mr. Legal Adviser: We could do this and we will do this, Mr. Chairman when we are reviewing these amendments and we can put it before the House, put in a block of sections giving the power to make bylaws for operating their own transportation system.

Mr. Tanner: Mr. Chairman, one of the points that was made during the talk on amalgamation was that it might afford the opportunity, if you had a jurisdiction over all to put in a bussing system, so I think we are almost obligated to try, particularly to aid a particular area of my constituency that I am rather fond of. Also, at that time there was talk of maybe we could get together and somehow utilize the buses that we have in the Territory, territorially for the school bus system and if we went and did it right now we couldn't give it to the city to help operate, or even work with the city. I think the Member has brought up a very good point.

Mr. Chairman: Committee then agrees that this then comes out in the revision, is this correct? 125(2)(b).

Mr. Legal Adviser: There was just a small change, to change the place where you register a trailer from the "assessor" to the "municipality".

Mr. Chairman: Clear? 128(1).

Mr. Legal Adviser: It was a typing omission which is repaired by putting in the words, "the ordinances are" in the last line.

Mr. Chairman: "or the regulations" Clear?

Mr. Tanner: Excuse me, Mr. Chairman, I'm going back to 119, I thought we were going to take something out there? "Squibs and crackers" or something.

Mr. Chairman: 128(1), 129.

Mr. Legal Adviser: Here, Mr. Chairman, one of the Members, I think all of the Members felt that we shouldn't have a limit on the amount of money that the local authority can give away so we took away the limit. in paragraph (f).

Mr. Chairman: Clear? 131(9).

Mr. Legal Adviser: That is just a minor change, we had forgotten to put in "and the Taxation Ordinance" at the end of the line, to make it clear that levies have the same collection rights.

Mr. Chairman: 133(1)(g).

Mr. Legal Adviser: That was a similar error, an unnecessary "f".

Mr. Chairman: 139.

Mr. Legal Adviser: My recollection is that the whole section is different, but I can't find my piece of paper with the section on it. 139 was on a separate piece of paper, but I can't find my piece of paper with the changes on it.

Mr. Tanner: Mr. Chairman, I am a little confused here. We are talking about....

Mr. Chamberlist: 131(1) is parkades.

Mr. Tanner: Maybe, Mr. Chairman can tell me what has happened, 131 entirely has disappeared, hasn't it?

Mr. Legal Adviser: I didn't appreciate that 131 had disappeared, it suddenly became very important in the municipal council the other evening, and it appeared obvious that they required the part subject of parkades. BILL #10

Mr. Tanner: Mr. Chairman, it is my understanding at the request and after a great deal of debate the city asked us to remove 131 entirely, and we debated for half an hour and we removed it entirely, as I understood.

Mr. Legal Adviser: If this is the wish of the House, it can go, but it will require renumbering.

Mr. Chamberlist: We agreed to take this out, Mr. Chairman, and it's out.

Mr. Chairman: If there should be any doubt in the matter, possibly you could consult the municipality and find out a restatement of their position.

Mr. Chamberlist: No way, we have heard their position.

Mrs. Watson: Mr. Chairman, I think we have discussed this in Council, in city council the other day when they referred to parkades and they said that there was provision in the Municipal Ordinance for the forming of a parkade. So what if we take it out?

Mr. Chairman: We should find out from the municipality, to read this to get a clarification.

Mr. Legal Adviser: It is only in Whitehorse, that it would ever be used in the foreseeable future, the question is to whether or not a street should be closed, just next door to this Council Chamber in order to provide a space to build a parkade up for the convenience of people in main street.

Mr. McKinnon: It was subsection (10) that everyone wanted to removed, that the Commissioner sets the fees and rents and we said that we would remove that.

Mr. Stutter: Page 581, Votes and Proceedings on section 10 it is recorded that city council feels that this section should come out.

Mr. Legal Adviser: The Honourable Member did oppose the continuation of section 10 because the Commissioner retains the power to review the rates, but this is the section which strikes a balance between the users of a parkade, paying on the one and the store keepers, who are obtaining the benefit of the attraction of the other, somebody must decide the balance of charges.

Mr. McKinnon: The debate was over section 10, but everyone feels that it was the municipalities prerogative to annually review the schedule of fees, rents, rates or charges without the Commissioner reviewing them, this is the city council's prerogative, rather than the Commissioners'. Section 10 was asked to be eliminated by the Council, both the Territorial and the municipal council, section 10 to be eliminated.

Mr. Legal Adviser: This is fine, we can take it out.

Mr. Chairman: Section 139.

Mr. Legal Adviser: Section 139, Mr. Chairman, subsection (1) remains the same. The other sections I think, would be required to be read, Mr. Chairman because the thought is different in effect. We are trying to mechanize the separation of the provisional budget and the annual budget.

Mr. Chairman: Reads 139 (2), (3), (4), (5), (6), (7), (8), (9), (10), (11). Discussion on 139? Clear. The next section is 140. I believe the word "bylaw" came out of this.

BILL #10

Mr. Legal Adviser: I think in section 140, Mr. Chairman, just take out the words "by by-law" when they're adopting a capital program and change "Inspector" twice in sub-section (3) to "Commissioner."

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

Mr. Stutter takes the Chair.

Mr. Chairman: Mr. Taylor?

Mr. Taylor: Mr. Chairman, I couldn't let 155 pass by without making comments on it because I will be making comments on this particular subject either later here or in other places. I still cannot see, as I could not see in the Local Improvement District Ordinance, where the Constitution of Canada, or anywhere else, gives an appointed civil servant the right to dissolve a public body. Under 155 "Where the Commissioner deems it is in the best interests", in other words at his discretion, "he may by order, appoint a person as the administrator of the municipality and (2) On the appointment of an administrator of a municipality, the council shall be deemed to have retired from office and to be no longer qualified to act for or on behalf of the municipality. There is nobody, I don't care what you say, or how you say it, there is nobody can tell me or any other parliamentarian in Canada that an appointed civil servant has the right to disband and deem disbanded an elected body of the people. You did that in the Local Improvement District Ordinance and you bulled it through. I don't know what's going to happen here but as long as 155 remains in this Bill in its present form, as well as section 6, then you certainly will have no part of my vote. I stand very firm on section 155.

Mr. Chamberlist: Mr. Chairman, it becomes laughable that here is a person who has been a Member of this Council for some twelve years or so and comes up against the section that has been in the legislation all this time and all of a sudden he now stands up and says he fights against it. I have never heard him raise the question prior. This is an existing section, we've always had the power of an administrator to be appointed. It's nothing new, it's nothing that's being put in for any specific reason. It's just simply that the Commissioner, the Government of the Yukon Territory must be in the position to administer an area if there isn't the capabilities of that area to administer itself. The position has been made clear, where in specific cases the administration of a municipality might fall flat on its derriere and the Commissioner would have to do something about it. This is what it's there for. I know that the people of Dawson City didn't like the idea when it happened to them once upon a time, but they recognized the fact that it was necessary. Those people didn't make many strong objections to it. There's nothing ulterior in any motive on this, it's exactly the same as what's been before and I repeat that it's strange that the Honourable Member hadn't raised his position after all the years that he's been on Territorial Council, yet it's been there all the time.

Mr. Taylor: Well, Mr. Chairman, it's not so strange. The matter never came up before. I might say that I think the Member is a little off track there because in my opinion this is ultra vires legislation. If it existed in the law books when we got here and exists in this old ordinance, I haven't looked it up, I certainly will, if it existed it's still ultra vires legislation because it is not competent for any appointed civil servant to disband a wholly elective public body and I don't care whether it is in a local improvement, a municipality or indeed this Council. They must be elected persons. Incidentally, in this Council the only people that can dissolve that is the Governor in Council, the Federal Cabinet. You're now telling me that the Commissioner can wander around here, I'm going to challenge this, you might as well have this straight, I'm challenging the Local Improvement District Ordinance and I will challenge this if it's permitted to go because it is ultra vires legislation you are passing.

Mr. Chamberlist: Mr. Chairman, It pleases me to no end to hear the Honourable Member say that we have a petition floating around which had something in the front of it about "the Commissioner shall use his powers to dissolve the Council." I understand that the Honourable Member was the adviser to Mr. Harvey Kent. You're asking for the Commissioner to dissolve the Council. Doesn't he know that only the Governor General in Council can dissolve the Council?

Mr. Taylor: Mr. Chairman, I don't know where this adviser bit comes from but I have a copy of the petition here and I don't see anything on that.....

Mr. Chamberlist: You'd better read it, everybody else has, haven't you?

Mr. Taylor: Mr. Chairman, I have a copy of a letter from Mr. Kent thoughhowever, I am not going to belabour you with that, I'm saying to you now that it is not competent for this Legislature, in my opinion, or any other Legislature to pass 155, allowing an appointed civil servant to at whim, without cause, to disband an elected body.

Mr. Chamberlist: Mr. Chairman, I quite frankly wouldn't accept the Honourable Member's opinion on any matter because he certainly hasn't very much knowledge of any legal matter at all but I'm sure perhaps Mr. Legal Adviser might tell him about his opinion.

Mrs. Watson: Mr. Chairman, I suggest we proceed and try to complete this Bill.

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

Mr. Tanner: I second that, Mr. Chairman.

Mr. Chairman: It has been regularly 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: Council will now come to order. I'm happy to announce that further to Motion No. 19, Councillor Stutter will be the representative of Council in the City of Seattle on March 20th.

Mr. Stutter: Thank you very much, Mr. Speaker.

Mr. Speaker: May we have a report from the Chairman of Committees?

Mr. Taylor: Yes, Mr. Speaker, Committee convened at 11:00 a.m. to discuss Bills, Sessional Papers and Motions. It was moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 4 be reported out of Committee as amended and this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 13 be reported out of Committee as amended and this motion carried. Committee recessed at 11:50 a.m. this morning and reconvened at 1:40 p.m. I can report progress on Bill No. 10. 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, I believe we have before us tomorrow some further discussion on Bills, Mr. Speaker, so I would suggest Bills, Sessional Papers and Motions.

Mr. Speaker: May I have your further pleasure?

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

Mr. Stutter: I'll second that.

BILL #10

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 five o'clock. Are you prepared for the question? Agreed? I declare the motion carried.

*MOTION
CARRIED*

MOTION CARRIED

Mr. Speaker: This House now stands adjourned until 9:30 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. Speaker: 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 Paper No. 10 and Legislative Return No. 14.

*TABLING OF
SESSIONAL
PAPER #10
LEGISLATIVE
RETURN #14*

Mr. Speaker: Are there any Reports of Committees? Are there any Bills to be introduced? Are there any Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? As there are no Notices of Motion for the Production of Papers we come to Motion No. 22. Is there a seconder for this motion?

Mr. Chamberlist: Yes, Mr. Speaker, I will second that motion.

Mr. Speaker: It has been moved by Councillor Watson, seconded by Councillor Chamberlist that "this Council endorses the proposal of the Honourable Jean Chrétien, Minister of Indian Affairs & Northern Development, to establish a National Park in south western Yukon to be known as the Kluane National Park, and that this Council respectfully requests the Honourable Minister to 1. make known to the Council the preliminary development plans as soon as possible; 2. make available to the Council as soon as possible the final development plans at least in their general parameters; 3. designate Haines Junction as a growth centre to take care of the anticipated population increase that will come as a consequence of the establishment of the National Park; 4. use the experimental farm as the administrative headquarters for the Park; 5. advise affected property owners of their status as promptly as possible." Councillor Watson are you prepared to proceed with this motion at this time?

MOTION #22

Mrs. Watson: Yes, Mr. Speaker. On February 22nd, the Honourable Jean Chrétien, Minister of Indian Affairs & Northern Development announced the formation of the Kluane National Park, in the Kluane Game Sanctuary in the south western portion of the Yukon Territory. This announcement was received very favourably by the Members of this Council, and I am sure by a majority of the people of the Yukon Territory. This announcement of course, brings many questions to mind to all of the people of the Yukon Territory. I feel that the Councillors here in particular would be very interested in receiving from the Minister some indication of what plans they have for the development of this area and the National Park. The general plan for the development, will it be kept as a wilderness area? How much commercialization, commercializing will be permitted in the Park? There are many questions that are arising at the present time. I would request support on this motion that we request this type of information from the Minister. I would also request that the Council support my thinking in having the Haines Junction area designated as the service centre, the growth centre for the National Park. The Haines Junction community is not within the Park boundaries. The commercial aspect of the Park could be set into a centre such as this. It would also lend itself in an area where the residents, the permanent employees of the National Park could be situated rather than have another small satellite community to provide residences for permanent employees of the National Park. Last of all, the former experimental farm at Mile 1019 is presently more or less in rental state, being used by the Forestry Department more or less on a caretaker basis. It is an ideal situation for headquarters. The property is there, some buildings are there. It is centrally located in the Park, and it is also situated in one of the most scenic areas in all of the Yukon Territory.

MOTION #22

Mr. Tanner: Mr. Speaker, I would move that this motion be put into Committee of the Whole for further discussion.

Mr. McKinnon: I wonder, Mr. Speaker, with the concurrence of the House, whether we couldn't enlarge on that and ask that a senior official of the National Parks Branch be invited to attend Committee to discuss Motion No. 22? I think that if we had someone of the calibre of John Gordon or another person from the National Parks Branch, that he could really enlighten Council and the public of the Territory just what is involved and what is going to actually take place in the first few years of the development of the National Park in the Kluane area. If Honourable Members would agree, I would move that Motion No. 22 be moved into Committee and that a senior official of the National Parks Branch be invited to attend Committee to discuss Motion No. 22.

Mr. Taylor: Mr. Speaker, I would be proud to second that motion. I think that it is important that we understand that the motion is in two parts. One seeks information in 1, 2 and 5. The other seeks direction. I think that this would be the best way of satisfying it, to discuss it in Committee and at that time presumably we will have the information upon which to base our decisions on, on the direction end of the motion.

Mrs. Watson: Mr. Speaker, I would request that Council deal with this particular motion at this time. We could have a further motion along the lines of what the Honourable Member from Whitehorse West suggests and move that into Committee of the Whole for discussion. I would ... I am very hopeful that this motion, itself, this would indicate our thinking in this matter. This itself should be the first motion, and then another motion come along the lines that the Honourable Member from Whitehorse West has suggested.

Mr. Speaker: Would the Members withdraw their motion? It has been moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Watson Lake that Motion No. 22 be referred to Committee of the Whole.

Mr. Chamberlist: With respect, Mr. Speaker that wasn't the motion that was made by the Honourable Member. He added to that motion, that something else take place. That a person invited, and this is not a motion to move into the Committee of the Whole for a particular purpose.

Mr. Speaker: I didn't read that out. Do you wish to withdraw the motion?

Mr. McKinnon: There is ... speaking on a question of order, Mr. Speaker, we are in a bit of a problem right now, because the mover of the motion has spoken once, and other Members have spoken, and the Honourable Member has spoken once again. If we go by the Rules of the House, the motion ... the debate has been closed on the motion, and the question should be called. I think that we have worked ourselves into a box where we have to get it into Committee. I heard my motion, that Motion No. 22 be moved into Committee of the Whole for discussion. I think that if that question were called, then we could discuss Motion No. 22 in Committee of the Whole.

Mr. Chamberlist: Point of order, Mr. Speaker, when the Honourable Member for Carmacks - Kluane spoke the second time, she spoke not on the main motion the second time, but indeed on the motion to move into Committee of the Whole. She was really quite in order. I am now speaking on the procedural motion to move into the Committee of the Whole. I am suggesting, Mr. Speaker that to move it into Committee of the Whole, would be the correct thing to do. The Honourable Member from Whitehorse West, when he made his motion, he added to the motion. The motion that was already on the floor, and before a person had time to second it, then the Honourable Member from Whitehorse West made another motion and added that a person be invited to the Committee.

Mr. Chamberlist continues ...

This should be an invitation by the Committee of the Whole, and not by the Council. I am unable to second the procedural motion of the Honourable Member from Whitehorse North, and if somebody would second that motion we find that we would be straightened out completely.

MOTION #22

Mr. McKinnon: On the point of order, Mr. Speaker, there are two ways of doing it. I heard the motion as it came back from Mr. Speaker, simply stating that the motion was, that Motion No. 22 be moved into Committee of the Whole. Mr. Speaker chose not to otherwise hear the other part of the motion. I am acceptable to go along with this procedure, voting on the motion as it came from the Chair of Mr. Speaker. If that is not acceptable to Members, I am prepared to go further and withdraw my motion if the seconder will, and allow the motion from the Member of Whitehorse North to stand. Whichever procedure that Mr. Speaker chooses to follow, I am only too willing to follow the direction of the House.

Mr. Speaker: Shall we proceed with the procedural motion as read from the Chair? Are you prepared for the question?

Mr. McKinnon: Would you repeat the motion, Mr. Speaker?

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Watson Lake, that Motion No. 22 be moved into Committee of the Whole.

Mr. Tanner: On a point of procedure, Mr. Speaker, I moved the original motion to Committee, and I think that if I had a seconder, that is the one that we should be voting on.

Mr. Speaker: Will the Honourable Member from Whitehorse West and the Honourable Member from Watson Lake withdraw their motion?

Mr. McKinnon: I would be happy to withdraw my motion, Mr. Speaker, if that is the way the House wants it.

Mr. Taylor: I will withdraw, if that is what the House wants.

Mr. Tanner: Point of order, Mr. Speaker, could I ask Members if they would like to second my motion and we will get out of this bind and get into the House.

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

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North, seconded by the Honourable Member from Dawson, that Motion No. 22 be moved into 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. We will now have a short recess.

RECESS

RECESS

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

Mr. Taylor: I am wondering, Mr. Speaker, if Mr. Commissioner could advise me this morning as to whether the final details have been worked out and the agreement formulated in respect of the Alaska Highway takeover?

*QUESTION RE
ALASKA HIGH-
WAY TAKEOVER*

Mr. Commissioner: Mr. Speaker, to say that the final details have been worked out, would not be correct. Everything is progressing according to the timetable that has been laid down and April 1 is the

Mr. Commissioner continues ... takeover time as far as we are concerned, and as per my commitment to Council, as soon as a final agreement has been arrived at, it will be tabled for Council's information. I am afraid that there is going to be possibly a transition period, Mr. Speaker, of several weeks or maybe even several months before the whole turnover is actually completed. Basically, April 1st will be the effective date as far as Y.T.G. taking over the maintenance of the highway within the confines of the Yukon Territory and of course small portions that go through British Columbia is concerned.

Mr. Taylor: Supplementary, do I take it then that no formal agreement has yet been signed by the Commissioner on behalf of the Government of the Yukon Territory in respect of the highway takeover?

Mr. Commissioner: Mr. Speaker, no agreement has been signed as yet, because as I say I wouldn't even predict when this will be ready. Mr. Speaker, there are innumerable details that have to be dealt with but I go back to what I said, April 1st is the effective date insofar as the employees and the bills are concerned the Alaska Highway.

*QUESTION RE
RESIGNATION
& RE-ELECT-
ION*

Mr. McKinnon: Mr. Speaker, the Honourable Member from Whitehorse East stated in this House yesterday, that if the Honourable Member from Watson Lake resigned his seat, went to the people and was elected again, that the Honourable Member from Whitehorse East would give two thousand dollars to charity. He would also ask that the Council be dissolved. Mr. Speaker, I think that this is a most generous and gracious offer. I wonder, Mr. Speaker, if the Honourable Member from Whitehorse East would be prepared to make the Honourable Member from Whitehorse West the same offer as he made the Honourable Member from Watson Lake, yesterday?

Mr. Chamberlist: No, I will not make that offer, because this Council needs Councillor McKinnon here as a viable opposition, and he is doing a good job in that. We appreciate the fact that from time to time, he at least, does come up with some common sense statements in the House. I think that all Members of the House appreciate this. The offer that I have made stands, for Councillor Taylor to resign and go to the people on his principles as a past Member of this Territorial Council, as former Councillor John Watt did exactly the same, went to the people and got re-elected to this House. The offer stands. Again I repeat, two thousand dollars from my own pocket to any charity named by the Honourable Member for Watson Lake if he resigns and gets re-elected. I again, repeat, that I would ask that the Commissioner to consult with the Governor General-in-Council to dissolve the whole Council, if Councillor Taylor was elected. I would be very reluctant to be on Council at that time, myself. I might even wish to resign myself at that time.

Mr. Taylor: Supplementary to the question just asked and the reply just given. I am wondering if I was to consider quitting, which I am not a quitter. If I was to consider quitting for the purposes specified in the offer made by the Honourable Member from Whitehorse East, would he then be prepared to resign as Minister of Health, Welfare and Rehabilitation in order that he didn't use the might and the tax dollar and the concessions that he now enjoys in his office against me in such a by-election?

Mr. Chamberlist: Mr. Speaker, I don't think any Member of this House, can indicate that I have at any time used my position as Territorial Councillor or that of Member of the Executive Committee in any manner other than in the manner that I have been using it. Certainly the challenge that I have made to the Honourable Member, is one that he should give serious consideration to. In other words, if he doesn't get off the pot, he has to do something else. I think that he might be doing that too at this time. I think certainly, that he should take up the offer, and show the people, the little guy that he refers to so much, that he is indeed a man of his word.

Mr. Speaker: Let us remember the decorum of the House. Are there any further questions?

Mr. Taylor: Yes, Mr. Speaker, I have one further question, that I would direct to the Honourable Member from Whitehorse East this morning. In reviewing statements made on Medicare, and those people who have not registered effective April 1st. I wonder if I might ask the Honourable Member, Mr. Speaker, if it is his intention to prosecute people not registered as of April 1st?

*QUESTION RI
MEDICARE*

Mr. Chamberlist: Mr. Speaker, it is not my intention to do anything. What is law, is law. The Government of the Yukon Territory will act accordingly to what the law is.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I would like to ask the Honourable Member from Whitehorse East a question. The Yukon Health Care Insurance Plan which comes into effect on April 1st, is compulsory. If a person has not registered as of April 1st, his private plan has been terminated because of the compulsory nature of the Yukon Health Care Insurance Plan. Would that person, even though he hasn't registered under the Plan, is he covered by the Yukon Health Care Insurance Plan?

Mr. Chamberlist: The answer is in the affirmative, Mr. Speaker. All people are covered, even though they have not registered. They are subject to prosecution for not registering.

Mr. Speaker: Are there any further questions? We wish to thank the Commissioner for his attendance. 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 Bills, Sessional Papers and Motions.

Mr. Speaker: Is there a seconder?

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

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member from Dawson that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers and Motions. Are you prepared for the question? 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.

BILL #10

Mr. Chairman: At this time we will call Committee to order and the first item of business is Bill No. 10. When last we rose we were discussing section 155. Councillor Stutter will you take the Chair.

Councillor Stutter takes the Chair.

Mr. Taylor: Is Mr. Legal Adviser not ...

Mr. Chamberlist: I wonder Mr. Clerk, is Mr. Legal Adviser available?

Mr. Chairman: I think at this time we will call Committee back to order. We are presently discussing Bill No. 10, Municipal Ordinance and we are at section 155, the whole Ordinance, the unamended Ordinance. Councillor Taylor.

Mr. Taylor: Mr. Chairman, I'd just like to say again my position when last we rose in respect of section 155. My contention of 155 resulted by legislation which would give the Commissioner the right to disband an elected body without cause. Or even give the commissioner the right to disband any elected body, per se. It seems to me and others, that this defies the constitutional right and I certainly feel that 155 should be amended or stricken from this Ordinance. I would like to hear the comments of the Legal Adviser.

Mr. Chamberlist: I wonder if the Legal Adviser would allow me to give some information to the Honourable Member which obviously he hasn't taken cognizance of. Yesterday, while we were debating this particular section, I pointed out that this same section has been in Municipal Ordinances for twelve years the Honourable Member has been a Member of Council. In fact it has been in the Territorial Legislation right back from the inception of Municipal Ordinances. Now the Council Member has indicated that there is some area where it is ultra vires of what he didn't say, but that it was ultra vires. In every jurisdiction in Canada there is provision for the appointment of the administrative officers, where the Lieutenant Governor in Council in a province needs to take over control of a municipality. Section 800(a) of the B.C. Municipal Act reads as follows: "Notwithstanding section 800, which incidentally 800 is the area where the provision is made for where the payments for a municipality haven't been kept up," upon a report of the Inspector of Municipalities that a municipality has failed to or cannot make due provision for the payment of either the principal of, or the interest of any debenture issued or guaranteed by the municipality when the payment is due, the Lieutenant Governor in Council may appoint a Commissioner under section 800". Section 801 of the Municipal Act of B.C., "The Lieutenant Governor in Council may confer on a Commissioner appointed under this Part, any rights, powers and authority which could by Order be conferred upon a Council under this or any other Act." The powers that are vested in this Administration is laid out in section 802 of the Municipal Act. "Upon the appointment of a Commissioner for a municipality under this Part the members of the Council, the Police Commissioners, the Parks Commissioners, the Civic Properties Commissioners, and all officers of, the municipality shall be deemed to have retired from office, and all the rights, powers, and authorities theretofore vested in or exercisable by the mayor, Police, the Parks Commission, the Civic Properties Commission, and other officers of the municipality by or under the provisions of this Act or any other Act shall be vested in and exercisable by the Commissioner." And there are whole areas of sections dealing with this specific thing. It goes on in that section and subsection (2) of that Act, "Nothing contained in this section shall operate to prevent the full exercise by the Commissioner of the Powers exercisable

Mr. Chamberlist continues....

by the Council or other administrative body relative to the appointment, control, or removal of its officers and employees." It goes on further, "upon the appointment of a Commissioner for a municipality under this Part, the school district of which the municipality is comprised of." It goes on exactly the same. It even goes further, but under section 803 of the B.C. Act, "A Commissioner appointed for a municipality under this Part has power to adopt such bylaws as might be adopted by the council of the municipality." So that we have here quite clearly, what the position is. Even the Court of Revision, the powers that are given to the administration, so.... and I just got in front of me the B.C. Act; there are other Acts; the Saskatchewan Act, the Manitoba Act, the Alberta Act. They all make provision for this type of thing. In the Province of Ontario if a Board of Commissioner appointed by the Lieutenant Governor in Council...that the suggestion that what has been in existence for so many years in the Territory here and what in fact exists in other jurisdictions in any way departs from the general principles of a municipal government, have not been made at all, by the Honourable Member, and certainly as far as I'm concerned, there is every reason that section 155 be in this Ordinance and I will suggest that it remains as such.

Mr. Taylor: Mr. Chairman, may I thank the Honourable Member for the enlightenment. What I am saying is that in the existing Ordinance, I am looking for the section and I haven't been able to find it as yet, in any event, in the green consolidation...."In case a municipality for any reason fails to provide for the payment of either the principle money or interest on any debenture issued or guaranteed by the municipality when the payment is due, any creditor or any elector of the municipality may apply to the Judge of the Territorial Court for an order for authorizing an appointment of an administrator for the municipality." In other words, cause is shown, cause is spelled out in the part of the reading in section 800(a) of the Municipal Act of the Province of British Columbia the same thing....cause has got to be shown in the areas specified in the section. Now, what we've done is that we've passed a piece of legislation in the form of the Local Improvement Ordinance containing the same information which I maintain is ultra vires, now in the case of the Province of British Columbia, certainly these people aren't elected as government officials, they are appointed as such. I suggest that the section 155 as it is written here is completely ultra vires and should be either stricken from the Ordinance or that indeed it should be amended to show under what circumstances the Commissioner can appoint an administrator.

Mr. Chairman: Is there any further discussion on section 155?

Mr. Chamberlist: Mr. Chairman, the point that was made as I understand it, by the Honourable Member, that he is opposed to a civil servant administering and dispensing with a council. Now this is the point that I gathered from him that the procedure was being adopted here in fact the same as in most jurisdictions. This is the only area that the practical suggestion is being made that it is ultra vires. Ultra vires of what? This is what I would like to get from the Honourable Member, he has used the expression "ultra vires," perhaps he can indicate ultra vires of what particular Act.

Mr. Taylor: Ultra vires of constitution, Mr. Chairman. You see the essential difference is and even I have found a section now in the existing Ordinance, "in any case where a municipality is in serious financial difficulty and the Commissioner deems it in the best interests of the municipality, of the ratepayers, and creditors thereof, that its affairs be conducted by an independent administrator, the Commissioner may by order in writing, appoint a person as the administrator." Then it follows, "that from an active date of the

Bill #10

Mr. Taylor continues
appointment an administrator of the municipality of the Council should be deemed to have retired from office." I can't argue with that one. There is cause shown there, the municipality is in financial...serious financial difficulty. I would have to consult constitutional experts to determine whether or not...But certainly, where the Commissioner without showing cause is given the right to disband an elected body there is nobody here or anywhere else that can tell me that this is reasonable legislation. It is just unheard of, unthinkable. So I say again, this must be stricken from the Ordinance or revised where the Commissioner must show cause because then if the Commissioner shows cause then this could be appealable to the court. If the Commissioner says all right I deem that this municipality is in serious financial difficulty and indeed uses this power to dissolve the Council, at least the Council and the municipality have the right to go to court and say all right show cause. Under this section 155, he does not have to show cause.

Mrs. Watson: Mr. Chairman, I think that this was our debate last time we came to this section and the answer was pointed out to the Member from Watson Lake that there are other reasons other than financial difficulty, where it might be necessary to put the administrator in for a certain period of time. An example was given of Dawson City where the councillors weren't speaking to each other and weren't performing business, that the employees of Dawson City had to be paid, the day to day business had to function. Unless we have something like this you can't appoint someone to carry on, and the people in the municipalities suffer. It is well enough for us to stay here and stand on our constitutional rights which we seem to be standing upon constantly, but the people in the municipality suffer. The day to day business can't continue and we have to take some consideration of that too.

Mr. Taylor: Mr. Chairman, I think constitutional rights are rather important here, they don't seem to be exercised around here quite enough, these days. I am saying this if you say all right spell it out, if the cause is that nobody is getting along in council and they're not talking to each other put it down, show cause within this section. But if you leave the Commissioner the blanket power of being able when he deems it in the best interests to absolutely dissolve an elected body of the people, that is contrary to democratic rights.

Mr. Chamberlist: All right now, most Members of Council know I have fought the words, "deemed to be" because this doesn't place it has in the past placed in the hands of the body of the Office of Commissioner, an excessive power. In the past I would agree that it might be interpreted that there is an excess of power being placed in the hands of the Commissioner. I think that Members of Council know that I have objected, the Honourable Member from Watson Lake knows that I have objected where the words, "deemed to be" have been put into legislation. But in this particular area there is an administrative function that has to be carried out by the senior officer of the Territorial Government. That administrative function is to appoint. He doesn't appoint without his Executive Committee knowing about this particular area. It is unfortunate that we still have to use the words, "the Commissioner" in there. We have to use the words, "the Commissioner" because the Yukon Act is written in such a way where the word, "the Commissioner" is used. If we were of provincial status it would be the Lieutenant Governor in Council. It happens to be the Commissioner in here now. The very very important point that was made, relative to Dawson City, it would place the people in Dawson City in a most unenviable position as a result of not having the powers to put an administrator in. The Honourable Member has already indicated that the powers should be there for those particular purposes. But where it says here "where the Commissioner sees that it is in the best interest of the municipality surely the

Mr. Chamberlist continues ...

best interest of the municipality is required to be considered. We can't say what in a hundred different items of what may be a best interest of a municipality. I don't think that I am going to succeed in converting the thinking of the Honourable Member from Watson Lake. But certainly I would ask that other Members recognize once again that where we have the words, "the Commissioner" it is no longer the Commissioner that speaks on his own because he is in consultation and acts upon the advice of the Executive Committee of which he is the chairman. Now if you do not recognize this thing the Executive Committee principle as we have it now commencing towards the stage of more autonomy it is defeated and we go backwards. When the time comes along that there is a more substantial type of government, a wholly elected government, a wholly elected Executive Committee there would be an amendment to say to the effect that where the words "the Commissioner" are being used, this is the Executive Committee or the Lieutenant Governor in Council or whatever the case may be. Right now, this is the only way that the Commissioner can be given the authority upon the advice of his Executive Committee, where in the best interest of the municipality there is a necessity for an administrator to be put in. To me, it follows in the other legislative areas.

Mr. Tanner: In the old Act, those read differently from this one but in actual fact it says the same thing when you look at it truthfully. It says "in any case where a municipality is in serious financial difficulty or where the Commissioner deems it in the best interests of the municipality", so that all that is virtually the same and with the major difference that they bring attention to a financial problem which might occur in a municipality. Referring to what the Honourable Member from Watson Lake said, rather from Carmacks-Kluane said, in the case of Dawson City, as I understand the circumstances there, you did actually have a financial difficulty, irrespective of how it arrived, you had a financial difficulty insofar as you couldn't carry on...

Mr. Chairman: Just from the Chair, this isn't quite so. There wasn't a financial difficulty as such. As was stated, there was definitely conflict of opinion, they just weren't working together. In fact, I think they even resigned at one point. Mr. Commissioner?

Mr. Commissioner: Mr. Chairman, this was fine after they resigned we were okay, but the problem was that they I won't say they wouldn't resign...

Mr. Tanner: Well, Mr. Chairman, my point is this, and actually I've continually made the point right from the beginning and I know it's not going to be very popular but I think it's one that we should take a look at again, it's the fact that we're trying to write legislation for two different areas of authority. We're writing legislation for the small municipalities in the Territory as a whole, where the circumstances aren't the same as they are in the major city of the Yukon and I feel that some of the things that we have to put in here to look out for those outside of the City of Whitehorse's interests, aren't the same as we have to put in for the City of Whitehorse. This particular area could have been resolved if we were working on for example, a charter to the City of Whitehorse and a separate Ordinance for the rest of the Yukon and I think this is part of the problem illustrated here. In fact, it's illustrated right the way through this. The justification for much of this legislation has been, we are going to be forming new municipalities in the future, we've got small ones now who are fledgling, starting up, learning how to do the job and consequently we have to write the legislation for two different areas. In my opinion, this is an illustration because the financial problems which the City of Whitehorse might incur aren't the same as the financial problems which is this case of Dawson or Faro or whatever municipalities in future we may have.

Mr. Chairman: Councillor Taylor?

BILL #10 Mr. Taylor: Mr. Chairman, I just want to keep the record straight. The Member was reading from a different document than what I am reporting to be the section 353. Apparently the Member's copy reads different than mine because he just got up and said that it is entirely the same thing. That in any case where a municipality is having financial difficulty, or the Commissioner deems it in the best interest mine reads, "and the Commissioner deems it in the best interest." And that one little word is pretty important in this meaning. In other words the Commissioner must show cause to the existing Ordinance and he must show at some point of time the municipality is in serious financial difficulty. Define its cause. I'm still, as I said, questioning whether that is quite chipper or not, but the Honourable Member from Whitehorse East is talking about how the Commissioner means the Executive Committee and I think it is important that everybody understands, that the Executive Committee is really a nonentity it is nothing, nothing in law. There is nothing in the Yukon Act which states that anybody under the Executive Committee apart from the Commissioner, his Executive Assistant, and his Administrative Assistant, have any right to administer. What is not expressed, Mr. Chairman, it is simply a nonentity. The Commissioner still rules the Yukon Territory under..by virtue of the Yukon Act. He has an advisory body set up around him and that is purely and simply that. When you come and tell me that now, where we say, where the Commissioner deems it in the best interest of the municipality. It means just exactly what it says. When the Commissioner, the person who holds office at that time deems in the best interest he can go and wipe out an elected body without showing cause, so consequently I still feel that this must be taken from the Bill or amended to where the Commissioner must show and state cause and thereby a right of appeal would be permitted so that the people would have recourse to the court, if they don't agree.

Mr. Chairman: Mr. Commissioner?

Mr. Commissioner: Mr. Chairman, with respect. If you are going to have local government, and I think that this is the desire of everyone here. You have to have some means of seeing that this local government operates on a continuing basis. While I am not in entire disagreement with some of the argumentations that have been put forth here, Mr. Chairman, I want to point out to you, that there is no way in this world; that you are ever going to enumerate on all the paper, that has ever been manufactured in this world, all the potential difficulties that can arise in municipalities, that may call for the appointment of an administrator. Now, on more than one occasion, and I have been personally involved in this, matters have gone to court here in Whitehorse, in which we have wound up with having to have three elections, before we have wound up with a city council. Now, in this hiatus, that was created on at least three separate occasions; there had to be an ability to govern the city of Whitehorse. It was done at that time, through the Territorial Treasurer, who was given an appointment by the Commissioner of the Day, to see that the business was conducted. It was conducted, through the civil servants, who were working for the city of Whitehorse. But it was definitely done, as a consequence of authority given to them. There's just no way, that you are ever going to get all these things working. At the next election in the city of Whitehorse, if somebody decides that none of the people were qualified; and I think that that's the thing you've got in the city council right now. Now, this has nothing to do with financing, Mr. Chairman, it's just a simple fact of life. If you haven't got this ability, this is where the responsibility lies. If you don't have the ability to do something about it.

Mr. Taylor: Mr. Chairman, I agree with what Mr. Commissioner says. I think that you can outline, generally, the areas in which the Commissioner would have the right to dissolve an elected body, in the terms of the Municipal Ordinance or the L.I.D. Ordinance, for that matter. But I think you must do that. You can't give a blank cheque to an appointed civil servant to disband, when he is at will, an elected body. It's just unthinkable.

Mr. Chamberlist: Mr. Chairman, I can finish this thing up. There is no way, that you can get over to the Honourable Members, that what he is saying is just falling away from what he has already indicated, that he has done now, and that is get rid of section 353. Section 353, of the Ordinance, is quite clear and specific. In any case where a municipality is in serious financial difficulty and the Commissioner deems it in the best interests of the municipality and the ratepayers and creditors thereof that its affairs be conducted by an independent administrator, the Commissioner may, by order in writing, appoint a person as the administrator of the municipality." Now, isn't that language clear, Mr. Chairman. The language is absolutely clear. I don't think that there is any necessity to go beyond the facts, to repeat it in. What we have done is just simply to continue what is an existing method of continuing the governing body of a municipality, that is done right across Canada. The administrator is given all those powers, that an elected council or an elected board of commissioners ... It's really getting very terrible; when the Honourable Member is trying to identify his own voice with the infallible voice of the people, who are not infallible all the time. When he stops to recognize this, perhaps he will recognize that there is a necessity of doing things to help people. And this is all that is being done.

Mr. Taylor: Well, probably, if the Honourable Member would look again, he would find that the difference, that he just attempted to point out to me, between the two, is indeed the fact that you've taken out the show for cause. "where a municipality is in serious financial difficulty" is cause; "and the Commissioner deems it in the best interests"; so in other words, cause must be shown. Cause does not have to be

BILL #10 Mr. Taylor continues ...

shown, under the existing Ordinance.

Mr. Chairman: I wonder, if I might add from the Chair, if section 353 of the old Ordinance is acceptable by the Administration and also by Councillor Watson, herself? If so why not change section 155 ...

Mr. Taylor: Could we have a reason why from Mr. Commissioner?

Mr. Commissioner: Yes, because it is bound to be an impractical application, Mr. Chairman. We have found ourselves, on three separate occasions, in the last four years, with being without the legislative authority to continue the proper operation of municipal government in the Territory.

Mr. McKinnon: Mr. Chairman, I do have some difficulties with section 155. I find it particularly difficult. I didn't have so much difficulty with the old Ordinance, because we all knew the objectivity, and the non-partisanship of the Commissioner; he was never playing politics with the appointment of an administrator. Now, we've been told that poor ol' Jimmy is nothing more than a tired old figurehead. He's been put out to pasture. And that in essence, a political group is inside the Government. Just imagine the situation in Watson Lake, if it became a municipality and the Honourable Member from Watson Lake happened to be chosen by the people as the Mayor of Watson Lake. A political party, in charge of the Government, would think a barbary ape would be in the better interests of the community of Watson Lake. The administrator there, the person who is democratically chosen as the mayor of the community. They have the full power under section 155 of annihilating an elected body for no reason whatsoever. They do under section 155. That's why I, as an elected member, do have some difficulty with section 155, as it now stands. You can say that it would never be done for this or that, or for any other reason; but politics being what they are, and the clash of personalities and temperaments, you can see that the senior Government, in some instances, move in to take over the Administration of a junior Government. Because they didn't feel that it was being run in the best interests, by the people, who were democratically chosen, in that community. And as I do say, I do have difficulty with this section.

Mr. Chamberlist: Surely, Mr. Chairman, the Honourable Member recognizes that, the Government is trying to give the local government to the municipality and local areas. Why would we want to take it away, under any circumstances? We want to unload ... certain parts of responsibility to municipalities. We've got to be honest about it. Why would we want to pull it back? You know, somebody might say that, we want to pull back the city of Dawson into our hands, the city of Whitehorse into our hands, we want to pull back power into our hands; God help us, if we start thinking in terms like that. We want to give away autonomy; we want to give away strength to people. Even if Councillor Taylor was elected mayor; I would say that it's up to the people in Watson Lake, poor people. You know, if there was kind of a plebiscite, and they were able to do it. And I hope that he is going to go back to his people again, to get back here. The matter must really be recognized that, we haven't changed the situation, except for the fact that we are locked up in an area of financial consideration. But, we have to recognize the fact that there are many other areas. I wonder if we could now agree to this, and go on to the next item.

Mr. Tanner: Mr. Chairman, I too have reservations about this. If you look at the B.C. Act, they have gone to quite a lot of trouble to specify what the reasons are. What the Honourable Member from Whitehorse West has said is true. In fact, that could happen. The ongoing situation between the city of Whitehorse and the Territorial Government, irrespective of why it's happening or who's involved, is that there is a conflict. A situation could arise in six months time where the conflict continues and somebody on this floor says, we just can't work with these people anymore. The situation could

Mr. Tanner continues ...

BILL #10

arise. Under section 155, as it is presently written, the people on this floor could say, well, we don't need them anymore and they can go. I again would ask the Honourable Member: ... and it doesn't surprise me knowing his reputation from reading the votes and proceedings from past Council, that he would buy that, as is. I'm positive that he wouldn't buy that, as is, if he wasn't sitting in the position and has the knowledge that he has, if he was sitting in a different position. I would ask the Honourable Member, that when he is reviewing this legislation, to look at it again and see if he can find some assurance for myself and the other Members of this House, who have reservations about that particular section.

Mrs. Watson: Mr. Chairman, I don't like to take anymore time on this particular section because I think that we've talked it to death. However, a further section in the Ordinance will tie itself back into section 155. I am referring to the section on the Board of Inquiry; where, "The Commissioner may, on complaint, appoint one or more persons who shall constitute a Board of Inquiry". The Board of Inquiry hears the complaint, and then subsection(5) says, "The Board of Inquiry shall report its findings to the Commissioner, with its recommendations". Now that Board of Inquiry could well recommend that the Commissioner appoint an administrator to go into that municipality. If he doesn't have the capabilities, the legislative capability, of doing it ... The Board of Inquiry is instituted, by complaints, by people who live in the city, from the people that you are now talking about.

Mr. McKinnon: I can't buy that, Mr. Chairman. The Board of Inquiry could be the Director of Municipal Affairs and two of his inspectors, hired and dependent for their jobs upon the Executive Committee receiving a payroll report form, telling them to get off their fannies. And it can be, so you can't ... So the Board of Inquiry would have to be independent; there can't be any Territorial or Federal civil servants or part of the Judicature, or something like that. As the Board of Inquiry now stands it could be nothing but a sop to the people who have rid the city of an elected body, and just backing up what they have done. It's as obvious as it could be to the Ordinance, that that could happen. You have to legislate, to try and see what could happen legislatively, if you don't look into every aspect. And what the Honourable Member from Watson Lake has raised, the Honourable Member from Whitehorse North, the Honourable Member from Dawson made the point at the beginning, and I have raised it. It is correct as the Ordinance is now written. These things could happen. They could happen in the community of Dawson City; they could happen in Faro; in Whitehorse. And we are not responsible legislators if we don't try and take care of these eventualities at hand. We need preventive legislation in there, that will stop this kind of thing from happening.

Mr. Chamberlist: Mr. Chairman, I've been smiling to myself because yesterday, I heard the Honourable Member from Whitehorse West ... Rather, I should say, I'll start this way. Today, the Honourable Member from Whitehorse West is showing some concern, that the Executive Committee would act in a dictatorial manner, to defeat a municipal council. Yesterday, he stood up with, and with great words admired the dictatorial powers of Senor Castro from Cuba. It is most amazing how this type of thing ...

Mr. McKinnon: The only thing that I admired about Senor Castro was his long flowing beard and his battle fatigues. Nothing else. I didn't go into the philosophy of the Government of Cuba, or anything else. I said that I thought that his dictates were probably popular in Cuba and I admired his ...

Mr. Chairman: At this time, I think I will declare a coffee break.

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Mr. Chairman: I think at this time we will call Committee back to order. We are still discussing section 155 of the unamended Ordinance. BILL #10

Mr. Taylor: Mr. Chairman, I wonder if the Administration would be amenable to taking, while they are reviewing section 6, I'm wondering if they would be amenable to reviewing the provincial approach to this particular problem and possibly bring back some amendment to 155. This would have the effect of the Commissioner being forced to show cause before he, in the best interests, deems the municipal council wishes to be dissolved. The approaches mentioned by the Honourable Member from Whitehorse East as outlined in the British Columbia legislation, may be the approach. I'm wondering if they would do that?

Mr. Chamberlist: Well there's no reason why we can't look at it again but, at the moment it appears to me that it's not acceptable to the Honourable Member unless it's changed to suit him. And the answer to that will be, no, because the records of the Program Committee have gone over this very, very thoroughly and have come to the conclusion that this is how it has to be. Now there is an alternative as being given by the Honourable Member, as saying, take it back, and bring it back the way it is, I won't agree with it. But if you take it back and change it, then I will agree with it. So we might as well tell you ahead of time this is one we have to remain firm on. What's the point of wasting time on it?

Mr. Taylor: Mr. Chairman, I'd just like to clarify a point. I didn't say I'd agree with anything. I'm saying would they take this back and review the section in light of the approach the provinces have taken to this matter and more particularly along the lines as suggested by the Honourable Member, and see if we cannot find an amendment which is satisfactory to the need here.

Mr. Chamberlist: It is felt that this is the only way that we can have the power that we need, and we can go beyond that.

Mr. Chairman: I wonder if I might just make a suggestion from the Chair. It does mean that four of the Members present, do have a little difficulty with this section. I wonder if it might be possible to consider bringing in the Board of Inquiry and some way, provided that that Board of inquiry is acceptable to both the Commissioner and the councillors of the municipality that is to be dissolved.

Mrs Watson: Mr. Chairman, with respect, it's usually a matter ... is everyone in this bind, or if something like this happens, you can't go to a Board of Inquiry, what happens to the services to the people in the municipality? As far as I am concerned there...the only reason I feel firm on this is the fact that I feel that the people that are living in the municipality need some protection. If there is a conflict by their elected representative, there is a financial difficulty, if we have a situation where all of the members of one of the municipalities within Whitehorse, they have the same employer and the employer should fire all of them, and this type of thing. So many things like this could occur. There is no one there to give the orders for the services to continue. And in order to protect the people so that these services will continue, we have to have a little bit of flexibility, and it's a danger, I realize this. But we do have to take that risk in order to protect the people who live in the municipality. As the senior government, it is our responsibility.

Mr. Chairman: I was thinking that perhaps some of the Members will look at this section with the intent of trying to make an exception, and if Members of Council would at this point just consider to leave it, we could carry on with the Bill or the next section.

BILL #10

Mr. McKinnon: Just one more word, Mr. Chairman, I agree with the Honourable Member from Whitehorse East even if I did ... for the agreement of the Honourable Member for Watson Lake, but he is legislating for the agreement of a majority of this House, or he fails to get it. Well I can understand that four Members of this House that are having very real difficulty in section 155, and I think that as stated this morning that there are jurisdictions who have got around this by showing some reason for cause for moving an administrator in. I'd be certainly amenable if the major reason for cause that a person could think of for moving in an administrator, be outlined in the Ordinance and then effect to say, "or for any other cause that the Commissioner deems it in the interest of the community". That would be perfectly acceptable to the Members of this House. I think that the Honourable Member should think back into his background where he was a fighter for the protection of democratically elected legislature, and I think that he will probably come around to thinking of the majority of this House, when he looks at it seriously and sees that there are availabilities out of other jurisdictions where this problem can be solved to the agreement of everybody in the House. We are having problems with this section, those of us who are not on the Executive Committee. And I think that from the arguments that were raised by the Honourable Members this morning, he could well understand where the objections come from and what the arguments are and I think that if an examination of other provincial jurisdictions, how they get around the very same problem, which is an obvious problem, that we can come up with some legislation that will satisfy the Members of this ...

Mr. Chamberlist: Mr. Chairman, we have looked at all the legislative areas. Now as Honourable Members know, I don't always accept advise of legal counsel because sometimes legal counsel thinks in a different direction. But when accepting the advise of the legal counsel here, because in this particular area we have to recognize the fact that there must be specific powers left for the government to step into. Now as I say we can take it back again, and have a look at it, but at the moment it doesn't seem any way to overcome a situation that might develop where we must have the power to operate but now. And this is the important thing, so that the Commissioner can say to his Executive Committee there is something happening in one of the municipalities, we have to make a decision, what do we do. We have the power now to make that decision and go from there. I would ask Members not to try and remove from the government that power that must be in hand to the senior government.

Mrs. Watson: Mr. Chairman, there was a suggestion made from the Honourable Member from Whitehorse West. If we are permitted to list some of the causes and then as a...any other causes as he stated that could arise, this would provide the flexibility that you would need. Stating causes and then any other causes. This is the type of thing we could be prepared to bring back, where you are prepared to accept flexibility within the land.

Mr. Chairman: Well in speaking from the Chair. The minute you put in "or any other causes" you're right back to where you are right now.

Mr. Tanner: Mr. Chairman, it's true. Nobody is denying that and nobody is denying the fact that this government needs to have power to operate, but there is an inference, there is a feeling, there is an explanation to the public, if you've got some causes, specific ones, and they'll be the major ones you will probably utilize in most cases. And then you've got something that we can live with. With the unforeseen you can have a general talk, exactly what you're doing here if you like, but I think that basic explanation....

Mr. Chamberlist: Now I wonder if we can say what some of the major causes are. Financial difficulties, lack of members of council, that's the two main ones.

Mr. Legal Adviser: Sure you can think of some off hand surely. Figure they have enough co-operation, failure to observe a set function, or a sense of duty, a resignation, failure to call a statutory meeting so they can stay away.

BILL #10

Mrs. Watson: Failure to call an election?

Mr. Legal Adviser: Yes. Serious financial difficulty, and you can come to the last question by saying failure to observe a sense of duty. And any other cause which the Commissioner seems appropriate and it's added in. But it becomes a political thing, but that couldn't happen in practice in local government. But the local government are in the dispute with their ... with the senior government. They set out to make life awkward for the senior government, and it just does force the senior government to suspend them. That may well put the senior government in the ... election. They can do this by, ... they can inspect the rate structure in which the government could not risk losing the whole of one year's revenue, nearly because the council stubbornly says we will not strike a rate for this particular year. When you've got to dissolve it, it has a rate in tact.....so they would not fail to observe a statutory duty because they announce their intention of plans, but the deadline is not passed. You've got to dissolve them at least a day before the deadline has occurred in order to be able to strike a rate yourself. The administrator only has the power of council. In the theory of this, you need a certainall you are doing in the end is that the senior government wins the battle with the wrong rook. It may not win the war but it will win back the initial battle and that is essential.

Mr. McKinnon: You are doing something else, Mr. Chairman, I think. You are also allowing the junior government an appeal from the decision of the senior government in this area as stated here, there is really no appeal from the administrator moving in. At least the government has to say, "Look, we have suspended you and appointed an administrator because of such and such and such" and as municipal council says, this is incorrect, we didn't fail in such and such and such and now we can take it to the court and decide whether it was a proper dissolution or proper to move in an administrator.

Mr Legal Adviser: You can't actually, Mr. Chairman. You can't provide the people with one, you must you must have the full legal power and not have everything revert back merely because it was the wrong step. Whether the Commissioner or the government would be right or wrong, they must be at least legally correct. They may lose the support of the public, the members might lose the next election if they attack the Commissioner and his adviser by doing that. But it must be made to be legally correct at the moment of the signing of the Commissioner's Order. And this is the way to fire him. I...This is the way throughout all relationships between senior and junior governments everywhere, or whether it may be the Federal government and this House or the Governor General dissolving Parliament, you always must ask the senior government who must always go into the scene of the battle.

Mr. McKinnon: Well then, even more reason for providing some section of cause if the other government has no recourse whatsoever to anybody after an administrator is appointed, except to the public through an election, which is their only recourse and no other, then all the more reason why it should be a general statement that the Commissioner can do this. Because, as you say, it's a final and absolute method of dissolving a council and getting an administrator in. And certainly it ...more reason why there should at least be an attempt to give causes why this drastic action would be taken by a political body.

Mr Chairman: May we take it then that you will attempt to draft some of the main reasons why cause would be with a flexible ...

Mr. McKinnon: I wonder, Mr. Chairman, before we go further whether we could go back to section 131 on the parkade. This really wasn't that

BILL #10

Mr. McKinnon continues....
important a section, but I think Mr. Legal Adviser must admit to leaving the Votes and Proceedings out of the page because there were no amendments coming to 131 and it was generally agreed that section 10 which was stated yesterday, there was no reason for that to be in and there were other sections in it where council ... that they really weren't that interested in the Commissioner getting involved in the establishment of fixing the rates of the parkade, and there's areas in there where it was agreed that the Commissioner should be replaced by the council, meaning the council of the city, whatever city the parkade is established in. I wonder if Mr. Legal Adviser could go through that section, taking into account the Votes and proceedings that make the appropriate amendments that were approved by the council when they deliberated on....

Mr. Legal Adviser: Yes, this will be done, and the thing will be examined, but there's a particular section taken from another jurisdiction, and in that jurisdiction the word "minister" put in in each section, and the person who would be the arbitration in a dispute between the council on the one hand, and the users of the parkade on the other, he would fix the ... but we would have no objection, if the House wants it out we will take it out.

Mr. McKinnon: In sub (8) it says "Where the revenues from the operation of a parkade will permit, the Commissioner may make such changes in the levies made under ...for the following year as he may deem proper." Why have we got the Commissioner in there? That's the council's right to fix rates in the parkade section of it. I think it was generally agreed by the Council here. I think it would tidy up this section. Why are we getting the Commissioner as the arbitrator....

Mr. Chairman: I think, speaking from the Chair, that it was decided yesterday that this (10) would be deleted. Councillor Taylor?

Mr. Taylor: Mr. Chairman, just before resuming the Chair, I wonder if we could take another look at 99 (1) (h). Amendments. This is back where we are back to the Building Code of the North. During the recess over the evening I attempted to determine what this building code was. I got hold of some members of the Building Trades Council and they know nothing of it. I got hold of the D.P.W. and they know nothing of it. I got hold of the D.P.W. Fire Department up there, and they know nothing of it. So in desperation I eventually got hold of Tom Nairn and he said he has a copy of it, and he seems to be the only one who knows anything about this Building Code of the North. I asked him about it, and apparently it was something that came in in /68 or thereabouts. I'm not sure who adopted it or where it comes from but he tells me that it's really the National Building Code with a couple of additions, one being for permafrost areas. Construction on permafrost. I enquired about this size of window business that was mentioned in the House yesterday, and he said yes there was something in there about that but otherwise it is essentially the National Building Code. So I would submit rather than taking an obscure code, that we should possibly consider talking about the National Building Code itself or the National and Regional Codes...to spell out in legislation this Building Code of the North is something we really don't know anything about. I don't know if it's ever applied in the north. ...Nobody knows anything about it anyway, so why not say "National" or "Regional" accepted codes or something of this nature but retain the National Building Code under 99 (1)(h)?

Mr. Tanner: Mr. Chairman, before commenting on exactly what the Member has said, I think he's done pretty well in the previous discussion on the other section, and by persistence, has convinced the House that we should change ...that the House should change its mind. My personal reaction to bringing about the Building Code of the North is that I think it's a little bit frivolous because it's not that important. It isn't important at all. The way I see it, if it has any importance it is to protect the people in the north against rigid standards in the National

Mr. Tanner continues....

Building Code which makes it more difficult to live, for one reason or another, here. In other words the National Building Code says you must do this, this, and this, which is fine in a majority of the climates that we live in in Canada, but in the north, because of our rigorous climate, they have set up a special section or a special part which is called the National Building Code of the North to ease up some of the restrictions, so that we can live up here ~~but~~ more comfortably, or less expensively if you have to use the standards that they use down there. And consequently my thinking is that we should just leave it in and let it go. It's not very, very important at all and the Member keeps coming back to it, I think this is the third or fourth time now. I personally would wish that he would accept the decision of the rest of us and let that one go as it is.

BILL #10

Mr. Taylor: Mr. Chairman, I'll do a little better than that, I'll tell you that I'd like to possibly come back to this, and I'm wondering if maybe Mr. Clerk, over the noon hour, could try and borrow the copy that Mr. Nairn has. It seems to be the only one in existence. We would like to look at it and find out whose code it is, whether it's one of the underwriters codes or whose it is, because we're writing it into law and I think it should be made quite clear as to what this code is, before we write it into law.

Mr. Legal Adviser: Mr. Chairman, all we are attempting to do here is *BILL #10* give permission, to a city council to adopt this amendment we are not actually adopting it. This is what they have in force, in Whitehorse at the moment, and as far as we understand it this is what they want. It is better that this is uniform. I made an attempt to redraft the section to meet with the wishes of the Honourable Members and to see in connection with the building code and to discuss this with the people who have looked at this and they say there is no way would that be a suitable thing to do, because it opens the door to a variety of codes and a whole lot of things which could be referred to as a National Building Code and a variety of things which could be referred to as a regional code and would destroy the uniformity if C.M.H.C. in fact, wished to have throughout the Territory. It is beneficial to everyone and we have got to standardize this code, which is really one code tied together, or choose a completely different code and standardize on that.

Mr. Taylor: This could clear up my point then, do I have the assurance then that, the national whatever it is, this Building Code of the North is acceptable to C.M.H.C.? This would answer my question, as long as I have this assurance.

Mr. Chamberlist: It is compulsory.

Mr. Legal Adviser: It is part of the C.M.H.C. code, the operation part.

Mr. Taylor: Clear then. That's all I need to know.

Mr. Chairman: Councillor Taylor do you wish to resume the Chair or do you wish me to proceed?

Mr. Taylor: I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: 166.

Mr. Legal Adviser: The thought in drafting section 166 was to try and standardize it throughout the Ordinance. It was the wish of the House that the words, "in respect of municipalities" be removed? We had thought in drafting the original ordinance it would be better to pull the Commissioner down one peg and substitute another officer for him, the house of Burgesses. The idea in drafting this section is to enable a man to be appointed by the Commissioner under the Ordinance to administer the Ordinance and then for all the normal everyday functions he can act on behalf of the Commissioner in all the most important things. It hasn't been read, Mr. Chairman.

Mr. Chairman: Reads 166(1).

Mr. Legal Adviser: That should be "to be called".

Mr. Chairman: Reads 166(2)(3)(4).

Mr. Legal Adviser: That last subsection is from the existing Ordinance, and is in effect the same as it always has been since 1958.

Mr. Chairman: 168. Reads 168(1)(2)(3)(4).

Mrs. Watson: Mr. Chairman, this is taken from the Votes and Proceedings and was the exact wording that was requested by the municipality representation.

BILL #10

Mr. Chairman: Any discussion on 168? Are you clear? 171, what is the change here, Mr. Legal Adviser?

Mr. Legal Adviser: The addition of section 82, Mr. Chairman, a special procedure in Faro for dealing with bylaws in section 82, if my recollection is correct, the section deals with expenditures of capital items apportioned to a female.

Mr. Stutter: Mr. Chairman, may I just revert briefly to 168. I noticed that it was requested that (4) and (5) or (4) and (6) be deleted, has that actually happened? There is no notation under them. There is no notation though under the amendments that those section be deleted.

Mr. Legal Adviser: The whole section has been redrafted.

Mr. Tanner: Mr. Chairman, we seem to be going backwards and forwards on these particular amendments now. I wonder whether I can draw the House's attention to section 82(1), in the amendments. Where it says "the sum which may be raised by the levy of three mills on the assessable property within the municipality". I would like to suggest to the House that we should change that, we should amend the three mills to five mills, which I understand would be in line with what the municipality needs to operate efficiently.

Mr. Chamberlist: Mr. Chairman, we would be pleased to take this item back for further disussion.

Mr. Chairman: I just wonder from the Chair, could I have an explanation, why Faro is not included under the preview of section 82 again?

Mr. Legal Adviser: The reason is, that she has her own special method of dealing with expenditures which are written in, and in effect it is already written in.

Mr. Chairman: Clear on 171? 172, reads 172 (3). Where and why did this one come in? This is in the Faro section of the Ordinance.

Mr. Legal Adviser: The Faro section, Mr. Chairman was specially drafted at the time of the creation of the Village of Faro. They were drafted by agreement at that time between all the parties. There has been no request to discontinue the method whereby Faro keeps some form of taxpayers control over expenditures. It has been written into the new Bill exactly as was in the old one.

Mr. Stutter: Mr. Chairman, this is maybe a bit nit-picking but that last section 172(3), "For the purpose of this section "taxpayer" means a person who pays a property tax of not less than twenty-five dollars," but under the 11 of the Taxation Ordinance " pay the property tax of at least twenty-five dollars annually to the municipaly", which to me is much better than the wording you have got there. If you take this 172 in its vaguest sense, it could mean paying tax anywhere.

Mr. Chairman: There is quite a go around here, if I might comment "taxpayer" is one thing under one Ordinance and...

Mr. Legal Adviser: The real reason for the change, Mr. Chairman, is that where you are giving a person a vote because he is a taxpayer you are cutting down slightly what is a taxpayer to a man who pays a property tax. When you are dealing with enforcement and collection of taxes you want to broaden your definition of taxpayer in order to be able put into a collectional system, the charges which are running charges for surplus. If you don't limit it in the voting section you would find the position, you would find that everyone who is in any relation to the property, whether he owns it or not, will in fact have to pay their water charge. Instead of a water charge a toll charge ... put it on something. As a tenant ran over thirty-five dollars, then in pursuant of the taxpayers... For special purposes these definitions are formulated.

Mr. Chairman: Anything further on 172? I believe this concludes our

Mr. Chairman continues ...

BILL #11

round of review on these amendments, I believe further consideration is given to some sections. Is it your wish I report progress on Bill No. 10? Agreed? Next is Bill No. 11, Municipal Elections Ordinance. Section 6, Mr. Legal Adviser.

Mr. Stutter: Mr. Chairman, I wonder if I might just ask the Legal Adviser or the Clerk of the Council if those books in front of the Legal Adviser are the newly compiled Ordinances?

Mr. Legal Adviser: No, Mr. Chairman, this is "The Law of Canadian Municipal Corporations" by Rogers and I got it at the time by request when the "Administrator" was being discussed and I was sure it had a chapter on "Administrator", but I find at the back that the word "Administrator" or anything about it does not appear in the whole of the leading Canadian text.

Mr. Chamberlist: It has never been questioned.

Mr. Stutter: Mr. Chairman, may I ask while we are on that subject, if there is anything further to be offered in complement of those Ordinances?

Mr. Clerk: Mr. Chairman, the initial printing is all finished, we have proofs here now and are in the process of proof-reading them. I am afraid we are not going to meet our March 31st, deadline. They did run into some trouble with the computerization, however we should have them very very soon.

Mr. Legal Adviser: Mr. Chairman, the section is being redesigned to take into account the thoughts expressed in the original debate. A taxpayer now who pays a property tax and is also a corporation paying a property tax, it was in the old Bill, then, the wish was expressed that the corporation in order to be able to vote, has to file the name of the person who is going to represent the corporation at the money bylaw voting. As the House will notice, there is no change in the thought of not giving corporation a vote in elections. The position now is that people vote in an election, and in a money bylaw, it is people and corporations who pay taxes, property taxes.

Mr. Chairman: Reads 6(1)(2). (3) remains, is that correct?

Mr. Tanner: Mr. Chairman, if I read this correctly, any person who pays twenty-five dollars annually can vote in a municipal bylaw. The corporation has to pay it once, twenty-five bucks and it doesn't say in.

Mr. Legal Adviser: It should be in, the word "annually" should be after "twenty-five" dollars in paragraph (b) of subsection (2) of section 6, Mr. Chairman.

Mr. Chairman: Should be twenty-five dollars which?

Mr. Legal Adviser: "annually"

Mr. Chairman: What happens to subsection (3) does it disappear, or ..

Mr. Legal Adviser: No, Mr. Chairman, it remains the same.

Mr. Chairman: Reads (4).

Mr. Stutter: Mr. Chairman, I had some difficulty with this section, "the 30th day of September preceding the date of the submission". I take it that the submission is the actual bylaw that is being submitted but what happens where a corporation has been formed or perhaps change the name of the corporation or a business bought and changed hands after the 30th of September, perhaps the beginning of October or something such as this. Then any submission or bylaw that comes up within that twelve month period, they would not be eligible to vote on. Why is it not just thirty days, or something in advance of the submission, why is a particular date put in here?

BILL #11

Mr. Legal Adviser: We picked a date, Mr. Chairman because that is the date the voter's lists are compiled. Under normal circumstances money bylaws would come to be voted on at the time of an election, they don't have to be but the normal thing would be to vote a money bylaw at the same time as for council. That is why we picked that date.

Mr. Stutter: Mr. Chairman, it was pointed out, yesterday, I think, when we were discussing the Municipal Ordinance, that where new buildings are coming up between tax periods for assessment purposes or for taxation purposes, these buildings could be built not necessarily at the particular time of assessment so that you would in actual fact, possibly be taxing a corporation between the times that lists would be compiled. They would in fact be paying a tax but you are denying them the right to vote on a money bylaw by setting that date.

Mr. Legal Adviser: This has an effect, Mr. Chairman.

Mr. Tanner: Mr. Chairman, I think the Honourable Member is in error. We didn't say yesterday that you can add property to the tax roll, it was said that you can tax them for services through the Municipal Ordinance. In actual fact they wouldn't go on the tax roll, at least this is my understanding, they don't go on the tax roll until the following assessment. I have got one problem, the Honourable Member raised a very good point, I don't really see why you have to specify the time and date at all. Surely, any corporation in the city, a city can by putting a written letter into the City Hall office can say this man is going to be our agent for voting in all by-elections, and that should be sufficient. Why do you have to tie it down to any specific date? I could understand maybe you wanted an affidavit, swearing that this man is that person, which makes sense. I don't really see where you have to track down...this has happened to me twice now, where I couldn't vote, I should have been able to. It is just for one reason or another I forgot to register.

Mr. Legal Adviser: All things to all men, Mr. Chairman. In the original draft, it didn't matter signing at all, they just got a vote. It wouldn't have mattered whether they has signed or not they just got a vote, if they are genuine taxpayers somebody could check up, and if they did there is no special reason why they shouldn't sign at all. They go through the agent appointed to produce the authority, the Returning Officer can swear that declaration as he came in. It was the wishes of Members that we put this in, and then they want to take it out. I wasn't terribly concerned with the corporation, truth to tell, I wouldn't tell a lie to the House and I saw that this might be that particular Honourable Member, a lot of companies, will in fact forget and lose their vote.

Mr. Tanner: Mr. Chairman, the Legal Adviser is not telling the story as it is, I personally don't want to have corporations vote either because I think it's wrong. I did say that if the right is there I want the right to exercise that right. In other words, what actually happens is that money bylaw is called and then people remember they should file. So in practise if you are going to keep the corporations in, in a voting entity, then let's make it reasonable and if you are not going to keep them in then throw it out altogether because that is what I prefer, that is what I asked if the Legal Adviser will recall. If you are going to keep it in, I can't see making it any specific date, just say by affidavit this member is appointed to vote on all money bylaws to represent this corporation.

Mr. Legal Adviser: I am not trying to defend this section, I drafted it to the wishes of the House; if the House doesn't like it well by all means we will change it.

Mrs. Watson: It is taken from the B.C. Legislation.

Mr. McKinnon: I think the city is making a double mistake in this Municipal Elections Ordinance, in not allowing people who pay a certain amount in rent to vote on a money bylaw. I think that people when they reach a certain maximum in rent, figures should be allowed to. I think also, probably I would be inclined to agree with the Honourable Member about

Mr. McKinnon continues ...

BILL #11

the corporations but I am not that disturbed about it because it seems that this is what the city wanted in both these areas of legislation and I am prepared to give them what they want in this area.

Mr. Chamberlist: It is interesting to hear the Honourable Member suggesting now that he is prepared to abdicate his rights as a Member of a senior Legislature to justify what the city municipalities might need, or, do we act in a manner of bringing forward legislation best for people, If he thinks so, we don't mind. It's better that way.

Mr. McKinnon: We have been through this whole philosophical argument over and over again, Mr. Chairman at this Table. All I have been fighting for the Territorial Legislature, is for the Federal Government to give us enough rope to do whatever the Hell we want to do at the Territorial level, I say the same thing to the City, we give all the rope they want to go through the Municipal Act.

Mr. Chairman: I wonder if we could keep our language parliamentary. I think at this time we will stand Committee in recess until 1:30 p.m.

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Mr. Chairman: At this time I will call Committee back to order. We were discussing section 6. Is there anything further on section 6 of Bill No. 11? Section 8. BILL #11

Mr. Legal Adviser: Mr. Chairman, there are only a couple of changes, add in the word "mayor" and add the time factor in, "on the day of his nomination be".

Mr. Chairman: Clear?

Mr. Stutter: No, Mr. Chairman, I know that this has been brought up. I can understand the meaning easily enough of (c), but I know that the wording does cause a little bit of problems with Dawson, and has done in the past, and that is the word "consecutive". There are occasions where people or some of the residents of Dawson, particularly are only there for you know, for eight, nine months. Also, what about holidays?

Mr. Chamberlist: As long as they maintain a residence there, they are consecutive. If they go away for a holiday for three months, they are still residents of the municipality. It doesn't alter their residence.

Mr. Chairman: Clear on 8? Section 9?

Mr. Legal Adviser: There is nothing, Mr. Chairman, except to take out the arrears of taxes phrase from this. It has already been done in the Municipal Ordinance.

Mr. Chairman: Clear? Section 11.

Mr. Legal Adviser: There is a series of changes, Mr. Chairman, switching two words. We are using the words "polling place" throughout, instead of "polling station" in some parts and "polling place" in others. This is a minor change. The only change. This particular change takes out the repetition of station or place.

Mr. Chairman: Clear? Subsection 11(3), I imagine it is the same thing.

Mr. Legal Adviser: Not quite, in 11(3) it is slightly redrawn to make it clear that a person who is in an institution has the option to cast his vote in the polling place in the institution, or in his normal voting place.

Mr. Chairman: Section 21?

Mr. Legal Adviser: That is a redraft, Mr. Chairman.

Mr. Chairman: (Reads 21(1)) -

Mr. Chamberlist: You see, the way that it read before, Mr. Chairman, the ballot boxes could have been opened at the end of the advance poll. This way it can't be opened until polling day.

Mr. Chairman: Clear? Section 22.

Mr. Chairman: In the third line the words "on polling day" have been inserted to make it clear when they proceed when the counting takes place.

Mr. Chairman: Clear? Section 23(6).

Mr. Legal Adviser: There has been a small change here, Mr. Chairman, it is to change in the second line the words "returning officer" to "council shall appoint" and then it carries on then that

BILL #11

Mr. Legal Adviser continues ...
anybody who is appointed has the powers of the absent person.

Mr. Chairman: Clear? Section 30(1). I believe that takes out the word "and".

Mr. Legal Adviser: Repetition, it eliminates it. In the original draft the same words were repeated twice.

Mr. Chairman: Clear? Section 32(2) becomes 33(1).

Mr. Legal Adviser: 32(2) is intermitted, Mr. Chairman, sorry, 33(1) is intermitted and then to save renumbering the whole Bill we switched sections around.

Mr. Stutter: Mr. Chairman, on page 646 of the Votes and Proceedings there was a great deal of discussion on 32(2), that is 32(2) in the unamended Ordinance. I see now that there has actually been no change in it whatsoever. The numbering has just changed. That same paragraph is in the amendment. If you refer back to Votes and Proceedings, there was a lot of discussion on it. Right at the end of the discussion, it was definitely said that it would be reviewed. Now, has it been reviewed, and decided to leave it the way that it is.

Mr. Legal Adviser: No, Mr. Chairman. The discussion was in relation to old section 31. The discussion centered around whether or not the letter "t" should be after taxpayer. This was the big discussion. I don't quite recall any discussions on old 32(2).

Mr. Stutter: With respect, Mr. Chairman, it is on 32. If you would ... it came right up to 32. If you refer back to Votes and Proceeding on page 646, and it carries over right onto 647. Councillor Chamberlist and the Legal Adviser were very prominent during that discussion with the Mayor at that time, Mayor Wybrew of Whitehorse.

Mr. Chamberlist: I don't recall making any reference to 32(2), it was 32(1), because of the "t" opposite.

Mr. Stutter: 33(1) was also under review, and it has since been deleted. Also if you will just refer back to your Votes and Proceedings, I think you will ...

Mr. Chamberlist: I was just replying to Mayor Wybrew, but I wasn't indicating that we would do anything with it. It was looked at and there was nothing to come out of it.

Mr. Stutter: This wasn't the answer that was given to me by the Legal Adviser. The Legal Adviser said that it wasn't reviewed.

Mr. Legal Adviser: The whole thing was reviewed section by section. There was no change in this, and I don't know if there was any indication that there would be.

Mrs. Watson: Mr. Chairman, I have section 11(1)(b). I think that there was some discussion, 11(1)(b) gives the council the right by bylaw, to regulate the conduct of an election and it was not inconsistent with this Ordinance. It could be that there is even a consideration given to leaving some of this out, alphabetical order?

Mr. Stutter: I think that the point that the Mayor was trying to make, according to the Votes and Proceedings, was that perhaps this section where we should be showing at the time that the voters list is made, it should perhaps be the area that it is pointed out in what area he is to vote. This was the point that was raised by the Mayor himself. In quoting again from the Votes and Proceedings, under 32, Mr. Chairman, my notes state that the section almost but not quite touches on what polling division one can or cannot vote in as referred to under section 11(1)(b). Perhaps this is

Mr. Stutter continues ...

where it should be spelled out, and this is where the suggestion then started. I don't want to hold Committee up on this, but I wonder if perhaps the Legal Adviser could at some time just check this out and see if it has been overlooked?

Mr. Legal Adviser: Yes, I can check it out.

Mr. Chairman: Are you clear for the moment on 32? Section 33(1).

Mr. Legal Adviser: The new 33(1) is just typed in here just as a small change from old 32(2). That is to put in the section number of the immediately preceding section.

Mr. Chairman: Clear? Section 33(1) of the original Bill has been deleted. Section 34(1).

Mr. Legal Adviser: It just adds in the words "as defined" in the last line.

Mr. Chairman: Are you clear? Section 37(4).

Mr. Legal Adviser: In this we just add in the words "in October" which were missed in the original draft.

Mr. Chairman: Clear? Section 39(1)(c).

Mr. Legal Adviser: It is a typing error "in" instead of "is".

Mr. Chairman: Section 40(1).

Mr. Legal Adviser: It is just the addition of the word "written" in front of notice to make it clear what it means.

Mr. Chairman: Clear? Section 40(2) and (3).

Mr. Legal Adviser: In section 40(2), it is just the addition of "mailing" before address.

Mr. Chairman: (3) is just a restatement of 260(2) isn't it, or is it related?

Mr. Legal Adviser: Three is new, it was omitted originally, partly by mistake. It is from the old Ordinance. Yes, it is 260(2) of the old Ordinance.

Mr. Chairman: Are you clear? Section 42(2).

Mr. Legal Adviser: In both subsection (2) and (3) of this section, Mr. Chairman, the words "duplicate" or "duplication" are inserted at the request of the Mayor, so that all duplications will be corrected if the same voter's name is on twice quite by accident.

Mr. Chairman: Are you clear? Section 43(1). That is the "s" off "revision." Section 49(2).

Mr. Stutter: Mr. Chairman, I have difficulty with this one. It doesn't read right. If you take 49(2) of the old Bill and now substitute (2) by adding these words, or putting the words "by the returning officer at least six days before nomination day", it doesn't read right.

Mr. Legal Adviser: It should be typed more fully. That is the last line of subsection (2). It is correcting a typing error, "office" to "officer".

Mr. Chairman: Clear? Section 50(1).

Mr. Legal Adviser: The word validly is omitted. Otherwise the section reads the same.

BILL #11

Mr. McKinnon: Mr. Chairman, we got onto a lengthy debate on section 50, and I thought that it was the consensus of Council at that time, that there should be a section inserted, that the returning officer did not have the capability of refusing a nomination that was given to him.

Mr. Chairman: Yes, that is the same notation that I have.

Mr. Legal Adviser: I must not be watching these things clearly, Mr. Chairman. I thought that the effect of the section as it was that he cannot refuse. There is no appeal section given to say he may refuse. The old Ordinance had that he may refuse it, and if he does refuse it, he can appeal to the magistrate. This Ordinance omits that. One assumes that he can't refuse it.

Mrs. Watson: And when you take the word "valid" out, you can't question the validity of a nomination.

Mr. Chairman: Is there anything further on this section? Section 51(1).

Mr. Legal Adviser: There is a small change in 51(1)(a), change "nomination" to "nominated".

Mr. Chairman: Section 54(1)(b).

Mr. Chamberlist: Two minor typing corrections "poll" and "purpose".

Mr. Chairman: I have a note on 53(3), I have noted out with a big question mark.

Mr. Legal Adviser: That has been resolved with the City, Mr. Chairman, and the consensus of the people who have considered it, Mr. Chairman was that it was better to leave it in.

Mr. Chamberlist: This is where after the end of the second nomination meeting that we haven't got any candidates, then three names are ... can be given on receiving the report of the returning officer pursuant to subsection (2), the council shall forthwith forward to the Commissioner the names of three qualified persons in respect of each vacancy and the Commissioner may appoint one of these persons to fill each vacancy.", that is a case where you haven't got

Mr. Stutter: Mr. Chairman, I find that section absolutely and completely superfluous, because it is the council themselves that are the ones that are going to submit the three names of people that they feel are qualified to the Commissioner, and then the Commissioner turns around and appoints one of those persons, let's say to the forth position in the case of Dawson as alderman. Just exactly what is the point, that person was there in the first place, and could have been approached by the council or by any of the other taxpayers within the area and asked to run to be the alderman, and obviously he wasn't interested in the first place, particularly after two nomination days have gone by. So what is the point of the council in this particular instance being the ones that come forward with qualified names. Obviously there isn't anybody there that is interested in the first place. What is the point of the Commissioner appointing one of them to a position that he is not interested in.

Mr. Chamberlist: It may be at the time of the nomination, there was a person there who was interested but perhaps he didn't have the full period of time in to be nominated. After the election, the polling day ... well after a polling day, the person may have then had the time qualification. This could apply as well.

Mr. Stutter: I find that highly hypothetical and this too is after the second nomination day. It states right there after the second nomination day.

Mr. Legal Adviser: There are four nomination days. The process cannot be continued indefinitely, but don't forget that council at

Mr. Legal Adviser ...

any time during the two year period might six months later. How can we fill the vacancy unless we give them some way of filling the vacancy, then if somebody does happen to become interested we have blocked ourselves of it. We are not saying that we have read the section, but it is just an attempt to fill in the gap.

BILL #11

Mr. Stutter: I am not suggesting that you take it out. My point is that it is just superfluous. If you want to leave it in there that is fine with me, I don't insist that it comes out. It can stay in as far as I am concerned.

Mr. Chairman: Section 54(1)(b) then. Clear. Section 56(1).

Mr. Legal Adviser: Just adding a phrase so that he gets back his deposit if he pulls out of the election in time.

Mr. Chairman: Clear? Section 59(1).

Mr. Legal Adviser: This is another change to make it clear that the ballot box must be locked with a key and a seal.

Mr. Chairman: Clear? Section 61(3)(a).

Mr. Legal Adviser: It was thought when going through the section that it was superfluous to put down the address of a candidate and delete the space that has been made available for the name of the candidate.

Mr. Chairman: It now remains?

Mr. Legal Adviser: Name and occupation.

Mr. Chairman: Is that clear? Section (4).

Mr. Legal Adviser: Some of the Honourable Members were bothered with the phraseology and said that it was legally incorrect, so we bowed to the wishes of Committee, we changed "within" to "until".

Mr. Chairman: Clear? Section 62(1).

Mr. Legal Adviser: "Station" become "place", Mr. Chairman.

Mr. Chairman: Clear? Section 63(1).

Mr. Legal Adviser: In section 63, "stations" becomes "places".

Mr. Chairman: Clear?

Mr. McKinnon: There was long debate on section 63. It is just a stall and an act ... the whole legislation just falls because there is no possible way of this legislation being enforced. I tell you in complete frankness, any politician whether it is himself isn't out campaigning strenuously twenty-four hours before the polling place opens and on polling day, just is not worth his salt. He shouldn't even be nominated if he doesn't believe in himself that strong that he has to work up to the very last minute to get as many votes as he can. 63(1) says that any member sees anyone on the street, is the example that the Honourable Member, Whitehorse East used, on the day of polling, says look hop into my car, and I will drive you down to the polling station because I want you to vote for me when you get there. That candidate is liable to a fine or imprisonment or both and a pretty hefty one at that. It is just inconceivable that legislation shall be in the book and every politician worth his salt is going to flaggerently abuse and not pay any attention whatsoever. How in the name of goodness can we expect anybody to follow any legislation, when here we are making legislation that everyone of us knows that we are going to abuse come the next election.

Mr. McKinnon continues ...

BILL #11

The whole thing just loses its meaning.

Mrs. Watson: Mr. Chairman, I am the one who insisted that this remain in here, and I am not afraid to stand up and be counted. My argument last time, and my argument continues to be. Formal campaigning over the radio stations, over the T.V. stations as far as meetings and rallies, I do not think should be permitted within twenty-four hours before polling day. I must be very honest, before the last election, municipal election, a person becomes very tired of listening to this constant campaigning. It is really refreshing in the last twenty-four hours to be able to turn the radio on and not have to listen to someone spouting off on the forthcoming municipal election. You may not be able to enforce the incidental campaign, but you certainly can enforce the formal campaigning in the form of meetings and the form of rallies. It is on the strength of this argument that I maintain that this section should remain in this legislation.

Mr. McKinnon: I realize, I fully realize that there is a special pencil provided in each booth which is on the cord so it won't be stolen by the public, but the point I'm trying to make is what difference does it make if a person uses another pencil so long as he has provided the mark clearly indicating that the candidate of his choice.

Mr. Legal Adviser: Mr. Chairman, I don't think the ballot will be invalid if you don't use the pencil, it is just the procedure of error on the part of the voter...

Mrs. Watson: Mr. Chairman, would it not be invalid if it were marked with a red pen? Or a red pencil?

Mr. Chamberlist: I'd hate to remind too many people, but there are some who would remember that an election in the City of Whitehorse was upset because of the fact the the City Clerk was a returning officer at the time and failed to provide the pencils.

Mr. Tanner: Mr. Chairman, everybody will realize the irony of what was just said....because having upset so many elections now we'll have to write legislation to protect ourselves against people like him.

Mr. Chairman: Are you clear on 75(1)? 77(1) and (2)?

Mr. Legal Adviser: "Locked and sealed" and "lock and seal", and polling place.

Mr. Chairman: Clear? 84? office of alderman or mayor....

Mr. Legal Adviser: Or mayor was omitted.

Mr. Chairman: Clear? Section 92?

Mr. Stutter: Mr. Chairman, I think there was further discussion too on 84 (1). I have a big note on mine that....the percentage was the big thing....the percentage of the vote.... The Member from Whitehorse West I think was the one who had the most to say.

Mr. Chamberlist: We looked at it, Mr. Chairman,.....

Mr. Chairman: 92(2)?

Mr. Stutter: Mr. Chairman before we leave 84(1) why would it not be possible to make a compromise on that particular thing. Rather than to say that the deposit must be given up. All right, so perhaps I agree with that, but couldn't the...instead of saying failed to receive one-half the total number of votes received by the candidate elect. Why not one-third or something to this effect. This would lead to a compromise, because there are many instances where one of the other candidates might poll one-third and still cuts down the trifflers you might say, by keeping in the amount of the deposit.

Mr. Legal Adviser: In 92(2) there was an error. It was "Court of Revision" it should be "Board of Revision", in the last line.

Mr. Chairman: Clear? 96(1)(d)(h)?

Mr. Legal Adviser: There's a misspelling in the word "fictitious." And "expended" instead of "extended."

Mr. Chairman: 103(1)?

Mr. Legal Adviser: A typing error there. An "s" was put on to petition.

Bill #11

Mr. Chairman: Then between 112 and 113 a subtitle "Judgment" is that correct?

Mr. Legal Adviser: Yes.

Mr. Chairman: Section 114(1)? 114(1)(b)?

Mr. Legal Adviser: There is a misspelling of the word "have" that's in (b) Mr. Chairman.

Mr. Chairman: 125(1)?

Mr. Legal Adviser: There was the misspelling of the word "portion".

Bill #9

Mr. Chairman: If we have nothing else at this time, We will report progress on Bill No. 11. The next Bill is Bill No. 9. I believe you have some amendments before you wanted to ask about.

Mr. Legal Adviser: In Section 35 there's a change. In Section 3(1), on the first page there's a change. The words in the third line. I think this section should be read again Mr. Chairman.

Mr. Chairman: "There shall be a corporation entitled "The Yukon Housing Corporation" with powers, duties and functions pursuant to this Ordinance." Then the words, "consisting of those persons who from time to time comprise the Board of Directors." were added.

Mr. Legal Adviser: It was pointed out from Ottawa that in a leading case it was decided that a company will represent the people, we have to advocate this trend.

Mr. Chairman: Clear?

Mr. Legal Adviser: In Section 35 Mr. Chairman, there is a change in the second line.

Mr. Chairman: Yes that is the Canada Corporation and the municipality.

Mr. Legal Adviser: On the Canada Corporation that should read, "on the Canada Corporation and a municipality."

Mr. Chairman: And "a" municipality?

Mr. Legal Adviser: Right. Now in the second part of that sentence, "Where the Corporation enters into an agreement with a municipality or the Canada corporation and a municipality."

Mr. Chairman: Clear?

Mr. Chamberlist: Mr. Chairman, I move that Bill No. 9 be reported out of Committee as amended.

Mrs. Watson: Mr. Chairman, I'll second that.

Mr. Chairman: Before I put the question, does anyone have any other legal thoughts or any more discussion? It has been moved by Councillor Chamberlist and seconded by Councillor Watson that Bill No. 9 be reported out of Committee as amended. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED.

Mr. Chairman: If there are no more amendments. ..

Mr. McKinnon: The public are rightly wrong to think that all the politicians are crooked anyway. Here we have an instance in the Ordinance you are forcing any politician Stop the formal campaign if that is what you want. I have no objection at all if the Council wants to 24 hours before an election they put a ban on radio advertising, television advertising, public meetings, and well defined regulations under C.R.T.C. which can be transferred into the Ordinance. But for goodness sake lets not make us a laughing stock and put into the Municipal Ordinance a section which any politician that is worthy to sit at this table is going to just go out and abuse come the next election, because I tell you gentlemen there is not one here that I can think of that isn't going to be out putting up fingers and handshake on someone just to get him out to the polls. That is in violation of section 63 of this Ordinance. How in the hell can we be responsible legislators when we are putting legislation in that we know we are going to break in the first possible instance. It just makes the whole thing ridiculous.

Mrs. Watson: Mr. Chairman, I sort of question the idea behind the Honourable Member's argument. Does he mean to say the only time he walks out there on the street, shakes hands, buys cups of coffee, drives people around is the last 24 hours before the polling day.

Mr. McKinnon: I'm saying that I do it all the harder because I'm not prohibited from it, for 24 hours I have to change my whole life style because I'm going to be prosecuted if I don't continue what I'm doing all the time under the Elections Ordinance.

Mrs. Watson: Counselling all the time.

Mr. McKinnon: You better believe it. Any politician worth his salt doesn't is going to find himself out on his ass in the next election.

Mr. Chairman: Order, order. Keep pardon the language in the parliamentary procedure. I have no deletion in my notes....

Mr. Stutter: Mr. Chairman, the only point that I had last time was that I was completely in favour of taking it out, other than that, some restriction should be made within a certain distance within the polling place because if you got 6 or 7 active campaigns going on right outside the door of the polling place it could be a bit restrictive, but as long as it is away from the polling place itself I see no reason why it shouldn't carry on.

Mr. Chamberlist: I do agree with the Honourable Member from Whitehorse West . I know I take the opportunity wherever I can whenever I can to speak to whoever I can as often as I can. But I think that the purely main suggestion is that public advertising should stop 24 hours before because you know there is no way we could say that in talking to your neighbour or anybody that comes into the house or go and have a coffee at the coffee shop. If there is an election going you can say, "Shhh" you know can't talk, you know. So we have to do something about it. I'm sure that the Honourable Member from Carmacks-Kluane would be satisfied if we added in this section to no public advertising, that would include radio, T.V., for 24 hours

Mr. Chairman: Will the Committee then to review of this Section?

Mr. Tanner: Mr. Chairman, I think the illustration the Honourable Member from Dawson has put up, I think you should make the changes then bring them back to the House.

BILL #11

Mr. Legal Adviser: Mr. Chairman, might I suggest He can't go on the radio, but if he has to ...

Mr. Tanner: Mr. Chairman, I would like to say, anyone who campaigns on behalf of someone else In that case what we've got to do is take the campaign itself off the news media

Mr. Legal Adviser: If he gets on the news media there he is filling in for somebody else and the campaign speech that is.....

Mr. McKinnon: Why don't we look at the C.R.T.C. regulations confirming advertising on radio and television prior to 24 hours and put this prohibition in and if that is necessary, and the prohibition about entertaining adjacent to a polling place. To make lawful people out of all of us even before the election is over that is to soon.

Mr. Legal Adviser: I will refer to Sections in the Canada Elections Act dealing with public advertising, public campaigning 24 hours prior to the actually opening of the poll. I'll just take a look at it.

Mr. Chairman: I have in my notes that section 63 will be going back for review. The next section is 64 (1)(a)(b). That's changed from polling station to polling place?

Mr. Legal Adviser: That's right. Also in section 65, Mr. Chairman, and section 66 and 67.

Mr. Chairman: Even in 66(2) is there not a change to "lock and seal" from "lock or seal"?

Mr. Legal Adviser: That's right.

Mr. Chairman: And now it's "lock and seal"

Mr. Legal Adviser: Right.

Mr. Chairman: Are we clear on sections 64, 65, 66? Clear on 67(1)? 71?

Mr. Chamberlist: Just the word "an", in front of person.

Mr. Legal Adviser: Yes the index

Mr. Chairman: Section 73(1)?

Mr. Chamberlist: Candidate was spelled wrong.

Mr. Legal Adviser: No, Mr. Chairman, that wasn't the change. Oh yes, you're voting for vacancy.

Mr. Chairman: Clear? Section 75.

Mr. Legal Adviser: Section 75 in the first line changes to place Mr. Chairman. The same thing occurs twice in Section 77. In Section 77, Mr. Chairman, it's "lock and seal the ballot box," instead of, "Lock or seal." The same thing in (c).

Mr. McKinnon: Now, "with the pencil provided". If a person had a lead pencil or walked in and took the pencil out of his pocket and marked it. I don't think, unless you go to an analyst that anybody is going to be able to determine what pencil was used and the vote on the ballot is going to be counted.

Mr. Legal Adviser: Mr. Chairman, it is the particular type of pencil that is provided the pencil is big enough to put a cord in it so that the voter won't steal it and it makes a particular black mark.

Mr. Chamberlist: Mr. Chairman, we have been asked to bring forward for today some information from the Municipal Aid Ordinance. This information has been supplied to me. I wonder if Honourable Members would be interested in raising any points in relation to the information that has been requested at this time.

Mr. Chairman: Is the Committee agreed?

Mr. Stutter: Mr. Chairman, the first thing that I would like to ask on Bill No. 12 on the information sheet that has been supplied to us I would like to know if that is the absolute and total amount of grants that would be allowed to each of the three municipalities and if all other forms of grants will be completely eliminated?

Bill #12

Mr. Chamberlist: The answer to that question is yes. If the mill rate increased in the municipality and there are no more buildings built in a municipality, then we make a variation.

Mr. Chairman: Anything further on this to say?

Mr. McKinnon: One question on the initial grant to Dawson. There are further grants available to Dawson over and above the Municipal Aid Ordinance. There is still a conditional grant that is forthcoming to Dawson City, and evidently to the tune of \$10,000.00.

Mr. Commissioner: Yes, but, Mr. Chairman, circumstances with regard to the City of Dawson are such circumstances are so far involved that they use the requirements to maintain, just as much as we would like to insure this House that this conditional grant will be eliminated it may well take some time before it happens. We feel that there is a good chance that if it can't be eliminated with the advent of the historic sites and monuments for taking such an active interest in a lot of the property in Dawson. Now I think that Honourable Members will know that in the National Historic Sites Act it says, it stipulates that the Federal Government will not pay taxes on things that are known as National Historic Sites. We are hopeful that representations that are being made will give Dawson a favourable consideration in this regard because we feel that the very large amount of the town, the serviced area of the town which is going to fall into the orbit of the Historic Sites and Monuments Board. And mind you we are very happy that it is falling into their hands. We certainly will be able to negotiate on behalf of the City of Dawson, and of course will be able to confirm a grant. We feel that if when that day arrives that the requirement of the money that should be here which you have estimated as \$10,000.00 will effectively be ...But we simply cannot see Dawson financing itself without this kind of a grant.

Bill #12

Mr. McKinnon: Mr. Chairman, the Commissioner doesn't have to apologize for the actions of his Executive Committee. The thing that I was worried about, was that Dawson would not be getting a conditional grant because everywhere I was told that, the Municipal Aid Ordinance would preclude any other grants from coming to the municipalities. I was worried, knowing the situation in Dawson City, and how they were going to continue to exist and finance the city. I am happy to see that the members of the Executive Committee have seen fit to continue a conditional grant to Dawson. I hope that the Government continues to assist Dawson City, in this respect, until such time as they are able to finance the City's finances altogether without the conditional grant. That is apologizing to the House, for seeing fit to give the City of Dawson a further conditional grant. I would like to turn around and congratulate the Executive Committee and the Commissioner for not cutting them off and for permitting them to allow us to continue the city under a stable financial situation.

Mr. Chamberlist: A sensible Executive Committee, there you are. That's what you've got.

Mr. Stutter: Mr. Chairman, I would like to ask at this point, continuing on the theme of the conditional grant, in the past, the conditional grant, of course, has always been at least four times as much as it is here. It has always been used to offset the expenses of the fire department. Now, with this reduction in the conditional grant. Let me put it this way. In the past, the Territorial Government, through the Office of the Fire Marshal, has more or less had complete control of the fire department, in the spending of money. They have not had the control, insofar as the personnel are concerned. Do I take it now that the fire department from here on would just be another budget item for the city to consider? It will be completely under their control, both in management and in financing. A further question to that; what happens to the City of Dawson, in order, if they find that they cannot make commitments or are going to be falling short on their revenues to meet their budget expenses? And they start cutting back in the fire service, which is the obvious place to start cutting back because it is the most single expensive thing in the City of Dawson, running to the tune of around \$40,000 per year.

Mr. Commissioner: Mr. Chairman, I believe that the terminology that the Honourable Member from Dawson has used is a consequence of his own experience, in the City Council of Dawson. All that I can say is, that we will continue to assist at whatever level of interference, if you want to put it that way, that the City of Dawson desires of us, in regard, to their fire operation. I think that the Honourable Members are aware that two or three years ago a major change had to take place in Dawson, on account of the very high element of high salary people, in relation to the number of volunteers. I believe that the fire marshal involved at that time, was asked by the City of Dawson to personally intervene. I believe the Honourable Member may well have been a member of the city council, at that time. Certainly, we are not interested in the fire marshal being that closely associated, should I say, with the day-to-day operation of it. And it will be on the behalf of the City of Dawson, that we will gladly pull back to whatever level of co-operation or interference, that they feel is right. Now as to the question what the City of Dawson does if it can't finance itself within the confines of its own revenue, plus the revenues that are given here. I am sure that there must be somewhere in the Municipal Ordinance, that, you have just been talking about here, it's either a matter that they have to attempt to get more revenues or maybe do some other things; remedies I am sure are somewhere to be found. Insofar, as finding more money just like that, is concerned, I shall knock all intention to do so because we feel that when the Territorial Government

Mr. Commissioner continues ...

Bill #12

has given approval to the City of Dawson's budget, it will infer with that approval, that there would be, appear to be adequate funds to meet the expenditures, that they are anticipating. It would be unforeseen events if I were to suggest, Mr. Chairman, that could possibly bring about the item that the Honourable Member is talking about. And just the same, as we ourselves find, due to unforeseen circumstances, we have to go to Ottawa seeking more money, and sometimes on an emergency basis this may well be the situation the City of Dawson could conceivably find itself in. I don't think that they have ever found the door closed yet, Mr. Chairman.

Mr. Stutter: I would like to pursue it a little further, Mr. Chairman. Can I take it then, that Dawson will have to budget completely on the fire department? That this will come out their revenues and it will be controlled just exactly the same as any other item. The fire department, if it carries on the same as it has done in the last few years, will consume, I would think, I forget exactly what the budget was in 1972, but, it's a considerable percentage of their budget, probably around one-quarter of their total budget needs.

Mr. Commissioner: The answer is in the affirmative.

Mr. Chairman: Anything further on this matter, at this time?

Mr. Rivett: Mr. Chairman. The present L.I.D. budget in Mayo is \$35,000, and under this we only get \$23,000. It would be rather hard to sell. We may have another historic strike.

Mr. Chamberlist: Mr. Chairman. This would be a Municipal Aid Grant, which doesn't take into consideration the revenues that come from local taxation, as well, which is added to the \$23,000. I would then assume, that that makes up your \$35,000, or goes beyond that.

Mr. Commissioner: They can have money down there like mad.

Mr. Chamberlist: I was wondering whether the Honourable Member from Watson Lake would like some indication of what they could look forward to. To capital, as well, in case they wanted a municipality. We can supply this information, if he was interested in getting it.

Mr. Chairman: Answering from the Chair. I get a great inference, through this Session and preceding Sessions, that it is the intention of this Administration, by hook or by crook, to make a municipality out of Watson Lake. They haven't been able to do it yet, I would suggest at the time, in a democratic manner, that they would provide this information to the citizens of Watson Lake. I would hope so, anyhow.

Mr. Chamberlist: Ask, and you shall receive.

MOTION #20

Mr. Chairman: Will there be anything further on this item, at this time? The next item is Motion No. 20. It has been moved by Councillor Stutter, and seconded by Councillor Taylor; that it is the opinion of Council, that the Administration request the Department of National Health to provide and equip the dental offices in the communities of Watson Lake, Dawson City, and Mayo, and to permit regular dental care.

Mr. Stutter: Mr. Chairman. I have already spoken towards it. I think that it was Councillor Chamberlist who asked that it be put into Committee for some particular reason. Before I speak on it anymore, I would like to hear whatever his reasons are for putting it into Committee.

Mrs. Watson: Mr. Chairman, before we listen to his reasons for having it put into Committee, I'd like to indicate that I think that Haines Junction should be included in those cities of Watson Lake, Mayo, and Dawson City, that serve the north highway areas of the

Mrs. Watson continues ...

Territory.

Mr. Stutter: Mr. Chairman, I'm not against this. The only reason I named the three communities was on discussions with the senior partners of the Whitehorse Dental Clinic. And now of course, Haines Junction might be looking for considerable growth. It probably is a good suggestion. I'm not in any way wanting to limit it. If it can be expanded, that's fine.

MOTION #20

Mrs. Watson: Mr. Chairman, even if Haines Junction doesn't grow, we still have ...

Mr. Chamberlist: Mr. Chairman, the reason why I asked that this be moved to Committee was because of a couple of aspects, that I thought should be given a wider range of debate than would have been able to under the rules of the House. We can account for this in the House. The very, very important point is the fact that the question that was being asked was to facilitate services for the Whitehorse Dental Clinic. Now, this is where I take objection. I see no reason why we should not report the principle that some facilities be made available for dental equipment in different areas. But, can we say that this is for the purpose of the services of the Whitehorse Dental Clinic? The Motion didn't mention it, but the reference that was made and that we are discussing, was the people in the Whitehorse Dental Clinic. I want to be able to make it quite clear that, if facilities are put in various areas, that, these facilities must be available to whatever dentist is allowed to operate in that particular area. It shouldn't be separate for the Whitehorse Dental Clinic, only. As most Members know, there is a funding, of some considerable amount, to the Northern Health Services Branch of the Department of National Health and Welfare, from the Territorial budget. I think that there is still time to approach this overall subject, and the cost factor and the amount of money that is involved. When we come to the budget item, dealing with the funds that are available to the Northern Health Services, we will be making available. The question is, as to whether or not Northern Health Services should pay this wholly themselves or whether they might say to us, that the Territorial Government should pay a portion of this. I would like this Committee to allow me to get some information back from the Northern Health Services Branch, as what they have in view for capital expenditures of this nature, in the various communities, so that when the budget is discussed and this particular vote comes up in the budget; information, then, could be made available. Then Members would know exactly how much dollars and cents is being made available, from that particular branch.

Mr. Stutter: Mr. Chairman, I don't want to see this thing delayed any longer than it absolutely has to be. It has been suggested that we wait until the budget. Are we given to understand then, that there are some loose monies, within in the budget, that might be available for this sort of thing? This is the inference, that I got from what was just stated, by the Member.

Mr. Chamberlist: No. I'm afraid, if I have given that inference to the Honourable Member, it was not intended to do so. I made no reference as to whether or not there is, or there is not, money available. I'm simply saying that, to be able to vote on the matter, I would first have to know and the Council would have to know, whether there are funds going to be made available, in any capital expenditures, that the Northern Services Branch and the Department of National Health and Welfare have proposed, in that particular area. When we were talking about this particular motion, bringing into discussion the matter of money, we're unable to say at this time, whether money is available or not. The time to approach any matter on a money subject, especially as we are so close now, within a matter of days of having the subject coming forward; that it should wait until that time.

MOTION #20

Mr. Stutter: Well, Mr. Chairman, all my motion asked for was that the Administration request the Department of National Health to provide these services. Now, unless they get a formal request from Council, I doubt very much whether they have any money set aside for this item. This is what I want to do; bring it to their attention through Council, that we want these services provided in the rural areas of the Yukon. Now, it's alright to say that the Member is going to get in touch with Ottawa, and see what funds are available, or what they might be willing to do. But my motion, if you will read it again, merely, requests that the Department of Health says it. I realize that we are dealing with a money matter. But it is just that, it's a request from the Administration.

Mr. Chamberlist: With respect, Mr. Chairman, we are dealing with a money matter; where the Territorial Government is involved because of a cost-sharing arrangement, from areas of this description. So, it's not just saying that, we're just asking the Department of National Health and Welfare, whether they will supply these facilities. I can tell you what the answer will be. The answer will be yes. But it's cost-sharing, so the Territorial Government will have to find the funds for it. This is what the answer will be, and I know this ahead of time. But the point is, we have to say where that money is to come from, and it is much better to be able to discuss it at a time when we're dealing with money votes.

Mr. Chairman: Councillor Stutter.

Mr. Stutter: Mr. Chairman, I don't mind admitting that this is such an important thing to the people of Dawson that I've even had some of them suggest to me that I try to wangle part of the money out of my Community Development Fund, to provide dental facilities there and I've even had them say that if a good portion came from out of that Community Development, they'd pass the purse around to get the rest of it going. This is how important it is to these people. And I'm sure that this is the same feeling in other areas.

MOTION #20

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, as seconder of the motion I found it sound and I find it quite in keeping with the due processes normally done in this House. What we're asking for is that consideration be given. We understand it's a money matter, we realize that. That's why we say it is the opinion of Council, so it doesn't bind the administration into anything but it gives the opinion that indeed the Department of National Health provide and put dental offices in the communities of Watson Lake, Mayo and Dawson City to permit regular periodic dental care. An expression of opinion of the Council and I think all members of the council should support this. If we're talking about funds in the Territory...making a contribution of funds I assume these are capital funds, because it's providing in some cases dental care, and lights and basic equipment necessary for visiting dentists, and this was pointed out by the Member for Whitehorse East involved the dentist from the clinic here and I know certainly in the case of Watson Lake and Ross River and so forth they occasionally have Indian Affairs and Northern Development dentists come around. And instead of hauling all this gear with them on an airplane, as we're talking about communities where many of these people fly to, they just take their bag of tricks and away they go and they don't have to cart this chair and lamp and all this paraphernalia with them. I would suggest that these are capital funds so either way I think that they could be provided, if they are not provided by us and it doesn't bind us to anything. It is just an expression of opinion. I think we should support it.

Mrs. Watson: Mr. Chairman, I just have one question, I don't know how valid it is or not. I'm wondering, the dentists will be using the dental office, the chairs and the equipment. Should there not be some measure of financial contribution from these people who will be making the money from this?

Mr. Chairman: Speaking from the Chair, if you had listened to the remarks I made yesterday when the motion first came on the floor, I did mention this, and this is purely an administrative corner from here on. Once the department, if they should agree, agrees to do it, from thereon naturally they would expect that there would be a slight rental fee or something to provide for the upkeep of the equipment. I don't think that that has to be taken into consideration when voting on this particular motion.

Mr. Chamberlist: With respect, Mr. Chairman, the full factor remains that the motion is asking for the Department of National Health and Welfare to do something. I know the answer, I repeat already, the answer would be yes, subject to funds. And being caught with dealing with funds we should not at this time agree to the motion in part, and I would ask that you leave the motion until we come to the budget when we can properly deal with the whole aspect of dollars and cents, recoveries and everything like that. As I say, there are only a few days in-

Mr. Chamberlist continues....

MOTION #20

involved, what consideration should not be given to the government at this time in view of the fact that the budget is so close. This is the point I wish to make.

Mr. Taylor: I would now like to resume the Chair.

Mr. Taylor resumes the Chair.

Mr Stutter: Mr. Chairman, I would like to ask the Members just exactly how can you connect this motion directly with the budget. We keep talking about money I know but what is the direct connection between my motion and the budget that was prepared in a year, a year and a half ago.

Mr. Chamberlist: It is the budget that deals with all funds relating to monies that are paid to the Northern Health Services Branch of the Department of National Health and Welfare. I think most Members recognize this. Now, in those monies, there are certain areas of where this question could be answered. But I can't allow myself to be drawn into a position of saying, yes I agree with the motion, until such time as Members of this Committee are aware of what funds are available. Once those funds are made known or what are available, then it is within the competence of the Council to say then whether they wish certain funds diverted for that particular purpose. I ask your caution on this bit. It's a matter of two or three days, and I can't see why you can't give me that. The Honourable Member from Watson Lake who seconded the motion, is always asking for one weeks time to consider, two weeks time to consider, and three weeks time, and one month, and sixty days, we ask for a few days and we are getting static.

Mr. Stutter: Mr. Chairman, I would like to ask one direct question and I will leave it alone then, for the two or three days only, and that is I've been told that an estimated cost is around four thousand dollars per area to put this equipment in. This is not to provide the space but the equipment is around four thousand dollars per area. With these three areas we're looking at ten or twelve thousand dollars. If we include another one lets say we're taking it to sixteen thousand dollars, if, I don't know what the percentage ratio would be between the Department of National Health and the Territorial Government, but if it were fifty percent, is there anywhere in the budget where we might find eight thousand dollars as a Territorial contribution towards such a capital outlet?

Mr. Chamberlist: Well the Honourable Member has now asked me a budget item which I cannot answer but I can say that due consideration will be given to the suggestion that has been made. Because right now he is asking me a straight budget item. Is there any funds to do such and such as this? And I can't answer. And I won't answer.

Mr. McKinnon: Well, Mr. Chairman, if the budget is prepared properly, it's pared right down to the bone already. The answer is, no, there is no monies available at all in the budget for extraneous funds, and unless the whole dealings between the Federal and the Territorial Governments in cost sharing arrangements has come about, I think that the Honourable Member for Dawson City is probably looking a year hence for the institution of such a program because this is how long it generally takes to get the Federal, Territorial, cost sharing arrangement agreed upon so that program can come into effect under this type of an agreement. This is just asking that the Department of National Health and Welfare accept the principle and include it in their budgetary item for next year's budget, then I think that it should go forthwith to the Department of National Health and Welfare. If the budget is so loose that we can find the money out of this years vote under the Health and Welfare vote, then goodness gracious let us leave it for two and three days and I hope that there's many other monies flying around in the budget also that we will be able to do many other things which up to this time it's been stated that it has been trimmed so closely that we aren't being able to do this and that without raising taxes. For the first time since I sat at this session, I see a ray of hope, perhaps there are some monies lying around in the budget that we're going to be able to do things we

Mr. McKinnon continues....

thought up to this time we weren't going to be able to do. As I say I can at least have a little ray of optimism and look forward to the budget being presented to the Council.

MOTION #20

Mr. Chamberlist: The Honourable Member, Mr. Chairman, is going on a fishing expedition in relation to funds in the budget and in relation to the budget itself. I must ask, Mr. Chairman, that I do not be pressed on any issue relating to the budget or budget funds because you will get the answer that I am bound to give you, but I will not discuss any item at this time that relates to the budget. Certainly when the matter of the Votes dealing with the Northern Health Services comes up, this shall be the appropriate time which perhaps many of the questions that have been raised will be answered at that time.

Mr. Chairman: Possibly you could privately provide the Member with the information as he is a Member of the Financial Advisory Committee.

Mr. Chamberlist: The Honourable Member, Mr. Chairman, will receive all the information available when he asks for it. It will not be done privately, but certainly the amounts of monies involved in different areas which are known to Mr. Chairman, will not be discussed until such time as the Bills dealing with financial matters are tabled and the budget is tabled.

Mr. Chairman: Gentlemen, is it your wish that I report progress on motion number 20? Agreed. The next motion is motion 22. It was moved by Councillor Watson, seconded by Councillor Chamberlist, that this Council endorses the proposal of the Honourable Jean Chrétien Minister of Indian Affairs and Northern Development, to establish a National Park in southwestern Yukon to be known as the Kluane National Park, and that this Council respectfully requests the Honourable Minister to 1. make known to the Council the preliminary development plans as soon as possible; 2. make available to the Council as soon as possible the final development plans at least in their general parameters; 3. designate Haines Junction as a growth centre to take care of the anticipated population increase that will come as a consequence of the establishment of the National Park; 4. use the experimental farm as the administrative headquarters for the Park; 5. advise affected property owners of their status as promptly as possible. Proceed.

MOTION #22

Mr. Tanner: Mr. Chairman, I suggest that the Committee don't consider this immediately at this time. We only got it in here this morning. I for one, have a couple of items I would like to look at, and I for one would ask Committee to leave consideration for this motion for at least one day.

Mr. Chairman: Any further direction? Is it your wish to have any witnesses in respect to this motion?

Mr. Tanner: No it isn't my wish, Mr. Chairman, there are a couple of items...although it might be the wish of other Members, and I can see it would make sense in certain circumstances, but if I may I would ask indulgence perhaps to leave this for at least just one day.

Mr. Chairman: Agreed?

Mr. McKinnon: Mr. Chairman, is there any legal definition of a growth area? Are there any Yukon Territorial Ordinances ...I'm just trying to get in my own mind, I know what a wood is, I know what a village is, I know what a municipality is, but I don't know whether there is such a thing as a growth centre under Territorial Ordinances, just what this would entail.

Mr. Chamberlist: I don't think, Mr. Chairman, that that has been defined. But I think it can be explained.

Mr. Chairman: Well I shall report progress on Motion No. 22.

MOTION #22 Mr. Stutter: Mr. Chairman, I would like to ask though if there have been any thoughts given to at any time, lets say outside of this motion, I mean that this motion could be dealt with, I don't want to hold it up, but to have a representative of the Parks Board here to explain in detail at some future time exactly what's going on, or what the plans are regarding the Park.

Mr. Chairman: If the Committee so desires, it merely needs a recommendation of Committee and we can set something up.

Mr. McKinnon: Mr. Chairman, I have been in discussion with the Commissioner on this, and John Gordon, Deputy Minister of Parks will be in Whitehorse during the Resources Conference. We are going to try to arrange ...I'll ask the Commissioner tomorrow whether Mr. Gordon who is the top man in the Parks Branch, will be available to Council during the Resources Conference period to talk about the Kluane Park with the Members of the Committee.

Mrs. Watson: Mr. Chairman, I think we will be able to get some of the information I have requested in this motion, but I would still like to see this motion dealt with as soon as possible. If we delay it for one day I would like to see some different aspects of the endorsement of the National Park and our thoughts, but I think it is necessary that this motion gets the endorsement from the rest of the Council.

Mr. Tanner: Well, Mr. Chairman, it was my request that we weren't going to discuss it. I thought the Committee had agreed but I see that we are going to discuss it. If you want to pursue it now, go ahead. But I can't honestly discuss it without the information that I'm looking for. I would ask the mover of the motion if she requires all five items to go in like that with her motion or would...if we could amend one or two of them, would it make any difference?

Mrs. Watson: Mr. Chairman, this is the motion I would like to see endorsed as it stands.

Mr. Chairman: Well the Chair is easy and whatever you wish to do, I have noted that progress on 22 with the idea that it was going to be brought up again possibly tomorrow. Is that agreeable to everybody? Agreed. Well we seem to have run out of work. What is your further pleasure? We have only two additional motions but they are also deferred, that is the Logo Symbol and the two additional seats for Council.

Mr. Stutter: Well, Mr. Chairman, I would like to ask oh...I think the Logo Symbol would be deferred until after the budget.....

Mr. Chairman: If there is no other material forthcoming, it might be wise to put the Speaker back in the Chair.

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

Mr. Stutter: I second it.

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

*MOTION
CARRIED*

MOTION CARRIED

Mr. Speaker resumes the Chair.

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

Mr. Taylor: Yes, Mr. Speaker. Committee convened at 10:10 a.m. to discuss Bills, Sessional Papers and Motions. I can report progress on Bill No. 10. Committee recessed at 12:00 noon and reconvened at 1:35 p.m. I can report progress on Bill No. 11. It was moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 9 be reported out of Committee as amended, and this motion was carried. I can report progress on Motions 20 and 22. It was moved by Councillor Tanner, seconded by Councillor Stutter that Mr. Speaker do now resume the Chair, and this Motion carried.

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

Mr. Taylor: With respect to the agenda for tomorrow, Mr. Speaker, I have nothing. We have concluded the work to date in Committee and I have no knowledge of anything coming in tomorrow, although there may be some Bills to pass.

Mr. Speaker: May I have your further pleasure?

Mr. Chamberlist: Mr. Speaker, can I indicate that there will be Bills and amendments and Session Papers .

Mr. Speaker: May I have your further pleasure? May I have your further pleasure:

Mr. Tanner: I move that we call it 5:00 o'clock.

Mr. Speaker: Is there a seconder?

Mr. Stutter: I second that Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North, seconded by the Honourable Member for Dawson, 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. tomorrow.

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? Are there any Reports of Committee? Are there any Bills to be introduced? Are there any Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? As there are no Notices of Motion for the Production of Papers, we come to the Question Period. Mr. Clerk, will you see if the Commissioner is available? We will now have a short recess.

RECESS

RECESS

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

Mr. Taylor: Yes, Mr. Speaker, I have a question that I would like to direct to Mr. Commissioner this morning. Mr. Commissioner, in a question period prior to this, has indicated that he is in receipt of a petition, which now refers to the dissolution of this House. I am wondering if Mr. Commissioner could inform me this morning and Members, if it is the intention of Mr. Commissioner to accede to this request and ask the Governor-in-Council to dissolve this Council?

QUESTION RE
DISSOLUTION
OF COUNCIL

Mr. Commissioner: Mr. Speaker, the question posed in the letter that accompanied the petition has not come up for discussion in the Executive Committee, where I will be referring it, and at that point in time there will be some decision made, and a reply will be sent to the letter that will indicate a course of action, if any, that we would propose to take. Certainly, I cannot conceive of dissolution as being one of those suggestions that would be accepted, Mr. Speaker.

Mr. Taylor: Supplementary, Mr. Speaker, would Mr. Commissioner be prepared when a decision has been made, to table this information in the House?

Mr. Commissioner: Mr. Speaker, the letter was addressed to me as the Commissioner. The petition was addressed to me as Commissioner. Certainly, my reply will be going out over my signature as public information, as far as I am concerned, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, I understand from the Commissioner that the Deputy Minister in charge of National Parks, John Gordon will be in Whitehorse during the Northern Resources Conference. I was wondering Mr. Speaker, if Mr. Commissioner could advise us whether Mr. Gordon will be available for Council during that time, so that we can ask him many of the questions that I am sure that we all have, concerning the establishment of a National Park in the Yukon in the Klwane area?

QUESTION RE
VISIT OF
DEPUTY
MINISTER OF
NATIONAL
PARKS

Mr. Commissioner: Mr. Speaker, I cannot answer on behalf of the Deputy Minister. Certainly, I would be pleased to pass this request on to him. I am reasonably confident that if his time permits, I am sorry I don't know exactly what his schedule is, I am sure that he would be quite prepared to meet, if not formally, I am sure he would make informal time available to meet with Members of Council on this important question.

Mr. Taylor: Mr. Speaker, I have a further question to direct to Mr. Commissioner this morning, in relation to motion I believe it was 13 respecting the return of the Unemployment Insurance Commission administrative offices to the Yukon. I am just wondering what action has been taken on this by the Administration, and if indeed there has

QUESTION RE
UNEMPLOYMENT
INSURANCE
COMMISSION
OFFICES

Mr. Taylor continues ...

been a reply as yet to any correspondence forwarded to them?

Mr. Commissioner: Mr. Speaker, the Clerk informs me that we have complied with Council's wishes in making the request, but up until this time, there has been no reply.

QUESTION RE
MEDICARE

Mr. Tanner: Mr. Speaker, I have a question for the Minister of Health, Welfare and Rehabilitation this morning. The Honourable Member will remember that during the discussions on Medicare when we were talking to Mr. Armstrong, a question was asked by Councillor Stutter of the Minister at that time. What method would be used to, one, obtain premiums from status Indians; two, what would the employer do, who employed status Indians, with regards to their premiums? One of the examples that the Minister said could be used was that perhaps an employer could be given a certificate of exemption, and in which case he wouldn't ... the employer at that time wouldn't deduct premiums from status Indian employees. My question is this, directed to the Minister this morning, number one is, will Indians enjoy the same complete non-cost medical coverage that they had in the past; Two, how do Indians who are employed, recover the costs of any premiums that are deducted by their employers?

Mr. Chamberlist: Mr. Speaker, in answer to the first question, status Indians who are unemployed will have their premiums paid for by the Department of Indian Affairs and Northern Development. Those that are employed, will have their deductions made in the usual manner by the employer. This is the only information that we have in this matter.

Mr. Tanner: Supplementary, Mr. Speaker, how then does the status Indian recover the cost of the premium deducted from either the Federal Government or this Government?

Mr. Chamberlist: Mr. Speaker, this is a matter between the Indians and the Department themselves, over which the Government of the Yukon Territory has no control.

Mr. Tanner: I might ask a further question pertaining to this, Mr. Speaker. Could the Minister give this House some indication of how it is done in the other jurisdictions, in the other provincial jurisdictions? The same question must arise right across Canada.

Mr. Chamberlist: It is my understanding, Mr. Speaker, that in other jurisdictions, where there is a premium plan in existence, the Department of Indian Affairs pays the whole premium for status Indians who are not employed. Status Indians that are employed, pay their portion of the premium by deductions to the employer.

Mr. Tanner: Mr. Speaker, this is getting to be a series of questions, which I didn't mean it to be. I think that the Minister has misunderstood my question. My third question, the question is this Mr. Minister, how does the employed status Indian recover the cost of the premium deduction from the Federal Government in other jurisdictions?

Mr. Chamberlist: It is my understanding that the Indian who is employed, does not recover any costs, but in fact does pay a portion of his costs in the manner that I have indicated, by deduction.

Mr. Taylor: There was a question asked before recess by the Honourable Member for Whitehorse West, having regards to the number of registrations under Medicare or the Health Care Insurance Program. The answer was given, approximately fourteen thousand registrations. I would like to direct a question to the Honourable Member this morning and ask him if indeed that figure remains at fourteen thousand. Two, of that figure how many people actually signed their registration forms? That is how many were signed forms? How many were unsigned?

Mr. Chamberlist: Mr. Speaker, I wouldn't be able to give exact figures. The information is that there is a difference between registrations and people who have registered. The figure of fourteen thousand that was given, has probably increased at this time. The further question that was asked, Mr. Speaker, of how many were signed and how many were not signed. If they had not signed, they would not be registered, but the head of the household would sign for the whole family, if it was a young family. All we can give is the information of the number of people that are now registered with the Plan.

Mr. Taylor: Supplementary, Mr. Speaker, I wonder if the Honourable Minister would endeavour to provide me with the information as to how many of these applications that the Department has been receiving, that have come in unsigned?

Mr. Chamberlist: That is entirely a different question. We will be able to give that information to the Honourable Member.

Mr. McKinnon: Mr. Speaker, I wonder if I could ask the Honourable Member for Whitehorse East how many registrations would be expected if every person in the Yukon were registered at this time under the Yukon Health Care Insurance Plan?

Mr. Chamberlist: As a result of the preliminary census, we expect in the regions of about eighteen thousand.

Mr. Stutter: Mr. Speaker, I have a question for the Commissioner this morning. Now that Old Crow is on a more or less regular air route, has there been any further communication between the Administration and the Ministry of Transport regarding the airstrip at Old Crow, particularly bearing in mind the possibility of the installation of a radio beacon in Old Crow?

QUESTION RE
OLD CROW
AIRSTRIP

Mr. Commissioner: Mr. Speaker, I am not up on the terminology that is used by these navigational aids. I can tell you that a letter went across my desk not too long ago, making a request of the Ministry of Transport for a navigational aid of some kind at Old Crow. I am sorry that I can't be more explicit on the terminology. The request has gone forward for some technical installation at Old Crow.

Mr. Stutter: Supplementary question, Mr. Speaker, if the Ministry of Transport were to recognize, I am not sure of the terms either, if they were to recognize the airstrip at Old Crow as being, I think an airport, would they then in fact be responsible for the maintenance or rather the upkeep of that airstrip?

Mr. Commissioner: Mr. Speaker, the airstrips in the Territory fall into different categories. They are categorized according to a formula and according to standards that are set by the Ministry of Transport. The amount of money that will have to be spent in a place like Old Crow to get it to be recognized, by the Ministry of Transport, to qualify as the Honourable Member asked for them to look after it, may be considerable. I am sorry that I can't say. The Old Crow airstrip at the present time, is the ... was built as a consequence of funds made available through the vote of this Council from the Department of Indian Affairs and Northern Development, and is the responsibility for maintenance, of the Yukon Territorial Government. Funds are voted in the estimates here to take care of it. To bring about a change to the Ministry of Transport, is something which I am not just too familiar with. I am sure that it would call for considerable amount of upgrading, Mr. Speaker, funds for which are definitely not available in the foreseeable future. In fact, I have had the opportunity of being in an aircraft that has landed on the Old Crow airstrip in the course of the last few months on more than one occasion, and it is one of the best airstrips of its size in the Yukon Territory. I would be very hopeful that all people will keep their sticky fingers out of the deal, and leave us alone to look after it, and keep it the way that it is right now. It is first rate.

QUESTION RE
POLICY FOR
WHOLESALE
LIQUOR

Mr. Tanner: Mr. Speaker, I have a question for the Commissioner this morning, regarding the Government's apparent new policy with regard to wholesaling liquor from the Government liquor store. As I understand it, there has been various changes made in wholesaling large amounts to various liquor outlets in town. My question is this, could the Commissioner tell me what the changes in policy are, and are they in the best interests of the people who are trying to obtain liquor in large amounts, or is it in the best interest of the Government employees to do it this way for their own internal efficiency?

Mr. Commissioner: Well, Mr. Speaker, the only changes that I am aware of in connection with the wholesaling, it is the term that is used by the Honourable Member asking the question, "handling of liquor," is that we have moved the warehouse from the basement of the Casca Building to a building which is located in the former refinery area it is a D.P.W. building which we rent. As a consequence, we have been able to bring about considerable savings in the handling of liquor. To my knowledge, delivery times or delivery dates have been set for the liquor outlets, at least, in Whitehorse; I can't say about the ones outside Whitehorse. They have been advised of the times that delivery can be made to them. It has been found necessary to do this, because the ... if we do not operate along these lines we have the continued request for overtime, and we have on the part of the employees attempting to do things in what is something less than an efficient manner. My reply, basically, to the Honourable Member's question, is such changes as have been brought about, have been brought about in an attempt to give the best possible service to the purchasers at the least cost to the Territorial Government.

QUESTION RE
EMERGENCY
RADIO
COMMUNICA-
TION

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner a question if I may. Mr. Commissioner, when a group of people decide to live a traditional way of life in the Yukon, at no charge whatsoever upon the purses of the Yukon Territorial Government, I think that should be their private decision to take, and well be it. I am wondering, in this day and age, in this instance, whether the one charge that the Yukon Territorial Government should make is radio communication, in case of emergency where a group of people have no other access to help except through emergency radio communication. I think that the charge would be very minimal. I think that it would be a very great benefit to the Government of the Yukon Territory and to the people living a traditional way of life, somewhere outside of normal access to communities, if they wish to have radio communication in case of emergency purposes only?

Mr. Commissioner: Mr. Speaker, I hesitate to give off the cuff comment on the Honourable Member's question. Perhaps so that the question could be properly dealt with and properly expounded, perhaps the Honourable Member might consider either in a written form, to give us an opportunity to really analyse what would be involved here, or he might like to bring it forward as a motion for discussion among the Honourable Members. The point that is raised, basically speaking, about emergency communication, I would tend to be rather sympathetic towards this situation myself, Mr. Speaker. I think that just to give an offhand answer may well not be too satisfactory in certain circumstances.

QUESTION RE
C.M.H.C.
MORTGAGES

Mr. Tanner: Mr. Speaker, I have a further question for the Commissioner this morning. It has been my understanding, Mr. Commissioner, that in part of my constituency known as Porter Creek and Crestview, there has never been a C.M.H.C. mortgage given. It is also my further understanding, that within the last three months an individual has obtained a C.M.H.C. mortgage in the area of Porter Creek. I would ask the Commissioner if his Government would inquire into the facts of that ... of the issuance of that C.M.H.C. mortgage? If it is a fact, what likelihood there is for any resident of the area of Porter Creek to get a C.M.H.C. mortgage?

Mr. Commissioner: Mr. Speaker, there are some things that I would suggest that we should disturb, and there are other things that I would suggest that we leave alone. I would suggest the test of this and the proper answer would be for further applications to be made to the Central Mortgage and Housing Corporation for individuals to buy or build homes in the area that has been referred to. If there has been one favourable response, it may well lead to some others.

Mr. Tanner: Supplementary, Mr. Speaker, then could ... My next question is this, should somebody put a further application in, would the great weight and the prestige of the Commissioner's Office either officially or unofficially be put together to make that application, give it more strength?

Mr. Commissioner: Mr. Speaker, anything that the figurehead can do to help promote the welfare of the Yukon Territory, we are happy to do it.

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

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

MOTION CARRIED

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

MOTION CARRIED

Mr. Chamberlist: I would move, seconded by Councillor Watson, that Third Reading be given to Bill No. 4, an Ordinance entitled Electrical Public Utilities Ordinance.

*BILL #4
AMENDMENTS
FIRST READ-
ING
MOTION
CARRIED
BILL #4
AMENDMENTS
SECOND
READING
MOTION
CARRIED*

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane, that Third Reading be given to Bill No. 4, An Ordinance entitled, Electrical Public Utilities Ordinance. Are you prepared for the question?

*BILL #4
THIRD
READING*

Mr. McKinnon: Mr. Speaker, before the question is called, I am going to be voting against Bill No. 4. There are many good things in the Electrical Public Utilities Ordinance but I just can't get around section 50, it states, "this Ordinance shall bind the Crown insofar as the Crown submits to the operation of this Ordinance." Mr. Speaker, if we are making law in the Yukon Legislative Council, this law has to be for everyone. To give a Federal Crown authority... the ability to not to have to be bound under the terms of this Public Utilities Ordinance, I think then it is discriminatory legislation. We have heard the comments that the N.C.P.C. may or may not come under the purview of the Board or may not allow themselves to be regulated by the Board, that isn't good enough for me. I know that it is beyond the bounds of our jurisdiction to make N.C.P.C. submit to the terms of the Public Utilities Board, but it just sticks in my craw to such an extent that I find it impossible in conscience to vote for the Bill. When we make law, I want to see everyone connected with those industries coming under the law that we make. Mr. Speaker, I say that there are many good things in the Public Utilities Ordinance, but as long as section 50 remains in there, it is impossible to deal with the Crown supplier on the local level, I am not going to be able to give my consent to Bill No. 4 as it stands at this time.

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

MOTION CARRIED.

MOTION
CARRIED
BILL #4
TITLE
ADOPTED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 4, the Electrical Public Utilities Ordinance, be adopted as written.

MOTION CARRIED.

MOTION
CARRIED

Mr. Speaker: I declare that Bill No. 22 has passed this House.

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

MOTION CARRIED.

BILL#13
AMENDMENTS
FIRST
READING
MOTION
CARRIED

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

MOTION CARRIED.

BILL#13
AMENDMENTS
SECOND
READING
MOTION
CARRIED

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson, that Third Reading be given to Bill No. 13, an Ordinance entitled Taxation Ordinance.

BILL #13
THIRD
READING

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane that Bill No. 13, an Ordinance entitled Taxation Ordinance being given Third Reading at this time.

Mr. Taylor: Mr. Speaker, I just rise to state what I stated in Committee, I'm opposed to this Bill until section 50, thereof, has been altered, amended to provide once again for the Commissionner in Council to levy taxes upon the people, not the Commissioner and notwithstanding that they have a resolution in Council consideration in the section. Until Commissioner in Council is written into this piece of legislation I'm utterly opposed to it.

Mr. McKinnon: Mr. Speaker, I would just like to say that this is rather an historic day for the anals for the Council of the Yukon Territory because as I read the Bill, the taxing authority is rightly placed and by resolution is rightly placed, under section 50 of the section dealing with school tax, in the hands of the Yukon Legislative Council and no longer can the Council run and hide behind the cloak of the Commissioner and say, "The Commissioner is setting the taxes not the Yukon Legislative Council," the Commissioner is off the hook where he should be, and the Council will have to stand up in this House and finally be counted when they do make a charge upon the people of the Yukon Territory. I don't think that at this time that we are being hoodwinked, it has to come from resolution if the tax is going to change, it has to come from a resolution from this House and all Members have to say, "yea" or "nay" on the question. I think that it is rather, as I said at the begining, it is an historic day in the development of Government in the Yukon Territory and I will be prepared to run my support to this Bill, Bill No. 13.

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

MOTION CARRIED.

MOTION
CARRIED

BILL#13
TITLE
ADOPTED
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 13, Taxation Ordinance, be adopted as written.

MOTION CARRIED.

Mr. Speaker: I declare that Bill No. 13 has passed this House.

BILL#9
AMENDMENTS
FIRST
READING
MOTION
CARRIED

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

MOTION CARRIED.

BILL#9
AMENDMENTS
SECOND
READING
MOTION
CARRIED

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

MOTION CARRIED.

BILL #9
THIRD
READING

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

MOTION CARRIED.

MOTION
CARRIED

BILL #9
TITLE
ADOPTED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 9, the Housing Corporation Ordinance, be adopted as written.

MOTION CARRIED.

MOTION
CARRIED

Mr. Speaker: I declare that Bill No. 9 has passed this House. What is your further pleasure?

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

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

Mr. Speaker: It has been moved by the Honourable Member from Watson Lake and seconded by the Honourable Member from Dawson that Mr. Speaker would now leave the Chair for the purpose of resolving into the Committee of the Whole for discussing Bills, Sessional Papers, and Motions. Are you prepared for the question? I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED.

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

Mr. Chairman: At this time, I now call Committee back to order. We have some amendments here, that refer to Bill No. 10.

BILL #10

Mr. Legal Adviser: Mr. Chairman, there are a couple of minor changes in subsection 6(1). It's just to take out the word, "order", in this draft, "make a proposal for the establishment of a municipality in that area". Subsection 6(2) remains the same. In subsection 6(3), we say, "a notice of appeal", must be served; instead of, "an appeal", to make it clearer. Then it must be "served on the Commissioner within sixty days from the publication of the notice mentioned in subsection(2)", which I think is clearer. Then to try and work a compromise, on the question, as whether or not a referendum should be held; section 7 has been drafted. It requires to be read, Mr. Chairman, because it is, substantially, a new section. And it is inserted in the middle of the section. What it is, is an attempt to give the power to this judicial inquiry officer, to have a referendum or a series of public meetings, or any other suitable way it appears possible to him, to find out exactly what the people of the area want; and what they need. The drafting changes in subsection 6(10), the intent of those changes is to make it mandatory on the Commissioner, to consider the report, and to make it mandatory of him then to change it, or to establish a municipality, after considering the report.

Mr. Chairman: (Reads subsection 6(7)). Councillor Stutter, will you take the Chair?

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I note that section change, but I also note, and I'm somewhat disappointed that you haven't provided for, the posting of notices in subsection 6(2), which was asked for yesterday. I believe that the Administration did agree, that the posting of notices should be posted under subsection 6(2). Are we referring now to the Bill itself, or the proposed amendments, the first proposed amendments?

Mr. Chamberlist: As I understood it ... a sheet of paper with the new amendments before me.

Mr. Taylor: Alright. I'm wondering then, if the Administration would consider providing for the posting of notices, in three or four conspicuous places, in the proposed municipality.

Mr. Tanner: Mr. Chairman. I'm sorry. We've got so many sheets of paper here, to what, was the Honourable Member referring? The first set of amendments of subsection (2)?

Mr. Taylor: It's much the same thing, Mr. Chairman. All it states, is that, "Within one month from the making of the proposal order, the Commissioner shall give public notice in a newspaper circulating in the area proposed to be established as a municipality". I made the point yesterday that, many people in the outlying districts do not get a newspaper, a great many. The old Ordinance has always provided for the posting of notices in conspicuous public places. I ask this to be included today. I am left with the impression that it wouldn't be, unless you have ...

Mr. Chamberlist: If we could agree to this here, we will add it in now, so we don't have to take it back again for another draft of the document. Are we agreed to this?

Mr. Chairman: Speaking from the Chair, I think that we were agreed yesterday.

BILL #10

Mr. Legal Adviser: ... and after in subsection(2), and as the last group of words, have copies posted in four conspicuous places, within the area.

Mr. Chairman: Agreed. I think that this was the agreement we reached yesterday, as a matter of fact. It was probably an oversight that it wasn't inserted.

Mr. Tanner: Mr. Chairman, I would also point out, that when you read that out ... Committee will remember that we took out "order", "and by order", and "as opposed to ordering", yesterday, but the Chairman read it out as if the "order" was still in. We took those out yesterday.

Mr. Legal Adviser: No. I put it in.

Mr. Taylor: Mr. Chairman, I recognize that fact. Now four includes from the first amendment; it is referring to here, that where the Commissioner appoints the person rather than a board or rather than a court. I still feel that the court should be the appeal, that is in here. There's no problem in subsection 6(5). In subsection 6(6), again, I think that the person who holds the ... or the board, or the court; I feel that it should be the court. In subsection 6(7), you mention now, and I think that it's in the Votes and Proceedings, that it is intended to provide, among other things, possibly a referendum to determine the wishes of inhabitants. I'm wondering if the Administration would consider adding to subsection 6(7), something along the lines, say, which may include a referendum. In other words, indicate in the legislation, that a referendum could be held.

Mr. Legal Adviser: Mr. Chairman, it's inherent in it, that he ask for a referendum. I think the draft is clear on this. But in some places, a public meeting might be better. It just depends on how the ball hops.

Mr. Legal Adviser: Mr. Chairman, I think that we've got one little hangup on this, as far as I can see. In subsection 6(7), the original draft says that, "the person making the inquiry will furnish the information to the Commissioner." The first amendment says, "the person holding the inquiry has the power to summon witnesses". Correct me if I'm wrong, Mr. Legal Adviser. The final amendment says, "having held the inquiry he can do certain things", one of which, could be hold a referendum. I think that we are all agreed, in what we've arrived at in subsection 6(7). But in the meantime, have we lost some of that power to that person "to summon witnesses, administer oaths".

Mr. Legal Adviser: It's just been renumbered.

Mr. Chamberlist: It's just been renumbered and see what we've done....

Mr. Taylor: Mr. Chairman. More recently, in many of these Ordinances we have, as I stated yesterday, been creating boards, and more boards. For matters of lesser import, than those involved in the creation of a municipality, I'm wondering why, if you will not agree, which it appears to me that you will not agree, that the person hearing the appeal should be the court or the judge of the court. Then why not a board in this case? Why a person appointed by the Commissioner?

Mr. Chamberlist: There is no point in going over what he's already said. Now, there's no point at all. The person that is appointed has the powers of the judge of the court. I'm not going any further on that myself. We've been very reasonable in bringing forward as many areas of items to satisfy specifically the Honourable Member, who has just spoken.

Mr. Taylor: Mr. Chairman, now I'm not concerned about the matter, in which the Honourable Member just spoke, I just asked a simple

Mr. Taylor continues ...

question. Why should this not be a board? Say three people, a board of three; instead of just one person possessing the power of the court.

BILL #10

Mr. Chamberlist: We're satisfied that the person with the powers of the court is in a position to do those things that have been referred to, rather than a board, in this particular instance. This has been looked into very closely, and this is the representation that the Government is making by way of amendment to Council. We're going to stand fast on it.

Mr. Taylor: That just means that I've been defeated. But I must say, that on those grounds, that I will oppose the Bill. However, I have one other comment to make. It was my understanding, that when we left this matter yesterday in Committee, that section 155, that an amendment would be made to that, where the Commissioner must show cause. Why is this not before us, or is this still under consideration?

Mr. Stutter: May I ask from the Chair, Mr. Legal Adviser, why section 155 was not taken into consideration? We did discuss it at some length. I think at that time, it was to be reviewed.

Mrs. Watson: Mr. Chairman, I'd like to answer for the Legal Adviser. It was just inadvertently left out of the sheet. It has been dealt with, and it just hasn't been put into the sheet. We will provide it.

Mr. McKinnon: I wonder, Mr. Chairman, before we get up to there, subsections (6) and (7), if Mr. Legal Adviser could explain to me the legal terminology, for there must be some definition of "substantial". I would have rather seen it at a set figure, rather than "substantial". I don't know what it means at all.

Mr. Legal Adviser: The person who decides what is "substantial", is the person holding the inquiry. He's going to have a little bit of leeway. Otherwise, you're artificially importing a percentage which may be just within a percentage point here and there. How is he to know? He's got to make a subjective decision, as to whether there is a "substantial number" there or not. It might be just one or two people; it might be a hundred. It depends on the number of people in the municipality, whether that's a "substantial number" or not.

Mr. Chamberlist: I wonder, Mr. Chairman, if we can continue with the other sections on here, while the amendment to section 155 is ... please, Mr. Chairman, let's us continue with sections 29 and 135.

Mr. Chairman: Mr. Legal Adviser, section 29(2). I think that this is a change, as requested by the Council, including myself, yesterday. Speaking from the Chair, I do believe that if section 29(2) has been now changed, you're also going to have to refer to section 61(1) of the original unamended Ordinance, and make a change in that section also. (Reads section 61(1)). Now with the change that you have brought about in section 29(2), take for example, four men present and the presiding officer is not voting. Two people could pass the bylaw. Now this is the point you've raised yourself; two is not a majority of four. So I think that subsection 61(1) must be changed.

Mr. Chamberlist: In fact, Mr. Chairman, I raised a point and pointed out that it says subject to the provision of this Ordinance, and the provision of this Ordinance now reads, the presiding officer shall not vote except for the purpose of breaking a tie. Right at the beginning of 61 (1) it says subject to the provisions of this Ordinance and there is a provision in this Ordinance, and the provision is as I've indicated, that the presiding officer shall not vote except for the purpose of breaking a tie. That's the only time he can vote notwithstanding anything else... BILL #10

Mr. Taylor: Mr. Chairman, 61 (1) says "Except as otherwise provided in this Ordinance "

Mr. Chamberlist: That's right, it says "provided" now, with this new section put in it is "provided". The presiding officer breaks the tie.

Mr. Chairman: I think though, from the Chair, it does seem to me, it would be very easy to remedy without changing the import of 61 (1), by taking out the word "present" and putting, members of the council "eligible to vote". Because there still does seem to me to be a questionable area there. I wonder if the Legal Adviser might advise me on this?

Mr. Legal Adviser: An argument for making a suitable change for the person reading that subsection, might not be aware of, he should be, but he may not, it means tax...

Mr. Chairman: It doesn't seem very difficult to me that ...

Mr. Tanner: Mr. Chairman, I think we've had quite a lot of debate on this particular item and it seems to me that the Honourable Member from Dawson initiated it and it's my feeling that what we've finally arrived with is exactly what the Member wanted and I certainly would endorse it wholeheartedly. I really don't know what this hangup is now.

Mr. Chairman: Would you take the Chair now please.

Mr. Taylor resumes the Chair.

Mr. Stutter: Mr. Chairman, now that my point is exactly...now that 29 has been changed to suit my request and I think of other Members also, it does definitely affect 61 (1). And I feel that 61 (1) could very easily be changed so that there isn't ambiguity.

Mr. Chamberlist: Well, there isn't, Mr. Chairman, with respect, because 61 (1) says "Except as otherwise provided in this Ordinance", now it is now provided in the Ordinance. Before, I would agree, it wasn't in the Ordinance. But it certainly is there now. ...

Mr. Stutter: Yes, I get this point, Mr. Chairman, and I don't have any hangup with this point because I have gone over this Ordinance many times in the last few days. We've all gone over it many times but, the municipalities that come to it and read that, they are going to go through that whole total Ordinance just to find out that 29 (2) has been changed, and therefore, rather than create ambiguity, we are making changes now. We are making changes before the final passage of this Bill, it does seem very, very simple to take out that ambiguity. If you don't want to take it out, you want to leave it in and force them to go through the Ordinance and find out the provisions that are in the Ordinance, then this is fine. But it just seems to me that it would make it easier just to change it slightly.

BILL #10

Mr. Tanner: Mr. Chairman, in that respect I agree with the Honourable Member and it might be a thought if without...this might be a little tricky, but I think it might be able to be done with the Legal Adviser, particularly on this matter, to find an answer to this problem. Could he not draw attention to the preceding paragraph without limiting where it might also apply in the total Ordinance?

Mr. Legal Adviser: Mr. Chairman, It's a question of English, though I'll agree legally it has a meaning and we know it.

Mr. Chamberlist: The danger of saying that...for instance we could say in there "except that provided in section 29 (2)" but then what we're saying, is ignore the rest of the legislation. But this is the danger there. This way we say accept it as long as we do the Ordinance. And quite frankly, if a municipality doesn't take the trouble to learn what their "Bible" for governing is, then it's their responsibility if they don't know about it. We're just lawmakers. It's up to them to study the particular legislation that affects the government of their municipality.

Mrs. Watson: Mr. Chairman, I wonder if I could ask the Honourable Member from Dawson, what in the past or at the present time, what is the procedure in the council at Dawson City. Does the chairman vote to break a tie?

Mr. Stutter: Mr. Chairman, in the past up to this point, Dawson has been, as I would assume other municipalities, has been governed by the old Municipal Ordinance which is not the same as this one, and there have definitely been hangups. This was the reason why I have raised the point, and why Dawson has raised the point, because they weren't sure by the terms of the old Ordinance whether the chairman did in fact have two votes, whether he had one vote, or whether he had no vote. Now it is quite clear in 29, and this is the way that they want it, the same way as we have it here in this body. And there is no hangup now on 29, but I still find that it does make a slight difference to 69 (1), but I'm not going to insist that 61 (1) be changed. It just seems that it could be simply changed.

Mrs. Watson: Mr. Chairman, I wonder if the Legal Adviser could advise us on this. If we could take the thought from 69 (1) and add it into 29 (2), can you do this?

Mr. Chamberlist: Sure he can do anything, but you know, we may just as well send it back and start all over again.

Mrs. Watson: You would be combining the thoughts of two sections, would you not?

Mr. Tanner: Mr. Chairman, lately the Honourable Member has come up with a solution to it. And it might be even easier. It doesn't hurt, surely, in any Ordinance to have once or twice a little repetition. Why can't you make what we now have as 29 (2) also repeated in 61 and make a second (2) in 61 and just add it in again. Would that solve the Honourable Members problem, from Dawson? Then whenever they see it they refer immediately to both of them.

Mr. Stutter: Yes, Mr. Chairman, I see no objection to this. Just getting back to a point that, the Member is now gone, the Member from Whitehorse East said if the Municipalities weren't completely familiar with their "Bibles" they shouldn't be there. This is not quite true because at any time that a Municipality is discussing anything, they go to the relevant section of the Municipal Ordinance, and in this particular case if they are passing a bylaw they go to the bylaw section, and this is where they would come against this slight problem. And the only way they would find that there was any difference is to go back again through the rest of the "Bible" as it was called. They're not that familiar with it, that's for sure. Their meetings are twice monthly and I don't think that the Members of this Council are completely familiar with their "Bible" which happens to be Beauchesne is most cases.

Mr. Tanner: I hope you're not referring to me, Mr. Chairman.

Mr. Rivett: Mr. Chairman, isn't there supposed to be a handbook that goes with it? For the guidance of the outside municipalities.

Mr. Stutter: Mr. Chairman, I'm quite prepared to leave this thing and then if there are problems that develop in the future, well then we'll bring it back and change it then, if it suits the Member from Whitehorse East then.

Mr. Chamberlist: Well I take objection to that. It is not a case of suiting me better or not but where we have already provided in the legislation, the words "except as provided" in the Ordinance, then I don't see any reason at all why adding superficial work towards the Ordinance. Here we're being asked to bring in legislation which is sound and understanding and can be checked one section against the other, we honour the Honourable Members request to do a particular thing, and then we find it's objected to.

Mr. Stutter: Mr. Chairman, with respect, I take exception to that. I have not objected to the change that's been made in 29 (2) and it has been changed according to my wishes, but I do feel that it also affects other sections of the Ordinance. If I am wrong, I will sit down and say no more about it.

Mrs. Watson: Mr. Chairman: In the first set of amendments there is ...I'm rather concerned, because 61 (1) in the original Ordinance is only the one section. But we have added another section 61 (2), and because there is another section to...for reasons that the Council will have to be looking at this section, possibly their attentions will be drawn to 61 (1). I don't know whether that has too much strength in it or not, but leaving two section 61 (1) as one section they may overlook it.

Mr. Legal Adviser: Actually I think, Mr. Chairman, the amendment to 61 (2) to which the Honourable Member has just referred, is slightly out of its context in that it is referring to an act of proceedings in a subsection of a section that is dealing with a bylaw. or ... Much earlier it was said that the best thing to do might be to pull out section 29 and add them into 61, because we're saying then that act or proceeding is not valid unless it is adopted by a bylaw resolution. The procedure then is either the bylaw resolution is required or a majority of the member....and make an....

Mr. Tanner: Mr. Chairman, we could do that now. If we're going to use the same phraseology we can do that without another revision.

Mr. McKinnon: Mr. Chairman, I think it would be logical because it seems to me that all these voting sections should be in one section, you know, bang, bang, bang. You know exactly where you stand on the ...of the meeting, exactly how the voting debate is going along. If 29 were eliminated and put under section 61, I think you would have all the voting ... tied up in one neat package without rattling back and forth in the Ordinance ... it would probably be much easier for the municipalities to understand just what the terms of voting under the Municipal Ordinance were. I don't think it would be any great problem to be done right at the moment, that this amendment be made.

Mr. Legal Adviser: We've got to redo 61 and we can type it up during lunch. Another section has been ... Agreed?

Mr. Chairman: The next section then is 135.

Mr. McKinnon: Before Mr. Chairman comes to 135 there was section 131 concerning parkades and in subsections (1) to (10) Mr. Legal Adviser

BILL #10

Mr. McKinnon continues....
and the Council agreed was going to be looked at and changed accordingly with the Votes and Proceedings of the House. I don't see these amendments at this time before the House, Mr. Chairman.

Mrs. Watson: Mr. Chairman, these were agreed upon, it's just again, these are sections that haven't been produced and prepared for Council as agreed to. And it's just a matter of getting the typing done and before Council.

Mr. Stutter: Mr. Chairman, I would like to ask an obvious thing, why have we actually gone back into (10) at this point if the amendments that were brought up yesterday just aren't ready? I mean why have we gone back into (10) at this point?

Mr. Chamberlist: Well, Mr. Chairman, with respect, they were supposed to be ready and I understood that they were ready, and I'm very, very, sorry indeed that people don't understand that we worked late last night to try and get these things done, and they were supposed to be ready and I took it for granted that everything was ready.

Mrs. Watson: Mr. Chairman, this is true. The decisions were made last night, but I must point out that there is ...we only have so many people to do the typing, and these people are carrying a very, very heavy load. They worked until 3:30 in the morning, and last night they worked until 12:30 and a mistake was made, and it just wasn't ready but they are only capable of typing so much. They do the Votes and Proceedings, they are doing the amendments, and they are trying to have all this material, and I realize it's holding us up but I don't think we can be too critical at this stage of the game. They are only capable of producing so much work.

Mr. Stutter: Mr. Chairman, I wasn't being critical of the people that are preparing it, I merely said "Why was it brought forward to the attention of Council again, these amendments, if it wasn't ready?" That was done, not by the people that are typing it, but by people present here in Council. I'm not in any way saying that there hasn't been a lot of work done. I appreciate that.

Mrs. Watson: Mr. Chairman, we were under the impression that this was complete, that all of it was on here, they were handed to us... I regret that it was brought before Council but we will have it ready after lunch.

Mr. McKinnon: Mr. Chairman, I have no objection at all of going through the amendments that are available to us and trying to expedite the business of Council, It's just that when we ask questions saying why wasn't this done, as long as we get the answer that it's not here because it's not prepared yet, I'm quite willing to accept that and go along to the amendments that we can examine.

Mr. Chamberlist: Members can be assured, Mr. Chairman, that all the points that were raised have been thoroughly discussed and also that they were supposed to be typed and ready, but when this was handed to us just before, I haven't even had time to look to see if the paper work was completed. I would ask all Members to understand that we too were working at a very, very great deal of pressure to try and get the work of the House completed. I wonder, Mr. Chairman, if we could go onto another Bill, just before progress on this, go onto another Bill and come back again to it this afternoon.

Mr. McKinnon: We've only got three more amendments that are...

Mr. Tanner: Mr. Chairman, we could solve everybody's problems here quite easily, I think, ...recommendations the Legal Adviser has made to incorporate two sections which he can have ready for us, I presume, by lunch time, or after lunch, why don't we go ahead and finish 135.

Mr. Tanner continues...
Mr. Tanner: And then the other one from the "parkade" section of the Ordinance can be done this afternoon, can be ready this afternoon and we will be ready to go. Is that agreeable to everyone? BILL #10

Mrs. Watson: Mr. Chairman, I would just like to point out I am belabouring this section 61 and 29 and I realize it. I wonder if the Honourable Member from Dawson City, has read the amended 29(1) and 29(2), in context with 29(1). The amended 29(1) that we had yesterday, and then the amended 29(2) that we had today. If you read those two together... whether it will be necessary.?

Mr. Stutter: Mr. Chairman, I did read, and of course, have read all of them. Under 29(1), under the amended section, I had a note written right on it in pencil, "redraft all of 29" which has now been done and then I also referred myself back to 61(1), and I have a number of notes on that.

Mr. Chamberlist: I don't think I am getting the point that he is making.

Mr. Stutter: Well, if I have got the point wrong, it could be repeated.

Mr. Chairman: Maybe Committee might wish to adjourn for lunch at this time?

Mr. Chamberlist: No, let's carry on.

Mr. Chairman: So that people can study these amendments because apparently there is much confusion here, right at the moment.

Mr. Chamberlist: This 29(1), the amended 29(1) provided to us yesterday, and the addition of 29(2), which is provided today, completely fulfills and answers the doubt the Honourable Member from Dawson has expressed in reference to section 61, because what you have got there in the first 29(1), "All acts authorized or required to be done by council shall, except where otherwise provided in this Ordinance, be done or decided by a majority of the members of the council present at a regular meeting." Subsection (2) says, "The presiding officer shall not vote except for the purpose of breaking a tie", so it follows, these things.

Mr. Stutter: Mr. Chairman, I said all along I don't have any hangup whatsoever on 29, it is perfectly clear, it is just that now that 29 has been changed you still have ambiguity in 61(1). I have never objected to 29, I accept 29 but I do feel it makes a difference to 61(1).

Mr. Chamberlist: With respect, Mr. Chairman, where it says "accept where otherwise provided", this takes care of these objections and this is normal. Everybody here has had experience with legislation where we say, "except where otherwise provided in the Ordinance", and this takes care of it; it is all so clear.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: Obviously there is a hangup, and obviously there is room for debate because we have debated that very same point. If it can be resolved by redraft, we have the time, we're not that pushed for time, I think the objection should be met by resolving it. The more and more the debate goes on, the more and more I become confused because the expression "except where otherwise provided in this Ordinance" refers to the decision of a majority carrying the day. There is nowhere else in the Ordinance which says anything about the decision of the majority carrying the day or not carrying the day, on a bylaw. What we are doing is that we are providing that the presiding officer will or will not vote, that has got nothing to do with the expression "majority present", because even though he doesn't vote, he is present. You have got to

BILL #10

Mr. Legal Adviser continues ...
overcome his physical presence by having a bigger majority than before.

Mr. Chamberlist: I hate to say this on this great day, March 17th, but I wonder why Mr. Legal Adviser doesn't display these points when we cussing it, so that we don't have to discuss this in the House, and clear it at that time.

Mrs. Watson: Mr. Chairman, if there is doubt...well I shouldn't have started it again, I just wanted to point out 29(1) to the Honourable Member for Dawson City, and that is fine if the Legal Adviser can clarify it for us and there is need for clarification, then by all means.

Mr. McKinnon: Proceed.

BILL #11

Mr. Chairman: Anything on 135(1)? Continuation on Bill No. 10 then will be stood over until this afternoon. We have an amendment to Bill No. 11.

Mr. McKinnon: Before we go to Bill No. 11, is this the total number of amendments to Bill No. 11 in this ?

Mr. Legal Adviser: As far as I know, yes. Mr. Chairman, the change in 63(1) is to attempt to reconcile the wishes of several of the Members by providing that any person who publicly campaigns on the day preceding polling day or on polling day commits an offence but there is no punishment provided in this particular Ordinance for the offence. It just falls into the Interpretation Ordinance, as a matter of tack rather than change of the legality of it.

Mr. Chamberlist: So they're standardizing.

Mr. Chairman: Reads 63(1). Clear? Reads 84(1), Clear?

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 11 be reported out of Committee as amended.

Mr. Tanner: I second that motion.

Mr. Stutter: Mr. Chairman, I wonder if those minor changes that were brought up yesterday, have been put in, like the word "annually" in 6(1) of the amendment, 62(b)...

Mr. Tanner: We did that during the dedate.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 11 be reported out of Committee as amended.

Mrs. Watson: Mr. Chairman, I believe that was seconded by Councillor Tanner.

Mr. Chairman: Sorry, congratulations. It was moved by Councillor Chamberlist, seconded by Councillor Tanner that Bill No. 11 be reported out of Committee as amended. Are you prepared for the question? Agreed? I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Chamberlist: Mr. Chairman, I would move that we call it 12:00.

Mr. Chairman: It is not necessary for a motion. I'll stand Committee in recess untill 1:30 p.m.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order. We are dealing with Bill No. 10. We have an amendment to 29, stating "delete."

Mr. Chamberlist: Is it the whole of 29?

Mr. Chairman: Yes. Then in 61(1).

Mr. Legal Adviser: Mr. Chairman, in regard to 29. Two sections are already going to be deleted leaving this one good section. It was transferred to section 61 dealing with how you vote and pass an Act, it is transferred to section 61. In section 61, itself, it is awkward to draft a double barrel subsection to deal with the majority, when the mayor votes and a majority when the mayor doesn't vote. I've done that by saying "at the sight ~~that~~ the majority of members are present and entitled to vote," that means that the majority, with which depends whether the mayor is entitled to vote or not. Then the other is roughly the same except "the presiding officer shall not vote except for the purpose of breaking a tie", now governs the whole section. Also, we're taking out the words, "Except as otherwise provided in this Ordinance," because the point of those words were, certain things in other places were decided by a two-thirds majority. There is no place where we decide by two-thirds majority here.....

Mr. Chamberlist: Mr. Chairman, this section 61 you have the words, "by a majority vote of the members of the council present." Suppose some of them don't vote.

Mr. Legal Adviser: They don't have to vote.

Mr. Chamberlist: But where's your majority then?

Mr. Legal Adviser: The majority, if they are entitled to vote, are counted in. They don't have to vote to be counted in.

Mr. Chamberlist: So if none of them vote at all, so then you say the presiding person, he then casts the vote all by himself?

Mr. Legal Adviser: There won't be a tie in that instance or the motion won't have been recorded a second ... or recorded at all if somebody recorded the vote properly. A tie consists of when the votes are even on both sides. It is not easy to draft and be preciseit's a fluent situation occurring ...

Mr. Stutter: Mr. Chairman, I find no fault with 61 now, it pretty well covers what I brought up.

Mr. Chamberlist: I see something that has not been pointed out.

Mr. Legal Adviser: Mr. Chairman, there's no point to a Member sitting back and saying he sees something wrong with it. It's ridiculous.

Mr. Chamberlist: Mr. Chairman, I take absolute offence to that. The Legal Adviser is not a Member of this Council and shouldn't be speaking. This section hasn't gone through the Legislative Program Committee for discussion. Now look, let's not talk about that, not now.

Mrs. Watson: Mr. Chairman, I feel that this section should be read first of all, to all the Members.

Mr. Chamberlist: Well, I will not support it, that's it.

Mr. Chairman: Reads 61(1)(2)(3)(4). Are you clear on 61?

Mr. Chamberlist: No.

BILL #10

Mr. Chairman: Proceed. Is there any further discussion on 61?

Mr. McKinnon: Mr. Chairman, I think everybody's duty at this Table is to make after all the amendments and the discussion has gone on to try to come up with best possible legislation affecting the people of the Yukon Territory, in this particular instance, the municipality in the Yukon. I have no objection at all to these amendments coming in, being discussed and before they're being discussed even, if the Legislative Programming Committee wants to take the time to look at the section when they're drafted as amendments before coming to Council. That is fine with me too, because the ultimate end I think, in all of our interests is made for sure, that when the legislation finally passes the House, that it's the best possible legislation that all the minds that were put together to it could come up with. I am really not positive in my mind why it can't be done in this method, where the amendments go to the Legislation Programming Committee before they come to the House again. I am not quite positive in my mind why the Municipal Ordinance and amendments have to go through today-type of thing. I don't think that being in legislation generally makes really good legislation. Every time I've been around this Council, this legislation that has come about has been through a real give and take...all the people in the community involved, who could possibly give an input to that legislation and now it seems that the shoe is on the other foot, where the opposition is trying to get legislation through to the Government who doesn't really approve of it, I would like to give the Government the opportunity of examining the amendments and to make sure of the amendments that they want, in order to come up with a good Municipal Ordinance. Where somehow along the line, though the wires have been crossed, as we are in a great haste to do something, and it is not clear to me why the haste is there at the moment.

Mrs. Watson: Mr. Chairman, these amendments were requested from the Legal Adviser by the Government before we recessed at noon. These are the amendments that the Government is now submitting to the Members of the Territorial Council.

Mr. Chamberlist: This is not so, this is not so.

Mrs. Watson: These are the amendments, repeat, these are the amendments that the Government is now presenting before the Territorial Council. I would like to have any other comments on these amendments.

Mr. Chamberlist: Mr. Chairman, this is not so. These are Mr. Legal Adviser's amendments...Mr. Legal Adviser is in a capacity right now of legal adviser to the Council, because this hasn't gone through the process of the Legislative Programming Committee dealing with this particular thing. There are some points of discussion I would like to have on something that I see with the Programming Committee. This is why I don't want this read at this time.

Mrs. Watson: Mr. Chairman, as a Member of the Government, I say these amendments are the amendments that the Government tabled. May we proceed.

Mr. Chamberlist: We may not proceed, this is where we are going to have a difference of opinion. The Legal Adviser stepped in to create a breach in this particular item. Now as far as I'm concerned...

Mr. Chairman: Order, order please I don't think it is proper to call upon a Member... to use a servant of the House as anything...

Mr. Chamberlist: Ah, come on now, Mr. Chairman. This is not accusation at all. This is just saying quite clearly what the position is. Mr. Legal Adviser knows full well that amendments have to be cleared through the Legislative Programming Committee and I am asking that this be done.

Mr. Legal Adviser: Mr. Chairman, I have no objection to having the amendments cleared. As I understood the position...

Mr. Legal Adviser continues...

I was instructed by this House and amalgamate section 29 and section 61 to see that the mayor for the municipality would have the vote, except in event of a tie, and that the position dealing with the majority, was clarified so that in the initial case, the majority of the ordinary members of the Council, at the present time, and the mayor, were entitled to vote. I did this, but I had the assistance during the lunch hour of one of the lawyers from the Department of Justice. We sat down together, we did this, we drafted it up, the amendments were typed and handed to the Clerk of the House to do with as he wished. The Clerk circulates these documents and I have no responsibility for circulating. I just drafted as instructed by the House. I do want I'm ask to do, and I do it the best way I can. If anyone thinks that something is wrong with the amendments, there's a hole in it, I would be only too happy to have it pointed out so that we can find out what it is.

BILL #10

Mrs. Watson: Mr. Chairman, we only asked the Legal Adviser to change the wording to "or" before the policy was established. This has been done and I still submit that these are the amendments that the Government is presenting and that I feel we should go on with the Orders of the Day.

Mr. Chamberlist: Mr. Chairman, I am very sorry. I would ask for a recess for a few minutes at this time.

Mr. Chairman: Does the Committee agree to a recess? The Committee is recessed.

RECESS.

RECESS

Mr. Chairman: I'll now call Committee back to order.

Mr. Stutter: Mr. Chairman, I would suggest that we report progress on Bill No. 10.

Mr. Chairman: Agreed? The only other matter of business is Bill No. 12.

BILL#12

Mr. Chamberlist: Mr. Chairman, Bill No. 12, the Municipal Aid Ordinance, was requested to be sent back to Administration for further consideration of the points dealing with the population count by Statistics Canada. Mr. Chairman, as Members of Committee are aware that objections have been raised just to the fact that in some municipalities the population count has not been carried out in a satisfactory matter. The question that must be answered is that the Federal Government, in negotiating with the Government of the Yukon Territory for funds, takes into consideration the statistics that are supplied by Statistics Canada, at the time the funds are made available in any fiscal agreement, and we must therefore follow the same procedure. We are unable to find anyway out, any loophole out, to alter this amendment... to provide any other means at this time in dealing with the per capita proposed for capita grants, so that we have to accept the population numbers of Statistics Canada. It may be, that as a result of the Government making some representations through the Department of Indian Affairs and Northern Development, that they would use their offices to be in contact with Statistics Canada to see what can be worked out in the nation to upgrading the count in a year-by-year, or over a period of two years or so. We know that Statistics Canada do provide further information every five years and another census on the tenth year. I would suggest Mr. Chairman, that we report this out of Committee as amended.

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

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, I am not satisfied with the suggestion that

BILL #12

Mr. Taylor continues...

a gamble on representation being made to Statistics Canada. In order to adjust these figures, it has been pointed out for instance Faro, who have indicated here, a grant based on 850 people when indeed they have 1200 or more people in that community. I just couldn't accept the passage of this Bill until these figures are firmed up and also and equally important, that a system that has been suggested by the Honourable Member of an annual count, shall we say or an annual census in these areas has been devised and incorporated into the Bill. For instance, it was pointed out to me over the noon recess, what happens for instance to the City of Whitehorse, if the Whitehorse Copper people get back into business and then you have an influx of another few thousand people. You would have to wait five years before you would ever get a grant which would reflect that increase in the population, and so it goes around the Territory, in Dawson, or in Faro more particularly. Where they put in additional staff housing this year or next year, and population by another thousand, they would not get the benefit of the grant, which was certainly intended in this Bill. So, I do appreciate the fact that, no doubt the Administration worked very hard and long to try and find another formula, an acceptable formula to take the place of the one suggested here. Until these facts are known, I certainly, and I don't think any Member would accept the fact that we'll just take a chance on having a readjustment of statistics. I don't think anybody should pass this Bill, until we have provided within it, the means by which to determine population on an annual basis if you prefer, but something must happen here.

Mr. Chamberlist: Mr. Chairman, I am not going to argue the point that has been made by the Honourable Member, because I am just as deeply concerned with what he has said and I will say that I agree, that it is a very unsatisfactory manner in which the population count in the Bill is done, but we cannot help it, because in negotiating with the Federal Government for funds, the Statistics Canada Branch supply that population count to the Federal Government and they make their grant through the Government of the Yukon Territory on that basis. It would be very difficult indeed, for us to say, "Well, notwithstanding what Statistics Canada pay us, we will nevertheless pay the greater amount to the various municipalities." Because immediately we recognize the fact that there is more money involved, then we must come along and say to Council, "Well, you agreed to give the municipalities the extra money of their count." And we say that now that you've agreed to that, you tell us where you want us to raise the money. Who should we tax to pay that money? This is a very very important situation and I learned just the other day, that one year the City of Dawson Creek, with a Dominion Bureau of Statistics of Canada population count of \$3500.00 or 3500 people in two or three.... In less than three years increased their population to over 13,000 people and they were locked in with that population count for purposes of grants from the B.C. Government to them. So I really don't know what suggestion that could be made, apart from the fact that the Council must recognize that if we are called upon to provide the extra per capita amounts, according to the increased population in any particular area, the onus then calls upon this Council to raise more money to pay the municipalities. Now, when you raise more money who do you tax it from? You tax it from the people to give to the people. Just a short while ago, I discussed this situation with Mayor Lehbauer of Faro, as it affected his municipality. He recognizes the points that were just made in regard to the fact that we do, and are dependent upon the Federal Government, in this particular area. All I have said to him is, as I said when I spoke earlier, that the Government of the Yukon Territory will make every endeavour to attempt to get Statistics Canada to review their census count and to bring up to date, either on an increased formula basis year by year, or some method which we haven't worked out completely to correct what really is, and I agree, an injustice to the municipalities, especially of Faro and maybe also to Dawson City, I don't know. The Honourable Member from Dawson City hasn't raised very strong objection to show that there has been demerit. Certainly, the L.I.D. of Mayo has been dealt with wrongly, there has been a bad count taken. I don't know whether there has

Mr. Chamberlist continues...

been any bad count taken in the Whitehorse area, but what the Government of the Territory will ask is that a review be taken by Statistics Canada of the overall population, because we have been considering the population has increased to 20,000 or so. We find that with the preliminary figures that have been supplied to us, it is around about 18,000 or a little less. So this is the only thing I have to offer and I am afraid whatever any Honourable Member says in this regard, the Government of the Yukon Territory is locked into the population count at this particular time.

BILL #12

BILL #12

Mr. Taylor: Mr. Chairman, I can't agree that we are "locked in", I really can't, because experience over the years in our budget procedure have shown that really, this is in terms of finance, that really if for instance... Let me put it in a different way, say that Statistics Canada came back, and in the case of Faro, saying that "we have looked at this and as far as we are concerned we have to go by the information of our assessment takers and indeed, we cannot justify more than 850 people in Faro, but for no reason will we change our figures". That locks us then into a position of 850 people at \$46.00 per capita for the next five years until the next census, I suppose, unless some change takes place here. Therefore, we would have to then provide for 850 people at maybe \$80.00 per capita to truly reflect the amount of money needed in grant form to give to that municipality. When you suggest that we are locked in, I cannot agree because what we must do then, as has been stated by the Honourable Member, Mr. Chairman, is that we must look at the budget, we must say, "Alright, we are going to do this and we have got to find the money", you don't have to go to the people and raise their taxes. Also, you have the alternative of dropping programs, you can say, "Alright, we will cut out this program", or this type of thing. You can cut on the budget as well. I really can't in all honesty, even consider approving this Bill until we know for sure where we sit in respect of Statistics Canada, because everything is based on whatever they come up with; the foreign landlord this type of approach. I really don't think we should move on this Bill until those figures are known. It may be that the Administration over a period of time, in considering and pondering this question, can call upon the expertise of others, in other areas to come up with a suitable formula, which may parallel and may improve upon the formula suggested here, and maybe get us out of this deadlock that appears to be. I don't think lightly you can say we are locked in and it's got to be because this is too important an issue, this is grants to municipalities, it's their life blood and I don't think you can casually say, well let's just take a chance on Statistics Canada and pass this out of Canada. I really just can't agree with that.

Mr. Tanner: I think the Honourable Member is answering his question himself, because he didn't, like none of us can, apparently get out of the position where the money is Federal money and the figures are Federal figures, we have got to live with that. The Honourable Member mentioned the fact that this is the life blood of the municipalities, and it is, we all recognize that, but this isn't the area that we are going to help them in, in the condition in which we find ourselves with regard to this specific and particular grant. If, as you say yourself, we find that they are short of money, then we are going to have to, as you say, go into our own budget, but that is a different problem than we have got here. I am constantly satisfied in my own mind that the Government has tried their best to fight, to not be tied down by Statistics Canada figures, but they find that this is impossible, they have to live with those figures. In the initial census which was just taken, in regard to Faro there is a repeal section and they can do something about that, but that's one time. They can't do very much about it until the next five-year semi-annual census, but the fact right now is that we have Federal money, Federal grants, Federal figures, and that is what we have got to live with. We might as well make that decision and recognize it for what it is and then continue, should the municipalities find themselves in difficulty, to look at our budget to find out what else we can do. For this particular Bill, I would suggest to all Members that we pass it, because there is nothing else that we can do, we haven't got an alternative.

Mr. Taylor: Mr. Chairman, I can't agree. I certainly think that if people got their thinking caps on, and as I said went after a little expertise in this matter, that it may be I am not saying that it is going to be, I am saying that it may be that several heads are better than one in issues like this. Maybe we can find an alternative approach to this problem. Also, it must be understood, that regardless of what Statistics Canada do in relation

Mr. Taylor continues ..
to the figures we have before, we must make provision within the Bill, for some other method of taking the census within a municipality for the annual year-by-year grant. We cannot let a municipality soar, from a population, hypothetically of 1500 people, to 4000 in five years and receive a benefit based on 1500 per capita, this type of situation you can't permit it. There must be some way that annually you can make an assessment of your population within a municipality, upon which you base your grant. It has got to be written into this Bill somewhere. I think you understand what I am getting at.

Mr. Tanner: Mr. Chairman, I frankly think that the Honourable Member is just not facing the fact, the fact is, that there is a formula set up by the Federal Government, they use their resources, which in this case is Statistics Canada, which says this is the figure, they use their money to pay on that figure. They are the people that are paying and they're the people... and we are using their figures and their money and we haven't got an alternative, we have got to live with it, that's it.

Mr. Taylor: It may be possible that we could maybe retain with some amendment or ~~existing~~ grant structure then, until such time as we can resolve this problem.

Mr. Tanner: Mr. Chairman, then I suggest that the Honourable Members then take an entirely different approach. The basic question on this document was whether or not we could get recourse should the various municipalities not like the figures put out by Statistics Canada. To the best of our ability the Government has answered that, they said what they are going to do they have tried to find an alternative and they are locked in, they don't have alternative. I think we have got to live with that practical absolute in the way the Territory is governed. Mind you, this isn't necessarily true to just the Yukon, it is true in every Federal Program across the country to every other jurisdiction.

Mrs. Watson: Mr. Chairman, I think the Honourable Member from Watson Lake is making a good point but he can't delude himself that it all boils down to dollars and cents. If we make provisions in here for an annual census, we know for the next five years we are going to have to find extra funds. The Honourable Member from Watson Lake made the suggestion that possibly, we can look at the budget and eliminate other programs. The Honourable Member is very aware than any programs than are programs, that are set up for all of the people of the Yukon Territory, and he is implying that he would start tampering with the programs for all of the people in order to find funds for certain sectors of the population.

Mr. Taylor: Mr. Chairman, this has been done since time unknown up until this Council, where... more particularly whenever we find ourselves in a squeeze that the Federal Government put us in, in respect of blackmailing us into taxation, we are going to say you had better raise 'six-hundred thousand dollars and then we will give you five million dollars type-of a proposition. We have been through that many times. We have, in order to save going to the people and raising taxation upon the people, cut programs, and it's that simple and it is the right and prerogative of Council to cut. We can't put anything in the budget but usually if we can find where to cut a program within the budget, the Administration has generally gone along and said fine, you find the revenues and we go along with you. The reason I say that a little more time should be spent on this, is because this matter came up when we last discussed this on Tuesday. Now through Wednesday, Thursday and today is Friday, we have had what, two and one-half or three days to ponder the problem as it was presented on Monday. How we might be able to find a way around this thing, three days in my opinion is not long enough. I also suggest that there is expertise around the countryside which may be able to provide us with another formula by maybe a more equitable formula. In other words, I can't see this being rushed along in three days, I just can't see it. Certainly we are locked in, but let's unlock ourselves. I don't believe you should give up at this point and say let's pass it. Find a way out of the predicament that we are in because there must be a way out.

BILL #12

Mr. McKinnon: Mr. Chairman, I think, that we are faced with a very serious problem here and I will start off my remarks by saying that I don't have the answer to it. I think, that it is in fact, just another example of where the Federal Government is unable to take into consideration the facts of northern living and of the northern experience. How we work around it, I don't know, but the Honourable Member from Whitehorse North keeps saying that we just have to live with it. We are not really going to have to live with it as much as the municipalities within the Yukon are going to have to live with it. You take a look at the Carr Economic Report, which says that by 1985 or so, that Whitehorse should be an area of I think, some twenty-five or thirty-five thousand people. I think, that Whitehorse could be an area of twenty thousand people within five years time. We have a municipality trying to provide services to a city of twenty thousand people based on a grant of eleven thousand four hundred five years back, and how anyone can expect a municipality to be able to provide these services for its citizens without some other type of formula worked out is an absolute impossibility. Take Faro, depending on the lead-zinc mark and nothing else, it could be a city of two to five thousand people within five years from based on a grant of eight hundred and fifty people conversely, if the bottom fell out of the lead-zinc market there could be no Faro at all and Mayor Ed Lehbauer of council could sit there...it would be just like thousands of dollars being paid in by the Territorial Government at the expense of the rest of the taxpayers in the Territory, driving around in Cadillacs and having no people to govern and having a great time in Faro with the grants that are coming. Somehow, somewhere we have got to find some kind of an area where we can move because we just can't say knowing the northern experience which every one of us do, and how it is a boom and bust economy and dependant upon what happens in the mining economy, things can happen just overnight. Instant towns can be created and towns can die, just as quickly. I can think of the Haines Junction area growing into a municipality within the very near future and being walked in on a statistic of 1971 census when it could be an area of some two or three thousand...for new municipalities there is a provision in the Ordinance...You see, the same factor isn't presented to the rest of Canada. The people of the Maritimes, the people in Manitoba and Saskatchewan are happier than heck when a formula comes out because in a five year period, if everything remains equal, they find five years hence that the people have left these provinces in gross. The areas of Alberta, and British Columbia aren't so happy because most of the people are going to those provinces, and of course Ontario and Quebec retain a relatively stable population so they don't really have the problem. There is no one who faces the problem worse than the people of the North and we are going to be locked in by Statistics Canada. We have got a very very serious problem here and I think we are going to have to take a longer harder look at it somehow, in providing, as I said at the beginning, I haven't got the answer but by golly we are going to have municipalities in the Yukon in the next five years who are going to find that they just cannot provide any minimal standard of services to the citizens living within the municipalities because their growth rate is going to have been so great that the Statistics Canada 1972 figures that we are using bear no relationship to the actual fact that we are going to find them in, in 1977.

Mr. Tanner: Mr. Chairman, I think the Honourable Member is just maybe furthering the facts of the case because if such a situation arises as he outlined, and I can foresee and I think every Member around here can foresee that happening, then we have to go to the Federal Government and try for another program but this particular program is what we have got right now. If, as another alternative it doesn't work that way, then we have to, as the Honourable Member from Watson Lake said, we look in our budget and we do what is necessary to alleviate the problem for the municipality at that time. For this particular program I can assure the Honourable Member to my knowledge, the Government, the whole Administration worked with a great deal of difficulty and a great deal of effort to get this program and it took a lot of conviction on their part to convince the Federal Government to give us even this and having got it, they said this is the condition and that is the condition we have got to live with. If it doesn't work out then we go back and have

Mr. Tanner continues ...

BILL #12

another try for a different program but the situation today is as you see it in front of you.

Mr. Chamberlist: Mr. Chairman, there is one thing that appears to me, that everybody around this Table has agreed upon, is the fact that we have a difficulty. I don't think there is any Member here that does not recognize the problem that could face municipalities who are increasing their size of population, and as has been pointed out, the problem whereby municipalities, where the population decreases, would be in the position, under the formula, of having more money than they know what to do with, I would say from discussions I have had with people within the municipality of Whitehorse, for instance, that they would be very very reluctant indeed, to go back to the old formula. I know they are interested in the principle of this new formula but the only one area the Government of the Yukon Territory cannot make any further commitment on, is the reference to the population count by Statistical Canada, at this time. As I say, we have every intention of very diligently and aggressively going to the Government of Canada via the Minister of Indian Affairs and Northern Development and pointing out the hardships that might be entailed by existing municipalities as a result of having to accept for the next five years, if indeed, this is their intention, the statistic count for population count because it would mean that next year, when we go to the Federal Government to deal with... enter into an agreement again for money, we are going to be faced with the same problem. I should also point out to Members of Council at this time, that the Federal Government require the Territorial Government to submit proposals for the next five years, in planning expenditures because the Federal Government themselves have to plan their expenditures to incorporate the monies that the Northwest Territories and the Yukon Territories ask for in the Indian Affairs and Northern Development project. It is a continuing thing. Of course the answer would be, as everybody would hope for, a complete change in the constitutional setup of the Territorial Government and there again it is where we are boxed in. I would ask, Mr. Chairman, that we accept the situation as it is and have it passed out of Committee and then when we come to the budget itself, deal with the budget item. I can give assurance to Members of Committee that I would not move for Third Reading until such time as the item in the budget has been discussed.

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

Mr. Taylor resumes the Chair.

Mr. Chairman: Councillor Stutter.

Mr. Stutter: There are just one or two things I would like to mention on this. The tempo of the debate has changed slightly, to begin with on this one item, we were wondering, extra monies would come to and then later we come back to the fact that it is the Federal formula and therefore we can't change it. Going back, just temporarily to the money end of it, it seems to me that we are overlooking one very obvious thing and that is that with an increase in population you also have an increase in taxation or an increase in revenue within the Territory. I think this is one of our real failing in the Yukon or rather, why it costs us so much to provide services in the Yukon is that we are desperately in need of an increase of population. I for one, don't want a great deal of increase in population in the Territory. I love it the way it is and I don't want to see too many people here. The fact still does remain, that you could double or triple your population and much of your overhead, much of your cost of providing certain services will not necessarily increase by the same proportion and I think that with the increase in population there is definitely is going to be more money and a reduced differential between revenue and expenditure within the Territory. I think this is rather an obvious thing and I think it will come about so the money part of it is perhaps not as important as the second part of the debate regarding the Federal method.

Mr. Chamberlist: I would like to make it clear that when we are talking...

BILL #12

Mr. Chamberlist continues ...

there is reference that has been made to Federal method, I am saying that Federal funds, that the policy and the proposal that is laid down is a policy that has received the approval of the Federal Government, because as everybody is well aware, when a policy of this nature gets approved by the colonial office of the Canadian Government, the Territorial Affairs Branch, we recognize this and we can't help it, we have to live with the subfuture date but certainly...What else can be said by everybody who has spoken, we can't say more, I think that we must appreciate the fact that the Territorial Government has gone as far as it can possibly go.

Mr. McKinnon: What if an amendment were added by this House, something along the line that where the Commissioner is satisfied that the population has been altered substantially in a municipality subsequent to the last census that was taken under the Statistics Act, the population of the municipality shall be determined by the Commissioner upon the advice of Statistics Canada. When it then went to the Justice Department in Ottawa, what would be the results? Would it be thrown out of the Ordinance, or would it be accepted by the Federal people as a legitimate amendment for the fact of northern experience and northern living.

Mr. Chamberlist: Mr. Chairman, we have already indicated that if Statistics Canada advise the Government that there is an increase in population, we will be glad to accept it, because after all, within the Municipal Aid Ordinance itself, we have indicated that where a new municipality and the Commissioner upon the advice of Statistics Canada, tell us what the population is in that particular area, we will be dealing in that particular manner. If that type of amendment is wanted, we could go for that but what does it do? We are still locked into the same position that it is still Statistics Canada.

Mr. McKinnon: If the amendment were accepted and the municipality, say of Whitehorse, which had a substantial increase, went to the Commissioner and asked that the population be determined by a new upgrading of the census between Statistics Canada and the municipality, is that to say that the Federal Government would not pay a formula on the new census that had been worked out in conjunction with the Territorial and the Statistics Canada authority?

Mr. Chamberlist: It brings in a different area, entirely. We do know that from past experience in other jurisdictions, when the Honourable Member from Watson Lake made reference that we should obtain the expertise from other jurisdictions; surely, the Honourable Member does not think that we've been doing nothing about that. When we contact with other jurisdictions to find out their procedures; and that exactly the same thing has happened over the years, that Statistics Canada or as I said before, the previous name The Dominion Bureau of Statistics, supply the population figures to each jurisdiction. And as a matter of fact, in many jurisdictions, I know B.C. has taken complete advantage of the fact that they can get out from under, by saying here are the figures that have been supplied by the Dominion Bureau of Statistics. These are the figures that we have accepted, and this is the manner in which we are conducting a particular payment. And they work this as well, when it comes to welfare payments to municipalities. They accept the population count of the last census, the last Dominion Bureau of Statistics' census. This is what is being done. We've struggled long and hard to try and find a ways and means. And we've come up with a proposition that it's up to Council. Certainly, we can create our census, and carry off our own census. Then the Territorial Government and the Territorial Council be advised that this is the census increase. We can't get the increase from the Federal Government because the Federal Government only accepts Statistics Canada. However, this is our local census. Well, should we pay the extra money? If you say yes, pay the extra money, you tell us where to raise the extra money to pay the municipalities without damaging programs, that are so much required. When we talk about programs, and I think that I should mention this at this time, perhaps, the Honourable Member from Watson Lake and the Honourable Member from Whitehorse West know, in the past years, the problems we have had when we have on occasion been forced to reduce our programs. We know the hue and cry that has resulted in the schools, when we have reduced programs. In other words, we are saying, let's reduce a program to give the municipality extra money, and let's turn the raft of the municipality away from us; so that we can accept the raft of the school children, the parents, from another source. All we're doing then, is that we are putting off the inevitable. We're accepting the criticism and the effects from one group of people because we've done something for another group of people. I think that the Member from Carmacks-Kluane made that point as well. Now, Honourable Members we are faced with a dilemma. We cannot go beyond what we know we can do, in relation to Statistics Canada. The only other alternative is to revert back to the old method, if you want to. I think it would be a retrograde step in Government for the municipalities. It would be a retrograde step, inasmuch as they would not know how much money they would be receiving each year. They need to know these fixed amounts, so that they can budget themselves early. The municipalities have complained, especially the municipality of Whitehorse has complained very, very regrettably, that they are unable to bring the budget forward, because they do not get the information as quickly as possible, to present the budget. This is the problem that we have. It is up to Committee to decide it. Again, I would suggest that we accept it; I think.

BILL #12

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

Councillor Stutter takes the Chair.

Mr. Taylor: This may not be a bad idea. I'm just looking at it this way. If the boat is going to flounder, why launch the boat? Possibly, it needs a little redesign, obviously this does. We have a spread sheet here, listing estimated figures that finance will be found for. Or it has been found, I believe, in the budget. Why not stay to the existing formula, using these figures, in terms of grants, to the municipalities. Spend these monies, the figures we're using under this calculated formula, with revision where necessary, upgrading,

BILL #12 Mr. Taylor continues ...

like in Faro, based on 850 in 46. Realistically, come up with a more realistic figure and expend those monies in the 1972-1973 estimate. Provided for all the increases, on a per capita basis, already. Why not expend them in the normal manner, under the existing grant formula? And in that way, buy some time, in which to resolve the problems inherent in this Bill.

Mr. Chamberlist: Well, Mr. Chairman, up until this time, we've been discussing the principle of the Bill. Now, what the Honourable Member has just suggested are matters that should be discussed at the time the item comes up in the budget. Therefore, I will not go on to discuss it, on that particular point to be raised in which, I suggest it be raised at the time of the Budget. Right now, my feeling is that the position is, as to whether or not this Committee will approve the policy of the Municipal Aid Ordinance. I would ask that we move this out of Committee, without amendment.

Mr. McKinnon: Mr. Chairman, I'm not really satisfied that we've done everything, that we can. I see in subsection 4(3), where rearrangements between Statistics Canada and the Commissioner, if a new municipality wants to come into being, the population is going to be determined by some kind of an arrangement between the Commissioner and Statistics Canada. I take it that, the Federal grant-sharing formula will come into being when this new municipality is created, through the arrangement of the Commissioner. I'm for putting a section in, and trying to act in what would probably be considered legislative naivety. The people in Ottawa generally, think that we are being rather stupid, probably, maybe, they're right, on occasion. Something to the effect that, the Commissioner is satisfied that the population has been altered substantially in a new municipality subsequent to the last census taken under the Statistics Act, the population of the municipality shall be determined by the Commissioner, upon the advice of Statistics Canada. I'd be prepared, almost, to state that we could probably move the amendment, and probably could find a cost-sharing formula work under the same arrangement, as the creation of a new municipality. At least, it's worth an effort, and an attempt to try and get something rational to provide funds on some sort of basis, dependent on the population, in the period between the actual census that is being determined by Statistics Canada. I just see so many difficulties in store for the municipalities, without some arrangement being made with Statistics Canada and the Office of the Government of Canada to provide for an updating, on some basis or another. It would have to be not just a token normal increase, but for some reason, such as mineral discovery or the creation of an area for a National Park, where a previously very small pocket of population just zoomed up, and a municipal service needs to be provided for the people. Under the present formula, knowing the northern experience, it just isn't good enough.

Mr. Tanner: Mr. Chairman, I think the Honourable Member need only to look further down the Bill to see that when a new municipality is created, then the circumstances are different. The way I understand the Bill, in subsection 4(3), is that when the Commissioner, with the advice of Statistics Canada, determines the population, what in actual fact happens, is that Statistics Canada will send somebody up here, or from the figures that they have in their files, they will determine what the population is. And again, you will find the same situation. But when Statistics Canada consults with the Commissioner, the Commissioner is able to convince them that their figures are wrong; initially, it is the inception of a new municipality. To confirm it, they will send somebody up here and take a count. That is the only difference, that I see. Statistics Canada will do the same with a new municipality, as they do all the way through. I just don't think that the Honourable Member, though he is trying desperately, like we all have tried to find an out, I just don't think that he has got anything. I would suggest to the Members of this House, that we move this out of Committee.

Mr. McKinnon: Mr. Chairman, I would like to ask the Commissioner a question. Under the new Municipal Aid Ordinance, Mr. Commissioner, you are a municipal politician, a territorial politician, and now you've been devoted to the status of the city, and still with respect your longability, and your long involvement in government policies, in both the municipal and territorial jurisdictions. Now, under the Municipal Aid Ordinance, I can see, and I think it's almost inevitable that the way things are going, the population, say of the City of Whitehorse, could change in five years from 11,400, under Statistics Canada, to not inconceivably being a population center of some 20,000 people, in a five year period. If this does happen, how in the name of goodness, are the municipal councils expected to provide municipal services, on any type of minimal standard, to that population increase, being locked in on a grant formula to a population taken in 1971, of 11,400 persons. It is inconceivable to me that there can't be some kind of an adjustment made through Statistics Canada and the Government of the Yukon Territory, to take into account the fluid population growth, of the northern experience, of northern living. I would find it very difficult as a municipal politician, to be able to provide any type of services with the budget, with a series of grants locked in, to a figure that is completely invalid in the time that I am trying to provide the services.

Mr. Commissioner: Mr. Chairman, this particular question that the Honourable Member is raising is one, that municipalities all across Canada, who have similar type of provincial legislation, under which they are operating, are constantly rippling. No one as yet, has been able to come up with any pat answer to the question. I sympathize very much with the question that you raised; it has a lot of validity, but in answer to it, we have struggled to come up with one, but unfortunately, so far as this House is concerned, we get the major portion of our funding from the Government in Ottawa. When we go to get this funding, they laugh at us when we offer anything other than Statistics Canada's figures, in our application, in our budgetary process. I'm afraid that so long as we are going to be tied up at the level of where we get our major source of money from, under that formula, we have no alternative but to pass the formula on. I think that there is something else, that I hope the Honourable Members are not going to lose track of here, and that is the fact, that we have certain population situations which exist for only a short period of time, in all areas of the Yukon Territory. This grant is not designed to take care of that floating population. It is designed to take care of the permanent population. Now, I am sure, that there are times, when you could take any community in the Territory, and if you wanted to take a population head count, at any particular time you could find many hundreds of people there, who you could count in a population count, but could not hardly claim it to be their permanent place of residence. I would also like to suggest, that the converse of which the Honourable Member has spoken of, can readily happen. It can happen anywhere, a population Canada decrease. We don't expect the city council either, to be able to immediately react to an increase, anymore than we expect them to immediately react to a decrease. In other words, the fact that there happens to be an extra 500 people in Whitehorse, next year, or 500 people less, we cannot see where the general services of the city are going to react immediately to that increase or decrease, in the population. All I suggest to you, Mr. Chairman, and the Honourable Members, is that we have done the best that we can, with the information that we have before us, and we feel that we are going to have to live with it. Now, if something better comes up, and I think the Honourable Members are aware that there is a continuing series of conferences going on at the present time, between the federal, the provincial, and the municipal levels of government, throughout Canada, of which, I believe the City of Whitehorse has representation. This is one of the problems that they are dealing with. It may well be, that they may be able to prevail upon other federal and provincial jurisdictions, to accept something different. At that time, I am confident that we will be then bringing that something different forward for the consideration of this House. In the full knowledge, that something

BILL #12 Mr. Commissioner continues ...

different is going to be applied, in our funding from the senior government. But until that happens, I am afraid that there is just no alternative with what we have here.

Mr. Chamberlist: Mr. Chairman, I think that Mr. Commissioner has reiterated, almost verbatim, what has been said in this House in relation to this matter, in this debate. He was out of the House at the time. There has been no difference at all, in what has been told to the Honourable Members. So, I am sure that you all agree here, that it was done with the utmost honesty and good faith, to accept the passage of this Bill.

Mr. Taylor: Mr. Chairman, it still seems to me, that it has been pointed out in the House, that an attempt is being currently made to discuss this matter with Statistics Canada. If I have got this information incorrectly, correct me if I am wrong. That an attempt is still being made to consult with Statistics Canada, in order to find a way around this annual readjustment, should we say, of the population census figures. Now, could we not leave this Ordinance in abeyance; leave it in Committee, until we have dealt with the Budget, because they are tied together. Possibly by the time we have concluded the Budget, it may be, that we will have an answer from Statistics Canada. If not, as I stated earlier, we still have the option of deferring this particular grant formula, which is obviously not going to work on these figures, these statistical figures that we have. Let's go on to the old Budget, with some fiscal readjustment, bringing it in line with the figures that we have on the spread sheet, for possibly another year, until we can come up with a Municipal Aid Bill which meets the requirements of the municipalities.

Mr. Chamberlist: Mr. Chairman, I did not indicate that we have corresponded with Statistics Canada. I said that the Government of the Yukon Territory will make further representations to Statistics Canada. I feel that it has been a very fair and reasonable debate and all considered time was given to debating this point. I would move at this time, that Bill No. 12, pass out of Committee without amendment.

Mr. Taylor: Just before resuming the Chair and allowing the Honourable Member from Dawson the freedom of debate here, I just want to say that here again, we're at the point where we are bulldozing again. This is a case where bango, I've heard all I'm going to hear, and that's it. This I don't like. I always become highly suspicious; as I have said many times in this House, when this bulldozing starts. There are other areas in the Bill. I've suggested, in section 4, that some provision be made for an annual reassessment of statistical figures. If this thing is bulldozed through, in the terms of each municipality, that seems to have gone by the board. There is question in subsection 3(1), where it says, "the Commissioner may pay to each municipality in the Territory an annual grant ...", related to this Bill. It doesn't say "shall". There is no compulsion, upon the Commissioner, to pay a grant to anybody. It says he "may"; it doesn't say he "shall". In subsection 2(1) in this Ordinance, the words, "unless the context otherwise requires ...", I believe that this can go out; this is still in the Bill. All of a sudden we're told bango, let's move it out of Committee without amendment. I don't feel, at this time, that we should be doing this. Although, I won't have a vote until Third Reading; I deplore this action and would certainly vote against it, if I had the right to vote against it. I will resume the Chair at this time. I believe the Honourable Member from Dawson has an opportunity to speak.

Councillor Taylor resumes the Chair.

Mr. Stutter: Mr. Chairman, I merely wanted assurance from the elected Members to the Executive Committee, that if this passes out of Committee unamended, that it will not go for Third Reading until at least, the Dawson Council has met with the Director of Municipal Affairs, which

Mr. Stutter continues ...

BILL #12

is taking place on Monday, and before I return from Seattle.

Mr. Chamberlist: The Honourable Member has my assurance.

Mr. McKinnon: Mr. Chairman, I'm going to speak once more, before they question this vote. There is a procedural grapple. I personally think that the Bill should be left in Committee, as it is, and not recorded the Third Reading. The members of the government feel that the Budget cannot be presented to the Members of Council until the Municipal Aid Ordinance is reported out of Committee. I don't share that reasoning, and I don't think that we should go into a procedural debate on it. I would rather see the Bill remain in Committee, as is. I think that the Budget could still come before Committee, and be presented to the Council at any rate. The reason why I would like to see it in Committee, instead of being reported out and ready for Third Reading, is that I think that there are going to be representations made on the amount of grants given to municipalities, particularly, in the instance of Whitehorse, and in the instance of Dawson City; I'm led to believe. When it has been given Third Reading, and passed out of Committee, it may be difficult upon perusal of the Budget, to bring it back into Committee, to allow for figure changes, in subsection 3(2) to come about, as a result of our study of the Budget. We're simply stating, that maybe these municipalities don't feel that they are getting enough money. Some Members might be trying to move amendments to the Bill, so that we can provide more monies in the Budget. The majority of this House could prevent the Bill from coming back to Committee, for even an attempt to be made by Members to change the figures in subsection 3(2). I think that it would be much safer for all concerned, even though I agree with the principles. I like the concept that a municipality knows where they stand. All the grants are in one package, given to the city with no strings attached. These are the kind of grants, that I would like to see come into this Territorial Government from the Federal Government. I think that we are doing the right thing, but I think that probably there will be disagreement with the amount. I think that it could be that the majority of this House will not allow the Bill to come back into Committee, so that those who would like to see an increase in the amount granted to the municipalities, must attempt to at least try and get that amount. So, I say that I don't agree with the procedure, that it has to be moved into Third Reading prior to the Budget coming in. I would like to see the Bill remain in Committee, at this time, and the Budget presented to the House. So I am going to vote against it being passed out of Committee because I would much rather see it remain in Committee. I feel an awful lot different..to think the municipality of the City of Whitehorse, which is one of the constituencies that I represent, would feel a lot safer also.

Mr. Chairman: Question? Agreed? Those in agreement please signify in the normal manner. I must declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

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

RECESS

RECESS

Mr. Chairman: At this time I will call Committee back to order. What is your further pleasure?

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

Mr. Tanner: I second that.

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

*MOTION
CARRIED*

MOTION CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:45 a.m. to discuss Bills, Sessional Papers and Motions. It was moved by Councillor Chamberlist, seconded by Councillor Tanner that Bill No. 11 be reported out of Committee as amended. This motion carried. Committee recessed at 12:00 noon and reconvened at 1:45 p.m. this afternoon. I can report progress on Bill No. 10. It was moved by Councillor Chamberlist, seconded by Councillor Tanner that Bill No. 12 be reported out of Committee without amendment, and this motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Tanner that Mr. Speaker do now resume the Chair, and this motion carried.

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

Mr. Chamberlist: Yes, Mr. Speaker, I would ask if Mr. Speaker would ascertain from the House whether the Members are prepared to hear a message from the Commissioner.

Mr. Speaker: Are the Members agreed? Mr. Clerk, will you see if the Commissioner is available, and we will have a short recess for a minute.

RECESS

RECESS

Mr. Commissioner reads the Budget Speech.

Mr. Commissioner: In conclusion, Mr. Speaker, I believe that this budget calls for the careful and proper scrutiny by all Members, and I thank you very much for the opportunity given me in which I have delineated in considerable detail, the programs and activities which are involved in this major and record expenditure for the Territory.

Mr. Speaker: Thank you Mr. Commissioner. We will now have a short recess.

RECESS

RECESS

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

Mr. Chamberlist: I move that Standing Order No. 41 be suspended.

Mr. Speaker: Is there a seconder?

Mrs. Watson: Mr. Speaker, I second the motion.

Mr. Taylor: Mr. Speaker, on a point of Order, I believe that there must be a reason to suspend the Order, maybe the Member would give the reason with the motion.

Mr. Chamberlist: Mr. Speaker, I wanted to hear from the Honourable Member, that's why. Without further...Mr. Speaker, the requesting of Standing

Mr. Chamberlist continues....

Order No. 41 be suspended, so that we can revert to the Orders of the Day.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane, that Standing Order No. 41 be suspended to revert to the Standing Orders of the Day. Are you prepared for the question? Are you agreed? Any disagreed? I declare the motion passed unanimously.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: May I have your further pleasure?

Mr. Taylor: Mr. Speaker, I would like to rise on what may be a point of privilege, and I would like to inform the Honourable Minister of Health, Welfare and Rehabilitation at this time, that two full center-fold pages in the Whitehorse Star are available to him and his department, for the Monday issue of the Whitehorse Star, and have been made available at no cost to the Honourable Member, for the purpose of outlining the proposed Health Care Insurance Plan in some detail for the general public, so that the general public may better understand the benefits of the plan. I'm wondering if the Minister could give me a reply this evening in order that I might advise the newspaper that this space will be taken.

Mr. Chamberlist: Mr. Speaker, I have not been notified by the proprietor of the Whitehorse Star. I'm afraid if the Honourable Member who has just spoken is now on the Board of Directors of the Whitehorse Star Limited, it hasn't been brought to my attention. Until such time as I am advised of this situation by the Whitehorse Star Limited, I am unable to reply to that message.

Mr. Speaker: May we proceed? What is your further pleasure?

Mr. Chamberlist: Mr. Speaker, I would move, seconded by Councillor Watson, that Bill No. 23, an Ordinance to Amend the Fire Prevention Ordinance, be introduced at this time.

BILL #23
INTRODUCED

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East, seconded by the Honourable Member from Carmacks-Kluane for leave to introduce Bill No. 23, An Ordinance to Amend the Fire Prevention Ordinance. Are you prepared for the question? Agreed. Leave granted.

MOTION CARRIED

MOTION
CARRIED

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson for leave to introduce Bill No. 25, an Ordinance entitled Loan Agreement Ordinance (1972) No. 1.

BILL #25
INTRODUCED

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. 25, an Ordinance entitled Loan Agreement Ordinance (1972) No. 1. Are you prepared for the question? Agreed? Leave granted.

MOTION CARRIED

MOTION
CARRIED

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson for leave to introduce Bill No. 26, an Ordinance entitled First Appropriation Ordinance 1972-73.

BILL #26
INTRODUCED

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. 26 an Ordinance entitled First Appropriation Ordinance 1972-73. Are you prepared for the question? Agreed? Leave granted.

MOTION CARRIED

MOTION
CARRIED

BILL #27
INTRODUCED

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson for leave to introduce Bill No. 27, an Ordinance entitled Fifth Appropriation Ordinance 1971-72.

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. 27, an Ordinance entitled Fifth Appropriation Ordinance 1971-72. Are you prepared for the question? Agreed? Leave granted.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure?

Mr. Chamberlist: Mr. Speaker, I would move that First Reading be given to Bill No. 23, An Ordinance to Amend the Fire Prevention Ordinance.

Mr. Speaker: Is there a seconder?

Mr. Taylor: Mr Speaker, I'm afraid that would be out of order as we've already moved it at one stage. It would be necessary to again suspend Standing Order 41 to do this.

Mr. McKinnon: Mr. Speaker, I'd be a little leary of this method of operation, as Mr. Speaker well knows that it is on Second Reading in particular, where Members are allowed the ability to debate the principles of the Bill. As everybody knows, the Budget is an extremely expensive document, and not even to give Members the opportunity of perusing it over the weekend, by calling for First and Second reading prior to them having any knowledge of whether they agree with the principle of the Bills that are introduced at this Table this evening, is going a little bit too far to pass. All Members agreed that we would allow the Standing Order could be waived but if the Bill is to be introduced, then I think we've co-operated with the government to some such extent this evening already.

Mr. Chamberlist: Yes, Mr. Speaker, in my enthusiasm over such a great Budget, I did go a little bit too far, and certainly I agree with the Honourable Member.

Mr. Speaker: May I have your further pleasure?

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

Mr. Speaker: Is there a seconder?

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

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

MOTION
CARRIED

MOTION CARRIED

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

ADJOURNED

ADJOURNED

Mr. Speaker reads the daily prayer. Councillor Stutter absent.

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 the Government of the Yukon Territory Territorial Accounts for the Fiscal Year ending March 31, 1971, also Sessional Paper No. 11.

*TABLING OF
TERRITORIA
ACCOUNTS
SESSIONAL
PAPER #11*

Mr. Speaker: Are there any Reports of Committee? Are there any Bills to be introduced? Are there any Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? As there are no Notices of Motion for the Production of Papers, or Motions, we come to the Question Period. Mr. Clerk, will you see if the Commissioner is available? We will now have a short recess.

RECESS

RECESS

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

Mr. Taylor: Yes, Mr. Speaker, I have a question that I would like to direct to the Minister of Health, Welfare and Rehabilitation, this morning, having regard to the new Receiving Home in Mayo. I understand that it froze up pretty badly and there was some extensive damage done to the building. I am wondering if this was the responsibility of the contractor or the Territorial Government? Two, what is the estimated cost of repairs?

*QUESTION
RE
FREEZE-
UP, MAYO
RECEIVING
HOME*

Mr. Chamberlist: Mr. Speaker, the building in question is in the hands of the Engineering Department of the Government of the Yukon Territory. I have no information regarding it until such time as the building is officially turned over to the Department.

Mr. Taylor: Supplementary, Mr. Speaker, I am wondering if someone of the Administration could obtain that information for me?

Mr. Chamberlist: Well, I am sure that this information could be obtained and the details given to the Honourable Member.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I would like to ask someone in the Administration who can answer, if it is the intention of the Administration to put an appeal section as appears in the Public Utilities Ordinance ... an appeal section in the Judicature Ordinance as it appears in the Public Utilities Ordinance, so that the public has some protection from the proliferation of quasi judicial boards that are springing up all over the Territory?

*QUESTION
RE
APPEAL
SECTION*

Mr. Chamberlist: Mr. Speaker, it has already been intimated to the Council that consideration is being given to using the same type of section in all legislation wherever possible.

Mr. McKinnon: I ask, Mr. Speaker, when this will be forthcoming before this Table? I think that it is an extremely important point with the number of boards and tribunals that are springing up that are answerable to no one; no one, period, so that the public have this protection.

Mr. Chamberlist: Mr. Speaker, the Government is aware of the situation and is doing everything possible to bring it forward as early as possible.

Mr. Speaker: Are there any further questions?

QUESTION RE INVITATION TO DOCTOR GOLDEN Mr. Tanner: I would ask the Commissioner to invite Doctor Golden to come before Council? He is coming to Whitehorse..and discuss with us the Telesat Program.

Mr. Commissioner: Mr. Speaker, I think that the Honourable Member is asking a question in relation to the Paper that was tabled. Mr. Clerk, I am sure, would be most pleased to attend to this reply.

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

BILL #23 FIRST READING Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 23, An Ordinance to Amend the Fire Prevention Ordinance, be given First Reading.

MOTION CARRIED

MOTION CARRIED

BILL #23 SECOND READING Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 23, An Ordinance to Amend the Fire Prevention Ordinance, be given Second Reading.

MOTION CARRIED

MOTION CARRIED

BILL #25 FIRST READING Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 25, Loan Agreement Ordinance (1972) No. 1, be given First Reading.

MOTION CARRIED

MOTION CARRIED

BILL #25 SECOND READING Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 25, Loan Agreement Ordinance (1972) No. 1, be given Second Reading.

MOTION CARRIED

MOTION CARRIED

BILL #26 FIRST READING Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 26, First Appropriation Ordinance 1972-73, be given First Reading.

MOTION CARRIED

MOTION CARRIED

BILL #26 SECOND READING Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 26, First Appropriation Ordinance 1972-73, be given Second Reading.

MOTION CARRIED

MOTION CARRIED

BILL #27 FIRST READING Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 27, Fifth Appropriation Ordinance 1971-72, be given First Reading.

MOTION CARRIED

MOTION CARRIED

BILL #27 SECOND READING Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 27, Fifth Appropriation Ordinance 1971-72, be given Second Reading.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: 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 second that 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 Bills, Sessional Papers and Motions. Are you prepared for the question? 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. What is your pleasure this morning? What is your first preference? We have the Municipal Ordinance. Is this ready yet?

Mr. Chamberlist: I suggest, Mr. Chairman, that we start with Bill No. 23.

BILL #23

Mr. Chairman: Bill No. 23, An Ordinance to Amend the Fire Prevention Ordinance.

Mr. Chamberlist: Mr. Chairman, the explanatory note for this Ordinance, the purpose of this Bill is to impose a one percent tax on fire insurance premiums collected by insurance companies. It follows legislation of similar tenor in many places. Mr. Chairman, the overall thing that the Government is trying to do at this time, is to make sure that insurance companies pay a little bit towards the upkeep of the fire prevention services.

Mr. Chairman: (Reads Bill No. 23) .

Mr. Tanner: Mr. Chairman, could the Executive Member who is responsible, give us some indication of how much they anticipate in revenue they can collect?

Mr. Chamberlist: Perhaps Mr. Commissioner would.

Mr. Commissioner: Mr. Chairman, this one of the great hidden mysteries of the business world. If Honourable Members will recollect, in the detailed agreement that we have with the Federal Government, there are certain areas of taxation which we are excluded from, and there are certain areas of taxation by virtue of this agreement, which we have permission to participate in. This area has been available to us for some years. A lot of work has been done in connection with it. Our investigations show that every provincial jurisdiction in Canada is taking advantage of this, and is taxing the premiums and the insurance industry is paying them. As Honourable Members are aware, we have only had an operating Fire Marshal's Office in the Yukon Territory for approximately two and one half or three years. We feel that the time has now come that the fire insurance industry has got to make a similar contribution to the maintenance of the Fire Marshal's Office and the benefits which accrue to it, here in the Yukon Territory. That is what they are doing elsewhere in Canada. As far as being able to supply Honourable Members with any accurate estimate of the kind of money that we can expect to receive, I am sorry, this is just an absolute impossibility.

Mr. Chairman: A question from the Chair. What effect will this have on the insurance companies passing along this increase to their premium holders, shall we say? What effect will this have on the spiraling fire insurance rates?

Mr. Commissioner: Mr. Chairman, I cannot give you any assurances that they will not attempt to pass this on. What I can tell you, is that they are doing it every other provincial jurisdiction in Canada. They are paying his tax. In fact, I believe in the Province of Newfoundland, I believe it is seven percent that they charge . It varies in other provincial jurisdictions. We are limited to one percent by virtue of our agreement with the Federal Government. We see no reason why they should make any charge to the consumer, or a further charge to the consumer, It is our opinion, and this is only an

BILL #23

Mr. Commissioner continues ...

opinion, that this has already been taken into account in the calculation and simply for the past 72 years, there has been no request made to the industry to pay it, because we have never had a Fire Marshal's Office to maintain here. This is the basis of the legislation in other provincial jurisdictions. We simply feel that the industry should conduct itself in the Yukon Territory in a similar manner as they do elsewhere in Canada.

Mr. McKinnon: Mr. Chairman, I would like to ask someone knowledgeable in this area, firstly, when shall the Ordinance come in force? Secondly, what is going to appear in the recovery section of the Budget, if nobody has a clue as to what amount of money is going to be coming in through this one percent tax on insurance companies?

Mr. Commissioner: Mr. Chairman, I stand to be corrected on this, but there may well be an indication in the recovery section of the Budget on this. Right at the moment, I do not know for sure whether there is or not. I doubt it very much. There will be a considerable amount of homework to be done if the Honourable Members of the Council were to clear this Ordinance at this Session. There would be a considerable amount of work to be done; I would question very much whether we could have this available for at least another three or four months after the Council passed it, and that affect would be to establish a collection period, a calendar year, a physical year or some other form of a twelve month period in which the insurance companies would be required to submit to us their premiums collected in that period of time at a one percent premium tax being remitted.

Mr. Rivett: Mr. Chairman, what is the premium on a thousand dollars of fire insurance in the Yukon Territory?

Mr. Commissioner: Mr. Chairman, I am not competent to answer that particular question. I am sure that it varies from a very, very high risk situation, in downtown Whitehorse, to possibly something considerably less, but I think that you are looking at something possibly in the neighborhood of between, possibly one and three percent. I believe, in other words, roughly speaking, about a dollar under it, would be a pretty fair estimate.

Mr. McKinnon: I find it very difficult, Mr. Chairman, that there isn't an estimate being made. Certainly by phone calls, to the amount of fire insurance that is being written in the Yukon Territory, one can get an estimate of what this is, what it's going to cost the individual insurance companies. Secondly, what it is going to bring into the Yukon Territorial Government. I find it difficult to believe that there hasn't even been an exercise into this area; that we are just asked to put a one percent tax on without knowing what it does, (a) to the people who are writing insurance, (b) to the revenues of the Government of the Yukon Territory. Another point that I would like to make; this was made earlier, that it seems that everytime the Territorial Government uses legislations to impose a tax, that the people who are getting the tax put on them, turn right around and put the blame on Government for having to raise their product two or three times over what the actual cost is. You have to look no further than the gas tax, everytime we raise it one cent, gasoline goes up two cents. Everybody blames the dirty old Territorial Government. The guy gets stuck in the long run. It is poor Joe Consumer, who is trying to pay the mortgage, pay the fire insurance, so that he is not burnt out tomorrow, and what does he do? He gets a five percent increase on his fire insurance policy because of the Territorial Government, who always ends up as the whipping boy for it. The Territorial Government, I don't think, needs the money that is involved, as much as the guy who is paying for the fire insurance needs to be assured that he is not going to get an increase on his fire insurance policy.

Mr. Commissioner: Mr. Chairman, to say that we don't have some kind of an exercise done on this, is not a fair statement. I am quite prepared to make available to Members such exercises as we have done on it. I want to make it abundantly clear, that we have no way of knowing whether or not our exercise as pointed out by the Honourable Member in his question here, is something that can be dealt with on a strictly valid basis. If Honourable Members will give me a minute or two, I can get this material. Mr. MacKenzie and the Territorial Treasurer have done a lot of work on this. We are quite prepared to make this available. Insofar as the general route that we are suggesting here, Mr. Chairman, is that the fire insurance industry is compelled in other jurisdictions to make this contribution towards the maintenance of the Fire Marshal's Office. They are basically the beneficiaries of this. We see no reason why they should be allowed to continue to escape this same kind of penalty or whatever terminology you wish to use, here in the Yukon Territory. This is basically what it is. Mr. Chairman, if you would excuse me for just a moment or two, I can bring forward immediately for Honourable Members such exercises as we have actually done.

BILL #23

Mr. Chairman: Is Committee agreed? I will declare a brief recess.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee to order. I believe we have some additional information.

Mr. Commissioner: Yes, Mr. Chairman, I have spoken to the Territorial Treasurer on this. We've been using the best information that is available to us and this is mostly done on a basis of calculation by population and such property values we know that exist as consequence of assessment holds of the Territory. We would anticipate that there are approximately one million dollars in premiums paid for fire insurance purposes within the Territory in the course of a year and a 1% levy on that would result in a coverage of around \$10,000.00. Now the further question about the potential of passing this on to where the consumer is concerned. We would point out to the Members, Mr. Chairman, that we, to the best of our knowledge, the calculation of fire insurance rates are laid out on the basis of lost experience and are calculated generally, over a five-year period. At the present time I think that they are in rather a high range because they are still reflecting the consequences of a very large loss suffered in Faro, when due to a natural disaster there, which was a very heavy loss and as a consequence we do not see any reason why this particular legislation should result in any higher fire insurance rates at this time, to the consumer.

Mr. Tanner: Mr. Chairman, I would ask the Commissioner to explain to me, perhaps the Councillors as well, how, if we don't get the return from this tax immediately, how do we enforce it? In other words, do we have to have a department that is going to enforce the recovery of the payments, and if one of the Companies refuse, how do we force them to pay the tax, in that case?

Mr. Commissioner: Mr. Chairman, a considerable amount of study was done on this with other provincial jurisdictions and we find that they are having no difficulty at all with the enforcement of this kind of legislation. We see no reason why we should have any difficulties either. In fact, from what our research shows, the establishment and the maintenance of a good fire marshal operation in all provincial jurisdictions is something that is fostered and encouraged by the insurance industry, and they make every effort to help us sustain it by the route that is laid out to us here. We contemplate no difficulties to enforcement at all. I think the Honourable Member's question is, can we go beyond the boundaries of the Territory to enforce our law? I think this is really his question here. The insurance industry has clearly indicated by the cooperation with other provincial jurisdictions who have similar problems, in other words, not all insurance companies' head offices are located in every province in Canada. They are having no difficulties. We contemplate not having any.

Mr. McKinnon: Mr. Chairman, as all Members of the Committee are well aware that this Ordinance was issued on Friday afternoon, just prior to the weekend, and it is Monday morning now. I wonder if Committee would have any objection to leaving this in Committee and reporting progress. I personally haven't been able to get in contact with any people in the insurance business and I would like to gather from them, what effect they feel it would have on their business, and whether they would like to make representation before the Yukon Legislative Council on this proposed 1% tax on fire insurance premium. I think that this should be done, well even over the noon hour, if we could leave it in Committee until that time. I would appreciate the cooperation of the Committee.

Mr. Chamberlist: I have no objection, Mr. Chairman. I take it Mr. Chairman, that the Honourable Member would be satisfied with a day or so.

Mr. McKinnon: Fine.

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

Mr. Chamberlist: Mr. Chairman, I wonder if while we are going through

Mr. Chamberlist continues...

these notes if we could not have the Treasurer as a witness and the Executive Commissioner?

Mr. Chairman: Is the Committee agreed? Next is Bill No. 25. I'll declare a short recess.

RECESS

RECESS.

BILL #27

Mr. Chairman: All right I'll call Committee to order. Is it your wish that we now deal with Bill No. 27? This I believe is the third supplementary the Fifth Appropriation Ordinance 1971-72. (Reads 1, 2, and 3.)

Mr. McKinnon: Mr. Chairman, the point that I understand from this, is that the amount of the tax rebate of the Yukon Electrical Company Limited was underestimated by the Territorial Government. Evidently I'm wrong, and I would certainly like some explanation, because it would seem to me that it was pretty well defined, exactly what would be coming back in the program that the Government made, towards the rebate to the customers. The actual rebate was due back to Yukon Electrical and it, with the growth of power companies, I thought would be a greater rebate coming back from the Government rather than a lesser one, and probably we would be more in the black than in the red.

Mr. Commissioner: Mr. Chairman, we are not in the red. We simply underestimated the amount of money that would be paid them. The growth of the number of consumers here in Whitehorse area far exceeded our estimate and we are not in the red at all. They simply were undervoted by the amount of money that is shown here. This is, the funding of this comes from the source of funds, as Honourable Members know, from the income tax rebate that is paid by the Yukon Electrical Company. I believe that 95% of the tax is rebated. We are not in the red at all, but we underestimated to the extent that is shown here, the actual payouts. We are simply asking you to increase the amount voted so that we have voted adequately, monies for the payout.

Mr. McKinnon: Are you saying in effect, that when the rebate does come in, it will be more than enough to cover what we are spending up?

Mr. Commissioner: The answer is in the affirmative, Mr. Chairman.

Mr. Chairman: Right under Primary 90, Grants. Primary 99, Miscellaneous. Is there anything further on Territorial Treasurer in the amount of \$53,002.00? Clear?

Mr. McKinnon: How active of a collection agency is the Territorial Government when debts are due them? I don't find them nearly as persistent as private agencies when they owe a company money. I see that there is \$1.00 token fee to write debts, which I imagine are owing the Territorial Government. I am just wondering how persistent the collection agencies of the Territorial Government proves itself in the collection of money owing it.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: In relation to private industry, not worth a darn. There are many of these debts that are, what we call third party debts, that are a consequence of request say ...to maybe ... plow a special road, you name it, if there is one of it, I'm sure the Territorial Treasurer could name several others that accrue as a consequence of the third party action. A reasonable attempt is made to collect them, but there are limitations beyond the Government. It cannot reasonably go where private enterprise can go. All I can tell you is that we endeavour as we go along to minimize these third party billings and be as reasonably aggressive as we can in light of the circumstances, as far as the collection is concerned. Also we find that in many instances, some things that are

Mr. Commissioner continues...

looked upon by our staff as third party debts and are billed out as such. They prove not to be such at all, but yet they are still in the books and we have to have some legal means of writing it off. Perhaps the Treasurer might want to add to that. But, in a nutshell, Mr. Chairman, there's a

BILL #27

Mr. Chairman: Treasury?

Mr. Miller: I think you've covered adequately. There, a lot of the stuff that we would like to write off this year, that relate back to the 90 day account that we brought to the Whitehorse General Hospital back in 1959 - 60, they're just not collected. The people have gone bankrupt, they've left the Territory, there is just no way of attempting to trace these people down.

Mr. Commissioner: Mr. Chairman, further to this, I might say that the 90 day hospital accounts, subject to the passing of the budget, there will be no more of these accounts to collect by the Territorial Government from the Whitehorse General Hospital. As of April 1st, the agreement that we have will cease to exist. The rate that will be charged Y.H.I.S., will be a reasonably realistical rate by the Whitehorse General Hospital; something close to the actual cost of operation and we will no longer be buying up these debts. I think that some of the Honourable Members who may recollect back to the original date of Y.H.I.S., when we were able to negotiate with the Federal Government, a per diem bed rate at the Whitehorse General Hospital, considerably less than what the realistic rate was. We likewise negotiated a situation where we had no co-insurance, in other words, the suggestion was that we have, I believe a \$1.50 or \$2.00 a day co-insurance. These things were negotiated out of the agreement and one of the prices that we paid was to pick up all the bad debts of the Whitehorse General Hospital. This will cease April 1st, subject to the satisfactory passage of this budget through Council.

Mr. Chairman: Alright, the next item is Secretary and Registrar General, *BILL #27* \$25,000.

Mr. Tanner: Mr. Chairman, could I ask a question in this area? Why have we got \$16,000 salaries, and why couldn't we take them into account in the first place? Or have we increased the number of people required to operate the Whitehorse Weigh Scale?

Mr. Commissioner: Mr. Chairman, the operation of the Whitehorse Weigh Scale was, unfortunately, totally and inadequately, budgeted for, and this is the reason that we are coming forward, at this time. The Weigh Scale operation, you will remember, was put in approximately a year ago last fall. I think that the Honourable Members are also aware that the budgeting is done approximately two years in advance of any expenditures being made; or, at least the estimating is done. There was no corrective measure taken at the time, to budget adequately for this Whitehorse Weigh Scale. This is why the request is being brought up to you, at this time. A goodly portion of this, I may say, will ultimately be recovered, under the Federal-Territorial Engineering Services.

Mr. Chairman: Anything further on the Secretary and Registrar General, in the amount of \$25,000?

Mr. Rivett: Just out of curiosity, the repairing of office equipment.

Mr. Commissioner: Mr. Chairman, as far as I know, this is an ongoing situation. I don't believe that there is anything out of the ordinary in this, except that expenditures have been undoubtedly higher than what they were budgeted for. Mr. Chairman, might I satisfy all Members, that this has nothing at all to do with this above-mentioned item.

Mr. Miller: Mr. Chairman, I think that this \$3,000 is a result of repairs on the Scale, not on office equipment. This is a misnomer, in the use of the word "office equipment", in the name of the private; it's actually repairs of the Scale itself.

Mr. Chairman: Anything further on this item? Next is Tourism, Conservation, and Information, in the amount of \$40,000. Pardon me, Health, Welfare, and Rehabilitation, in the amount of \$65,002.

Mr. Chamberlist: That, of course, is an insurance that the departments are looking after the saving of money wherever possible. This is the result of it.

Mr. McKinnon: Mr. Chairman, I would look at it another way. It's an underestimation of the intelligence of the people of the Yukon, in using the gestation treatment. They realize that it is there as a service, and they are abusing it, at all. This is what is happening, in this instance.

Mr. Chamberlist: This is not so. This really shows that, a departmental area, where you have an elected representative there, who is watching the dollars and cents very, very closely...I would have thought it very fine, if the Honourable Member, who has just spoken, would have stood up and given a kind word ...

Mr. Chairman: Are we clear on \$65,002? Next item is Tourism, Conservation, and Information, in the amount of \$40,000. In the addition of campground maintenance, do you mean new campground or a steamed-up project for the old camps?

Mr. Commissioner: Mr. Chairman, Honourable Members will be aware that, last year the Territorial Government took this program over from the Federal Government, who had formally been conducting it through the For-

Mr. Commissioner continues ...

BILL #27

estry Branch. The estimate that we had been using, in our Budget, I think that you will remember, was a theoretical 50-50 sharing cost of this maintenance program. In other words, the Territorial Government's share was a theoretical 50%, but was limited to the actual amount that we had budgeted for. The program was taken over by Y.T.G. Of course, at that point in time, all the hidden things that Forestry had been doing, but had possibly been charging them to other votes, or securing the manpower and the funds from their general Forestry Protection Services came to light; we were under-budgeted. Not only to this extent, but I think Honourable Members are also aware, that even with this extra \$40,000 that we spent, there was considerable curtailment to the campgrounds program. It was necessary because we were spending money at such a fast rate. This we hope, has been corrected, and the estimates that are before you now, the item of \$40,000 here, is a clear-cut, under-budgeted item, which had to be spent.

Mr. Tanner: Mr. Chairman, I would ask whether the campground's maintenance has given up the contract. And if so, surely, the people contracted to us to do the work, were committed to a fee. And why would it cost us any more money; unless we subsidize this contract?

Mr. Commissioner: Mr. Chairman, it isn't quite this simple, as the Honourable Member's question would indicate. There were some instances where the contract had to be expanded beyond because, we'll say it called for campground maintenance once a week or twice a week; it had to be expanded to three, four, or five times a week, due to the using that the campgrounds were getting. There were other expenses that were beyond the contract, that were not given to the contractors, which were head office expenses, supervisory costs, and things of this nature. If the Member's question is, were any of the contracts paid more on what they bid, the answer is no. Were some of the contractors required to do more on what they bid on, the answer is yes; and it had to be paid this way.

Mr. Rivett: Mr. Chairman, I may be out of order here, but is it the intention to continue in the same method as last year, in the coming year?

Mr. Commissioner: Mr. Chairman, in the main estimates, we will be putting forth an entirely new program, for the campground maintenance. I believe, in two or three areas, we will carry on, similar to what we did last year. Generally, across the Territory, the whole modus operandi will be changed, this is in the maintenance.

Mr. Rivett: Mr. Chairman, thank you Mr. Commissioner. This gave rise to quite a few disputes in the hinterland.

Mr. Commissioner: There was the odd bit of blood flowing around my office too, as a consequence.

Mr. Chairman: From the Chair, is it intended that in the new program we will be discussing, that in the main Budget, to make these contracts, these new contracts, if there are new contracts, binding upon the Territorial Government?

Mr. Commissioner: Mr. Chairman, without getting into too much detail on it, we will not be contemplating going into this kind of contract.

Mr. Chairman: Are we clear then on the Tourism, Conservation, and Information point?

Mr. Tanner: One question, if I might, to the Territorial Treasurer. What would the total amount, including this 25, that was spent on campground maintenance, last year be?

Mr. Miller: \$85,000, including the original estimate of \$60,000

Mr. Rivett: Mr. Chairman, and Mr. Treasurer, does that include material as well, or is it straight labor?

Mr. Miller: That includes material being spent on the operation and maintenance side; it does not include the construction.

Mr. Chairman: Anything further on Tourism, Conservation, and Information? I think at this time, we will call a recess.

RECESS.

RECESS

Mr. Chairman: At this time I will call Committee back to order.
Is there anything further on Tourism, Conservation & Information
\$40,000.00?

VOTE 07

Mr. Rivett: Yes, Mr. Chairman, could you give me a few details or
someone on this increased predator control, because I've had a lot of
trouble with it. We took off the bounty.

Mr. Commissioner: Mr. Chairman, I don't know just how the population
of wolves in relation to the population of other animals as is control-
led by nature, but apparently the number of wolves running around,
four legged types, in relation to the outcries from the public of a
potential damage to livestock, such as horses and cattle, is such
that the Game Department have had to heed these requests, and the end
result is an overexpenditure of monies which we simply have got to come
and ask you to vote for on. There has been apparently, no way for the
Game Department to deny acceding to the requests, as they have been
lately.

Mr. McKinnon: Mr. Chairman, I wonder if it is possible for Mr. Fitz-
gerald to be called over. I find it quite a jump in predator control
and I thought with the removal of bounties and also with the prime
price for wolf pelts this year, that the problem would have been taken
care of. I have quite a few questions that I would like to ask on the
predator control; where the public outcry is coming from, what areas that
we're talking about, where the wolves are running and creating a dan-
ger to livestock, and also to game animals? I don't think there was
anyone who got it over the head more than I did, with the removal of the
wolf bounty, because many, many people I associated with used to use the
wolf bounty plus the price of the pelts to get through the winter and
this had somewhat eased because of the prime price of the wolf pelts
...the removal of the bounties on ...so I'm very interested in this
subject and would like to pose some of these questions to Mr. Fitzgerald.

Mr. Commissioner: Mr. Chairman, can I suggest that the matter might
better satisfy Honourable Members if the questions were raised during
the main estimates? You know, on this particular point. I'm merely
making this as a suggestion. If the Honourable Members want Mr. Fitz-
gerald here, we'll get him here immediately. But the question will
come up again in the main estimates.

Mr. McKinnon: The one point is, that we have \$15,000.00 on which we
are going to vote which I'm not satisfied in my mind at the moment,
is a necessary expenditure of the Government of the Yukon Territory.

Mr. Chamberlist: This expenditure has already been made.

Mr. Watson: Mr. Chairman, I myself, have on four separate occasions,
on behalf of people in my constituency, who requested the Game Depart-
ment to go out and investigate the packs of wolves that are hindering
horses, and these requests came primarily from outfitters. I was
rather concerned because I know the price of the hides and I couldn't
understand why the people didn't go out and take advantage of this
source of income, but they haven't. The Game Department has had to go
out and carry out this program even though the hides are that valuable
to anyone who goes out after them.

Mr. Chamberlist: It would, Mr. Chairman, be much easier if we could
have the Head of the Game Department in, during the main estimates,
because it means we're going to bring him back again to discuss the
same area.

Mr. McKinnon: I'll pass on this because ... that's fine Mr. Chairman,
if they've gone out and done the work and it has been expended, there's
just no real reason in calling Mr. Fitzgerald until the main estimates

Mr. McKinnon continues....

WTE 07
come. If the money has been expended, I'm not going to get out of the argument whether it's good or not, prior to the vote coming from Council. I'll save that for another time. But as I say, I'll pass it till the main estimate comes. But since the time we removed the wolf bounty, I've been doing more reading on this subject and one of the real...I don't know even whether the poison predator control, and some of the dangers that have been brought up through poison control in other jurisdictions, whether...I was looking forward to the day when we could get rid of predator control, period. Because no matter which way you do it, either through bounty or through poison bait, each leaves an awful, awful lot to be desired in the natural balance of nature, that the ... provides for itself. I'm disturbed to see that we need another \$15,000.00, and I'll be even more disturbed if we have to go increasing the predator control through the use of poison bait, more and more each year in the Game estimates. I think that we're not really getting to the source of the problem and there has to be a better way, either through bounty, or through poison bait predator control, for protecting livestock and horses and also allowing the normal balance of nature to function.

Mr. Commissioner: Mr. Chairman, Honourable Members will remember that when we had the subject of the bounty on wolf pelts up for discussion, that one of the considerations for the future proper analysis of what was needed and what was not needed, would be the recruitment and the retention of a game biologist. And the Honourable Members will find that provision is being requested in the main estimates for this, and at that point in time, I think the very question the Honourable Member is raising, can then be intelligently answered on some kind of a scientific basis to everyone's satisfaction I'm sure.

Mr. Chamberlist: Mr. Chairman, also, we must keep in mind, that although it agrees to provide funds for increased predator control, the coding of the 720 establishment is clear inasmuch as its administration, Game Branch, and also included in that is the extra monies that have been required by the Game Department for aircraft and other administration in that area. In looking out for these arrears where it's necessary to look for wolves hunting in packs and the like. So, keep in mind, that it isn't just specifically for increased predator control, for just supplying poison bait and the like. It's everything else that goes with it, in the administrative side of it.

Mr. Chairman: Anything further on this item?

Mr. McKinnon: There will be, Mr. Chairman.

Mr. Chairman: Next is Project and Loan Capital. The amount is \$12,500.00. Breakdown is on page 17. I wonder if we could have an explanation.

Mr. Miller: Mr. Chairman, these funds were made available as part of the Federal Government Winter Works Program, through the Department of Industry, Trade and Commerce, and as a result of submissions by the Yukon Territorial Government. To improve tourist facilities, they made \$10,000.00 available to us on the condition that we must spend \$12,500.00. This money is being used to construct outdoor privies, more campgrounds, picnic tables, garbage disposal units etc.

Mr. Chamberlist: In other words, Mr. Chairman, it's just a new program we are not seeking additional funds or we're doing this.... we're taking it out of funds where we have, that are available to transfer.

Mr. Tanner: Mr. Chairman, I'm not completely clear on that. We haven't got a duplication here then, between the supplementary asked for in Tourism and Conservation and this supplementary here?

Mr. Miller: One's campground maintenance, and one's campground construction.

Mr. Chairman: The next item is Loan Amortization, \$15,286.00 on page 12.

Mr. Commissioner: Mr. Chairman, this is a bookkeeping situation. The money is provided by the Federal Government for us to pay out this loan Amortization, but it is required to be voted by the Council so that the money comes in from I.A.N.D., so that we can pay it back.

Mr. Chairman: This gives us a total then of \$78,786.55.

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 27 be passed out of Committee without amendments.

Mrs. Watson: Mr. Chairman, I will second that.

Mr. Chairman: I will just read the title on the preamble then, at this time. It is an Ordinance for granting to the Commissioner certain sums of money to defray the expenses of the Public Service of the Territory. "Whereas it appears by message from James Smith, Esq., Commissioner of the Yukon Territory, and in the estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" of this Ordinance, are required to defray certain expenses of the Public Service of the Yukon Territory and for the purpose relating thereto, for the twelve months ending March 31, 1972. Therefore, the Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows ". It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 27 be reported out of Committee without amendments. Any further discussion? Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: The next Bill is No. 26. First Appropriation Ordinance 1972-73.

BILL #26

Mr. Chamberlist: Apparently you know, Mr. Chairman, the purpose of this Bill is to provide the funds for the expenditure set out for the main estimates. Mr. Chairman, the Commissioner has already, by his message to the House, given all the information regarding the funds of our ...

Mr. Chairman: I wonder when copies of this message will be made available to Members?

Mr. Legal Adviser: They will be available during the second...tomorrow morning, Mr. Chairman.

Mr. Tanner: Mr. Chairman, I'm glad to see it's going to be tabled, but I think we've got ... the Speech contained everything that's in here. Do we need that Speech particularly, before we proceed?

Mr. Chairman: Reads sections 1, 2 and 3. I just have a question from the Chair, will we be receiving a report from the Chairman of the Financial Advisory Committee?

Mr. Chamberlist: Mr. Chairman, the report of the Chairman of the Financial Advisory Committee is incorporated in the Budget Message given by the Commissioner.

Mr. McKinnon: Now, Mr. Chairman, I may as well get into my main objection to the Budget right from the beginning. If Honourable Members will ...used trial of the condensed expurgated version of the Budget, they will notice that it is approximately one third of the size of previous Budgets, although it's about a third more again in expenditure upon the... with the Government of the Yukon Territory. And I think that the Honourable Members are probably making a mistake in trying to get this type of Budget through the House without the detail sheets, which have always been provided to Members of Legislative Council, in other years. Now I don't want to hold up...and I say this sincerely, that I don't want to hold up the business of the Government of the Yukon Territory, but just take the difference in these first votes which is the vote of the Treasury between the new

BILL #26

Mr. McKinnon continues....

style Budget and the old style Budget. The primaries are just outlined with absolutely no detail at all, whereas in the old Budget, every primary gave a detail of the actual expenditure... of machinery ...I'm going to ask a question. What machines are being rented?

Why I didn't have to ask the question prior, because it was all put down in the detail sheet that the rentals were provisioned for our NCR bookkeeping machine, renter of a typewriter and calculator, rental of precalculators, and the rental of office space and everything was there in front of Members that they didn't have to be wasting the time of the House, by asking questions which I think, is their right and their duty to ask, for the detail on the most important piece of legislation that comes before us, the Budget of the Yukon Territory. And, Mr. Chairman, I would advise if it were possible, that the detail sheets of the Budget be provided for Members of this Committee. I don't think that it's asking too much. I think it's going to save time and I think you're going to find that the Budget is going to go much more smoothly and much more quickly, if this type of detail is provided to all Members of Committee. Mr. Chairman, I would like to ask Mr. Commissioner whether these details can provided for Committee, so that we can go about the most important part of the public business efficiently and smoothly, because it just can't be done with the minimum and scant details we have before us at the present time.

Mr. Commissioner: Mr. Chairman, anything can be done, there is just no use of me standing here and saying that it cannot be done, it's not that simple, But from a practical point of view, it is just no longer possible to put together the kind of detail that has been our habit to have here, when budgets have only been a fraction of the amount of money that we have before us now. In the budget-making process of the present time, there is continuously three Members of this Council involved in the manufacturing process. The kind of detail that the Honourable Member is asking for, and which has been a part of the package in the past can be made available on a question basis; I can certainly say this, immediately. If it is the wish of the House that the detail is to be typed up and made available as it has in the past times, I am afraid that the answer will have to be "yes, it can be done" but we will have to have time to do it. It is really the decision of the House, Mr. Chairman, and I am not going to interfere in any way, shape, or form with what their wishes are, but I simply point out to you, that we are getting, when we are talking about a forty-five million dollar budget on horrendous detail that is a mass of detail on the cost of putting this kind of detail down on black and white, it is becoming a literal, I wouldn't say an impossible item, that is not right, but it is becoming a burden which is, I wouldn't say impossible, but is becoming impractical to have available.

BILL #26

Mrs. Watson: Mr. Chairman, I think if the Honourable Members will look at the back of the present Budget, they will have the seed to the primaries that we are using now within this Budget, and it will provide the detail of each primary that has been covered by the vote, by the amount of money for that primary. If you look through that, it will give you an idea of the amount of detail that we would have to provide and it would just bring in a tremendous task.

Mr. Chairman: Speaking from the Chair, I wonder if the situation could be eased somewhat, if the minutes of the Financial Advisory Committee meetings could be made available to all Members.

Mr. Chamberlist: No way, we wouldn't want to cut the Honourable Member's throat in any event, because by so doing, it might do that. Mr. Chairman, I noticed the Honourable Member from Whitehorse West, pointed out quite rightly, that the thickness of the book on projects between one year and another year, has somewhat been depleted, but I would also ask him to remember that volume, Mr. Chairman, of the Financial Advisory Committee. There was also a reduction in the size from that time to the year before, because I remember him standing up and saying that there is no point in indicating the number of pencils and sheets of paper and details like that, that should be made available. I think, Mr. Chairman, what the Honourable Member, for Carmacks-Kluane has said, is quite right and quite clear. You have listed those primaries, if, there is any question which any Member wishes about a specific primary and feels they want more information on that particular item, we can type it up and have to get it, but as Mr. Commissioner has often said, it is a horrendous job.

Mr. McKinnon: Mr. Chairman, you are talking to a Member who was a chairman of the Financial Advisory Committee and also was active in the Budget Programing Committee. These details are available to all Members of the Budget Program Committee by the time that they have come down to their final review of the Budget. The only thing that was necessary was done, as a convenience to all other Members, that these final sheets were reproduced in seven additional copies and inserted into the Budget. I don't think that that is asking too much to be done, the reproduction of the final detail sheets that are studied in the Budget Programing Committee, which appear in the Budget as detail to Honourable Members. That the work that detailed and that is the work that is involved and as a courtesy to all Members of Council I don't think that that is too much to be asking from Members of this Committee to the Government of the Yukon Territory.

BILL #26

Mr. McKinnon continues ...

I think, that it provides in comprehensive form, exactly where the dollars in the Yukon Territory are going to and I think this new method is going to raise an amount of questioning, which has never before come about in discussing the Budget of the Yukon Territory. I think this questioning could have been saved, and it would have been a much more effective way of dealing with the Budget, if copies of the final detail in the Budget Programing Committee, which were previously made available as part of the detail of the Budget, had been made available to the Committee at this Budget meeting also.

Mrs. Watson: Mr. Chairman, I don't think the Members of the Committee are trying to withhold any information from the Council Members here. If you have questions for specific details, fine, we will provide it, but it seems rather ridiculous to go through the whole process of duplicating all of the detail, which some of the people wouldn't even be referring to. If you have specific questions and you want certain backup material and details, we would be only tooglad to provide it.

Mr. Chairman: Will there be anything further at this time? I would think that in courtesy to the Member for Dawson, that all the decisions made in the House will be subject to his approval as well. Is that pretty well agreed?

Mr. Chamberlist: With respect, the Member for Dawson, is a Member of the Financial Advisory Committee and is now knowledgeable of what is in the Budget.

Mr. Chairman: Might I ask from the Chair, if he has been provided with a set of minutes, in respect of the building of this Budget?

Mr. Chamberlist: He is a Member of the Financial Advisory Committee and he was involved in exactly the same way as the Honourable Chairman.

Mr. Chairman: Then I take it he has received the minutes of the meeting in respect of this Budget.

Mr. Chamberlist: The question has been answered, Mr. Chairman.

Mr. Tanner: Mr. Chairman, we are not going to be making any final decisions in the next couple of days, anyway.

Mrs. Watson: Mr. Chairman, this does not imply that we are going to go back, when the Honourable Member for Dawson City returns, but that we are going to go back and review again, the Budget that we have reviewed in the three days that he has been absent, because this certainly will not be necessary. He will have the Votes and Proceedings available to him, he can follow the business that has gone on, if this is his wish, we might as well have adjourned for three days, we wouldn't be making any progress.

Mr. Tanner: Mr. Chairman, I think we are getting bogged down in semantics here. The Honourable Member will be back on Wednesday, and when he comes back, he can call attention to any item.... I think that is his right due, because it was at the Council's invitation he went to Seattle. Surely, he can call back to any particular item, but I don't think that we should be beholder to go back through the whole again and be repititious of all this next three days' work.

Mr. Chairman: I'm saying any decision made in respect of the Budget should be subject to his acceptance or refusal, as the case may be, until he returns. Something he wishes to bring up, I think he should have that right.

Mrs. Watson: Mr. Chairman, we have six Members here, certainly we can deal with the Budget and approve of certain areas of the Budget, as we go through it. We don't have to revert back and seek his concurrence on every item. Surely you are not meaning this.

Mr. Chairman: I am not meaning this at all. I am just saying that if he does come up with something, as it affects his district, because I have

Mr. Chairman continues ...

every reason to believe that he is not informed in this Budget anymore so than we are. I think he should have that right and privilege.

Mr. Chamberlist: Mr. Chairman, can we continue please?

Mr. Chairman: Is it your wish to start with O and M, or Capital?

Mr. Chamberlist: You asked the question and you got the answer.

Mr. Chairman: Yukon Council, \$113,995.00. Page 1-2 is the detail. *VOTE 01*
EST. 100

Mr. McKinnon: Number 20, Mr. Chairman, "Professional and Special Services" a decrease of \$1,000.00. Is it anticipated that the Council of the Yukon Territory will not be using any professional and special services this year, because I certainly think we could use it.

Mr. Miller: Mr. Chairman, I think you will note that under the particular vote we have decreased everything to zero, except the statutory payment to Councillors and elected Committee Members. The balance of the funds are included in the next item called Administrative Services.

Mr. Chairman: Anything further on 100, Yukon Council, \$113,995? Next is Administrative Services, page 1-3, Establishment 120 in the amount of \$359,143 *EST. 120* as enumerated.

Mr. McKinnon: Mr. Chairman, evidently the Administrative Services then, have gone from \$65,040.00 to \$69,183.00, which is an increase of over some \$4,000.00. I wonder if Mr. Chairman, could tell us where the increase will be coming about in services to the Council for \$4,000.00?

Mr. Chairman: Mr. Clerk, or Mr. Treasurer?

Mrs. Watson: It is quite obvious, it is in the salaries and wages, 6.5 per cent.

Mr. Miller: There are two factors in that particular area, Mr. Chairman, salaries and wages increased, including fringe benefits, of just over \$40,000. providing for the 6.5 wage increase, which will be paid starting April 1st of this year, for our Union Agreement. In addition, there is a request for an additional half man-year for a clerk-typist II, offsetting that, will be the completion, if my memory serves me correctly, of the consolidation of the Yukon Ordinances, which was provided in 1971/72 at the cost of \$40,000.00.

Mr. Chamberlist: Plus the Special services that the Honourable Member wanted, is there for \$1,000.00 as well.

Mr. McKinnon: It goes from \$35,000.00 to \$36,000.00. I would like to ask what are the professional and special services that the Council of the Yukon Territory will be requesting to the tune of \$36,000.00 this year?

Mr. Miller: Mr. Chairman, that particular item, for \$36,000.00, includes studies for all government departments, at the request of the Executive Committee.

Mr. McKinnon: Mr. Chairman, wouldn't that normally be a charge back to the department that is getting the study done upon it, rather than a charge upon the vote of the Territorial Council?

Mr. Commissioner: Mr. Chairman, with respect, it is not in the Council. The Council vote is related entirely to the Statute. Council has its own right. The Council vote 100 is reflect the requirement of that Statute. Vote 120, is the general Admin Services that are required of the Government; most of them located on the third floor of the Federal Building here, that relate to the Secretariat, who provide secretarial services, not only for Council and the Clerk of the Council, but for all the Committees of Council and the Committees of the Governemnt, in general and insofar as the studies

VOTE 01
EST. 120

Mr. Commissioner continues ...

are concerned, the special studies in very few instances, except we'll say, in engineering, maybe something special is done, say to do with heating systems or something of this nature; the studies are generally towards all government and this is why they are located in this area.

Mr. Tanner: Mr. Chairman, can I ask whether the 6.5 percent increase, is only in salaries or is it in benefits? If it is in one of the benefits ... and if one of the benefits is Territorial Government costs towards medical coverage ...

Mr. Commissioner: Mr. Chairman, when you talk about this 6.5 percent, this is a very bad misnomer to you. The 6.5 percent is the average dollar bill cost of the negotiated cost contracted with the Public Service, insofar as the actual cost of other benefits is concerned; it doesn't include itself in that 6.5 percent, but is reflected in other items under either the vote or in each department salary and estimate. The cost of fringe benefits in the Territorial Government now is something between 25 and 28 percent of the actual salaries that are paid. The next question that the Honourable Member has is, does this include the Government cost-sharing of the Medicare premium? The answer is yes, but they are not necessarily shown as part of that 6.5 percent increase, in fact they are not shown as part.

Mr. McKinnon: Mr. Chairman, I would understand that travel costs in the under the Administrative Services, is not travel and living expenses of the Members of the Legislative Council which is voted and under Council, it would be travel expenses from these people involved under Administrative Services. I wonder where they would be going to the extent of \$19,000.00, throughout the budget year 1972/73? I know where I would like them to go, where will they be going?

Mr. Commissioner: For example, Mr. Chairman, the request for people at the administrative level of government to attend meetings in all parts of Canada and North America, they come in so fast that if any more than one percent of it is dealt with, why goodness only knows...for example right at the moment, the travel costs that are involved here, with Mr. Pearson and Mr. Mann, Mr. Fleming; any of these people that are required to travel on Government business, they are situated in that figure. If there is any new recruitment involved, I believe that that is relocation costs that are involved in that, as well. This is where these come, insofar as the travel costs are concerned of either Councillor Chamberlist, and Councillor Watson, when they are doing things that have to do with the Executive Committee, they will be involved in this; when they are conducting themselves as Councillors, they come in the Council vote; these are the kinds of monies that are involved.

Mrs. Watson: Mr. Chairman, I would like clarify that a little further, with any of the travel involved with your own constituency, even if you are an Executive Committee Member, it does not come out of this, it comes out of your own pocket.

Mr. McKinnon: Mr. Chairman, do the Feds pay, when the Commissioner goes jaunting about the countryside, making speeches hither and yon all over North America?

Mr. Commissioner: I can assure you that they pay, right up to the last cent, within the limits that are allowed under the Treasury Board manual which covers about 90 percent of the Commissioner's cost.

Mr. Chairman: Anything further on Establishment 120?

Mr. McKinnon: Mr. Chairman, under Miscellaneous, Public Relations and Entertainment, I know that this was probably exclusively within the Commissioner's purview prior to the establishment of the Executive Committee. I believe now, that possibly the Executive Members also, would have part of this budget to be able entertain, on official Government business. I was wondering what breakdown would be between the Commissioner's expenses for public relations and entertainment and the Executive Committee's Members' budget for entertainment and public relations and also whether or not there could be made available to Council a breakdown of the entertainment

Mr. McKinnon continues ...
and public relations budget so that Members of this Council could see
who are the beneficiaries of the Government entertainment and public
relations budget.

VOTE 01
EST. 120

Mr. Commissioner: Mr. Chairman, the Council comes under the purview of the Commissioner and it is not allocated to any Member of the Executive Committee and all the entertainment and public relations are done in the name of the Government of the Yukon Territory. There is no change, as far as I was concerned and there is no special allocation made to any one individual. I believe that there may have been one or two instances, in the course of this last year, where some of this money has been expended that hasn't been...that you could say that it could have been conceivably been allocated towards one particular aspect of Government activity, say a department. It is involved mostly, in the entertainment of people who come here from various parts, such as the visit of the Governor-General, that we had not too long ago, visits of our own Minister and that sort of thing. At the time of the tabling of the public accounts if there isn't sufficient detail there, Mr. Chairman, we will gladly supply all the rest of the detail that comes with it.

Mr. McKinnon: Mr. Chairman, there is quite substantial increases, that you will notice this year from \$15,550 to \$26,800 which is \$11,250.00, and I would be very... I personally would like to know the reason for the increase, is it because we are getting VIP's everyday, that have to be a tax upon the taxpayers of the Yukon Territory. Personally, if anybody just feels that they are going to come up to the Yukon because the North is a hot place to be and we end up having to do the entertaining at the expense of the taxpayer, I would like some of the visiting firemen to say, look there is no business for you coming up, we know what you are coming up for and it is just costing us money to come up here anyway, so stay right where you are.

Mr. Tanner: Mr. Chairman, isn't the Honourable Member making the assumption that those decisions haven't been made during the past?

Mr. Commissioner: Mr. Chairman, I don't think that there is any jurisdiction that covers 207 thousand square miles of which you are expected to cover the whole gambit of complete municipal and provincial, literally speaking, Federal Government areas in which there is less money spent on this kind of thing that what there is in the Yukon Territory. It is spent judiciously and comes under my personal purview and I am prepared to say here, right now that there is not any amount spent that we don't feel is in the best interest of the Territory, in a manner which is not subject to, should we say, third party demand, but is spent on the basics, in practically every instance of our own invitation.

Mr. McKinnon: Can Mr. Commissioner answer then the original question, why an \$11,250 increase in one budget year.

Mr. Commissioner: I think the Honourable Members will recognize that last year we came back and had to ask for a supplementary estimate in this, we have been underestimating it for the last couple of years and just one thing that is increasing it, is the simple fact that we are having to pay for a lot of things that four or five years ago you got donated to you. The next thing is that there are greater numbers of people in this category coming to the Territory than what used to come.

Mrs. Watson: Mr. Chairman, I myself, would like to see that fund even larger than what it is, because this is the public relations, this is the money with which we are endeavouring to sell the Yukon Territory to industrial people, people from the South to come up and look at our Territory, possibly invest money. When you think of an increase of only \$11,000 dollars and we want to make the Yukon known in the southern area, this is just a new thing.

Mr. McKinnon: Mr. Chairman, my philosophy is that this is the worst possible way to get people to know the Yukon, is to get them up here, get them in one of the local establishments, take them down to a plush dinner at some

VOTE 01
EST. 120

Mr. McKinnon continues ...

place or another, then put them on the plane the next day. They haven't seen the Yukon at all, they have seen only who the Commissioner, the Executive Committee want them to see and talk to they haven't gone out and seen anything of the Yukon whatsoever, and they go back as northern experts saying, "boy the Yukon is just like any other place, that Whitehorse is a very sophisticated cosmopolitan city". I don't think that money could be worse spent, if you want people to have an idea and a concept of what the Yukon is all about. This is what happens over, and over, you go to reception, after reception, you can almost name the people who are going to be at that reception for the travelling VIP, and the guy just gets snowballed by a completely artificial phoney society that isn't the Yukon in any way, shape or form whatsoever, and as far as I am concerned, it is an absolute waste of money and a false opinion of what the Yukon is really all about. I would say a heck of a better thing would be bring them out to the Honourable Member's constituency to a party like the opening of the Bill Bruster Arena, which was on Saturday night, they would know more about the Yukon in one night than any reception official function, VIP party that ever you could use under this Commissioner's entertainment section. That's what the Yukon is all about and the Honourable Member knows full well of what I talk, trying to snow visiting VIP's and trying to impress them about how sophisticated and how cosmopolitan and how we are just like any other part of Canada is the wrong way to spend money, if you want to get the message across. When I was president of the Arctic Winter Games Society, one of the real mistakes we made in Yellowknife was providing a press room, free of charge, where the visiting press and there was about one hundred of them, conglomerated every night to get free booze, courtesy of the Arctic Winter Games Corporation. We told the society here, the mistake that we had made ... any press that were here got out and mingled and were forced to get around to the various watering holes and to meet the people of the Yukon. This is a heck of a lot better way to get to know what the North is all about and what the Yukon is all about. This is, as I say the way that we should be instead of having these receptions the way the Government of the Yukon Territory does, which I personally feel is just a nice waste of money.

Mrs. Watson: Mr. Chairman, I just can't let this go by, the Honourable Member has said more eloquently what I wanted to say to start with. He has a short memory, he remembers the tour, which cost a considerable amount of money, that the Honourable Member went on and we went all through the Territory and these people were able to see all aspects of the Territory, and I can recall a reception in my constituency, the type of things that the Members talked about and these are the types of tours that cost the money and this is why I would like to see this fund even larger.

Mr. Chairman: I think in view of the time we will stand Committee in recess until 1:30 p.m.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order. We are dealing with Bill No. 26.

VOTE 01
EST. 120

Mr. McKinnon: Mr. Chairman, I think that in the Budget the names should be beside the salaries. I think that this is information that should be available to Members of the Yukon Legislative Council, though I agree with the practice and always have, of not having them in the estimates themselves.

Mr. Chamberlist: We have crossed that out, we are dealing with funds not people.

Mr. McKinnon: Mr. Chairman, I don't think that is good enough, I think that the Members of this House and Committee should have the availability of knowing and seeing what monies are being expended to what person in the Budget. As I said before, I don't think that this has been abused. I don't think that it has been common knowledge other than the Members of Committee and a practice that is going to be discontinued. I don't think that it should be. I see no reason at all, why Members of this Committee should not know, it being public funds of the Territory that are being expended, to whom they are going and what particular pay category. I don't see any objection at all to the Government providing this information to Members of Committee.

Mr. Chamberlist: The manpower summary is lower down.

Mr. Miller: Mr. Chairman, might I point out to the Honourable Member that there is an appendix which lists each of the positions titles, pay range and the salary. If you go to the back of the book under Appendix, you will find the material. We have not listed names specifically, because names change, positions do not.

Mr. McKinnon: Mr. Chairman, I am well aware of all of this. The fact of the matter remains, that in previous years that Members of Committee have been able to go to different department heads, because they have knowledge of certain people and certain pay classifications, who in their estimation, are not fulfilling the classification for which they are receiving the salary from. This is next to impossible in the Budget presentation, as it is at the present time. I am only interested in one thing, and that the best dollar value for the people of the Yukon Territory from the employees of the Public Service of the Territory. As far as I am concerned it is just another method in which it deals with anybody except the Members of the Government to be able to have any input at all into the operation of the Government of the Yukon Territory. I don't think that ... it seems to me that this is necessarily what the Members of the Government want to do. I don't think that it is essential that this be done at this time. I just can't see the objection on a confidential basis of providing besides the salaries, the names of the people involved in that salary classification, so that if Members know that this is the pay classification that a certain member of the Public Service of the Government of the Yukon Territory is being paid for, he is not fulfilling that job as Executive Members, and members of departments have welcomed the information that I have been able to give them on past occasions, and have taken action because of the information, because of the knowledge that I have of that person perhaps not fulfilling the service for which we are giving him a certain salary. All that I am saying is, that any help that the ... any Member in Government can get from any Member of the Yukon Legislative Council in making sure that the public get the value for the dollars they are spending, I think should be information that should be welcomed.

Mr. Chamberlist: Mr. Chairman, these are very, very flowery sentiments, but once again, I wish to point out the inconsistency of the Honourable Member. When he says now, that they should be provided on a confidential basis, this is something different from what is being asked by the names of individuals in the House. Certainly, I see no objection at all, if the Honourable Member wants a list of all the people that are employed by the Government of the Yukon Territory and what their salaries are, we are quite prepared to give it. Certainly, it is not proper for us

Mr. Chamberlist continues ...

to give it in the House so that the particular conduct, whether the Honourable Member wants to consider that a person is carrying out his job or not carrying out his job, should not be discussed in Committee. If the Honourable Member wants it on the confidential basis, we will certainly have it made available to him. Is that satisfactory?

Mr. McKinnon: Yes, Mr. Chairman, that is how it was in the past. Up until about three or four years ago, the actual names appeared in the Budget with the salary beside it. That was stopped approximately three or four years ago, I may be one year or so out, and an addendum was handed to the Members around the table giving the name in confidence to the position that was in the Budget. That is all that I am asking for that this fact be continued.

Mr. Chamberlist: Mr. Chairman, we have no objection to doing that. It is exactly the same as what was given to the Honourable Member. What he wants now is what he didn't provide when he was in the position that I am in now. We have no objection. I hope that closes the matter. We will provide.

Mrs. Watson: Mr. Chairman, I rather take exception to the point that the Honourable Member from Whitehorse West is making. We are dealing with positions not personalities when we are reviewing the Budget. If there are specific cases that the Honourable Member would like to review, any information that he requires is forthcoming from any Department in the Government. As a Budget Reviewing Committee, we should not be involved right now with the personality that has the position. We are looking at the amount of money that is given for that position. If you then want to carry something further, this is fine, this can be done on a confidential basis. I feel very strongly, that we should look at the money expended that the Government is allowing for certain positions within the Civil Service, not at certain people within the Civil Service.

Mr. McKinnon: Mr. Chairman, I am asking, I am querying which is my right, besides my right, my duty as a Member of this Committee, I am querying changes in the Budget presentation. I am not arguing that they are right or wrong. I am querying changes. I have been told that this change is made, and the information is still available to Members. That is the end of my query. The end of the discussion as far as I am concerned. If Members want to keep the discussion going, we can keep it going. All I am doing is querying changes in the Budget presentation. Some of them I don't disagree with, so long as the Honourable Member is providing me with the answer that the information is still available, I have no further questioning on this subject.

Mr. Chamberlist: It has been distorted a little bit now, we will give that information, but it certainly wasn't for the purpose that the Member asked for it originally. We will supply...

Mr. Chairman: May I ask from the Chair, we have a position of Financial Adviser, which has just been vacated. Has this position been filled, or will it be filled? If so, by whom?

Mr. Chamberlist: Certainly, we can't give you the answer, if so by whom. The position is still open. It will no doubt be filled. At the moment the position is vacant.

Mr. Fleming: It is not necessarily vacant, at the moment, Mr. MacKenzie is on sick leave. When he abandons the position at the termination of his sick leave, then it follows the normal procedure of recruitment and filling at that time too.

Mr. Chairman: Any further questions on Administrative Services? Next is Personnel in the amount of \$382,381.

Mr. Chamberlist: The Appendix will also give the number of personnel involved.

Mr. Chairman: In relation to the Highway takeover, I might direct this question to possibly, Mr. Treasurer. In relation to the Highway takeover

VOTE 01
EST. 120

EST. 160

Mr. Chairman continues ...

there will of course be increase in all areas of the Budget. When will this be presented to Council?

VOTE 01
EST. 160

Mr. Fleming: This is a supplementary. There will be a paper coming to Council on this.

Mr. Rivett: Mr. Chairman, why is this charged to Personnel? Why isn't it charged to various departments involved?

Mr. Miller: One of the problems that you come up with in recruitment or in the recruitment field is knowing how much turnover you are going to have. What we have done, is we have centralized all relocation and all recruitment costs within the Personnel Vote. That way, we can use overall averages, Government averages for turnover, otherwise each department would have to try and guess how many people are going to leave. It is almost impossible to do. This is, you realize covers also the new positions that are included in the Budget which would require an outside transfer.

Mr. Rivett: There is also another question that bothers me. What is the difference between operation and maintenance? As far as I am concerned, they are one and the same thing.

Mr. Miller: Yes, they are technically, there is no difference. It is just a carryover from the old days. We can probably just call it Operating Expenditures instead of Operation and Maintenance.

Mr. Chairman: Anything further on Establishment 160, Personnel?

Mr. McKinnon: Mr. Chairman, possibly this is as good a time as any to go into the question of advertising positions, of advertising Yukon Gazette material, and advertising contracts. Has there been any change of policy or a bid system gone out to the newspaper medium asking for tenders for the advertisement of the Government of the Yukon Territory? Has there been a change in policy on behalf of the Government of the Yukon Territory in publishing or not publishing in both papers that are now in business in the Yukon Territory?

Mr. Miller: To my knowledge the intent has been to provide, in the case of Yukon Gazette, to both newspapers on an equal basis. Other than that, there is no change in the past whereby advertising is done as required in one or both the newspapers. As far as I know all Gazette material is available to both newspapers.

Mr. McKinnon: Mr. Chairman, the reason I asked the question is because there used to appear advertisements for positions within the Territorial Public Service within both newspapers publishing in the Yukon Territory. For some time now, I have not seen the advertisements in one of the papers. I was wondering if there had been a change of policy concerning advertising on behalf of the Government of the Yukon Territory? Prior to this time period which I am speaking about, the last year or so, it was the policy of the Government of the Yukon Territory to advertise for positions in any of the newspapers that were being published in the Yukon Territory. It seems that there must be some change somewhere, in thinking somewhere along the lines of Government in their advertising policy, because advertisements that used to appear as a matter of course no longer appear. I am just wondering, in fact I have heard that there has been a change in Government policy as far as the advertising is concerned. I wonder whether that could be made available to the Government of the Yukon Territory or to Members of this Committee, if such is the case?

Mr. Chamberlist: Perhaps if the Honourable Member would be interested, we will supply whatever information we can, in relation to that particular point. Most of the advertising comes through Central Purchasing.

Mr. McKinnon: One other, I notice that in every vote that there is advertising ... that there is a certain amount of money allocated to advertising. Perhaps this is a budgetary change which I thought there was going to be. I think that if one looks back in the Votes and

Mr. McKinnon continues ...

VOTE 01
EST. 160
Proceedings, they will find that it was stated that all advertising was going to come under one department, whether it be Personnel or not. We thought that it would be Personnel because they are the ones that are doing the majority of recruitment, or some central office would be doing all the advertising on behalf of the Government of the Yukon Territory, be it the Territorial Secretary, the Treasurer, all different offices having certain budget sum allocated for advertising. This evidently didn't come about.

Mr. Commissioner: Mr. Chairman, all the advertising as per the statement in the policy manual is now handled by Central Purchasing except for the Department of Travel and Information where they are advertising in connection with the tourist promotion, is dealt with directly by the department. The votes appear in each department, because this is where the money is allocated. The actual physical management of the advertising is handled through Central Purchasing.

Mr. Chamberlist: Mr. Chairman, there should be no reason for any Member to ask for a ... to view policy manuals. It is the policy manual of the Government of the Yukon Territory, there is no objection to Honourable Members seeing the policy. It is public information.

Mr. Chairman: I wonder, if from the Chair, if Members might be provided with copies of this manual?

Mr. Commissioner: We can make one available for the Council Chambers, Mr. Chairman. It is impossible to make them available to every Member of Council. We can make a set available for the Council Chambers.

Mr. Chairman: I think that should be acceptable. Is Committee agreed? Have you anything further on the Department of Personnel?

Mr. McKinnon: Is there any indication, Mr. Chairman, on what Professional and Special Services are, \$39,500? What studies are going to be incorporated by the Government of the Yukon Territory for the present year 1972-73?

Mr. Commissioner: This is under Personnel, Mr. Chairman? Yes, we ... one of the major things will be the collective bargaining that will be undertaken with the staff Association. This collective bargaining will have to be concluded and an agreement arrived at hopefully prior to the finalization of the Budget for 1973-74. This will be the major item in which we will retain professional services. There may be similar ones as well as far as management salary reviews are concerned.

VOTE 02
Mr. Chairman: Anything further? That gives us a total of \$855,519 in Administrative Services. The next item is Vote 02, Treasury, in the amount of \$683,064, page 2-1. I wonder if we could have an outline of how we are doing in respect of the computerization generally within the Territorial Administration, possibly Mr. Treasurer?

Mr. Miller: Basically the contract is signed to lease a computer for delivery of November, 1972. We are now in the process of recruiting staff to get the thing under way. Hopefully, we will have our first live production on it in January, 1973. The first item that we anticipate putting on it, of course, is the payroll which will get us out of our current contract with I.B.M. Other items that would come up fairly rapidly, I would hope, would be motor vehicle licensing and those types of things that would happen early or we require early in 1973.

Mr. McKinnon: Mr. Chairman, I noticed the salaries in the Treasury Department from \$263,000.00 to \$304,000.00 a pretty healthy increase of \$41,632.00. With the Territorial Government going into Computer Services and Programming in a big way, will some positions now filled in the Treasury Department, be dropped through efficiency following the ... following more services being done by the computer which will be playing a pretty healthy wack for \$37,500.00 estimated as of 1972-73.

Mr. Miller: Mr. Chairman, we don't anticipate any reduction in cost and what we would suppose would happen is that we would retrain, we are looking for additional, more people in the Computer field to ... the key punch operators to train locally. I would hope that the staff are within the Department right now. You won't find any major reductions in staff initially, as a result of computer application. The main purpose of the computer is to get more information faster.

Mr. Rivett: Mr. Chairman, I see there is a reduction in staff from 37 to 34. I may be naive, but what does "man years" mean, doesn't that mean the number of people?

Mr. Miller: It means the total number of people that we'll have that full year.

Mr. Chamberlist: Mr. Chairman, on the appendix sheet you can see that there are two positions of Budget Systems Directors. Together they make up over \$35,000.00. There 's a big portion of it

Mr. McKinnon: Mr. Chairman, going back to travel costs again. When I was chairman of the Financial Advisory Committee, and last year a question was raised about Territorial Public Servants travelling hither and yon attending almost every conceivable conference known to man alive; every vote that we come to, of course, we see travel expenses for Territorial Civil Servants going to various areas attending conferences. Now could I be assured once again by the Commissioner, that these are looked at with a very hard look and only those that are going to be of benefit to the Yukon Territory are those conferences or those trips that are allowed to Territorial Public Servants, so that we don't have many of our highly paid and highly trained public servants away from the Territory for lengthy periods of time attending conferences, workshops, seminars, that are of questionable value to the public, the tax-paying public of the Yukon Territory.

Mr. Commissioner: Well, Mr. Chairman, there is no one who has tried any harder than I have to eliminate, or at least minimize this kind of absence away from people's work. The major problem that we have here, Mr. Chairman, is that we are tied in very closely to the workings of other provincial jurisdictions in Canada. In such things as Workmen's Compensation, Motor Vehicle Laws, the uniformity of laws generally across the nation likewise very closely tied into federal programs when it comes to such things as road construction, road maintenance, I only use these as illustrations. The consequences are that in order to attend a two-hour meeting in Ottawa, a senior officer very often finds that he had to absent himself from a desk for literally a work-week. On top of that, the man probably gives up both weekends in order to travel. It is not all a one-way street. Most of our senior officers give up their weekends in order to travel to these things. Now there is a couple of routes that they are attempting to follow to minimize this. One is that we are attempting to set up the use of a Conference Telephone Method between ourselves and the Department of Indian Affairs and Northern Development in Ottawa. Now we are finding difficulty dealing with the telephone company on this, apparently the lack of proper equipment, but I do have assurances from the Federal Department that they are working at it on their end too, because they are just as anxious as we are in order to get their people and our people more involved in conference-type thing with less

Mr. Commissioner continues...

VOTE 02
EST. 200

expense and time and travel for both of us. The second thing is that we are attempting to bring people to the Yukon to conduct management type seminars and things along this line, so that possibly for the cost of travel of maybe two people, we can expose twenty people to what is going on and likewise keep the money within the Territory and have a part of each day at their desk; so at least they are within the call orbit of the area in which they work. Now all we can do is to continue to try these things and the assurances that the Honourable Member is looking for, I am very happy to give them; because it is not only my desire to do this, but it is the desire of every senior officer in the Territorial Government to cut down this type of time-consuming thing, which in many instances really has very small result, as far as we are concerned. On the other hand, Mr. Chairman, I want to make something else utterly clear as well. It has been the constant cry of this body that the Territorial Government should be represented at every Federal participatory-type thing that we possibly can, in other words, we should be waving the flag.

Mr. McKinnon: Elected Members?

Mr. Commissioner: This is fine, we now have two elected Members on the Executive Committee and when this is possible and a practical thing to do, I am sure they are available to do this. You have an absentee from Council today, who is away doing some flag-waving at the request of Council. If you want these things done, they are time-consuming and they cost a lot, a round trip to Ottawa in the minimum number of dollars that you can lay out, is something in the neighbourhood of \$700.00; so it doesn't take very much to run into a real bag of money. The assurance that the Honourable Member is looking for, Mr. Chairman, I not only give it to you, but all my senior officers are just as anxious as the Members of Council are.

Mr. McKinnon: Mr. Chairman, when the Commissioner and the Territorial Treasurer or anyone in the Public Service of the Territory, are summoned to Ottawa, does the Territorial Treasury pay that cost for them going to Ottawa, on Ottawa's request.

Mr. Commissioner: It all depends on how you want to look at it. Ottawa has put up enough of the money for the Budget, that they are paying for it. As far as the Commissioner is concerned, as I told you this morning, my expenses are paid by the Department of Indian Affairs and Northern Development.

Mr. Chamberlist: I would like to point out that both the Honourable Member from Carmacks-Kluane and myself, have found it necessary to cut down on these visits to various conferences, and perhaps we have made ourselves disliked in many areas because of the fact that we recognize the fact there should not be many people going out on every conference that comes along. Really, quite frankly, if in my department, if I sent somebody out on a conference that comes along, we would have at least one senior person away for 52 weeks in the year, if we allow this to go on.

Mr. McKinnon: Just as a matter of interest, you have \$4,000.00 in here. How would that break down in travelling? Is that mostly trips to Ottawa when Ottawa says, come on down, we want to check the books?

Mr. Miller: No, not really. Basically, I go to Ottawa two or three times a year.... A good part of this money is used within the Territory on internal audit, but the majority of it would probably be spent right here in the Territory.

Mr. McKinnon: Would it be the value of the Territorial Agencies throughout the Yukon Territory?

Mr. Miller: the Territory ... which we attempt to do at least twice a year.

Mr. McKinnon: Do you have a breakdown of how much you spend outside the Territory and what internally?

VOTE 02
EST. 200

Mr. Miller: Not at my fingertips.

Mr. Commissioner: Mr. Chairman, that is very simply; 3/5 to Ottawa, \$2,500.00 so there's no way out of this.

Mr. Tanner: Mr. Chairman, I have another question. We have in Primary 60 here, Rental of Land and Buildings. Now, the situation as I understand it, we have a lease on the Lynn Building back here and this rental is applicable to the amount of space which your office, Mr. Treasurer, takes up in that building. Correct?

Mr. Miller: If I may answer, I'm not trying to sidestep your question. What we have done this year is that we have taken all office space within Whitehorse that includes: this building, the Lynn building, Swelyn Block, Glenlion Building, the old library and everything else up the hill. We have taken the annual operating cost for the rent of that particular space, we've divided by the total space available in terms of office space and that is allocated back to the Department on the basis of how much space they have. So what we've done is averaged the rate of rental of space in Whitehorse.

Mr. Tanner: What has happened then, Mr. Chairman, is that if there is an inefficient operation, it is not easy to pin point where exactly it would be going through these, with each department, because the department is taking an average of the whole lot. I've got another question in the same area and I'm jumping ahead a little. But supposing, for example, we have a Territorial voting, Watson Lake is one, I think, in which the Liquor Commission has their office and perhaps the Honourable Member could correct me, but the Liquor Commission has their office, the library has their office, the Territorial Officer in Watson Lake has his office and we portion a certain amount of their rent to their operation. But in actual fact that the Territorial building and I couldn't find out over the weekend in the recovery section where that money comes back into the Budget. It is one department renting space to another.

Mr. Miller: Where you will find that the overall thing is in the Local Government under Housing and Accommodations. When we get to that area you will find that we are net voting in that particular case, where the records state and the Government building..Government owned buildings are charging back to the Department.

Mr. Tanner: Mr. Chairman, I'll save my further question in this area when we get into that department, and in the meantime could the Territorial Treasurer give the House some indication as to what square footage rate he is charging? For example, in the Watson Lake Territorial building, to the other departments using that area?

Mr. Miller: I'm sorry, Mr. Chairman, I don't have that information available at the moment. I did intend to bring.

Mr. Chamberlist: Perhaps, Mr. Chairman we could have it in the future.

Mr. Chairman: Is there anything further on Territorial Treasurer?

Mr. McKinnon: Mr. Chairman, I am very interested in the computer operation that the Territorial Treasurer is going to put into effect. Will there be a...we are not talking about rental of a computer, we are talking about a small computer in the employ of the Territorial Government itself. Perhaps he could enlighten us as to whether or not, the computer will be available for rental to other businesses in the Yukon Territory. I don't imagine that the computer will be taken up completely with Territorial Government business alone.

Mr. Miller: Mr. Chairman, the computer is for the benefit of members

VOTE 02
EST. 200

Mr. Miller continues...

is being rented for the it is not being purchased. Now based on our studies, done by the computer company, we will have something in the excess of 100 hours per month of computer time used by the Government. There is a total theoretical hours available of 176, assuming a one-trip operation. As I understand it right now, it is not our intention to lease out time on the computer. There is a private computer operation going in this town, I don't think the Government would want to get into competition with private operations at this point of time.

Mr. McKinnon: Not in town but, different companies like the ones that I'm involved with, have to keep sending our data processing outside. Personally, it would be to the Government's benefit if they did have to go against private competition locally, to get part of the charge back from the rental of the computer on the free hours that are not being used, by processing different things that were available are could be done locally. I agree with Mr. Treasurer if there is the thought of private enterprise putting this into the Whitehorse area, then I wouldn't be in favour of the Government leasing out time for, in competition with private enterprise. I was wondering if this is on a one shift basis, as 176 hours of computer time are available, if it was a double shift or a triple shift basis. I think then, that we can understand the availability of hours available on the machine that will be rented by the Government of the Yukon Territory. Is this the smallest machine, what I'm getting at is, that the Government could rent and that the hours that could be used by this machine, how many years does it propose? I haven't seen the study on computer services, I don't know how many Members have, and I would like to get a copy of it and be able to study it. How many years does it project the full amount of hours that are available on the computer that the Territorial Government will be renting, will be used by the Government?

Mr. Miller:it's an IBM Systems Three Unit Card system. Now of the 176 total hours available on the indicated we only have 100 hours, roughly a 100 hours per month at the most. On the basis of growth, we would look at three to four years growth on the Unit Card. At that stage we could convert this particular machine to a disc system operation. Something in the neighbourhood of....you are probably looking at a minimum of ten years in this particular instance.

Mr. McKinnon: In how many years will the Government of the Yukon Territory be using the full 176 hours on a one-shift basis?

Mr. Miller: I would venture a guess by 1975 or 1976 we'll be up to maximum on this particular machine and at that stage, we would have to convert to the disc system.

Mr. McKinnon: I'm wondering whether the study on the computer is available, and whether copies could be made to Members of the Legislative Council, who are interested in obtaining them. I forget just what the cost was, but it was my understanding that it was a rather expensive study, and quite a comprehensive study by the Territorial Treasurer's Department, on what system, and what computer would be best for the purposes of the Government of the Yukon Territory, at this time.

Mr. Commissioner: Mr. Chairman, we can make one available, in the Council Chambers, but it's the same story; there's not near enough copies to be made available to every Councillor but certainly, one can be made available in the Council Chambers.

Mr. Tanner: Just one point in the same area, Mr. Chairman. I don't have the expertise the Member from Whitehorse West does; nor the knowledge, which the Treasurer does. But is he saying, that we are getting this machine for 176 hours, and only using it for 100 hours, or do we only pay for the time that we use it?

Mr. Miller: No, there's a basic rental for the machine. You pay for 176 hours, and if you use it beyond that, you pay in respect of the additional hours.

Mr. Tanner: Mr. Chairman, didn't I understand the Territorial Treasurer to say that, he anticipated only using it for 100 hours, initially?

Mr. Miller: That's quite correct. That's our intention, but we paid for the 176 hours available, anyway. It's the minimal rental period, for which you can rent this machine, or any machine.

Mr. Tanner: Mr. Chairman, I understand that the rental of these machines is extremely high. I understand, that the company that is renting us the space on the machine, or the time on the machine, would set conditions; one of which would be, that you've got to take a machine operator for one month, I would guess; in other words, 176 hours, approximately, one shift. What is the intention of ... how are we going to utilize the other 76 hours? Secondly, is there no other deal that we can make, and save us the other 76 hours, until such time, in 1975-1976, when the Treasurer suggests, we might be using the totalarity.

Mr. Miller: There is no computer company today, that will rent you a computer for less than 176 hours. The rental on this particular computer is not that expensive. We are looking in the neighborhood of \$1500 per month, the actual computer rental.

Mr. Tanner: What's an hourly rate?

Mr. Miller: The hourly rate only goes into effect, after you've reached 176 hours.

Mr. Commissioner: Could we not possibly use this equipment for other Federal Departments, working in that area?

Mr. Miller: It's quite conceivable, that it could be done.

Mr. Commissioner: Mr. Chairman, with respect on this thing, I had basically the same question, as what the Honourable Members have, when this subject came to be about, this computer. But, there are certain irreputable facts, with which you are surrounded. First and foremost, from the point of view of Government taking an outside look. I think we have to be very cautious in this area, because there is a certain amount of confidentiality involved, with regard to any kind of other persons, work, or other people, which you would take and put on this machine, which may place us, in Government, in a very delicate situation, particularly,

Mr. Commissioner continues ...

VOTE 02
EST 200

people who would be contracting with us, or doing other work along with us, in other work places. The computer would be spewing out their costing information, in front of the very eyes of our people, who maybe are passing judgment, on whether their contract prices are right or wrong. We've got to be a little careful here. Secondly, we would like to get this computer in, and buy ourselves a little experience in the use of it. The only way we are going to buy ourselves experience in the use of it, is to have some room for manoeuvre in the 76 hours there is room for the manoeuvre, that has been calculated by the outside consultant, who looked at this problem for us; as being kind of a safety valve, to permit us to get into this field, with some kind of reasonable assurance that we are going to make it work. The next thing is, that we have to recruit people, who can program the machine. Now, we are starting out to recruit these individuals, at the moment. Whether the machine is going to work, or isn't going to work, is going to be dependent on the quality of these people. There is a lot more to it, than just meets the eye. I strongly recommend that we get something under our belt, with regard to it, before we try to wrap up too many other things. I think that what the Honourable Members really want to know, is what is going to go onto this computer, in order to make this thing a worthwhile project. Once we get the expertise, within our own organization of programming the computer, the uses to which it can be put are only limited by that expertise. Am I not correct, in that knowledge, Mr. Treasurer? This is basically the situation. So that, the 76 hours may look like quite a cushion at the moment, but I don't think that it will be very long, after you get a hold of it, before the 76 hours is going to disappear.

Mr. Chairman: Can this be used as a digital computer; for instance, for use of the Territorial Engineering Department?

Mr. Miller: It can handle most of the applications that the engineers of the Yukon can come up with, yes. I'm not saying, that it will handle them all; but it can handle most of them.

Mr. Rivett: Mr. Chairman, what's the other \$20,000 for, that item 61 mentions?

Mr. Miller: Now, we have rental of existing office equipment. The other areas, that come into this, at the moment, is that we anticipated getting a computer earlier than we are now going to get it.

Mr. Chairman: Are we clear then on the Territorial Treasurer and Collector of Taxes, in the amount of \$461,064?

Mr. Tanner: Mr. Chairman, I've got another question. Perhaps, the Territorial Treasurer could tell me whether he's going to use the various territorial offices around the Territory, for example, to collect premiums for Medicare?

Mr. Miller: No, Mr. Chairman, as I understand it, the Territorial Agents' Offices will be used to collect Medicare premiums, as they are used to collect all revenues of this kind.

Mr. Tanner: Mr. Chairman, when I was a member of the public; for example, into the Territorial Office in Dawson, and I happened to have a Government cheque on me, be it Federal or Territorial, is that gentleman running that Territorial Office able to cash my cheque, if he has sufficient funds on hand?

Mr. Miller: Mr. Chairman, as I understand it, the Territorial Agents are not in power to cash cheques for anyone, except in those locales, where there are no banks. Then it is done, because they happen to be the largest holder of cash in the community. In areas, where there are banks, the Agents are not allowed to cash cheques.

Mr. Chamberlist: Mr. Chairman, I would indicate that if somebody wished to pay me for a specific purpose, such as medical premiums; we would be

Mr. Chamberlist continues ...

pleased to accept it, the cheque, only where there are no banks.

VOTE 02
EST. 20

Mr. Commissioner: A question from the sidelines, was whether or not services included booze, and the answer is no.

Mr. Chamberlist: ... no, we can't do that. I said that we would accept the cheque, for specific payment of Medicare premiums, we would accept their cheque.

Mr. Tanner: Mr. Chairman, let me just clarify this, to see if I've got it straight. Anybody in the Territory can pay for a medical premium, by cheque, by a personal cheque, anywhere in the Territory, as long as it's to a Territorial Agent or to the Government Director; that's correct? The reason that I have brought this up now, Mr. Chairman, I just wanted to hear the Territorial Treasurer say the same. For I have had much trouble, in the past, not particularly with your Department, but with Federal Departments, or Government Departments in general, in getting them to accept a cheque of mine. I might have a financial problem with which they are aware, of which I'm not, but there are many people, who find themselves in circumstances, where they don't have the cash, they want to conveniently pay by cheque, so they've got a receipt. Is your Department, sir, prepared to accept those cheques; in this particular case, concerning Medicare?

Mr. Miller: We will accept the cheque for any Government ... other than the sale of liquor.

Mr. Commissioner: Likewise. You've got yourself a double-headed axe hanging over your head here. The problem is, accepting the individual's cheque for the payment of services, in particular, Medicare premiums, is one thing. But a person walking in with a Government cheque, and saying, please cash this so I can pay my Medicare premium. There is just no way.

Mr. Chairman: Anything further on that item?

Mr. Tanner: There will be later, Mr. Chairman. I don't think that we have finished with all of this ...

Mr. Chairman: The next item is Insurance, in the amount of \$49,000.

VOTE 02
EST. 201

Mr. McKinnon: Mr. Chairman, I wonder if we could have a breakdown of what this amount is, generally, what is property, and what is equipment?

Mr. Miller: Mr. Chairman, I don't have that information, at my fingertips now. I will bring it forward to Committee.

Mr. Rivett: Mr. Chairman, how many hourly-rate employees are there in the Territory, working for the Territorial Government?

Mr. Miller: Approximately 150, at the moment, Mr. Chairman, at the hourly rate of employment; our total payroll is somewhere in the excess of 850.

Mr. Rivett: Mr. Chairman, the amount of \$29,000 must cover Workmen's Compensation.

Mr. Miller: Mr. Chairman, the only Workmen's Compensation covered in here, is the Workmen's Compensation Administrative Effect, it does not include insurance. We are self-insured for Workmen's Compensation.

Mr. McKinnon: The reason that I asked for the breakdown in the general property and equipment is that, I was wondering if, and the question has been asked many times and we're not quite big enough, whether the self-insurance is coming to the point in equipment also.

VOTE 02
EST. 201

Mr. Miller: Mr. Chairman, the Insurance, that the Government carries at the moment, only includes general liability or third-party insurance. We do not insure our own vehicles or equipment, those are self-insured. We do not insure our own buildings for fire insurance, we are again self-insured with the help of the Federal Fire Insurance Replacement Act. In the Workmen's Compensation area, we are self-insured, as far as accidents are concerned.

Mr. McKinnon: In equipment, it would be liability, like on the George Black Ferry, if the ferry went down with all hands lost; it would be the liability of the Government, if they were caught to blame. If they caught the blame, it would be the third-party suing the Government for the maloperations of the George Black Ferry.

Mr. Miller: In the case of the George Black Ferry, we only cover the general liability or third-party liability. We do not insure the ferry itself. It is self-insured.

Mr. McKinnon: Last year there was a change in the amounts of money, that went into fire insurance; in what came under the Federal Fire Insurance Replacement Act. I wonder, Mr. Commissioner, whether you have found it to be a satisfactory working arrangement, and just what the new conditions are; under this arrangement with the Federal Government, for Territorial buildings.

Mr. Commissioner: Mr. Chairman, it's a first-class arrangement. The net effect is, that, the Federal Government has guaranteed to supply us with the replacement capital funds necessary, for the replacement of any loss that we have. There is, effectively, a deductible \$75,000. In other words, Y.T.G. would have to find the first \$75,000, of any one loss, or any loss up to \$75,000 would be ours, that we would have to take care of. It's a first-class arrangement, and it's just unfortunate that it wasn't implemented two years ago.

Mr. Tanner: Mr. Chairman, in that case, we've got sort of a double-barrelled gun here, because within this past year, we've withdrawn from the insurance market, quite a considerable amount of insurable assets. And at the same time, we are now introducing a Bill to tax what is left of the insurance market. One might wonder what the thinking was, having taken out our own insurance assets out of the market, and then tax what is left of it.

Mr. Commissioner: Mr. Chairman, I'm very happy to tell you, that our withdrawal from the insurance market was greeted with great loud hurrahs and havannas throughout the insurance industry, because we had been getting blamed for the many of the high rates, due to the excessive losses, that we had. In fact, I think one year we burnt up the Whitehorse Elementary School, the Porter Creek School, the Old Crow School, there's no end to it. The insurance industry clapped their hands with great joy, when we moved out of the insurance field.

Mr. Tanner: Mr. Chairman, I think that Mr. Commissioner has illustrated my point because, unfortunately, although we've withdrawn from those now, the rates that we are presently quoted, are a consequence of those fires. Consequently, if you start adding a further tax burden to the insurance industry, I think that you are going to find that our premiums are going to go up even further.

Mr. Commissioner: Well, Mr. Chairman, I can't predict what the insurance industry is going to do, but we are maintaining a first-class Fire Marshal's Office here in the Yukon Territory now. The thinking behind the proposal before you, that was presented this morning, is that if the insurance industry can see fit to supply 1% of the premiums, that are paid on the provincial jurisdictions, towards the maintenance of a Fire Marshal's Office, they can do it here in the Yukon Territory. This is the thinking.

Mr. Tanner: Mr. Chairman, I'm very pleased that that Bill was put over, this morning. In the lunch hour, I have gathered some more facts concerning that Bill. I think that there was a great deal discussion; per-

Mr. Taylor continues ...

haps this isn't the time, but when the Bill comes in the House, I would like you to know, that I think that we should look at it a lot more closely, than perhaps has been done up to this date.

VOTE 02
EST. 201

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

Councillor Tanner takes the Chair.

Mr. Taylor: This takes us to the point in the Budget, where we can once again discuss Workmen's Compensation. I believe that it is intended, in some point of time, that we set up a fund, by which we provide our own Workmen's Compensation. I'd like to hear from the Administration, as to how this is progressing. I think that it is very important, that before we leave this particular section, that we take a close look at the request, that has come to us, from various groups. One is the Steelworkers, I believe one was the Teamsters Union, and we have this Yukon Traders Club as well, asking us to take a look at the payments, that are going out to injured workmen, when they go out for treatment, and this type of thing. Apparently, it is felt by all parties concerned, that there is not sufficient pay, paid to these people, their living allowances are too small, they cannot get by or live on it. In many cases, these people have a wife and children at home to look after, at the same time they are out for this treatment. This is why the Federal request has come to us, in this Session. I think that it would behove us, notwithstanding the suggestion that we might leave Workmen's Compensation alone for complete review of the Ordinance. I think, in this case, I really do feel that an amendment is going to be required, and some discussion and research done on this point, at this time.

Mr. Chamberlist: Mr. Chairman, all I would like to indicate at this time is that there has been the matter of the Workmen's Compensation fund, under very close and careful discussion and consideration at this time, and all aspects of Workmen's Compensation is also being given very close consideration at this time.

VOTE 02
EST. 201

Mr. Taylor: Mr. Chairman, I'm wonder if I could have some indication from the administration that indeedI will be glad to present a motion in this regard in the House if necessary. I think that this is the time that we should get into this question of Workmen's Compensation Insurance and I think the Administration should bring our an amendment to the Workmen's Compensation Ordinance to provide for the hardship that is being imposed on some of these people at this time.

Mr. Chamberlist: With respect, Mr. Chairman, this is the time for dealing with the Budget. Certainly if the Honourable Member wishes to bring forward a motion of that description at the appropriate time, I'm sure consideration for the motion will be given at that time. But, perhaps we can get on with the matter of the Budget.

Mr. Taylor: Oh, Mr. Chairman, I take offence to that remark and I'm getting a little more than sick and tired of hearing this kind of nonsense. When I raise an issue that the people have asked for...every time that this type of thing comes along, I get turned down. Now I raised it once before at this session, and was told, leave it until we get to the Budget, that's the time to discuss Workmen's Compensation. We are now at the Budget, now I'm told, we'll leave it until something else. I think eventually we've got to deal with this sort of thing, and I feel now is the time to get some information from the Administration

Mr. Chamberlist: Well the information that is being given, Mr. Chairman, is that the matter is being given consideration. And it's being given very serious consideration, and until such time as the Administration has available sufficient information to give to Council, we can't go beyond that. But certainly Council will be advised what is taking place in relation to Workmen's Compensation fund, and all matters related to Workmen's Compensation.

Mr. Taylor: Mr. Chairman, back again the old circlesville, I'll produce a motion in respect of it, when we're ordered again we'll try again. I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: Is there not a breakdown coming, then, in respect to Insurance? The next item is Electric Rate Equalization in the amount of \$173,000.00.

VOTE 02
EST. 202

Mr. McKinnon: Mr. Chairman, I wonder if Mr. Treasurer has available with him, the breakdown of that \$173,000.00 figure, whether the 100% recoverable from Income Tax rebate, is held in trust by the Government of the Yukon Territory and what of that amount is the payment to the NCPG out of the Yukon Consolidated Revenue Fund for equalization of rates at Dawson, Mayo and Faro?

Mr. Miller: Mr. Chairman, of \$173,000.00, a 150,000.00 or 149,700.00 is available from the Income Tax rebate, to pay The Yukon Electric franchise area the cost of this program. That leaves approximately \$23,000.00 payable to NCPG.

Mr. McKinnon: Can Mr. Treasurer tell us what the actual amount of the rebate will be for the year, or is that an unknown figure?

VOTE 02
EST. 202

Mr. Miller: The basis of applying the rate will not change, but the rate of equalized first 200 kilowatt-hours...under 2.4¢ per for the first 300 kilowatt-hours.

Mr. McKinnon: But I'm talking about the income tax rebate available ...that varies from year to year to some degree. Whether the actual figure is available for last year or the actual amount of the rebate is available for this year.

Mr. Miller: The income tax rebate, Mr. Chairman, is given to us almost two years after the taxation Year. We have just received the 1970 income tax rebate, which, if my memory serves me correctly, was in the neighborhood of \$170,000.00.

Mr. McKinnon: So we were just about right on.

Mr. Miller: The interest on this money, all excess money, is invested in short-term investments and is credited to these funds.

Mr. Tanner: Mr. Chairman, I've got another question concerning the rebate. When can the public expect, or when can this Council expect, that rebate would be extended to commercial operations as well as private residents?

Mr. Commissioner: Well, Mr. Chairman, it's a matter of availability of funds. You can do anything if you have money and I think the Honourable Members will recollect that when we first put this into effect, first the people who did the study for us, which I think was a very competently done one, intimated that we should operate this for at least three years, then take a look and see just what was going on with the money. We will have completed the third year of this in the fiscal year that is in front of you right now. The question will be really up to the Council as to what changes they would wish to make. We will be bringing forward an analysis of it after the three years is over with, but the way it looks now, it would be a matter that they would have to go out and raise more money if there's going to be extended anything... to any further area or any further category.

Mr. Chairman: From the Chair, have there been any discussions relative to getting NCPC to start participating in this particular subsidy program? If so, what have been the results?

Mr. Commissioner: Mr. Chairman, the Northern Canada Power Commission, do participate to a degree. For example in Mayo and Faro, their rates are structured at the present time so that they meet the criteria. I'm having a little bit of difficulty getting them to pay taxes, let alone pay anything into a fund towards equalization, and I would feel that the chances of them doing anything more than they are at the present time, until they have got a bigger network of ... until the network of distribution is extended, I don't think there is very much they can do.

Mr. Chairman: Anything further on 1, on Electric Rate Equalization? I don't know if there is anything on Capital. I forgot to bring Capital in under Administrative Services. There is one item on Capital. Sorry, I just forgot to pick it out.

Mr. Chamberlist: I would suggest, Mr. Chairman, that instead of jumping forth and going from O & M to Capital, that we continue to deal with the O & M right the way through and then we can deal with the Capital right the way through.

Mr. Chairman: Well I think it's usually the appropriate procedure ... it's always been that we deal with each department's estimates, both Capital and O & M, all at the same time.

Mr. Chamberlist: Mr. Chairman, with respect, when you opened Committee this morning you asked a question which said, what shall we deal with first; O & M or Capital? It was suggested O & M. You asked if the

Mr. Chamberlist continues....
Committee was agreed? We said agreed. Now you're trying to change
it. With respect, Mr. Chairman, the Committee has agreed to go
through O & M. Shall we continue with O & M at this time?

VOTE 02
EST. 202

Mr. Chairman: Well I might point out to Committee, that it is a
departure from the normal if we do this. What I said is, do you want
to deal with the Capital side first, as O & M follows Capital, and
it was chosen to deal with O & M. Now we go to Capital. We have
under Administrative Services the amount of \$56,000.00...

Mr. Chamberlist: Mr. Chairman, with respect, we've asked to deal
with O & M, right the way through the Budget. So may we please deal
with O & M.

Mr. Chairman: Well could I get the direction of Committee, one
Member

Mr. Tanner: You've had it Mr. Chairman, that's what I understood...

Mr. Chairman: Well if that's the case, then we'll move to Education.

Mr. Chairman: The first item is Administration \$496,047. Does this reflect the recent negotiated interest in education?

VOTE 0:
EST 301

Mr. Commissioner: Mr. Chairman, the estimates that are before you, reflect within a few thousand dollars, the recently negotiated salary structure with the teachers. When I say within a few thousand dollars, Mr. Chairman, you have to understand that a lot depends on how many teachers we have to recruit at the consequence of enrollment since September and also, it has to do with resignations and things of this nature.

Mr. Tanner: Mr. Chairman, what is the item 20, Professional and Special Services page 3-2.

Mrs. Watson: Mr. Chairman, costs for inservice training, travel allowance, for example, when we have training courses for teachers within the Territory bringing someone in from outside the Territory, fresh specialists, and when we carry on these inservice training programs, we pay their travel costs and their living costs for the people that were involved in the inservice training.

Mr. Chairman: Anything further in Administration?

Mr. Rivett: Mr. Chairman, miscellaneous \$230,000, and I was always been told to be leary amounts marked miscellaneous.

Mrs. Watson: Mr. Chairman, actually it was in the miscellaneous, in professional improvement program as the result of the 1969/70 agreement with the teachers where we pay the tuition, transportation and a book allowance for professional upgrading during the calendar months and also the leave.

Mr. Chairman: Anything further on Administration? \$496,047.

Mrs. Watson: Mr. Chairman, I would like to point out under Administration in this year's Budget, this is the administration of the Department of Education itself, and also the administration of the schools, the office in the schools.

Mr. Chairman: The next item is schools, curriculum supplies and salaries, in the amount of \$3,806,912. EST 302

Mr. Tanner: Can I ask the Territorial Treasurer whether, since he has had so much more practise in it than I have, whether he could give me off the top of his head, the approximate administrative cost compared to the total Budget, percentage-wise of the Department of Education?

Mr. Commissioner: O and M, or O and M and Capital or what?

Mr. Miller: Something less than 2 percent. Administration in relation to the total spending of education? I am sorry, something less than one-half percent.

Mr. Commissioner: \$496,047 can't be compared to \$7,000,000. About seven percent.

Mr. Tanner: Mr. Chairman, now I am getting concerned about this.

Mr. Chairman: Anything on schools, curriculum supplies and salaries? Next is Custodial Supplies and Salaries, Leases and Rentals, \$1,258,349. EST 303

Mr. Tanner: Mr. Chairman, the Honourable Members might recall last year, I asked a number of questions about whether it was intention of the Department of Education to eventually take this out of the Budget and put it in a contractual-basis. I would ask the Minister of Education whether she has investigated this particular method and what were her results of her investigation?

VOTE 03

Mrs. Watson: Mr. Chairman, I believe a study has been made for contracting custodial services for all of the Territorial Government and I haven't seen the results of the study as yet.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: It is being looked at, as the Honourable Member has replied, for all areas where we require custodial services. The possibilities are there but certainly the study is not completed yet, and there has been no opportunity to examine it.

Mr. Chairman: Clear?

Mr. Tanner: No, Mr. Chairman, I am not clear at all. What does transportation of non-government employees mean?

Mrs. Watson: Mr. Chairman, that is the cost for the bussing students.

Mr. McKinnon: Mr. Chairman, on primary 31, I don't know where the item does appear on the Budget, in the operation and maintenance as a pay back to parents who are transporting children to school. I believe the costs that they get is it five cents a mile now, for transporting children?

Mrs. Watson: Five cents a mile.

Mr. McKinnon: I wonder if there has been any thought of the Department of Education in its operation and maintenance to make the figure more realistic. I think, that the Territorial Government employee is figured out at seven or eight cents a mile for the use of their car, if they are travelling. I wonder why these figures shouldn't be compatible, the cost that is paid by the Government for use of Government vehicle, or private vehicles, and the cost which is given to people who are transporting children, to school, where school bus service is not available, it seems to me that they should be on an equal bases, and hopefully the higher figure should be the one that prevails.

Mr. Chamberlist: I wonder if the Honourable Member realizes, Mr. Chairman, that it is five cents per child a mile so if there happens to be three children in a vehicle at the same time, the person is getting fifteen cents. I wonder if the Honourable Member realizes this.

Mr. McKinnon: Yes, I do realize this Mr. Chairman. I wonder if Mr. Treasurer has the figure available that is given to Territorial employees, the figure per mile, say if a person is coming in to Territorial Council from the outside areas, what cost figure percent per mile is given to them.

Mr. Miller: Mr. Chairman, the Territorial Government approved rate of personal vehicles is seventeen cents per mile.

Mrs. Watson: Mr. Chairman, I would like to point out that this five cents per mile is in the School Ordinance and has been in there for some time. It has never been brought up before. I'm sorry, the five cents per travelled mile is within the School Ordinance and this is a statutory requirement for payment of this Budget. There is no reason why this can't be looked at when you are looking at the Budget.

Mr. McKinnon: Mr. Chairman, this is my question, would the Minister in charge of Education take a look at the five cents per mile figure because has been in the School Ordinance for quite some time and I think that it is time to take a look at the figure, whether it should be updated and whether the amounts should be going, everything else is going up, as she is well aware of. The Honourable Member says I keep changing, you are darn right I do, because Government keeps changing; if you don't change your thinking and your ideas then you become as rigid and inflexible as the Honourable Member from Whitehorse East and you come to the point where you are so medieval and archaic that you don't know what is happening any longer. This is the concept of people changing and I say to the Honourable

Mr. McKinnon:

Member often, that the only thing consistent about me is my inconsistency. Any Member of Government that doesn't change his thinking to take into consideration the very real happenings of the Yukon, then that is where they are fooling themselves.

Mrs. Watson: Mr. Chairman, I would like to assure the Honourable Member that we will be looking at the whole picture of providing for students to our schools, if we are looking at the amount of money there \$300,060 is a great deal of money the Government is paying at the present time; that does include the mileage allowance, it includes the cost of the bussing and the demands upon our bussing are getting greater every year, particularly during the winter months and I can assure the Honourable Member we certainly are looking at this particular question. If we don't make some very strong decisions on this very soon, we are going to find that we just can't live with the costs of providing transportation.

Mr. Tanner: Mr. Chairman, without any hesitancy, I stand up to quote my percentages because the Territorial Treasurer had a problem last time. As I see that increase of 51,000, it is approximately 16 percent increase, which is quite considerable and I would ask the Minister whether that relates to pupils or to routes, in other words, does the increase cost relate to anticipated growth, not anticipated growth but more pupils, or to different routes?

Mr. Rivett: No, non-government employees.

Mrs. Watson: Mr. Chairman, this encompasses the whole increase that we are anticipated both the increase in number of pupils and the increase cost and possibly the increase of routes; we just can't budget from year to year. We are looking at proposed enrollment of approximately fifty-three hundred students next year.

Mr. Chamberlist: Mr. Chairman, the Honourable Member from Whitehorse West must realize that sometimes when there is bussing taking place it is via a car, that sometimes a car is large enough to take five children and the person that is driving that car is receiving twenty-five cents a mile. It averages out all the way out. I know that Government must change, but I hope that this Government wouldn't change until the end....

Mr. McKinnon: You are the only one who hopes it.

Mr. Tanner: Mr. Chairman, the Honourable Member for Education must have gone into a little bit more detail because normally a budgetary increase from year to year is approximately 10 percent, as an off the cuff figure, but in this case the increase looks to be 16 percent with four hundred more pupils. I wonder if the Minister could give us some indication or could give us a little more background information as to any other new routes they anticipate.

Mrs. Watson: Mr. Chairman, this is almost impossible, we don't know where the students are going to live, if we could do this type of thing, it would help us a great deal. I could give you information on the existing bus routes that we have at the present time, if this would be satisfactory. We are doing an assessment ourselves, we have to keep doing this for the September assessment of the number of students that are on the existing bus routes, whether it is worthwhile to continue bus routes, whether we should be establishing new bus routes, we have to be doing this, but I can give you the information on the existing bus routes if this is what you require.

Mr. Tanner: Mr. Chairman, I can probably gather that from the popular press where the existing bus routes are. Perhaps the Honourable Member could give the House some report on the new franchise that was let on the bussing this year and one-half, and how successful it has been as to compared to the previous year.

Mrs. Watson: Mr. Chairman, I believe that we have had very good performance from the bussing company, who is providing bussing for our children, we have had no complaints, they have operated everyday, regardless of the temperature, 60 degrees below and they were out. I must say that

VOTE 03

Mrs. Watson continues ...
we have had very good performance.

Mr. McKinnon: Mr. Chairman, is the Honourable Member saying that there has been no complaints about the bussing of children this year, under her department?

Mrs. Watson: Mr. Chairman, if the Honourable Member refers to the number of children who are allowed to get on the bus to the actual performance of the contract, the company, no.

Mr. McKinnon: But she has received complaints from parents, about the bussing of these children concerning the early arrival, the lateness of buses arriving at certain times, concerning the number of people who are left behind from buses, because they are unable to be on the buses, certainly, these complaints have been heard by the Honourable Member?

Mrs. Watson: Mr. Chairman, I think we are talking about two different things, the complaint on the operation of the buses themselves, and complaints from parents because their children haven't been able to have been accommodated on the bus, as yet. We do operate the buses for students who live beyond the two mile radius and we pick up students within the two mile radius, if there is room. Naturally we cannot pick up all of the students and this is where the complaints come in; this is where our area of complaint has been. In certain months of the year we should be bussing all of the students almost, if we listen to the complaints.

Mr. Tanner: Mr. Chairman, could the Territorial Treasurer indicate where I would find the amount the Department of Education recovers from pupils who are paying five dollars a month, I believe, for the area between one and two miles?

Mr. Miller: Mr. Chairman, on page 25, 3, under revenue and recovery, you will notice a item called transportation, school children, \$2,000 per annum, that is the recovery, on behalf of the fees paid by the students to ride on the school buses.

Mr. Tanner: Mr. Chairman, I think we have illustrated rather well, a good point, when we are talking of a Budget of three hundred and sixty thousand, and we are talking of an increase of approximately 16 percent, why are we aggravating people for a mere two thousand dollars? Why don't we make the policy such that we bus them outside of a mile, which in effect we are doing for a lousey two thousand bucks. We are getting a lot of people on our backs and I wish the Honourable Minister would very seriously look at this problem before the next school year. We stop for such a small amount of the total Budget, that we stop aggravating people. I think that this might be a solution to a great deal of her problems.

Mrs. Watson: Mr. Chairman, I am quite prepared to bus them, within half a mile, if you are prepared to find the money for the buses. I will certainly look at the problem.

Mr. Tanner: Mr. Chairman, my point is this, we are talking about two thousand dollars in a Budget of three hundred and sixty thousand estimated Budget for this next year. For two thousand dollars, it is not worth the aggravating and the bad publicity and the bad public relations, which are being created for the Department of Education. What I am suggesting is, in that one area, between a mile and two miles, I think it would be in the best interest of the students, the schools, and the Department of Education, in particular and even the Members of this House. I can think of one, myself, who would love to have his phone not ringing for a mere pittance of two thousand dollars and an estimated increase of 16 percent. I am merely asking the Minister whether she would take a very serious look at that five dollar charge and see if it is really not worthwhile?

Mr. Commissioner: Mr. Chairman, with respect, we have to look at whether or not the five dollar charge shouldn't be extended to every person that is in the bus. The amount of money that this school bussing is costing and the relatively few people who are able to get the use out of it, places the people who get the use of the school buses at a very preferred position.

Mr. Commissioner continues ...

VOTE 03

and as a consequence, I would suggest that maybe this is the last time in the Budget you are looking at, an effective free school bus system will be in effect.

Mr. Rivett: Mr. Chairman, how many non-government employees are we going to transfer?

Mrs. Watson: Mr. Chairman, do you mean how many students are we bussing at the present time, or do we propose on bussing next year? I can't give you that offhand ... Mr. Chairman, it varies on how many we bus, in the winter the bus is full, during the summer the bus is half full; nobody wants to ride on the bus; this is the problem.

Mr. Rivett: For now, I just want the round figures.

Mrs. Watson: I will endeavor to get them.

Mr. Tanner: Mr. Chairman, I think that the Commissioner has really added emphasis to my point. He said that the problem with bussing is such that we might be looking at a user-fee for everybody using the school bus system in the next budget. I am not disagreeing with that. We presently have a system where some people understand they can get on the bus, some people can't understand they can get on a bus, some people are bussed. What you are doing for a mere \$2,000 is aggravating people that there is no need to aggravate. The \$2,000 isn't going to hurt us. It isn't going to make that much difference, but in the meantime you are causing for the department and those of this House and the public and for the pupils using the bus a lot of aggravation.

Mr. Commissioner: With respect, Mr. Chairman, while I don't disagree with the point that the Honourable Member is making, if you eliminate the five-dollar charge, never mind what the five-dollar charge might have been, you then are faced with, I would suggest, at least adding another fifty percent to the 350,000 while you put on enough buses to pick up everybody. You can't have the best of both worlds; there is just no way. What are you going to do, bus everybody in?

Mr. Tanner: No, Mr. Chairman, I am not saying that. I am saying that if you bus the pupils from a mile out, we in actual fact, bus the pupils from a mile to two miles now, if they want to pay five dollars. The number of people that are being bused in, is bringing to the Territory to the Territorial coffers, \$2,000. What I am saying is that \$2,000 isn't worth the aggravation. If you are going to bus them from a mile out, bus them from a mile out, don't do one or the other. Don't try to do half of one and half of the other.

Mr. Commissioner: It is a deterrent fee, Mr. Chairman, and the idea being that if there is space available on the bus, and if people live within this one or two mile radius for five dollars a month they can ride on the bus. If you are going to eliminate that, then you must be prepared to provide transportation for all the children who live outside your one mile radius situation. Before that can be undertaken, there has to be a reassessment taken on how many buses that you are going to need.

Mr. McKinnon: I agree with the Honourable Member, the last statement that he has made. Have one policy or the other. The other policy is going to have to be with the amount of money that it is costing us to bus, that nobody within a certain area gets bussed to the school. Perhaps I have this argument when my phone rings, I take as much as the Honourable Member on it. I usually say this to the parents because eighty percent of the people here are from the Prairies, where did you go to school? They went to school in Winnipeg, of Biggar, Saskatchewan, of Wetaskwin or some place. I say, how far did you live from the school? They say, well I lived two or three miles. Did you walk to school? I have no problems at all, but you can't use that argument things are different now, we have to be able to bus our children. I make the contention that if the child is properly dressed, then the two miles is just a good exercise for him to get to school. As I say, I lived in the Prairies where the weather and the winters were a heck of a lot harder than they were in Whitehorse, Yukon and in most areas of the Yukon in fact. This is an argument that just goes on constantly. Whether they should be bussed or not. The discriminatory aspect of the way that it is now, is that people who can afford to ride and whose parents can afford them to ride, get the benefit of having a choice of going on the bus or not. Those children who can ill afford to pay for it, and are generally the ones who should be bussed, because they are poorer clothed than those people who have the money to pay for the transportation, are generally the ones who don't get on the bus. I know that there is a system under either your Department or the Welfare Department where people who absolutely cannot afford to pay for the bus, are subsidized or given some part of the fee, or the fee is paid for them. When the Honourable Member says that it should be one policy or the other; I agree with him. That policy should be made and that policy should be stuck to, within a certain area people get bussed, if there is a user-fee or not, I am even prepared to go along with that. Without a certain area it doesn't matter whether you

VOTE 03

Mr. McKinnon continues ...

want to pay five, ten, twenty or twenty-five dollars, that you take on the elements and that you walk to school. Between the one and two mile area, I am sure that if you found that if you eliminated the user-fee, that you would find that you would almost have to double the bus transportation system. I disagree with the discrimination of those who can afford it, being able to be bussed to school, and those who can't, walking. I think that is where the danger lies under the present policy. I would like to see the policy eliminated, no matter how many phone calls I get every night.

Mrs. Watson: I can assure the Honourable Member, that he will be receiving many, many more phone calls. The Government was almost forced into this position in the cold weather, when a bus is driving by children and there is room on the bus, and they do not stop at the ... within the two mile limit, say a mile and three-quarters and pick up students. Criticism from the public was very intense. What did we do, well alright we will let them ride if they have the bus tickets. This is the result of it. Now, if the Honourable Members are prepared to support the bus driving by those children, and there is room on the bus, we are certainly very, very happy to bring about this type of a policy.

Mr. McKinnon: Mr. Chairman, within the mile to two, at a certain degree of temperature that bus stops at the furthest extremities of the two miles until the bus is full. That to me sounds to be most sensible policy. It can be written up and distributed to every student and every parent that the buses are going by in a certain degree of temperature and there is room on the bus. Then the places that they stop are the futherest extremity of the two miles, the mile and three-quarters. When they are filled, they go on to school without the pass type of availability, where the parents would become very angry if they thought they had paid their five dollars, and then that guaranteed their children a place on the bus. They phone us and say, look it, I am paying five dollars and the bus is going right by my children, what are you doing? I have paid for my child to get on that bus, and they are not getting on. I think that there would be no increase in cost if the policy that I have outlined was adopted. Of course, it would have to be given much more thought and get down to the nitty-gritty of it. I think that if this type of policy was adopted there would be no more extra cost. You wouldn't have the argument that the bus is going by in 40 below weather half empty, or three-quarters empty. You wouldn't satisfy anybody, and I sympathize with the Honourable Member because I know whatever she does in this respect is still going to get it, so am I, but at least we can minimize the number of complaints that are plaguing, I assure her, her and myself and all Honourable Members.

Mr. Chamberlist: It is a matter, Mr. Chairman, you're damned if you do and you are damned if you don't. It is one of those areas.

EST. 303

Mr. Chairman: Have you anything further on 303, \$1,258,349?

Mr. Rivett: Mr. Chairman, what is the difference between 50 and 55?

Mrs. Watson: Mr. Chairman, 55 is the utility for the schools, the electrical and fuel supply.

Mr. Chairman: The next item is student accommodation, \$118,540. How realistic is the student allowance at this time? What is it, \$60?

Mrs. Watson: Mr. Chairman, are you referring to the \$60 per month? Well, it certainly doesn't cover the costs for board and room for students. If parents are boarding their child in a private home, it certainly doesn't begin to pay the cost, and certainly it doesn't begin to pay the cost if the Government is providing accommodation. I believe that \$60 is the limit that is stated in the present Ordinance.

Mr. Chairman: Anything further on student accommodations, \$118,540?

VOTE 03
EST. 30

Mr. McKinnon: Yes, Mr. Chairman, I was wondering, I would like to have a breakdown of what percentage of children are staying in residence? Which ones are staying in private accommodations in the current fiscal year? Also, the increase of \$35,109 where the statutory requirement remains the same, I understand, for the next fiscal year? Does that reflect the additional numbers of students who will be coming into highschool in the Whitehorse area, in the ensuing fiscal year? If so, where will they be accommodated, if private accommodations are not available for them? I understand that residential or institutional accommodation is at a minimum at the present time. I could be wrong on this, and I would like to have these questions answered.

Mrs. Watson: Mr. Chairman, can I bring this information for the Honourable Member.

Mr. Chairman: Have you anything further at this time on student accommodation? Next is handicapped and retarded children, \$20,000. Clear?

EST. 31

Mr. Tanner: Mr. Chairman, excuse me, that is quite a jump from last year. Have we got more children in this category this year, or have more children grown up and are now the responsibility of the school system?

Mrs. Watson: Mr. Chairman, this takes in not only the children that we are helping with the retarded factor in the Whitehorse area but also it includes the children that the Government is assisting in institutions outside. It is all lumped into one sum. In some cases, if the parents are not able to pay the transportation, we assist in this and in tuition. These are judged on an individual basis. The costs for accommodation in outside institutions for these types of children is very, very high.

Mr. Tanner: Mr. Chairman, perhaps the Minister of Education could indicate somewhere else, perhaps not within her budget, perhaps in Health, Welfare and Rehabilitation where these people might be getting other help? It seems to me that if there is any number of them, that \$20,000 wouldn't be sufficient amount of funds. I am just guessing, from the amount of problems that we have in this area, are there other areas that they will be getting help from other departments and so on?

Mr. Chamberlist: We have a Group Home where we have a number of children in this category. There are some of us who look after our handicapped children ourselves.

Mr. Chairman: Are you clear? Next is special services or grants for post-secondary training in the amount of \$200,835. Are you clear on this item? Next is kindergartens, \$80,871.

EST. 31

Mr. Tanner: Could the Minister indicate why this is going down instead of up?

Mrs. Watson: Yes, quite clearly, the population is going down at this age level.

Mr. Tanner: I was wondering, do we have fewer kindergartens or just fewer children? Are the kindergartens not being put to the amount of use that they were a year ago?

Mrs. Watson: We just have fewer children, yes, we have fewer classes. In some areas we have gone down to two or three children where we have dispensed with kindergarten.

Page 916
Monday, March 20, 1972
3:50 p.m.

Mr. Tanner: Could the Member indicate to me whether or not there has been an increase in Kindergarten teachers' salaries in the last year, or is one anticipated of the next.

VOTE 03
EST. 316

Mrs. Watson: Yes, Mr. Chairman, this was done by a Commissioner's Order of an increase of 6%.

Mr. Tanner: Mr. Chairman, is that 6% increase, a regular 6% yearly annual regular increase, which all teachers have got, or was there an extra increase above that regular increase?

Mrs. Watson: Mr. Chairman, these are kindergarten instructors. They are not qualified teachers, they are instructors. They do not fall under the teacher's agreement at all and their salaries are fixed by regulation. In the Commissioner's Order, amending the regulation, giving them a 6% increase in salary with a carry-over from last year.

Mr. Tanner: Could the Minister indicate to the House what the average salary for a kindergarten teacher is? A kindergarten system, or whatever you want to call it, is presently in the Territory.

Mrs. Watson: Mr. Chairman, it is in the regulation, they vary according to their qualifications, how many courses they've taken, how many years they have been instructing kindergarten. I could bring you the.... it is in the financial administration. Yes, it's the regulations, if you want me to go get it for you, fine.

Mr. Chairman: The next item is Recreation and Amateur Sport, in the amount of \$156,688.00. I would like to see a breakdown, myself, on grants and loans, and further I would like to see a breakdown of where the money spent, between the course of last year.

EST. 316

Mr. Tanner: Mr. Chairman, I am going to make a point, which I don't think is going to find much success in this House, certainly, from some Members. But we are spending for primary education, for kindergarten education, which is in my mind, one of the most important areas of education that any child could receive because if the reaction at the beginning is not good, then it is going to follow right through the school years. Through the school years, of that child, there is always going to be a problem; in other words I personally contend, that the problem of some of the most important years of a child's life, is when it first goes to kindergarten... \$80,000. We are spending, on Amateur Sport and Recreation, \$156,000.00. Why not making it, first of all I'd like a breakdown of where the money is being spent on kindergartens and how much we are paying the teachers' salaries and so on and so forth. Secondly, a breakdown of why we are spending \$156,000.00 in Amateur Sport and Recreation. In fact I would like a detailed budget of both of those, certainly more detail than we've got here. Because in my personal opinion, for what it is worth, we are spending our money in the wrong areas. Mr. Chairman, the Honourable Member from Mayo has pointed out some of those things that I've asked for, are already in the Budget. I will see them there.

Mrs. Watson: Mr. Chairman, is this the information the Honourable Member requested?

Mr. Tanner: I think the words, Mr. Chairman, are "touche". Yes, that's some of it, but I would also like a little bit more of a breakdown of the Recreation, particularly the one that the Member from Watson Lake asked for on grants and loans.

Mrs. Watson: Fine, but are you satisfied now with the kindergarten program breakdown. You don't need anymore.

Mr. Tanner: No, I'm not satisfied with the program.

Mrs. Watson: That information is...are you satisfied with the

EST. 319

Mrs. Watson continues...
information that you have?

Mr. Tanner: Yes, yes, I guess you can say that. If the Honourable Member thinks \$2,400.00 to teach a class of twenty children, in the morning, and another class of twenty in the afternoon, is anything like satisfactory, yes I'm satisfied.

Mr. Chairman: Are you clear on kindergarten? Alright, Recreation and Amateur Sport? I have a question, that is constantly raised, particularly in my district, and that is, why is it so difficult for people who are recipients of money under grants or whatever under this program? Why is it so difficult for them to get paid?

Mrs. Watson: Mr. Chairman, under a...for an approved program?

Mr. Chairman: Yes.

Mrs. Watson: Well, office telephone calls are made to the Department of Recreation. They ask for grants; and they ask for assistance, that they are expecting travel allowance. I repeatedly tell people, that they must not make telephone calls, and expect a cheque on the strength of a telephone call. They must make their request in writing and they must substantiate with details; what they use the money for, or what they propose to use the money for. I feel that some of the public of the Yukon feel, that this is sort of we hold out the hand, and the Recreation will provide the money we don't have to substantiate, what we are going to use it for, or what we have used it for. These are public funds and it is very, very necessary that this must be...get across to the people, that they must be able to tell what you need the money for, or have receipts to substantiate your claim. Often, this is the reason why there is such delay.

Mr. Chairman: Thinking more...it happens about every second day with this Department and more recently, in the weekend, I was asked why can people who are recipients of travel allowance bring children in for various activities, why can they not get their payment? ...travel allowances, which are all organized, they just can't get a cheque for it. This goes back to January....

Mr. Commissioner: Mr. Chairman, with respect would you give us firm indication of this and we'll get the thing looked into because if there is something that is not quite right; either the person doesn't know how to put the claim in properly, or else once the claim is in, we are not handling it properly, it is one of the two.

Mrs. Watson: Mr. Chairman, I believe there is another area also. These organizations: the curling organization, the hockey organization; they have been funded money, through the Department of Recreation, and they in turn, if they have a program, if they have playdowns, they in turn, provide the travelling allowance to the people who are participating. I think this is where the breakdown has been this year with the travelling allowance. In the past, it has come directly from the Department of Recreation. Now Recreation has given it to the organizations and if they are having playdowns, then this organization must refund them their travel money. They have to put their priorities, they are either going to spend it on travel or they are going to spend it on training, or whatever they are going to spend it on.

Mr. Chairman: I would say that this request comes from my member, a member of my electoral district, on this so called board, but I believe it's been settled on rather quickly has it not? Then this will come up at that point...

Mr. Commissioner: Mr. Chairman, we would like to have the actual facts. In the meantime, we can get it looked into, and then maybe we are doing something wrong. I don't know, but you know, we've got to have the facts. You know we have to have the basic complaints, so that we can

Mr. Commissioner continues...
look into it.

Mrs. Watson: Mr. Chairman, I would like to point out that this type of complaint is so often a telephone conversation. They think that they should automatically be getting a travel allowance, and I think the person you are referring to made the complaint to me, and I looked it up and there was no claim for it whatsoever. So I requested that he put his claim in writing.

Mr. Chairman: I'm not sure, there is a whole series of these things. I'm not sure exactly what one you're referring to.

Mrs. Watson: Mr. Chairman, if you would just sit down and ...

Mr. Chairman: The Department is not functioning properly.

Mrs. Watson: But if you could present them in a letter, in a claim form. I would be more than pleased to take care of it.

Mr. Chairman: I had another question under grants and loans. How much of these grants and loans will be under the direction of the Board, as far as expenditure goes?

Mrs. Watson: Mr. Chairman, when the breakdown comes, that will be available then. Mr. Chairman, I would like to point out that there is such an increase from last year in the grants and loans, that \$22,000.00 of that will be the grant for the Artic Winter Games Corporation, to insure the continuity of the Corporation. At the end, you saw the copies of the Budget last session, \$11,000.00.

Mr. Tanner: Mr. Chairman, I was wondering, if the Member from Whitehorse West has any comment on it. He is well known, he has been president of the Artic Winter Games, he is a well known sportsman in town. Whether he has any comment on this whole recreational detail within the bounds of Education?

Mr. McKinnon: Well, to tell you, it never adopted me in the field of grants about the grant to the Artic Winter Games Corporation. The continuation of the Artic Winter Games, I think any Member just has to see the success of the second Artic Winter Games, which was just concluded here, in Whitehorse, to have that question asked, as to whether that is money well spent. I think the education that was received in that one week probably, has as much value as a couple of months of formal education and training. I believe that way and I think that the majority of the people who were involved with the original idea of the Artic Winter Games, that those people in the community feel that way also. The process of... a misunderstanding under the Recreation of loans and grants that are available to the Department of Recreation, because the funding program is on a cost-sharing basis from the Federal Government. It is well laid down in Federal legislation just what is available and what can be done with the money that comes under the purview of the Department of Education and through the Department of Recreation. Most people in the Yukon would like to be able to fund capital projects through the grants that are available. This is the cause with whatever you go out in a community. We don't provide the operation and maintenance of the place, just give us a place where we can play hockey, give us a place where we can play basketball, give us a place where we can play badminton. Under the terms of the Fitness and Amateur Sport Act, none of these monies are available under that program. This is the biggest single contentious issue under this program. The Territorial Department and Recreation is being blamed for something which is completely beyond their purview. The Federal Government says you can only use it to bring people inside, on training clinics, for using it for transporting people to different centers, for training clinics, for using it transport teams to various places for the ability for being able to compete. In fact, in the original Act and regulations, none of the money could be used to transport athletes and teams from one

Mr. McKinnon continues...

EST. 319

center to another. It could only be used to bring experienced professionals into a community, to hold training clinics or bringing people, who are interested to a community, to take advantage of these people, that the Territorial Department of Recreation were bringing up. We made the case in Ottawa, that the only value of the program, such as this, was the distances involved in the Northern parts of the country would be, to allow the people to be able to go to various centers to be able to participate. Due to our unique situation we got the changes in the regulations, that allows for more of this to happen, so really we are not talking about our Yukon Sponsors Department of Recreation. And if it were the priorities on a grant basis, if I were running it would be on a completely different priority than the ones that are set now. But they are set that way because the only way of coming from the past, is the way that they say has to be done.

Mr. Tanner: Could the Minister of Education indicate to the House, Mr. Chairman, whether the total amount of money that the Director of Education administering is that \$136,000 or is that an equivalent grant from the Federal jurisdiction or is that incorporated.

Mrs. Watson: Mr. Chairman, our agreement with the Federal Government expired last March 31st. We just had word from ..a week ago that they would be prepared to fund us \$46,000.00, \$15,000.00 of which was for the T.E.S.T. program. That is the first indication that we have had from the Federal Government that they would be prepared to cost share in some of our programs. We have been endeavouring for a full year to get a commitment, and we finally got the commitment.

Mr. Tanner: Mr. Chairman, is that then its...the figure that is being administered is \$136,000 plus \$46,000. or of the \$136,000, the Federal Government will pick up \$46,000. Is that correct?

Mr. Miller: Mr. Chairman, I think the answer to the Honourable Members question is, the \$156,000 is the total expenditure for Recreation and Amateur Sport, that includes the Federal expenditure or the expenditure that they are making under the Fitness and Amateur Sport. The \$31,000. would be shown as a recovery in the recovery section. Now that \$31,000; pertains only to the 1971-72. It does not pertain to 1972-73. That has not been ascertained.

Mr. McKinnon: Mr. Chairman, if the question were, if this were a complete Yukon program, and wasn't under the purview and regulation of the Federal Government, and it were in my hands, should the priority be changed then, should the program be changed, you have an unqualified yes from me. But as long as under the Fitness Board Act, that we have to do things to qualify for part of the funds coming back, my hands are really tied at the Yukon Territory level.

VOTE 03

Mr. Tanner: Mr. Chairman, I'd rather that we didn't clear this item immediately, I'd like to come back, perhaps later on.

Mr. McKinnon: Mr. Chairman, before we go on to the Vocational Training Section of the vote; as Honourable Members know, the Budget is really the only place where we have the ability to debate the philosophy of the policy of the Department of Education. There are some questions, that I would like to ask of the Member in charge of Education, prior to going into the Vocational Training Vote. I'd like to go into the field of the Native Curriculum Supervisors, Mr. Chairman. I'd like to ask whether it would be possible to have a report from the Department of Education, on the program of the person who is in charge of the Native Curriculum. What came about in this field last year? What will be coming about in the future, in this area of Education? I'd also like to ask the Member, whether she would have a breakdown of the percentage of children of native origin, in the Yukon schools. I would also like to know, Mr. Chairman, the numbers of teachers of native origin, that are currently teaching in Yukon schools. I would also like to know in this area, whether there is any program underway, by the Department of Education, to try and accelerate the number of native high school students graduating, into the teaching field, and back to the Yukon. I just can't buy the philosophy in the Yukon, of putting a couple of teachers, in say the Old Crow area, who cannot speak the Loucheaux language. I think that any place, that we can go to today, where we have people who can speak the language of the community, moving into teaching, then we can say, that we are really being successful in this area of Education, in the Yukon. I think that we would expect the same, from some person coming in to teach in Whitehorse, from Bangladesh or some place, who doesn't speak a word of English, putting them into the community, and saying, here, teach these children, who don't speak a word of your language. I'm definitely serious about this, Mr. Chairman. I think that this is a field of Education, that could and should be leading the way, that is in the area, in providing different educational standards for the different needs of the community. I remember sitting in the Pleasant View Tavern, in Haines-Junction, with a beautiful view of the mountains, outside of contemplating my navel; there is a sign up on the wall, that says, "We don't give a damn how they do it outside," which I think, reflects my policy and philosophy in Government. I don't think that there could be a truer sentiment, and it is something that we should be looking towards in Government. It's doing things that we need to do in the Yukon, to fit the Yukon need. It's just not following rigidly, an educational philosophy transferred to us, from a different province. I wonder if the Honourable Member would have any comment on this, at this time, and whether the information that I am asking for, can be provided for, at the earliest opportunity?

Mrs. Watson: Yes, Mr. Chairman, I think that I can comment on most of the questions, that the Honourable Member has asked. Now, if you look back on subsection 3(3), on Education, we have a Native Curriculum Supervisor, this position was not filled last year. It was advertised for it, we felt it was a very important position, and we felt that none of the applicants would be able to the type of work that we wanted them to. Now, we are going to advertise at the beginning of the fiscal year, to fill this position again. We feel that it is important. We feel that the curriculum doesn't have to be changed to teach our children of native origin in the schools, but it certainly can be adjusted.

VOTE 03

Mrs. Watson continues ...

This is the area, where the Native Curriculum Supervisor would be working, under the Superintendent of Education, and the existing Superintendent, and working with all teachers in the Territory, who do have native children in their class. Also, you can see where we have a remedial reading, English-speaking Supervisor; we will be advertising, and we are going to change it, so that we have a Supervisor of Special Education. Someone who will be able to advise the Department and the teacher, about students who have special learning disabilities, learning handicaps, language disabilities, this type of thing. I can see these two people working quite closely. The Honourable Member's question on how many children, what percentage of children, of native origin, are in our schools? This is very, very difficult to answer. The question was asked, not too long ago, by an organization. This would be absolutely discriminating against children. We cannot go into a school, and say to a child, are you native, of native origin? This is very difficult to determine. The point is, that the Department of Education cannot do this. Now, the organization for Native Brotherhood and Non-Status Indians could do this. We feel that from the class lists, they could do this. We do have some programs, that the Honourable Member was referring to. At Old Crow, we have one of the native people giving instruction in the Loucheaux language. At Ross River, we have a native woman helping as a helper teacher's aid, helping within the school. At Pelly River, we have a native woman teaching handicraft, almost acting as a teacher's aid. How many native teachers do we have on staff? Offhand, I only know of two. Now, this would be the ideal situation, I can't help but agree with the Honourable Member, that we should have more native teachers within our schools, in areas where we have a large native population. It would certainly help the situation. Unfortunately, we just do not have that many native people, who are qualified to teach within the schools. I have done quite a bit of questioning with young secondary students who attended my class at one time, who are of native origin. Most of them feel that they can serve their people by becoming Social Workers. I am always saying, that one of the best ways to serve the call of your people, and to give their people equal opportunity, would be to go into Education. Then be able to have their input right at the beginning, when their child first begins Education. So, we are attempting to do the type of things, that the Honourable Member has mentioned. You must remember very much, that we have children in our schools, who have problems, not just native children, all sorts of children, who have handicaps, such as problems in their homes, social problems, that we must be able to adjust our schools too.

Mr. McKinnon: Mr. Chairman, one question was, whether an incentive program could be worked out to try and find more people of native origin, to seek the teaching profession, and return to the Yukon to teach following graduation. I think that, perhaps, there could be some kind of program worked out with incentive. I know the Northwest Territories has attempted several programs in this area. Whether they have been successful or not, it's worth looking into, to see whether in this instance, an area with a northern experience, could try and get a program going of this nature. I was wondering, Mr. Chairman, whether the present Superintendent of Education is retiring at the end of this school year? And, is this position now being advertised for the Superintendent? And are there replies coming in from the advertisement?

Mrs. Watson: Yes, Mr. Chairman, we have been doing work on it, and we have been considering some of the applicants.

Mr. Tanner: Mr. Chairman, I have a couple of questions for the Minister of Education, concerning the same thing, about Education for Indians, and their relationship to us in our school system. The first one would be, is one of the problems, and perhaps the reason why you couldn't find a Native Curriculum Supervisor last time, is because, they had to fulfill the conditions set down by our society, related to our school system. Consequently, while they might not have all the qualifications, they might have been able to do the job, that the Honourable Member is looking

Mr. Taylor continues ...

for. Could one of the reasons that we didn't find the person that we were looking for, be one of the conditions? Could also one of the conditions be, perhaps that, the Yukon Teachers' Association have certain conditions that have to be met, as far as members in their organization are concerned.

Mrs. Watson: Mr. Chairman, this has nothing to do with the Yukon Teachers' Association. The simple reason that we weren't able to find someone, is that this isn't a very simple kind of position. It is a very important position, and we can do a lot of damage, by getting the wrong person. I don't think that we should jump into something like this. We are hopeful that possibly there will be more people interested this time, when we advertise. We will be able to find someone, who has an understanding of the educational problems, within the Yukon. Specifically, an understanding of the problems of the native children, within the Yukon. And how we can adjust the curriculum, within a school situation, that will not only meet all of the needs of all of the children, but specifically, meet the needs of the native children, within the classroom. This is an important position; I don't think that we can just jump into it. On the surface, the person appears that they can do the job, we have to be very careful in this. I am quite confident, that we can fulfill the position.

Mr. Chairman: Anything further? The next item then is Administration, Vocational, and Apprenticeship, in the amount of \$39,852. Clear? Establishment 321, Yukon Vocational Technical Training Centre to provide training facilities and services for improvement of vocational and technical skills, in the amount of \$910,451.

EST 321

Mr. McKinnon: I wonder, Mr. Chairman, if we could have a breakdown of the new activities of the Vocational and Training Centre, to justify the increase of \$156,314 over \$717,273. I think that are probably some new programs going into effect, into the Vocational and Training Centre. I'm sure that Council would be interested to know what they are.

Mrs. Watson: Yes, Mr. Chairman, I have that information, which I can make available.

Mr. Chairman: The next item is Adult Night School and Continuing Education, in the amount of \$49,170. Clear? The next item is Apprenticeship Training, in the amount of \$40,007. Clear? The next item is the Rehabilitation Services, in the amount of \$6,500.

Mr. Chairman: Clear? That takes the O & M side of the Education Bill. The end amount is \$7,204,242.00, and I believe there's some details coming back.

Mr. McKinnon: Mr. Chairman, prior to going on, I was wondering whether the Adult Education Night School and Continuing Education, whether there are facilities in these votes to hold the Night School and Continuing Education classes outside of the Whitehorse area, whether there are plans to expand the Night School and Continuing Education program curriculum, whether there is going to be another attempt made to bring in instructors at the university level, which I understand was unsuccessful in the prior fiscal year.

Mrs. Watson: Yes, Mr. Chairman, every year we attempt to take the Adult Education courses to the outlying areas. We have a little bit of trouble, people seem to be very busy, but we have made the attempt and some of the communities have taken advantage of it. Now the Adult Night School as far as the university courses, yes, we will again be attempting to bring them in, have people enrol in them, become interested in them. We presently have been quite successful in the English course that was given this year, and is still on, I believe, in the evenings. We hope to do the same thing with an English course next year. We have made provisions for this type of thing and are only hopeful that the public ...if we bring in the instructors, that the public will enrol and take advantage of these courses that are going to be offered. If the public wants them, we are prepared to bring them in.

Mr. McKinnon: Mr. Chairman, on the apprenticeship of the same program, this has been a matter of continuing concern from Members of Committee. The biggest problem has been in the past, in getting the apprenticeship examination, whether the person has to go outside to take the training necessary following his training here, before he qualifies for an apprenticeship license. There has been some problem in people having finished their courses here, and getting examiners to the Yukon, also, in order that they may also receive their Certificate of Apprenticeship. I was wondering, are there difficulties in this area which have been experienced in the past, that've been solved and whether there is any problem at all? Once a person graduates from the Yukon Vocational Training Centre, whether he is a bona fide apprenticeship, and is having no problem at all being quite hopefully in the work force of the Yukon Territory, or in the work force of Canada at any rate.

Mrs. Watson: Mr. Chairman, we don't seem to have any trouble getting certification tests up into the Territory. If we do, and we have individual cases where they have taken their free employment training at the Vocational School, have put in some of their apprenticeship and they require upgrading training, and we don't have that upgrading training in the Territory. Rather than provide the instruction here, we often send the students outside to take their training there. And they do their certification tests out there. We do get them Red Seal Tradesmen Qualifications Examinations up into the Territory, and at the present time we have Yukon Tradesmen's Qualifications, Regulations and Examinations developed for six trades. It takes a lot of time, and a lot of meetings to get these regulations and examinations determined because you have to have people on your committee from your various trades. At the present time, we have the Automotive Mechanic, Heavy-Equipment Mechanic, Journeyman Carpenter, Industrial Electrician, Hairdresser and somewhere we have the Yukon Tradesmen Qualification examination. If we don't have the others, we bring the examinations in from outside, and they sit their exams here and we send them outside to have them marked. In some instances, the examinations are marked here. If you have to bring in an examiner, we often consider doing this, if we can get enough people who are interested in sitting the specific exam.

VOTE 03

Mr. McKinnon: In those areas where a person passes a Yukon Tradesman Qualification test, is his certificate portable from jurisdiction to jurisdiction? And is it accepted by other jurisdictions across Canada much as a B.C. certificate would be accepted in the Yukon Territory?

Mrs. Watson: I'm not definitely sure on this, but I think what the Honourable Member is referring to is a Red Seal type of certificate that will take you ... will qualify you in every province. I'd have to get further information on that, whether our Yukon Tradesmen's Qualifications Certificate is recognized in other jurisdictions or in what jurisdictions. This is the specific question you had?

Mr. McKinnon: Yes, I would appreciate this, Mr. Chairman, because if we are graduating people who can only fulfill a Yukon requirement, and not a national requirement, then I think that perhaps we should be looking to upgrade our courses to the point in time where a Yukon certificate will be accepted as a standard equal with any across the country, and I realize that in the initial years of the Vocational Training Centre there was a massive upgrading program that had to be done prior to this type of standard being reached. I would hope that we are reaching this level of standard at this time. Perhaps it will take a few more years, I don't know, but it is essentially the question. If training is not available at the Yukon Vocational Training Centre, how co-operative are the other jurisdictions in accepting students from the Yukon? I am speaking particularly of the British Columbia Institute of Technology, which has a fine broadcasting school, and I know that they are very limited in the people who are allowed into it, and I know that there are some Yukon students who have applied and have been rejected. They think it's because, and perhaps rightly so, that they are looking after their own first. ...prior to allowing students from other jurisdictions into a training course which is limited because of the number of people who want to go into it, and I was wondering whether the Member has any comment on this.

Mrs. Watson: Yes, Mr. Chairman, we found B.C. most co-operative in this area. It could be in the specific case you are mentioning, they will be taking care of their own first, but we have had no problems in sending our people out to take upgrading training in the Technical Schools in B.C. B.C. gets most of ours.

Mr. McKinnon: As to the dormitory facilities that the Yukon Vocational Training Centre has at this time, are any of the students having difficulty finding accommodation within Whitehorse who want to attend the Yukon Vocational Training Centre, with the opening of the Y.W.C.A.? Has this alleviated the problem to some extent in finding accommodation.

Mrs. Watson: Mr. Chairman, yes it has. At the present time we have male students in the dormitory at the Vocational School and the female students are in the Y.W.C.A. Of course if the students would prefer to stay in a private home and find their own accommodation, well they are given this privilege because they are supposed to be adults, and we can't treat them in the same manner as we do students who come in in to secondary schools in Whitehorse.

Mr. Chairman: Anything further on Education?

Mr. Tanner: I just want to ask one general question, I believe I asked the last time, and I ...funnily enough it was the Member from Whitehorse West who answered the question last... but I still don't understand why we've got, for example recreation and amateur sport in the Education Department and Library services in the other department. It just doesn't make sense to me. The two don't equate.

Mrs. Watson: Mr. Chairman, recreation and sports are a very, very important part of the total education, it's just that there are many adults...It appears that education has a slot where it should be placed because it does form part of the overall educational program.

Mr. Tanner: Well, Mr. Chairman, I guess my priorities are rather different from the Minister's and apparently from the Government as a whole because for my money the kindergarten training of children is far more important than the recreational facilities that are offered children in school. That's one thing. Secondly, the very word "recreation" should be included in the department which is concerned with recreation and conservation and game and that sort of thing. I don't think it's concerned in this particular...in the education...however, that's my particular point of view. I was alone in this point of view last time, and I suppose I am again this time. Also, of course, the Library Service, to my mind, should always have been in the Department of Education and not where it is.

VOTE 03

Mr. Chairman: Are we clear now on Education? The next vote is the Territorial Secretary & Registrar General. The first item is to provide registration, licensing, inspecting enforcement services in the Territory \$421,356.00. I'm wondering if we can have Mr. Herb Taylor appear for discussion on this? I would like to ask him a few questions in relation to this. I will declare a short recess.

RECESS

RECESS

Mr. Chairman: At this time I will call Committee to Order. I'm wondering if Mr. Treasurer can be excused at this time? Committee would like you back at about 10:30 tomorrow morning. Councillor Chamberlist?

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

Mr. Tanner: I second that.

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

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: This House will now come to order. May we have a Report from the Chairman of Committees?

Mr. Taylor: Yes, Mr. Speaker, Committee convened at 10:20 this morning to discuss Bills, Sessional Papers and Motions. I can report progress on Bill No. 23. Mr. Miller and Mr. Flemming attended Committee to discuss Bill No. 26. It was moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 27 be reported out of Committee without amendments and this motion carried. Committee recessed at 12:00 noon and reconvened at 1:45 p.m. I can report progress on Bill No. 26. 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 Committees. Are we agreed? May I have your further pleasure?

Mr. Taylor: For tomorrow Bills, Sessional Papers and Motions, Mr. Speaker.

Mr. Speaker: May I have your further pleasure?

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

Mrs. Watson: Mr. Speaker, I second that motion.

Mr. Speaker: It has been moved by 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? Agreed? I declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

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

ADJOURNED

ADJOURNED

Mr. Speaker reads the daily prayer. Councillor Stutter absent.

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?

Mrs. Watson: Yes, Mr. Speaker. I have for tabling this morning, Sessional Paper No. 12 and Legislative Return No. 15.

*TABLING OF
SESSIONAL
PAPER #12
LEGISLATIVE
RETURN #15*

Mr. Speaker: Are there any Reports of Committee? Are there any Bills to be introduced? Are there any Notices of Motion or Resolution?

Mr. Taylor: Yes, Mr. Speaker, I have Notice of Motion this morning respecting Sessional Papers No. 10, 11 and 12.

MOTION #23

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

Mr. McKinnon: Yes, Mr. Speaker, I have Notice of Motion concerning Legislative Return No. 15.

MOTION #24

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

RECESS

RECESS

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

Mr. Taylor: Yes, Mr. Speaker, I would like to direct a question to the Minister of Health, Welfare and Rehabilitation, this morning, and ask him a question that has been asked me several times. Is it the intention of the Administration either Federally or Territorially, to prosecute children over the age of twelve years for failing to register for social security numbers, as required by this Plan?

*QUESTION
RE
FAILURE TO
REGISTER
FOR SOCIAL
SECURITY
NUMBERS*

Mr. Chamberlist: Mr. Speaker, the Plan does not require anybody to register for social security numbers.

Mr. Taylor: A supplementary question. I was wondering if the Honourable Member will be taking advantage of the space made available to him in the Whitehorse Star, to explain these points, in Thursday's edition?

*QUESTION
RE
FREE
ADVERTISING
SPACE FOR
MEDICARE*

Mr. Chamberlist: Mr. Speaker, the Honourable Member whose request made on Friday, was subsequently made to me by the editor of the Whitehorse Star on Friday evening, and wanted information ready for publication on Monday morning's paper. However, I have accepted the use of his paper and at no charge to the Government, I have made this clear for Thursday's edition. However, it doesn't answer the points, the questions that the Honourable Member has just referred to. We are just using it to give the information re the Medical Care Program to the public.

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner whether there is any further word that has come on the development of the Gold Rush Park from Skagway to Dawson City? Whether development of this project will be taking place within the next few years? How much is planned within the next few years? Whether this project is in effect going to become a reality in the Yukon Territory?

*QUESTION
RE
GOLD RUSH
PARK*

Mr. Commissioner: Mr. Speaker, the amount of detail that the Honourable Member wants on this, I would like the opportunity of bringing forward a written reply to his question. There is considerable information that can be made available. At the moment we take

Mr. Commissioner continues ...

an optimistic outlook on the future of this proposal. It, of course, concerns the co-operation of four or five different levels of government. Some of them have the habit of changing drivers. One never knows what might happen before this thing becomes a reality. We do have an optimistic outlook, Mr. Speaker, and if the Honourable Member would be satisfied to allow me to bring forward a written reply to his question, I think that there would be a lot of interest in it.

*QUESTION RE
PRESERVATION
OF OLD
BUILDINGS
DAWSON CITY*

Mr. McKinnon: Mr. Speaker, continuing in the same vein, the National Historic Sites Board, I believe that is the name of the Board, had a plan for the reconstruction of certain buildings in the City of Dawson. How are proposals and plans for this project coming along?

Mr. Commissioner: Mr. Speaker, they are coming along very satisfactorily. The National Historic Sites and Monuments Board has established a permanent staff in Dawson and they have established permanent working headquarters in the building that we, in the Territorial Government refer to, as the old hospital. I believe that there is maybe another terminology for the building in Dawson itself. They have located a permanent staff and permanent headquarters there, and now have an on-growing, an on-going, well-funded program in the Dawson area. I believe that the buildings that will be given priority in their rehabilitation, are the old post office, the old Commissioner's residence and there is a third building. I am sorry, I just haven't got it right on the tip of my tongue. This is out of about ten or twelve buildings that they have acquired, which over a period of years will be rehabilitated to varying degrees, depending upon the importance that Historic Sites themselves put upon them.

*QUESTION RE
PROGRESS
REPORTS*

Mr. McKinnon: Mr. Speaker, these projects are of great interest to the people of the Yukon, particularly to the Members of this Council. We seem to get a great splurge of information when the project is decided and whether it is going to go ahead or not; then the information just completely dries up. I wonder if Mr. Commissioner, could assure Council that we will be receiving progress reports on these various plans as they come along?

Mr. Commissioner: Mr. Speaker, this is sometimes a little easier said than done, because I know in my own office many times that we have to dig pretty deep in order to know just exactly what is transpiring, because remember that these items are budget items which are noted in the Federal Budget. By the time that they have filtered down to the regional and then the local level, sometimes they aren't entirely as they might appear on the surface. However, I think that the best way of getting this information out to the Council Members is through the monthly newsletter. I am not too sure what further departmental reporting that we should endeavour to wrap up there, but I know that Historic Sites is not one of the areas that is reporting. We will see if we cannot get them to include an item in the monthly newsletter, the same as other departments are doing.

*QUESTION RE
UNTIDY
CAMPS*

Mr. McKinnon: Mr. Speaker, several years ago, particularly in the northern portion of the Yukon Territory, there were an awful lot of camps that were left in a completely disgraceful condition, which both Mr. Summers of the Fishery Department, and Mr. Fitzgerald of the Territorial, have proof of. I wonder if this problem has been terminated within the last year? Whether there were any instances of this type of complete and utter desecration of the land that came to the Administration's attention within the last year, or is this type of thing now under control in the Yukon Territory?

Mr. Commissioner: Mr. Speaker, I would be wrong if I said it was completely under control. I do think that it is to the credit to both the Territorial and Federal Government, that the instances of blatant misuse of the terrain that were so prevalent here, three or four years ago, appear to have been brought pretty well to a halt. There is much more monitoring of the programs as a consequence of the land-use permits that are required, likewise a new water monitoring service is keeping very close tabs on a lot of other activities that are associated in any way at all with water.

Mr. Commissioner continues ... forces at their best and the use of water. I am quite confident that in the foreseeable future, the type of thing that was so much in the public eye and was so much concern of all residents of the Territory as outlined by the Honourable Member, is pretty well ... the improvement has been very, very great. It is not complete yet, but it is certainly well on its way to being completed, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, if I could ask the status of the two riverboats presently rotting on the banks of the Yukon River? I don't see a film, a television show, a snapshot of the Sourdough Rendezvous, or of people who come to Whitehorse with a backdrop of those two boats that still form an integral part of the production that is taking place. The more I think of it, the more disastrous it is going to be if those two hulks are just allowed to proceed to rot and crumble. I wonder what the status is of those riverboats and whether the Territorial Government in any way shape or form can move to help preserve those two riverboats which are just going to be invaluable to the history of the Yukon Territory and to the City of Whitehorse in the very, very near future?

*QUESTION RE
STATUS OF
RIVERBOATS*

Mr. Commissioner: Mr. Speaker, the status of the riverboats is very clear. They are owned by the White Pass and Yukon Route, and such disposition that they see fit to put to them; this is what they will do. I would like to suggest, Mr. Speaker, that it is a matter of priority. If, in somewhere it is possible to find money to do this type of thing, I am sure that preservation can take place. In the meantime just as one prime example, there is a suggestion that forty-two thousand dollars is required to build the addition to the local museum to house the eighteen thousand dollar animal collection that Council has already bought and paid for. It is a question of priority.

Mr. Chamberlist: Get the animals, then the building.

Mr. Taylor: Mr. Speaker, in the last couple of days there has been a great deal of interest in a report tabled, I believe by the Government of the United States, respecting the proposed MacKenzie Valley Pipeline. There would appear to be a great deal of dialogue going on between the State of Alaska and the Northwest Territories, indeed, the Commissioner of the Northwest Territories. Inasmuch as this is a matter of great interest to the Yukon Territory, I am wondering if Mr. Commissioner could advise me this morning as to whether he is also being kept informed of these developments? If it is his intention to keep us, in turn as a legislature, informed of these developments?

*QUESTION RE
MACKENZIE
VALLEY
PIPELINE*

Mr. Commissioner: Mr. Speaker, I wouldn't dare comment on the circulation of the breakfast table talk. If my counterpart of the Northwest Territories has seen fit to get into publication, that is his business. The impact study that has been tabled or has been made public by the United States Department of Interior, we have been in touch with the necessary authorities to get a copy of this study made available here in the Yukon. We are most anxious to see what is involved here. The whole question of pipelines, the movement of gas and oil, the whole transportation of everything and anything and everything across the north country has come under a lot of close scrutiny and observation in the Executive Committee. We are taking such steps, as we feel are necessary, to see that the interests of the Yukon are protected, if any of these things come to pass. I would like to suggest, Mr. Speaker, that there is something, anywhere, varying from two to five billion dollars, and a lot of other things standing between the impact study, that has been recently made public, and the actual construction of the pipelines, that they are talking about. There are a lot of things to comprehend before that time.

Mr. Speaker: Are there any further questions?

QUESTION RE MEETING ATTENDED BY MR. TAYLOR Mr. Chamberlist: Mr. Speaker, I have a question that I would like to have the Honourable Member from Watson Lake who attended a meeting of Parliamentarians, I wonder when the Honourable Member will be prepared to bring forward to Council a report on that meeting?

Mr. Taylor: Mr. Speaker, I can say that there will be a report before the end of the Session. I am still waiting on further, to the last minute obviously, for further information from Ottawa. However, there will be a report.

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

BILL #27 THIRD READING Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 27, Fifth Appropriation Ordinance 1971-72, be given Third Reading.

MOTION CARRIED MOTION CARRIED

BILL #27 TITLE ADOPTED Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title of Bill No. 27, Fifth Appropriation Ordinance 1971-72, be adopted as written.

MOTION CARRIED MOTION CARRIED

Mr. Speaker: Bill No. 27 has passed this House. 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 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? 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.

BILL #26

Mr. Chairman: At this time we will call Committee to order. First matter of business is Bill No. 26. We have with us today in addition to Mr. Treasurer and Mr. G.K. Fleming, Mr. Registrar General, Mr. Ron Hodgkinson, indeed, I think we have the whole of the Executive Committee. The first item is under Vote 04, Establishment 400, in the amount of \$421,366.00. Page 4-2. I wonder if I might ask from the Chair, since the Deputy-Chairman is not with us this morning and ask, I have a question related to licensing policy and relates to the rebate of licenses that are cancelled during the year for one reason or the other. More particularly in the area of motor vehicle licensing. I am wondering if the Administration has given any consideration whatsoever to offering rebates somewhat along the basis that they do in the Province of British Columbia, for instance? I address that to Mr. Taylor.

VOTE 04
EST. 400

Mr. H. J. Taylor: Well as far as I'm aware the administration haven't considered it in the last number of years. It was abolished, it was in effect a considerable number of years back, it was dispensed with because it was just too much bother. There were in this country, far too many shorter term winter cancellations, two or three months. Then early in the spring before the new licenses are issued it was all terminated.

Mr. Chairman: The problem then is that it extends from some of the larger license..larger fees paid in respect to licenses, truckers, this type of thing, and for one reason or another must relicense sometimes up to three times a year. Apparently in British Columbia, if you cancel your license you get a rebate, programmed to the day.

Mr. Chamberlist: Mr. Chairman, with respect I wonder if you could stand, so that they can hear on the recorders.

Mr. Chairman: I'm quite sure that I'll be coming through on the recorders. I'm the Chairman. Speaking from the Chair because we have no Deputy-Chairman at this time.

Mr. Chamberlist: Councillor McKinnon is prepared to take the Chair.

Mrs. Watson: Mr. Chairman, I suggest that you are assigned a Deputy-Chairman.

Mr. ~~Mc~~Kinnon: Mr. Chairman, I'd be happy to take the Chair.

Mr. Chairman: Thank you Councillor McKinnon.

Councillor McKinnon takes the Chair.

Mr. Taylor: Mr. Chairman, I'm wondering if it is not possible for the Administration to give consideration to this matter. In some cases we are charging license fees to, for instance in the trucking industry, which amounts to \$1,500.00 purview, and the way it has been explained to me, by some of the operators at least, that when, for instance, they license a vehicle to work for one party and they decide they are going to move somewhere else in the Territory, they have to to back and relicense again. Apparently when they go back to cancel their existing licenses and go back for another license they are not getting this rebate and this was the way it was put to me. This is why I've asked that Mr. Taylor come here, Mr. Chairman, so that we might sort the thing out, and if indeed there is a possibility of dealing with this matter as I'm told they do in the Province of British Columbia, then why should we not do it? Or as Mr. Taylor indicated, Mr. Chairman, revert back to the old original policy of the Territorial Government.

Mr. H. J. Taylor: Well, if you are referring to the, I don't know just exactly what you mean by, licensing vehicles twice or three times

Mr. H. J. Taylor continues...

in the same year because this just never happens if a person gets a P.S.V. license for his vehicle. It doesn't matter where he works or what area he works, as long as he is doing the same type of work. He would never have to buy a new license.

Mr. Taylor: Is this not done through the leasing procedure; you lease one operator to another?

Mr. H. J. Taylor: Well, no, I really don't understand the question to be perfectly frank with you. I don't know of any motor licensing problem in the Yukon.

Mr. Taylor: Mr. Chairman, there is definitely a problem and as I said, it was just brought to my attention here just through the weekend. There is a problem experienced here and it is involving several hundreds of dollars to at least one operator, a small operator. He informs me that in British Columbia that they have a way of dealing with this question of rebates on when they cancel the license and he said you get your rebate based right to the day if you cancel your license during the period of any license year.

Mr. H. J. Taylor: If you, if the question refers to leasing, the only people that lease, are people that don't have the authority anyway and they want to go to work under somebody else's license. Then naturally, if they cease to work for that person who is not holding a P.S.V. license, they are not going to be allowed to take the license with them, if they go some place else, but that is the person who is not the holder of the license at all. Otherwise, I don't know just exactly how B.C. handles commercial licenses, and I doubt very much if they give any rebates on Public Service Vehicle licenses as such.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, this question, not particularly as the Honourable Member is asking it right at the moment, it came up here approximately three years ago. Is this correct Mr. Taylor, this whole thing?

Mr. H. J. Taylor: Yes.

Mr. Commissioner: The cost, the clerical cost of maintaining any kind of a rebate system, is such that the only way that you are going to bear the cost is to jack up the cost of all the licenses that you issue. If we are going to retain the net return on licensing that we have right now and the Honourable Member wants to see a rebate system involved, if you are going to have a rebate system for one license as it was pointed out to us, I'm sure it was the Legal Adviser who told us right in these Chambers, if you are going to have a form of rebate on one kind of a motor vehicle license, you must have it for all. I'm quite confident that Mr. Taylor may well remember this discussion because it had to do with, if I remember correctly, with a group of truckers who, this is what started it up, a group of truckers who came in here and they were hauling to the oil fields over the Dempster Highway. The question was that they were called upon to pay effectively a year's charge for their license plates. They could not understand why, when they were only going to be operating in the Territory for a fixed period of time, why they could not buy a license for that fixed period of time. This is really what it amounted to. Administratively, to say it cannot be done, is an incorrect statement; it can be done. But it can only be done at a very very high cost and it is certainly not the policy of the Government at this time to consider licensing rebates, simply due to the tremendous legislative cost that would conceivably be involved, based on the fact that if you are going to rebate on one kind of a license, you must be prepared to rebate for all others.

Mr. Tanner: Mr. Chairman, I understood from what the Commissioner just

VOTE 04
EST. 400

Mr. Tanner continues...

said that he is talking about rebates. What about somebody who makes an application for licensing for just six months? In other words, an application says I'm going to be here for just half a year; could he then not get a half yearly license?

VOTE 04
EST. 400

Mr. Commissioner: The policy has been no, Mr. Chairman for the simple reason that the roads and the facilities are maintained on a all-year-round basis and many many people who are resident of the Territory, who have applied for licenses may well only use their vehicles actually on the road for maybe only three months, but they license them for the full year. The difficulties that are involved, they are surmountable, but they are pretty horrendous.

Mr. H. J. Taylor: Mr. Chairman, if I could clear it up a bit; there is a possibility if they buy their vehicle license after the first of October they get it at 50%. But if they buy it at the first half of the year, they have to pay the full amount.

Mr. Commissioner: Mr. Chairman, that wasn't the Honourable Member's question. The question was, could they buy a license to operate for six months; that is two different ball games.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Yes, in the, Mr. Chairman, I understand that there is an attempt being made and has been made over the past several years to find some sort of uniformity in motor vehicle legislation and procedure. I am wondering if Mr. Taylor could advise me as to provincial experience in this area of rebate, rebate to the day, rebate on the quarter, rebate on the half-year in terms of turned in licenses that are cancelled licenses.

Mr. H. J. Taylor: The only rebates that I know of, Mr. Chairman, are as far as private automobiles. I don't know of any rebates for commercial licenses, but in Alberta I might say they will give you a rebate of 50% on the unexpired balance of the year. In B.C. I think they do prorate it by the month for rebates. Most of the other provinces have strictly dropped the matter of rebate. The trend is to cease all rebates, you know we haven't got to that yet.

Mr. Chairman: Any further questions on Establishment 400? Mr. Taylor would you like to take the Chair?

Mr. Taylor: Yes, I'll take the Chair.

Mr. Taylor resumes the Chair.

Mr. McKinnon: Under the Territorial Secretary's Department, Mr. Chairman, we've seen his budget increased from \$376,638.00 in 1971, to nearly \$600,000.00 in 1972-73. For almost \$225,000.00 increase over the three-year span. I wonder, Mr. Chairman, if Mr. Taylor could give us a resume of why there is a very substantial increase in his Department budget over the last few years. The employees who have been added to his office, what new program and what new responsibilities now fall under the Territorial Secretary's office to justify a very substantial increase in the Budget?

Mr. H. J. Taylor: Well, Mr. Chairman, if I could be allowed to compare last year's, or should I say, this year's with next year's. I have the comparisons all prepared, but I don't know what the Member wants. However, there is an increase of \$111,000.00 shown there.

Mr. McKinnon: You're going up \$100,000.00 a year over the last two-year period, Mr. Chairman.

Mr. H. J. Taylor: Well, for instance next year, of course, we are opening a new weigh scale at Haines Junction with seven new employees, that is a total increase of \$36,000.00 for the year. We have an allowance, an additional allowance there for casual, overtime

VOTE 04
EST. 400

Mr. H. J. Taylor continues... and shift differentials, which we expect the shift differentials which we weren't aware of this year. That's an additional \$16,000.00 there. Then the general salary increase of 6.5% amounts to another \$32,000.00, so we have there an increase in salary alone and you have \$65,800.00 as it is. In the next item there is increase of \$6,000.00 under fringe benefits. That is the normal increase to cover the 7% for all these fringe benefits. In the next item, Special Services, you have an increase of \$7,000.00, that is the transfer of the coroner's accounts which were previously under a per diem basis and are now paid under this.

Mr. McKinnon: The coroner's accounts?

Mr. H. J. Taylor: Yes, the coroner's accounts in respect of witness fees. Then you have another under Travel, an increase of \$6,000.00, which is partially the increase because of the car pool because of the increased travel when there are more and we have planned for an itinerary driving program which will add another \$30,000.00 onto that \$6,000.00.

Mr. McKinnon: I wonder, Mr. Chairman, does the Secretary have a breakdown of what percentage of the travel will be extra-territorial and what will be within the Territory, telling how many conferences are you and your staff going to outside the Territory this year and the percentage of that \$14,100.00 is being voted. How much of that is going to be spent as inspectors falling under the Territorial Secretary's Department, inspecting throughout the Yukon Territory?

Mr. H. J. Taylor: I ..the only figure that I came with this morning was the increase of six; but the rest is... One conference that two of my staff normally go to is out here this year and I got about \$4,000.00 in there which I don't think we'll use half of, but this is the C.C.M.T. conference which is being posted in Whitehorse this year.

Mr. McKinnon: What is C.C.M.T.?

Mr. H. J. Taylor: That is the Canadian Conference of Motor Transport Authorities. Normally, myself and our Driver Examiner go outside for that every year, but it is going to be here. Everybody will be coming to the Yukon. There is one other conference that I go to every year, but this only costs about \$100.00 because my travel expenses are all paid by the money extended from Council. My Driver Examiner is going out once in April, and I think that is just about all.

Mr. Tanner: Mr. Chairman, could I point out to the Honourable Member that in the recoveries, there is quite an increase from last year. There is a \$50,000.00 increase almost, and at the same time ask Mr. Taylor, whether some of those increases are resulting from more efficient and larger field inspection staff? That is one, and secondly, what have been the results of having established the weigh scale in... what have been both the financial results and the results in this Department in establishing a weigh scale in Whitehorse?

Mr. H. J. Taylor: We just prepared a report on the operation of the local weigh scale and the check point at Watson Lake which I would like to suggest that we table that than try and get one off the top of my head. It is quite a detailed report which was going in the next news letter, but it can be brought forward and given to Council.

Mr. Tanner: Perhaps could you summarize the points?

Mr. H. J. Taylor: Well, I could very roughly show the approximate 20,000 vehicles gone over the weigh scale, it shows eleven taken in at the two locations one here and one.. makes \$400,000. and it also includes the report from the Chief Inspector of all the inspections that were done, all the prosecutions that were made. Several hundred prosecutions over last year. As you say it indicates much more service to the public.

Mr. Tanner: Mr. Chairman, I'd like to make this comment to the House in respect of the Inspectors, that it has been from personal knowledge that I found that there are a lot of people in the Yukon that now know where they stand. I think that in the past what has happened is that we've been sitting up here making new Ordinances and saying what people should and shouldn't do, and never had to really enforce them before. Now whether or not people like having the Ordinances enforced on them, the fact is at least people know where they stand now and the field inspection team has done to my knowledge, has done an excellent job. I think we shouldn't be too critical of the increase in the Departments, because I think you're going to find that they are going to be recovered.

VOTE 04
EST. 400

Mr. McKinnon: The two other items, that are Primaries, Mr. Chairman they VOTE 04 are 41 and 71, that I have queries on; Office Supplies and Services, increasing from \$24,150 to \$42,000, and Repairs and Maintenance of Office Equipment increasing from \$1,200 to \$4,310.

Mr. H. Taylor: Well, in Primary 41, ... we have a normal increase in General Office Supplies because of new staff, of \$1,300. We have an allowance cost there, in the amount of \$3,700, ... There is also an increase, in the number of license plates manufactured every year. It moves up, approximately 10% every year. ...

Mr. Chairman: From the Chair, how many new positions are in the Budget, this year, for your Department?

Mr. H. Taylor: Seven new positions. In the last item, that Councillor McKinnon mentioned, in the Repairs and Maintenance of 71, the \$3,110 is to cover adjustments and repairs to the Weigh Scales, here, and also to the two new ones that are going to be installed next year.

Mr. Chairman: Another question from the Chair, related to the Transport Public Utilities Board ... how active is this Board? What type of demands come from this Board? How often do they meet?

Mr. H. Taylor: Well, I would say, on the average, once or twice a month. I have a complete report for the Commissioner. According to the Ordinance, it has to be taken into Council at the next Council Session, the year ending March 31, which is practically right now.

Mr. McKinnon: Mr. Chairman, I'd be interested in hearing from Mr. Secretary, how much of the actual time of the inspectors is spent in the field and on the road; in comparison, to being in the administrative offices in Whitehorse?

Mr. H. Taylor: Well, of the three inspectors, there is at least one, and sometimes two of them, in the office, maybe all the time, because they have to be in town for court appearances, and whatnot. Normally, one of them is on the road all the time. So, I would say, very roughly, that about one-third of the time is spent on the road. But, it is getting now, that we've had so many prosecutions and court appearances, that they have to be in town, to prepare their paper work and whatnot.

Mr. McKinnon: What is the batting average on court prosecutions as laid, from the Territorial Secretary's Office?

Mr. H. Taylor: Well, I think, that we have done fairly well. One of our employers was in to see me yesterday. We were contemplating taking him to court, due to non-payment of overtime or holiday pay, I forget what it was, so he went to a lawyer. His lawyer practically told him that he would be wasting his time, to take it to court. So, our batting average is pretty good.

Mr. Chairman: Anything further on Establishment 400? The next item is Establishment 403, Records Office, to provide for a Record Management Program.

EST. 400

Mr. McKinnon: Mr. Chairman, I wonder if I could have an explanation, as to what a Record Management Program is? Does this change from Central Registry, which was the big kick a couple of years ago? Everything was going to be in Central Registry or a Central Office, then we went into some kind of a Federal Purchasing Program, and now it's a Record Management Program. The terminology just doesn't ring a bell. Where does one overlap the other? Does one take place of the other? As new terminology comes into being, we end up going around

Mr. McKinnon continues ...

in circles.

VOTE 04

Mr. H. Taylor: Well, that's about the size of it. It does take in the Central Registry operation.

Mr. McKinnon: What I am saying, is that, rather than a Central Registry Branch, that we have to vote separate funds for, that this program now comes under your Agents, and is called a Record Management Program, rather than a Central Registry.

Mr. H. Taylor: That's right, but it has been enlarged considerably. The whole Records Program is the Records Retention Program. It is all geared to tie in with the new Archives, when they are set up. We have a separate Records Retention Centre, where they keep their records for so many years, before they are either turned into the Archives or before they are destroyed. It is a considerably larger operation, than it was, when it was merely Central Registry.

Mr. McKinnon: Where is this Department established now?

Mr. H. Taylor: It's on the ground floor of the Lynn Building. We have the Records Retention Area in the basement of the Casca Building.

Mr. Chairman: From the Chair, how safe is the area, where you store these records; in terms of, security, water and fire damage, etc. Could one fire wipe out our records?

Mr. H. Taylor: At the present time, they are not very safe. When the Archives Building is built, they will be; the ones that are, permanently stored. The temporary records, that we have, one good fire would do considerable damage. Let's not say, that it would destroy everything.

EST. 403

Mr. Chairman: Will there be anything further on Establishment 403, in the amount of \$178,581?

Mr. McKinnon: Mr. Chairman, under the classifications of the Manpower Summary, a Relief Messenger, which I would assume is the young fella toting the mailbag, from one area to another, I understand, as stated in the classifications, gets paid \$4.18 an hour, for being able to tote a bag, and drive a truck, from one area to another? Is this for real? Is this a realistic fee, for a young person on relief, which I would take to be part-time, driving from one area to another, and toting a mailbag from one point to another? I don't think that private industry could afford to pay \$4.18 an hour, for this type of employment.

Mr. Commissioner: Mr. Chairman, I would bring it to the Honourable Member's attention, that this is a negotiated rate, under the contract that we have with Public Service Alliance.

Mr. Tanner: I wonder whether Mr. Taylor could tell me exactly what positions are available? I know a couple of people, who would like to apply. It sounds like an extremely lucrative position.

Mr. H. Taylor: Well, Mr. Chairman, with all due respect, even at that rate we can't keep a messenger longer than three months, it seems. They just won't work for that salary.

Mr. Chamberlist: I would like to bring forward details of what this messenger does. How many places he has to appear, within how many minutes, seconds, to fulfill a complete round? This is why we are going to have a Capitol Building, because of the fact that the buildings are all over the place. The poor guy, within three or four minutes, he doesn't even have time to break for coffee, to pick up his mail from all the different places. I would like to bring this information forward for Committee to look at it; to see how hard these

Mr. Chamberlist continues ...

people work.

Mr. McKinnon: Well, I always thought, Mr. Chairman, that probably the Government of the day stood upon one Relief Messenger. ... this only fortifies my position, as to how I think the Government is being run in the Territory at this time.

VOTE 04

Mr. Chairman: Anything further on Vote 04, in the amount of \$599,947? I think that at this time, we will declare a recess.

RECESS

RECESS

Mr. Chairman: At this time I will now call Committee back to order. The next item is Vote 5. Department of Health, Welfare and Rehabilitation in the amount of \$6,906,345.00. The first item is Northern Health Services, Establishment No. 500, Disease Control. Here, on Disease Control, \$91,030.00. I was just wondering why the big increase in the Professional and Special Services, \$17,850.00?

VOTE 05

EST. 500

Mr. Tanner: We voted a professional Budget...first time. It's up to a higher quality.

Mr. Chamberlist: There has been a slight increase in some of these disease situations in the Territory and the requirements for the use of professional services, and we have adjusted accordingly.

Mr. Chairman: In what area is this primarily in?

Mr. Chamberlist: Now when we say in what area, it's indicated that it's of Disease Control. Now we said quite clearly, and unless the Honourable Member wishes me to break it down to whether it's cancer, tuberculosis or the like, for there has been a slight increase in cancer and some considerable increase in VD.

Mr. Chairman: Tuberculosis is static. Are there any further questions on 500? Next item is 501, Mental Health Services. A matter of \$121,290.00.

EST. 501

Mr. McKinnon: Mr. Chairman, it might be interesting to note that the increase in Mental Health Services has gone from \$84,000.00 in 70-71, to \$121,000 in 72-73. I wonder whether this is an increase in the cost primarily, of possible care for people with mental problems, or whether it is primarily more people are going bonkers in the Yukon Territory?

Mr. Chamberlist: It's a general increase in the cost and also the increase in the cost of having people moved outside into institutions as well.

Mr. Chairman: Clear on 501? 502, General Health Services, I believe our figure here is \$313,000.00.

EST. 502

Mr. Chamberlist: ...Mr. Chairman, on page 5-4 there is a breakdown of the Territorial share against the Federal share and you will also note that there is a change in this amount from last year down in the amount of \$47,885.00.

Mr. McKinnon: It seems that every year I ask the same question, and every year the statistics remain exactly the same, the Federal and the Territorial cost-sharing. I've never been able to figure out how the Territorial share is 26% in Old Crow and the Federal Government 74%. No one has ever been able to answer this table, how we get that percentage of share in Old Crow Village, with the percentage of Status Indians who reside in the Old Crow Village. Every year we say we're going to have the DBS look into it and the Northern Health Services look into it, to find out how they arrive at these cost-sharing ratios and every year we come back to the same percentages of the cost-sharing ratio.

Mr. Chamberlist: Mr. Chairman, there are long term agreements of correspondence relating to many individual items and it's been set up on the basis of the information and the agreements that have been made over the past many, many years. We hope that it won't be too far distant when the question that has been asked, will never have to be asked again.

Mr. McKinnon: I've noticed...all Members should just take a look at the ratio, and take a look at Pelly Crossing, 83.1 Territorial share

Mr. McKinnon continues....

and 16.9 Federal share. Well something just doesn't jibe somewhere along the line and I know that any Members who looked at their area and that cost-sharing ratio have to come to the fact that somebody's getting took somewhere and I do think that the Territorial Government is getting it in the end.

Mr. Tanner: Mr. Chairman, I'm quite sure that if my friend from Dawson were here, he would also draw attention to Dawson. It's exactly the same, 16.9 and 83.1.

Mr. Commissioner: Mr. Chairman, we think that this means of breaking down costs, is about as archaic as the pyramids, and just as we used to show this kind of a breakdown on the Education Department, where people became identified as a consequence of ethnic origin in our budgeting, we think this has outlived its usefulness, and as the Honourable Member who has this department under his administrative control has mentioned to you, we are hopeful that in the not-too-distant future that the question as raised by the Honourable Member, will no longer be necessary.

Mr. Chairman: Is there primary reason for the decrease?

Mr. Chamberlist: One of the reasons, Mr. Chairman, is that some of it goes into the Welfare Budget, some of it also goes into the Health area, because of the diagnostic and hospital services

EST. 503

Mr. Chairman: Is there anything further on Establishment 502, General Health Services? 503, Social Assistance & Child Welfare. The amount of \$20,900.00.

Mr. Chamberlist: You will note, Mr. Chairman, that there is a change of \$36,800, \$36,800.00 on Primary No.20 and this now goes into the Health portion of the Budget. Part of the materials and supplies generally, now will also go into the Health Budget.

Mr. Tanner: Mr. Chairman, could the Minister of Health, Welfare and Rehabilitation give some explanation as to why there has been in the past year and a half, probably two years, certainly in the last year, such a turnover of workers in that particular department?

Mr. Chamberlist: Well, in this particular department, this is the Northern Health Services Department, and our administration comes under the direction of the Zone Director, and I have nothing to do with that at all.

Mr. Tanner: Child Welfare too?

Mr. Chamberlist: No, this is Northern Health Services that we're ...this is Medical...

Mr. Tanner: Mr. Chairman, I'm at fault. I'll bring this question up later.

Mr. Chairman: Anything further on 503, Social Assistance & Child Welfare, \$20,900.00?

Mr. McKinnon: I realize that the change in the \$36,800.00 decreased in the Professional and Special Services, is this primarily due to the initiation of the Yukon Health Care Insurance Plan which will take care of many of these areas where the Government used to pay for children of non-status...who were under the care of the Child Welfare Department and provide for the children to indigent parents. I was wondering whether \$6,600 will still remain as Special Services for programs which are not covered under the Yukon Health Care Insurance Plan. It seems quite an excessive sum of money still, to provide those services which aren't covered under the plan.

Mr. Chamberlist: Well, Mr. Chairman, the reason why some funds are left in that particular area, because it is quite often that

Mr. Chamberlist continues....

there is a requirement to serve other than those children who will come under the Health Services program. We often have cases of children who are from outside another jurisdiction, from B.C. being sent in here, from Lower Post or perhaps from Atlin, have to be sent in to here and there is provision left in that matter which is also recoverable as you will see later on.

EST. 503

Mr. McKinnon: No, but the basic services, no matter where they come from are still provided under a Health Care Insurance Plan of either the Province or Territory, with the charge that is going to be made, in this vote. The only charges that are going to be made in this vote is for essential services such as dental treatment, such as glasses, any one of the special services which are not covered under the Yukon Health Care Insurance Plan. I'm trying to make the argument that perhaps I feel that \$6,600.00 is too much or perhaps very little is covered in the Yukon Health Care Insurance Plan, which makes \$6,600.00 necessary in the Budget. And if it was all encompassing, this vote would be eliminated completely.

Mr. Chamberlist: Well, Mr. Chairman, it's obvious that the Honourable Member hits the words right on the head when he says what is covered, because you have to take into consideration the fact that Northern Health Services take care of children's dental treatment, which is not covered by the Yukon Health Care Insurance Plan. And this is why there is a sum of money in there, to take care of those eventualities that the Yukon Health Care Insurance Plan does not cover.

Mr. Tanner: It doesn't seem like very much money to me, for that.

Mr. Chamberlist: He says it's too much.

Mr. McKinnon: If the Health Care Insurance Plan coverage increases, we'd need that vote.

Mr. Chairman: Are you clear on 503, in the amount of \$20,900.00?

Mr. McKinnon: Mr. Chairman, under Child Welfare Assistance, in other years there has been a vote which has been appointed to Maryhouse for taking care of children who come into town and are indigent or do not have the means of staying anywhere else. I don't see this in the new Budget. I was wondering if this was still included in this section?

Mr. Chamberlist: I wonder if we could...with this... we're dealing now with Northern Health Services, and I wonder if the Honourable Member might raise that particular question when we deal with Welfare?

Mr. Chairman: Anything further on Establishment 503? 504, Subsidized Medical Travel?

VOTE 05
EST 504

Mr. Chamberlist: Mr. Chairman, you will note that 504 is to provide funds for the Territorial Government shared expenses to subsidize travel expenses for persons, where such travel is a medical necessity to centres both in and outside the Territory. As a result of representations, which were made to the Government, by Members of this Council there has been provision made for an allowance within the Territory, for people who might necessarily have to come to Whitehorse to get medical attention. Copies of the Regulations have already been given to all Members, whereby an individual will be able get assistance in this matter, less the first ten dollars of the pay.

Mr. McKinnon: Mr. Chairman, there have been policy guidelines set up for travel within the Territory and I do appreciate the fact that the motion that I raised in this House has been considered by the Government and that there now is transportation subsidy, for people who have to come to Whitehorse for medical treatment and the policy guidelines are quite clear, they are not difficult, they are easy to follow and I think that it is a good policy all the way through. I am still concerned with, and the Honourable Members know because I make no bones about it, that I am intrinsically involved in a situation which I did say that it was a medical tragedy where people have to go outside the Territory. Under the guidelines of the Honourable Member's Department, my case and cases like it, do not fall under the guideline policies of the Department of Health and Welfare. There are other people in the same instance as myself, who I have talked to who don't even bother applying for the subsidies, because they say, "by the guideline we do not qualify, so there is no reason for applying for assistance to go outside the Yukon," where we have been told we have to go for medical treatment. I was refused by the former Zone Director, who told me that he had received the policy guidelines, he had to follow them, they were inflexible, there was no flexibility allowed to them and our case, and the instance of which I speak and other cases which people notified me of, did not qualify and they could not get any medical assistance. I made the case before in the House, that there is nothing more upsetting in a young family, when a person is living from pay cheque to pay cheque, to all of a sudden be faced with a medical tragedy, and that is the only word that you can call it, where help is not available in the Yukon Territory in any way, shape or form, the person is told that they must be transported outside of Whitehorse to have the problem alleviated, he goes to the Government and he is told, no, you are not going to lose an eye, you are not going to lose an arm and you are not going crazy, so there is no way that you can be given medical subsidy. It is this type of inflexibility that really would make a person, almost break down at that point, when they really need some assistance. The Regulations have not been changed, the Member has said that there will be a more flexible attitude towards people applying for this type of assistance, Mr. Chairman, I don't believe that that is going quite far enough. I think, that there has to be, some type of policy that a person knows whether he qualifies for assistance or not because there are people now who look at the policy, and do not apply because they say, my case does not fit the circumstances, even though I have to go outside to have this special treatment. Mr. Chairman, anything that the Honourable Member can do to let these people know and set a policy guideline, that they realize that the Government of the Yukon Territory is the one agency, in spite of all that is happening, that they can expect some assistance from. Believe you me, this is the time of their life, when they need it more than any other time and if it is a few thousand dollars more to make the policy a little more flexible, I guarantee you, the Honourable Member from Whitehorse East, that this is one area in which the money could not be better spent, in providing the people of the Yukon with some help from the Government of the Yukon Territory.

EST 504

Mr. Chamberlist: Mr. Chairman, of course I have every sympathy for the remarks that have been made by the Honourable Member and I regret that the former Zone Director was inflexible in his understanding of the guidelines that were set down. I can say that, without any fear of contradiction, that the present Zone Director that we have, is indeed flexible inasmuch as the position from time to time is examined on the basis of each particular applicant and the circumstances surrounding the particular medical matter, for which the person has to be evacuated. I might say this, Mr. Chairman, that since these new Regulations came into force I have yet to receive one written complaint about them. I know that what has happened is that they have... and the doctors especially, know now that they have got guidelines to work from and that they don't send people out just to help them make time to have a holiday and have their fare paid out for them, and that the doctors, from time to time have asked in specific cases, whether some...there can be a stretching of the guidelines and I have always said to them, I can only act upon the advice of the Zone Director and if, after a discussion on medical grounds between the visiting physician and the Zone Director and the Zone Director decides that there is grounds where there may be a danger of a loss of eyesight, or there may be a danger of loss of life, or there may be a danger of loss of limb and this is where the doctors, Dr. Jeyachandran, have very thoughtfully and considerably said this to me, when we say danger of loss of limb, we don't necessarily mean the danger of the arm being cut off, and losing it completely, it is the danger of the loss of the use of the limb. He has interpreted that in a very good, flexible manner. To say that the Regulations themselves are inflexible, I cannot agree with that, but certainly that every Member of this Council knows what has happened in past years when we started with an amount of ten thousand dollars, for medical evacuation, and it escalated because of the misuse of that benefit to something like thirty-five or forty thousand dollars. We have to get Regulations out that were absolutely firm and clear and specific. In those five areas, for medical evacuation to outside areas, where we have said; where there is a danger of loss of life, a danger of loss of limb, a danger of mental breakdown and a danger of loss of eyesight, we hand it forward first and then the doctors, both through the medical practitioners here and the Zone Director, said we have missed something out, there is a danger of loss of hearing and we agreed. We weren't inflexible so we added that. I am sure the Honourable Members will recall we only had four bases, now we have five. As I say, the important point that must be considered is the fact that it is entirely up to the medical advisor, who advises me, the Zone Director, what is meant by a danger of loss of limb in that case and if there is a danger of loss of use of a limb, there is no hesitancy. We are just not meaning that there is a danger of just having the leg cut off. I feel that the Regulations, as they are now, are responsible Regulations, inasmuch as they are protecting the public's money, from misuse and this is the function that I have to enforce.

Mr. McKinnon: The important point, there, Mr. Chairman, is, and I think it should be public that although there hasn't been any change in Regulations there has been a change in policy in the interpretation of the Regulations and people who are faced with problems and have to go outside for expert medical attention, can have their cases heard by the Medical Zone Officer and he will make a ruling on the grounds of the Regulations but with a flexible policy approach. I think that it is important that the public knows this because under the policy, as it was interpreted by the former Zone Director, the policy was inflexible. This is the danger with policies in their interpretations. If the Honourable Member says that the policy interpretation has changed, I would accept his statement at that value and I hope the public also learns that this has come about and will not think that it will be useless to be able to apply for such assistance, in the future.

Mr. Chamberlist: Mr. Chairman, I can give my assurance to the Honourable Member that I do not make any decision, personally in relation to medical evacuation, unless the Zone Director says that indeed this can be interpreted to come within the Regulations. Although there is more or less an insistence that the Government be flexible in the manner in which it pays out its money, we also require that same flexibility in the manner

Mr. Chamberlist continues...

EST 504

in which we can raise the money to pay out the money, so we are talking about the problem that if you want more then we have to be able to raise more money, taxwise. If you wanted to increase this program, indiscriminately to one hundred thousand dollars, then we have to find the balance of the money that we have budgeted for. This is the long and short of it, it is a matter of dollars and cents. We feel that we can allow this amount of money, allow the Zone Director to interpret the Regulations and be guided by his efforts. I think the Zone Director that we have is doing an excellent job and I am satisfied that the guidance he gives me is not only good, sound guidance but also he is very considerate of the points that have been raised by the Honourable Member.

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

Mr. McKinnon takes the Chair.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Mr. Chairman, on this Subsidized Medical Travel business, as I stated when I last discussed this matter that it was initiated to solve an internal Territorial need, and it was initiated at a time when we didn't have very good coverage of medical health services in the outlying districts of the Territory. Many of us were driving people in from long distances, two to three hundred miles to get people in for medical care. It was felt by the Administration and the Council at that time, that something should be done and indeed, it was done. Since then, we have upgraded to a large extent, the facilities, medical facilities around the treatment facilities in the Territory but I don't know where this got off track, but then the emphasis went on travel to outside the Territory, that is to Edmonton or Vancouver for more sophisticated medical treatment or specialist care and the emphasis came off the internal problem. I asked a question some time ago and I can't recall whether I asked it in Council or not, we have a situation whereby aircraft operators in the Territory, from time to time, I am speaking in this case more particularly of Watson Lake, but say Mayo or Dawson or anywhere for that matter, are from time to time called in the middle of the night to convey accident victims, illness victims, emergency cases to Whitehorse and on many occasions they have difficulty collecting for these runs and this was brought to my attention. I think I have raised it with the Honourable Minister at Watson Lake, I believe. I am wondering how this payout system will work for Subsidized Medical Travel, if indeed a nurse in charge of a nursing station, states that we need an aircraft to fly this person, or persons to Whitehorse. Immediately, in an emergency situation, an aircraft is found and these people are conveyed to Whitehorse to the hospital. On the word of the nurse, would the Government be prepared to go good for that bill?

Mr. Chamberlist: Mr. Chairman, it is a very sound question and I know the Honourable Member has raised this point with me, also I know that from time to time people in the aviation industry are having difficulty in collecting their bills. As long as it is approved by the Zone Director, there is no problem in having the bill paid at all.

Mr. Taylor: Here the problem arises though, Mr. Chairman. The Zone Director may not be available until Monday or Tuesday and in a community where you sometimes have a doctor, maybe the doctor is away at that particular moment or cannot be reached and quite often this is so. This is an emergency situation, where the nurse in charge or whoever happens to be in the community, if there be a nurse, must make that very quick decision to evacuate the person and it is in this case, I am wondering, to what extent under this Travel Subsidy Program will the Administration attempt to protect the person who conveyed this person to town.

Mr. Chamberlist: Mr. Chairman, there is no way that I can indicate to you that a nurse has the authority to order a chartered aircraft to bring somebody in from an outside spot into Whitehorse. Surely the nurse can just pick up the telephone and get instructions from somebody. Indeed,

EST 504

Mr. Chamberlist continues ...

if the Zone Director is away on vacation, or is away for some reason, he is not in his home, surely he can be contacted, but if he is not in his home, there is somebody who is replacing him in the Zone Director acting capacity. The Zone Director is away right now, he is starting his leave right now, but there is somebody who is taking his place and acting in that capacity. I think it is a matter of the nurse, in this particular instance, that has been referred to, just getting instructions from somebody who is authorized to give that permission.

Mr. Taylor: This is fine then, if this can be done, if communications are in at the time. Let me put it this way, when these things originate generally speaking, they originate from a nurse or a qualified person in a nursing station, a Northern Health Services Station, they call up the operator, the operator says, I doubt whether I am going to get paid, then he is going to be a heel if he doesn't fly the patient, at the same time, really you are asking the operator to dig in his jeans and take that chance. I think it should be whereby a nurse in a nursing station has for some reason got authority from Whitehorse or whatever, if she order the aircraft, somebody on site has to make that decision, if she orders the aircraft then I think the Government, Northern Health, or Territorial Government, or somebody should backup the fee and make sure that these people get paid for that trip. This is what I am getting at.

Mr. Commissioner: Mr. Chairman, the instances of which you are referring, fall into several different categories. Insofar as the people who are in charge of the various nursing stations, they have an instruction which is laid down for them to follow when it comes to emergency air evacuation and they follow that, it is already laid down in their policy manual for them. The next question is concerning the injury which has occurred in an exploration camp, or something of this particular nature, I would bring to your attention, Mr. Chairman, that this falls clearly as part of the responsibility under other Ordinances of the Yukon Territory, in the hands of the employer. This is when the fun begins. Another point I would like to point out to Honourable Members is that there is a concentrated program underway, which the Council has approved of, for us to upgrade the ambulance service throughout the Territory, which we will hope would tend to deal with a lot of problems by ground transportation, which at the moment can only be dealt with by air transport because there are no adequately trained people along with proper transportation vehicles. Insofar as the first point raised by the Honourable Member, as long as it is being dealt with through a northern health person, in a nursing station or something similar, they have a policy manual which states very clearly what the routine is to be. The next category concerning the airplane operator who was called upon, we will say there has been an automobile accident on the highway somewhere and this is all being dealt with in the hands of laymen, or something of this particular instance, I don't know just how you are going to handle something like this, because there is no one in authority. It is more of a mercy-type operation that takes place and where you go from there, I don't know.

Mr. Chamberlist: Mr. Chairman, I must tell you that on one occasion there wasn't a Zone Director available, the Administrator was away and as a result the people in the Northern Health Services were wary of sending a charter, a D-C 3, there was no other vehicle or transportation available in the Dawson area to bring people into Whitehorse, and they called me and my answer was immediate: we'll fight about that afterwards, get those people out of there and into a hospital. This is the consideration that is always given but at the same time we have to recognize that there are certain procedures that have to be followed, but there is always somebody to make a decision. This is the main point.

Mr. Taylor: I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: Committee is in recess until 2:00 p.m.

Mr. Chairman: At this time we will call Committee back to order. We are on Bill No. 26 and Vote 05. The item is Subsidized Medical Travel.

BILL #26
VOTE 05

Mr. Tanner: Mr. Chairman, I thought that we cleared that this morning? Can't we carry on to the next item?

EST. 504

Mr. Chairman: Well, just again, speaking from the Chair, I would hope that the Administration could give some consideration to the problem that I did raise this morning with respect to air transport emergency air evacuation, and to ensure, at least where these people come from a Government health station, or Government operated health station, that these fellows could get their money for the services that they do provide. I just had one other question from the Chair in travel subsidy. Is there any subsidy factor embodied in this Health Care Plan, travel subsidy?

Mr. Chamberlist: I have already, Mr. Chairman, I have already explained to Members of Committee that there are regulations that have been made to provide that people who have to come into Whitehorse for medical treatment are subsidized in the amount of their expenses except for the first ten dollars. That has already been made quite clear.

Mr. Chairman: It covers total ambulance services then? Anything further on establishment 504? Establishment 515, Yukon Hospital Insurance Service in the amount of \$2,358,585.

EST. 515

Mr. McKinnon: Well, of course the cost of the Yukon Hospital Insurance Services has increased in the budgetary year 70/71 to 71/72 - \$806,780 and from 1971/72 to 72/73, an additional \$583,244. We are talking where we have budgeted in 70/71, \$968,000 in a two-year period. We have gone up to \$2,358,585, now that is what you call a substantial increase. I am just wondering whether getting charged a realistic per diem rate from the Whitehorse General Hospital is going to mean these type of increases in the neighborhood of \$900,000 or \$500,000, each and every budgetary year? Where do we reach the point that the Yukon Hospital Insurance is too expensive for us and we just can't afford the price of free hospitalization at an escalating cost which is not fixed any longer, which was fixed at a \$25 per day diem rate, which isn't any longer. As far as I know in the future, it is going to be on a actual cost basis or a near cost basis. It is only going to go up and up in the future to what point? At a point of \$900,000 in a one-year period, and \$500,000 in another year period, can the Government of the Yukon Territory afford to continue without some other arrangements being made? I am talking, if a chopped cost charge has to be made..the free hospitalization services in the Yukon Territory.

Mr. Chamberlist: With respect, Mr. Chairman. It was only when discussing the previous establishment that the Honourable Member stood up and said that we have to make provisions to make further facilities available for medical evacuation, for more costs and more money. Now, because we are providing for the care of people in hospitals, we are having a complaint registered. ...

Mr. McKinnon: Mr. Chairman, on a point of personal privilege, I am going to have to repute these remarks. I can't let my motives be misrepresented that way. When I am talking of an area of about \$20,000 in the evacuation care, as against items of nearly a million dollars of \$500,000. I won't allow my remarks to be twisted by the Honourable Member for Whitehorse East or anybody else. We are talking vast sums of money from the public taxpayer. We are not talking \$20,000 any longer, we are serious. The cost of hospitalization is escalating. Every jurisdiction in North America is facing the same problem. Don't try and pass it off as some type of a minor expenditure, because it isn't. I am asking the question in all seriousness, how long can we continue to allow hospital costs to escalate without any further tax upon the people of the Yukon Territory, and how long can the Government of the Yukon Territory afford to keep paying these charges if year after year they are going to escalate in this level? I say in all seriousness that I don't think that the

Mr. McKinnon continues ...

VOTE 05
EST. 515

\$20,000 that I am talking about in the other vote should be misrepresented when we are talking of these sums of money.

Mr. Chamberlist: Mr. Chairman, it is a matter of whether the Honourable Member has a point of principle or whether it is a point of interest. I am finding now that it is difficult for me to understand whether the principle is his interest or whether his interest is the principle. It is fairly obvious that if we have to supply the services, we have to find the money. In this particular area, it has been made quite clear that the per diem rate has gone up from \$30 to \$60. There is no doubt that there is reason to be concerned that the cost of hospitalization is going up. Would the Honourable Member, Mr. Chairman, consider that we should dispense with hospitalization? There would then be a plebiscite being asked for to dispense with the Honourable Member for even suggesting that. Here we have hospitalization which has been universally accepted, and it is recognized too, that the cost of hospitalization has gone up right across Canada. There is no doubt about it that the Department of National Health and Welfare pay us. We get a recovery of fifty percent of the \$2,520,261 that is involved in the cost, plus we get something like 7.1 percent from the Department of Indian Affairs and Northern Development. Certainly, it has been made quite clear that when we talk about in-patients in hospital insurance, there has been a terrific amount of increases. The average cost of patient day has gone up now in areas, ranging up to \$64 a day. The estimate is based on the payment in the amount of \$60 a day. Certainly, there is a little bit more money that the Territory has to find on this cost-shared basis. It is not fifty percent right across the board. There is no way at all, Mr. Chairman, that the Honourable Member can ask the question in relation to Yukon Hospital Insurance Services, when all Members know full well that we have it. We have to recognize that we have to maintain it. It is up to us and up to the people and up to the doctors and up to everybody concerned in the Territory to keep the cost of the Yukon Hospital Insurance down. In the meantime, we must maintain it. We must be prepared to give to the people of the Yukon, the very best we can for them. The argument that has been put forward, has no merit at all. I don't accept any part of it.

Mr. McKinnon: The argument, Mr. Chairman, was a simple question to the Honourable Member, whether or not in the future because of the escalating costs of hospitalization for Yukon residents, whether the taxpayer could continue to pay every year the escalating costs of hospitals? Whether there would be any rationalization point, a equalization point where we could expect not a \$500,000 or \$900,000 increase from year to year? Can we expect this to be budgeted in perpetuity these types of increases from year to year in the Budget? That was question number one. The second question was, if these costs continue to escalate in this manner, will there be a user fee as there is under the Yukon Health Insurance Plan where there isn't in other areas? These were the two questions that were asked and neither of them have been answered by the Honourable Member. All we got was a political speech.

Mr. Chamberlist: With respect, Mr. Chairman, it becomes almost difficult to really to reply to the Honourable Member, when I get accused of making political speeches when I give absolute and clear statistical figures relating to the subject matter that he has spoken on. I think once again that he is dealing with emotion instead of quite straight logic. I would ask Honourable Members to forgive him for that particular error. It is an impossibility for us to say what indeed is going to be the requirement for next year. It is impossible indeed to know, because if we have an increase in population to go along with it, there is an increase in hospital care that is required. It is an unknown quantity. The questions that have been asked are very, very well impossible to answer because we cannot look through a crystal ball into the future. If the time did come along, and we decided that maybe there might be a necessity for a charge to be made to individuals for use of the hospital facilities, I wonder then, what the stand of the Honourable Member would take at that time? When he would stand up and say, I am sure that the public

Mr. Chamberlist continues ...
shouldn't have to pay for it when they are getting it out of the general revenue and part and parcel of the Canada Resistance Fund, the Department of National Health funding as well. I am not going to get caught in the squeeze by answering hypothetical questions. That is simply what they are.

VOTE 05
EST. 515

Mr. McKinnon: Well, I have never seen a Government yet, Mr. Chairman, that doesn't make projections from year to year. As far as I knew this was the whole new system of budgeting that was coming into effect in the Yukon Territory where five year budget programing figures would come about. There would be realistic budgets, because the Honourable Members would know and be able to project from year to year what the taxes would be, and what the public expenditures would be in the Public Service of the Territory. Now, I am told that they are all hypothetical questions, that can't be done. If the Honourable Member brought in a decent Hospital Insurance Plan, which I think that he is incapable of doing, just as there could have been a decent Medical Health Insurance Plan brought in, you would find me in the forefront to support the cost against the user if that Plan was decent, just the same way that I set up a M.S.A. Plan in our office and the people were charged there for the fee that was used because it was a sensible plan, and they were getting good benefits for the cost that they were putting in every month. It is only when I see these schemes with very little benefit, with a large cost to the taxpayer of the Yukon Territory, that I get incensed about the way that the Government is wasting the money of the taxpayers of the Yukon Territory.

Mr. Chamberlist: Mr. Chairman, I regret that the Honourable Member has to find it necessary to bring in his apparent paranoiac nausea into an area where it doesn't befit it. I have no responsibility at all for introducing the Yukon Hospital Insurance Scheme. This is something that has been in force for a number of years. Now, as all Members heard, he accuses me of not bringing in a Yukon Hospital Insurance Plan. This in itself becomes most ridiculous. How can one value what he has said. All that I can say is that the Honourable Member who has been a student of Political Science, is a student and will always be a student, because he doesn't recognize the facts of life as it is today. The facts of life are quite clear, that the Yukon Hospital Insurance Plan is an existing plan and been in operation for a number of years. We do budget for the future. We do project for the future. We can't answer the specific questions that, will it be the same amount. Will it be something else, no I can't answer that. I think that we have to have the ... have to be a clairvoyant to look so far into the future in any area of that nature.

Mr. McKinnon: I might add, Mr. Chairman, was kept at a \$25 per diem rate as long as this Member was chairman of the Financial Advisory Committee in negotiations with the Federal Government. As soon as the Honourable Member from Whitehorse East became a Member of the Executive Committee, it went up to \$60.

Mr. Chamberlist: All the more reason ... how unrealistic the Honourable Member is, if he were allowing a \$25 per diem rate when the cost of it was twice as much. This shows the negligence on the part of this ... this shows the absolute negligence, the unwillingness to face up to the facts of life and financial stability that is required within the Government of the Yukon Territory, so that the Government and the people can meet its own commitments instead of being on a continual hand-out basis all the time. It is unfortunate that the Honourable Member now has left open for the public to see how empty his thinking is. How, I have said before, what a clear glass exists. I have nothing further to add to that.

Mr. McKinnon: Mr. Chairman, until the Members of this Council became the puppets of the Federal Government, the Government of the Yukon Territory used to be able to make good deals on behalf of the people of the Yukon Territory with the Federal Government in Ottawa. Now that they are being led around with a ring through the nose, this is when we are getting it in the ear. The Honourable Members know

Mr. McKinnon continues ...
full well that we are getting it.

VOTE 05
EST. 515

Mr. Tanner: Mr. Chairman, I didn't particularly want to get interested in this debate, but I really do think the Member is being inconsistent. On the one hand he is saying, hospital costs are escalating, and does the Government intend to eventually to charge a user fee. Consistently when we bring in a plan, which is the best possible plan that we can find in the circumstances, and we charge a user fee, he has done nothing but oppose it all the way down the line. Now, you say that, but six other Members of Council said that is not so. You would know better of course, because you have been around so long and you have got insight Now, Mr. Chairman, let us try to be consistent on this debate. What does the Member want? Does he want us to all pay for the whole hospital cost out of general revenue, and stop complaining about the increasing costs of hospitalization? Or would he now like us to start charging for hospitalization, which the people of the Yukon have had free, to the best of my knowledge, for about twelve years? Which would the Member want?

Mr. McKinnon: I want to know whether the costs are going to be escalating like this every year from now on up, what point the Government says we can no longer afford to have hospitalization on a no charge basis, and we're going to have to make a user charge. Those are the questions I am asking, the answers I can't get and so there are no answers forthcoming from the Government of the Yukon Territory because they have no ability to project from year to year what the normal increase of costs are going to be in such a program as the Health Insurance Service, and certainly leaves such facts, where they have any concept at all what they're getting into under the Yukon Health Insurance Plan.

VOTE 05
EST 515

Mr. Chamberlist: We are dealing with Hospital Insurance. The Honourable Member is involving all sorts of things to cover up because he has made a fool of himself and he knows this.

Mr. McKinnon: Mr. Chairman, in 1970-71 the cost of Hospital Insurance was \$968,561.00, in 1971-72 the cost of Hospital Insurance Services was \$1,775,341.00, in 1972-73 it is estimated the cost will be \$2,358,508.00. In one year the increase was \$806,780.00. In the next year the increase was \$583,244.00. How can someone say that that is not an extremely substantial increase in the cost of hospitalization in the Yukon Territory. How can anybody say that, any Member doesn't have a right and a duty to ask whether these type of costs are going to continue year after year. \$800,000.00 is one year, half a million dollars in the next year. That is the question I have asked, I've been told it's a hypothetical question and there is no way that I can get an answer after being told over, and over again of how well people can budget, how well they can project, how well they can present a budget to the Table of the Committee examining the Budget of the Yukon Territory. And that is all that I'm asking, and if these increases are coming year after year, is there going to be a point where the Government is not going to be able to afford, without increasing taxes, without charging a user fee, to continue free Hospitalization to the people of the Yukon Territory. Where is that point reached where it becomes just too expensive with the limited resources and the limited ability to tax the people of the Yukon Territory? I don't think those are foolish questions, I don't think the people of the Yukon Territory think that those are foolish questions, because we are talking about great sums of money.

Mr. Chamberlist: Mr. Chairman, you know I think that from time to time the Honourable Member says much that sounds very well, but really means nothing because here he's come forward with an area of where he says, in 1971 there was an increase of \$800,000.00 in the Hospital Insurance. I'd like to remind the Honourable Member that this was the Budget when he was in charge of the Financial Advisory Committee, and he knew full well what was taking place at this time. Now, here we have, although we've doubled the amount of the cost of the bed space, we have only increased it just over \$500,000.00. I didn't and wouldn't ask him at that time why it went up \$800,000.00 because the position is quite clear, that the cost and needs of services, and the increase in the use of the hospital make the cost go up. It's just a matter of the costs going up to \$60.00 in the Whitehorse General Hospital, in the Watson Lake Hospital it's going up to \$40.00. But there is a general increase, and the Honourable Member mustn't get excited over the fact that there are increases because he must also look at the fact there are...as the increase goes up the recoveries go up. And this must be looked at as well. There is no point in saying this is the expenditure and then forgetting the fact that we are getting extra revenues coming back as well. And I think, as far as I am concerned now, Mr. Chairman, and I won't say anything beyond that, I think that is a very realistic manner in which we provide funds for the purpose of supplying the Yukon Hospital Insurance Services to the people

EST 575

Mr. Chamberlist continues....
of the Yukon who need it very badly.

Mr. McKinnon: Mr. Chairman, now the Honourable Member stands up and tells me that he didn't present the Budget last year, I know I'm beat because I was in a different political arena at the time then. If he didn't present the Budget last year, he didn't defend it, who in goodness gracious did? It certainly wasn't from this side of the Table.

Mrs. Watson: Mr. Chairman, couldn't we go on with ... we've had this long enough.

Mr. Chairman: Anything further on Yukon Hospital Insurance Services?

Mrs. Watson: Clear.

Mr. Chairman: In the amount of \$2,358,585.00. Next item is the Yukon Health Care Insurance Plan in the amount of \$1,245,858.00. I'm just wondering... Order please. I'm wondering if we could stand this matter over until tomorrow, until the Honourable Member from Dawson is present?

Mr. Chamberlist: No way. No way. No way, Mr. Chairman, we're going ahead with the Budget. The Honourable Member from Dawson has made his position quite clear and explicite. Let's continue with the Budget.

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

Mr. McKinnon takes the Chair.

Mr. Taylor: Now, Mr. Chairman, I think it's important that for the space of one day Councillor Stutter is away doing the service of this Council, . I thought that he would be on that noon plane ..

Mr. Chamberlist: You can go ahead and talk, because I'm not listening to you. You can talk as much as you like. Just go ahead.

Mr. Taylor: Well, Mr. Chairman, this shows the respect that the Honourable Member, the Honourable Minister has for the people of the Yukon, and I think this clearly indicates, and I hope that all people present in this Chamber today, note the disinterest that the Honourable Member appears to take on such a matter of great importance. I think that it is incumbent upon us to defer this matter until the arrival of the Honourable Member from Dawson, until tomorrow morning. I would say that anyone in this Chamber, and all Members should not disagree with such a proposal unless they have something they wish to hide or something they wish to ramrod. If they are going to shove this down the peoples throat, then of course they would pursue this tact. I am not prepared to discuss this thing today until the Honourable Member is here and I think everybody else should feel the same way. We owe it to him.

Mr. Tanner: Well, Mr. Chairman, I think it was agreed when we knew the Member from Dawson wasn't going to be here on Monday, that should the Member from Dawson want to refer back, it was agreed that we should do so. Let us proceed in a normal manner and the Member from Dawson can refer back to anything he wants to. We've all agreed to that previously. I think the Member from Watson Lake is intentionally raising an issue, and everyone knows that the Member from Dawson has the privilege to go back to anywhere he wants to in this Budget up to as far as we have discussed. Surely that is sufficient.

Mr. Taylor: Well, Mr. Chairman, I think, as I say, that all Members of the House, the Honourable Member from Dawson represents a fairly substantial population of this Territory who have possibly diverse opinions in respect of this particular item. It's been clear that for the last two years this has been probably the greatest single contentious issue in the Territory, and I think we owe him the common

Mr. Taylor continues....

EST 515

courtesy, Mr. Chairman, and the people of the area he represents, to stand over this matter until possibly tomorrow, until the Honourable Member returns. And that isn't too much to ask.

Mr. Chamberlist: Mr. Chairman, I can assure you that the Budget will not be finished prior to the Honourable Member from Dawson coming back into the House, and he has the right at any time to go back on any item that he wishes. Any item. Not specifically this item, but any item. And there is no way that I for one, am going to participate in the absolute attempt to hold up the business of this House and the business of dealing with this Budget, simply on the whims of the Honourable Member from Watson Lake. He knows full well, and he's been in this House long enough to know that any Honourable Member can come back to any part of the Budget, at any time, while the Budget is still in Committee. And I would ask, Mr. Chairman, that we continue with this item.

Mr. Taylor: Well, Mr. Chairman, if that be the case to continue on with the Budget, I'd just like to say that I disagree with the item at this time, and when the Member does come back we will refer back to it, and we will debate the Medicare or Medical Yukon Health Care Insurance Plan at that time.

Mrs. Watson: Mr. Chairman, we shall now deal with this establishment, and then proceed. If the Honourable Member from Dawson wants to refer back to it, fine. But this is the establishment that we should be proceeding with right now.

Mr. Chairman: Perhaps, as Chairman, which falls in my category right now, if the item is not cleared from the Budget, as far as I can understand it, it will not be cleared from the Budget and none of the items will until they are cleared, then this would not preclude any Member of Committee asking a question in the future on any item in the Budget because much information has been asked from different department heads as we go through, with the understanding that we will be able to discuss them when we come back. So any Member can go back and ask questions ...including Establishment Number 525 before the Budget is cleared. Now the majority of Members of Committee seem to indicate that they want to proceed with 525 and any Chairman, as the servant of the Committee... I suggest that we proceed with Establishment 525, and if any Members have questions on the Establishment following before the ... of the Budget we can return to it. Agreed? Does any Member wish to speak at the present time on Establishment 525, Health, Welfare & Rehabilitation in the Yukon Health Care Insurance Plan at this present time? EST 525

Mr. Taylor: Mr. Chairman, for my own part I would like to debate this Bill with the Member in the House at the time, so at this time I certainly would disagree with it at this point in time and would like to discuss it later.

Mr. Tanner: Mr. Chairman, perhaps the Minister of Health, Welfare & Rehabilitation could give us a little explanation of the 20, \$42,543.00

Mr. Chamberlist: Mr. Chairman, that makes up the item that deals with the administrative costs from C.U. & C., these people who are doing the computerizing...

Mr. Tanner: Could the Minister perhaps give us an indication of the percentage of the total costs of the plan as related to the administrative costs.

Mr. Chamberlist: Yes, I have a...it is based on a percentage starting from 3 1/2% to up to 5% according to the amount of the services. If you will allow me just for a moment, I'll get the exact figures for you. Could I get these...?

VOTE 05

Mr. Chairman: Perhaps I'll declare a recess and ask Councillor Taylor if you want to take the Chair back.

RECESS

RECESS

Mr. Taylor resumes the Chair.

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

Mr. Chamberlist: Mr. Chairman, before recess, the Honourable Member from Whitehorse North, asked for information relating to the percentage of the total claims paid that will be received by C.U. & C. We have a table of charges based on percentage going from 3% where the Insured Services paid for are over one and a half million dollars in a year and the percentages increase according to the lesser amount of the Insured Services. For instance, if it were up to \$800,000.00 it would be a payment of 4.5% of the total claims. Now you will note in the estimates that have been submitted, that the primary 21, we show the Insured Services estimated as \$1,169,820.00. That will come within a category of \$1,100,000.00 to \$1,199,999.00 and would be paid at 3.75%. Mr. Chairman, I would point out that if we look at the recovery section you will note that the Yukon Health Care Insurance Services, are set up so that it is a wholly recoverable program. We expect to receive in premiums, \$661,500.00, and from the Department of National Health and Welfare \$539,910.00. We have had a few changes in dealing with the recalculation because of the census figure, and you will all recall that we originally based our thinking on 20,000 people. We have now based our recovery on 50 % of the national per capita cost per insured person, in the amount of 18,000 times 50% of \$59.99, which would give us a figure of \$539,910.00 that I had mentioned. The premiums will be ... we estimate to be as follows; 3,600 single at \$78.00, 450 couples at \$150.00 a year and 1,800 families at \$174.00 a year.

Mr. Chairman: I'm wondering if Members could get copies of

Mr. Chamberlist: The breakdown is not in the Budget, but I have no objection to making provision for the Members of

Mrs. Watson: Mr. Chairman, I'd like to point out that we have had this breakdown on several different occasions already. In fact our decisions to accept the Medicare Bill was based on some of this information. It had to be.

Mr. Chamberlist: Yes. On all of the information I would go... I specifically gave this information to the Member from Watson Lake because he did ask for it some six months ago, and I gave it to him then, and if he hasn't lost it somewhere...

Mr. Chairman: No, I think I have it. It's marked in Appendix B, I have it, and I quoted from it and was told last time that it's all different now. That is why I asked for the revised figures.

Mrs. Watson: Mr. Chairman, could we proceed with the next establishment?

Mr. Chairman: It is agreed that we will be coming back to this establishment...

Mrs. Watson: Mr. Chairman, I believe we will be coming back to this establishment if the Honourable Member from Dawson City has questions to ask. But we will not be coming back just to repeat a debate. We are dealing with the Budget at this time. We made a commitment to the Member from Dawson City, that if he had questions and wanted further information in regard to the Budget, or any of the items that we have dealt with, we would supply him with this information. But we would not be coming back to redebate again, Budget items that we have already gone through.

Mr. Chairman: Councillor McKinnon, will you resume the Chair please?

Mr. McKinnon resumes the Chair.

Mr. Tanner: Mr. Chairman, before anyone else resumes the Chair, I think it was agreed by Committee to proceed with...

VOTE 05

Mr. Chamberlist: Then let's proceed. I would ask Mr. Chairman if Mr. Chairman will understand that he is Chairman at the behest of this Council, and if he will conduct himself as a Chairman.

Mr. Chairman: If the Honourable Member from Watson Lake wishes me to take the Chair, it has always been the consideration of any other Member to take the Chair....and I will do so.

Mr. Taylor: Mr. Chairman, I just can't let this go by. There is a difficulty being in the Chair, that you don't have the same freedom of other Members who enjoy this constantly at the Table, and I thank the Honourable Member for his courtesy in this regard. It is just so awe-inspiring to see a group of elected representatives, or a portion thereof, pushing something through in this manner. I just find it beyond belief. What we have here, in my opinion, and in the opinion of many people of the Yukon Territory, is a situation where we have taxation by intimidation, and that's purely and clearly what this situation is. It's been discussed around the Territory for a long time. There have been two petitions circulated. One was thrown out the window by the Members of this Executive Committee, and written off. There was a second one, which was transmitted to Mr. Commissioner containing over four thousand signatures and that seems to have been ignored. These are people who wanted a free vote on this subject. That has been turned down. Incidentally, while I'm on the subject, I would like the Honourable Member to indicate to me if he indicated the other day, where there was a whole page signed by one individual, I can't seem to locate it in my copy. Maybe he could show me... I know that it does not exist. The program was devised and virtually shoved down the people's throats. It will be effective the first of April, yet. I voted yes. I voted yes, on certain terms and conditions. Terms that stated that everybody would have a final go-around in this thing. I would quote, Mr. Chairman, from Votes and Proceedings of that Session, where I stated more particularly by agreeing to this Bill I would like assurances that it does not become binding upon this Council or the people of the Yukon. In other words, that it be up at the Fall Session for revision in part, in whole, or otherwise, and open for amendment by this Council. This is the only way that I think that I or any other Members would accept this Bill. I'm wondering if we could have answers to those questions, Mr. Chairman. And in his reply, Mr. Chamberlist says, I can give Mr. Chairman the assurance that the Honourable Member has requested. This will be done. Then he went on to say...and Councillor Tanner asked a question, he said, Mr. Chairman, with respect, surely this doesn't become law until it is given assent to? And Mr. Chamberlist replied, "that's right. This is true, Mr. Chairman, I'm sure the Honourable Member if he stops to think for a moment, knows that this doesn't become law until assent is given, and I have assured Council that assent will not be given!" That was on Wednesday, March 31st. Assent was given on April 5th. It, I think, is important that in considering this question of intimidation, because that's exactly what it is. Intimidation is when you impose something upon people, or threaten them with something by raising fear in them. And that is exactly what has happened. The people of the Territory were told, under penalty of law that indeed we've got a plan, we know you don't like it, but we think it's good for you. So what was passed in that Ordinance that we spoke of, every resident and his dependent or a person exempted by the regulations in so doing, shall register himself and his dependents with the Administrator at such place, and in such manner and form and at such times as may be prescribed by the regulations. You say every resident, other than a dependent. Then it states, prior to this, that every person who violates ...and I might say that not to register...any person who violates any of the provisions of this Ordinance or the regulations is guilty of an offence, and liable on summary conviction of a fine not exceeding one thousand dollars or to a term of imprisonment not exceeding six months, or to both fine and imprisonment. Now, I don't know, ...I have tapes at home of some

VOTE 05

Mr. Taylor continues....

of the public broadcasts that the Honourable Minister made. He was discussing this through the media with the public. I have been present at at least three meetings. One at Teslin, one at Faro, one at Watson Lake, where the Honourable Minister was questioned, and, indeed, at no time have I ever heard where the Minister has ever really given satisfactory answers to the general public in respect of this Plan. A brochure was sent around which really doesn't tell you a great deal. This little brochure here, and that didn't seem to answer the problem but when it came round to the point where the Minister said, well I think it's a good plan and we've now got an Ordinance so we're going to bull it through. He said that you now must register. So people, Mr. Chairman, people said well they're going to take away my existing plan and they are going to impose upon me another plan which in their opinion...many people's opinion is not near as good as what they have got for the money they are paying, and this is going to be punishable by law if I don't register. Now the Minister comes in the House and crows at great length about how many people have registered and what a wonderful thing this is because everybody must be going along with the plan. I submit, Mr. Chairman, they are registering because if they don't, they feel that they will either be prosecuted in the form of a fine or a jail sentence. It's that simple. Also there are many people who have been in the unfortunate position of having their existing plan cancelled and having to sign up to protect their children. This, as far as I am concerned, is intimidation. I've stated that it is also taxation of sorts because it is taxing the people for a program that they ...whether they like it or don't,...they don't like this program...but they are being taxed, and I don't think the Commissioner has the right to impose by regulation, these fees, I think that's the responsibility again of the Commissioner in Council.

Mr. Chamberlist: Take it to court.

Mr. Taylor: It's possible that it might wind up there as well. I could not in all conscience, accept any part of this Plan. I think everybody reasonably agreed, or most are...I would say 95% of the people would be agreed, that a Medicare Plan for the Yukon would be very desirable. They have asked, why cannot we have alternatives, why can't we have different alternatives? Possibly through one of the private plans we might be able to come up with a scheme which is certainly better than this scheme. The benefits versus the costs. There are multi questions which haven't been answered, and it's hard to say where to begin asking, because quite often you ask questions and you still don't get answers. It's such a complex area it's hard to say where to start and where to begin. It's been contained within this Administration. There has been very little given to the public that you might call constructive. If there had of been, possibly there would have been less rejection of the Plan. There is an opportunity made available to the Honourable Minister to explain some of this to the people again, in the Whitehorse Star on Thursday, and I certainly hope that he avails himself of this as he indicates he is intending on doing. But the people have asked that a plebiscite, a voice, a public voice be taken, an opinion be taken in respect of Medicare. This has been flagrantly thrown out, by four Members of this Council with the concurrence of a fifth, who has stated quite clearly that he is opposed to it, but however, he feels it has gone too far and it's too late. And I would suggest that you read your Votes and Proceedings where you will find that. Well the record is there, and I'm not going to get into a picky situation on that one. It is there, and it is there to read, and I suggest that the Honourable Member re-read it, and find out what I'm talking about. So here we have a situation, whereby the people are having a plan imposed upon them which they do not want, they have clearly stated they do not want, they have gone to the work of signing signatures. And one person has said, no way. Now, if there was anything honest about this Plan, if this Plan was good for the people of the Yukon, and everybody was open and above board then the Minister and this Government, if indeed there is a Government here, would have no compunction about going to the people and saying, alright, here we are. We're honest. We've got it all out here. Delay this

Mr. Taylor continues....

thing for two months, and we'll have a plebecite and we'll find out what the people want. If the people want it? Fine. If they don't want it. Fine. Let's go and see how we can improve upon the Plan that is suggested. Now this is not being done. This is absolute dictatorship. This is about as undemocratic a situation as you'll find anywhere, and as I say, it's so frustrating to sit here, a lone Member, representing the people of the Yukon... Order Mr. Chairman. ...trying to represent the people of the Yukon and have to face a situation such as this. I think in time it will come to court, I know of many people who are prepared to go to jail, and I'm one of them, in respect of this, and I think this matter should be cleared up before the passage of this item. I think the Honourable Member for Dawson should be here and extended that courtesy that has been extended to other Members of the House, more particularly the Member opposite who seems to be opposing the idea, and that a full debate, question and answer period and everything else pursuant to this matter rather than be shoved aside, but I say to you this, if you attempt to pass this matter by, by saying simply, well let's get on with it or let's go to the next item and we're not prepared to come back to it and discuss it anymore as the Honourable Member from Carmacks-Kluane has indicated, beware of what you do, because you show, and I hope that all people in the Yukon will have a opportunity of knowing what is happening here this afternoon: you show nothing but sheer and utter disregard for the people of the Yukon. And that is simply that. I might as well ...I get this cat call...I've had it here for the whole Session so I might as well make my position clear. When the Honourable Member across the way first brought this question up, I told him that when I saw his resignation on this desk, I would give very much consideration to the question of whether or not I resign or I don't. And I'll have to go back to Votes and Proceedings on this. I say to the Honourable Member this, that the people of the Yukon, again in this petition, not having received their just rights and a free vote exercising a free vote on such a matter of such importance by this Council...a majority of this Council...have asked for the dissolution of Council, and I would say if we hurl words like coward, and words like resign, quit and get out and this type of thing around this Table, I would think that we would find out who the cowards are, when that motion is put forward. Then I think also, the people of the Yukon will see their elected representatives stand up and be counted on the issue. I am not going to rise to the suggestion that I resign. I think that the Minister would obviously like that, especially... more particularly before this Budget has been presented, I'm not a quitter. I'm here to fight for the people and that is what I'm going to do to the best of my capabilities. I've sat here and I've taken insults ever since this Council began. Sometimes I've blown my top, and I'm not going to blow my top very much any more. I say that the people of the Yukon will determine this issue in one way or another, notwithstanding the hardships that are imposed upon them. However, I would once again ask, and as I stated before, I would ask that this matter be deferred until the Honourable Member from Dawson, on behalf of the people of the area...the large area he represents, is present in this House. If this is refused, then I hope that everyone in the Yukon knows what happened, and who is responsible for it, and does something about it.

Mr. Chamberlist: Time for recess, Mr. Chairman?

Mr. Chairman: I'll turn the Chair back to the Honourable Member from Watson Lake.

Mr. Taylor: I'll resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: Do you wish a recess at this time? I declare Committee in recess.

Mr. Chairman: I now call Committee to order. I have some questions to ask, in respect to this item. I will have to ask them from the Chair?

VOTE 05

Mr. Chamberlist: Why? Pass the Chair.

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

Councillor McKinnon takes the Chair.

Mr. Taylor: Mr. Chairman, firstly, I would like to know the answers to the questions that I asked in the House the other morning, respecting how many people had registered, and how many had come in unsigned, with the information. For instance, on the cards, I believe they are, how many were signed? How many were unsigned? How many people were represented? Is this information available yet?

Mr. Chamberlist: Mr. Chairman, we have, somewhere in the neighborhood of, 5,100 registered cards come in, with an average of 3.1 persons per card, which brings the registration, in the region of 15,340. We have had some cards returned unsigned; they were very few. We do not count the numbers of blank cards that we receive.

Mr. Taylor: Yes, I wasn't speaking of blank cards. I was speaking of where the information was provided, but there were no signatures.

Mr. Chamberlist: No, we haven't had any cards of that description. Mr. Chairman, might I continue because the question has been asked, where the information was given, and no signatures. If the information was given, then the names of the people would have been on there. But, it was just blank cards that we received. We did receive blank cards, in the region of 12 to 15, or something like that.

Mr. Taylor: Mr. Chairman, one of the criteria, in order to get... 95% of the insurable residents in the Territory, must be registered; in order to get the 50% per capita national average, which I think comes to \$59.99, from the Federal Government. What happens, if we do not have 95% registered, and we cannot receive these monies from the Federal Government, what happens then?

Mr. Chamberlist: Ninety-five percent, that particular clause only where there is a non-compulsory arrangement with the Federal Government. Wherever, it is a compulsory arrangement the ninety-five percent, of the registration, does not become applicable because everybody must register, according to the law. That makes it one hundred percent.

Mr. Taylor: Mr. Chairman, as I say, what happens if everyone does not register, what percentage is then required?

Mr. Chamberlist: Mr. Chairman, I have already informed the Honourable Members, that there has been over 15,000 registered, of those who have registered. When the time comes along, and those who have not registered, the law will take its own course. Those who have not registered will be dealt with, according to the law.

Mr. Taylor: Mr. Chairman, we have another contributing factor here, and that is the Department of Indian Affairs and Northern Development. When I last discussed this with the Minister himself, he indicated that there was some difficulty in the manner of which, or the assurance of which, we would be receiving contributions. I'm wondering if he could advise me now, what that revised contribution figure is, and give me some detail, in respect of the contribution, on behalf of the native people.

VOTE 05

Mr. Chamberlist: This question was asked the other morning; the answer hasn't changed since the other morning; that is, the Department of Indian Affairs and Northern Development will be paying one hundred percent of the Status Indians' premiums, who they normally look after. Those people, that are employed there, their premiums will be deducted, in the ordinary manner, by their employers.

Mr. Taylor: A further question, Mr. Chairman, respecting pensioners and widows. Is it expected, that an old-age pensioner, will then pay his contribution out of his pension cheque having no other income? And widows, as well?

Mr. Chamberlist: The same question has been asked, by the Honourable Member, on about six different occasions. The answer remains the same. Those people, who come under a certain category of income, will make application for premium assistance.

Mr. Taylor: Well, there was another question that I had asked and didn't get a clear answer to it. What would be involved, in terms of cost, for instance, benefit, by the addition of chiropractic care and services, under this plan?

Mr. Chamberlist: No consideration has been given to chiropractic care, being included in the Medicare Program for the simple reason that, there is no provision under the Federal Medicare Act, therefore, we are unable to include that.

Mr. Taylor: Mr. Chairman, I can't see that. I would think, that you can reduce your premiums sufficiently to cover, say for this premium you are now offering, to cover chiropractic care. I think that can be handled, and I still think, that you would come under the provisions of this Act. I asked the question sometime ago, what prevented the Federal Government from opting out of this plan? I note, that section 8 indicates, that approximately six months from now, "the Government of Canada shall review the provisions of this Act, respecting the amount and manner of payment of the contributions payable by Canada, pursuant to section 3, with a view to formulating proposals for any change therein, that appear then to be necessary or desirable, with respect to the amount and manner of payment ..."and so forth. I'm just wondering if the Minister could indicate, as to whether or not there is a possibility, that the Federal Government might either opt out or reduce their contributions to this plan; thereby increasing the cost to the people of the Yukon.

Mr. Chamberlist: Mr. Chairman, I answered the question the other day, when I indicated to Members of Council, that the Honourable Minister, John Munro, had stated that there is a plan afoot to join the health insurance plans of Canada, the Medicare plans, and also the hospital plans. This is the matter that is being negotiated between the Federal Government and provincial jurisdictions. We have been included in the provincial jurisdictions, for the purpose of negotiating, on that basis. Anything is liable to happen within six months, one year, or longer. We cannot indicate when; however, the program, that is before you, is the program for the next year.

Mr. Taylor: Mr. Chairman, I have several more questions, but, as I state, with only one Member available to speak, at one time, you can't very well continue a debate. I'm wondering if this matter could be deferred from this point, until the Member from Dawson is in the House; until tomorrow morning.

Mr. Tanner: Mr. Chairman, as a Member of this Committee, I'm getting a little tired. I haven't heard one question that hasn't been asked before. The majority of Members on this Committee, are quite satisfied with the answers that they have been getting for the past two and one-half years; certainly in the past year and a half. It was started two and one-half years ago. I, for one, would prefer to go on to the next vote. If the Honourable Member from Dawson, which has been stated about five times, wants to raise a question, we can go

Mr. Tanner continues ...

back to it. Frankly, what the Honourable Member from Watson Lake is asking, is merely repetitious. I would point out one further thing, which, perhaps the Minister didn't point out; that is the fact, that if you want to add the estimates for the costs, and subtract the estimates of the recoveries, you will find that you've got a balance of \$77,000. That's a credit balance of \$77,000. That credit balance is approximately six percent of the total plan. If I had any criticism of the plan, it would be that I don't think that six percent is sufficient, to take care of the contingencies that might arrive in the next year. So, when the Member asked why we're not adding various other things into the plan, it's because the maximum amount of benefits are being given with the maximum amount of money that is available. I ask all Members to let us continue, and go on with the Budget, and the next vote.

VOTE 05

Mr. Chairman: Members of Committee, if Members have further questions; that they want to address to the Executive Committee, the Member in charge of Health, Welfare and Rehabilitation; going through the reading of the Budget and of the Bill ... and damnation, is the time that they should do it. There is as much leeway, as possible, always given to Members of Committee because this is where they are suppose to find out the odd information, from those people in charge of the Government. If Members have more questions, at this time, then I ask them to ask those questions; if they haven't, then we will go onto the next item, at this time. Any further questions on Establishment 525, at this time, concerning Health, Welfare and Rehabilitation and Yukon Health Care Insurance Service Plan?

Mr. Taylor: Mr. Chairman, I have some more questions, but they are scattered over a thousand pieces of paper here. I had not conceived that, this Council would give us the discourtesy, that they have indicated today. However, it was my intention to make a motion, if the Honourable Member had been in the House, at this time. I would like to make a motion, in respect to this, but if I can't do it in the Budget, I'll do it through the Orders of the Day.

Mr. Chairman: Well, of course, as long as a budgetary item is not clear, Members can always go back and ask further questions, and make motions on the subject. Before the Health, Welfare, and Rehabilitation Vote is passed, I think that probably other Members of Committee, other than the Member from Watson Lake, will have further things to say on the vote. And with those remarks, I will turn the Chair back to the Honourable Member from Watson Lake. Perhaps, we should proceed to the Welfare Vote, at this time.

Councillor Taylor resumes the Chair.

Mr. Chairman: The next item is Establishment 530, Administration, in the amount of \$477,772.

EST. 530

Mr. McKinnon: Mr. Chairman, I wonder if I might ask Mr. Treasurer, from the detail of the Manpower Summary, I don't see any additional, perhaps I'm wrong, people in the Department, under Administration. If there were no further people being employed, the jump from \$294,557 to \$367,841, would be over and above the increase that was negotiated, by the Public Service of the Territory. I was wondering whether we could have the details of staff increase.

Mr. Chamberlist: Mr. Chairman, in Primary 10, there are provisions for professional supervisory and social work staff, which are broken down to \$223,000. The senior Administration and clerical supports that, with \$140,590, and the custodial staff, in the skilled offices, which are a little over \$4,000. Some of this is due to the six and one-quarter percent, approximately, which wasn't included in the year previously, plus the normal increase of this year, as well. You will find, that this is the reason for this area of increase, in that amount of money.

VOTE 05
EST. 530

Mr. McKimmon: So, we are talking about twelve and one-half percent.

Mr. Chamberlist: Well, twelve and three-quarters. Some of the members of the staff have been re-classified to a higher level, where there have been extra funds required to meet those requests.

Mr. Tanner: Mr. Chairman, this is the opportune time, I suppose, to raise the question, that I raised earlier, when we were discussing the Welfare, under the Northern Health Services. The question that I asked, as Members might recall, is why there has been some turnover in the Welfare Department, of Offices? Could the Member give us some reason, as to the turnover.

Mr. Chamberlist: Well, social workers do come and go, and change their different locations. We have had ... some people have terminated themselves, some by mutual arrangement. There is not a very high increase, in the replacement of social workers, many of the people there have been there for some considerable time. We can't help the situation, where sometimes we have people who want to make a change from one jurisdiction to another, to get more experience in their particular field of work. This is the reason, that this happens.

Mr. Tanner: Mr. Chairman, I think that I'm right in saying that, within the Institute of Education, teachers have been consistently dropping, for the past three years. I couldn't quote the actual percentages, but I believe, that last year, it was seventeen percent. Perhaps the Minister of Education could correct me. Would it possible for the Minister in charge of this department, to give the House some indication, as to what the percentage turnover was in the past two years?

Mr. Chamberlist: I must point out that when you talk about a large number of staff in the Educational system, seventeen and one-half percent is much higher in actual people, than seventeen and one-half percent of a department, like the Social Welfare Branch. However, I will bring that information forward, for the Honourable Member.

Mr. Chairman: Any further questions on Establishment 530, \$477,772?
Medicare Establishment 531, Child Welfare Services?

VOTE 05
EST 531

Mr. Tanner: Mr. Chairman, there's the question I'd ask there in Primary 50 where there has been a jump from \$39,000. for Materials and Supplies General from \$39,000. to \$65,000., a \$25,000. increase. Is there any particular explanation to that?

Mr. Chamberlist: Previously this was provided for in the Health Vote, now it isn't. There are provisions for medications, drugs, and for children in care as well as previously provided for under Health, now under Child Welfare Services.

Mr. Chairman: Question from the Chair. What is the current per diem rate for foster children, foster care?

Mr. Chamberlist: It varies with the cost of operating a particular home for the children. If the Honourable Member wishes that information brought forward, I can get it for him.

Mr. Chairman: Anything further on 531?

Mr. McKinnon: Mr. Chairman, I would like to ask, how many children are now under the care of the Director in accordance with the statutory provisions under the Child Welfare Ordinance.

Mr. Chamberlist: I'll bring that information forward for you. You mean as of this particular day or at a given time?

Mr. McKinnon: Mr. Chairman, possibly as of this given day would be the most current information that is available. A further question, Mr. Chairman, how many actual case workers are there employed full-time in the Child Welfare Service Branch? I would like to know what percentage of those children under the Child W... in the care of the Director, under the terms of the Child Welfare Ordinance are of native origin. I would like to know how many case workers of native origin are presently in the employ of the Social Welfare Department of the Territorial Government. I would also like to know whether there are any plans or any type of incentive program to allow graduates of the Yukon high school to ... native graduates of the Yukon high school, to come back in the employ as case workers under the Department of Social Welfare of the Yukon Territorial Government.

Mr. Chamberlist: Mr. Chairman, all this information we will make available to the Honourable Member.

Mr. Chairman: Anything further on 531?

Mr. McKinnon: Also, Mr. Chairman, I would like asince I have been involved in the Government of the Yukon Territory the case load under the Child Welfare Services is going up year after year after year. We've reached a point again where people say it is because we have an active Child Welfare Agency now that we are finding cases which we presently ...previously didn't know about. These are cases ...population, of course, also has a bearing on a piece of the Child Welfare Service cost. I would like the comparative figures from last year to this year of the actual number of cases under the Child Welfare Services and also an indication from the Member in charge of the Department of Health, Welfare, and Rehabilitation, whether we can expect a steady increase in the number of children under the care of the Director in this coming year. Whether there is anything at all, any light appears in the future. Whether we have some type of program underway, which is going to see a leveling off of the children under the care of the Director or whether we are just bound in perpetuity to escalating costs with no

Mr. McKinnon: continues...

solution in sight under the topic of Welfare costs under this Department.

Mr. Chamberlist: Mr. Chairman, I can't indicate to you for this purpose. We have estimated for 1972-73 for a case load of children in care of the amount of 655 children.

Mr. Chairman: While we are on Child Welfare Services, I am just wondering, in respect to the question I asked yesterday I believe in respect to the Watson Lake, more particularly the Mayo Receiving Home in cost of repairs and the reason for the damage?

Mr. Chamberlist: I have already indicated to the Honourable Member the information would be coming available as the question wasn't answered till yesterday and I've asked for that information to be available.

Mr. Chairman: Clear on 531?

Mr. McKinnon: With additional information, Mr. Chairman.

Mr. Chairman: Social Assistance, 532 in the amount of \$380,890?

EST.
532

Mr. Tanner: Mr. Chairman, perhaps the Minister could give us some indication. That is an enormous jump from \$151,500. Could the Minister give us more background information as to that tremendous increase?

Mr. Chamberlist: In Primary 20, Professional and Special Services, we had provision for a certain professional services for Welfare recipients who needed a pension. This item had previously been provided under Health and now, of course, we provide it in here. Also, there were some Y.H.I.S. hospitals being tried by the referee, in respect of Welfare recipients and pensioners. Previously that was provided under Health and this is where we had that figure of \$31,500 increase there. Now the increase of the Subsistence and Maintenance, that would be then the estimated accumulated case loads for 1972-73, in the region of 1,418, an increase of about 300. In Primary 60, Rental of Lands and Buildings, so it's a provision it includes the provision for accommodations for injured families and individuals and also it provides provision for accommodations for out-of-town Welfare recipients while they are attending the medical or dental clinic here in Whitehorse. Some of this item was previously provided under the Health Package. In 50, there is a notice of \$10,000. there in Material and Supplies - General. Now the provision for the following supplies and materials for persons and families on assistance include school supplies, material for repair for houses of Welfare recipients, clothing requirements, and also medication, prescribed drugs, glasses, hearing aids, etc. previously were provided under Health. Now it has been put into the area where the funds should really come from.

Mr. Tanner: Mr. Chairman, i wasn't quite clear on the ... Did the Member say that there is an increase from 1,100. to 1,400. in the number or estimated number in Is that correct?

Mr. Chamberlist: At this time, yes we have an increase estimated of 1170 to 1418, so it is an increase of about 200.

Mr. McKinnon: Mr. Chairman, is it possible to have a ...the Commissioner has told us that there is a policy handbook for every department in the Territorial Government. Is it possible for us, Members of the Yukon Legislative Council, to see the handbook which sets out..the policy which sets out the criterion for those people receiving financial assistance under the Social Assistance Branch of the Health, Welfare, and Rehabilitation. I could bring, I think, instances to the House where I feel; is that the payment of assistance has been abused by people who are receiving it from the Territorial Government.

Mr. McKinnon continues...

I can think of one particular instance, that just got my goat so much. I was sitting in the office behind a partition in a local fuel agency where I heard a voice demanding fuel to a certain area, right at that moment because he was out. Well, here is a man filled with righteous indignation because, of course, the fuel had run out and he was a customer. The proprietor of the fuel service said it will be up there as soon as possible, Sir, very politely, but we can't get it up there immediately. Of course, this went on and on and on. I thought I recognized the voice and I looked over and it was being paid for by the Department of the Yukon ..Government of the Yukon Territory Welfare cheque. The person in question had been convicted by the Yukon Territorial Court on several occasions for both possession and sale of narcotics in the Yukon Territory. It becomes pretty unsettling when a person knows that his tax dollar of which I pay considerable and many many people in the Yukon pay considerable are going to people, I don't care about their life style at all. It doesn't worry me in the least bit, but however, it seems that they have the money for other purposes, but don't have money to be able to feed and clothe and pay the oil bill and take care of themselves in this respect. These are the areas of the public of the Yukon Territory finds particularly galling when they do come out in public, which they eventually do. I was wondering just how strick the criterions are and the guidelines are for people receiving Social Assistance. Not receiving it, demanding it and laughing at the society that is providing them with the financial assistance all the way to their next joint.

Mr. Chamberlist: I can't argue one word with the Honourable Member, because I know what he says is right. We are very very now when we send social workers into the homes of these people that are asking for funds. I might add that in the very near future there are going to be some prosecutions as a result of some people making application for Social Assistance funds when they haven't a right to it. There really is not much difference the abuse the Government suffers as a result of medical evacuation. The same thing applies, people ... they want to go for a holiday, so they make arrangements for a holiday by going out, medical evacuation, you know, the same thing applies there. The Honourable Member is quite right, I know the particular person he is referring to and that particular person is under surveillance.

Mr. McKinnon: The point is, Mr. Chairman, with medical evacuation the Member came up with a very very rigid set of rules and regulations. I would hope that the same stringent rules and regulations would be applied even more so in this expenditure. I'm sure the public doesn't really get that impression about medical evacuation payment. I think that they have a right to get incense when the realize the cost of Welfare to them in the Territory and as I say some people are just yucking it up at both the Government and the taxpayers of the Yukon Territory.

Mr. Chamberlist: Mr. Chairman, all I will say is this. I can assure the Honourable Member that we will make the provision in the House for Departmental policy manuals and the Government policy manuals so that any Member can have them available. Certainly we would appreciate any kind .. any suggestions the Honourable Members bring forward to relation to matters of tightening up the the area of Social Assistance and Social Welfare. I can assure that we will give it our closest consideration because this is one of the areas that is certainly grey in finding an area to confront the abuse that takes place as a result of this Bill.

Mr. Chairman: Anything further?

Mrs. Watson: Mr. Chairman, I would just like to make one brief remark. I concur with what both Members said perviously that there is abuse of this type of assistance. However, when the Honourable Member s

Mrs. Watson continues...

both requested that clauses and restrictions, this type of thing, be placed on. I do think you have to be careful and not destroy program. There was a need, there has been a need for bringing amendments to this type of program and you can't be completely make a safeguard to provide assistance that some people truthfully need and still not leave it open to some abuse. So I think that this is something that the public are just going to have to live with. If you cut down on the abuse fine, but you will never ever be able to completely.

Mr. Chairman: Anything further on 532? I did have just one question. In relation to these people who come in, in the summer time, I don't know if you call them kinds or not, but they come roaring into Watson Lake and quite frequently go to the Welfare Office and say well where's the bread. When they reach the Yukon, the land of plenty, I am wondering if it is the invention of the Territorial Government to buy them bus tickets and send them back to British Columbia or to keep them.

Mr. Chamberlist: Mr. Chairman, we are faced at times with the same situation that every jurisdiction in Canada is faced with but as a party to an agreement with the Government of Canada in cost-sharing, welfare monies we are permitted to supply funds to those people who are in need. Sometimes, they are abused, sometimes people might appear to be "hippie", as the Honourable Member has referred to. I do not care whether a man has long hair or whether he walks about in sandals or whatever happens, and the way of his dress is his own concern. Many of these people that come into town here, in the summer-time are some very highly educated people. We can't deal with these matters indiscriminately, we have to deal with each person as they come in. Some of them, we are bound by law to give them help. In the last year, last summer for an example, we very closely scrutinized all applicants that came up the highway. This happens in every district. It might be interesting to note that the transient social assistance help for the whole of last year, from April 1st, until the last that I have as of February 28th, for transient was only \$7,207, so it wasn't very high. To break it down to Whitehorse, Carmacks; Carcross area was the largest amount of \$6,286 and Watson Lake was \$769, Mayo and Elsa...they couldn't get that far I guess because it is only \$27.50 and Dawson was \$124.19 and this is just for transients. Really we haven't been hit too heavily with transients. Sometimes people say, "all those thousands of dollars" and when you consider that it was kept down to this, it gives you an idea how constantly I have instructed my officers to look at this particular area, and they have done a pretty good job of that.

Mr. Tanner: Mr. Chairman, has the Honourable Member considered only making payments in Dawson? It seems like they don't seem to be able to get that far. If we tell them when they go to Watson Lake that they have to go to Whitehorse and when they got to Whitehorse they have to go to Dawson, we would probably save ourselves a couple of thousand dollars.

Mr. Chairman: Anything further then on 532? Next is 533, Categorical *EST* 533 Allowances, \$14,400.

Mr. Chamberlist: Mr. Chairman, these are statutory allowances made under the Blind Person's Allowance Ordinance and the Disabled Person's Ordinance. We have eight cases of \$900 per annum and nine cases of \$900 per annum which makes up that total of \$14,400.

Mr. Chairman: Clear? One question from the Chair, on the blind person's allowance, is this decided by Ottawa, is this a statutory, Federally a statutory figure, or is this subject to review and change within our own?

Mr. Chamberlist: This is also a cost-sharing arrangement, the actual payment is made by the Territorial Government but it is cost-shared with the Federal Government.

Mr. Chairman: This actual payment, is that determined by ourselves by Ordinance? I can't recall, or is this determined by Federal statutes?

Mr. Chamberlist: Yes, it is in the Ordinance covering it, we have an Ordinance...

Mr. Chairman: Have these figures been reviewed by the Administration? I can't recall, in the number of years I have been in Council ever seeing an amendment.

Mr. Commissioner: This is part of the agreement which you have empowered the Commissioner to enter into with Canada, under the Canada Assistance Plan and it can only be reviewed when the Canada Assistance Plan people are prepared to review their cost-sharing. This is where we are running into a little bit of problem with some of these things, in a Paper which is either before Council or will be coming before Council for discussion.

EST 533

Mr. Commissioner continues ...
to take care of some of these kinds of things for people who are out of
the labour force who we want to pay more money to.

Mr. Chairman: Yes, this was my concern that possibly this allowance isn't
sufficient anymore to meet the higher cost of living.

Mr. Chamberlist: Mr. Chairman, there is no question of this but as a
result you will find, I think the Commissioner has already indicated
in his message in the Budget about a proposed Sessional Paper that
would be coming forward dealing with one of these particular areas, so
that there is a minimum amount of money for people in all categories
and these categories would be included.

Mr. Chairman: Anything further on 533? 534, Social Service Agencies.
This is \$18,500.

Mr. Tanner: Mr. Chairman, perhaps the Member could give us some more
information on that item?

Mr. Chamberlist: We have made two social service agencies specific grants,
the Child Care Center we pay a per diem subsidy grant, for needed cases
providing care in the center, and we have estimated at 9,500 days at one
dollar a day. Also we make a grant to the Yukon Family Counselling Service,
in the amount of \$9,000. As Members will recall this was by agreement of
a Sessional Paper which indicated that we would do this if twenty-five
percent of the amount required would be raised by the Yukon Counselling
Service, themselves. Really, this \$9,000 is seventy-five percent of the
\$12,000 which was indicated in Yukon Family Counselling Service, that
would be required.

Mr. Tanner: Mr. Chairman, I would ask the Honourable Member if he would
recall a letter that was addressed to the Councillors of the last Session,
or perhaps before that, from the Skookum Jim Hall, asking for funds to
provide a native court worker? First of all, is this the area, if such a
grant was going to be made, that you would find it? Secondly, since it
isn't here, why was the decision not to grant that aid made? Thirdly,
could the Minister possibly table the correspondence he has had concerning
that particular grant?

Mr. Chamberlist: Mr. Chairman, the Skookum Jim Memorial Hall, received
this summer \$30,000 as a grant, which is cost-shared between the Federal
Government and the Territorial Government, fifty percent. As a matter of
fact it wasn't until three years ago, that they asked for that grant, be-
fore that they weren't getting anything at all. It is felt that this is
the purpose that this grant was given to them, to use in this particular
area. Skookum Jim Memorial Hall must keep in mind that this is a friend-
ship center grant and they are fortunate indeed, that they happen to be
the only friendship center, this is why they are getting the whole share
of the money. If other friendship centers would come along, it may be
that there would have to be a revision of that grant to the friendship
center.

Mr. Tanner: Mr. Chairman, I asked three questions, that was the first
one. I wonder whether he could answer the second too? First of all would
it be possible to table the correspondence between the Minister and the
Director of Skookum Jim Hall and secondly why was the decision made,
not to provide funds for a native court social worker, which in my opinion
and I think in the other Members of Council is a very necessary service.

Mr. Chamberlist: Mr. Chairman, a brief was submitted by the Director of
Skookum Jim Memorial Hall and after giving considerable study to the
brief and discussing the area of court worker with members of my staff,
I wrote the Director and I am prepared to make available a copy of my
reply to the Director of Skookum Jim Memorial Hall in relation to this
particular request that was made. Generally, I pointed out in the letter
that we are completely in favour of seeing Indian people wherever possible
look after their own affairs, wherever possible. The request that was
made and the budget statement that was given by the Skookum Jim Hall was
or an amount of \$15,000 and they asked the Government of the Yukon Ter-
ritory to supply \$13,000 of the \$15,000. Quite frankly, we were unable
to do that. I have to point out that we did have an opportunity last

Mr. Chamberlist continues ...

year of having a very fine young man, an Indian lad, who was doing an exceptional job of Assistant Probationary Officer, he was absolutely given the roughest time ever by the Indian people just by being a probationary officer and working for the Government. I think perhaps, it would be much better if I supplied tomorrow, a copy of the letter to all Members so that they may be familiar with the correspondence that took place of the result of what was agreed and my reply to that letter.

Mr. Tanner: Mr. Chairman, would the Honourable Member give us that assurance that he will have that letter here tomorrow, a copy of that letter. In that case could we not clear that particular item in case I want to go back to it, is that agreeable to all Members?

Mr. Chamberlist: Except, it would not necessarily come in this particular area because ... really what is being asked now is that we provide welfare funds for a court worker and quite frankly I can't see how that is possible or how the Government could be willing to do anything with it.

Mr. Tanner: Mr. Chairman, then I am asking as a fellow Member of this House to draw on the Honourable Member's long experience in this House, as to where, I as an individual Member would ask again, if I should be able to prevail on the rest of the House to go ahead with that suggestion from the Director of Skookum Jim Hall, where I would in this Budget I would approach them again, if I fail this time?

Mr. Chamberlist: Mr. Chairman, I would suggest that the question remain open for further discussion but that it should not come in this as a Social Service Agency but perhaps we can deal with it generally tomorrow, when I give you the letter. I think that, once Honourable Members have read the letter and will understand the manner in which I had to deal with this pretty sensitive situation, I am sure Honourable Members will appreciate the fact that the Territorial Government should not be obligated to provide funds for this particular area, to the Skookum Jim Memorial Hall

Mr. Chairman: I am sure the Chair would agree that we can go back to this item at any time. Courtesty to the Honourable Member. Anything further on 534? Next is 525, Children's Group Homes in the amount of \$47,680.

Mr. Tanner: Mr. Chairman, are these going out on a contractual basis, and if so may I congratulate the Honourable Member because if you will recall a number of Members last Session, suggested that this is what should be done and see that he is taking the advice of some of us Members and I point out to all Members that we have a decrease of \$26,000 in this case.

Mr. Chamberlist: Mr. Chairman, the Government of the Yukon Territory, appreciates the advice and help of the Members of this Council...

Mr. McKinnon: Mr. Chairman, I think that I would like a breakdown of the number of children in residence at each of the group homes that are operated under the Social Welfare Branch of the Government of the Yukon Territory. If I can have an age breakdown of the various age and sex breakdown of the people in the various homes. I know that some are for different age groups and I would like to see which ages seems to be the predominate in care of the Government of the Yukon Territory. Also, I would like to see a breakdown, of those in the children's group homes of native origin.

Mr. Chamberlist: Mr. Chairman, I can't give you all the information immediately, I will make it available but for the Honourable Member's benefit, I will give him the capacity of the various group homes. The Receiving Home and Assessment Centre in Whitehorse have a capacity of fifteen, the Home for Multiple Handicapped Children has a capacity of seven, the Group Home for Adolescent Boys has a capacity of eight, the Group Home for Adolescent Girls has a capacity of eight, the Family Group Home has a capacity of eight, the Receiving Home at Mayo has a capacity of eight, the Receiving Home at Watson Lake has a capacity of

EST 533

Mr. Chamberlist continues ...

eight and the Receiving Home at Dawson City has a capacity of eight. The rest of the information I will try and make available but if the position changes from time to time we can give you what the status of the different children are at this time but by the time I give it to you, it might be different.

Mrs. Watson: Mr. Chairman, I have a question I would like to direct to the Honourable Member from Whitehorse West, he is constantly throwing around the phrase, "how many children, how many people of native origin" I wonder if he would explain what he means by this phrase.

Mr. McKinnon: Yes, Mr. Chairman, those of Status and those children who are of Non-status, Metis Indian origin.

Mr. Chamberlist: Mr. Chairman, I hate to have to keep on seperating different groups of people, I wish they would grow up to be Canadians.

Mr. McKinnon: Mr. Chairman, it is not quite that simple, in this matter. It is relatively easy to stand up and say that we want everyone in the Yukon to be treated exactly as equals with no discrimination whatsoever towards the breakdown of them by racial origin, but I think the Honourable Member is aware, and I know that he is aware of, being involved in his Department as he is, I think all other Honourable Members are aware too, that we have a very real child welfare problem in the Territory that is predominate amongst those people who are of native origin; there is a very much higher percentage, per capita of those children with a native background who are coming under the care of his Department than those of a white background. Until this Government, and until the people of the Yukon are willing to accept the fact that this is a statement of the problem and are willing to look at different techniques of trying to solve the problem then the escalation of the cost of welfare, which are reaching quickly, the same proportion of the cost of education, an approximate \$350 per man, woman and child per year, in the Yukon Territory, within the next few years are going to surpass the monies that we're spending on the education for our children in the Yukon Territory. Whether or not some people want to sweep it under the rug, and whether or not they don't want to admit where the problem is, the problem is that we haven't been able to solveI don't like to use the word "problem" because I don't really think it is a problem; we haven't been able to solve the question of the original habitant of the Yukon in contemporary society. It's a different approach that is going to have to be taken, different methods and different techniques are going to have to be used, if we are ever going to see this situation rationalized in the Yukon Territory. To say that we shouldn't use these words and we shouldn't use those words, everyone should be equal and all should be the same, just is really, an attempt to try to evade the very real problem that we're faced with in the Yukon Territory. Until we're as I say, willing, to take a completely new look at what we have set the original inhabitants of this country in our society, then the welfare costs are going to continue to escalate and the problem is inevitably going to get very much worse instead of better. In this instance, these are the reasons why I am asking this question. Believe you me, there is no question of a discriminatory attitude from my part in asking these questions. It is done on a basis to try and seek information that hopefully, when the answers are forthcoming, perhaps we can look at the problem with a fresh approach and perhaps really be hit over the head, where the problem actually lies and what we have to do to be able to hopefully, make an attempt to get the system on a basis where the children under care by the Director and the cost of child welfare are just not going to be a continuously escalating cost....part of the Yukon Territorial Government. The costs aren't really the important thing, the tragedy of the lives that are involved and the Honourable Member is well aware...as Director is well aware of the complete breakdown of a culture, is much more tragic than the \$350 a year it's costing out of every person in the Yukon's pocket to maintain the Welfare Department of the Government of the Yukon Territory. It's just unestimatable, the harm has been done in the break up of families and cultures and traditions through mistakes that have been made in the past, unwittingly, mistakes that have been made in the bests of interests, but just the same tragic mistakes, but the only way to cope with it is to know exactly the extent of the problem that we're facing and be prepared to maybe seek some new methods in attempting to cope with the problem.

Mr. Chairman: A question in respect to Group Homes, what provision is made for on sight maintenance of these homes, particularly in the outlying districts? EST 533

Mr. Chamberlist: Mr. Chairman, the maintenance of the buildings come under the Public Works Department of the Engineering Department. All maintenance of all buildings come under that.

Mr. Chairman: Yes, I was aware of that, but what I am saying is, for instance, if a person should have a home in Dawson, you have no Territorial department...or in Watson Lake, you have no Territorial department there; when the furnace goes out and the children start getting cold, how do you look after this?

Mr. Commissioner: Mr. Chairman, there is...provision has been made, either by contractual, with local contractors in the Watson Lake area. This is one of the benefits they will get when we take over the maintenance of the Alaska Highway, we will have our own building maintenance forces in that area. This will happen in one or two other areas as well. Certainly, the Honourable Member's question is are we just running away from the buildings after we've built them and the answer is "no". There is provision either by our own forces or contracted for and instructions are available as to how maintenance can be made available.

Mr. Chairman: The reason I asked of course, is because we took over two and immediately froze them both up and I think that some thought should be given to this question.

Mr. Chamberlist: Mr. Chairman, the Honourable Member should wait until he gets the reply to the questions that he has already asked before making suggestions about the buildings. Once he has the reply, he can then go further but I think it is not opportune for him to make statements like that.

Mr. Chairman: Well, as a Member, I will ask any question I feel is pertinent. Anything further on 525? Next is 536, Lodges and Senior Citizen's Home and Nursing Care in the amount of \$324,008. EST 536

Mr. McKinnon: I wonder at this time, Mr. Chairman, I'd like to try the Territorial Treasurer on for size. The increase of \$58,040 over a year period, which as I understand no new manpower people involved. It came to me that we have no new people involved yet we have \$58,040 increase in salaries and wages over the year, which seems far beyond the six and one quarter or are we at twelve and a half...

Mr. Miller: Again, Mr. Chairman, the answer to this is we're at twelve and a half in this particular case.

Mr. Tanner: Mr. Chairman, why weren't they added in last year?

Mr. Miller: When the Budget was prepared last year, Mr. Chairman, there was no signed agreement at that time.

Mr. Tanner: Mr. Chairman, if my figures are approximately right it's about \$18,000 what about the other \$40,000?

Mr. Miller: Mr. Chairman, I think if Members will refer to Appendix, page 20, they will see the individual salaries reach the peak. You will also find that there is provision for holidays, shift differential and overtime, at \$29,000, not provided in the previous year's estimates.

Mr. McKinnon: Where would that have come out of in the previous year's estimates?

Mr. Miller: The number of departments, Mr. Chairman, were faced with the same situation this year where they were forced to cut corners to be able to live with their budget because provision was not made for these types.... a lot of these items are new items that came as a result of the collective agreement.

Mr. Chamberlist: Mr. Chairman, Honourable Members will recall that we said when we gave a budget last year, we said that there would not be any supplementaries asked for during that year for any new monies, so that there would not be any new taxation during the year. The Executive Committee have kept their word. There have been no supplementaries, no extra taxation asked for this year. Honourable Members will agree that this is the first time in many a year that this has happened. There is a difference between a supplementary asking for more funds than to a supplementary which is transferring funds from vote to vote, which we have to come forward and ask Council to allow it.

Mr. Chairman: Anything further on 536?

Mr. Tanner: Just for the records that still doesn't cover the \$58,000. You have \$46,000, there is still another \$12,000 over last year.

Mr. Miller: According to my calculations, there would be a difference of approximately \$9,000 between the ... if you add twelve percent to the hundred and fifty-five thousand plus the twenty-nine thousand provision for holiday pay, etc. I believe that this comes to about forty-nine thousand, there would be about a nine thousand dollar difference. There is also ... one also has to make provision for annual increases on the approved scale as negotiated.

Mr. Tanner: Wait a minute, Mr. Treasurer, we are adding six and one half percent for last year and six and one half percent annual increase for this year. There is your twelve percent, plus your \$28,000 which you have given us or at least you had an explanation for. Surely, we can't then add another six and one-half percent.

Mr. Chamberlist: Yes, it is every year.

Mr. Tanner: It was raised last year, so last year it was six and one-half percent ... we were using a rough figure. Last year it was six and one-half percent, we didn't add it in, so we added it in this year. We are adding in six and one-half percent which ... looks like thirteen percent for this year which gives you an \$18,000 ..., then you get to \$28,000. There is surely, you claim that there is another six and one-half percent again?

Mr. Miller: There can't be, Mr. Chairman, in the provisions of the Agreement with the staff Association, most of the people on our staff are on what we call a five point scale. They are entitled to an annual increase, and in some cases, semi-annual increase which would be quite roughly five to six percent on this scale. As long as that person stays on that job, does a reasonable job, he is entitled to that increase, in addition to his normal annual increase.

Mr. Tanner: Can we get an assurance from the Member in charge of this department, that in future we won't have keep adding percentages, and we could reasonably look forward to the same average increase right through the whole Budget?

Mr. Chamberlist: With respect, it is just not my department only, this was a situation where it was left out completely for the whole of the Public Service as a result of the agreement not being signed so that we could bring it forward at the budget. It is not just one department. The Government is going to do its best to make sure that the same thing doesn't happen in future. This is why we have made this extra allowance.

Mr. Tanner: Okay, then, may I ask the Honourable Member this question. In that case, could this be one of the reasons that we might have been experiencing some higher amount of turnover within some departments, this one in particular this year? Perhaps as the Treasurer has said, they have been cutting corners, and one of the corners happens to be our staff?

Mr. Chamberlist: No, I don't think that this is one of the reasons.

Mr. Chamberlist continues ...

VOTE 05
EST. 536

When people ... most people leave for personal reasons. Women have a number of reasons that they leave for. Mostly, it is of their own wishes. There are only a few people to my recollection that have been dismissed from the Public Service, at all. People of every Government are very, very considerate of people that work for Government. People who usually go into Government, go into Government as a career. It is a career. It is a very good career for a lot of people.

EST. 537

Mr. Chairman: Anything further on 536? 537, Alcoholism and Narcotics Services in the amount of \$34,810.

Mr. Chamberlist: Mr. Chairman, this item has been ... it is because of this item that I objected to giving an answer in writing to the Honourable Member from Watson Lake when he put his question. You will note that we have for the past few years kept the one dollar item in our Budget so that the program is always available. What we intend to do this time is have a combination, alcoholism and narcotics services program. We hope that this will go a long way in helping to combat the problems of both alcoholism and narcotics in the Territory. We have a breakdown here. You will note that there are three new positions, an alcoholism consultant, treatment councillor and a clerk steno I. We have made sufficient allowance, we feel in salaries and wages to recruit these specialized people. We hope that this item will give much satisfaction to the Members. I know that most Members have been interested in having this program brought forward.

Mr. Tanner: Mr. Chairman, just as a matter of interest, the description of salaries on page A-20a isn't the same as the one on the item of 537, there is a thousand dollars difference there.

Mr. Miller: Mr. Chairman, you will find that the appendix page A-20a does not add up to \$29,980, it adds up to \$28,980.

Mr. Tanner: Can we then assume that the whole Territorial Budget is not out by a thousand dollars, or can the Territorial Treasurer make sure that everything is okay?

Mr. Miller: Mr. Chairman, you haven't found a thousand dollars. The appendix page is incorrect.

Mr. Tanner: Mr. Chairman, could I ask the Minister when he intends to institute this program?

Mr. Chamberlist: The classifications of these people have already been written up, and I think that it has already been published in this week, or is about to be published for the positions. We hope to put it into effect as quickly as possible. I wonder if this answers the Honourable Member for Watson Lake's question. The question was, what are we doing about an alcoholism and health program? Now you know the funds that are available. Is this the satisfactory answer that the Honourable Member is looking for?

Mr. Chairman: In fact, no, speaking from the Chair. No, I would appreciate a written reply to my Question No. 5 at the earliest possible moment. I might say that I thank the Honourable Member from Carmacks-Kluane who answered my Question No. 6 quite well. I would like that Question No. 5 answered. I don't feel that this Budget provides in any way shape or form for treatment facilities, this is of course something that we will for years. Is it your wish to continue at this time?

Mr. Chamberlist: Yes, Mr. Chairman.

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

Mr. Taylor: Mr. Chairman, this question has been raised for some time, and it is the question of narcotics treatment. The narcotics education in the non-medical use of narcotics. It has never been my concern, the law enforcement aspects of narcotics and their use. It has been my deep concern that there are no real independent facilities available in the Territory, to my knowledge, to assist people who for one reason or another, have got themselves involved in the use of narcotics, and have been what you might call "hooked". I think that it is essential that a facility be provided, and should have been. I am not saying now, it should have been done here several years ago, where people young and old alike who are in trouble with narcotics use, drug use, can go without getting the third degree, having to tell this and tell that, where they can just go and get treatment and counselling. This is done, as far as I know, and from what I have read, what limited amount of research that I have been able to do on this subject, that it is done in most big cities, certainly in North America. I feel very, very strongly that something must be done here in the Yukon, as I say, on an independent basis. I believe that in some areas that doctors in the area will volunteer their services and take shifts. Young people will also aid and assist on a volunteer basis with these clinics or whatever you might call them. For the sake of argument, we will call them clinics. I think that out of our massive Budget, I think that we can do more, and I say specifically in the narcotics area than the \$34,810, of which \$28,980 is salaries, ... provide clinical help for these people. It is becoming constantly a greater and greater problem. We talked about the influx of some of these people that we may expect this summer. I noted last summer, the minute spring came and hitchhikers came, the activity and the presence of narcotics in the community rose immediately. Even my native people there were involved in this. It is just such an awesome, terrible sort of a situation, or it could get that way in the Yukon. I think that it is much worse than what a lot of people really recognize and what we know. I really think that we must at this point in time put in clinical facilities. I would really appreciate any direction that the Administration could give to this end. I think that it is very, very important. Also, the reason why I have asked for a written reply is, because there are many others who are very interested in this very subject. I thought that if I could get the answer to the three questions that I have asked, and Question No. 5 in written form, I can then make copies and present it to the parties involved.

VOTE 05
EST. 537

Mr. Chamberlist: Can we go onto the next establishment?

Mr. Taylor resumes the Chair.

Mr. McKinnon: Mr. Chairman, I wonder ... there are a couple of questions that I would like to ask before I am satisfied with this vote. Many questions I have asked already, but also in the lodges and senior citizens homes and nursing care, I would like a breakdown of the relative costs of operation of the different homes throughout the Territory, the two in Whitehorse, the one in Dawson City. This type of information. I asked a question prior, where the subsidization for indigents at Maryhouse came in. A grant used to be provided by the Yukon Territorial Government to Maryhouse in the budget prior, for the care of indigents. In last year's budget, I don't remember the sum entirely. It was there. Also there was a grant to the extent of seven thousand dollars, I think, to the Child Care Centre for people who ... nine thousand five hundred dollars, I am sorry I have missed that part in the Budget as I have gone through it. The other one is where there was a program of training grants and scholarships for people to go to university and come back and spend a specified amount of time in the employ of the Government of the Yukon Territory. I don't know if this is a separate sheet or whether I have just missed it in my going through the Budget where it is entailed and detailed.

Mr. Chamberlist: Well, it is included in the Professional and Special Services under Primary 20. We have included in there \$13,000. It is a training grant and scholarship. It is included in the administration, Primary 20. Now, if you have a look at the administration, 5-10, you will find included in that Professional and Special Services, there is \$15,800. We have one item to provide educational training grants to members of the branch of social work staff, with the grant conditional

VOTE 05

Mr. Chamberlist continues ...
and a work commitment from the recipient. There is one there, \$5,000. Also we have to provide assistance to Yukon residents to undertake non-university training in Social Welfare. Again the assistance is conditional to a work commitment from the recipient. There is one grant there for \$3,000. Then we have to provide a program, scholastic assistance available to students at graduate schools of social work, university affiliated. The assistance again is conditional on a work commitment from the recipient. We have two grants at \$2,500. Of that \$15,800 in Primary 20 of Establishment 530, \$13,000 of it is by way of grants. The other question that the Honourable Member has asked with reference to the breakdown in the various lodges and senior citizen homes. The Alexander MacDonald Lodge in Dawson, the salaries, etc. is \$135,451; the fringe benefits are \$8,170; operation and maintenance which includes the feeding up there, because we supply the feeding there, is \$57,905. The Macauley Lodge Riverdale, salaries, etc. is \$62,600; fringe benefits \$3,776; and again the operation and maintenance which includes feeding, is \$34,280 from a total of \$100,658. In the Alexander Senior Citizens' home, we have no feeding facilities in there you see. The salaries are \$14,526; fringe benefits \$944; and the operation and maintenance of the building itself is \$5,954. A total of \$21,824. Those three totals together for those three places are \$324,000, that we have brought forward. Are you okay?

Mr. McKinnon: Yes, Mr. Chairman. The other question was, there was a grant under the Member's Department in previous years to Maryhouse.

Mr. Chamberlist: Mr. Chairman, I don't recall it. I don't recall it. I don't know where it would be found. I simply don't recall it. I will certainly look for it over this evening and see if I can find it for the Honourable Member. We did ... I think the Honourable Member has got the information on the Child Care Centre. I thought that I would read it out to him that we have a provision under Establishment 534. You will see under Primary 52, there is a subsistence and maintenance item in that. That is where the subsidy grant of a dollar per day diem per child at the Day Centre. We have allowed for 9,500 days. There is a grant there of \$9,500. Have you got that? The other grant is one for the Yukon Family Counselling Service. Mr. Chairman, I guess before if we have nothing else in that particular vote, and before we go onto Corrections, I would move that Mr. Speaker do now resume the Chair.

Mrs. Watson: I second the motion.

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

MOTION
CARRIED

MOTION CARRIED

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

Mr. Taylor: Mr. Speaker, Committee recessed at, or pardon me, Committee convened at 10:35 a.m. to discuss Bills, Sessional Papers and Motions. Mr. Miller, Territorial Treasurer and Mr. Fleming attended Committee to discuss Bill No. 26. Mr. H. J. Taylor, Registrar General and Mr. Ron Hodgkinson also attended Committee to Vote 04 of Bill No. 26. Committee recessed at 12:00 noon and reconvened at 2:10 p.m. I can report progress on Bill No. 26. It was moved by Councillor Chamberlist, seconded by Councillor Watson that Mr. Speaker do now resume the Chair. This motion carried.

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

Mr. Taylor: Mr. Speaker, I believe tomorrow it is the intention of Committee to further discuss Bills.

Mr. Chamberlist: Mr. Speaker, I would like to point out to Mr. Speaker, that it may be of necessity so that we can get on with the Bills in the House that we might have to ask the House tomorrow to extend its sittings to later on in the evenings if we cannot get the work of the House done.

Mr. Speaker: May I have your further pleasure? May I have your further pleasure?

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

Mr. Speaker: Is there a seconder?

Mr. Chamberlist: I will second the motion.

Mr. Speaker: It has been moved by the Honourable Member for Carmacks-Kluane, seconded by the Honourable Member for Whitehorse East that we now call it five 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. tomorrow morning.

ADJOURNED

ADJOURNED

Mr. Speaker reads the daily prayer. All Councillors 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 Paper No. 13.

*TABLING OF
SESSIONAL
PAPER #13*

Mr. Speaker: Are there any Reports of Committees? Are there any Bills to be introduced? Are there any Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? As there are no Notices of Motion for the Production of Papers, we come to Motion No. 23. It has been moved by Councillor Taylor, seconded by Councillor McKinnon, that Sessional Papers Nos. 10, 11 and 12 be discussed in Committee of the Whole. Are you prepared for the question? Agreed? I declare the motion carried.

MOTION #23

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: Motion No. 24, it was moved by Councillor McKinnon, seconded by Councillor Taylor, that Legislative Return No. 15 be discussed in Committee of the Whole. Are you prepared for the question? Agreed? I declare Motion No. 24 carried.

MOTION #24

MOTION CARRIED

*MOTION
CARRIED*

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

RECESS

RECESS

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

Mr. Taylor: Mr. Speaker, I have a question that I would like to ask Mr. Commissioner this morning. I would like to ask him if it is the intention of the Administration to retender the tender for fuel supplied to the Territorial Government on the credit card system?

*QUESTION
RE
RETENDER OF
TENDER FOR
FUEL*

Mr. Commissioner: Mr. Speaker, I am not prepared to answer that question at this time. By the word "prepared" I am not sufficiently informed on it to answer the question at this time, Mr. Speaker.

Mr. Taylor: Supplementary to my first question, would Mr. Commissioner be amenable to providing me with this information as soon as it is available?

Mr. Commissioner: Mr. Speaker, I certainly will provide the information as soon as it is available. I would want the Honourable Member to know that it may be some time before this information is available because there is a very, very serious complication that has arisen in this matter.

Mr. Stutter: Yes, Mr. Speaker, I have a question that I would like to ask Mr. Commissioner this morning. I am wondering when it is the Commissioner's intention to give assent to Bill No. 4 which was the Electric Public Utilities Ordinance?

*QUESTION RE
BILL NO. 4
ASSENT*

Mr. Commissioner: Mr. Speaker, it is the normal routine for me to give assent to the Bills that Council has passed at the time of prorogation, unless there is some urgency for this to be done prior to that time. If the Honourable Member wishes to apprise the Clerk or myself of a particular urgency that would make it appropriate for

Mr. Commissioner continues ...
assent to be given prior to prorogation on this matter, certainly we will be prepared to take a look at that request.

QUESTION RE
BOARD OF
INQUIRY

Mr. Stutter: Supplementary question, Mr. Speaker, I would like to ask the Commissioner how soon after the assent has been given to the Bill, would the Board of Inquiry be formed? Would the Board of Inquiry only be formed at such times as complaints were put in?

Mr. Commissioner: Mr. Speaker, the Ordinance has a coming into force section in it. I would not want to be tied down at this time to when we could give effect to the total requirements of the Ordinance, except to say this, that it would be done as soon as was possible and practical after assent has been given, Mr. Speaker.

QUESTION RE
DAWSON
COUNCIL
REPRESENT-
ATION

Mr. Stutter: Another question for the Commissioner, Mr. Speaker . Inasmuch as the Dawson City Council, the mayor and all the aldermen are now in town, and I think that they are going to be in for at least today and possibly tomorrow , would the Commissioner, in fact perhaps I am addressing my question to the wrong person. What I would like is for the Council to be given permission to give representation to Council on various Bills that affect the Municipal Ordinance and the Municipal Package? If this request should come before Council would it be assented to?

Mr. Commissioner: Mr. Speaker, that is the prerogative of this Council, it has nothing to do with me.

Mr. Speaker: Are there any further questions?

QUESTION RE
CONSTITU-
TIONAL
REFORM
REPORT

Mr. Stutter: Yes, Mr. Speaker, I have a question this morning for the Minister of Health, Welfare and Rehabilitation. I am wondering if he has yet received a copy of ... from the Committee on Constitutional Reform from Ottawa? I noticed by the ...by yesterday's edition of the Vancouver Sun, that this report was tabled, as a matter of fact, last week.

Mr. Chamberlist: Mr. Speaker, I have not received a copy yet. Perhaps Mr. Clerk will be able to telex and ascertain from the Federal Government when the copy will be made available to us.

Mr. Taylor: This is supplementary to that question. Would it be possible to obtain copies for all Members of this House?

Mr. Chamberlist: I feel sure, Mr. Speaker that this could be done.

QUESTION RE
MOTIONS ON
CONSTITU-
TIONAL
REFORM

Mr. McKinnon: Mr. Speaker, we have a motion concerning the electoral districts of the Yukon which is presently in Committee and waiting further motions from the Member for Whitehorse East, concerning constitutional reform at the Yukon level. I wonder whether we may be assured by the Honourable Member that these motions will be forthcoming at this Session? I think that all Members feel that it is very important to continue our movement towards more responsible Government in the Yukon Territory?

Mr. Chamberlist: Mr. Speaker, I have every intention of bringing forward those motions once I have had an opportunity to study the tabled document that has been tabled in the other place.

QUESTION RE
CITY OF
WHITEHORSE
REPRESENT-
ATION

Mr. McKinnon: Mr. Speaker, a supplementary question to the Honourable Member for Dawson City asking for representation from a representative of the City of Dawson before Council on the Municipal Ordinance. We also have a request addressed to Mr. Speaker, that the ... that further representations be made from the City of Whitehorse. I wonder whether we couldn't set a certain day while the Dawson people are in town to have these final representations made on behalf of the municipalities and get the Municipal Ordinances completed in a neat package at one and the same time and ready for final reading before this House?

Mr. Chamberlist: Mr. Speaker, the Municipality of Whitehorse has

Mr. Chamberlist continues ...
been given every consideration in bringing forward their representations. I think that it is only appropriate that the opportunity should be given to the City of Dawson. I understand from the Honourable Member for Dawson that the people from Dawson are here in town. I think that we should give that consideration to them. Certainly, it is a questionable matter whether we must continue to carry on allowing the City of Whitehorse to dominate the affairs of the Territorial Council and the conduct of the Territorial Council. Therefore, I would suggest that we would have to be very, very cautious indeed when dealing with this matter. Certainly, I feel that the people from Dawson should have the opportunity to make their representations, because they were not available before.

Mr. McKinnon: Mr. Speaker, there is nobody who wants to see Council prorogued more than this Honourable Member. I think that the point is that we have had one very good session with the Municipality of Faro, and the Municipality of Whitehorse, that out of these discussions a lot of amendments came out to the Municipal Package of Ordinances. Now, most of these amendments are perfectly acceptable to all parties concerned. I think that we are arriving at a point where we are getting very good legislation. The point is, that there are a couple of problem areas which the Municipality of Whitehorse still has, and in these areas only, they would like to discuss further. I was just asking ...

*QUESTION RE
REPRESENT-
ATION OF
FARO*

Mr. Chamberlist: I rise on a point of order, Mr. Speaker, because I think that Mr. Speaker is allowing this ... what was a question in the beginning, getting into an area of debate. The Honourable Member knows full well that you can't do that.

Mr. Speaker: Let us discuss the situation in the Committee of the Whole.

Mr. McKinnon: My preamble was just coming to an end, Mr. Speaker, and the question was going to be, whether those areas which are still a problem to the City of Whitehorse and that they have asked to make representation on, will they be allowed to make representations on just those areas, not through the whole area and package of Municipal Ordinance, only those areas where they say they still have difficulties?

Mr. Chamberlist: With respect, Mr. Speaker, the areas that they have indicated in a letter that was sent to every Member of Council, the areas have already been discussed with them. I would not at this time go on a debate myself in this matter. If the Honourable Member wishes to raise the matter in Committee of the Whole, that would be the time to do it, not to debate it now.

Mr. Speaker: Are there any further questions?

Mr. Taylor: Yes, Mr. Speaker, this gives rise to a question that I would direct to the Honourable Minister of Health, Welfare and Rehabilitation. In light of what he has just replied, does this mean that Faro will also be excluded from making representations in respect of the recent amendments, of which they have not had a chance to deal with?

Mr. Chamberlist: Mr. Speaker, there has been no suggestion of exclusion. The Honourable Member is using words that really do not conform to the question that had been raised by the Honourable Member for Whitehorse West.

Mr. Taylor: Then I may take it, Mr. Speaker, that I might ask the Honourable Member if I then take it from his reply that they will be permitted the opportunity to make representation on this Municipal Package?

Mr. Chamberlist: The Honourable Member cannot indicate, if he does not understand what my reply was, cannot indicate what might be his opinion of my reply.

Mr. Speaker: Are there any further questions?

*QUESTION
RE
MEDICARE*

Mr. Stutter: Yes, Mr. Speaker, I have one further question for the Minister of Health, Welfare and Rehabilitation. Inasmuch as the deadline for the registration under the Yukon Health Scheme was well over a month ago. I am wondering if there has been any breakdowns yet as to the numbers of the three types of policy, that is the numbers that have enrolled as single participants, the number that have enrolled as doubles and the number that have enrolled under a family plan?

Mr. Chamberlist: Mr. Speaker, I must first indicate that the deadline for registration of the Plan is when the Plan goes into effect, and that is April 1st, 1972. The registrations that were asked for was to help the Administration in getting certain administrative functions formalized. Certainly if the Honourable Member wishes information in relation to those particular categories of registration, we may be able to get this from the computerizers who are putting this through the computer machine.

Mr. Stutter: A supplementary question, Mr. Speaker, I wonder if the Minister could tell me how many persons for purposes of making estimates, how many persons are considered to be in a family? Is this three people, four people, six, how many?

Mr. Chamberlist: At the moment, based on the registrations that we have received, and based on information from other jurisdictions, it ranges between 2.91 and 3.4.

Mr. Stutter: Supplementary, Mr. Speaker, I don't want to particularly get into a debate at this point. It does seem then that the Paper before Council yesterday which gave estimates for the purposes of arriving at the amount of funds available for this new scheme. Even if we use four people as a family, we come up with 11,700 people to pay into this scheme. We were told recently that well over 14,000 had registered. Is it not possible, this is my question to the Minister, is it not possible that the fund is actually going to have considerably more in it than the original estimate?

Mr. Chamberlist: I wonder, Mr. Speaker, if the Honourable Member would take the opportunity that has been given to him during yesterday's debate in the Committee of the Whole to raise any matter with reference to the funding of the Medicare Program at that time when we go into Committee of the Whole. Mr. Speaker, an Honourable Member indicated that the House was not prepared, and I especially, was not prepared to allow the Honourable Member from Dawson anyleeway, in asking questions I would like for him to be able to drop it at this time and raise all his questions when we are dealing with the Budget in Committee of the Whole. Is the Honourable Member agreeable to do this?

Mr. Stutter: Agreed, Mr. Speaker.

Mr. Speaker: Are there any further questions?

*QUESTION RE
OPPORTUNITY
FOR YOUTH
PROGRAM*

Mr. McKinnon: Yes, Mr. Speaker, I would like to ask either the Commissioner or the Executive Committee Member in charge of Education. The Opportunities for Youth Program, the applications had to be in by March 8. I was wondering if they could tell me how many projects were applied for by groups in the Yukon Territory for the Opportunities for Youth Program for this summer?

Mrs. Watson: Yes, Mr. Speaker, I can answer that. The applications did not go through our Department. They had to be made directly through, I believe that it was the Vancouver office. We would have no idea of how many applications were made for Opportunities for Youth Program. However, Mr. Speaker, I would like to add that last year Imperial Oil provided Opportunity for Youth Program for three students from Yukon, and they have made this offer again to three students in the Yukon Territory.

Mr. McKinnon: Mr. Speaker, a supplementary question, I wonder if the Government would determine how many Opportunities for Youth Program were applied for, from the Federal Government? Certainly, this information has to be available out of the Vancouver office if there were a certain number of Yukon projects that were applied for.

Mr. Commissioner: Mr. Speaker, we could make an attempt, but I am not optimistic that they will give us this information. After these programs have been analysed, then I think that the information would be forthcoming, but I question very much if they would have this information isolated at this point in time. We will certainly make inquiries.

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

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

MOTION CARRIED

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

MOTION CARRIED

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

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title of Bill No. 11, Municipal Elections Ordinance, be adopted as written.

MOTION CARRIED

Mr. Speaker: Bill No. 11 has passed this House. 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. Stutter: 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, Sessional Papers and Motions. Are you prepared for the question? Agreed? I declare the 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

BILL #11
AMENDMENTS
FIRST
READING
MOTION
CARRIED
BILL #11
AMENDMENTS
SECOND
READING
MOTION
CARRIED
BILL #11
THIRD
READING

Mr. Chairman: At this time I will call Committee to order. We have with us today Mr. Miller and Mr. Fleming.

VOTE 05

Mr. Chamberlist: Mr. Chairman, I would like to answer a question, one of the many that was asked by the Member from Whitehorse West. Most of the questions are being prepared in written form so that if you have any questions..The question relates to the Maryhouse and the use we make of it in the Welfare Department with indigent people that we have to bring in for medical treatment and the like. This is covered under Primary 52 of Establishment 532, Social Assistance.

EST 532

Mr. McKinnon: What amount of money is budgeted?

Mr. Chamberlist: If I recall there is something like \$600, \$800. What we do is we make an allowance of ...for Maryhouse of \$5.00 a day.

Mr. Chairman: Councillor Watson.

Mrs. Watson: Mr. Chairman, I have some answers for questions that were asked. There was one specific question regarding the status of the Yukon Trade Certificate. When trades people move from province to province, they must write an "Interprovincial Examination." This examination is Canada-wide and the same one is written in all provinces and territories. In order to write the "Interprovincial Examination," the applicant must have trade certificate from another province or territory. The Yukon Trade Certificates are recognized for this purpose. A further question regarding the six additional instructors at the Vocational School and the question was asked what areas were these instructors' man-years being used, six man-years I would say not six instructors. Plumbing and Steamfitting a pre-employment course -- one man-year; a Millwright (Mine Repair Mechanics) a pre-employment course -- one man-year. I might add here that this course has specifically been requested by the mining people of the territories. A B.T.S.D. IV course -- one man-year. The B.T.S.D. course is an upgrading course providing the background, the academic background in grades 11 and 12 in the Science, Math, and English areas in order to permit adults to gain academic standing to enable them to write the entrance examination for university or technical school. The fourth man year for a Lifeskills course, which we are presently using on a trail basis in the Small Business Management course and it has proved very successful. One man year for Driver Education, Truck Driving, and Home Management, and the Home Management will be the course which will be involved with the Rental Purchase Housing Scheme. Then one man-year for the Basic Prospectors, Heavy Equipment Operators, we need a second course for the Heavy Equipment. We have had such a demand, we are not able to fulfill the demands. We are hoping to put on another course. While we are with the Vocational School, I thought you might be interested in the courses that we offered this year 1971-72: Arts and Crafts, Automotive, Basic Mining, B.T.S.D. I, II, and III, Building Construction, Commercial Bookkeeping, Commercial Clerk Typist, Commercial Secretary, Cooking, Drafting, Electrical, Heavy Equipment Mechanics, Heavy Equipment Operators, Nursing Assistants, Welding. And these are the extra courses: Heavy Equipment Operators--we are trying B.T.S.D. IV on a trail basis in conjunction with the Collins School, Child Care and Home Management, Small Business Management, Basic Prospecting -- two courses one at Upper Liard and one going on at the present time at Pelly River, and the Commercial Clerk Typist course. In 1971-72, the night school courses that we offered for trade trainees: Welding -- we had three courses, Plumbing and Pipefitting, Stationary Engineers, Small Engines, Machine Shop Practices, and Auto and Heavy Equipment Mechanics. There was a further question asked regarding the students that we are presently bussing. These are just estimates, you will have to understand they are not exact figures. Students bussed to schools in the Whitehorse area

VOTE 03

Mrs. Watson continues...

total number 1,426. Students bussed to schools in the areas outside of Whitehorse -- 699. Students bussed who live within the two mile limit, now these are definitely approximate figures in Whitehorse -- 393, outside of Whitehorse -- 200. The breakdown of students in accommodations: Tagish House -- 12, Private Accommodation --27. There were further questions asked regarding the Recreation Branch of the Department of Education and that information is being prepared at the present time.

Mr. Chairman: Thank you Councillor Watson. I believe Mr. Treasurer also has some answers concerning the Budget.

Mr. Miller: Mr. Chairman, the question was asked as to the rental rate charged in the Watson Lake Recreation Administration building.

Mr. Chairman: Order please.

Mr. Miller: The rental for the main floor is \$6.40 per square foot, the rental rate for the basement is \$3.00 per square foot. A further question was asked requesting a breakdown of the insurance estimate of \$49,000. and I have this available and will hand out tomorrow. That's all the question, right?

*SESSIONAL
PAPER #4*

*SESSIONAL
PAPER #10*

Mr. Chairman: Before we proceed with our task on the Budget here, I have just have one matter I intended to bring to the attention of the Committee yesterday, in respect of Sessional Paper No. 4, or Sessional Paper No. 10, respecting Telesat representation to Council. We have been informed that these people will be in Whitehorse on Monday, March 27 and would be available to Committee on the morning of Tuesday, March 28. I have tentatively, on our behalf set this up. Is Committee in agreement with this?

Mrs. Watson: Mr. Chairman, may I ask you to repeat that?

Mr. Chairman: May be represented, the representatives of the Telesat program, the Information Officer a Mr. Murphy and a Mr. Steers will be in Whitehorse on Monday, March 27 and available to Council following the Orders of the Day on Tuesday, March 28. Councillor Stutter?

Mr. Stutter: Mr. Chairman, if I am going to be permitted by Committee just to go back briefly. There is only a couple of things that I want to bring up at this time. One of them is just to pursue a little bit further with one question that I raised this morning in the House, and that is... I would like to clarify my remarks by saying there is no way that I intend to vote against Medicare, I've supported it all along, I even voted against it the other day for a petition. I will continue to do so. Under the revenue part, this pamphlet that we were given yesterday or that Council was given yesterday, I do find an area where I am having a little difficulty with and it seems to me that if we use D.B.S. figures, particularly for a family the estimates that are used, or the figures that are given here come up with an estimated \$661,500. from premiums is derived only from 11,700 people. Now if we are going to use 18,000 as a population of the Territory, it leaves a difference of 6,300 people. We have already been told that well over 14,000 people have registered. What I would like to get at is, how many people or what is the estimated figure being used, as to the number of people in the Territory that won't be paying premiums, that won't be having their premiums paid by some other Government agency. In other words the people that can't afford them, the indigents, whatever you want to call it? How many people won't be paying premiums, and about how many people will be paying premiums? There does seem to me that the funding could well be even in excess of this \$661,500. I don't find any fault with the first part, because that is definitely tied to the population, no matter who pays the premium. But the second part, the people who will be paying the premiums.

Mr. Chamberlist: Mr. Chairman, this is understandable and should be asked.

Mr. Chamberlist continues...

I must firstly point out that the... the only part of this paper that is subjected to D.B.S. census, 18,000 is the population figure. The premiums estimate, estimated on the basis of information received by the Administration with reference to the number of single people, couples, and families that exist. The question relating to who will not be paying, doesn't apply because everybody will be paying into the plan. If the Department of Indian Affairs and Northern Development for example, will be paying for indigents, status Indians. They will be paying their funds into the plan. Wherever people are going to be asking for assistance, premium assistance they are still included in the number of families and the number of single people and the number of couples. It is very very difficult to give at this time, an average of how many people are in a family. We have families ranging up to ten, in fact some with other dependents. Then on the other hand, we have some families with only one dependent. So we have assessed the number of families, but not really assessed the number of average persons per family. The information that I gave this morning in the House, Mr. Chairman, was the information that in jurisdictions there has been in the region of 2.9 and 3.4 per family. In Saskatchewan the family rate is 3.9, but it has been averaged over the whole of Canada. Although the question, it's a sound question in relation to this particular point that we did take..multiply 1,800 by 3, if we use the same figures this was just give us 5,400 people there and would give us 900 people for couples, that is 6,300 plus 3,600. It would give us about 10,000 people. On that basis certainly it is lower than the 18,000, from the fact that we do have many large families is the reason why we have indicated this. Now these are premiums we must keep in mind that we are expecting from people who we would be billing directly, and then on top of that are the people who would be paid for by the Department of Indian Affairs which is added to this amount. This information will...after all registration is complete. This information will be coming to the computer system and this is one of the areas where information of this nature will be made available to Members of Council or to the general public because it will be an easy way to do it at that time.

VOTE 05

Mr. Stutter: Mr. Chairman, to begin with I don't see how an average of anything less than three could be used, for the simple reason you've got a three part structure in premiums per family, you've got to have at least three so it has to be over three, you couldn't possibly have an average of three or less than three. I asked this question to Mr. Armstrong when he was here and I think he did quote pretty well the same figures that it was just about 3.9. Well even if you take 4, though, my point is that this \$661,500 would be derived then from population just under 12,000. So if you take a population of 18,000 it should be about 50% or \$330,000 more than we show here. Whether that premium is paid by the individual or whether that premium is paid by the Federal Government. It does seem to me that we may end up with about \$300,000. more than is shown here.

Mr. Chamberlist: Does the Honourable Member mean that \$300,000 more in premium amounts? Because I think that it may well be that the result of Indian Affairs portion which would be paid into the fund, more money might be derived from that. But perhaps, Mr. Treasurer could indicate whether there was any adjustment considered in relation to this amount of money based on premium value.

Mr. Miller: I understand, Mr. Chairman, that we expected to collect from the number of people that were included in the Department's estimates and that includes all people whose premiums would be paid by the Department of I.A.N.D.

Mrs. Watson: Mr. Chairman, surely the Honourable Member who is responsible for Yukon Health Care Insurance Service would be able to get the figures and the calculations that the Department used. The basis that they are using to arrive at the \$661,000 in the recovery section. This is the question the Honourable Member is asking. And if

Mrs. Watson continues...

information could come from the Administrator of this Health Care Scheme, I'm sure it would clarify it for the Honourable Member.

Mr. Chamberlist: Well, Mr. Chairman, I'm quite prepared to get these figures as promptly as possible. So that we can have an explanation of that particular figure, but I do see the point that was made by the Honourable Member in this. So, Mr. Chairman, perhaps when we have finished discussing this item I will bring the information forward.

MOTION #20

Mr. Stutter: That's find Mr. Chairman, I'll wait for that information. The only other point is that I would agree to discuss at this time to bring me up to the points, so we can carry on from here. It was my motion, Motion No. 20. I was asked to leave that motion until we came to the Health and Welfare Budget, now you've gone past the section where this should have been discussed. So I would like to bring that up now. Oh, my motion, Motion No. 20 was that, "It is the opinion of Council that the Administration request the Department of National Health to provide equipped dental offices in the communities of Watson Lake, Mayo, and Dawson City to permit regular periodic dental care."

*VOTE 05
EST. 502*

Mr. Chamberlist: This doesn't come, Mr. Chairman, doesn't come under this Primary because dental care is not part of Yukon Health Care Insurance Plan. Dental care is part of the Department of Northern Health Services Operation and we have been going consideration to the item that has been suggested that this equipment be brought forward. If the Honourable Member would care to look back into the Vote and just let him have the opportunity contrary to what the Members have said. That deals with 502, it's Establishment 502, General Health Services, and that's page, Vote 05, page 4. Now the Honourable Member will note that we made provision for... to have it decreased this year in \$47,885. In breaking down on this sheet will be rather would seem what the O & M costs here. Now the unfortunate situation, with reference to the Northern Health Services is that they have provided no capital funds for this year. It would...the request that has been made by the Honourable Member from Dawson would entail capital funds. I wonder if Mr. Treasurer could confirm....

Mr. Miller: Mr. Chairman, there are no capital funds allocated this year, for any expenditures, on behalf of Northern Health Services. They have requested them, but not received them.

MOTION #20

Mr. Chamberlist: So, this is the position, that we are faced with now. I am prepared to take the suggestion, that the Honourable Member has made in his motion, and discuss this with the Budget Review Committee to see if any funds can be made available for a capital expenditure of this nature. I am in agreement with the suggestion that has been made. There is a need, after examining the situation, for central facilities to be placed in these communities; perhaps in a day or so, we would be able to give the Honourable Member an answer as to whether we are able to do it, or otherwise.

Mr. Stutter: Well, Mr. Chairman, if I could just pursue it a little further then. Is the Minister suggesting, that now, if funds can be made available, or if there is a possibility of proceeding with this that it would be done totally on the Territorial level, and not involving the Department of Northern Health?

Mr. Chamberlist: No, Mr. Chairman, we have to involve the Department of Northern Health because we have a cost-sharing arrangement, even in capital expenditures, with the Department.

Mr. Stutter: Well, again, Mr. Chairman, I still can't quite see why we shouldn't proceed with this motion, which is requesting the National Health side of it.

Mr. Chairman: I shall call the motion, again, from the Chair. This is Motion No. 20, moved by Councillor Stutter, seconded by Councillor Taylor, that it is in the opinion of the Council, that the Administration request the Department of National Health, to provide and equip dental offices, in the communities of Watson Lake, Mayo, and Dawson City, to permit regular periodic dental care.

Mr. Chamberlist: Speaking on the motion, the reason why I asked for this to be discussed at this time; I couldn't disclose before, that there were no capital funds in the Budget, for this area. It was a matter of talking on a budgetary item. This is why I asked that this be done this way. Certainly, I hope that all Members will support the motion.

Mrs. Watson: Mr. Chairman, I believe that I indicated at the time the motion was being dealt with, that I wanted the community of Haines Junction included in the ... North Highway area, in the motion.

Mr. Chamberlist: Well, it doesn't need to go in, with respect, because the understanding is that, facilities should be made available in all these areas.

Mr. Chairman: Teslin as well; we could add every community onto it.

Mr. Tanner: Mr. Chairman, I think that the Honourable Member from Carmacks-Kluane has a point. She specifically asked last time for it to be included. I think that it should be included.

Mr. Chairman: Why not all nursing stations; Teslin says if Haines Junction gets it, Teslin gets it.

Mr. Chamberlist: I would move that the motion be amended, by adding, immediately after Dawson City, "and Haines Junction".

Mr. Chairman: Could I have a copy of the Member's amendment?

MOTION #20 Mr. Stutter: Mr. Chairman, while I'm not the mover of the amendment...

Mr. Chamberlist: Do you want it written out?

Mr. Chairman: Yes, I would prefer to know what it is. The motion was made instantly, in Committee, a little too quickly for the Chair to note.

Mr. Chamberlist: It gets very complicated, Mr. Chairman, I'm sure.

Mr. Stutter: Do you want me to read it out? Well, the amended motion, Mr. Chairman, would read, "It is the opinion of Council, that the Administration request the Department of National Health, to provide and equip the dental offices, in the communities of Watson Lake, Mayo, Dawson City, and Haines Junction, to permit regular periodic dental care".

Mr. Chairman: I wonder if the Member would care to include Teslin, in that?

Mr. Chamberlist: It's too late. There is already an amendment on the floor.

Mr. Stutter: Mr. Chairman, I'm afraid that I would have to withdraw my motion, and start listing all the communities in the Territory, because after talking to the dental people, and I won't mention the name again, since I was brought up short for mentioning it before. After talking to certain dental people, I'm given to understand that the three areas, that were mentioned, and now possibly Haines Junction, because we are looking for a considerable increase in population there, and hoping for it, perhaps could be included. But from their point of view, these are the practical areas. I think if you are to go beyond that, you'll end up including Old Crow, Gravel Lake ...

Mrs. Watson: Mr. Chairman, I specifically requested that Haines Junction be included, not just the community of Haines Junction, but for the whole North Highway area. There isn't a service there at all; people have to drive all the way to Whitehorse.

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

Councillor Stutter takes the Chair.

Mr. Taylor: Well, Mr. Chairman, I thought that this matter was understood the other day, but it has been suggested here, that Haines Junction is to be included, which is one hundred miles out of Whitehorse; then, certainly Carmacks and Teslin must be included, as well. Now, the point made by the Honourable Member from Dawson was found, because quite often, the dentists fly to these places, by aircraft, rather than go by car. With the provision of dental care in these three communities, it's possible for the dentist to get on an airplane, with his bag of instruments, and go down and give dental care. That is the reason behind the motion. If now, we are to say, that we are going to add Haines Junction, one hundred miles from Whitehorse, where you drive to; then most certainly, in all fairness to Carmacks, which is one hundred miles from here, and most certainly Teslin, which is one hundred miles from here, they must be included in the motion. So, I would suggest that, rather than starting to take this motion apart and produce midnight amendments to it, you say, "and all nursing stations in the Territory". This would possibly satisfy the problem, but if you are intent on amending this motion, to include Haines Junction; in all fairness to other people, then you must include Teslin and Carmacks as well.

Mrs. Watson: Mr. Chairman, Haines Junction is the only center, in all of the North Highway area, that even has a nursing station. Therefore, this is where your dental equipment should go; in order to serve the people of that area. In other northern areas, you have Mayo and Dawson, they serve the people of that area. We have this one nursing

Mrs. Watson continues ...

station. I don't think that it is too much of a request.

MOTION #20

Mr. Taylor: I don't have the population figures right at hand, at the moment, but I think that you'll find by population, that Teslin and Carmacks are the bigger population areas, either one of them, than Haines Junction. Certainly, they should be entitled to this dental facility, if it is to be made available to the people of the Yukon, on an all nursing station basis; otherwise, let us take the three that we've got here, where aircraft can service these areas, and start remedying some of these defects, in the outlying areas.

Mr. Chamberlist: This is the fact, that we are going to start on these three areas that have been named. The suggestion that the Honourable Member is now making and carries its weight, we'd have to cut off everybody else, that is something that I don't accept. Also, he has not indicated, whether money could be made available if you keep on adding more and more places. We are going to be limited in what we can do, in what we can do in the way of funds. There again, the Honourable Member knows this, that has spoken, but he is not thinking in those terms. I wish that we would go ahead, Mr. Chairman, and vote on the amendment.

Mr. Taylor: With respect, Mr. Chairman, I should point out, that we are talking about communities. Teslin is a community by D.B.S. figures, preliminary figures of 425, and I am sure that there are more residents in that area than that. In Carmacks, we have approximately another 420 people. In Haines Junction, we have 182 people, plus, as the Honourable Member said the people on the North Highway area. I think it is beholden upon this Administration, in considering such a thing, to provide both Teslin and Carmacks with this facility. It is indicated here that the populations are greater in those areas. As far as I am concerned, if you rule them out, if you rule out Carmacks, if you rule out Teslin, which are one hundred miles distant from this place, then all you are doing is feather-bedding.

Mr. Chamberlist: Will the Honourable Member suggest where we should raise the money?

Mr. Taylor: Yes, Mr. Chairman, by if necessary, curtailing a program. That's very simple. You let me get in that Budget, as it is now, and I'll find you the money. This is what I say, I will find you the money. Maybe the Honourable Member might explain the reason why there is no health capital in the Budget.

Mr. Chamberlist: The Honourable Member who has just spoken, doesn't require the explanation himself, because he was given the information. Now, he wants me to expose the situation. Well, the whole point is, that there is no availability for new northern health projects this year. There is no way, that I'm going to allow the Honourable Member to come forward with the suggestion, that he knows full well the reason for it, which is cloaked in some secrecy, to attempt to get me to disclose what funds are available, and what funds are not. The Honourable Member should stop putting on an act for the Public Gallery, and getting down to the functions of what he is supposed to be doing, especially in this Budget, that he had so much to do with arranging this Budget. The Honourable Member from Dawson has come forward with a sound request, for a consideration, that was overlooked before. Certainly, because it has been overlooked, and because Members of Council recognize that there is a necessity to fulfill the function, of supplying dental services in outside areas and making available facilities, so that those dental services can be supplied. Most Members of Council are sympathetic to this, and are not putting on an act. I would ask, Mr. Chairman, that the amendment be voted on, without any further clause.

Mr. Taylor: Well, Mr. Chairman, I would also ask that we have an answer to the question, that I just asked. I am aware, in part, up to

Mr. Taylor continues ...

MOTION #20 the time I was chucked off the Finance Committee, of why there was no capital money in the Health Vote. I merely asked the Member to explain to all other Members the reason, that there are no capital funds in the Health Vote.

Mrs. Watson: Mr. Chairman, I suggest that we vote on the motion. The request, that the Honourable Member has asked, has nothing to do with this vote.

Mr. McKinnon: Mr. Chairman, before the question is called, I am in full agreement with the motion. I think that any facilities that we can provide, for the dental treatment in the outside communities, would be most appreciated by the people of the Yukon. As we all know, we do have problems in health and dental care, and we seem to be alleviating these more and more, as the years go on. It is an expensive proposition, but I think that it is money well spent. If the motion goes, as it is at this time, it means that each Member from outside of the Whitehorse area has at least the possibility of getting one clinic set up in his constituency, in the next fiscal year, possibly. That's a start. We would like to do more, but at least the areas of greatest needs, Mayo, Watson Lake, Dawson City, and Haines Junction, are going to be served, if the motion meets with the approval of the Department of National Health and Welfare, on some kind of a cost-sharing basis. I think that it is a start, and mind you, it may not be a start, that people feel is substantial enough. But at least, each of the constituencies, outside of Whitehorse, in the areas of greatest need and greatest population will have dental facilities provided. I think that it is a fair start, and a pretty equitable way of going about the first stage of the program, that we're setting out on. Because of these reasons, as I say, I am in full agreement with the motion. I hope that if this motion does meet with success, that we will have further initiative from the Department of National Health and Welfare, and this Council, to get further dental offices in other communities, as the years go on.

Mrs. Watson: Mr. Chairman, I would be quite prepared to support a further motion where the Council make recommendations that the Northern Health consider making these facilities available in all of their Nursing Stations, and when they are constructing new stations, to put these facilities in. I would be very prepared to support a motion of this sort. VOTE 05

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

Mr. Taylor resumes the Chair.

Mr. Chairman: Is there any further discussion on the amendment? I still do not have the amendment. I know what it means but I haven't got it spelled out here. There's two ways of...2...yes I know what it means. But there are two ways I would describe it. I would suggest that possibly the best way would be to say that we amend Motion No. 20 to read as the Honourable Member has described it. Would that be agreeable? Agreed. All right. It has been moved by Councillor Chamberlist, and I believe, seconded by Councillor Watson...seconded by Councillor Tanner, ... It has been moved by Councillor Chamberlist, seconded by Councillor Tanner, that Motion No. 20 be amended to read as follows; "it is the opinion of Council that the Administration request the Department of National Health to provide and equip dental offices in the communities of Watson Lake, Mayo, Dawson City and Haines Junction, to permit regular periodic dental care." Are you prepared for the question on the amendment? Are you agreed? I declare that the amendment is carried. Are you now prepared for the question on the Motion? Are you agreed? I declare that Motion No. 20 is carried.

MOTION CARRIED

MOTION CARRIED

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

RECESS

RECESS

Mr. Chairman: At this time, I will call Committee back to order. Is there anything to debate? As I said before, we need help and I have another question I'd like to ask from the Chair. In respect of premiums assistance. Is premiums assistance funded from the Plan or funded from the Welfare Budget?

Mr. Chamberlist: It is funded from the Plan.

Mr. Chairman: My second question will be, what percentage is estimated of the fund will go toward premium assistance?

Mr. Chamberlist: We don't know. It's an unknown quantity, Mr. Chairman, and until such time as people make application for premium assistance, we will not know. Mr. Chairman, I am going to go from the ordinary in this particular area, and I'm going to move formally in Establishment No. 525, of Vote 05 be moved out of Committee.

Mr. Chairman: I think the Member will have to restate his Motion in a different manner, because we can't move it out of Committee as approved as it's not...

Mr. Stutter: Mr. Chairman, I would like to ask if that item in our present Budget reflects the decrease in DBS for the estimates of the population?

Mr. Chamberlist: That's yes, with respect, Mr. Chairman...

Mrs. Watson: Mr. Chairman, might I suggest that the Honourable Member would like to withhold his Motion until after the information has been provided to the Councillors.

VOTE 05

Mr. McKinnon: Mr. Chairman, I wonder if Members of Committee could have a breakdown of the number of inmates in the Correctional Institute during the separate twelve months of the past fiscal year, and also the number of the recidivits, that beautiful word that they're using now in the penal language, for two time losers. I think it would be interesting to know just how many of the people who are inmates at the Correctional Institute are coming back for second or third times. I think it's probably necessary to know whether our parole program is working out to any satisfaction, in any way shape or form. Also, I would like to have a breakdown of the relative age categories of those people who were incarcerated in the Whitehorse Correctional Institute during the past fiscal year. I would also like, Mr. Chairman, a breakdown of the percentage of those of native origin who are incarcerated in both the Whitehorse Correctional Institute and the Wolf Creek Juvenile Training Home, and the percentage of the number of guards who are of native origin in both the Whitehorse Correctional Institute and in the Wolf Creek Training Centre.

Mr. Chamberlist: Well, Mr. Chairman, all this information has always been made available in numbers but not by name. And the question whether we keep records of native or non-native people is not a usual requirement of Government to do. The Government of the Yukon Territory tries its utmost not to be segregationists in any of its views in separating totals by the ethnic groups. However we will see if anything can be done in this particular regard. I can indicate at the present, we have no guards who are native, who are employed in the service. There have been two. One for some considerable time, who left the employ of the department and now works for the City of Whitehorse. Another person who left the employ of the Government and finished up on the other side of the establishment. We have always been trying to get people of native origin to participate in this program, and if any Honourable Member knows of any suitable persons who, irrelevant of whether they are native or otherwise, we have facilities available for extra staff and we will be only too pleased to afford native people in particular the opportunity to enter the corrections program for the Government of the Yukon Territory.

Mr. Tanner: Mr. Chairman, I would point out for the Honourable Member's perusal, that on page 19 of the Commissioners opening address he remarked on the ...of information ... Institutes as compared to the rest of Canada.

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

Mr. Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, inasmuch as we are going backwards through the Budget in this particular deal, we have not yet dealt with the capital side of this Vote or any other Vote, but there is an amount of \$100,000.00 capital for the development of a Juvenile Training Home and I must assume from the way all this is lumped, that some of the monies from the O & M side will be going into this Juvenile Training Home. Is this correct?

Mr. Chamberlist: The answer is, no. Again I must inform all Members of Committee that the answer to that question was already known by the Honourable Member.

Mr. Taylor: Well that is not quite correct, because I have not been attached to this Budget for some couple of months or so... But in any event, I'm wondering if the Minister could indicate where this Juvenile Home is to be located. There has been much representation by former Councils on this subject and it was suggested that it be constructed outside of the City of Whitehorse. At one point it was suggested that it go to Haines Junction, and it was also suggested that it go to Watson Lake. I'm wondering if now the Minister could indicate where this facility will be constructed?

Mr. Chamberlist: Mr. Chairman, when we come to the matter of capital amounts, I'm sure the Honourable Member can put his question at that

Mr. Chamberlist continues....
time. We are now dealing with O & M.

VOTE 05

Mr. Taylor: May I thank the Member for his courtesy. I will resume the Chair.

Mr. Taylor resumes the Chair

Mr. Mc Kinnon: Mr. Chairman, one of the complaints that one hears constantly of the Whitehorse Correctional Institute and the Juvenile Training Centre, is that the Rehabilitation Program is not active enough. I wonder, Mr. Chairman, whether we could have a report of the Rehabilitation Program of both the Whitehorse Correctional Institute and the Juvenile Security Home, and whether it is the intention of the Government to expand the rehabilitation training program in either or both institutes in the future?

Mr. Chamberlist: Yes, Mr. Chairman, we will make that information available to you.

Mr. Chairman: Is there anything further on 560 in the amount of \$826,147.00? I believe this is as much information as will come on this particular vote.

Mr. Chamberlist: Well, with respect, Mr. Chairman, it's not information to come on the vote itself, but information of a general nature in the operation and conduct and program of the Corrections Branch. I think this is a question...these are the questions that the Honourable Member from Whitehorse West, has asked, for information in relation to the administration this afternoon....

Mr. McKinnon: I'm asking a question at this time, Mr. Chairman, because upon analysis of the information that has been made available to me, I think I can determine whether the money is being well spent in the Corrections Branch of the votes. You call that information ..., I find it difficult to clear the vote from Committee.

Mr. Chairman: Well the next vote is Local Government...Order please. The next vote is Vote No. 6, Local Government. Do you require any witnesses in this department? I, personally, would like Mr. Bilawich to be here for part of this.

Mr. McKinnon: Agreed.

Mrs. Watson: Mr. Chairman, I think Mr. Fleming and the Treasurer can answer all the questions respecting Local Government...

Mr. Tanner: Mr. Chairman, surely at this time it would be a little impractical to ask Mr. Fleming to come right now. Why don't we go through and then ask him to come back after the lunch hour. Could I address a question, and maybe some Member...and ask just why generally the Budget for this department is increased by \$388,000.00, when in actual fact, as far as I can understand it, the obligations and various duties of which this department has got to carry on next year are not as great as they were last year.

Mr. Commissioner: Mr. Chairman, a very cursory look at page 6 - 1 will answer the Honourable Member's question. In the administrative component which is the head office overhead, if you wish to put it that way, indicates very clearly that the duties that we are diluting from this department in that context are reflected in the salary vote area, that are being diverted to the tune of \$27,000.00. The substantial increases are in those areas in which Council has been continuously seeking advise and help from the Department of Local Government. Community planning, protection services, land disposal and assessment services, the accommodation services which is a, I think the Treasurer will agree with me, this is really a net in and out to a very marked degree, item here. It does show an increase here but the recovery block sure will reflect a very substantial

NOTE 05

Mr. Chairman: Is there anything further? The next item is Vote 05, Corrections Branch in the amount of \$826,147.00. Any questions?

Mr. McKinnon: Yes sir. Sure have. Mr. Chairman, I was wondering whether the Honourable Member in charge of Health, Welfare and Rehabilitation, can give us an outline of the program that will be done in the field this summer by inmates of the Correctional Institute? How these programs are working? How many satellite camps will be established, and programs of this nature?

Mr. Chamberlist: I can bring that information forward, Mr. Chairman, but is the Honourable Member referring to any specific item in the Budget?

Mr. McKinnon: Mr. Chairman, I don't know which item that would come under salaries. Generally, it has always been traditional, this is the only plank in the course of Committee that we have the ability of examining the programs that we're spending the money for. And the program of the reconstruction of the Chilkoot Trail is one of the items...of the White Pass...one of the items where the satellite camps have been established, and worked successfully in the past. I feel that this was ...in talking with the directors and the guards who were on it and some of the people involved, that this was a successful program. I would like to know whether this type of program is going to be expanded and whether the inmates, rather than being incarcerated in the Corrections Institute for all the period of their time, are going to be given the ability of going out on these work projects, and just what these projects are going to be for the next fiscal year.

Mr. Chamberlist: Mr. Chairman, if the Honourable Member would have asked me that question the first time around, I would have been able to answer him. It is the intention to carry out further work on the Chilkoot Trail, and also wherever possible make available for outside the Institution, for those inmates that are not considered security risks, to have outside projects. If the Honourable Member wishes to know what is proposed by way of projects arranged, he should ... In the various areas of the the Votes that the Honourable Member wishes to ask an explanation of any particular one, I will be only too glad to give him an explanation.

Mr. Tanner: Mr. Chairman, could the Member in charge of this Department give us the assurance that any inmates being let out, are not going to be let out to get married?

Mr. Chamberlist: Yes, he has my assurance.

Mr. McKinnon: Mr. Chairman, every year in the estimates of the Corrections Branch, we have questioned the cost of the charges made by the Department of Public Works for heating of the Correctional Institute. Members of Committee have always felt that the Department of Public Works charges were too high. One of the reasons that the Corrections Institute was built was to take advantage of the excess steam heat that was available from the boilers from the Department of Public Works. I wonder, Mr. Chairman, whether the Member has been able to negotiate a better deal with the Department of Public Works concerning heating of the Correctional Institute. I see that Mr. Commissioner looks as if he is prepared to answer this question.

Mr. Commissioner: Mr. Chairman, the file must be an inch thick on engineering calculations to determine whether or not the charges were justified. This was entered into approximately two years ago as a consequence of not only questions asked on the floor of the Council but an internal examination of whether we should put in our own heating plant and the results were very heavily weighted in favour of staying with the present arrangement that we have with the Federal Department of Public Works. Similar arrangements on a similar cost calculation basis exists so far as the Takhini School is concerned, and the burden of not having to maintain our own heating plant and it's necessary employees is really where the cost factor plays very heavily in favour of our present arrangement.

Mr. Commissioner continues....

increase as well, and in municipal services there is a very substantial increase here, some of which is the net effect on the Municipal Aid Ordinance. Am I not correct on this Mr. Treasurer? So I would trust, Mr. Chairman, that this would answer the generalized question from the Honourable Member...

Mr. McKinnon: Mr. Chairman, this is one of the areas where I have a lot of trouble with the scanty detail as is provided in the Budget because under the vote at the municipal government or local affairs, all Members used to be able to go to the communities within their constituency and see actually what the breakdown of services for the following year were going to be. How many street lights were going to be provided, the amount of upgrading of roads, the amount of roads that are going to be cleared, and this is all lumped in this Budget under Municipal Services, with no breakdown whatsoever in the various communities as to what actually is going to be done in the area of Operation & Maintenance, in those areas throughout the year. If I were still representing the constituency that were without the municipal area of Whitehorse, and I speak particularly of when I represented Whitehorse North and Whitehorse West before it became a part of the City of Whitehorse, I always wanted a breakdown of the services to Porter Creek, Crestview to Hillcrest, certainly to find out what could be expected in the level of services in those communities that I represented throughout the year. I don't need those breakdowns any longer because they are part of the City of Whitehorse Budget, and if other Honourable Members are prepared to accept just the lump sum of municipal services, of course, I have no objection to that. But I think, as I say, in past I always appreciated the breakdown of the cost of services within the various communities, and if the Honourable Members don't need the breakdown, I'm prepared to continue as the Budget is presented.

Mr. Tanner: Mr. Chairman, I would suggest that the Honourable Member has answered his own question, surely. Isn't it up to the other Members who are now involved, which he and I are not now, to that extent, isn't it now up to them to ask for that information should they require it?

Mr. Stutter: Mr. Chairman, I certainly will be asking for that information, for a complete breakdown on that particular item, Municipal Services. There is one item that will be coming up later that I have got a lot to say on, and that will be on the Grants and Loan one on 90 on 67. But if it is part of 605 I'll definitely be wanting a complete breakdown of that.

Mr. Chairman: Just in speaking from the Chair, that was my purpose in asking for Mr. Bilawich.

Mr. Commissioner: Mr. Chairman, with respect, Mr. Fleming carried the Executive Committee responsibility for this, and the Committee would agree to his presence along with the Treasurer this afternoon if he finds it impossible to answer questions, I would like to suggest that it is up to him to secure the services of the officers that come under his daily perview and secure those answers to satisfy the Honourable Member's questions...

Mr. McKinnon: Mr. Chairman, the point that I was trying to make, is that I was assured that these questions were going to come in, and when they come in this afternoon I'll be prepared to answer them so I won't be wasting time of the House in having to get the information because I was sure the Honourable Members would be asking for them.

Mr. Chamberlist: Mr. Chairman, I appreciate the fact that the Honourable Member from Whitehorse West is interested in obtaining the information from me as well, but I must simply caution him that every time he asks me for detailed reports, you place upon the administrative people in the various departments, day and night work to get those reports out, because they vary from time to time, and really the sug-

VOTE 05

Mr. Chamberlist continues....

gestion that he made earlier on when we dealt with corrections, with a half smile on his face, I knew what he was meaning by it. That he was just saying in effect that I can only make up my mind about this based on a report of what the department is doing, when all the year round he can ask continually for any specific reports on any particular matter, and this would have been given freely. But now it's waiting until the Budget comes along and now I'm asked for a report to extend indefinitely the time of this Budget program. I think that the Honourable Member only ties a title to whatever information he would like, ...asks specific questions about the Budget, not asking for overall reports, it is really hindering the Government in carrying out its function, and just be additional work. We have to get the people to come in in the night-time, in typing and things like that.

Mr. McKinnon: Mr. Chairman, most of the questions I asked in prior year's budgets, were there in the detail and going through the Budget the answers were forthcoming just from examination of the Budget. With the change in the Budget's presentation I made this case at the beginning of the Budget, but I thought there were going to be many questions of detail that would be coming which would have been answered previously if the same Budget format had been stuck to. The Honourable Member from Whitehorse East, may try to be convincing that I am some sort of an ogre who is putting this workload on the administrative staff. Nothing could be further from the truth because this information used to be made available at the presentation of the Budget to Honourable Members. The other point is, there is no way, shape, or form that the Honourable Member could ever hope to intimidate me in not performing what I feel is the duties and the rights of every Member to get complete satisfaction before he approves the most important item of the day, and the most important item that comes before the Yukon Legislative Council, the Budget each year. So all I can say to him is, nice try, but it isn't going to work.

Mrs. Watson: Mr. Chairman, maybe we should take the sensible approach to this, and we have just a few minutes left. If we could go through this area for establishing the primaries then possibly we could indicate what primary you wanted further information. And if we did this then probably Mr. Fleming would have this information for us when we reconvene at 2:00 o'clock. We're not gaining any information by this let's get down to work.

Mr. Chamberlist: Mr. Chairman, this is why I stood up earlier and asked the Honourable Member from Whitehorse West, whether he could indicate from the votes...the primaries themselves, what questions he wants to know specifically about any item. I'm prepared to give him whatever information he asks for. And I'm prepared to give it to him now. As explanation of every item. This is where I feel in general requests for report is one that really doesn't fit in, in this particular area. I ask him if the reverse acts correctly? If he would specifically ask information so that I know what he wants, what information he wants, instead of generalizing.

Mr. Chairman: I think at this time we will stand Committee at Recess until 2:00 o'clock.

Mrs. Watson: Mr. Chairman, maybe if the Honourable Members could indicate, in the primary, very quickly, then we would be able to bring the information, and have it here at 2:00 o'clock.

Mr. Tanner: Mr. Chairman, I would like a breakdown...

Mr. Chairman: We are recessed right now.

RECESS

RECESS

Mr. Chairman: At this time I will call Committee back to order. We are on Vote 06, Local Government and the the first item is Administration in the amount of \$101,330. Any questions on Administration, clear? The next item is Establishment 601, Community Planning, \$51,730.

VOTE 06
EST 600
EST 601

Mr. McKinnon: Mr. Chairman, I wonder if we could have a breakdown, on Primary 20 under Establishment 601, a new Vote this year, which I imagine will be types of town planning services, either provided by C.M.H.C. or professional consultants and I was wondering just what communities were going to be studied and planned in the Fiscal Year, 1972/73 with this amount of money for expenditure.

Mr. Fleming: Mr. Chairman, these are unspecified, at the moment, they are for engineering and survey costs in various communities that are required by the Municipal Planner and the idea is to get the Planner here first and then have him look at the various communities and at that time assign some priorities to the planning.

Mr. McKinnon: It would seem to indicate, Mr. Chairman, that the Municipal Planner, it would part and parcel of his duty to be doing this type of planning on an ordinary, it would be only where it was above and beyond his scope, in the higher Professional and Special Services that the \$31,000 would come into place. What I am trying to get at, is this \$31,000 that is budgeted for special additional Professional Services, above and beyond the expertise of the Municipal Planner, who I understand will be resident in the Municipal Government residence.

Mr. Fleming: He will pinpoint the need, once he has been to these areas and communities and following his professional advice on the matter, then we would call in other people to do the actual planning of the communities, the drawings and everything else that would be needed. These are for engineering survey costs, mostly, the \$31,000.

Mr. McKinnon: I'll see if I can get it clarified even more, will these be charges that will be made, primarily upon the other professional departments of the Yukon Territorial Government. The Department of Engineering, if the Municipal Planner says, we need a new plan of roads in this townsite, in Watson Lake, or wherever it would be, we need a new idea of system line. Will he go to the Territorial Engineering Department and they use their experts to charge back, to make up their \$31,000 sum and is this specifically for outside professional expertise to be coming to the Yukon and doing Town Development Planning?

Mr. Fleming: It is going to be both, and we would say there, just as a rough estimate because in no way of entering new ground here, it would be about a one third of our own forces and about two thirds for other outside assessments that we would have to have. This is just an estimate, at this time, a lot will depend on the Planner that we get and the type of expert help that he would need.

Mr. Tanner: Mr. Chairman, as far as the Community Planner is concerned, I see Wages and Salaries, the fee for the Community Planner, himself. Has the Department not estimated the cost that will accrue from having this gentleman.... having an, for example an officer and a secretary?

Mr. Fleming: There is not provisions for any support staff for this man at this time. It is just the one professional, one man there for a Community Planner and he will use the existing support staff within the Department.

Mr. Chairman: A question from the Chair, will this Community Planner be working in close association with people within the community he is planning?

VOTE 06

Mr. Fleming: Mr. Chairman, he has to, this is essentially his job, to go into the community. It is no planning from the desk in Whitehorse, it is planning on the ground in the communities.

EST 602

Mr. Chairman: Anything further on 601? 602, Protection Services Branch, in the amount of \$109,240. What is 61 composed of?

Mr. Fleming: Primary 61, is a maintenance fire-break.

Mr. Chairman: Are you clear then on 602? Councillor McKinnon?

Mr. McKinnon: Mr. Chairman, does this mean that the fire-breaks, that I think were completed last year and the year before, if they need maintenance in the 72/73 Budget already, will they need maintenance every one, two, three or five years? Just how often do they have to be bulldozed through again, to maintain their protective quality?

Mr. Fleming: Mr. Chairman, we are told by people who are experts in this field that the most dangerous period of time following the construction of a fire-break is the second year afterwards, when the secondary growth takes over and this is usually grasses, that when they weather and die are very flammable, so it is a question of continuing maintenance on these fire-breaks. You can't just construct them and leave them.

Mr. McKinnon: On a yearly basis?

Mr. Fleming: About every second or third year, according to the terrain in which they are located. This consists basically of plowing them over to turn the soil over the dead grass.

EST 603

Mr. Chairman: Anything further on Protection Services? The next item is Establishment 603, Land Disposal and Assessment Services Branch, \$78,570. Might I ask from the Chair, when the new land disposal policy will be presented to Council?

Mr. Commissioner: It is effectively ready for tabling, Mr. Chairman.

Mr. Tanner: It has more than doubled from last year.

Mr. Fleming: The biggest thing, of course is the additional staff to transfer, which you see at the bottom here, five have been transferred into this section, which in total are eight people. The staffing of it will be a Land and Assessment Administrator, an Assistant Tax Assessor, and six clerks.

Mr. Tanner: Could, Mr. Fleming indicate where we find a reduction in another department of those five people?

Mr. Fleming: Yes, it appears that it is spread throughout...600 is the one in which the main reduction is, if you look at the right, at the bottom, those people are spread...

Mr. Tanner: One other question in the same one and in the previous one 602, the same thing. We keep seeing these Professional and Special Services reappearing all the way through. Are these always outside of the department, does the Councillor for Whitehorse West know? Are they outside of the competence of department, itself normally? Was this an internal chart?

Mr. Fleming: Not necessarily in this case, this is broken down into purchase of maps \$500, survey and land inspections \$25,000 so this is work that we would be doing within our own forces and paying for it.

ST 604

Mr. Chairman: Anything further on 603? 604, Accommodation Services Branch, \$399,492.

Mr. Miller: Mr. Chairman, I might point out to Members of Committee, *VOTE 06*
that for the first time they are seeing a net Vote item. You will *EST 604*
notice under Primary 60, under Rental of Land and Buildings, there
is a recovery shown under that of \$267,000, you are being asked to
Vote the net amount in this case.

Mr. Chairman: Why in this case, why is this different?

Mr. Miller: Mr. Chairman, this is the office and warehouse space,
in the Whitehorse area that we charge back to each department, all
other rental is on a recovery basis, in that we get a recovery from
the occupier of the building. In the case of the office space we
are voting in individual departments and we are not allowed under
Government financing to vote it twice, we are only allowed to vote
it once.

Mr. Tanner: Mr. Chairman, perhaps the Treasurer could enlighten me
a little further, I asked the question a couple of days ago in the
same area, where for example we are renting space to the library
in Watson Lake, will that recovery show here?

Mr. Miller: That recovery will actually show here.

Mr. Tanner: In that case could I ask the Treasurer why we rent out
the space, in Watson Lake for example to the library, I think the
Vote further down in the library section is \$10,000 is the rental
they are paying, which would work out to \$6.00 or \$6.50 a square
foot. The space is at prime rental space in the middle of Whitehorse,
heat and all services included in the rent, why for that sort of money why would
we be charging that much for Government office space in Watson Lake?

Mr. Miller: Mr. Chairman, you will find that the prime office space
in downtown Watson Lake is the same as it is in Whitehorse, \$6.40 a
square foot. The post office in Watson Lake is paying \$6.40 a square
foot...In the case of the library, Mr. Chairman it is purely a book-
keeping entry, that's all it is, to get the true cost of the library
service.

Mr. Chairman: Anything further on 604? 605, Municipal Services *EST 605*
Branch, \$1,120,703. I just wonder from the Chair if we could have
provided to us, from one man or another the breakdown of the com-
munities, the amounts allocated.

Mr. Flemming: Mr. Chairman, was this in regard to the L.I.D.s' or
to all the communities.

Mr. Chairman: All the communities and the L.I.D.s.

Mr. Fleming: I don't have it in one sheet at this time but it can
be provided.

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

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Chairman, the last couple of years I have argued the
point that the L.I.D.s have not been consulted with the preparation
of their budget, that a flat out figure was set aside for them. I
am wondering this year if the L.I.D.s have indeed and from now on will
be permitted to produce their budget?

Mr. Fleming: As far as possibly can be done, we do consult with
L.I.D.s and with every municipality. The only limitation of course
being funds, what they ask for and what they get are two different
things. As far as has been possible, and I think that everyone can
bear testimony to this have been a great deal more consultation with
L.I.D.s over this past year than there has been in the previous eighty
years in the Territory. This sort of consultation is being implemented
to an even greater degree this year and I think that criticisms which
have been quite fairly levelled in the past that there hasn't been consul-
tation will be eliminated. It is our strong desire to consult with

VOTE 06
EST 605

Mr. Flemming continues ...
them and bring them into the budget making program.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, there is something that I would like to underline if I had the answer to this question, that it is one thing talking about consulting with the L.I.D.'s and the preparation of their budget within the confines of the money that we have available to them and it is another thing consulting with the L.I.D.'s for them coming in and saying that we want a zillion dollars. I think that I would like to underline that the reply that Mr. Fleming has given is that there has been a real honest attempt in the course of the last year, which the Members of the Executive Committee can attest to, for us to consult as much as is practical and possible with the L.I.D. trustees in these matters but if the L.I.D. people want more money for particular things beyond which we can give them within the confines of the total Budget of the Territory here, it is up to them to come forward and tell us that they want to change the mill rate which now comes back to Council and they can have the Bill changed, the way to get more money. This is really where the consultation part in the present time is confined within the limitation of the money that we can totally Vote for them.

Mr. Taylor: I am very pleased to hear that this is now the policy of the Administration to at least consult, because I do know that last year they were told what they were going to get they weren't asked; I am glad to hear that there is some consultation and we will possibly deal with that again during the year if it is not working out. Generally speaking I wonder what the Administration thinks about the performance of the three L.I.D.'s, are they working out well or are they not working out well? Would they amount to a real burden budget-wise upon the Territory or indeed are they an aid and a benefit bugetary-wise and Administrative-wise to the Territory?

Mr. Fleming: I could speak on the departmental level at this time. I would say that it has been very successful as far as both sides are concerned, we have a tremendous amount of support and a lot of good suggestions and good work came out of this L.I.D.'s. We feel they are successful, we feel have got quite a little way to go yet mostly because of lack of experience but this is building up fast on their part and on ours. We feel it is a good thing from a departmental point of view.

Mr. Taylor: Another question I would ask, at this point, is it the intention of the Administration at this time to create anywhere within the Territory new L.I.D.'s or villages or municipalities.

Mr. Commissioner: Mr. Chairman, it is the general policy of the Government of the Yukon Territory at this time to encourage local government within the Territory wherever it is practical and possible for this to be done.

Mr. Taylor: Yes, Mr. Chairman, I wonder if I might have a more specific answer, is it the intention of the Administration to create - in this fiscal year that we now approach, any new L.I.D.'s or villages and if so, where?

Mr. Commissioner: Mr. Chairman, I am not aware of any specific area, but if a specific area in the course of the year was to come along and request such a thing, or if we see in the course of the fiscal year that an area would appear to be ready for it, the necessary machinery that you are prepared to give effect to in the new Municipal Ordinance, certainly that machinery would be put into use. At the moment there are no specific areas and specific plans.