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YUKON TERRITORIAL COUNCIL

THIRD SESSION 1968

Votes and Proceedings

VOLUME 1

(Sessional Papers)

I N D E X

VOTES & PROCEEDINGS 1968 (3rd. Sess)

Volume 1 - Pages 1 to 87

Session Dates -Thursday July 4th, to Friday July 5th, 1968

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VOTES AND PROCEEDINGS
OF THE
COUNCIL OF THE YUKON TERRITORY

Page 1.
Thursday, July 4, 1968.
10:00 o'clock a.m.

The Third Session of the Council for the Year 1968, being the Fourth Session of the Twenty-First Wholly Elective Council of the Yukon Territory, was convened in the Council Chambers at 10:00 o'clock a.m., on Thursday, July 4, 1968.

The Members present were:

Mr. John O. Livesey, Carmacks-Kluane
Mr. George O. Shaw, Dawson
Mr. Norman S. Chamberlist, Whitehorse East
Mr. J. Kenneth McKinnon, Whitehorse North
Mrs. G. Jean Gordon, Mayo
Mr. Donald E. Taylor, Watson Lake
Mr. John Dumas, Whitehorse West

The Clerk read the Proclamation.

The Speaker, Mr. John Livesey, was ushered into the Council Chambers by the Sergeant-at-Arms.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The Fourth Session of the Twenty-First Wholly Elective Council of the Yukon Territory will now come to order. Mr. Clerk, would you please advise the Commissioner that the Council is now prepared to hear his Opening Address.

Mr. Clerk: Yes, Mr. Speaker.

Mr. Clerk leaves Chambers to advise Mr. Commissioner and returns.

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

Mr. Speaker: The House now stands adjourned to hear the Commissioner's Opening Address.

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

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

Mr. Commissioner gave his Opening Address. (Set out as Sessional Paper No. 8.)

Sessional
Paper No. 8

Mr. Speaker called Council back to order in the Council Chambers.

Mr. Speaker: I would like to advise the House at this time that I have received a copy of the Commissioner's Opening Address.

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

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

Mr. Speaker: Moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Whitehorse East, that the Commissioner's Opening Address be considered on the following day. Is the House prepared for the question on the motion?

Mr. Taylor: Mr. Speaker, before question is called, I believe my words were, "a day following", rather than, "the following day".

Mr. Speaker: I will make that correction. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

BILL #4
INTRO-
DUCED

Mr. Dumas: Mr. Speaker, I beg to move, seconded by Councillor Gordon, for leave to introduce a Bill entitled, An Ordinance Respecting Lands in the Yukon Territory.

Mr. Speaker: Moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Mayo, for leave to introduce a Bill entitled Lands of the Yukon Territory.

Mr. Chamberlist: Mr. Speaker, what Bill number was that please?

Mr. Speaker: I haven't the number system before me. All I have is the question raised by the Member for Whitehorse West.

Mr. Dumas: Mr. Speaker, it's Bill No. 4.

Mr. Speaker: Thank you, Councillor Dumas. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Taylor: Mr. Speaker, in view of the fact that this is a special summer Session, and in view of the fact that we have some work that we could conclude today, I would like to recommend or suggest that we hold a recess in order to prepare an agenda for the balance of the day.

Mr. Speaker: Are there any further comments upon the suggestion of the Honourable Member for Watson Lake? If not, may I have your pleasure.

Mr. McKinnon: Mr. Speaker, could I suggest that the House recess until eleven o'clock and that we meet in caucus during this recess in order to find an agenda for the rest of the day?

Mr. Chamberlist: Mr. Speaker, I object to the suggestion that we meet in caucus. It has already been explained in the last Session, there will be about three different caucuses as there's a suggestion now that we obtain political partition here, and I am against meeting in caucus. We can, nevertheless, adjust ourselves so that we can arrange an agenda as has been suggested by Councillor Taylor.

Page 3.

Mr. McKinnon: Mr. Speaker, the Honourable Member from Whitehorse East can meet with himself if he likes. I just suggested if anyone would like to come along to plan an agenda.

Mr. Chamberlist: Don't use the word "caucus".

Mr. Speaker: Would the House agree then that we recess for a short period in order to provide an agenda?

All: Agreed.

Mr. Speaker: The House now stands in recess until further orders.

RECESS

RECESS

11:00 a.m.
Thursday, July 4, 1968.
Page 4

Mr. Speaker: I will now call Council to order. May I advise you this morning in the absence of Orders of the Day that we will proceed on Motions arising in the House in order that we may commence the Session as early as possible and the activities connected with the business before us. You may proceed.

Moved by Councillor Dumas, seconded by Councillor Taylor, that Bill No. 1, An Ordinance to Amend the Taxation Ordinance, be introduced at this time. BILL #1 INTRODUCED

MOTION CARRIED MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Gordon, that Bill No. 2, An Ordinance to Authorize the Commissioner to Borrow a Sum Not Exceeding \$600,000 From the Government of Canada, and to Authorize the Commissioner to Enter into an Agreement Relating Thereto, and to Authorize the Commissioner to Enter into an Agreement with the Anvil Mining Corporation For the Construction of Certain Works, be introduced at this time. BILL #2 INTRODUCED

MOTION CARRIED MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 3, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defer the Expenses of the Public Service of the Territory, be introduced at this time. BILL #3 INTRODUCED

MOTION CARRIED MOTION CARRIED

Mr. Chamberlist: Mr. Speaker, at this time I would like to give Notice of Motion re Sessional Papers No. 6 and No. 7. NOTICE OF MOTION #1

Mr. Taylor: Mr. Speaker, in view of the circumstances that surround our sitting today and the fact that we do have an afternoon which we could usefully employ in the processing of Bills and so forth, I would like to move at this time that we suspend Standing Order No. 41 for the purpose of further processing of Public Bills and Sessional Papers. MOVE TO SUSPEND STANDING ORDER #41

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

MOTION CARRIED MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon, that First Reading be given to Bill No. 1, An Ordinance to Amend the Taxation Ordinance. FIRST READING BILL #1

MOTION CARRIED MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon, that Second Reading be given to Bill No. 1, An Ordinance to Amend the Taxation Ordinance. SECOND READING BILL #1

MOTION CARRIED MOTION CARRIED

FIRST Moved by Councillor Taylor, seconded by Councillor Shaw, that First
READING Reading be given to Bill No. 2, An Ordinance to Authorize the
BILL #2 Commissioner to Borrow a Sum not Exceeding Six Hundred Thousand
Dollars From the Government of Canada And to Authorize the
Commissioner to Enter Into an Agreement Relating Thereto And To
Authorize The Commissioner To Enter Into An Agreement With The
Anvil Mining Corporation Limited For the Construction of Certain
Works.

MOTION
CARRIED

MOTION CARRIED

SECOND Moved by Councillor Taylor, seconded by Councillor Shaw, that Second
READING Reading be given to Bill No. 2, An Ordinance to Authorize The
BILL #2 Commissioner To Borrow A Sum Not Exceeding Six Hundred Thousand
Dollars from The Government Of Canada And To Authorize The
Commissioner To Enter Into An Agreement Relating Thereto And To
Authorize The Commissioner To Enter Into An Agreement With the
Anvil Mining Corporation Limited For The Construction Of Certain
Works.

MOTION
CARRIED

MOTION CARRIED

FIRST Moved by Councillor Dumas, seconded by Councillor Taylor, that First
READING Reading be given to Bill No. 3, An Ordinance For Granting To The
BILL #3 Commissioner Certain Sums Of Money To Defray the Expenses Of The
Public Service of the Territory.

MOTION
CARRIED

MOTION CARRIED

SECOND Moved by Councillor Dumas, seconded by Councillor Taylor, that
READING Second Reading be given to Bill No. 3, An Ordinance For Granting To
BILL #3 The Commissioner Certain Sums of Money To Defray the Expenses Of
The Public Service of the Territory.

MOTION
CARRIED

MOTION CARRIED

FIRST Moved by Councillor Shaw, seconded by Councillor Dumas, that First
READING Reading be given to Bill No. 4, An Ordinance Respecting Lands Of
BILL #4 The Yukon Territory.

MOTION
CARRIED

MOTION CARRIED

SECOND Moved by Councillor Shaw, seconded by Councillor Dumas, that Second
READING Reading be given to Bill No. 4, An Ordinance Respecting Lands Of
BILL #4 The Yukon Territory.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure.

SESSIONAL Mr. Chamberlist: Mr. Speaker, I move at this time, and seconded
PAPERS by Councillor Taylor, that Sessional Papers No. 6 and 7 be passed
#6 & 7 into Committee of the Whole for discussion.

MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that the
Speaker do now leave the Chair and Council resolve itself in
Committee of the Whole to discuss Bills and Sessional Papers.

MOTION
CARRIED

MOTION CARRIED

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

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

RECESS

RECESS

Mr. Chairman: I will call Committee back to order and we will first move to Bill No. 2. Reads Bill No. 2. I will draw your attention to the Explanatory Notes on the opposite page.

BILL #2

Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Commissioner could not be here at this time as there may be questions relevant to this Sessional Paper and Bill.

Mr. Chairman: Mr. Clerk, would you determine as to whether the Commissioner could join us or not. I'll declare a short recess.

RECESS

RECESS

Mr. Chairman: At this time I will call Committee back to order, and we have with us Mr. Commissioner and Mr. Fingland to assist us in the discussions. Councillor Chamberlist, would you take the Chair?

Mr. Chamberlist: Yes, go ahead, Councillor Taylor.

Mr. Taylor: Mr. Chairman, we are at long last come to grips with the problem involving the Anvil townsite. I am sure that you are all quite conversant with the many problems we had respecting this in former Sessions, but it would appear as you will find in Sessional Paper No. 7 that we now have before us the agreement and all matters pertinent to the Anvil Agreement. I feel that as far as negotiations have gone, it is my understanding that the Anvil Mining Corporation are agreeable to the terms and conditions set forth in this endeavour, and it is my understanding that the Federal Government are also equally satisfied with the terms and arrangements that have been negotiated over the months, indeed years. I am quite prepared to accept carte blanc specifics of the Agreement - there may be one or two points that I do not necessarily agree with, many of which are contained in the Agreement between the Federal Government and the Anvil Mining Corporation, but I find fault with one item and that is the principle behind the type of transaction, and here I dig in. I find before us something that has been purportrated by the Federal Government which is much akin to the problems we had surrounding the Dawson Festivals many years ago where we were launched into a deal that was not of our making and indeed to which we had no part in the negotiations thereof. I feel that we must get the Anvil townsite on the road. It's a big development. It's going to be a real asset to the Territory, but I feel that the Federal Government - that notice should be served upon the Federal Government that no longer will the Territorial Council accept such Bills as this for approval unless they have taken us into their confidence to the degree of allowing us to negotiate in respect to the formulation of these Bills. At no time during the discussions surrounding the Anvil Agreement were the Territorial Government playing any role whatsoever, to my knowledge; certainly the Council weren't. Townsite layouts were undertaken, the Minister committed not only the Federal Government but according to this Agreement between the Minister and the Anvil Mining Corporation they committed the Territory, too, and the Commissioner of the Territory to do certain things without the knowledge of the Council; and as I say it must be made abundantly clear that if

BILL #2

BILL
#2

further funds are required for the Anvil Agreement in excess of this \$600,000, I think it is only right that we be a part of the negotiation and in budget preparation, and in anything that involves the people of the Territory and the tax dollar. We've got to be given more consideration. These are my only comments on the subject. Just before resuming the Chair, as far as I am concerned I am satisfied that Anvil is satisfied with this Agreement as it stands, and that the Federal Government is satisfied with it, and I am prepared to accept it. I did wish to put on the record my comments on this matter and I am certain that other Members will wish to do the same. I, for my own self, have no further questions. Thank you, Mr. Chairman.

Mr. Dumas: Mr. Chairman, I rise partially in support of the Honourable Member for Watson Lake. However, I go a step further, and while I realize that all Councillors are busy at this time of the year with their various businesses and so forth, I am not prepared to rubber-stamp this Agreement. There are several items in it that I disagree with that I would like to comment on, and I think we have to go through it quite thoroughly. I, too, am disappointed at the way the whole thing was handled so far as the representatives of the people were not called in at any time.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: I have a question I'd like to direct to the Honourable Member from Whitehorse West, and I just wondered what points he disagreed with.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I think it would be best left until we go through it because there are several points. For instance, I question the advisability of paying \$4,000 to \$5,000 for a lot in the area. That is just an example.

Mr. Chairman: Is it the wish of Committee that the Sessional Paper be discussed portion by portion?

Mr. Dumas: It is.

Mr. Taylor: I'll resume the Chair.

Mr. Chairman: Thank you, Councillor Taylor.

Mr. Chairman: What is your further pleasure in relation to Bill No. 2? Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I feel that there are certain areas in this proposal that has been brought forward under Sessional Paper No. 7 that should be looked into much more closely than having to just pass it and accepting the Bill to allow the Commissioner to borrow \$600,000. There are many areas in this proposal that Council has been left completely out of. I think it is certainly an insult on the part of the Federal Government that they did not consider the Council in this particular matter. I know that the Administration have worked closely with the Anvil Mining Corporation, but I am sure that those people who belong to the Anvil Mining Corporation were they dealing with the Federal Government or the - certainly would have felt that they were entitled to be in on all discussions, and that the Federal Government would be entitled to be in on all discussions. These people who are connected to the Anvil Mining

I am sure they are very nice and with a democratic process should understand that we are just - the Yukon Territory wish to participate in the democratic process. Certainly, this Legislative body wasn't considered at the time of discussion in this particular proposal and I am suggesting that although there are certain portions of this Sessional Paper and the documents attached to them don't need any discussion. Certainly there are some portions in this that I think should be discussed, and I would ask, Mr. Chairman, that we be allowed to bring forward the individual parts for discussion if any Member wishes to do so. BILL #2

Mr. Chairman: Would Committee agree to the bringing in of Sessional Paper No. 7 in conjunction with this Bill at this time?

All: Agreed.

Mr. Chairman: All right. Would you proceed. Councillor Shaw.

Mr. Shaw: Mr. Chairman, in respect to this Bill, I think that to get something orderly from this that perhaps we should read through the various clauses that the actual Agreement, otherwise we will be going back and forth and I think that we can decide on each of these things and have it concluded. That is about all I can see. There seems to be some dissatisfaction with certain sections of it by certain Members and that is the only way I think we can bring it forward in a matter to conclude it.

Mr. Chamberlist: Mr. Chairman, I would, for instance, refer to section 10 of the Sessional Paper itself. We are given dates here of when the proposed development area in consultation with Anvil could be set out. As Members of Committee know, during the last Session and the Session before I asked questions and produced a plan of what was to be the proposed townsite, and we were given answers that there was no work going on to the best of their knowledge by the Administration, so that we're in a position now of having a townsite area that nobody knew about, and this Council didn't know about, yet the dates that have been given are dates that were actual work was taking place on it. Now, I refer in 10(1)(d) that it says the subdivision of the development area by July the first, and provide standard municipal surveys, such as streets and sewers - now, I would like to know whether this has already been done. Perhaps somebody could.....Sessional Paper No. 10(1)(d), page 2. I would like to know whether these things have been done if they have to be done by July 1, 1968. SESSIONAL PAPER #7

Mr. Chairman: Are we dealing with the Territorial Agreement or are we dealing with the Federal Agreement?

Mr. Chamberlist: We are dealing with the Sessional Paper, and the Sessional Paper refers to the Federal Agreement, and if you look at page 2 of the Sessional Paper, which is right at the beginning, reference is made to it.

Mr. Chairman: This is with reference to the Agreement between the Minister and the Anvil Mining Corporation?

Mr. Chamberlist: Yes.

Mr. Shaw: Mr. Chairman, I think if we start at the beginning of this and go through it we will accomplish more than if we keep referring to specific subjects at random, and going back into history

SESSIONAL I think that if we start with the matter on hand, we won't be too
PAPER #7 long in doing it - attend to each subject.

Mr. Chairman: At the last Session we dealt with this Sessional Paper, I believe, and it was my understanding that this was an agreement between the Federal Government and Anvil, but what we were concerning ourselves with is the Agreement between the Yukon Territory and Anvil Mining Corporation.

Mr. Chamberlist: Mr. Chairman, we are dealing with Sessional Paper No. 7, section 10 of this Agreement where it says that certain things have got to be done by July 1, 1968, and I want somebody to answer whether these things have been carried out. Perhaps Mr. Commissioner could answer these.

Mr. Commissioner: Mr. Chairman, the items referred to here - subdivide the development area by July 1, provide standard municipal services, etc., etc. - have not been done. These are the things that you are being asked here to give us the authority to negotiate with Anvil in order to conduct them, to have them do this, and I would - if I may, Mr. Chairman, I would ask Mr. Fingland to elaborate further on my answer, give me further specifics with regard to this particular thing.

Mr. Fingland: Well, there are some details, Mr. Chairman, about which I can't give you concrete information because it is of a technical engineering nature, but the area has not been subdivided even though we're past the due date because this is part of the work that would be done by the Anvil Mining Corporation if we are authorized to enter into an agreement with them. However, I think that what has given rise to the view that some work has been done is the fact that some lines have been cut and some machinery has been on the grounds, but I am informed by the engineers that this was done in order to enable the consultants to take soil tests and do topography elevations. It doesn't constitute what is referred to here in 10(1)(d) of the main agreement with the Minister.

Mr. Chairman: What is your further pleasure?

Mr. Dumas: Mr. Chairman, on page 7, item number 2, it says the cost of single dwelling lots would be about \$4,000 to \$5,000. Now, this makes single dwelling lots in this townsite more expensive than single dwelling lots in any other area in the Yukon, with the exception of commercial property. Is this actually the price that these lots will be sold for, and how is it arrived at?

Mr. Commissioner: Mr. Chairman, this - the first part of the Councillor's question I can answer in the affirmative, yes. This is the anticipated price these lots will be sold for. Now, the question as to how this was arrived at, I think I would have to refer this to Mr. Fingland who in turn might give some further technical data on this.

Mr. Chairman: Mr. Fingland.

Mr. Fingland: It is based, Mr. Chairman, on the allocation of the cost of services, that is roads, water and sewer, to the surveyed or proposed surveyed area of the townsite, and is based on front footage with a variation, however, according to a weighted formula, depending on how the land will be used. In other words, there is a fixed cost per front foot per single dwelling units, residential, single-dwelling units which works for a 70 foot lot - a lot with a

70 foot frontage - at, I think it is about \$4,300 some odd dollars. Then as you move from there to multiple dwellings, apartments and maisonnettes and so on, the cost per square foot goes up because it is weighted in that way. Then you come to commercial and it is weighted a little differently, and we do have the details of how this weighting applies worked out in rough, and we can speak further to it if you would care to do so. SESSIONAL PAPER #7

Mr. Dumas: That won't be necessary, Mr. Chairman, but is there consideration or any plan made whereby a person, rather than having to pay out cash for this lot, can make a deposit and pay over a length of time? It seems to me it is going to be awfully difficult for the individual to put out \$4,000 cash, if this is what is necessary, and then go and try and build a house on top of it.

Mr. Fingland: Mr. Chairman, we have arrived at the gross figure here for this purpose because we had to establish the cost per lot to determine the value of the land that was going to be transferred to Anvil because they are going to pay one hundred per cent of the cost. However, the remainder of the subdivision which will be the property of the Territorial Government can be sold really in almost any way that is acceptable to the Council. In other words, we could sell this property with a down payment and have the balance of the services paid for by a local improvement charge. This could bring the cost, depending on how you calculate your initial down-payment, this could bring your actual initial cost down quite considerably, perhaps to even a few hundred dollars. It does mean, however, that over a period of 20 or 30 years that the purchaser of course does pay more money because he has these interest payments, but this is an avenue that we have considered and it is open to us to do this.

Mr. Commissioner: Mr. Chairman, just one thing, though. I think that it must be understood by Council, Mr. Chairman, that the price of this property is designed to reflect the full cost of services. I think this is a very important point that Council must not lose track of. There is no element of subsidy involved in this particular.....

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Just as a matter of interest, Mr. Chairman, the Anvil Corporation, of course, in agreement with this, I presume, and it is interesting to note that they feel that they can obtain the employees that they need and help establish them on this type of property at these rates. It seems it is going to be an awful burden on the home-owner to have to start out paying these rates, but if it can be done and if it does take care of all of the cost of the cost of operation, then fine.

Mr. Chairman: Anything further? Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I would like to make it clear, and I wonder if we could have somebody from the Anvil Mining Corporation in Committee so that we could put questions to them. Perhaps Mr. Commissioner may be able to answer them. I'm somewhat disturbed that it appears the Anvil Mining Corporation will be able to decide who will be able to operate a business in this area, and to me it is an encroachment upon the free enterprise system when the company can say who will be the operator of a business and who

SESSIONAL
PAPER #7

will be permitted to operate a business. Now, let's make it clear - I want to see the whole project go through as quickly as possible, but at the same time I thought I must protect the interests of those people in the Territory that may wish to go into business in the Anvil area, and there appears to me to be some restrictions which I don't think that we should permit which would allow the company to say who would operate a business in that particular area, Mr. Commissioner. I wonder if you could comment on that.

Mr. Commissioner: Mr. Chairman, I think in all fairness there should be others involved in answering this question, but I am not going to avoid answering the question, but you will notice here that what we are saying - I think you are referring to item number 10. Now, you will see here it says in the first instance, it will be the responsibility of the Territorial Government to invite proposals for the development of the commercial area in the city centre. Now, we are not talking about actually operating the businesses in here; we're talking about the development. In other words, I think what Councillor Chamberlist is interested in here is - does this include saying who is going to be the operators in this development. I think this is his question. Now, you're going to have more than one business that is going to be desirable to establish in this community. You are also going to have a problem of the size of this community that are going to limit very seriously the multiplicity and the extent to which businesses can be developed, and I think that along those lines, Mr. Chairman, if Mr. Fingland might have a comment, but I also think the Anvil people should have an opportunity to answer this question.

Mr. Fingland: I very much agree, Mr. Chairman, with what the Commissioner has said that this involves Anvil as well as ourself. However, our intention to actually exercise any control over who might operate a business, but we did want to have the plan of development carried out in such a way that it was acceptable to both ourselves and the company. The company is interested, I may say, because they feel that if the cost of the actual development, the construction of the leased space, is so high that an operator going into the area is compelled to include these costs in his general business, the costs that he passes on to the consumer. Anvil has a vital interest in this because it could mean, for example, that food costs or clothing costs or whatever, could be exorbitant if we allow a development to take place which is out of line to what the money market can stand.

Mr. Chamberlist: Mr. Chairman, I'm not suggesting that the Territorial Government place any restrictions on a particular business entering, or in fact could it place any restrictions on it, but I am suggesting that where it says this, and it reads as follows: In the first instance it would be the responsibility of the Territorial Government to invite proposals for the development of the commercial area in the city centre - now this is the part that I object to - but no proposal would be accepted by the Territorial Government without the prior concurrence of Anvil. Now, this is the part. It would mean that the Territorial Government in fact becomes subservient to the Anvil Mining Corporation, and to me that just isn't right. I recognize quite readily the necessity for the Anvil Mining Corporation to ensure that services and places that are of a supply nature that go into the area are operated in such a manner that it would not be uneconomical for people to make their purchases and obtain their services there, but

where it restricts and where it places in the hands of the company the right to veto anybody's - when I say normal right to enter into business in a particular area, then there is an infringement on, I believe, the rights of the individual to carry on in normal trade and commerce and I just don't like that type of thing, and I think that should be pulled out of there completely, and perhaps if we can have somebody from Anvil give an explanation enlarging what you, Mr. Fingland, have already said, then it might be much more satisfactory. SESSIONAL PAPER #7

Mr. Chairman: Does Committee agree that we invite a representative from Anvil to Committee at this time?

Mr. Shaw: Mr. Chairman, in view of the time I thought perhaps this could be better accomplished at 2:00 o'clock. It is ten minutes to 12:00 now.

Mr. Chairman: Mr. Fingland, could you undertake to determine if someone **from** the Anvil Mining Corporation could be here this afternoon?

Mr. Fingland: Yes.

Mr. Chairman: What is your pleasure at this time?

Mr. Chamberlist: I would move that we call it 12:00 o'clock at this time.

Mr. Shaw: I agree.

Mr. Chairman: I will declare Committee in recess until 2:00 this afternoon.

RECESS

RECESS

Thursday, July 4, 1968.

2:00 o'clock p.m.

Witnesses present were Mr. Fingland, Assistant Commissioner (Executive); Mr. Thurmond, General Manager of Anvil Mining Corporation; and Mr. Cave, Thompson, Berwick & Pratt.

Mr. Chairman: At this time I will call Committee to order. We are discussing matters related to the Anvil Townsite development, more particularly Bill No. 2 and Sessional Paper No. 7. We have with us to assist us in these discussions Mr. Fingland - Mr. Commissioner will be with us shortly I believe - and we have Mr. Thurmond and Mr. Cave as well who are quite prepared to answer any questions you may have to direct to them. You may proceed.

BILL #2
SESSIONAL
PAPER #7

Mr. Commissioner enters the Council Chambers.

Mr. McKinnon: Mr. Chairman, just so that I can get my thoughts on record...at a luncheon meeting Mr. Thurmond was saying how important it was to develop this townsite with the least amount of delay and I couldn't agree with you more, Sir. I'm completely behind you in this all the way. I think it's wonderful to see a project the size of Anvil going ahead in the Territory, but I think that you should be made aware of the frustrations that the elected members of this Council have had in dealing with this Territorial townsite at Anvil. When it was first initiated last fall, we begged and we pleaded with the Administration and with the Federal Government to let the elected representatives of the people in on the ground floor of the policy and the planning of this townsite so that it would speed the work along towards the townsite but, as in all other areas where the elected representatives want to move in the administrative and executive field in the Yukon Territory, we were refused point blank all the way along the line. Now a week ago we were presented with all the material and the engineering reports and the technical data on the townsite at Anvil. We come before Council and we are told now that we need \$600,000.00 and we need it right now because we're all in a hurry and I agree with this too. However, if our questions are quite elaborate and maybe take a little longer than they should, I think that if you would just rest with us because of the system of Government that we are saddled with in the Yukon, this is the first moment that the Territorial Council has had any indication of what the Anvil townsite is all about and where we are going and it is an expenditure of quite a large amount of money with the responsibility eventually resting on our shoulders although we had nothing to do with the planning and policy of the townsite. Now, considering page 2 of the Sessional Paper on the development of the Anvil townsite and this is section 10 subsection (d) and this is the agreement between the Minister and the Anvil Mining Corporation which reads as follows and then it goes into the subdividing of the development area by July 1, 1968, providing standard municipal services such as surveys, streets, sewers, sewage disposal. Now, this is what the \$500,000.00 is for that we are asked for now. There is a letter of intent between the Minister of Indian Affairs and Northern Development and the Territorial Government saying that these monies will be provided in excess of the Financial Agreement which we are now working under. Under Appendix 8 of this Agreement, there is an expenditure of some \$2,409,590.00 within the next two years I would imagine which is involved with the building of the school, staff housing, nursing home equipment and such. Now, I would like to ask Mr. Commissioner or Mr. Fingland...is there any arrangements that have been made at this time for the monies of almost two and one half million dollars over and above the Financial Agreement that we are now working under?

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Mr. Commissioner: Yes, Mr. Chairman, there has...varying in detail according to what item that you are speaking of and perhaps it would be only right that I should ask Mr. Fingland or Mr. MacKenzie or whoever happens to be available if they could go down the list and indicate just what the status of each one of these things are. I believe that the nursing station is under one type of a formula and so on down the line. This is under item No. 8, Mr. Chairman.

Mr. Chairman: Mr. Fingland.

Mr. Fingland: Mr. Chairman, it is recognized that if this project proceeds that there will be further capital and operating expenditures in which the Territory will be involved. Some of them will be expenditures which the Territory will have to bear in its own right and some will be expenditures that will have to borne by a municipality if a municipality is formed. We have undertaken to project an estimate of what these expenditures will be and they are set out here in Appendix No. 8. They are not in the sort of detail that would be put in estimates for appropriation purposes because we are looking at some distance ahead and I think it must be appreciated that this can only be, at this point, a fairly general kind of projection but it does give an indication of the kind of expenditures that we will be involved in if this townsite proceeds. We have also raised this point with the Federal Government and they, of course, are fully aware that these expenditures will be faced by the Territory and if you look at Appendix No. 10, you will see a copy there of a letter that has been given to us by the Minister which outlines his acknowledgment of the fact that there are these projected expenditures required and his assurance that these will be taken into account in calculating future requirements in the Territory. In conjunction with this letter I might say, there is also a study prepared of the estimated revenue benefits that will accrue as a result of the townsite and that is attached to the draft in Appendix 10.

Mr. Chamberlist: Mr. Chairman, it would appear that from this paper 8 that this sum of \$2,409,590.00 is a projected estimate of expenditure commencing with the establishment of a municipality. Now, surely there are going to be expenses involved long before the municipality is established. Where do those monies come from? Perhaps Mr. Fingland could answer that.

Mr. Fingland: Until such time as the completed townsite is turned over to us, the operation and maintenance costs of the roads and the water and sewer system will be the responsibility of Anvil and it was our intention once these works had been completed that we would immediately establish a municipality.

Mr. Chamberlist: Except, of course, on page 2 of the Sessional Paper.....10, section (2), it says that "Anvil will not be responsible for the maintenance and operation of any of the facilities mentioned in paragraph (d) of subsection (1)." How does your previous answer comply with this section in the Agreement?

Mr. Fingland: Well, it's what we have agreed to with the Anvil Mining people and they are prepared to accept the fact that until these facilities are completed that there are not in fact facilities which would fall under 10(1)(d).

Mr. Chamberlist: Well, if it's in their Agreement nevertheless, Mr. Chairman...and I think the position should be clarified in writing. If there are to be written agreements and the agreement

Mr. Chamberlist continues:
is to be complied with, certainly the language should be clear right the way through. The language is clear as far as I can see when it says that Anvil will not be responsible for the maintenance and operation and yet, Mr. Chairman, Mr. Fingland has stated that Anvil will be responsible so there doesn't appear to be any agreement to that effect.

Mr. Fingland: It's in the draft Agreement, Mr. Chairman, that we would be entering into and notwithstanding this subsection, the Anvil Mining Corporation is prepared to enter into an Agreement with us as I have indicated.

Mr. Chamberlist: Have we got the draft Agreement that you refer to here and could you point out the section in the draft Agreement?

Mr. Fingland: It's Appendix No. 7.

Mr. Chamberlist: No. 7. I am finding it difficult to find this particular section, Mr. Chairman. I wonder if Mr. Fingland could help us with this.

Mr. Chairman: Section 16, I believe, subsection (2).

Mr. Fingland: Yes, that's right, Mr. Chairman.

Mr. Chamberlist: Surely...there's a clash here, Mr. Chairman. Which is the Agreement that the Anvil Company wish to honour? Is it the Agreement between the Minister, the Government of Canada and the Anvil Company or the proposed Agreement between the Territorial Government and the Anvil Company? Which is the one that will be honoured in this particular.....

Mr. Fingland: Well, if you will look at Section 10 in the Main Agreement, Mr. Chairman, the undertaking there is that "Anvil will not be responsible for the maintenance and operation of any of the facilities mentioned". Now, in our subsequent discussions with Anvil, we took the view that we really couldn't consider these facilities to exist as we would understand them until they were completed but at the same time we had to recognize that during this interim period the Company might very well wish to make use of them and it was acceptable to them that they would operate them until the time...or if they were required to operate them...they would assume the cost of doing so until the work was finally completed. I think that actually Mr. Thurmond might wish to speak to this point, Mr. Chairman.

Mr. Thurmond: I would like to call your attention to the fact that in Section 10 it stated that the Minister will request the Commissioner and everything that is said here in Section 10 is a request to the Commissioner. We feel at this stage of the game that it is up to us to, within the spirit generally of what is said in Section 10, and once you have given the Commissioner the permission to do so, to negotiate an agreement with the Commissioner that more or less fits the spirit of what is here and, as we understand it, would generally conform to the proposed Agreement as presented in your documents here in Section 7. Now, we understand that that would be the final agreement and the thing that we would abide by and that that agreement would be negotiated within the framework and in the spirit of what is said in Section 10 of the other agreement. Whatever we come up with in the way of a negotiated agreement, similar to Section 7 here, will be the agreement that

BILL #2 Mr. Thurmond continues:
SESSIONAL we will abide by. In regard to your specific question -
PAPER #7 cost of operating the utilities prior to a municipality prior
to turning these facilities over to the Territorial Government...
we understand that if we use these facilities that we would
pay the operating cost on them during that period of time but
it would be our intention to complete these utilities as quickly
as possible and immediately thereafter turn them over to the
Territorial Government so that a municipality could be formed
and the municipality would then undertake the operation of
these facilities. Does that conform with our general agree-
ments?

Mr. Dumas: I would like to put on record publically the means
of prevention of pollution that the Company is undertaking. I
think they are quite satisfactory. I wonder if we could go
over them once again. I missed some of it while you were
talking at the dinner meeting.

Mr. Chamberlist: Mr. Chairman, I think that no reference
should be made at all to any matters that were discussed during
the private luncheon and I would suggest, Mr. Chairman, that
any Member that wishes to ask specific questions should ask
them specifically through the Chair and not call upon any of
our people who are attending Committee to reiterate what was
said during the luncheon meeting.

Mr. Chairman: I believe that the inference, as the Chair
has it, is that the Member wishes to ask a question on the
general matter of pollution and I think I would allow that
question.

Mr. Thurmond: May I clarify this? Are you talking about
pollution as it relates to the townsite or the other matter
of pollution control as it relates to the industrial aspects?

Mr. Dumas: Mr. Chairman, if we could have both clarified, I
would appreciate it very much.

Mr. Thurmond: I would like to call on Mr. Cave to discuss the
aspect in relation to the townsite. In relation to the mining
and milling operation, I might say that we are being very care-
fully watched by the Water Resources people in that they are
asking us to keep them constantly informed of our planning and
they are criticizing and commenting on our planning in regard
to pollution and water conservation and we feel that they will
continue to retain a control in this area. Our specific plans
for tailings disposal, which is the primary waste product in
the operation, are to create tailings impoundment areas that
are set up so that the tailings can be impounded and over a
period of time a segregation of the solids and the water, the
effluent, will occur and a solid free effluent will be decanted
off of this pond and all of the solids will be retained within
the pond. We will initially start off with a pond that will
last from three to five years and as time goes on, we will
have to construct additional ponds to impound the total
capacity of the tailings that will be produced. We feel that
to a great extent there is a natural purification process that
takes place with this separated effluent within the pond and
that the effluent will not be objectionable from a pollution
standpoint. I think that more or less answers your question.
Mr. Cave, would you like to continue.

Mr. Cave: Mr. Chairman, as far as the disposal of effluent BILL #2 around the townsite is concerned, this is going to be taken SESSIONAL to a one-cell lagoon. We originally discussed the problem PAPER #7 with Mr. Wishart who is the Public Health Engineer for the Territory who is stationed in Vancouver. We discussed the fact that we would be using this method of treatment. He was perfectly satisfied with it and as soon as we have the plans finished for the lagoon, we will then take them back to him and get his official approval. The lagoon system was chosen, first of all, for economy of installation and perhaps more the economy of maintenance in these early stages. I reiterate that as soon as we have the plans completed, we will take them to Mr. Wishart and get the official approval which we will require, or which Anvil will require.

Mr. Chairman: Anything further?

Mr. Chamberlist: In relation to the lagoon, I wonder if it could be clearly stated that the proposed population of 3600, which I believe the townsite will expand to....the lagoon will be large enough now to take that proposed population of 3600 and any further expansion after that time?

Mr. Cave: The answer to that, Mr. Chairman, would be no. Certain other facilities are not being put in for the 3600 people because the timing on that is an unknown quantity and it would seem not correct to put in something which may not occur for perhaps ten years.

Mr. Chamberlist: I would refer, Mr. Chairman, to page 5 of the Sessional Paper....second paragraph....I take it that you are a representative of Thompson, Berwick & Pratt.

Mr. Cave: That's right.

Mr. Chamberlist: It says....reading the middle of the paragraph....."Representatives of Thompson, Berwick & Pratt, presented their report on possible sites for the Townsite and the estimated cost of developing the site they recommended. This report, which is attached as Appendix #3, developed a proposal for a Townsite capable of handling an initial population of 1000 people, expanding to 3600 people."

Mr. Cave: That would refer, Sir, mostly to the availability of suitable sites for expansion in the future and not necessarily the inclusion of some of the basic facilities which may not be required, as I said before, for ten years. Part of our terms of reference were that the townsite should not be for Anvil's requirements only but were to be for some, at the start, indeterminate number of people and this was finally arrived at at being approximately three times Anvil's requirements.

Mr. Chamberlist: Well, Sir, from this Appendix 3 there is a period of time being given for population forecast. In 1969, it is given as a date, that there would be.....750 base industry employees and 250 personnel before October 1969. That's 1000 before October 1969.

Mr. Cave: Yes.

Mr. Chamberlist: Is it suggested then that it is going to take ten years more before the population increases from 1969 to 3600?

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Mr. Cave: Yes, Sir, I would say that due to the location of the mine, normal increase is not going to be in effect and it would depend on.....as we started our first terms of reference were three times Anvil's requirements and the basis was another mine equal to Anvil and perhaps a smelter also at that time. I haven't any idea of when these things will come about and, therefore, it didn't seem to be much point in putting in large facilities which you may have to maintain for some indeterminate period which we could not forecast in any way.

Mr. Chamberlist: Mr. Chairman, it gives us on page 12 of Schedule 3 that the total population in 1969 would be 1069. This is phase 1 and it refers to Anvil's initial requirements by September 1969. Surely there are going to be Government personnel. There's going to be service personnel. There's going to be other personnel living there over and above the Anvil requirements.

Mr. Cave: That's right.

Mr. Chamberlist: So that we may well be faced in 1969 and 1970 with having again an equal amount of that amount of people in that area. This is in the following year. Now, you have here a phase 2 but you don't say when this phase 2 will commence.

Mr. Cave: We have absolutely no way of knowing when somebody might open up a mine. We have also in the 1069 people taken into account the probable service personnel required such as school teachers, bank clerks, hotel operators and so on and so forth.

Mr. Thurmond: Could I make a comment on this. It has been brought up this morning I think the fact that the lot costs are high. If initial provisions were to be made in utilities for a substantial expansion that might occur in the future and we are still thinking in terms of charging out the total development costs for each lot, these lot costs would be astronomically high. They are high enough as it is because it is a difficult townsite to develop and certain conditions such as permafrost and other things like this increase the cost and if we were to go to plans for a large expansion, costs would be very, very high. We are on both sides of the fence confronted with budgets and if we were to provide for these expansions now, we would both exceed our budgets substantially.

Mr. Chamberlist: Mr. Chairman, the reason that I am raising this is that I would not want to see the Anvil townsite, after it has gone into effect, to be faced with the position that because of expansion it would find itself in the position of not being able to control the excretia from the townsite itself and consequently the Territorial Government are faced with some astronomical amount of money to provide an increase for the lagoon that is being prepared now. I would take it that this lagoon is being prepared for 1069 people.

Mr. Cave: No, it will be more than that because we are using a natural pothole on the lower bench.

Mr. Chamberlist: Well approximately how many people?

Mr. Cave: I don't know just how much, Sir. It will be more than the Anvil townsite has contemplated in phase 1.

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Mr. Chamberlist: What percentage of it?

Mr. Cave: And then we will get from Mr. Wishart his approval and the statement of how much this population might be, but it will be in excess of phase 1.

Mr. Chamberlist: I think that Council would be very interested to know as to what percentage over and above this population of 1069, which it is estimated will be in the Anvil townsite by September 1969, that this lagoon would take for the simple reason that there is a danger that it might go faster than what is projected. I think I can say quite honestly that experts have made mistakes.....we have just had one in town here for 25,000 people and we only have about 7,000 or a little more and we are worrying about an expenditure that might be put into it of a half a million dollars to put it right. So I think it's much better at this time not to fall into the same trap, to make all the inquiries necessary to assure ourselves that the Territorial Government or the municipality of the Anvil....they might have to borrow money to have an increased area....another lagoon built for this. They should know what we are facing. This is why I am really so insistent in at least finding out to what extent this particular lagoon that has been designed...to what extent the overage of percentage of this 1069 people that this lagoon would accommodate.

Mr. Cave: We can't tell you that today, Sir, no. It is more than phase 1 will be, but it will not be designed for 3600 people.

Mr. Chamberlist: Then this particular item...when it says that the development is a proposal for a townsite capable of handling 1000 people expanding to 3600 people is not so because you haven't got the lagoon large enough to handle them.

Mr. Cave: Then there will be other items not big enough too because of this unknown factor of when 3600 people will be there. It may be never.

Mr. Chairman: Is there anything further?

Mr. McKinnon: Mr. Chairman, I would very much appreciate it if Mr. Thurmond could explain to me the method of commercial development in the centre of the City.

Mr. Thurmond: In the initial phases, this, as we understand it in accordance with the draft agreement, this would be the responsibility of the Commissioner and the statement in his letter is to the effect that the pattern that would be followed would be similar to patterns that are followed in other Northern communities. Perhaps Mr. Fingland would be in a better position to describe these patterns that have been followed in other Northern communities.

Mr. Fingland: Mr. Chairman, I am really not too conversant as to how this has been done in other communities in the Northwest Territories but there are officers of the Department of Indian Affairs and Northern Development here who are knowledgeable on this and perhaps it might be advisable to consult them on this point.

Mr. Chairman: Mr. McKinnon?

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Mr. McKinnon: I would be very interested. It seems to me that in a thing like a town like Anvil for the general store and the food supply that there is going to be about 4 or 5 people who will be interested in leasing the area in the shopping centre for this type of an endeavour. Now, how does the Anvil people and the Territorial Government go about selecting the organization that should have the lease for this type of operation and does it preclude competition from going in ...if a bidder is unsuccessful to get a commercial outlet, may he build in another area of the city and go into competition with the one in the shopping centre downtown? It's just not clear to me how this is going to be developed in the Anvil townsite.

Mr. Fingland: Well, the experience of the Department in other communities is based on Pine Point and Frobisher Bay and I haven't been the participant in the handling of these but I think that Mr. Yates could probably be helpful in that regard.

Mr. McKinnon: I would be very interested, Mr. Chairman, because it also seems to me from what I read that Anvil has the opportunity of rejecting any commercial developer if they do not feel that this is the person that they want to be in the townsite...that even if it is agreed upon by the Commissioner and whatever process they use to single out which one person will develop certain areas in the commercial outlet... if this is agreed upon, then Anvil still has recourse of saying, "No, we won't accept this person." Am I correct in assuming this?

Mr. Thurmond: I would like to make some general comments on this whole subject. First of all, I think we are dealing with a small town and a small population. I think it is so small that economically it is questionable whether the population will support a single establishment in each area of service. In other words, the population may not be big enough to support a single grocery store. It may not be big enough to support a single restaurant. It may not be big enough to support a single hotel. Certainly it isn't big enough to support two grocery stores, two clothing stores, and in the initial phases that we are talking about here, it isn't a matter of trying to do something that will allow private competition to come in but it's more a matter of trying to do something that will encourage just one person to come in and I think that this is going to be a real problem for the Commissioner and I think that if the Commissioner is not able to achieve this and the responsibility reverts to Anvil, I think it is going to be a real problem for Anvil. I think that in order to even attract one person to come in and buy land and build a store or build a hotel or a restaurant but there are going to have to be a lot of plums and a lot of incentives offered which to a certain extent gets out of the realm of private enterprise or private competition. I think this is the problem that we are faced with initially here...is to get somebody to come in and do this thing. I think that there are second phases of this townsite development as it grows and as the population grows whereby there may be others who want to come in and do these things in a competitive fashion and there will be plenty of opportunity for this to occur if the population grows...if the town gets bigger. I think the first problem is just to get somebody in there. I think this is going to be difficult. The reason that Anvil has asked that they have the right to approve is because we feel that we have a great big stake in this thing. We have

Mr. Thurmond continues:

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tried to avoid a company town and we are going to continue to try to do this but in this initial phase it's a little different. Our whole sixty million dollar investment really rests on this townsite and the facilities and accommodations and amenities that will be available to the people that are going to live in this townsite. If it isn't set up properly and we don't have the people that we need to operate this plant and the rest of the facilities....if we don't have them there on a steady basis, we are not going to have a good project. We're not going to have a very economic project. So we've got a stake in it in this fashion. It's awfully important to see that we have some opportunity to approve what is done. Additionally, before it is concluded, our stake in the townsite, which will include loans as well as the cost of the land and the houses and recreational facilities and the nursing station and so on, is going to be in the order of six million dollars with interest on the loans included so this is a big commitment in this townsite. Again, we feel we have a stake in it. I think that we feel that we want to work as a partner with you in selecting this initial person, trying to encourage this initial person to come in here and develop. I think we feel that we may have some plums that we can contribute to attract him in. In order to attract someone, we are going to have to offer some things such as rental of office space in whatever buildings he builds. We are going to have to perhaps give him catering contracts with Anvil. Maybe a number of things like this would have to be thrown into the pot in order to get this individual in. I think we have to be a partner with you in developing something that's attractive to get this developer in and get him to buy land, build buildings and make an investment. I think that's essentially what we mean when we say we want to have the opportunity to approve. We want to work as a partner in getting this initial developer in. Developments that occur after that...after we have a municipality....after we've got the first person in there and the population expands enough so that there is room for competition, then we could care less and we won't be involved.

Mr. Chairman: Anything further?

Mr. Livesey: Yes, Mr. Chairman. I don't understand the statement, Mr. Chairman, that 1500 people won't attract business or a man to put in a business. I don't know what the Government is doing for the rest of the business people in the Yukon Territory. I don't see them offering any plums whatsoever. As a matter of fact, they'll hit you with a hammer first and maybe they won't even pick you up, but they certainly don't offer any plums - not that I know of. It's a negative process from the word go. As a matter of fact, it strictly follows the line of the survival of the fittest. This is what goes on in the Yukon. I certainly, as a businessman, don't understand why 1500 people certainly won't attract any business interests or how you have to go down on your hands and knees for somebody to put up a store when there's 1500 people. How would you like to put up a store where there isn't even a wild pigeon? That's what's going on in the Yukon Territory. We don't have any plums that I know of. I hear the tax man knocking and I hear several other men knocking but I never heard of any plum. So, this to me doesn't quite fit in with my thinking, Mr. Chairman. I don't follow this at all...where 1500 people won't attract somebody who wants to put some money in the ground and we certainly need people putting money in the ground in the Yukon Territory. There's

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Mr. Livesey continues:
no question about that. Now, while I'm on my feet, Mr. Chairman, I hope the witnesses will bear with me for a little while on this discussion here because some of this I am sure doesn't rest in their area. This whole proposal, it seems to me, takes us back to the old discussions on the difference between political and legal responsibility and here, once again, it seems to me that the people of the Yukon, through their representatives in this House this afternoon, are being asked once again to take on a political responsibility while at the same time they are denied legal right. What I mean by that is that we are not considered sufficiently responsible to be brought in on the ground floor in these discussions. We are not responsible to that extent but we are responsible when it comes to the question of who to blame when something goes wrong. This is where our role lies it seems to me around this table and I make no reference to the Company. I'm not talking about the Mining Company. I am talking about the responsible government in the Yukon which is sadly lacking. This is what I am talking about so that all actually that we are being called in for on this Special Session is to go along with something that somebody else has probably spent weeks and weeks and hours and hours of discussion so that we get what someone else has decided first of all laid down in black and white where I don't see what we could do. If we could do anything, I don't know what we could do with it. Now, I wonder what would happen to us if we did anything with it at all. The same as when we say we don't pay any taxes... well, they sock us five million dollars so it's one of those things. This is the same thing as the Five Year Fiscal Agreement. They say, "Well, here it is boys. We won't let you in on the ground floor for discussions, but we'll talk about it after we've decided what's going to happen." We've got the same thing here this afternoon. Exactly the same. Nothing more. Nothing less. We are called in here and they say, "Do you agree with this or don't you? We spent hours and hours and weeks and weeks and hours day after day, month after month working this thing out and you fellows are going to take it. When it comes to whether the public like it or not, you are going to go out there. You're going to take the brunt of it. If there's anything that we don't like about it, you'll be responsible - not the people that brought it into being." This is a pretty sad situation for this day in 1968. This is a pure, unadulterated, undiluted position, and it's a sad one. While I am discussing it, I would like to discuss page 11 of section 1 where it says that, "The matters on which a final decision are required are as follows: 1. Should the Territorial Government proceed with the construction of a public Townsite under the terms and conditions discussed with the Department of Indian Affairs and Northern Development and the Anvil Mining Corporation?" Well, where do we stand on this point? We stand teeter tottering like somebody stepping on one side of a potato or the other. That's about as much as we have had to do with it...which is nothing. Now, under Section 2, it says, "If so, should the Townsite be an incorporated municipality under the Municipal Ordinance?" My understanding of creating a municipality is to go to the public and find out what they think like they did in Whitehorse and the people said, "No. We don't want it." so they give it to them anyway. This is it. You might as well face it and we might as well face it now as next week or the week after. The people of Whitehorse said "No. We won't give you your 66 2/3 majority percent.", so the Commissioner in office at the time said, "To devil with that. We don't want that kind of stuff. You'll get it anyway." So, he created an order and there you've got your beautiful City of Whitehorse..... whether the public wanted it or not. It's the same thing

Mr. Livesey continues:

when it comes to time. Whether you want Yukon Standard Time or not or whether it's legal or illegal or anything else, that's what you get. I merely bring these points to the Committee's attention to show just how much say we've got in these things. I tell you, gentlemen, what we've got to say here is very, very much diluted. There is a question. Are the people who join this municipality, or so called municipality, or would be municipality, are they going to be asked whether they want to become one...become incorporated? It doesn't say that here. It says, "Should the Townsite be an incorporated municipality". We're not going to decide this at all in my opinion. It's the people when they live there and they grow up there, when they own their property and they start their municipality...surely in a democratic country, they are going to make this decision. Now, No. 3, "If the Townsite is to be an incorporated municipality, should the completed roads and water and sewer systems be transferred to the municipality for operation and maintenance?" Once again I would say, gentlemen, I don't know what the answer would be. I think this would depend on whether the people who live in this area want to be incorporated as a municipality. That's what I think the answer to that is and if they decide they want to, and I say they decide, not the Territorial Administration or the Federal Government of Canada that makes the decision...if they decide what they want to do then surely we'll know the answer from then on. And, "What should be the name of the Townsite?" Are they not going to be consulted? No. 5 is "Should the Territorial Government share the cost of equipping and operating the Nursing Station with the Department of National Health & Welfare according to the formula in the Fiscal Agreement?". I would say that obviously on this one, if there is an Agreement and I am sure there is, then the Agreement should be the one that we follow. Once we have made a commitment of that nature, then I don't think there's much point in discussing it any further. So at this point, although I would like to have further...like to have something to say further on this, I would like to leave this, Mr. Chairman, at this stage with the Committee.

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Mr. Chamberlist: Mr. Chairman, I am coming back in this to this particular matter dealing with the development of the commercial area. Notwithstanding what Mr. Thurmond has said.... I have some sympathy with the attitude that there must be orderly development of businesses in the business area....I think it's just foreign to our way of living. We are going to have a situation where you don't want a company town as has been put by one of my colleagues but you want company control. This is what it appears to be. You don't want a company town, but you do want company control and it hasn't worked out in the past in various other areas and I don't see how it could work out now and when I have a look at the revenue section on page 9, a summary showing the proposed municipal budget for the Anvil Townsite....I see that one hotel....it shows you business licences....one hotel, two service stations, five apartment houses, one barber, one beautician, one insurance agent, one bank, three shops.....it would mean that you are going to choose the banker you're going to have there. You are going to choose the insurance agent. You're even going to choose a beautician. How you would be able to choose her, I don't know but you may have a way or method of doing that.

Mr. Thurmond: That's really what I was holding out for.

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Mr. Chamberlist: Oh, I see....the barber and five apartment houses. I know you have intention of building apartment houses yourselves for some of your own personnel so if you finish up building five apartment houses, nobody else is going to have the right to build apartment houses. To me, you are wrong. It's certainly not within the realm of the free enterprise system that we want to build up. It certainly gives control to the company. I am opposed and I cannot quite honestly see any way that I can change an opinion on that. I am opposed to a company having control over the Territorial Government because we are placed in the position of the Territorial Government certainly being subversive to the company so that the Territorial Government and this Council cannot make a decision without...cannot even introduce legislation or ask that the Administration introduce legislation to have a certain type of building or business operate in an area without first coming to the Anvil Corporation and saying, "May we do this?" and I certainly can't go along with that. I can't appreciate that at all. This is the very, very point that I am strong for and this is one point I certainly can't agree to to any extent in any way at all...that the Territorial Government should be placed in the position of asking the Company to agree to a particular type of business or to a particular operator of a business operating in the area prior to them being given permission to do so. I would also like to..... perhaps Mr. Finland could answer this question, Mr. Chairman.. put this question....supposing outside the townsite area other businesses were to open. Supposing that inside the townsite area on property that is owned by the Territorial Government other businesses were to open. Would the Territorial Government, Mr. Chairman, be placed in the position of having to ask permission of the Anvil Corporation before they could sell that property to some private developer or private business. I wonder, Mr. Chairman, if Mr. Finland could answer that.

Mr. Finland: No, Mr. Chairman, the answer is no. We wouldn't be obliged to consult or have the approval of the Anvil Mining Corporation.

Mr. Chamberlist: Even if it's within the townsite?

Mr. Finland: No. The question was "outside the townsite".

Mr. Chamberlist: No. Within the townsite. The Territorial Government, Mr. Chairman, are going to own some of that property....

Mr. Finland: Yes.

Mr. Chamberlist:...within the townsite.....

Mr. Finland: Yes.

Mr. Chamberlist: ...border so that there will be property available I take it.

Mr. Finland: Yes.

Mr. Chamberlist: Now if this property....if somebody comes to the Territorial Government and says to the Territorial Government, "There are two lots that I would like to purchase. I wish to open a particular type of business on that lot. It's in a zoned commercial area. I want to buy those lots." Now,

Mr. Chamberlist continues:
according to this particular Sessional Paper, if the
situation applies, the Territorial Government could not
sell those lots to this party unless they first received
approval from the Anvil Corporation to do so. Now, is
this what is going to happen?

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Mr. Fingland: No, Mr. Chairman. What we are talking about
in the schedule 3 to the draft agreement is a development
plan and this would consist, as I understand it, of proposals
submitted by various people who are in this particular line
of business and it is this plan of development with which we
would undertake to consult with the Anvil Mining Corporation
before we finally entered into an agreement with any particular
company for the development of the commercial area.

Mr. Chamberlist: I am not talking about the development of
the area, Mr. Chairman...not the development of the area...
because I understand it may well be that one developer will
develop the area and lease out the land. I recognize that,
but by the same token.....that developer would be instructed
that he cannot lease or rent to a user...to an occupier...
unless the Anvil Corporation....

Mr. Fingland: No, that's not our intention at all.

Mr. Chamberlist: Well, then I need a much greater explanation
of this particular section which, in my opinion, makes it
quite clear when it says that the Territorial Government...
in the first instance it would be the responsibility of the
Territorial Government to invite proposals for the develop-
ment of the commercial area in the city centre but no proposal
would be accepted by the Territorial Government without the
prior concurrence of Anvil. Surely that's clear.

Mr. Dumas: Mr. Chairman, I understand this to be this way
and I would like to be corrected if I am wrong. If somebody
comes along with a proposal to develop a downtown section of
Anvil...they have to have the complete development...shopping
centre what have you...with so many businesses, one of each type
if you like...they have to have the approval of both terri-
torial and Anvil at this point, and I can go along with it
to this point. After that, it seems to me that Anvil isn't
really concerned what happens further. If somebody else wants
to come in and set up in competition or rent space in the
shopping centre with so and so next door. Is this correct?

Mr. Thurmond: I think our intent here in what we say is that
the initial development plan is something that we would like
to approve. If a developer comes in and he's going to sublease
shops to somebody else as a part of his development plan, this
is of no concern to us. We are looking at approval of the
initial development plan. Development plans would be invited.
It's a matter of competition. Everybody gets a crack at it
that is interested. The one that is the most acceptable to
the Commissioner in the first instance is recommended and
Anvil has a chance to concur or approve that recommendation.
From then on, it's a municipality and it grows in a normal
fashion and business grows in a normal fashion. Is that our
understanding?

BILL #2 Mr. Legal Adviser: Mr. Chairman, possibly the confusion could
SESSIONAL be partly contributed to my drafting of section 12. I drafted
PAPER #7 in an attempt to reflect the wishes of the two parties to the
Agreement and I found some difficulty in compressing into a
few lines of legalis what the intention of the parties were
so in what I thought would relieve the strain, I evolved a
scheme of setting out more fully in less legalis type of
language what the understanding of the two parties were and
annexed to this a suggested form of a letter to be signed by
the Commissioner as schedule 3 to the Agreement which runs on
for a page and a half and if any of the Honourable Members would
refer to schedule 3, you will find that pretty much what Mr.
Thurmond and Mr. Fingland have been good enough to say is set
out in that letter. It's immediately after the Agreement in
the same section of the book...the last two pages of that
section...immediately before the tab No. 8...the last and the
second last page. The heading of the page is "Schedule 3 to
the Agreement...Draft Letter to Anvil....Dear _____"
and then it's signed...the printed signature at the foot of it,
"J. Smith, Commissioner". That is intended to supplement
section 12 and that's the schedule 3 referred to and I was
using actually the advertisements that were published in
relation to Frobisher Bay and Pine Point where in fact the
companies involved there had tremendous difficulty in finding
a developer at first. It wasn't a question of trying to
keep people away.

Mr. Thurmond: Could I comment...just to react to this
remark about difficulty in finding people. I think we know
that at Pine Point it was two years after the townsite had
been completed before they could get anyone in to build a
hotel and in some of our planning phases, we cast around to
try to find interested parties in coming in and putting up
capital and developing the area and we found it exceedingly
difficult. No one wants to put up capital. They all want
guarantees. We just haven't found people very anxious to
come in and do this thing.

Mr. Shaw: Mr. Chairman, trying to clarify these particular
matters. It appears to me that the objective in the first
instance is to get some developer that will expend...make a
large capital investment...and produce a shopping centre and
that for this particular section...or this particular project,
the Government and Anvil Corporation will to an extent work
together on the project. I have that clear and I concur with
such a point. However, what I would like clarified is the
fact that after the shopping centre had been completed and
Joe Blow comes along...he wants to start up maybe another
grocery store...jewellery store or whatever it may be...a
business...will there be commercial lots available so that
this person can come and purchase a lot and put up his place
of business? Will there be any restrictions whatsoever in
precluding a person from doing that? That's the question.
In other words, I would look at it this way, Mr. Chairman,
that the \$600,000.00 is an expenditure of public funds and
that seeing it comes from the pockets of all the taxpayers
in Canada, then of course all the taxpayers should have the
opportunity to enjoy the benefits of this particular expendi-
ture, providing they are willing to comply with the regulations
as set out in the municipality as far as construction and
proper zoning and so on is concerned. Will, after this centre
is completed...if it is completed...whether it's completed or
otherwise...will persons on their own be able to purchase the
lot and establish their own business with no restrictions
whatsoever except complying with the local Ordinances or
municipal by-laws? Mr. Fingland could perhaps answer that.

Mr. Fingland: Mr. Chairman, no. There would be no limitations placed on anyone coming in and taking up commercial property at that point on the understanding, of course, that he complied with the local by-laws and regulations. BILL #2
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Mr. Shaw: Just a supplementary question. Then there will be an area...a commercial area or what you might call it... set aside for expansion for such a need. I mean it won't be a case that when this is completed that the only service area will be this shopping centre? There will be a further commercial zone that can be developed.

Mr. Fingland: Yes, Mr. Chairman. It is not our intention in any way to limit or exclude anyone from coming in and developing commercially if they should so desire.

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

Mr. Chairman: Gentlemen, at this time I will call Committee back to order. I wonder if you have anything further in relation to this Sessional Paper, and this Bill?

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Mrs. Gordon: Mr. Chairman, may I ask a question? In appendix 6, the first holdout there is a map which is color-coded to the townsite and the various developments in it. I wonder if Mr. Thurmond might indicate where the most proposed commercial extension area is in this map. It would seem from the color coding that it is pretty well filled up at the moment.

Mr. Thurmond: I would like to ask Mr. Cave to comment on that because they have done the planning on this.

Mr. Cave: The commercial centre, which is shown by 'h', 'e' and 'f', including the hotel, is capable of expansion to the north and there is ample area there apart from the phase 1 requirement for subsequent expansion for phase 2 and phase 3 and this will depend on the development plan which we hope we can get from the developer within the course of the next month.

Mr. Chairman: Mrs. Gordon.

Mrs. Gordon: Subsequent to that, I take it the indication on the map, 'd' is the school playground area?

Mr. Cave: Yes.

Mrs. Gordon: And 'j' is your service centre; in other words your development, in going north, would end up in the area between the single men's accommodation.

Mr. Cave: That is correct.

Mrs. Gordon: ..Which will break the commercial centre to some extent, would it not?

Mr. Cave: It certainly could do that, yes. That road going there is really the entrance to the parking lot and it would be a little different from some shopping centres or most shopping centres, with commercial areas on both sides of the parking area.

Mrs. Gordon: Thank you Mr. Chairman.

Mr. Chairman: Anything further.

Mr. McKinnon:If more than two developers indicate they are willing to develop the Commercial area, how is the developer going to be chosen.

Mr. Chairman: To whom do you direct that question?

Mr. McKinnon: I was told that probably Mr. Yates, who has knowledge in Frobisher and Pine Point can answer this question. I don't know. No one here seems to be able to answer that question. Could the Commissioner answer it; Mr. Fingland?

Mr. Fingland: I think Mr. Yates would know better than I could say.....

Mr. Chairman: Mr. Clerk, would you see if Mr. Yates could join us?

Mr. Chairman: Mr. Yates, I believe there was a question.

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SESSIONAL Mr. Chairman continues.

PAPER #7 Mr. Chairman: Mr. McKinnon, would you restate your question?

Mr. McKinnon: Mr. Yates, if there were more than one developer who expressed an interest to the Territorial Government to develop the commercial area of the Anvil townsite, how will that developer be chosen?

Mr. Yates: Mr. Chairman, perhaps I could answer this question best by referring to the development at Pine Point about a year ago now and our current experience in the development of this kind of a town centre in Frobisher Bay at the present time. In these two examples, Pine Point first, there was a requirement for a town centre for a small town not exceeding 1,000 population or up to 1,500 in Frobisher Bay. The costs of development of the town were extremely high in terms of the service area, utilities and so on, and therefore there was a need to make the townsite as compact as possible. The practice that we suggested in Pine Point was that the central commercial area should be developed by a single developer would provide the hotel, the shopping centre which would then be leased subsequently, the areas which would be leased to private business men wanting to move in there and parking lot area as well. Rather a similar area in effect to the kind of suburban development one sees in cities with the exception of the hotel which is particular to these small towns. The shopping centres are somewhat similar to suburban shopping centres around cities. Now the way in which - just to expand a little further on this, I would like to move to the Frobisher Bay proposal because some comparison there with the Anvil townsite in that there is a requirement at Frobisher Bay in addition to the hotel and shopping space for office accommodation for Government offices and for apartment buildings for people. Now, in Frobisher Bay the foundation conditions are very difficult and therefore the whole town plan has to be concentrated in one small area. So this led again to the thought of creating a concentrated town centre including the hotel, the shopping space, recreation area, bowling alleys and so on, cinema theatre, apartment building and office space. In order to attract a developer to put forward a proposal for this kind of development which costs several million dollars, particularly at a location like Frobisher Bay which is somewhat remote, it was necessary for the government to guarantee certain rental space in the accommodation provided and in that instance we are guaranteeing a rental of 30,000 square feet of office space for twenty years. We are guaranteeing something like 100 apartment units for rental for twenty years; we are guaranteeing the occupation of something varying from 35 hotel rooms in the winter to 60 in the summer, spaced out over twenty years again. With these guarantees we expect and are reasonably confident that a developer will be able to borrow money in the first instance, from the banks, in part, to provide this rental space and will be able to invest on his own to provide for the additional rooms required in the hotel to provide for the shopping centre itself to serve this population; to provide for the recreational facilities that also are required in this centre. This particular invitation and the one at Pine Point were called publicly, invitations were placed in the newspapers across Canada inviting proposals. The specifications used for the call were outlined indicating the type of thing that was required, the amount of guarantee the Government was prepared to give and in the case of Frobisher, inviting the proponents to come to Frobisher Bay on a certain date when a full briefing session would be held. This was very valuable, incidentally; I mention it in passing.

Mr. Yates continues...

We have now had, in the case of Frobisher Bay, the meeting on the site, six or seven major firms in Canada attended; the principals attended indicating considerable interest in the proposal attended at their own expense. We don't know the results of this proposal yet-that will be coming in September. In the case of Pine Point, to go back; this same practice was followed; the tenders were advertised publicly for these proposals indicating the general requirement. In the case of Pine Point there were no guarantees included; it wasn't considered necessary. It did take a little time to attract a suitable proposal. Now the question I am asked here is how did we determine how was the best proposal determined. It was determined by the Commissioner in this instance, the Commissioner of the Northwest Territories on the basis of the proposal submitted to him by the entrepreneur and simply on his judgment, aided by his experts in his area the developer was selected. I think I should say at this point that it is not as though a large number of proposals were submitted at the Pine Point situation. I think there were two or three and it was fairly obvious, in examining these two or three proposals, which one of them was the best. There were certain negotiations which then followed with the proposal to include into his development features that the Commissioner wanted included; in other words a slight modification of the original proposal and finally then the contract, if you like. It isn't really a contract in this instance; it is a process of transferring the land to the developer - that is the way in which he has the opportunity to develop his proposal and an agreement of course between the Commissioner and the proposer so that the Commissioner's requirements are carried out and the only 'plum' if you like, in the case of Pine Point, was the issue of a bar licence and this of course attracted a great deal of revenue to the man who was putting in his proposal and this was the plum that the Commissioner was able to give to the successful proposer. Now, in the same case in Pine Point there was an opportunity for smaller business men if they wished to try to come in on their own but as things have developed there again, the shopping space developed by this major contractor has been leased to a number of small business men, there is a barber shop, there is a bank in there, there is a grocery store; at least that is as far as I can remember now but there are six or seven thousand foot, thousand square foot areas which were available for rental.

Mr. McKinnon: Then the question in answer, Mr. Chairman, will be the Commissioner's decision and the Commissioner's decision alone to decide who will be the developer of the Anvil commercial area.

Mr. Yates: I couldn't answer that Mr. Chairman. I was merely explaining the procedure that has been followed at Pine Point.

Mr. McKinnon: Well, could Mr. Fingland answer that question.

Mr. Fingland: Well, at the moment, Mr. Chairman it is stated in our Sessional Paper but in considering this we are agreeable, I think, that if it is to be the Commissioner's responsibility in the first instance, that the Company would not wish to have a veto but that perhaps what we should be talking about is consultation but that the Commissioner would in fact have...

Mr. McKinnon: I say it would be the Commissioner, acting in conjunction with the Anvil authorities who will decide who will be the developer of the Anvil commercial area.

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Mr. Fingland: Yes, Mr. Chairman, that is right.

Mr. McKinnon: All right, now, number two. If I were bidding and could raise the money to develop the commercial area; if I could have both, just for lack of - to take names out of the air, if I could have Super Value and Loblaws competing to lease space in the development area for a store, would I as a private developer have to go to the Commissioner or to Anvil to decide which one of these would be the better lessee in this commercial area?

Mr. Yates: Again, if I may go back, without prejudice to what may happen at Anvil to say what could happen elsewhere, it was the developer who chose between the competing grocery store and grocery firm which one..

Mr. McKinnon: Would this be correct, Mr. Thurmond, in the Anvil commercial area?

Mr. Thurmond: This is the way that I had visualized it - we are talking about a development scheme - that Anvil would be consulted upon, but not the specific.....

Mr. McKinnon: If I were an unsuccessful bidder for a lease in this development area and I could see where I would think that I could make a profit by opening up a hotel in the Anvil area, where could I get land to go in opposition in commercial competition with the hotel already established at Anvil ...

Mr. Fingland: Yes, Mr. Chairman, it would be possible. All we would be doing in the first instance, in consultation with Anvil, would be selecting the developer. Now if it turns out that there are more people interested in space than the existing area will provide for, extra service land will be made available.

Mr. McKinnon: Extra service land would be made available. Thank you Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, I am sure that the Honourable Member from Whitehorse Northwas giving hypothetical examples when he was referring to 'I' because I noticed in the agreement that is being set up that no members of the House of Commons or the Council of the Yukon Territory shall be admitted to any share part of this Agreement..... therefrom - so therefore you could not even build a house there if you wanted to. What is this in there for? Would you explain that, Mr. Commissioner?

Mr. Commissioner: I don't think that this is.....situationis a normal thing to put in these type of agreements. I thinkmaster agreement that was entered into between the Minister and Anvil Corporation you will find that Members of the House of Commons.....and at the Territorial level we also have the members of the Territorial..... perhaps the Legal Adviser might cast some further light on the situation.

Mr. Chamberlist: I would like to expand on this particular thing. I am not thinking in terms of anybody making a profit. The way this is used in here it would appear to me that it would prevent anybody from participating in this particular agreement if for instance a member of Council or the next member of Parliament for the Yukon happens to want to build a house in that area, or build an office up there and wishes to lease an office from this Company, he would be participating in this particular agreement. This is what I

Mr. Chamberlist continues
was referring to. The way this is written - perhaps Mr.
Legal Adviser will -

Mr. Legal Adviser: The particular phrase is there for
the simple reason that it appears in all similar forms of
contract but its main intention is to ensure the protection
of the Honourable Members of this House as well as the
Members of the House of Commons in that they do not have any
part in any sub-contract or any other dealings which would
arise out of the main contract but to lease a house or not -
or put a building there would not be dealing within this
contract, it would be dealing under a separate contract
and would not offend.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: I have some questions now relating to the
Agreement itself which I would like to have explained. And
I still haven't, Mr. Chairman, had an answer given to my
objection as far as that section that says that there is
prior, that the Government will deal with the situation, will
not be able to deal with the situation prior to discussing it
with the Anvil Corporation and I was wondering whether we should
somehow or other remove that particular clause of objection from
Section 10 on page eight of the Sessional Paper which I find
would prevent me from agreeing with the balance of this because
the way it is written it would - words without the prior
concurrence of Anvil in the Sessional Paper is the thing that
is objectionable to me and I wonder if Mr. Commissioner has
a way that this could be covered in the Area Development
Ordinance by an Order, Commissioner's Order whereby the
Commissioner can control the type of accommodation or rather
the type of business such as we already have in the Carcross
area - there are Regulations there too. I think perhaps Mr.
Finglandoutside of Council, might be able to recognize
this particular point but unless that is taken out I'm afraid
on that particular point I have to remain adamant where it
says the Territorial Government would not be able to do these
things without the prior consent of the Company - a point
on whichopposition to it.

Mr. Commissioner: Mr. Chairman, with respect, I think you
have two matters further to consider in this. This paper
that is here is an explanatory paper and I think that there
are two things that go along with it, you know that are
necessary to consider, - the agreement, the proposed agreement
and also the further appendix to the proposed agreement,
mainly the letter outlining to Anvil what the end result of
these things will be so I wonder if I could ask this. And
I am asking this without particularly looking in full detail
at these two further things. Could we consider the consulta-
tion, the prior consultation with Anvil would be looked upon
as offensive in the light of the two following things that
really cut the mustard in this regard. Perhaps that question
should be directed, Mr. Chairman, with respect, to Mr.
Thurmond.

Mr. Chamberlist: Mr. Chairman, I would be satisfied if Mr.
Thurmond would indicate that the Company would not expect
to be, to have the last say as far as approval and that the
Company would agree to having consultation with the Commissioner
in relation to who was to be the person chosen for a particular
operation.

Mr. Chairman: Mr. Thurmond.

Mr. Thurmond: Yes, I think we would go along with this because
I think it would be our intent anyhow.

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Mr. Chamberlist: Mr. Chairman, I wish to raise - I want some explanations on a couple of items actual proposed agreement itself from the draft paper which is in Section 7 of the proposal and

Mr. Commissioner: What page are you on?

Mr. Chamberlist: Page 2, section 4 of the Agreement. Section 4 (1) reads as follows: "no person not ordinarily resident in Canada shall be employed on the works and preference in employment shall be given to residents of the Territory." There may well be that there are specialists of the Company that will be required to employ who are not ordinarily resident in the Territory, ... I think that the Company should protect itself on that particular item.

Mr. Legal Adviser: Mr. Chairman I think the Company would be satisfied with the wording - it is a preference in employment. This means other things being equal, which they never are. Other things being ... to change, preference will be given to a resident if available.

Mr. Chamberlist: I didn't raise that particular point but usually Mr. Legal Adviser jumps a little ahead of me, so that is all right. No, I am referring to the first few words Mr. Chairman. It says 'no person not ordinarily resident in Canada shall be employed on the works'; and it is quite possible there will be some people who are company principals and company specialists who may well necessarily have to be employed on the works who are not ordinarily resident in Canada. They are perhaps ordinarily resident in the States. This is what I was thinking of.

Mr. Livesey: Question, Mr. Chairman.

Mr. Chairman: Mr. Livesey.

Mr. Livesey: There are people from the United States now are being employed at Anvil. This is contrary to the Agreement, to the draft Agreement. There is no question about this. There are instances I have known where Yukoners cannot be employed but Americans can. This is a pretty sad situation in my opinion. And also now I understand that any Yukoner that is employed over there at the moment must transfer to Vancouver local if he wants to continue employment. He cannot belong to the Yukon local. This is getting beyond belief. In a place as big as Canada and in a country that calls itself democratic. I truly believe Mr. Chairman that we have got to start thinking just a little bit more of the Yukon workers. This seems to me that this is a high mineral potential in the Territory - the top stuff we have ... is not marginal property - it is good property and people from Vancouver are going to mine it and people from across the ocean are going to buy it and people that weren't here before to my knowledge are going to run it. I just simply can't understand what we have to do with it. It seems to me that in the British North America Act of 1871, Section 4, that all Canada got was the authority to provide peace, order and good government in the North and in my opinion they haven't provided either peace, order nor good government. This is about the size of it. Where do we get mixed up in this at all; this is what I don't understand; this is what I was talking about before this afternoon. We are not even involved in the

Mr. Livesey continues....
agreement. We are not involved in any section in this book. All they want us for is 'come on boys, get the stamp out and bring the ink pad and put it smack right there on this paper, and then rush home and then you can pat yourself on the back-you did a wonderful job'. Now this is pathetic in the extreme, absolutely pathetic. We are grown up, intelligent individuals to have to come down to suffer this kind of thing. And here we are sitting back and suffering it every time we come here. No responsibility except political responsibility. We've got that; they are willing to give us that but they are not willing to give us legal responsibility, none whatsoever. And they all get together in Ottawa and put their heads together and they conjure up something for the Yukon and then after it has all been worked out and everything is as smooth as the skin on a plum why here they come along and say 'here you are , well have to give this to the Council; give them a couple of days to approve of this and they will be able to fix it up'. And then when it comes to the next election the people of the Yukon say 'well look at that, you decided that, it is your fault, you said O.K. to this; piles of paper'. That is what we got. You said O.K. to it. Sure, and the Commissioner will get a phone call and they will say how about that Commissioner. Well, the Council agreed to it. Sure, the Council did agree to it....There is the simple situation - nothing to it. All they ask the Council to do is travel 300 miles over bumpy roads and come here to Whitehorse to put a stamp on this kind of thing and when you start giving in to it why you have to stay here six months to try to get something changed and I would like to ask the potent question 'what could we change in this place without stirring up all kinds of grief. Why they would have every knick knack in the country thrown at us if we ever tried to change anything in here. I think this is an abomination, that is what I think it is and I mean it. You play it and I'll name it, an abomination. There is no question about it and you might as well take it or leave it. This is it and what we want here in the Yukon Territory is consultation at the ground level before these things start. We want consultation at the ground level before our financial agreement starts and we want consultation at the ground level before we get a - the next stage in responsible government. This is what we need because people of the Yukon Territory have nothing to do with it but when it comes out in the public press 'Commissioner in Council, Council by and with the advice and consent of the Council' actually should be worded differently and I could word it differently but I wont - though I could but this is all we have got to do with this. O.K., close the book, go home, pat yourself on the back as you've just made yourself a million bucks..... That is exactly where we stand here in the Yukon Territory today; this afternoon with regard to this. And....we have no.... control over the employees that are to be hired.....The draft Agreement says Yukoners are going to be employed but somebody else down south says they are not. They are not our boys; we don't employ those fellows, we are going to employ the people from Vancouver. Here it is, we are supposed to be approaching provincial status in the future - based on what. Well based on what we are going to gain from what we have got in the cupboard and we haven't got apples in the cupboard up here or oranges or plums; they don't grow up here. But what we have got is minerals and this is the only thing that we can consider, in my estimation, temporarily as the big push, the big money, the big finance and the next thing of course that we have got is tourism. I say let us push both of them. And I say this afternoon, Mr. Chairman, is let the Yukon get its

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Mr. Livesey continues...
share out of it and not just have us sitting around here
tossing our legs and smoking pipes of peace. That is all
we are doing, precisely all we are doing Mr. Chairman. Thank
you.

Mr. Chamberlist: Mr. Chairman, I wonder if I can get the
opinion from Mr. Legal Adviser on whether Section 4(1) the
first part, interferes with the specialist that the Company
will require to have on the job.

Mr. Legal Adviser: If they require non-nationals, that is
non-Canadian nationals - this will prohibit their employment
if they carried out the terms of the Agreement. I hesitate
to give legal advice to the Company.....

Mr. Chamberlist: Well, I'm doing the same but I cannot charge.

Mr. Chairman: Gentlemen, we have in Sessional Paper No.7
we have a request for a decision on six points.

Mr. Chamberlist: Mr. Chairman, with respect, I said I have
some points in the agreement itself that I want to get some
explanation on. I have already pointed this one out and I
guess it is up to the Company to decide whether or not that
particular section should be amended to protect their
interests. Mr. Thurmond I am sure will understand that I am
following the right procedure by making sure that both
parties to the agreement..... Now, Mr. Chairman, although
I know that the maximum that will be refunded to the Company
would be \$500,000.00, Section 6 (2) of the Agreement shows
the percentage that would be paid to the Company. Now is
this percentage added to the maximum of \$500,000.00 or does
it perform part of the \$500,000.00?

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, part of and will not in any
event exceed \$500,000.00.

Mr. Chamberlist: Section 8, therefore, answers itself and
Section 10 answers itself.....

Mr. Chairman: Will Committee agree now to deal with these six
points.

All: Agreed.

Mr. Chairman: The first point, or the first question asked and
I would feel, gentlemen, that it would be necessary, absolutely
necessary to do this by motion. Your direction would be
solicited here. 'Should the Territorial Government proceed with
the construction of a public townsite under terms and conditions
discussed with the Department of Indian Affairs and Northern
Development and the Anvil Mining Corporation'? Are we
agreed on this point?

All: Agreed.

Mr. Chairman: All right, we are agreed. No. 2, if so, should
the townsite be an incorporated municipality under the Municipal
Ordinance.

Mr. Chamberlist: Mr. Chairman, I think this is a matter for
the people who are living in the townsite. I don't think we
should agree to this but we should await for the occupants,
the taxpayers of that particular townsite to have a plebiscite
in accordance with the Municipal Ordinance to decide whether

Mr. Chamberlist continues...
or not they wish to become a municipality. This is my
opinion of it.

Mr. Chairman: Commissioner, what are your thoughts?

Mr. Commissioner: Mr. Chairman, I'm not about to disagree with the idea that has been expressed by Councillor Chamberlist but from a practical point of view, and from an administrative point of view, it is certainly going to be a very difficult burden for us at the Territorial level to handle the administration and the control of this townsite as a Territorial subdivision which in fact it would become if it is not incorporated. Now, I think that you have to consider, with due respect to what Councillor Chamberlist has said here and I am not disagreeing with the principle that he expounds but I strongly suggest that from a practical and operative point of view that the Territorial Government would be placed in a very difficult position in dealing with the administration of the town if in fact it was not incorporated and there would certainly have to be considerable thought given as to what the end results could conceivably be cost-wise to the general taxpayer of the Territory if in fact this is not to become an incorporated municipality.

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: Under the existing circumstances when there are very few private ownerships in the area at the moment the way it is proposed, would it not be more reasonable to appoint an administrator in the area to look after the interests of the Territory? It would seem at the moment that the development there is company owned and company controlled there wouldn't be people there to take these offices or have the qualifications under the Municipal Ordinance to assume these responsibilities?

Mr. Chairman: Commissioner.

Mr. Commissioner: Mr. Chairman, also with respect to the point that Councillor Gordon has brought up, I think that the general endeavour of Council, of the legislature here, is to chop off the apron strings between here and Ottawa just as soon as possible and I strongly recommend to this legislature that they in turn practice exactly the same policy by chopping off the apron strings to the communities of the Territory and permit them to conduct their affairs at the local level wherever it is possible and practical to do so. Now in this town that we are talking about here I will agree initially, and we are talking about the construction stage as opposed to the operative stage of the development that during the constructive stage it would be most difficult to find people of permanent residence in the town who would have the interests of the community at heart who would even be remotely interested in undertaking an elective type of responsibility. However, remember that you are going to have a guaranteed population in this town. This is not an unknown quantity as to how many people there are going to be here; you have heard today - I believe it was Mr. Cave who was dealing with the anticipated population of the area. You are assured of an instant population at a particular time, I believe. I believe a time was mentioned today that occupancy of this town should be fairly complete somewhere in late 1969, I believe September was suggested today so that, really many of the unknowns that you have with regard to the development of other towns in the Territory have been literally removed in so far as this town is concerned, and I would certainly feel that if we are going to

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Mr. Commissioner continues....

develop this town along the lines that are going to be in line with the twentieth century and progressive and take an interest in their own community, that the availability of municipal status or something similar just as quickly as possible after the construction stage is over with is in the best interests of the Territory as a whole and the particular residents of Anvil as they are at that time. I would be quite confident Mr. Chairman that people who live there would be most anxious to assume those elected type duties that are in keeping with the municipal status.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, I have taken a long look at this and I am sorry that I have to disagree. I don't like cut and dried democracy no matter which side the bread is buttered on.without even asking whether they want to become incorporated or not is against my thinking, against my grain also. It is one thing to change it after it has been..... but to tell them what it is going to be before they even get to the vote that is something else again. I just simply can't follow this type of thinking. We believe in the method of the majority rule and we are going to deny the people who are going to have this town the right to say whether they want it or don't. And obviously they are going to become taxpayers the same as anybody else. They are going to be the same as any other municipality in the Yukon but they are not going to have the same privileges. These people are going to be told they are going to be a municipality. Surely not by us; any more than we like to have the Federal government tell us that we are going to become a province or have been telling us that we are going to become subservient to the Federal parliament. I don't think this is correct; I think this is wrong. It is wrong in principle no matter which way you look at it or no matter which way it may look convenient. Sometimes the most convenient methods are the most drastic and there is no question about it; if we want fast action why dictatorship is much faster than democracy. In dictatorship you can come along and say tomorrow this is what we do but in a democratic country you have got to argue it out and it takes longer but I still think the democrats have got the top notch on the ladder, in my opinion. I think democracy is the best and I think it is far better to let the people decide whether they want a municipality or they don't want a municipality. I would like to further say something about the question of municipalities in the Yukon becoming more democratic than the Council of the Territory. This is something else too and I have spoken on this before. The municipality of Whitehorse or the municipality of Whitehorse today stands in greater power than the Territory, than the Council the Territory elected to it, which I think is a disgrace. I never heard of it when the pioneers crossed Canada; they certainly didn't incorporate the municipality and leave the province out in the open. Not only that but I think if you look upon it and look at it closely you will see that when these municipalities get this democracy they become responsible to the Administration. I'm not saying that municipalities shouldn't be responsible; I think they should be. I think the incorporation of communities and municipalities is perfectly democratic, is perfectly all right but I think they got the cart before the horse in the Yukon and as this process emerges it is more than obvious, not only in this area but in other areas -why slowly and surely the power, even the powers and small powers that The Council have today are being whittled away today. The

Mr. Livesey continues....

point is when are we going to become responsible here in this House. This is what we have got to decide and I would suggest to you, gentlemen, this afternoon that you make sure that we continue the principle of majority rule in Canada whether it is in a municipality or whether it is in a Territory or whether it is in a province or across the entire Dominion; I think the majority rule is the cleanest form of politics.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, when I raised objection to this sectionI raised objection because I thought there would be a charter given to incorporate the municipality without going to the residents of the area but I note the question says should the townsite be incorporated a municipality under the Municipal Ordinance. I am sure Mr. Chairman realizes that under the Municipal Ordinance it is necessary before incorporation of the area could be made that 3/5ths of the population give assent to this. Now the problem we face is when do we get the people to give the required 3/5ths to get this done. Now we wait until the area is occupied and then make a municipality or was it the intention of the Commissioner by this request.....for consideration by Council whether he wants to just call the townsite, whatever its name will be, a municipality. This is the point that I would like to have clear and if that point is clear then maybe I will be able to withdraw my objections.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Well, I think there are several considerations involved in the particular question. The legal side of the thing perhaps I could ask Mr. O'Donoghue to deal with and from a practical side of the thing I think that we should

Mr. Commissioner: Mr. O'Donoghue.

Mr. Legal Adviser: From the legal side of the thing, under Section 5 of the Municipal Ordinance, if the Commissioner is satisfied that there will be fifty ratepayers, then provided he gets a resolution favouring the idea from Council then he can, at a suitable time to himself, and he would pick the time, set up the village and I would have suggested that the form of resolution in answer to question two of the point for consideration by Council that we are discussing now, should be, 'if the Council was to approve that in the form which is set out in the resolution as appendix 13 at the very back of the book, the very last page; but the form would then be, the Commissioner would get out a Commissioner's Order and set out in the same way as the Commissioner's Order in relation to Dawson City at present, set up the form of election....the first election and then the provision of the municipal Ordinance, the mechanics of the provisions that so many representatives when elections are held, their property and so on would comestage by stage or altogether immediately under the Municipal Ordinance, at a given time but it is necessary to set up by an Order first in order to fix the right timing and the right stage so that you have the election at the correct time and the rate collection and the assessments and so on at the correct stage.

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Mr. Chamberlist: Mr. Chairman, I wish Mr. Legal Adviser hadn't mentioned the Order setting up the election in Dawson because I think, in my opinion, contrary to the Municipal Ordinance and I only make that comment at this stage. I would not support that same type of Order for this particular purpose. I don't believe in legislation by Order there is enough of that - legislation by legislation; this is what I would like to see.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, in respect to this Section 2 I would like to have a few comments. I have lived in the Yukon Territory under ever form of government that is possible to have; that is within the Yukon. When I first came here we had a defacto mayor in Dawson who was the Controller of the Yukon. So that government was very, very, you might say, efficient, because the Commissioner was the defacto mayor and though we had no Councillors it seemed to work out very well. The next phase of government was where we had, by choice, and those are the only people in the Yukon who ever chose to govern themselves, was in 1951 when Dawson again operated their own affairs as an incorporated municipality with mayor and councillors. The next phase of government was when we had a foul-up in elections and now we have an administrator. Well, I think I can say with quite some truth and some experience, that the only way to operate a government is by an incorporated municipality if you do have sufficient people to operate it and I think that in this proposed townsite that there will be enough people to run their own affairs. This is the most desirable form of government. Section 2 says 'if so, should the townsite be an incorporated municipal under the Municipal Ordinance'. That is quite clear to me. It indicates that if it does become a municipality it will not become a municipality by any government edict but it will become a municipality by virtue of the Ordinance as it presently exists. In other words, the choice of the people there. So I don't see that we have anything to argue about. It is very clear and if the people so wish to have a municipality it is a case of asking Council's blessing to have it and I think that in respect to this Section 2 I shall go along with it 100%.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, if we are going along with the Municipal Ordinance there is no point in question 2. That is the point that I brought up. If they have to ask this question as raised in Section 2 you are obviously not going by the Municipal Ordinance; this is the point. In other words they want the Council to decide whether there is going to be an incorporated municipality. This is contrary to the Ordinance. This is the point that I make and therefore if they are going - and this is an understood thing they are going by the Municipal Ordinance, then question two is redundant.

Mr. Chairman: Gentlemen, I would like if at all possible to get your concurrence or otherwise with item two. At this time I would ask that those who are in favour...

Mr. M. Kinnon: No, I am not clear in my mind at all, Mr. Chairman, whether Section 2 here asks for an Order in Council by the Commissioner be approved by the Territorial Council setting up a municipality at Anvil; if it does I couldn't disagree with

Mr. McKinnon continues...

We've got a system of government here in the Yukon which exists as a Colony of Canada because it is a system that was shoved down our throats by the Federal Government by the Yukon Act and Section 4 sets it up as plain as day that we are a Colony and we are a Colony of Canada. And this is why we are; because the Federal government said that's what the people of the Yukon are going to have and that is it. Well the day that I go against my grain and dictate to another area what type of government they are going to have will be the day I hope I get thrown out on my ear from this Council and if this is what it means that we are going to dictate to the people who are going to live in Anvil what system of government they are going to choose for themselves, then I couldn't be more opposed to this Section 2 in this Ordinance or in this Sessional Paper and I certainly would like to have it clarified by the Legal Adviser and by Mr. Commissioner just what they mean by Section 2; if it goes along the terms of the Municipal Ordinance and three-fifths of the ratepayers decide that they want to become a municipality, well and good and there is no reason why this should be in here at all. Its following the lines of the Municipal Ordinance-if it goes by Order in Council as Mr. O'Donoghue seems to think it should under Appendix 13 of this I couldn't be more in opposition. I would like it clarified.

Mr. Chairman: Mr. Legal Adviser does this mean something else than what is indicated here?

Mr. Legal Adviser: Section 5 of the Municipal Ordinance has been amended in 1966. Section 5 as it is now as found on page 17 of the 1966 Statutes, First Session. I don't think the members are all familiar with its terms. It says 'where it appears to the Commissioner the conditions of settlement in any part of the Territory make the establishment of a village desirable and he is satisfied that the proposed village will have not less than 50 ratepayers, he may make the resolution before the Territorial Council proposing the establishment of a village in that area'. So what the Commissioner proposes to do is to put a resolution before this Council making the proposal that a village be established and that is for the acceptance or rejection of Council. Where the Territorial Council approves a resolution placed before it pursuant to sub-section 1, the Commissioner shall cause notices stating the proposal be posted in at least three conspicuous places, and so on, and then in paragraph 3, the inhabitants can object, and paragraph 4, that any complaint received be referred to the Territorial Council. Now the proposal is that he establish a village within the framework of the Municipal Ordinance by accepting the resolution of this Council. This is, ...a democratic process and the village comes exactly as any other village within the Municipal Ordinance.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman this is certainly the law the way the legislation is written and I am pleased to say that Mr. O'Donoghue wasn't responsible for this piece of legislation as it was before his time but I am sure he will agree it is somewhat laughable to suggest that you go in an area where there are just trees and barren land and whatever is there and that you post notices up and anybody may object but there is nobody there. And we are asked to agree to the village now. Now I would be in favour of supporting the two if it would read that should the area be granted village status on application being made to the towns people at the time it is occupied, or words to that effect. I think if that is put in that way

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Mr. Chamberlist continues....

I don't think there would be any objection but as it is now we are asked as Councillor McKinnon has said, we are asked to vote on the type of government to be placed in an area without having the people who are to live in that area being given the opportunity of refusing this particular type of government. And we have a responsibility, to put it in Mr. Commissioner's own words, to see that we cut the apron strings loose but the people have to do that too themselves. We must't decide that for the people who are going to live there. So if that particular point number 2 for consideration could be amended in such a way that we would be placed in the position, Council here, of being asked as to whether we would approve of village status for the area once the occupants had decided whether or not they wanted it, I would be prepared to answer yea or nay.

Mr. Shaw: Mr. Chairman.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I have a question. The section we are dealing with is an incorporated municipality, not a village. Now it seems to be getting a little confused. I would like to direct a question to the Legal Adviser and ask him; is this incorporated municipality in section 2 that we are referring to; is that same as a village?

Mr. Legal Adviser: Yes, it is. The definition of a municipality has been broadened to include villages as well as cities so the definition is correct.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, if that is the case is Watson Lake an incorporated city, surely not. How can you explain away village status as being an incorporated municipality. With the greatest respect I don't understand it. It just doesn't seem right to me. Surely.....the lesser status of the municipal than incorporated municipality, and an incorporated municipality is a lesser status than the incorporated city. Now if my thinking is wrong I am quite prepared to alter it and get educated on the subject but it seems to me that village status is surely something different than incorporated municipality.

Mr. Chamberlist: Well, Mr. Chairman I must correct Councillor Livesey. I am sure that if he takes a look at the Ordinances of 1966 First Session amendments, there is in Section 1 a new definition of municipality. The definition is this: 'municipality means any part of the Territory established as a city or village under this Ordinance'. So whether we might think it somewhat ridiculous, this is the law as it stands and if we are not happy with it we must change it but this is how it stands right now.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, does that mean an incorporated municipality?

Mr. Chairman: Is there anything further. I wonder if I could have your direction.

Mr. Livesey: This definition says incorporated municipality under the Municipal Ordinance. I don't see it as a village.

Mr. Legal Adviser: I can't excuse the definition; I can only explain it and this is the definition and what the suggestion from the Administration was that the Commissioner should be permitted to establish a village in Anvil. It is hardly - it doesn't appear to be much of a crime against democracy to allow that to happen.

Mr. McKinnon: We dictatorially grant them democracy. I wish the Federal Government would be so kind.

Mr. Commissioner: What we are asking here Mr. Chairman is, we are asking if you would agree to giving effect to the condition under the present laws of the Territory that would permit the incorporation of Anvil.....

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, it doesn't require an incorporation. I think that we are being misled, unfortunately, by this point for consideration. Really what we are being asked and what we should be asked is should the townsite be given village status under the Municipal Ordinance? And this is what we should be asked. These words should be 'an incorporated municipality' are wrong because a village is not an incorporated municipality under the Ordinance and this is where the mistake is and I think members of Council can see this and I would withdraw my objections because I didn't look at that closely myself but there is an error there which refers to 'should the townsite be an incorporated municipality' and then we are being asked that it be given village status. Village status is not an incorporated municipality.

Mr. Commissioner: Mr. Chairman, subject to what Mr. O'Donoghue and Mr. Fingland might feel here, can we reword this; if so, should the townsite have village status under the Municipal Ordinance.

Mr. Chairman: Would that be agreeable to Committee?

All: Yes.

Mr. Chairman: In reply to that question, what would you - would Committee agree to this proposal?

All: Agreed.

Mr. Livesey: Mr. Chairman, does that say the people will decide whether they want to have village status?

Mr. Legal Adviser: The timing of it, Mr. Chairman, is that when the place is there; when it is built and the people start to move in. At some point of time the Commissioner then establishes a village and then there is an election for mayor of the village or a Chairman or whatever it happens to be. The same as a municipal order - that just turns over like the start of a

Mr. Chairman: The next question is: "If the townsite is to be an incorporated municipality..

Mr. Chamberlist: To be given village status.

Mr. McKinnon: Mr. Chairman, may I ask the Legal Adviser a question? If Anvil is-under Commissioner's Order, is designated as a village, then it becomes, as all the attributes of a municipality, does it not, under the terms; so in essence it is

BILL #2 Mr. McKinnon continues....
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Mr. Legal Adviser: Well, put it this way. It is a village and it fits within the framework of the definition which Mr. Chamberlist has already referred. What you call it after that I don't know but it fits within the definition on page 16 of the Statutes of 1966, First Session.

Mr. McKinnon: By order of the Commissioner and acceptance of the Council all the clauses of the Municipal Ordinance then apply to Anvil. It is, in all intents and purposes a municipality except it is given the name village. Is this correct?

Mr. Legal Adviser: I suppose that would be a moderately fair description.

Mr. McKinnon: So we are doing exactly the same thing which he opposed to under a different name. I am in complete disagreement with Section 2 Mr. Chairman; I won't change on this. The people there will have to decide what they want; a Territorial subdivision, a village or municipality should not be, through an Order of the Commissioner, approved by Council, saying that this is the type of government you should be. I very much disagree with the Federal government saying this is the type of government that you should be in the Yukon even if you want something else. Well I'm not going to be part of doing it. Let somebody else.

Mr. Chamberlist: Mr. Chairman, I wonder if I could perhaps put Councillor McKinnon right. I am sure that he hasn't read Section 3 of Section 5 of the Ordinance. Have you got a copy in front of you? I would like you to read it because I think you will change your opinion.

Mr. Chairman: Well gentlemen, I wonder if it is possibly your intention, in view of the time; it is obvious you are not going to be able to finish this evening - if you want to leave this till tomorrow morning.

Mr. Chamberlist: Well, we could finish this particular thing, I think, in a few moments.

Mr. Chairman: That is what you thought an hour and a half ago.

Mr. Chamberlist: Well I wasn't speaking all the time, an hour and a half ago....

Mr. Chairman: Proceed.

Mr. Chamberlist: Thank you Mr. Chairman. These three sections are the most important. 5(1) Where it appears to the Commissioner the conditions of the settlement in any part of the Territory make the establishment of a village desirable and he is satisfied that the proposed village will have not less than 50 ratepayers, he may place a resolution before the Territorial Council proposing the establishment of a village in that area. Now, we know that there are going to be more than fifty ratepayers. He has placed a resolution before it. Now, where the Territorial Council approves a resolution placed before it, pursuant to sub-section 1, the Commissioner shall cause notices stating that it is proposed to establish a village. Now he can't do this until we have

Mr. Chamberlist continues...
agreed to this resolution. It is to be posted in at least three conspicuous places within the area to be established as a village and shall cause a notice to be published in a newspaper circulating in the area to be established as a village. Now this is another prerequisite. And the third section is this and this is the important thing that I think that Councillor McKinnon is concerned about and I would agree quite rightly too where the people have the right to object or otherwise. 'Where within two weeks of the posting of the notices or the publishing of the notice referred to in sub-section two, whichever is the later, the Commissioner receives the petition of complaints containing the signatures of not less than twenty-five ratepayers of the area to be established as a village, the Commissioner shall refer the complaint to the Territorial Council for consideration. So the opportunity is given to local people to refuse the village status by complaining about it and then it goes back to the Territorial Council for us to make the decision. Now, the opportunity is being given to those local people in that particular area and I myself, with respect, can't see anything wrong because the opportunity is given for refusal if they so wish.

Mr. McKinnon: I don't want the right. The right to object is fine but I want the right to decide; that's what democracy is and that's what's missing; and that is what is missing in this. You just unilaterally said that you are a village and this is it. You don't have any point in decision; you have the right to object if you so desire. I've been objecting for over twelve years and it has got me nowhere because I haven't got the right to decide. That's what's wrong with... government.

Mr. Chairman: Order please. I wonder if you have any further requirement for the witnesses today. I wonder if they may be excused.

All: Agreed.

Mr. Chairman: Will there be any witnesses that will be required tomorrow morning.

Mr. Chamberlist: They will be.

Mr. Chairman: If so would you indicate who you would like to return.

Mr. Chamberlist: I think Mr. Thurmond should be here because the name of the area will come into discussion.

Mr. Chairman: Did you wish to resolve that question tonight?

All: Agreed.

Mr. Chairman: Mr. Thurmond, did the people at the Anvil area - did they have any preference of a name for your community?

Mr. Thurmond: The only preference that I would like to suggest is the name Faro.

Mr. Chairman: Mr. Shaw.

Mr. Shaw: Is that just plain 'Faro', 'Faro City', 'Village of Faro'.

Mr. Thurmond: Plain Faro.

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Mr. Chairman: Does Committee agree to this proposal?

Mr. Dumas: Mr. Chairman, in deference to the fact that the Anvil Corporation is investing \$60,000,000.00 up that area, I'll agree to it.

Mr. Chairman: Will the Committee agree to the name Faro for the new incorporation.

Mr. Livesey: Mr. Chairman, what does it mean?

All: Agreed.

Mr. Chairman: Now is there anything else you would like to ask of the witnesses.

Mr. McKinnon:Municipal Ordinance would let the people object to this, Mr. Chairman?

Mr. Chairman: Is there anything else that you might wish to ask the witnesses before they are excused.

Mr. McKinnon: Mr. Chairman, on the question of the Nursing Station. As I understand it it seems to me that the Anvil picks the site and pays for the site of the nursing station. The Territorial Government and the Federal Government pay for the cost of the construction of the nursing station; is this correct?

Mr. Chairman: Do I have it then that you are in agreement with item 5?

Mr. Chamberlist: Do we share the cost within this existing fiscal agreement or outside the fiscal agreement? No provision was made in the existing fiscal agreement.

Mr. Commissioner: Mr. Chairman, I think Mr. Fingland can clarify this. I think it will be in the next agreement before it actually happens; in fact the Minister's letter clarifies this point.

Mr. Fingland: Yes, that's correct, Mr. Chairman.

Mr. Livesey: Mr. Chairman, how much do we loose in case we say no?

Mr. Chairman: To whom do you direct that question?

Mr. Livesey: To the Minister.

Mr. Chairman: Do I take it then you are in agreement with Question 5?

All: Agreed.

Mr. Chairman: And how about 6? Should the Territorial Government undertake to include the provision of office space, liquor store and living accommodation for its employees in the invitation for proposals to develop the City centre?

All: Agreed (with exception of Councillor Chamberlist).

Mr. Chamberlist: Why should that be in the City centre. Have we got the land available in the City centre?

Mr. Commmsioner: The idea being that this will be rental accommodation; in other words it would be part of the City centre complex in which the Territorial government requirements estimated at so many square feet - ground floor space for the liquor store or so many square feet of office space and so many apartment units for people who would be Territorial Government employees.

Mr. Chamberlist: I thought we were trying to get away from rental; after all isn't that land our land up there. Why can't we build. I thought we were going to change that policy of renting office space.

Mr. Chairman: I believe this would call for liquor store, motor vehicles and this type of thing.

Mr. Commissioner: Well the idea of the question being asked here is: should the Territorial Government undertake to include in the proposal space that they would rent. The idea being that this would conceivably make it possible or make it a little more attractive to get an entrepreneur to go in and develop part of the Civic centre that might not be done if the government requirements were met by a government building.

Mr. Chairman: Are we agreed?

All: Agreed.

Mr. Chairman: Then to go back to 3, we glanced over it; that if the townsite is to be; shall we say is to be incorporated, which falls after 3, ...should the completed roads and water and sewer system be transferred to this entity for the operation and maintenance.

Mr. Chamberlist: Well, this comes up - this brings up a question of transferring of the roads and streets to operation and maintenance. Now this is all that it is going to be limited to; operation and maintenance of the streets will still belong to the Crown. Is that clear?

Mr. Commissioner: To the best of my knowledge and subject to anything contrary that Mr. Legal Adviser might tell us, I believe that this is the practise with the municipality that we have at the present time and unless there is some hidden feature here that I am personally not aware of this is what the intention is that we are talking about. The title to the actual streets will be retained in the name of the Crown or the Territory, whichever we wish to put it, but it will be turned over to the municipality for operation and maintenance purposes. Am I not correct in this Mr. Fingland?

Mr. Chairman: Well then at this time gentlemen have you any further need of the witnesses?

Mr. Shaw: One thing, Mr. Chairman, Section 3 should read now in view of the change made in section 2 if the townsite is to be given village status, should completed roads and water, etc.

Mr. Chairman:on any incorporated entity. I would like to thank you gentlemen for the great assistance that you have ...oh, have we still got something else.

Mr. Commissioner: Well, I don't want to appear rude, Mr.

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SESSIONAL Mr. Commissioner continues...

PAPER #7 Chairman, but we do have a considerable number of people here and I am sure that they would be most anxious to know if Council was desirous of having them remain here for another day or what Council's particular wishes were, Mr. Chairman. I simply raise this point on their behalf.

Mr. Chairman: Well, seeing we have got through the bulk of this thing I wonder if any members of Committee require any of these witnesses back for anything further? Well, at this time I would like to thank the witnesses on behalf of Council and I think we have made some great ground today and I think on behalf of all members of Committee we wish you God speed in the development and you are now excused.

Mr. Commissioner: Thank you very much Mr. Chairman.

Mr. Chairman: Is it Committee's wish that I report progress on Bill No. 2?

All: Agreed.

Mr. Chairman: What is your further pleasure?

Mr. Shaw: Mr. Chairman I would move that Mr. Speaker do now resume the Chair.

Mr. Dumas: Mr. Chairman, before we do that, should not the Bill be reported out of Committee?

Mr. Chairman: No.

Mr. Chamberlist: I will second the Motion.

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

MOTION
CARRIED

MOTION CARRIED

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

CHAIRMAN Mr. Taylor: Mr. Speaker Committee convened at 11.15 A.M. to
ON discuss Bills and Sessional Papers. The Commissioner and
COMMITTEE Mr. Fingland attended Committee to discuss matters related to
the Anvil Development. The Committee recessed, upon Motion,
at twelve noon and reconvened at 2 P.M., with Mr. Thurmond
and Mr. Cave in attendance to further discussions related to
the Anvil townsite. Mr. Yates also attended Committee. I
can report progress on Bill No. 2 and it was moved by
Councillor Shaw, seconded by Councillor Chamberlist that
Mr. Speaker do now resume the Chair and this Motion carried.

Mr. Speaker: Are we agreed with the report of the Chairman of Committee.

All: Agreed.

Mr. Taylor: Mr. Speaker in respect to the Agenda, I believe we have all but concluded Bill No. 2. We have three Bills and one Sessional Paper and I would suggest that we proceed tomorrow with Bills and Sessional Papers.

Mr. Speaker: Are we agreed with the suggestion of the Chairman of Committee?

All: Agreed.

Mr. Speaker: May I have your further directions.

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

Mr. Speaker: Are we agreed?

All: Agreed.

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

Page 49.
Friday, July 5, 1968.
10:00 o'clock a.m.

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. I have for your attention this morning, gentlemen, the tabling of the recent land transaction. Are there any reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. McKinnon: Mr. Speaker, I have Notice of Motion concerning low cost housing. NOTICE OF MOTION #2

Mr. Speaker: Are there any further Notices of Motion? Under Orders of the Day, Notices of Motion for the Production of Papers? There are no Motions for the Production of Papers. We will now proceed to Motions. Are you prepared this morning, Mr. McKinnon, to proceed with your motion in view of our suspension of Standing Order 41?

Mr. McKinnon: Yes, Mr. Speaker, I am.

Mr. Chamberlist: Mr. Speaker, I understood that the suspension of Standing Order No. 41 applied to yesterday. Would we require another motion to suspend for today?

Mr. Speaker: No.

Mr. McKinnon: Mr. Speaker, the motion reads, seconded by Councillor Dumas: It is the opinion of this Council that the Low Cost Housing Ordinance be amended so that 1. First Mortgage Loans be made available in the amount of \$10,000, and 2. Second Mortgage Loans be made available in the amount of \$1,000, regardless of the total cost of the dwelling. May I proceed, Mr. Speaker? MOTION #2

Mr. Speaker: Who was the seconder of your motion?

Mr. McKinnon: Councillor Dumas, Mr. Speaker.

Mr. Speaker: Thank you, Mr. McKinnon, you may proceed.

Mr. McKinnon: Mr. Speaker, this motion is exactly the same as the one that was worded and passed unanimously by this Council in the Second Session, 1967. It is a motion that until the Federal Government agrees to is going to become as perennial as the motion concerning the paving of the Alaska Highway. It is a motion that was unanimously passed by this Council, agreed to by the Administration, sent down to Ottawa by the Administration, in order to ease the housing situation as it is found in the Yukon Territory and it was refused by the Federal Government because they know, four thousand miles away, what is best for us in the housing situation in the Yukon. As all Members are aware, we are granted a certain number of monies under the Low Cost Housing Ordinance which allows the Territorial Government to give First and Second Mortgage Loans to home builders who do not qualify under the C.M.H.C. plan. This program, Mr. Speaker, has been tremendously successful in providing homes for people in the Yukon. Whole areas that I represent, namely the Porter Creek and the Crestview areas, have mushroomed and

Mr. McKinnon continued:

MOTION #2 developed because of this plan. As Members of Council are aware, the plan now calls for \$9,000 First Mortgage money and \$1,000 Second Mortgage money to be available to any person who meets the requirements under this Ordinance. The Second Mortgage money, in the amount of \$1,000, is waived and forgiven by the Territorial Government providing the home owner lives in the house for ten years. The only way that a builder can get the Second Mortgage is if he keeps the cost of the home under \$10,000. Now, Mr. Speaker, in this day and age we all realize that this is a ridiculous limitation to place on the size of the amount that a home can be built under. This Council agreed unanimously that this amount in the First Mortgage should be raised to \$10,000, the Second Mortgage should be \$1,000, regardless of the total cost of the house because as it is now the home owner is penalized for building a better home for the benefit of himself, to the benefit of the Territory as a larger tax payer, and a betterment to the community because it has better houses in the community then. This motion, as I say, Mr. Speaker, was passed unanimously, was accepted by the Administration, was sent to Ottawa, and we were told, "No, we will not accept it. You people do not know what is happening with housing in the Yukon. We know what is better for you". Mr. Speaker, as far as I'm concerned, it was an asinine decision by the Federal Government. As I say, I will bring this motion up at every Session and at every opportunity until the Federal Government sees that they should accept the reasoning behind this motion of the Territorial Government and accept it. Thank you, Mr. Speaker.

Mr. Speaker: Thank you, Mr. McKinnon. Is there any further discussion?

Mr. Taylor: Mr. Speaker, I think that the Honourable Member for Whitehorse North has really stated the case. I think that there is very little we can add to it. I can only add, from the opinion of those who live in what we term the hinterland or the outlying districts, this Low Cost Housing Loan is our only real source of building revenue. It has been pointed out by the Honourable Member that the allotment figures used today are unrealistic in the basis of the rising costs of materials and the transportation of those materials to the outlying districts. We wholeheartedly support, as we have in the past, the position of the Honourable Member and it is my fervent hope that now in Ottawa, with possible changes being attempted in both the political and no doubt the administrative structure, this will be closely scrutinized by Ottawa and that we do indeed see this change effected at the earliest possible moment.

Mr. Chamberlist: In principle, Mr. Speaker, I, too, agree with the remarks made by the Member from Whitehorse North. I am pleased, of course, to hear that he agrees that his area has developed under this plan. It is commendable, of course, to the Federal Government that this has taken place. However, the funds that are made available are not sufficient for the expansion that is to take place. We have already gone on record that we agree with the motion, and it is also my hope, again, with the further and wider outlook of the Liberal Government that is now in power in Ottawa, that they will see that expansion takes place towards this Low Mortgage Housing Loan.

Mr. McKinnon: What are you running for?

Mr. Dumas: Mr. Speaker, is that a guarantee?

Mr. Speaker: Is there any further discussion? Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: Order, please. Are there any questions?

Mr. Chamberlist: Is this the question period now?

Mr. Speaker: Yes.

Mr. Dumas: I would like to know if the Commissioner could assure us that the volume of work-papers are in fact the same as the estimates passed at the last Session of Council, Mr. Speaker.

QUESTION
RE VOLUME
OF PAPER-
WORK

Mr. Commissioner: Mr. Speaker, I think I would have to answer that question by asking a question. Is there any reason to believe that they aren't?

Mr. Dumas: Mr. Speaker, I asked the question first.

Mr. Speaker: I believe it's not a prerogative to answer a question with another one. I think that is out of order.

Mr. Commissioner: Mr. Speaker, for me to stand up here and say that I have examined personally each detail to see that this estimate book is in fact...you know, to be able to answer the question in that manner, I simple cannot do that, Mr. Speaker. I would say this, I have no reason to believe that my officers who prepared this in its final form would have any reason to change anything from that which was passed here by Council. I think that would be as far as I could go.

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Commissioner this morning. I would ask Mr. Commissioner if he is aware of the deplorable racial and religious segregation of students in the Watson Lake schools, and, if so, if the Commissioner able to assure Council that this problem will be rectified by the time the fall term begins.

QUESTION
RE SEGREGATION IN
SCHOOLS

Mr. Commissioner: Mr. Speaker, my administrative officers and myself are very aware of the particular problem that has been raised, and I would only care to go so far at this time as to say that the matter has been under scrutiny for the last eighteen months and it continues under scrutiny, and beyond that I am afraid that I would not be in any position to clarify the question at this time.

Mr. Taylor: I have another question I would like to direct to Mr. Commissioner this morning, Mr. Speaker. Whereas the Province of British Columbia has seen fit to write into law a provision which would allow for the nonprosecution of some alcoholic offences in that province, is it anticipated that some legislation will be drafted and brought into force here in the Yukon during this current year?

QUESTION
RE LIQUOR
LEGISLATION
REVISION

Mr. Commissioner: Mr. Speaker, with respect, the British Columbia authorities have not written this into legislation. What the British Columbia Attorney General has done is that he has issued an instruction to the law enforcement agencies in the Province in British Columbia that unless there are extenuating circumstances or conditions out of the ordinary they will not lay charges under the Liquor Act in British Columbia for common drunkenness. Now, as a further clarification of this, the Legal Adviser tells me that the British Columbia Government has passed or amended their Liquor Act to permit a person to be picked up by the law enforcement officers in the state of intoxication but can be released without a charge being laid. Now, we have had a promise for a considerable period of time that there will be a completely revised Liquor Ordinance coming before Council at this Fall Session. I don't think it would be right or proper for me to intimate at this

Mr. Commissioner continued:
time what the contents of this Ordinance conceivably would be. I think that this is something that happens when it is made public or put before Council. I would say this, Mr. Speaker, that this and many other modern and more up-to-date concepts of dealing with problems arising under the Liquor Ordinance are certainly going to be put forth for Council's consideration at that time.

Mr. Speaker: Thank you, Mr. Commissioner.

Mr. McKinnon: Mr. Speaker....

Mr. Speaker: Order. Mr. Chamberlist.

QUESTION RE RIVER POLLUTION Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner. Mr. Commissioner, what action is being taken with regard to the continual pollution of the Yukon River in the vicinity of the Whitehorse area?

Mr. Commissioner: Mr. Speaker, I'm not prepared to say that there is too much action being taken but the verbiage that is floating around I think should be quite warm enough to create an incinerating effect which will probably burn up all the trash that is being able to be deposited in the river. I can say that all Federal and Territorial agencies that are connected with this are very aware of the public concern in this matter, and I can also say that Northern Health Services have a man here at the present time who was hired to study in detail the particular problem that Council has raised and we anticipate that there will be concrete suggestions as a result of this man's work that will permit us to outline a potential course of action to prevent this most offensive and bad situation.

Mr. Chamberlist: What....

Mr. Speaker: Order. Mr. McKinnon.

QUESTION RE LIQUOR LEGISLATION REVISION Mr. McKinnon: Mr. Speaker, I would like to ask a question of Mr. Legal Adviser. As Mr. Legal Adviser is running around the Territory making speeches in different communities as to what the contents of the Liquor Ordinance is going to be that is to be placed before the Territorial Council, would he accept the letters of protest from my file and transfer them to his files? I know nothing of what he's talking about.

Mr. Legal Adviser: Well, I'm not exactly sure of what the question is, Mr. Speaker, but I presume he is referring to what I said to the school children in Mayo when I said that in the course of a new Liquor Ordinance coming here, there may be legislation which will broaden the responsibility of adolescents, and if this is so they should take care to handle their responsibilities sensibly.

Mr. Chamberlist: Mr. Speaker, I wish here to just put a supplementary question with regards to the pollution. Mr. Commissioner, you suggested there was much verbiage floating around. I was concerned with the excretion of the floating around. Has this been taken care of?

Mr. Speaker: Mr. Taylor.

Mr. Taylor: Mr. Speaker, I have a further question to direct to Mr. Commissioner this morning. I am wondering after this long period of time, in view of the fact that the condemnation by several departments of the women's detention cell facilities

QUESTION RE DETENTION FACILITIES

Mr. Taylor continued:
at Watson Lake, if he can now assure us that these facilities are being changed in the immediate future?

Mr. Commissioner: Mr. Speaker, I am just as aware as ever, and all the officers involved are just as aware as ever on this particular matter, and I have nothing further to add to the answers I have been able to give Council at the last Session in this particular regard. We continue to press not only on this matter in connection with the administration of Justice in the Territory but many others as well.

Mr. Taylor: Supplementary to my question involving the Department of Justice, could the Commissioner assure me that in the immediate future all court proceedings will be taken out of police barracks and placed in community or open forum as outlined in the last many, many Sessions of Council?

QUESTION RE
COURT PROCE-
EDINGS IN
WATSON LAKE

Mr. Commissioner: Mr. Speaker, we had a further assist in this matter. I don't know whether the Members have had the opportunity of reading the synopsis of Mr. Justice Morrow's report on his investigation of the administration of Justice in the MacKenzie District in the Northwest Territories, but this was one of the matters on which there was a very definite proposal outlined in his report, and there were conditions there which parallel the conditions here which Council and the Administration have continued to complain about. In talking with one of the administrative officials of the Department of Justice who was here in the Territory approximately one month ago, I have been told that a certain administrative directive was made available to this official concerning this matter in the N.W.T. and I have petitioned my our Minister to seek a similar directive be made available to this administrative official to deal with the very problem that the Councillor has asked in this question. At the moment, there has not been a reply; this, I think, is for very understandable reasons.

Mr. Chamberlist: Mr. Speaker, a series of questions addressed to the Commissioner on one particular subject if I may. Mr. Commissioner, how many applications for the position of electrical inspector have been received? How many of them from residents from the Yukon? Why is it necessary to send an Assistant Commissioner, the Senior Personnel Officer and the Territorial Engineer to Alberta to interview applicants for the electrical inspector's position when Yukon people who have made application for the position and are qualified are available?

Mr. Speaker: If I may interrupt the Member, I don't believe that a series of questions is properly in order in the House because the person to whom they are directed has no way of keeping track of your requests. I wonder if you will proceed with one question at a time, Mr. Chamberlist?

Mr. Chamberlist: Very well then, Mr. Speaker. A question to the Commissioner - how many applications for the position of electrical inspector have been received?

QUESTION RE
ELECTRICAL
INSPECTOR

Mr. Commissioner: Mr. Speaker, with respect, I would have to get that information. I think I could get it very promptly, but I haven't got it with me right now.

Mr. Chamberlist: With respect, Mr. Speaker, if these questions are given to Mr. Clerk perhaps it will help Mr. Commissioner in obtaining the answers.

Mr. Commissioner: I would appreciate it if that could be handled. I'm quite prepared to handle them as verbal questions but I would need the opportunity to get the answers. I would have the answers within the course of the day if the opportunity was given to me.

Mr. Chamberlist: Satisfactory, Mr. Speaker.

Mr. Speaker: I understand that you have to have notice on this question, Mr. Commissioner. Agreed? Mr. Shaw.

QUESTION
RE ROAD
CONDITIONS

Mr. Shaw: Thank you, Mr. Speaker. Due to the time factor we have involved, and probably we'll get cleaned up today, I would ask your indulgence, Mr. Speaker, in asking this question and the short preamble in relation to the road between here and Dawson City. We realize that the traffic and the heavy trucks have raised heck with the roads and I realize the government is proceeding as fast as possible to fix these particular places, however, we do have one section that is in deplorable condition and I cannot understand why. The question is asked of me periodically and I will ask the same question, Mr. Speaker, and that is, the road from Mile 1 to Mile 30 on the Klondike Highway...there is thirty miles of road torn up that, when it's dry, is so dusty you can hardly proceed, and when it's wet, you can hardly stay on it, and my question would be, cannot the contractors be instructed to complete three or four miles of road before tearing up forty?

Mr. Commissioner: Mr. Speaker, in this regard, I think we have the same condition on Mile 0 to 30 on the Klondike Highway this construction season as existed last year on that section of the road which goes from the west bank of the Yukon River out to Clinton Creek Mine. I think we have exactly the same situation when we have a reconstruction project going on and everything possible is being done to let through traffic at the same time. While I certainly agree with the concern expressed by the Councillor, particularly as it has a bearing on the tourist traffic and the general morale of the tourists who are travelling along our highways which are a very important attribute to our economy, I question very much from a technical point of view if the instruction that has been asked can in fact be given to the contractor. However, I am quite prepared to take this up with my officer, the Territorial Engineer, who is in charge of this, and see if in fact something along these lines can be done. I'm quite prepared to take this matter up with him, but I would give no assurances that this can actually be done. However, this does not detract from the fact that at least we can try.

QUESTION
RE FISH-
ERIES
AGREEMENT

Mr. Taylor: I have one final question this morning, Mr. Speaker, and I would be remiss in my duty as a Councillor if I didn't ask this daily question. I am wondering if the Commissioner can now assure Council that it will have the Fisheries Agreement before the Fall Session.

Mr. Commissioner: Mr. Speaker, there is no reason that I am aware of that the necessary technicalities involved in the take-over of Fisheries will not be completed as soon as my own Territorial Officer, the local Fisheries Officer, and the necessary order in Council from the Federal Cabinet to give effect to this will be completed. In other words, it is a mechanical administrative matter and I would say that at the present time, while I cannot tell you exactly what the progress is, there has been no reticence from any of the people involved not to bring the matter to a successful conclusion. I would anticipate that this matter will be concluded to Council's satisfaction either prior to or during the Fall Session. I am aware of no reason why this will not be done.

Mr. Chamberlist: Mr. Speaker, I wonder if Mr. Commissioner can at this time give us any information of....of whether he has received any information of when we may have some news with reference to constitutional reform for the Yukon Territory. QUESTION RE CONSTITUT- IONAL REFORM

Mr. Commissioner: No, the last information I have, Mr. Speaker, was received during the recent Federal election campaign and that is my most up-to-date information.

Mrs. Gordon: I wonder, Mr. Commissioner, this morning, is there any information on the extension of the frontier package television in the Territory? QUESTION RE TELEVISION EXTENSION

Mr. Commissioner: Mr. Speaker, I believe not. I believe that there was a public announcement in connection with this some weeks ago, and that is the only information that we have available to my knowledge.

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

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Mr. Speaker do now leave the Chair for the purpose of discussing Bills and Sessional Papers in Committee of the Whole.

MOTION CARRIED

MOTION CARRIED

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

Mr. Chairman: Gentlemen, just prior to a short recess while we get our papers in order, I'm wondering what your wishes are in relation to Bill No. 2.

Mr. Dumas: Mr. Chairman, I'll move Bill No. 2 out of Committee without amendment.

Mr. Chairman: Is there a seconder? Is there a seconder for this motion? Councillor Chamberlist, would you take the Chair, please?

Mr. Chamberlist: Yes.

Mr. Taylor: Mr. Chairman, I will second the motion of Mr. Dumas.

Mr. Chairman: Mr. Taylor, would you take the Chair back again, please?

Mr. Taylor: Yes.

Mr. Livesey: On a question raised before Committee, Mr. Chairman, I'd like to point out section 5 of the Bill, and this is the portion in which I am very interested. It reads as follows: "The Commissioner is empowered to do every act and exercise every power for the purpose of implementing every obligation assumed by the Yukon Territory under agreements entered into pursuant to sections 3 and 4 of this Ordinance." Now, I merely raise this question as a repetition of objections I have made before and have made purely and simply and for no other reasons than to ascertain what right appointed power has to have this entire control in the Yukon and to ask the question, simply, when do the people enter into these agreements, when do the people's representatives enter into the agreements, and when do the elected, legal, constitutionally elected,

Mr. Livesey continued:
according to law, representatives of the people enter into such agreements when such exclusive power is denied. This is, and as I say, it's not a personal thing...it has nothing to do with personalities or individuals or names, not even perhaps a question of office, This is a question of constitutional law in my opinion which is being ported, and we are being denied and frustrated continuously and have been for the last number of decades and we're still being denied every day that we sit in this House. I think, Mr. Chairman, that we are going to have to continue to bring this point to the attention of the Federal Government until the Federal Government realizes that the people of the Yukon Territory want some say in their affairs. I think this, in this day and age, in 1968, is beyond question of a doubt beyond belief. Thank you, Mr. Chairman.

Mr. Chairman: I have before me a motion. It has been moved by Councillor Dumas, seconded by Councillor Taylor, that Bill No. 2 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Are there any contrary? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

BILL #1 Mr. Chairman: The next Bill is Bill No. 1. I'll declare just a very short recess.

RECESS

Mr. Chairman: I will now call Committee back to order, and we have Bill No. 1, namely, An Ordinance to Amend the Taxation Ordinance. (Reads Bill No. 1)

Mr. Dumas: Mr. Chairman, speaking on the Bill, I would like to know first of all if there is any further information with regard to Hillcrest housing. Has the Commissioner received any further information.

Mr. Commissioner: Yes, I have, Mr. Chairman. Just one moment. Mr. Chairman, first, the provisional plans for the Hillcrest housing subdivision have been received and I'm pleased to table them for Council's information and perhaps Mr. Clerk would be kind enough to see that they get them. These plans are marked as being unofficial and are for preliminary use only because they are at the present time in the hands of the Surveyer General in Ottawa awaiting his approval which I understand is being sought forthwith. The procedure that will be followed is that the plans will be sent to the Crown Assets Disposal Corporation. They in turn will hand them over to Central Mortgage and Housing Corporation, who will register the plans with the Surveyer General, thereby becoming the legal owners of the land vested with the right of sale thereof. Thirdly, the advice we have received from C.M.H.C. is that they, as the legal owners and selling agents acting for C.M.H.C., will be enabled to commence the sale of houses and lots based on the provisional plans. There should, therefore, be no undue dealing. The approval of the final plans by the Surveyer General is not necessary to the selling of the properties by C.M.H.C. Fourth, the only other problem delaying the sale of Hillcrest housing will be the passing of the Order in Council authorizing their transfer between the two crown agencies, namely, C.A.D.C. to C.M.H.C. Our information is that the Order in Council is now before Cabinet and that a decision is expected momentarily.

Mr. Dumas: Supplementary, Mr. Chairman, I presume then that BILL #1 there is no definite date that can be given or any information on the pricing of the housing. Is this correct.

Mr. Commissioner: Mr. Chairman, I think I should answer that question by saying that the information that I have given Council is as complete and as up-to-date as I am able to provide at this time.

Mr. Dumas: Mr. Chairman, following along this and referring to the Bill, I understand that there is a possibility that the Territory may try to recover the complete costs of providing municipal services in the Hillcrest area. Now, I certainly agree with the intent of the Bill insofar as it will allow the Commissioner to recover at least partial costs and I agree that the mill rate should not be less than the City of Whitehorse, but I wonder if the mill rate should in fact reflect the total cost of operation up there. It seems to me that the city received grants for operation and we would hope that this area too....a grant will be taken into consideration when this area is put into operation.

Mr. Commissioner: This is certainly the intent and understanding that we have prior to this time with Council on this thing, that the normal municipal grants and the formula on which they are based, and the present fiscal agreement that we have with the Federal Government will be applied before the mill rate is determined.

Mr. Chamberlist: Mr. Chairman, the subsection (2) is the thing I find a little bit disturbing where it is placed in the hands of the Commissioner the right to vary the rate of the tax levy. The municipality has far greater powers than the Territorial Council in this particular respect whereas the rate varied in a municipality by the whole municipal Council. Here we're saying to the Commissioner, you do it. I think the rate should be set and the rate should be approved by the Territorial Council and when it is required that it be altered or amended that the Territorial Council should amend again by legislation. Certainly it appears to me that to place on the Commissioner the obligation of adjusting it whenever he wishes to do so or whenever the Administration asked him to do so, adjusting the rates of tax. I think that taxation should be by legislation and not by an individual. I am wondering if Mr. Commissioner, Mr. Chairman, could say why this has been put in in this particular way, instead of the Commissioner in Council setting the tax rate.

Mr. Commissioner: Well, I don't think that we have any malice forethought with regard to this. I would like to assure Council on this right now. The manner of dealing specifically with Hillcrest is going to be one until such time as this thing becomes a known entity, we are simply not going to know what the cost of providing municipal services is. So, from a practical point of view, until such time as this area either becomes part of the municipality of Whitehorse or becomes a village under the Municipal Ordinance and has its own form of government, I'm afraid that we don't see much alternative to this approach to the problem. I would certainly like to assure Council that we have no underhanded motives in proposing this method of dealing with the problem.

Mr. Chamberlist: Mr. Chairman, I'm not suggesting that there is any underhanded motives in this at all. What does concern me is that the explanation....although the explanation refers to enable the Commissioner to fix a rate of tax for the Hillcrest area, section (2) itself of the Bill reads: The

BILL #1 Mr. Chamberlist continued:
Commissioner may vary the rate of tax levied under this section according to the location of the real property to be taxed. So that, under the Bill, this same method can be used at the new Farrow Townsite; the Commissioner may vary the rate of tax levied in any area. In fact, he may even say, "Well, I've decided that Watson Lake now will come under this particular area", and may up the taxes there; he may do so in Porter Creek; he may do so anywhere. When I'm referring to the Commissioner, I'm not saying underhanded....I'm not referring to you yourself, Mr. Commissioner. I hope it will not be necessary to refer to any other Commissioner because I hope another Commissioner does not exist after your time. But, certainly this section (2) grants such wide scope to the Commissioner to the Commissioner that it can apply to any area in the Yukon Territory. This is where I feel it should be the Commissioner in Council so that we as a body are able to control the tax structure. This is one of the things that we have been wanting to do and here is an opportunity to say that this is how it should be done. I move at this time that the Bill be amended to read "The Commissioner in Council may vary the tax rate", etc., and this is a motion, that the words "in Council" be added to it.

Mr. Chairman: Is there a seconder?

Mr. Livesey: Mr. Chairman, before....

Mr. Chairman: Is there a seconder? I would like to know if there is a seconder first, before we get into discussion here. There being no seconder, Councillor Livesey, you may proceed.

Mr. Livesey: I think that it is contrary to section 16 of the Yukon Act. Section 16 of the Yukon Act says that the powers of the Commissioner in Council shall be to provide for taxation. Surely that's a plain statement of Federal fact.

Mr. Shaw: Mr. Chairman, I was of the understanding that this thing had been gone over at considerable lengths by the Administration and by the Members representing the Whitehorse area, and that they had discussed this Hillcrest proposition and they came up with all the answers. I'm surprised that they are surprised that this is as it is.

Mr. Chamberlist: Mr. Chairman, this is an entirely new thing that hasn't come before us before, otherwise it certainly would have been taken up, I can assure Councillor Shaw.

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

Mr. Dumas: Mr. Chairman, if there isn't any more discussion on this Bill, I have a question in relation to a previous comment made by the Commissioner. Am I correct in assuming that there has been no survey done to determine the amount of the cost of operation of municipal services in the Hillcrest area?

Mr. Commissioner: Mr. Chairman, we have done our very best to try to determine what the cost of these municipal services would be but unfortunately the manner in which this area has been operated as an arm of the Department of National Defence makes a detailed or comparative analysis or an extractive analysis should I say of past operating performance literally impossible to obtain, and as a consequence the figures that we have at the present time are of the very best only estimates based on the potential or possible quantities and quantitative

Mr. Commissioner continued:

amounts that conceivably can be used. As a consequence, when I tell you that it is going to take experience to determine exactly what the cost of municipal services is going to be in this area, I tell you that on that basis that, one, we have done our best to estimate them but, two, we cannot secure anything of a definitive nature from past experience simple due to the manner in which the area has been operated, as part of the National Defence operation in the Yukon.

Mr. Chamberlist: Mr. Chairman, I cannot put the same motion again because there was no seconder before, but I would ask that we certainly not pass this as is because of section 16 of the Act and because of the remarks that I have made. Perhaps Mr. Legal Adviser would like to comment on that particular objection.

Mr. Legal Adviser: Mr. Chairman, I don't think section 16 of the Yukon Act has any particular relevance. It merely establishes that taxation within the Territory is the prerogative of the Commissioner in Council. The Commissioner in Council are the group of people who are assembled here and if they pass this Bill, then they will have established taxation. The section 50, subsection (1), as it appears originally in the Taxation Ordinance of 1959, which is the up-dated one, not the green book, was noted as being impossible to perform because the auditor took the view that what the Commissioner could do is to find out what the necessity for revenue is and then collect that amount of revenue by taxation from property. This has in fact never been done. It would be impossible. So, subsection (1) is in fact put in to meet this particular criticism, and if words are omitted but no powers are added to the Commissioner in subsection (1), and subsection (2) does give a general power to the Commissioner to vary the rate within localities but he has that power in any event over the Territory as a whole in the existing law.

Mr. Livesey: Mr. Chairman, it will be a sorry day when I stand up in this House and agree to deny ourselves of rights that the Federal Parliament of Canada has given to us, and the Federal Parliament of Canada, when they say in section 16 of the Yukon Act that the Ordinance in relation to those matters which come under section 16 are related directly to the powers of this House, the combination with thoughts, wishes, and desires of the Commissioner as the Commissioner in Council, then I think we are doing ourselves nothing but harm no matter what the position may be. I would say we are out to gain power, not to relinquish it, and if the Federal Act states that taxation shall come under the rule of the Commissioner in Council, then so be it. Let it stand at that. Let's add to it. Let's gain power. Let's not relinquish that power which we now have. This is going in the opposite direction. We can't continue to talk about responsible government and in the next breathe agree to give it away. It doesn't make sense, Mr. Chairman.

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

Mr. Shaw: Mr. Chairman, this is somewhat confusing, the whole situation. I haven't got all the laws in front of me, but we have a situation in Whitehorse where there's an urgency for buildings and housing and so we got to change everything around so everybody can get into a house, or get the house, or what have you. It appears that anytime taxes are levied, it must be a Commissioner in Council decision. When the municipalities in the Yukon decide that they wish to establish the mill rate,

BILL #1

Mr. Shaw continued:

they must do that by by-law, and it would appear to me that we have a similar situation in relation to the Hillcrest area. It seems that the services that we have here are the costs of operating this new area are pretty well defined at so much. I would appear to me that some provisions could be made for striking the mill rate on this particular property. Everyone knows how many buildings are up there. It appears that we know how much it's going to cost to operate the townsite or village or city or whatever you call it, and to work out the figures on how much the taxes will be on each property, how much it will be necessary to change the Ordinance to permit a certain mill rate to be struck seems to be somewhat mechanical. It also appears to me that when a person is buying one of those houses that they will know what taxes they will have to pay. Myself, if I was going to purchase a house up at Hillcrest, I would certainly like to know what the tax structure was going to be before I embarked on such a purchase. Rather than hasten the matter, why not....another month isn't going to hurt.... work out all these details rather than get into a hodge-podge mess and then try to extricate yourselves after. I've seen too many of those propositions happening in the Yukon Territory.

Mr. Chamberlist: Mr. Chairman, Councillor Shaw, I'm sure, is in a very comfortable home, but many of our people near here are not. I'm concerned about that. What I'm concerned about is this particular thing, as I repeat, not necessarily because it might just effect the Hillcrest area but because the way it is written it gives the power to the Commissioner to vary the rate structure in any area, and it is giving far too much power to the Commissioner to amend rate structures without the Members of Territorial Council having any consideration with reference to it. Now, my objection is in that particular regard and I feel that it should not be passed unless the words are "The Commissioner in Council".

Mr. Dumas: Mr. Chairman, I'm inclined to agree with the Honourable Member for Whitehorse East. I would like to know what the ramifications of inserting these words would be in terms of delays, etc., and particularly concerning the Hillcrest housing but certainly anything else that might come up.

Mr. Legal Adviser: Mr. Chairman, the particular position regarding Hillcrest is that when it is known what the costs of services is, then it will be possible to fix a rate for Hillcrest. Now, if these houses are sold as one would hope they would be in August....July, August or September, the people moving into that area will be charged a tax at a rate which prevails throughout the Territory. In order then to raise their rate it will be necessary for legislation to exist to give them a different rate and if a group of people move into Hillcrest and become owners of property and are charged a mill rate of, we'll say, six, seven, ten, fifteen mills, and they are asked to adopt a by-law to join the Hillcrest area within the municipality of the City of Whitehorse, and they see that the people of Whitehorse are paying a mill rate of double of what they're paying, there won't be one single vote from a person living in Hillcrest to move into the municipal area. So, the general idea is that they will be charged a rate which will reflect the actual cost of maintaining municipal services less the amount of the grant which will be given to them if at that time they were in fact a municipal area, in order that when the time comes to actual incorporate them there will be no serious financial gain one way or another when they move into the City, and they will recognize an advantage to vote in favour of the by-law incorporating Hillcrest within the municipality. Now, there is no secret about this. This is the clear reason, and this is why the power is taken to allow the Commissioner to fix a different mill rate in Hillcrest

Mr. Legal Adviser continued:

BILL #1

than is enforced throughout the rest of the Territory. It so happens that this situation may arise in the future and the words of the draft subsection (2) of the new suggested section 50 reflect that this is a power which possibly the Commissioner should have in general when this sort of situation arises. Now, if it's not the wish of the House that this should be a general power, then it could be limited to Hillcrest but slight difficulty would be met describing it in specific terms.

Mr. Dumas: Mr. Chairman, I'm really afraid of going from specifics to generalities. I think there is a real danger here. I wonder if it wouldn't be possible for the Commissioner to set a rate when it is found out what is necessary there, and I certainly agree with the reasoning as far as Hillcrest housing is concerned. Could the Commissioner then not present it at the Fall Session of Council for ratification? I don't think that this would be delay or do much harm. Barring that possibility, I think that it would be necessary for this to be described in such a way so that it's applied only to Hillcrest housing.

Mr. Legal Adviser: Mr. Chairman, might I make a suggestion which might meet with this particular suggestion. I can conceive that the House might be nervous about giving a non-restrictive power to the Commissioner, and Members have expressed the hope that this constitutional issue may change to that this will be a ministerial power in the future which might be more welcome to the House, but if I might have the assistance of my assistant Legal Adviser, it might be possible to construct a subsection (2), the intent of which would be putting in a new subsection (3) and saying that on any different rate being levied by the Commissioner by order, it shall be tabled before this House and may be nullified by a resolution of the House within a period of, say, such and such length of time from it without prejudice to its effect for that particular period. I'm not saying that it may be difficult to construct it; it might take two or three seconds, but it might be possible to meet the wishes of the House just to put in this that such a variation from the general rate shall be tabled forthwith to the Members and then, even without saying so in a section, the Members could move a motion requesting the Commissioner to rescind his order and in that event then it could come up for discussion. There is no intention to use it as an arbitrary power. This is primarily a one shot only effort, but situations have a habit of recurring.

Mr. Chamberlist: That's what we're afraid of.

Mr. Chairman: Order. Order, please. We're going to at this time declare a recess, and I'm wondering if the Whitehorse Members could get together with Mr. Legal Adviser and possibly work this problem out over recess. Committee is now in recess.

RECESS

Mr. Chairman: At this time I will call Committee back to order and we have been discussing Bill No. 1. I wonder what your ...

BILL #1

Mr. Dumas: I would like to suggest that we defer Bill No. 1 to a later date.

Mr. Chairman: Then we go on to Bill No. 3 - agreed?

BILL #3

All: Agreed.

Mr. Chairman: The Commissioner indicated that he had a question.

Mr. Commissioner: Yes, Mr. Chairman, if I may, I think that all Members of Council are aware that we have several members of the Federal Government here from their headquarters in Ottawa and their question is may they safely make their, or confirm their reservations on the aircraft this afternoon? Does Council wish to have these men back here at this time or may they proceed to return home on the aircraft this afternoon.

REMARKS
RE
DEPARTURE
OF
WITNESSES

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I take it these are C.M.H.C. men you refer to.

C.M.H.C.

Mr. Commissioner: There are many others as well - Mr. Yates, Mr. Hunt.

Mr. Chamberlist: Well Mr. Chairman, I have some very searching questions about this land policy paper and if they are here, and I suppose they are here because of this land policy paper - just on Hillcrest.

REMARK RE
LAND
POLICY

Mr. Dumas: Mr. Chairman, would these fellows be able to enlighten us any further on Hillcrest or can they go any further than what the Commissioner has gone.

HILLCREST
AREA

Mr. Chamberlist: Mr. Chairman, one of the questions that I want to be assured of is how these houses are going to be distributed - I want to know there is not going to be a recurrence of people having to line up all night when they have this placed on a first come first serve basis. I want to know what consideration is being given to families with children; what consideration is being given to people who have greater need; how these houses are going to be distributed. This is very important, I think we should know this.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, could I narrow the question down to this point that those people other than C.M.H.C. who would have available answers on the progress of the housing allotment question would not be required of Council.

Mr. Chairman: Committee agreed?

All: Agreed.

Mr. Commissioner: The C.M.H.C. that come from Western Canada; I believe Mr. Haddon is of Prince George and I think he is a man who would be in a position to answer the questions that

Mr. Commissioner continues....
Councillor Chamberlist raised at this time.

Mr. Chairman: Committee agree?

All: Agreed.

Mr. Commissioner: May I be excused at this time.

BILL #3 Mr. Chairman: We will proceed now to Bill No. 3.

Mr. Livesey: Point of order, Mr. Chairman, I believe the Honourable Member from Dawson asked a question.

Mr. Shaw: Yes.

Mr. Chairman: I believe we had deferred the matter.

Mr. Shaw: Well Mr. Chairman, I had another question just a moment ago before the Commissioner went but it is pretty hard to get the question in, so I guess I'll have to let it go.

BILL #1 Mr. Chairman: We will be returning to this Bill No. 1 later on.

Mr. McKinnon: If the people from C.M.H.C. are anxious to leave could they not appear before Committee now to answer whatever questions may be on the Hillcrest housing?

Mr. Chairman: Agreed?

Mr. Shaw: Mr. Chairman, that was what I was going to ask.

Mr. McKinnon: May I apologize to the Honourable Member from Dawson.

Mr. Shaw: In deference, Mr. Chairman, to the Members from Whitehorse, they weren't interested in having them here and I didn't feel that way so I thought that is fine we can talk about other things.

Mr. Chairman: May I have your direction as to whom from C.M.H.C. ...

Mr. McKinnon: Mr. Haddon and Mr. Gross, please, Mr. Chairman.

Mr. Chairman: Mr. Haddon and Mr. Gross?

Mr. Dumas: And any others who are hanging around.

Mr. Chairman: Well, gentlemen, from the Chair I must say that - I don't know how many people there are, there could be twenty - Mr. Haddon, Mr. Gross - I will declare a short recess and see if these people are available.

RECESS

BILL #3 Mr. Chairman: At this time I will call Committee back to order. We come to Bill No. 3, An Ordinance for Granting 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, 196. Therefore, the Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as

Mr. Chairman continues...

follows: 1. This Ordinance may be cited as the First Supplementary Appropriation Ordinance 1968-69. 2. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one million, five hundred seventy-eight dollars and nil cents for defraying the several charges and expenses of the Public Service of the Yukon Territory for the twelve months ending March 31, 1969 as set forth in Schedule "A" of this Ordinance and such sum shall be paid and applied only in accordance with the Schedule. 3. The due application of all monies expended pursuant to Section 2 shall be accounted for." Under Schedule "A" our first appropriation is Engineering and Municipal Affairs, \$70,578.00.

Mr. Dumas: Mr. Chairman, how was this arrived at? Nothing definitive was arrived at in Operation of municipal services and for what period covered and starting when?

Mr. Chairman: You find the breakdown of Hillcrest Services on page 7 of the revised sheets.

Mr. Chamberlist: Well Mr. Chairman, I note that in Section 2 of the Ordinance we are talking about a sum not exceeding in the whole \$1,000,578.00 and the total in Schedule "A" is \$1,000,578.00, Oh, I beg your pardon - I'm sorry.

Mr. Chairman: Thank you Councillor Chamberlist. Are you clear on Engineering and Municipal Affairs?

Mr. McKinnon: Mr. Chairman this question was asked in the meeting of the Budgetary Programming Committee and the Territorial Engineer, Mr. Baker, replied that the best he could do was a guess at this as to the cost and this is a provision for seven months from September 1st, 1968 to September 31st, 1969.

Mr. Legal Adviser: One misprint in Schedule "A". Appropriation of Item should read "Appropriation or Item".

Mr. Chairman: Or item? Will Committee note this? Are we clear on Engineering and Municipal Affairs in the amount of \$70,578.00?

All: Clear.

Mr. Chairman: Next item is Personnel Services in the amount of \$330,000.00. This is page ten of the revised sheets.

Mr. Chamberlist: Mr. Chairman, I would like to speak on this particular item. I, Mr. Chairman, am going to withhold approval on my part on this particular item because I am fully aware that where there is a situation which Administration is looking into now. At the same time I feel that it be brought in some respect to the attention of the members of Council, where there are qualified teachers available in the Yukon Territory we should not have to bring teachers in and pay them their expenses, their travelling expenses. It is because travelling expenses are part of this particular budget increase that I bring this position up. There seems to be one particular case, a difference between the Superintendent of Schools and a particular teacher. I am of the opinion that this teacher has been treated in a most unjust manner. I brought the matter before the Administration and I said already that the Administration is looking into the complaint and an investigation is going on at the present time. I would ask that this item be deferred until after the situation has been clarified. I know it means that the teachers will not get their additional back pay but I think

BILL #3

Mr. Chamberlist continues...

the teachers themselves will understand that this is being brought up to protect them from the attitude of the Superintendent of Schools. I am publicly criticizing him as to his conduct in relation to the school teachers, in his manner of operating the Department of Education. My opinion, and I speak as a Territorial Councillor very strongly in this particular point, that his attitude towards some of the teachers is such that the teachers themselves, yes indeed the Principals of schools themselves, are afraid to speak out because of his attitude towards them. And if Members of this Council will defer this until the Fall Session it might be necessary then; and I am sure it will be and perhaps other members of Council may also have something to say with regard to the administration of the Department of Education; it may well be that the whole matter with regards to the management of the Department will be brought into the open. I am speaking generally now because I do not wish to bring the specific matter before Council while the Administration have the matter under discussion, but if I did not bring it up at this time perhaps there would be no reason not to withhold this particular item and it would mean that one particular teacher would be suffering one of the most unjust situations that has ever been brought to my attention. There is a mixture of religious objection brought into this thing; there have been personalities brought into it; there has been an attack partially made upon me because I performed a function of Territorial Council by advising this particular teacher how to write to the Superintendent of Schools and because I sent a copy of that letter to the Commissioner. I was told, in fact, by the Superintendent of Schools personally that I have no function to interfere and that he also made a report to the Commissioner to the effect that I had insisted upon the contract being given to a particular teacher, which was an outright lie, and I say this publicly he was untruthful and I would ask if this Council, this Council at this time support me by not passing this particular item. I know, as I say there would be some difficulty in Members of Council wanting to hold back this item but I think it is the only way to show that this Council wishes to employ people that are in the Territory; that have made their home here; that a teacher who is qualified, has the qualification to teach should be given the opportunity to teach here. The suggestion that was made by the Superintendent of Schools to this one particular teacher that she find other suitable employment when she is only trained as a teacher, is in itself obnoxious for the simple reason that the Superintendent of Schools knows that there is no other educational system in the Yukon Territory but the Educational System under the Territorial Government, and I would ask your support in this particular regard.

Mr. Shaw: Mr. Chairman, all this is very much a surprise to me. In the first instance I am of the understanding that this has been cleared by the Budgetary Financial Committee and I believe the Honourable Member from Whitehorse East is a member of this Committee. However, I don't know whether any objections are involved. I cannot say anything about the problems that appear to be in respect to the Department of Education teachers and all this sort of thing. I could not feel incumbent upon myself on something like that to cut out an amount of \$330,000.00. This involves wages for many people. The smaller amount, I believe is for the teachers' salaries; the other is for the Civil Servants in general. I think that the procedure in the past, and it has happened in my tenure in the Territory, whereby an official of the Government - the Council did not consider that they did their duty so they cut the salary to a dollar, that solved the problem. I don't know what the problem is here. It is the first time I have heard about it. But it

Mr. Shaw continues
hardly seems to be right to make every one suffer for something that may have happened by one or two people. I couldn't comply with the Honourable Member's request in respect to that.

Mr. Dumas: Mr. Chairman, I make no comment whatsoever on what the Honourable Member from Whitehorse East has said at this time. I would like to point out, however, that if we were to turn this down the Educational system in the Territory would suffer greatly and the students and children in the Territory would suffer as a result of turning it down. I believe we would find a lot of teachers not coming up to fulfill positions that they said they would come to fill and indeed we might find ourselves blacklisted by the Canadian Teachers Federation. It is expected by the Y.T.A. that this will go through Council as it has gone through the Budgetary Planning Committee and has gone through the Salary Negotiating Committee which, as Council knows, I was on. So I would strongly suggest at this time that we go ahead and pass this item and matters that have been raised by the Honourable Member from Whitehorse East; some of them grave, might be considered at a future date.

Mr. Chairman: Would you take the Chair Councillor Chamberlist?

Mr. Taylor: Mr. Chairman, I feel that I must pass my comments on this situation. I just wish to make it clear at the outset that I too find much dissatisfaction with some segments of the operation of the education system. But, however, I don't feel that it is in the best interests of the people or the Territory to hold up the general salary increases to these contractual employees of the Territory that being the teachers, all because someone, or one person is dissatisfied over one incident which is really the problem of Administration. It has been stated here that there is a problem and there is no evidence to show me, or any other member of Council, that indeed this party is right or this party is wrong. There are two sides to every story. I don't feel it has any proper place in this Chambers in the first instance. I feel that we would be very remiss in our duty if we failed to effect this increase and other increases to other Territorial Civil Servants in this realm. As I stated now, I have many problems in Education and I am darn well dissatisfied. This education segregation problem at Watson Lake. I have another school teacher problem but I want to dig into these things with Administration and I want to find out what can be done first; I want to find out - maybe I'm wrong, maybe my information is wrong on many of these things. I want to find these out before I come to the table with these problems but I am certainly not going to hold up salary raises for the teachers of the Yukon Territory strictly over some personal problem I have in my constituency. So consequently I wholeheartedly support this proposal and I think that the time and the place for discussions related to education should be at the Fall Session. If we all have our problems we can get together and talk them over - sit down and hash this problem over at the Fall Session but I don't feel it is any proper place here at this particular time. Thank you, I'll resume the Chair Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, firstly I would like to point out to Councillor Shaw who raised the question as to I being a member of the Financial Advisory Committee, approved this amount. For the benefit of all Councillors I took the view that during the Financial Advisory discussion, and certainly I'm not disclosing any confidential matter, I took the view then that office of employment to prospective new teachers should not be made while there were teachers available in the Yukon Territory. I took that view then

BILL NO. 3 Mr. Chamberlist continues.

and I take that view now so that I would tell you this I objected at the Financial Advisory Committee meeting. Now, also I can't quite understand Councillor Taylor's remarks that these things should not be raised in these Chambers when at question period he raised the question of education from the Commissioner. Now, if it appears to be satisfactory for him to raise questions, I don't see how it can be unsatisfactory for me to raise questions. I quite agree Mr. Chairman that the request I have made to withhold the amount is a very serious aspect and I quite agree that people should not be penalized because of a particular instance, but it is not an isolated instance, not by any means. It is not an isolated instance of dissatisfaction of the Department of Education because the Honourable Member from Watson Lake has raised the question himself so it cannot be an isolated one or a personal one. It is one indeed where, when the time comes along that the morale of the teachers of the Yukon Territory are low because of the almost absolute dictatorial powers that have been vested into the hands of a Superintendent of Schools who is so concerned about his own pomposity and the time comes along when it must be brought before these Council Chambers. Now, Mr. Chairman, it is quite true that the education system of the Territory may suffer if these people do not get their money but I say that the educational system of the Territory is suffering now because of its administration and this is why I raised this. On thinking it over I tend to agree that it is not right and I am going to withdraw that particular thing. It is not right to withhold this money. But nevertheless it is right if I bring it forward to this Council Chambers and the suggestion that was made by the Honourable Member from Watson Lake that this isn't the place to raise this question I can't agree with this particular point; but nevertheless this is the time when money is voted upon a department to bring out any objections and this is why I have brought it out. I have not given any definite evidence for the simple reason that I don't want to get to the stage of having mentioned circumstances or names because I know that the Administration is dealing with this matter, but I could not let it go by because if I let it go by this particular person would be placed in an unenviable position by having to wait for the next Fall session before natural justice is given to her. This is why I bring this up and if any member of Council wants the information I am prepared to give it but I have assured the Administration that I would not bring names or the actual situation or the details of it forward and I am keeping my word to them on this but nevertheless I am saying this to Council, to members of this Committee. But the necessity to bring forward a situation that has developed is one of utmost importance and I want people to remember this - remember my words that when the Fall session comes along and other members; and I am sure Mr. Chairman will have his say as well and so will other members of Council will have their say and people in the public will realize in what a low ebb the senior teachers of this Territory are now because of the Administration of the Department of Education and there are no ifs, ands and buts about it. And I am quite prepared to place on the record at that time all the circumstances surrounding this particular instance and other cases. You know full well when I say I am prepared to place this evidence forward I place the evidence forward because I don't speak unless I do a lot of background work to it. Therefore Mr. Chairman I have reconsidered the situation as far as withdrawing this asking Council members to withdraw this particular thing and I will go along with the item but I wanted my position to be understood.

Mr. Chairman: Well are we clear on the item of \$330,000.00

Mr. Chairman continues...
for Personnel Services. Is there further discussion on this
or can we clear this item at this time?

BILL #3

Mr. Livesey: There will be further discussion, Mr. Chairman.

Mr. Chairman: Then I will declare Committee in recess until
two o'clock.

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Friday, July 5, 1968.

2:00 o'clock p.m.

Mr. Chairman: At this time I will call Committee back to order and we are discussing Bill No. 3, and we are at an item of Personnel Services in the amount of \$330,000. Anything further? Councillor Livesey.

BILL
#3

Mr. Livesey: I have something to say about this. Mr. Chairman, during the lunch hour I made the most of it and have been satisfied on some points. There is no point in continuing discussions here.

Mr. Chairman: Is there anything further? Are you clear on this item?

Mr. Dumas: Clear.

Mr. Chairman: The next item is Capital Project and Loan which you'll find not in your new pages but in your book under page 22 and page 23 in the black original book. It was composed of 3142 Anvil Townsite for the construction of an access road in the amount \$100,000, and Anvil Townsite loan - to cover loan for the building of a townsite at Anvil \$500,000 for a total of \$600,000. This is page 22 and 23 in the black book. Clear?

Mr. McKinnon: Clear.

Mr. Chairman: This then gives us a total of \$1,000,578.

Mr. Shaw: Mr. Chairman, I would move that Bill No. 3, An Ordinance For Granting To The Commisiioner Certain Sums of Money to Defray The Expenses of the Public Service of the Territory, be reported out of Committee without amendment.

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

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: The next bill is Bill No. 4, An Ordinance Respecting Lands of the Yukon Territory. Reads Bill No. 4. Mr. Legal Adviser, I wonder if you would care to open discussion on this with some remark as to the nature of this Bill.

BILL
#4

Mr. Legal Adviser: Mr. Chairman, this is to implement the policy changes which are to be brought in as a result of discussions which took place in the policy paper, an earlier policy paper agreed to by the Council with certain changes and the changes have been suggested in the second policy paper dealing with lands which is here, and it is almost identical with the existing Land Ordinance except in the policy changes.

Mr. Chamberlist: Well, a question to Mr. Legal Adviser. It appears to me, Mr. Legal Adviser, that this Ordinance conflicts with section 45 of the Yukon Act. Now, I wonder if Mr. Legal Adviser could explain, especially in view of section 45 of the Yukon Act. Section 45(c) dealing with roads, streets and trails and public lands which remain vested in Her Majesty in right of Canada. Now, the Yukon Act has delegated to the Commissioner in Council certain powers. My question, Mr. Legal Adviser, is this, which might cause some deface - can the Commissioner in Council delegate this right elsewhere to the Commissioner, keeping in mind the legal maxim of delegatus non potest delegare. A delegate in power cannot be delegated.

BILL
#4

Mr. Legal Adviser: No, this is not the maxim, Mr. Chairman. It means that a delegate - there's a rule of law, which is not accurate, which says that a delegate may not re-delegate. Now, this is not a rule of law when any person who is given a power to do something can exercise all the functions that are duly given to him. So if the Federal Government delegate to the Commissioner in Council the power to do something, then they in turn can delegate that power to the Commissioner, and the Commissioner in turn can delegate that power to somebody else provided he stays within the framework of his terms of reference.

Mr. Chamberlist: Mr. Chairman, rather than differ with Mr. Legal Adviser, because I am sure Mr. Legal Adviser is real familiar with many of the cases that have come up in regards to this matter. This question will be dealt with in court on July 19, and I would suggest that until that date that this particular section be not put into effect, this portion of the Ordinance which delegates to the Commissioner the right to dispose of land when the actual power is given already to the Commissioner in Council. I think this piece of legislation, in all seriousness, should be put aside until such time as this particular thing has been made clear. I'm very concerned, of course, about section 3(d) of the Ordinance which refers to all roads, streets, lanes and trails and public lands. This applies to all lands in the Territory, but it also applies to the lands and streets within the city itself, the City of Whitehorse, and I am assuming that from this the Commissioner would then have the power to turn over the streets to the municipality, or is that power not given to the Commissioner.

Mr. Legal Adviser: Mr. Chairman, I'm not sure exactly whether or not the remarks of the Honourable Member arise out of a recent case which was had in New Brunswick between the University of Fredericton, the Attorney-General of New Brunswick, and the City of Fredericton, and that case was decided in the New Brunswick Court of Appeal and the main point of decision was that whether or not the University of Fredericton owned the streets on the border of the University. They could give the beneficial use, that is the right to pass and re-pass and use those streets, to the City of Fredericton, and it was not a sale, so far as section 45 of the Act is concerned, although the ownership remains vested in Her Majesty in right of Canada of all streets, lanes and trails, never the less, the use of those streets for the benefit of the public may validly be given by anyone who has the authority to do so. Giving the use of the streets to the city and the public who use them is not giving away the streets itself. It is delegating it to public use and would be perfectly in order.

Mr. Chamberlist: Mr. Chairman, having read the case that my Learned Friend has mentioned, the words 'beneficial use' was not used in the judgment at all. The words 'the use of' were used. Beneficial use as appertains to a - this is the reason why I feel it is necessary to wait until the judgment is forthcoming on whether the Commissioner in Council under section 45(c) of the Act which speaks as follows: 'All roads, streets, lanes and trails and public lands are and remain vested in Her Majesty in the right of Canada, but the right to the beneficial use of or for the proceeds thereof is hereby appropriated to the Territory and is subject to the control of the Commissioner in Council, and any such land, roads, streets, lanes and trails may be held by and in the name of the Commissioner for the beneficial use of the Territory'. Now, this is the point that I'm making, and I, quite frankly, cannot see how we can accept an Ordinance that may well conflict with the Yukon

Act without first being satisfied that that particular point has been clarified.

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Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I would like to put a question to the Honourable Member from Whitehorse East. The Federal Government is turning over control of lands within the Yukon - now I don't know what particular sections of land, but they are giving the Commissioner in Council a little more control over lands so that we don't have to - we can bring up regulations and so forth and get away from this archaic twelve-year plan ownership. Would the Member from Whitehorse East object to a more enlightened policy?

Mr. Chamberlist: Not at all if it is not opposed to section 45 of the Yukon Act, and this hasn't been defined, and this is what I'm asking for this to be defined. This hasn't been done and until such time as it is done I cannot honestly go and approve this type of Ordinance.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, could we say that - I would imagine that I'm wrong in this, but when the Government decided to be so magnanimous as to give us a certain amount of latitude in the question of lands that surely this particular Ordinance must have had the approbation of the Department of Justice, that it would not conflict with existing Statutes of Canada. I wondered, Mr. Chairman, if the Legal Adviser could advise Council whether this has been cleared by the Department of Justice or something cooked up in an open manner that might be complex?

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: I can say that the Legal Adviser's Department, the former Department of the Prime Minister of Canada, who was mentioned by my friend earlier there, are in agreement that this is legally within the competence of this Council and does not conflict with section 45.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Now, Mr. Chairman, I rise on the same point that I rose on this morning, and that is government by regulation, and government by regulation means that you are not increasing the responsibilities of this House by government by regulation; you are decreasing. Despite anything else that might be said about it, there isn't a constitutional authority on constitutional matters that I have read or studied that says that government by committee or government by regulation enhances the position of the people's representatives in any democracy. It does not. It decries that position. It takes away power. They can talk about all the other extrenuous arguments that anyone wants to raise, but there is no argument that you can bring up that is going to prove that government by regulation ever brings constitutional government. It doesn't. It takes it away. This is precisely what it is for. That is there to take away power, not to give power. This is why government fights committees. Too many committees take away the power of the people. This is what we've got going on right here as well, and this is what goes on in other areas, and you'll notice this is the difference in Federal political things about how government should be run, and governments by committees

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or government by regulation, either one, decries the power of the people and literally takes away the power from any legislative body of control over their own affairs. Just as soon as you delegate power you take away power from yourself. This can't be explained in any other way. It is the only simple way that it can be explained, and this obviously, Mr. Chairman, is government by regulation, irrespective of what it may look like or what the intention may be or no matter what may be raised when we talk about cabinet government for the Yukon, or increasing the power of the Yukon. You cannot increase the power of the people by giving more power to the administration. I can't understand why anyone would want to seriously believe that adding more power to the administration is giving more power to the Council. It obviously can't. It must be the opposite. It is this body that wants more power and I haven't seen any more power given to this body at all. It seems to me that everytime I look down - I'd better not look up, because something is being switched, and this is bad. I mean, we've got to face it some time. We may as well face it now than wait til next year. This was going on years ago. Also when I raised discretion, I suggested a number of years ago, in 1963 and in '64, that Members from this Elected Body who represent the people in the Yukon Territory - let them be raised to cabinet status or shall I say not cabinet status, but to ministerial or quasi-ministerial status, then we would be getting some place. This is a different story altogether where you - when you delegate power to one of yourselves. We don't delegate something or somewhere that isn't elected. This is why we all understand that what we have in the Yukon at the moment is totally irresponsible government, not responsible, irresponsible, and this doesn't mean the terminology that most people apply to the word irresponsible. What it means literally and in fact is that the administration is not elected by the people, therefore do not represent the people and under the Yukon Act the Elected Members are appointed for responsibility by section 24 of the Yukon Act which says you can't have responsibility so therefore you can't have it, you haven't got it, so therefore you are irresponsible, and we've had irresponsible elections, and we've had irresponsible meetings, and we've had irresponsible government in the Yukon ever since I can remember and a long time before I can remember, and this is the point, gentlemen, that we are going to have to understand. Somewhere along the line we're going to have to put pressures on the powers that be to bring responsibility to this House, this Legislature. We don't even control this legislative chamber. We actually have no power over it. The Speaker of this House doesn't have the same power as any other legislature that I can understand in Canada, with the exception of the Northwest Territories, not the slightest. Now, what are we doing about this? This is what I want to know, and this is precisely why I bring this up - this point, because this is precisely going in the opposite direction. Now, other Members may have a different point of view, but this is my opinion, after studying the situation and giving considerable thought and try to come up with the answers that I think are sound and reasonable, not because I have re-spoken them, but because others for generations have thought the same thing, and these things have been proven time and time again. So, I bring these points to your attention this afternoon, Mr. Chairman.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, as I see it, this Ordinance is an attempt to reflect what I think is a very welcome change in the Federal Government's attitude of land disposal as it applies to the Whitehorse metropolitan area. Now, pieces of the Ordinance itself may be argued. However, the fact remains that land

disposition and policy in the Whitehorse area from the time that I can remember has been absolutely atrocious. Pressure has finally be brought to bear on the Federal Government to the extent and I say this pressure was brought by this Council along with the Administration and the Commissioner because it was in an horrendous hodge-podge of method of trying to acquire a building lot, particularly in the Whitehorse area, and I know from my travels throughout the Territory that this is everywhere throughout the Territory, but not to the extent that the people in Whitehorse were suffering from at this time in this moment. Now, through an Order in Council the land in the Whitehorse metropolitan area has been transferred to the control of the Commissioner in Council. Now, the Whitehorse Members of the Council went through and land policy paper which changes quite dramatically the method of disposal of land under - now under the Commissioner in Council's control in the greater Whitehorse area. It is an entirely new procedure of disposing of land. There is some aspects of it that may not work out in the long run. However, we felt that it was a much better, a much more equitable, and a much simpler way of putting land in the hands of the people who wanted to develop it or wanted to build a home that was ever before in the Yukon Territory. This, to me, has to be a terrific advancement in the development of the Yukon Territory as far as I am concerned. Now, as I say all this is reflected in a land policy paper which took quite a bit of study and one which we poured over for some several days here in meetings with the Administration. Now, is this land policy as it applies to the Whitehorse metropolitan area going to be refused because one of a constitutional difference of opinion between the Honourable Member from Whitehorse East and the Department of Justice and our Legal Adviser. I say personally no. I'm not going to allow the hold-up of the disposal of land in the Whitehorse area if the Honourable Member from Whitehorse East is right, as he has done in several other occasions, bring it to the courts and let the courts decide. I say let's get the land in the hands of the people as quickly as possible. In the other instance, and I agree with the Honourable Member from Carmacks-Kluane, that I personally do not like to see legislation which appears to put more control in the hands of the appointed administrators rather than in the hands of the elected representatives. How in the Ordinance itself do we satisfy both.....? Does it mean that every parcel of land is going to be given under the new land policy regulations is going to try for a meeting of the Territorial Council? I say certainly this is unworkable, it is unthinkable. Every time the Commissioner has a piece of land that he doesn't need for public use and wants to distribute to somebody who wants to develop it, does this mean that we have to come in from all areas of the Yukon to decide upon this. I think not. I don't see how it can be applied except to the terms of this Ordinance as it now stands, and, Mr. Chairman, because of the land problem that has been faced throughout the Territory, I am willing to try anything so that people who come to the Yukon, want to open businesses, want to buy a lot, want to build, will never again have to go through that horrible spectacle, my constituents, of lining up in this hallway of the second floor for 24 hours because they wanted to stay here and wanted to build, and anything I can do in my power to cease that forever, I'm all in favour of. I'm in favour, I've gone in favour when we met, the Whitehorse Councillors of this land policy paper - I'm going to have to go along with the Ordinance, see how it works. If it doesn't, we'll try something else, but we've got to try something.

Mr. Chairman: At this time I'll just call a short recess for the change of stenographers.

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Mr. Chairman: I will now call Committee back to order.
Councillor Chamberlist.

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Mr. Chamberlist: Mr. Chairman, I am very pleased indeed to hear from Councillor Shaw as he has indicated, and I am sure that both Councillor McKinnon and Councillor Dumas would take note of his remarks that the Government of Canada is not void of magnanimity and I think that we should be interested in listening to this in view of the attitude adopted..... void of magnanimity. Well, Mr. Chairman, we all heard Councillor McKinnon say that there has been a Government Order in Council transferring the land to the Commissioner in Council. Now this is not true and this is why I have raised this particular point because the Governor's Order in Council transferred the land to the Commissioner, not the Commissioner in Council. This is why I have raised this particular thing and if the Honourable Member from Whitehorse North will recall, we took up this particular point at the time that we went into discussion and the Supervisor of Lands, Mr. MacIntyre was here at that time and he felt....perhaps the Order should have been via the Commissioner in Council. Now I would ask Councillor McKinnon to reflect for one moment on that Order in Council....Order in Council. If - the Member remarks he hasn't seen it yet he referred to the fact that it was made out to the Commissioner in Council. It was not. Governor's Order in Council was transferring the land to the Commissioner. In fact by doing that it took away what rights we already had under the Yukon Act. Now Mr. McKinnon has been very vociferous in his remarks about losing our rights and yet he would go along and grant a greater loss of rights in relationship to the disposition of lands. Now I cannot see how he can correlate his previous sound arguments with this particular unsound argument. I am opposed to the transferring of land to the power of the Commissioner, notwithstanding that it is a welcome change, as the Honourable member puts it that land will be ready for disposal within the Yukon Territory itself. I agree with it; I agree it should be done. And I am certainly not arguing against that particular principle but to have the power of the Council removed directly in relation to that by a Governor's General's Order in Council turning over the land to the Commissioner, and now having an Ordinance which comprises in the same direction; giving the powers to the Commissioner. I am sure that Councillor McKinnon would have a further thought on this particular item. I am sure he wasn't fully cognizant of this particular thing that the Governor's Order in Council did transfer the land to the Commissioner and not the Commissioner in Council. He might have another view on that. Now this Section 3 of the Ordinance itself states to what lands this Ordinance applies. Now I am concerned whether this policy paper is applicable to the Metropolitan Area outside the existing boundaries of the City of Whitehorse or whether it applies to the whole of the Metropolitan area including the City of Whitehorse. Perhaps Mr. Commissioner can answer that question, whether it applies to all the Metropolitan area including the City of Whitehorse or to those areas outside the City of Whitehorse.

Mr. Commissioner: Mr. Chairman, it isn't where the land is located, it is the category within which the land falls. The physical location of the land is a secondary consideration; it is the category within which the land happens to fall and the Legal Adviser can explain the various categories that these lands fall into but it is the category in which it falls; for example.....title has been created for it and the

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Mr. Commissioner continues..

land is disposed of to a private buyer. I have no more control over this land; neither does anyone else as the private buyer has control....and it is the land policy paper that you have here which is the revised land policy paper which explains all these details in full, but to further answer the question that has been asked here at the moment, I would ask the Legal Adviser to explain the category.

Mr. Legal Adviser: I think to give an exhaustive definition of categories into which land may fall would take more time than we have in Council. But you've got privately-owned land and publicly-owned land; you have various methods of holding land privately, either by lease, by free farm grant, by agreement for sale, by various forms of contract, by sub-lease and so on. And you've got the public land that is held by the Queen in right of Canada; it is either transferred to control by the Commissioner or it is not. If it is transferred to the control of the Commissioner then in some way he leased it out and has lost part of the control and retained the other part and then....control over land which, when let out as agreements for sale which is partly under agreement for sale and partly due to be transferredrights of the Country. One could go on forever inventing different categories of control but basically section 45 which one of the members was talking about - land which is transferred to the Commissioner in Council by name is transferred to the Commissioner. Section 45 says that land will be held in the name of the Commissioner - but when it is held in the name of the Commissioner it is subject to the control of the Commissioner in Council which basically means that land which is transferred is put under the control of the Commissioner in Council as large blocks of land are from time to time. It is then subject to this House as well as the Commissioner's wishes. The Commissioner cannot dispose of it except as he is permitted to do by legislation enacted by this House and this is the main subject of this Ordinance is to delegate the powers which are vested in this House to some person in their name to do certain things in relation to the House. Section 45 of the Yukon Act has very little application. This Ordinance applies to lands in respect of which this Ordinance applies. And then we are dealing with lands which are transferred to the Commissioner; that is the Commissioner by name Commissioner. But he can only dispose of it as is permitted under this Act, or he can then make regulation permitting himself to do certain things but those regulations are subject again to control by this House so they can change their legislation. And under Section 6 you should note that copy of every document disposing of lands has to be filed in this House at the next Session. In fact I understand that there are stacks of documents actually filed and nobody ever bothers to look at them. But every disposal is in fact filed before this House for the checking or perusal by the members.

Mr. Chamberlist: Mr. Chairman, the point hasn't been answered as far as I am concerned and it hasn't been argued that what I say is incorrect; that the Governor General's Order in Council transferring land to the Commissioner and not to the Commissioner in Council. Now would Mr. Legal Adviser tell me whether I am correct or incorrect in that statement?

Mr. Legal Adviser: Without checking on the actual document I couldn't say, but if I was drafting the document that is now I would draft it. The last line of Section 45 says

Mr. Legal Adviser continues..

"such land may be held in the name of the Commissioner". It doesn't say Commissioner in Council. It said, in the name of the Commissioner but that earlier it had said that when land in the name of the Commissioner, it shall be under the Control of the Commissioner in Council.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: It seems to me Mr. Chairman that this is the usual circuitous route.....we explain away impossibilities with more impossibilities and we certainly don't transfer anything to the Council at all ... taking things away. I can see the argument being presented by administration and I for one would certainly not be against anything that relieved the obnoxious, ridiculous, totally impossible land situation we have had to put up with here in the Yukon Territory for many, many years and I have had personal experience myself for it took me five years to buy my property from the Federal Government. I had to practically waylay the Minister of the day when he was passing my place of residence after prior notice that I wanted to discuss.... and I finally had to get on his tail again on his way to Ottawa. It took me five years to get that done; I understand the question from practical experience. I'm not talking about this; my discussion is this question of expecting Council to keep transferring power to the Administration. I can see the other point of the argument. That's obvious but I certainly think that on the face of it we are giving up power rather than increasing our own power. In other words this is expecting you to go to the trap door, not ask the hang man to trip the cord, you trip it yourself. In a democracy, a democratic land.....and this is really worse than anything I can ever possibly think of. The question here in the Yukon as far as land distribution is concerned nothing could be more impossible than the way it is today. Nothing. It is really ridiculous. But we have to think of our future in this legislature and we are going to have to take a stand and not continue to come down here every session to keep giving things away. We have got to make a protest against this sort of thing. I am making one!

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, as I understand this, and I ask Mr. Legal Adviser to correct me if I am wrong. The Order in Council has transferred the land within the sketch plan that roughly corresponds with the Metropolitan Area of Whitehorse to the control of the Commissioner. The Commissioner cannot do a damn thing with the land until the Commissioner in Council, until the Council rules what he can do with it. Right, thank you.

Mr. Legal Adviser: This is correct.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: I really cannot understand what all the hassle is about. It is fine to talk about more responsible form of government on this and we have been trying this for ten years that I am aware of and gosh knows how long before that. The Federal Government do not wish to give anything up if they can possibly help it. However, once in a while we are able to get a little wedge in to get a little more local control on certain specific matters. This particular Bill

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Mr. Shaw continues...

is transferring a small section of this 207,000 square miles that we call the Yukon into modicum of local control. It is not a great deal but how anyone can argue that it is not part of a step forward I cannot see. It is certainly getting something within the control of the Yukon Territory be it the Commissioner or be it the Commissioner in Council. The Commissioner in Council has the control of the land; it states so right here, sub-section (e) any other lands that are subject to the control of the Commissioner in Council and although the Honourable Member on my left may be laughing - he should be happy about something like this because it is getting something that we did not have before. When we have these lands I don't want to have to come down to Whitehorse every week, every two days to have to sign a paper that Joe Blow has such and such a lot or lot so and so. Naturally you have to have someone to administer that and the years that I have been here and the problems and discussions that have emanated from the people in Whitehorse quite justifiably that they cannot get any land - if this in any small form enables them to get some land I say it is a step forward. It might not be a whole step or league but at least it is a certain amount of progress to be able to dispose of this land and personally, myself I am for it and I think it is about time we took a vote on this thing and decide whether we are for it or not instead of discussing responsible government at great length because we have gone through that many times. That won't solve this matter.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, what is the alternative that we have. Is it the alternative to leave the land. I believe that this is a step ahead; at least we have more control at the local level in the Commissioner and the Council. We have the Commissioner here that we can -- kill -- rather than fighting with somebody 4,000 miles away. I can't see any reason for not accepting this but before it goes to a vote there is another item I would like to discuss regarding lands and the disposal of same in the area. There was recently disposed of in the so-called industrial area approximately 27 pieces of property - 43. Oh, is that under the old system, and what I am opposed to is the fact that the land was put up for lease for 21 years and there was no control over who leased the land and as a result just about half of it was taken up by speculator who had no intention of developing it, thereby causing and creating the same situation that we had before the property went up for sale. It seems to me that if we really were going to open up an industrial area or any other area we have got to try and offset speculation such as this by asking people, or proposed purchasers to let us know what they plan, in fact, to do with the land. Now I know that this person who got the 19 lots, 19 commercial lots, or 19 industrial lots, appraised by the way at \$600 a lot - I don't know who did the appraising, and paid \$60.00 a year lease for 21 years and then has the opportunity to purchase at \$600.00 for these lots. He could sit on them for 21 years and we are no further ahead; we still don't have the industrial land here. It seems to me tighter control could be exercised over this type of thing.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: As the Commissioner correctly pointed out the alternative to not accepting this Ordinance is not that the land is handed back to the Federal Government; it is that

Mr. Legal Adviser continues.. we still operate Chapter 112, an Ordinance Respecting Lands of the Yukon Territory. Basically the legislation that is before you is an attempt to make more easy, more flexible and more speedy and possibly more fair the disposal of land by the Commissioner and the Order in Council transferring land to the Commissioner has already been made and they lie within his control but because of the restrictive provisions of the old Ordinance regarding the disposal of land. The Administration brought forward, by agreement with some of the members most directly concerned, a new type of procedure to dispose of those lands, still subject to the control of the Council but the particular machinery is easy to operate so the comparison between the new Ordinance machinery and the old Ordinance machinery, not the question of the liberty of the Council or the independence of this government from Ottawa or whether or not the streets in Whitehorse are the property of the Federal Government, this is a choice between one form of machinery for disposal and another.

Mr. Chairman: Anything further on this Bill. Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, when I hear of local control and then I look at where the local control is and it is in the hands of one person; the office of the Commissioner, I wonder whether the very strong speeches that have been made in the past by members from Whitehorse north and Whitehorse west are really sincere because here they are now talking and arguing against themselves. They speak about taking the control.....of the Commissioner, fighting for 12 years for responsible government, going through all the actions of a thespian on the stage - to me it seems utterly ridiculous that now we are prepared to say "well let's give the control to the Commissioner". I just don't follow this at all. They either have to follow a set policy of looking towards greater control for the legislative body or not. This does not give that control to the legislative body and again I have to bring forward to Councillor McKinnon now when he spoke for the second time to ask the Legal Adviser for an explanation, said "do I understand the position is that the Governor General's Order in Council gives the land to the Commissioner. Now he changed because not ten minutes before he stood up in the same place and said that there is a Governor General's Order in Council giving it the power Now I wish Members would make up their minds what they are talking about and not attempt to confuse the rest of this Council; he cannot confuse me either because it is obvious when I hear laughter from a particular member I know his weakness - to cover up his weakness he has to try and laugh to get company but this is the point that I make here; that while the Governor General's Order in Council which has already been passed reduces the powers of the Territorial Council, I cannot see how we can go along with this particular Bill. I don't know and I haven't had it yet explained as to whether the Ordinance also gives the power to the Commissioner to transfer the streets of the municipality of the City of Whitehorse to the City of Whitehorse. Now perhaps Mr. Legal Adviser will give an opinion on that one. I am very interested in that too.

Mr. Legal Adviser: Subject to regulations, the Commissioner can transfer - that is subject to the regulations and subject to the Order, he can transfer any land under his control which would include the streets, to any person he wishes, provided he does it within the regulations and the Ordinance.

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Mr. Chamberlist: Mr. Chairman, it is obvious then that it does conflict with the Yukon Act and I am sure that this particular item has not been properly pointed out to the Department of Justice. They are not infallible, they have made many mistakes and I am quite prepared to point this out to them that that section of the Yukon Act would certainly be in conflict. It is quite clear in my opinion that it is for the beneficial use of the Territory and that is what the Commissioner is holding them blank for; not for the beneficial use of the City Council or the Municipality of the City of Whitehorse. If he was able to transfer these streets to the City of Whitehorse it would be in conflict with the Yukon Act. Mr. Legal Adviser shakes his head. I'm firm on it. Mr. Legal Adviser has been proven wrong before and I am prepared to prove him wrong again. I say that we should not, while the power is given in the hands of the Commissioner and not in the hands of the Commissioner in Council, as we have been trying so hard to get, to take away the power from the Commissioner, we should not approve this Bill as it now stands.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I must apologize for confusing the Honourable Member from Whitehorse East. He is so easily confused. Mr. Chairman, I would just like to give an example of the way the land policy now works as it applies to the constituency that I represent in Porter Creek. Prior to this moment if there was land needed for development in Porter Creek a request had to be made of the Commissioner that he request his boss, the Minister of Indian Affairs and Northern Development, that a team of Dominion Land Surveyors be sent from Ottawa to sub-divide needed land for expansion in the Porter Creek area. There was one summer shot. The next summer would see arrive in Whitehorse a team of Dominion Land Surveyors who would then sub-divide the land, go back to Ottawa. Another summer shot. The next year a plan of survey would come to the Territorial Government and an order turning over the land to the Territorial Government because a plan of survey had been registered and the title was then given to the Territory. Then, and only then could the Commissioner and could the Administration go about distributing this land for local sale. Now, Mr. Chairman by the new policy is land is required in my constituency of Porter Creek I am told by the Administration that this land will be available for sale six weeks after the request is made by the Councillor of the area that this land is needed. If this isn't one big improvement I don't know what the heck is and I'd much rather have the Commissioner sitting right here beside me and if he doesn't come through I can go and pester him and hound him to Hell every moment of his waking day.

Mr. Chairman: Order.

Mr. McKinnon: until he gets the land available and I can't do that with this person who Mr. Chamberlist, a few short weeks ago was up on a trailer at the corner of Second and Main extolling his virtues. And that's the difference!

Mr. Chairman: I wonder if now we can get this land narrowed down to some business except politics, parking meters and some of these other side issues.

Mr. Chamberlist: Mr. Chairman, this is all part of the debate. I am very pleased indeed that the Honourable Member from Whitehorse North now feels that the policy of the Minister of Northern Affairs is such that he can agree with it. It seems to me that the attacks he has made in the past are not

Mr. Chamberlist continues warranted. I agree with the difficulties that are being met by various areas, especially Councillor McKinnon's area, in relation to land. There have been difficulties and I agree that the method now of being able to get land distributed much more quickly is an improvement. I'm not arguing against that at all and I haven't argued against that. I'm simply arguing that on the basis of what we are looking forward to in this Chamber; we are looking forward to control for the legislature and we are depriving ourselves of that control by committing the Commissioner to have the right to dispose of land without there being a Commissioner in Council. I'm not suggesting that every piece of land that comes along should be dealt with by the Council before the Commissioner had instructions to do that and certainly this Bill can be altered in such a way as to protect that interest for the Council. In the meantime as it is I cannot see how, in view of the stand that has been taken by various members of Council that they can now prostitute themselves and take an entirely different attitude on it. To me it is just as important to maintain a firm principle with what one says right at the beginning. I have been critical of the Minister of Northern Affairs and I make no mistake about it that in some instances criticism has been deserved but I say this much, that young people who are still young and wet behind the ears don't recognize that all the people have other thoughts in their minds as well. The time might come along when you get a little older and a little grey hair you might realize it. But the point is that the Minister of Northern Affairs has some very good sound thinking points and certainly he is endeavouring to extricate the Yukon Territory out of the land problem such as this but I am saying that this particular method is bad and I am not blaming the Minister himself for it. I am saying that his senior Civil Servants have not taken consideration of the fact that we want greater control for ourselves and we don't want to give greater control to the Commissioner. This is my argument - I am not arguing against any of the points that have been raised by Councillor McKinnon with reference to the difficulties that have been met with in the case of land disposal. I agree with him on this but I cannot agree with him on taking one stand on one day and on many days and then taking an entirely different stand on another day. To me the appointment of the Commissioner to handle that in his own right is wrong; it is foreign to the very principle that both Councillor McKinnon and other Councillors, and I especially name Councillor McKinnon, because he has been the most vociferous about constitutional control and then go and just give this away and say well, we have local control now, I'll sit down beside the Commissioner. He is a real nice fellow and I'll get everything straightened out now because it is right local. We have always had a Commissioner here but we haven't had the power where it should be and that is in this Council. Now any time anything comes up like this we should be objecting to it and we should be objecting, and as I did object, notwithstanding what Mr. Legal Adviser says that this new Ordinance is a result of speaking to various members from the Whitehorse area. If the Legal Adviser will recall, I raised the objection then that the Order in Council was made out giving the power to the Commissioner. I raised the objection then and I maintain that objection now. To me it is improper and I don't think, gentlemen and madam, we should certainly go along with that because it is against the very principle that we have been arguing and I would not vote for it, I would be against it.

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

Friday, July 5, 1968.

3:30 o'clock p.m.

Mr. Chairman: At this time I will call Committee back to order. BILL #4
We were discussing Bill No. 4. Have you anything further on this Bill?

Mr. Livesey: Yes, Mr. Chairman. You heard my discussions yesterday. You heard my declarations this afternoon. I want to make it clear and I want to say right now that this has nothing to do with the relationship of confidence in the Commissioner. We have confidence in the Commissioner. There's no question about it, but what I am looking for is confidence in the Council. This is what I am looking for. The people of the Yukon Territory have confidence in this Council and have elected this Council so therefore I would say that the Council surely has the confidence of the people of the Yukon Territory and if this is so, then I think we are in a position to start taking on responsibility. This is the point I am making. And, if this is so, I don't see any reason why we should continue to be obviously always in the position of somebody says, "Have we got confidence in the Administration?" This isn't the point. We've got confidence in the Administration. We certainly have. There's no question about that but I think it is high time that it is recognized that we have confidence in ourselves. Some of the present Members in the House this afternoon, Mr. Chairman, want to know what the answer is and I think I can provide it. At least I hope I can and I make the same suggestion that I made a number of years ago and that is that if we have confidence in the Advisory Committee on Finance that we elect in this House, then surely the next place up the ladder for those individuals that belong on the Financial Advisory Committee is a step further in responsibility - not more power to the Administration but more power for this House, more power for the elected Members of the Yukon Territory. In this instance I think the way to do it is to absorb perhaps one or two Members or maybe more of the Financial Administration Committee to start with in the Administration, in the Departments, and there you have the transfer then of not transferring this problem. This still keeps it local but you don't transfer it to the Administration, the representatives of the Minister of the Department that is in control of the Yukon Territory by law. He's not only in control of the political development but he is in control of the economic development. You take this power and transfer it to the elected Members of the people, place these Members in the Department and give them responsibility. This is the answer. The plain and simple answer and when I vote against this Bill, I want to make it clear, Mr. Chairman, I am not voting against the content. Mine is a protest vote against the lack of confidence in the elected Members of this House.

Mr. Dumas: Mr. Chairman, I'll try to be as brief as possible. If there are Members who are going to vote against this because we have been asked to rubber stamp it, I can't understand why they voted for anything else that has come before this Council - not only in the last two days but in the last twenty years or so... those who have been around. We are asked once again to rubber stamp something. Constitutionally I don't think we're losing any ground. I don't think we're gaining any either. All we are doing is changing the framework of policy respecting lands in the Yukon Territory. I think we're gaining and the people of the Territory are gaining insofar as those lands are concerned and the disposal of same. To say that we are going to stop now and take a stand and stop the machinations of Government in the Territory because of the lack of responsibility that is placed on this Territorial Council, I think at this point would be ludicrous. We all know that we are asked to rubber stamp. We all know that we should have more responsible Government but why this one item should all of a sudden

BILL #4

Mr. Dumas continues:

get the dander up of several Members of Council, I just fail to understand it. I believe that this Ordinance as proposed here is a step ahead insofar as the disposal of land is concerned. With that in mind, I shall support it.

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

BILL #4

REPORTED
OUT OF
COMMITTEE
MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 4, An Ordinance Respecting Lands of the Yukon Territory, be reported out of Committee without amendment.

MOTION CARRIED

Councillors Chamberlist and Livesey voted contrary.

BILL #1

Mr. Chairman: We will proceed now to Bill No. 1. I believe all Members have a copy of the proposed amendment to Bill No. 1. I will proceed with the reading of the amendment. It will be necessary for a Member to propose this amendment. (Reads the Amendment). Proceed.

Mr. McKinnon: Translation, please.

Mr. Chamberlist: Just the last part.

Mr. Legal Adviser: Well, Mr. Chairman, it's necessary to put in the last sentence, "without prejudice to its previous operation or anything duly done or forfeiture or punishment incurred.", because in the event that the Order is made....say in the case of Hillcrest....if anybody has paid any money or done anything in relation to that Order, he would have done it under a valid Order and the effect of a Motion of Council to annul the effect of the Order would then, if it was left alone, would invalidate and make illegal the thing which had been done under an Order which on its face was valid. Of course any money paid would be repaid to a person who paid it back but at least the collection would have been a legal thing.

Mr. Chamberlist: I would move, Mr. Chairman, that subsection 3 of section 1 be added to the Ordinance, An Ordinance to Amend the Taxation Ordinance.

Mr. Dumas: I'll second that, Mr. Chairman.

SUBSECTION #3 ADDED TO SECTION 50
BILL #1

Mr. Chairman: It has been moved by Councillor Chamberlist that a new subsection 3 be added to section 50 of Bill No. 1 which reads as follows: "Any order of the Commissioner varying the rate of tax made under subsection (2) of this section shall be laid before the Council within the first fifteen days of the session next after the date thereof, and if the Council within the period of forty days beginning with the day on which any such order is laid before the Council resolves that it be annulled, it ceases to have effect, but without prejudice to its previous operation or anything duly done or forfeiture or punishment incurred."

MOTION
CARRIED

MOTION CARRIED

BILL #1
REPORTED
OUT OF
COMMITTEE
AS AMENDED

Moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill No. 1, An Ordinance to Amend the Taxation Ordinance, be reported out of Committee as amended.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: Gentlemen, the only remaining matter in Committee for your consideration is Sessional Paper No. 6.

Mr. Commissioner: Mr. Chairman, this is the policy paper that gave rise to Bill No. 4.

Mr. Chamberlist: Mr. Chairman, we should have perhaps dealt with the paper before we dealt with the Bill because Section 7 of the Sessional Paper says; "If the policy is acceptable, a new Lands Ordinance will be introduced to enable it to be implemented."

Mr. Chairman: What is your further pleasure then, gentlemen?

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Mr. Speaker do now resume the Chair.

MOTION CARRIED

MOTION
CARRIED

Councillor Livesey resumes Speaker's Chair.

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:40 A.M. to discuss Public Bills and Sessional Papers. It was moved by Councillor Dumas, seconded by Councillor Taylor, that Bill No. 2 be reported out of Committee without Amendment. This Motion carried. Committee recessed at 12:00 Noon and re-convened at 2:00 p.m. It was moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. 3 be reported out of Committee without Amendment and this Motion carried. It was moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 4 be reported out of Committee without amendment and this Motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Dumas, that a subsection (3) be added to section 50 of Bill No. 1 to read as follows: "Any order of the Commissioner varying the rate of tax made under subsection (2) of this section shall be laid before the Council within the first fifteen days of the session next after the date thereof, and if the Council within the period of forty days beginning with the day on which any such order is laid before the Council resolves that it be annulled, it ceases to have effect, but without prejudice to its previous operation or anything duly done or forfeiture or punishment incurred." This Motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill No. 1 be reported out of Committee as amended. This Motion carried. It was moved by Councillor Shaw, seconded by Councillor Chamberlist that Mr. Speaker do now resume the Chair and this Motion carried.

REPORT OF
COMMITTEE

Mr. Speaker: Are we agreed with the Report of the Chairman of Committees?

All: Agreed.

Mr. Speaker: What is your further pleasure, gentlemen?

Mr. Taylor: Mr. Speaker, in respect to the Agenda, I can report that all matters before Committee have been dealt with and concluded.

Mr. Chamberlist: Mr. Speaker, I wonder if Mr. Commissioner now has the replies to the questions raised this morning.

QUESTIONS RE Mr. Commissioner: Yes, I believe I can supply the answers to
ELECTRICAL the previous questions. The first question, Mr. Speaker, was
INSPECTOR "How many applications for the position of Electrical Inspector
have been received?" The answer to that is 41. The next question
is "How many of these are from residents of the Yukon?". The
answer to that is six. The next question is "Why is an Assistant
Commissioner, the Head of the Territorial Engineering Services
and the Personnel Officer being sent to conduct interviews outside
the Territory when Yukon people who have made application for
this position and are qualified and are available?" The answer
to this, Mr. Speaker is that an interview team must go out for
the following reasons: 1. All the applications that have been
received have been screened by a qualified electrical engineer and
in the opinion of screening the applications, five of the six
local applications were looked upon as not meeting the basic re-
quirements. The one Yukon applicant who was considered to meet
these requirements was not looked upon as a particularly strong
application due to the length of time of actual practice in the
trade and in the opinion of those screening the applications,
there were several candidates that were better qualified in terms
of training and experience and who had applied from outside the
Territory and as we are obliged to fill the vacant positions on
the basis of merit...this is the purpose of the competition...
this is why these further interviews are going to be conducted.
The interview team is going to consist, as indicated here in the
question, of Mr. G. K. Fleming, Mr. Strong, Mr. Baker and also
one additional person being the Chief Electrical Inspector for
the Province of Alberta. Mr. Baker is proceeding to Ottawa for
a series of meetings and it is convenient and advantageous to have
him stop off in Edmonton to have him take part in these interviews
and also other competitions are involved and candidates are going
to be getting interviewed as well at this location and these other
competitions...Tax Assessor, Municipal Inspector and Fire Com-
missioner.

Mr. Chamberlist: Mr. Speaker, would Mr. Speaker permit me to
ask a supplementary question. I would ask the Commissioner
whether the Engineer that has been referred to is not in fact
the Manager of Canadian Utilities who should not be interested
in this particular competition and also, while I am sitting on
that Electrical Committee, why wasn't I asked...brought into this?
Both Mr. Baker and Mr. Choates have been asked and I was left out
of it. Could Mr. Commissioner explain this.

Mr. Commissioner: No, Mr. Speaker, I have no ready explanation
for this at all. I have not been personally involved in this
matter and I am not aware of any particular reason for this
question.....

Mr. Chamberlist: Mr. Speaker, I realize I cannot continue asking
questions on this because of the position it is in now and we are
due to wind up but certainly I can speak now to Members of Council
with your permission, Mr. Speaker, and I think it is absolutely
wrong that this type of thing should occur when we have available
people and I know some of these people who have applied for this
job, and notwithstanding what the Manager of Canadian Utilities
says, these people are qualified electricians and qualified to
take the position of Electrical Inspector and for this Government
to spend a thousand dollars or more to send people out to inter-
view people, as far as I am concerned as a member of the Financial
Advisory Committee, you are wasting our money, Mr. Commissioner.

Mr. Taylor: Question of privilege, Mr. Speaker. Might I be
advised under which Rules of the House...is this a question
period, a debating period?

Mr. Speaker: We are just about to wind up the Session and it is normal that if there are any questions left that they be raised at this time. Is there anything further, gentlemen?

Mr. Shaw: I believe we have Bills to give Third Reading to.

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. One, An Ordinance to Amend the Taxation Ordinance, be given Third Reading at this time.

THIRD
READING
BILL #1
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that the Title to Bill No. One, An Ordinance to Amend the Taxation Ordinance, be adopted as written.

TITLE
BILL #1
ADOPTED
MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I declare the Motion carried and Bill No. One has passed this House.

Moved by Councillor Taylor, seconded by Councillor Shaw, that Bill No. 2, An Ordinance to Authorize the Commissioner to Borrow a sum not exceeding Six Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to enter into an Agreement relating thereto and to authorize the Commissioner to enter into an Agreement with the Anvil Mining Corporation Limited for the Construction of Certain Works, be given Third Reading at this time.

THIRD
READING
BILL #2

MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Shaw, that the title to Bill No. Two, An Ordinance to Authorize the Commissioner to borrow a sum not exceeding Six Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to enter into an Agreement relating thereto and to authorize the Commissioner to enter into an Agreement with the Anvil Mining Corporation Limited for the construction of certain works, be adopted as written.

TITLE
BILL #2
ADOPTED

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: I will declare the Motion carried and Bill No. Two has passed this House.

Moved by Councillor Dumas, seconded by Councillor Gordon, that Bill No. 3, An Ordinance for Granting to the Commissioner certain sums of money to defray the expenses of the Public Service of the Territory, be given Third Reading at this time.

THIRD
READING
BILL #3

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon, that the title to Bill No. 3, An Ordinance for Granting to the Commissioner certain sums of money to defray the expenses of the Public Service of the Territory, be adopted as written.

TITLE
BILL #3
ADOPTED

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: I will declare the Motion Carried and Bill No. 3 has passed this House.

THIRD Moved by Councillor McKinnon, seconded by Councillor Dumas, that
 READING Bill No. 4, An Ordinance Respecting Lands of the Yukon Territory,
 BILL #4 be given Third Reading at this time.
 MOTION
 CARRIED MOTION CARRIED

Councillor Chamberlist voted contrary.

TITLE Moved by Councillor McKinnon, seconded by Councillor Taylor,
 BILL #4 that the title to Bill No. 4, An Ordinance Respecting Lands of
 ADOPTED the Yukon Territory, be adopted as written.
 MOTION
 CARRIED MOTION CARRIED

Mr. Speaker: I will declare the Motion carried and Bill No. 4 has passed this House. What is your further pleasure?

Mr. McKinnon: Mr. Speaker, as far as I understand, that completes the business of the Special Session of the House and all that remains to be done is Royal Assent to be given to the Bills and addresses in reply to the Speech from the Throne if Members wish...is all that is left.

Mr. Chamberlist: Point of Privilege. I heard the Honourable Member refer to Speech from the Throne. What was he referring to?

Mr. McKinnon: The Speech from the Judge's Chambers.

Mr. Commissioner: Mr. Speaker, may I rise at this time? I would like to advise, Mr. Speaker, that I am prepared to give my assent to Bill No. 1, An Ordinance to Amend the Taxation Ordinance; Bill No. 2, An Ordinance to Authroize the Commissioner to Borrow a sum not exceeding Six Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to Enter into an Agreement relating thereto and to authorize the Commissioner to enter into an Agreement with the Anvil Mining Corporation Limited for the Construction of Certain Works; Bill No. 3, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory; and Bill No. 4, An Ordinance Respecting Lands of the Yukon Territory.

Mr. Speaker: Would the House be prepared at this time to receive the Commissioner's closing address?

All: Agreed.

Mr. Speaker: This House now stands adjourned to receive the closing address of the Commissioner of the Yukon Territory. (Mr. Speaker descends from the Speaker's Chair).

COMMISSIONERS Mr. Commissioner: Mr. Speaker and Members of Council. I would
 CLOSING thank you at this time for your attendance at this Special Session.
 ADDRESS As I said in my opening remarks, it is with a considerable amount of regret that the Administration felt it necessary to call you together at this most inappropriate time of the year as far as your own personal businesses are concerned. I have already given assent to the Bills that were enumerated and placed before you and we will be giving effect to the consequences of your actions on these matters as promptly as possible, particularly as it applies to the Anvil townsite and the ramifications that this has for the industrial development of this area. There is nothing further from the Administration at this time, Mr. Speaker. I would wish each and every one of you a safe journey home, a prosperous summer and notification will be coming to you just as quickly as possible to get the concurrence of Members for a suitable date for the Fall Session of Legislature.

Mr. Speaker resumes the Speaker's Chair.

Mr. Speaker: I would like to thank the Commissioner for his closing address and also to thank him for all the assistance he has given us at this Special Session and all the very kind help of the staff to the House for their work in connection with it, which I feel contributed to the success of our meeting. Mr. Clerk, would you please close the Session?

Mr. Chamberlist: Point of Order. Surely, Mr. Speaker, the Members of this Council have the right to reply to the Opening Address of the Commissioner.

Mr. Speaker: I am afraid we have passed this point at this time. The Commissioner has given his closing address and from then on, this is the end of the Session. Direction should have been given to the Chair if any matter like that had been necessary and I would so rule at this time.

Mr. Taylor: Mr. Speaker, in actual fact, we are not in Session and I was going to suggest that you call Council to order so that we can now be prorogued.

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

Mr. Clerk: It is the Commissioner's will and pleasure that this Council be now prorogued and this Council is accordingly prorogued.

Sessional Paper No 1 - 1968 (3rd) Session

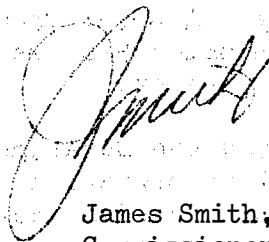
Mr. Speaker,
Members of Council

Question #10 - Councillor Taylor -
March 8, 1968

In this question the Administration was asked for advice as to the effect the recently-announced Federal cutbacks would have on the 1968-69 Territorial budget, with particular reference to Health and Welfare and major road programmes.

A telexed message has been received from the Assistant Deputy Minister, Department of Indian Affairs and Northern Development, Ottawa stating that the Minister of National Health and Welfare has announced that there will be no reduction in the level of medical services to Indians and Eskimos and that sufficient funds will be available to ensure continuation of these services at existing levels. In regard to roads, the message states that there are no details on possible reductions in road appropriations available at the moment but that the likelihood is that if any reductions are made, they will be of a minor nature and we shall be notified as soon as possible.

Further advice in this connection will be given to you as soon as it is available.



James Smith,
Commissioner

April 9, 1968.

Sessional Paper No. 2

Mr. Speaker

Members of Council

Yukon Economic Study

Dr. D. W. Carr has provided a progress report in which he states that good progress has been made to date on the study.

The preliminary minerals report has been received by Dr. Carr from the consultants on this phase and at this time they are awaiting particular information on feasibility considerations relative to the Crest iron ore deposits.

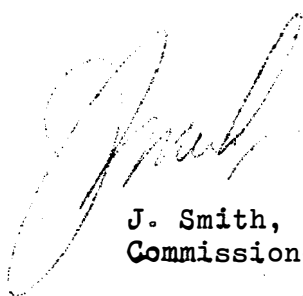
Professor Anderson, who is conducting the transportation study, spent some time during April appraising the progress, plans and potential of the Pacific Great Eastern Railway in British Columbia.

The various aspects of the power requirements and potential of the Yukon Territory will be comprehensively appraised by Mr. Keith Henry of C.B.A. Engineering of Vancouver, who will be using as a base for his study the recently completed Ingledow Hydro-Electric Study. A brief from Mr. R. H. Choate of Yukon Electrical Company Limited has presented valuable background information on this subject.

Dr. Carr has requested the Department of Indian Affairs and Northern Development to prepare an accurate relief map of the Territory that might be used in conjunction with the over-all study.

Further meetings are planned for late April and early May in Vancouver with transportation and power consultants and with Selwyn Explorations on additional details of their pending development program. Dr. Carr advises that major advances have been made in preparation of the background reports on statistics, agriculture, hunting and fishing and that some progress has been made in the initial drafting of some parts of the final report.

It is expected that Dr. Carr will be in Whitehorse on probably his last trip prior to the completion of the preliminary report about June 9th or 10th.



J. Smith,
Commissioner.

Sessional Paper No. 3

May 29, 1968.

Mr. Speaker

Members of Council

Yukon Economic Study

Further to Sessional Paper No. 2, dated April 9th, Dr. D. W. Carr has provided another progress report which embraces the latter half of April and the month of May.

Dr. Carr advises that good progress is being made on the over-all Yukon Economic Study and in particular on the social services and related studies during the past month.

The final report on forestry resources was received on May 13th and the preliminary report on the power study is expected about the end of May. A series of questions on power were submitted to the Northern Canada Power Commission to which a prompt reply has been received. Dr. Carr advises that he and Professor Anderson interviewed Dr. Sevensma, President of Selwyn Explorations, Mr. Joe Broadbent, General Manager of the Pacific Great Eastern Railway, Mr. Keith Henry, their consultant on power, and Messrs. Guest and Heaver, their consultants on transportation, while in Vancouver. They also spent several hours with Premier Bennett in Victoria discussing possible areas of economic co-ordination between British Columbia and the Yukon. A report of these discussions should be forthcoming in the very near future.

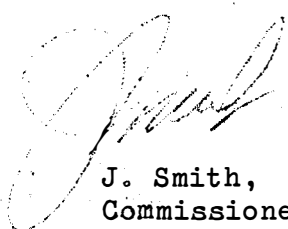
In Edmonton, they interviewed Mr. Don Pervis, Assistant Vice-President of the C.N.R., and Mr. Finland, Manager of the Alberta and Northwest Chamber of Mines.

During the second week in May, Professor Anderson and Dr. Carr spent a day in Juneau with Mr. Keith Miller, Secretary of State for Alaska, his commissioners and other associates, discussing items of mutual interest to Alaska and the Yukon Territory. In the course of his visit to Whitehorse, two sessions were held with a group from the Chamber of Mines, as well as discussions with Judge John Parker, Mr. Earl MacArthur of United Keno Hill Mines, and Mr. Bob Choate of Yukon Electric.

Since the last report, briefs have been received from the Yukon Research and Development Institute, the Yukon Chamber of Mines and Mrs. Terry Bailey.

Professor Anderson expects to spend several weeks in Ottawa during the last half of May and June to work on the transportation study and the over-all report.

Dr. Carr expects to be in Whitehorse about June 9th, probably accompanied by Mr. W. Magyar.



J. Smith,
Commissioner.

May 31, 1968.

SESSIONAL PAPER NO. 4 - 1968 (3rd) SESSION

Mr. Speaker

Members of Council

During the 1968 (Second) Session of Council, Councillor Livesey asked Question No. 5 as follows:

- "1. What programs are presently in progress or contemplated towards the inclusion of agriculture as an integral part of the economic structure of the Territory?
2. What programs are contemplated which would provide an economic use for the years of northern research conducted at the experimental farm situated at Mile 1019, Alaska Highway?"

Sessional Paper No. 17 of the same Session advised Council that these questions were being forwarded to the Department of Agriculture.

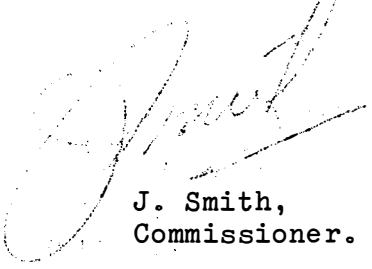
The purpose in establishing the experimental farm at Mile 1019 was to obtain information to permit an evaluation of the possible agricultural potential of the Territory.

As a result of the research, the Department of Agriculture has concluded that agricultural production is not economically feasible in the Territory at the present time and has no program for the inclusion of agriculture as an integral part of the economic structure of the Territory. The Department of Agriculture feels that the work of the experimental farm has been fully justified on the basis that it will prevent unnecessary and wasteful expenditure of finances and human resources that will result from any wide-scale attempt at agricultural development. At the same time, valuable information that is useful to home gardeners in the Territory, and to agriculture areas in the south, has been obtained through the efforts of the experimental farm.

At a meeting held in Ottawa on January 31, 1967, with Members of the Yukon Council present, Dr. K. Rasmussen, of the Department of Agriculture, in reply to a question by Councillor B. McKinnon, stated he could see no reason why his Department would not turn over the agricultural station to the Territorial Government if they submitted a reasonable request and plan for operation.

At the present time, the Administration is considering the advisability of acquiring a portion of the experimental farm to be utilized as part of the Territory's corrections program. In this matter, we have availed ourselves of the services of Dr. A. A. Guitard, Department of Agriculture, Research Station, Beaverlodge, Alberta.

Should a decision be made to proceed with this plan, Dr. Guitard has assured us the use of the farm equipment for developing and cultivating, as well as any consulting services required, to enable us to use our resources to advantage.



J. Smith,
Commissioner.

11th June, 1968

SESSIONAL PAPER NO. 5 - 1968 (3rd) SESSION

Mr. Speaker,

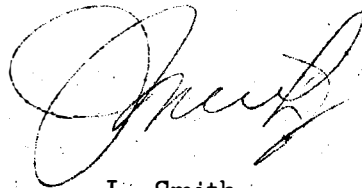
Members of Council.

Re: Annual Pay Plan Review.

1. During the 1967 (2nd) Session of Council Paper #16 dated 9th November 1967 was presented to the Members.
2. It dealt with the report on the Position Classification and Pay Plans for the Government of the Yukon Territory, and on page 10 it stated:

"Once the plan is installed it must be administered so that it is kept up to date and adapted to changing conditions. Changes may become necessary for many reasons. It will be necessary to alter the Pay Plan to reflect modifications of the Classification Plan caused by such circumstances as the assumption of new functions, the extension of present activities, changes in organization and the increasing assignment of irregular tasks to some employees in the interest of improved operations. In addition, the Pay Plan itself will require adjustment to meet changing economic conditions, shortages of certain types of employees, changing organizational relationships, and other circumstances. The Classification and Pay Plans must be dynamic instruments of administration."
3. Pursuant to the foregoing, the annual cyclical review of all classes of employment within the Yukon Territorial Government has been completed by the administration and certain changes are now recommended, effective April 1, 1968.
4. The cyclical review embraced all classes of employment within the Yukon Territorial Government and compared each and every class with similar positions throughout the Provinces of Canada and also within the Territory. The basic criteria used was a policy of remuneration for each class sufficient to attract capable persons to our employ and to retain their services on an equitable and competitive basis.
5. While Cost of Living was considered as one facet of the review it was not the single, and only, basis on which the class salary decisions were made.
6. All submissions, including those received from the Yukon Territorial Public Service Association were studied in detail and became a part of the review that produced the over-all decisions.
7. The result of the cyclical review was that the total salary budget of the Yukon Territorial Government for the current fiscal year will be increased by approximately 6.8% if the recommendations of the review are adopted by Territorial Council.

8. By way of explanation it can be stated that most classes within the Yukon Territorial Government will receive, as a result of the cyclical review, an increase of one step in the scale, with a few classes receiving more than a one step increase. There are a few classes which will receive no recommendation for scale increases, and the decisions reached regarding them were based on proven facts which showed that Yukon Territorial Government was already more than competitive in its remuneration in these particular cases.
9. Council is also informed that salaries are under constant review so that the Yukon Territorial Government may be enabled to make the necessary adjustments to meet the challenge, and enable Yukon Territorial Government to recruit and retain efficient, competent staff.
10. Council is advised that the funds necessary to implement the increases proposed by the annual cyclical review, for this fiscal year, are available.
11. Your approval of the increases recommended by the annual cyclical review, in the aggregate of \$250,000.00 representing an approximate 6.8% overall increase in Salary Expenditures for the Yukon Territorial Government, is respectfully requested.



J. Smith
Commissioner

May 21, 1968

Sessional Paper No. 6 - 1968 (3rd) Session

Mr. Speaker,
Members of Council

Land Disposal - Yukon Territory

At the Second Session, 1968, arrangements were made for the Council Members representing Whitehorse North, Whitehorse East and Whitehorse West to meet with the Administration to discuss the proposals outlined in Sessional Paper No. 40, Second Session, 1968.

This meeting was held on May 14th, 1968. It was agreed that the Land Disposal Paper would be re-submitted to Council, at the Third Session, 1968, amended to reflect the changes agreed upon with the Members. These changes are detailed here and are incorporated in the attached paper. For the information of Council Sessional Paper No. 40, Second Session, 1968, is attached as an appendix hereto.

Recommended Changes:-

1. I B - paragraph 4 - to read that "The lands beyond the limits of the established communities are now Crown in Right of Canada.
This change was recommended as a result of the decision to request that the balance of land in the Whitehorse Metropolitan Area, not included in Order-In-Council P.C. 1968-695, be transferred to the control of the Commissioner.
2. II 2 paragraph 3 - to read that the size of lots subdivided by the Government of the Yukon Territory in any community in the Territory will be determined with the advice and consent of the residents of the community concerned.
3. II D3 (a) (ii) - to read: When surveyed it would be advertised that the building lots are available for development and interested developers may, on a first-come, first-served basis, obtain options to purchase.

4. II D3 (a) (iii) To add: Any amount paid in option fees which is in excess of the purchase price of the property will not be refunded, if the purchaser enters into an offer to purchase, but will be retained by the Government and considered to be a penalty imposed on the purchaser for having held the property, without developing it, for an excessive period of time.
5. To be added in II D3 (a): An option to purchase may be assigned with the approval of the Commissioner and on payment of a fee equal to the monthly option fee on the property.
6. Other minor changes have been made to update the paper, particularly in the attached Tables.
7. If the policy is acceptable, a new Lands Ordinance will be introduced to enable it to be implemented.

Respectfully submitted,

J. Smith,
Commissioner.

LAND DISPOSAL
YUKON TERRITORY

I Legislation and Policy - 1968

A. Legislation

The provisions of the Territorial Lands Act and Regulations set out the procedures for the sale and leasing of Crown Land in the Territory which is under the control of the Minister of the Department of Indian Affairs and Northern Development. These statutory requirements are administered by the Supervisor of Lands, Department of Indian Affairs and Northern Development.

Crown Land in the Territory which has been transferred to the administration, control and management of the Commissioner of the Yukon Territory is administered on the Commissioner's behalf by the Supervisor of Lands in co-operation with interested Departments of the Territorial Administration.

Lands which have been purchased by the Territory fall into three main categories:

1. Lands acquired in lieu of payment for service. These are usually lands transferred to the Territory by persons who have received extensive welfare aid and, on their demise, will their assets to the Territory.
2. Lands acquired as a result of Tax Sale procedures instituted under the provisions of the Territorial Taxation Ordinance.
3. Lands purchased with Territorial funds for a specific use such as sites for office buildings and dwellings.

Administration, control and management of these lands are then transferred to the Commissioner by Order-In-Council.

B. Policy

The administration of lands under the control of the Commissioner is a matter which can be determined locally whereas disposal procedures in respect of lands under the control of the Minister of Indian Affairs and Northern Development are quite detailed and explicit.

According to present policy, lands under the control of the Commissioner are not sold until they have been surveyed and in some cases they are then only leased with options to purchase. Except in Riverdale, Lot 19 and in the case of the first residential lot purchased by an individual in Watson Lake, Letters Patent will not be issued until the property is improved to a minimum value specified in the Agreement for Sale or Lease.

Almost without exception the lands under the control of the Commissioner consist of surveyed building lots in established communities.

The lands beyond the limits of the established communities are now Crown in Right of Canada and are disposed of according to the provisions of the Territorial Lands Act

and Regulations. They are not subject to the policy that they be subdivided and surveyed prior to lease or sale. However, title is not issued until the land is actually surveyed.

II Whitehorse Metropolitan Area

- A. The attached Table No. 1 indicates the position of land, under the control of the Commissioner, in the Whitehorse Metropolitan Area as at May 1st., 1968. The attached Table No. 2 indicates the status of surveys now underway and the date on which additional lands may be expected to be placed on sale to the public.
- B. The history of land disposal in this area has not been good. The Territory has been forced to accept the results of **decisions of the Federal Government** in respect of land in the vicinity of Whitehorse. Reference is made to the establishment of Highway subdivisions consisting of large lots and excessively wide road allowances; sale of large parcels of land to private enterprise without consideration as to how these sales would affect the expansion of the City of Whitehorse in years to come; and the indiscriminate sale of parcels of land to individuals in isolated locations throughout what is now the Whitehorse Metropolitan Area.
- C. The first step to rectify the problem was to close three residential subdivisions; Forestview, MacRae and Canyon Crescent, leaving only two active subdivisions; Porter Creek and Crestview. Of these two, only Porter Creek is to be considered for expansion. This action was in keeping with the recommendation of the Central Mortgage and Housing Corporation in their 1963 report on the Whitehorse Metropolitan Area. This recommendation is quoted here.

"It is recommended that of the present five residential subdivisions on the Alaska Highway only Porter Creek be allowed to expand and this only to a size which can support minimal community facilities."

Commencing in 1968 the size of all lots surveyed in Territorial Subdivisions will be determined with the advice and consent of the residents of the community concerned.

The most important move which has been made towards an up to date land disposal policy is the transfer to the Commissioner of the vacant unpatented Crown Land within the Whitehorse Metropolitan Area. The lands transferred are shown on the attached Sketch No. 1.

All vacant unpatented Crown Land in the Whitehorse Metropolitan Area, which is not under the control of the Commissioner, is now withdrawn from disposal by Order-In-Council.

- D. Disposition of land under the Commissioner's control may now be made only after survey and by one of the following methods:
1. In the case of lands beyond the boundaries of the City of Whitehorse:-

(a) Lease for a maximum term of twenty-one years with an option to purchase at the termination of the lease or, in the case of property which may be considered for inclusion within the City of Whitehorse, within twelve months from the date the land is incorporated into the municipality.

(b) Sale by Public Tender, with an upset price, under an Agreement for Sale stipulating that Letters Patent will not be issued on the property until such time as a set amount of improvements have been placed on the land.

(c) Sale by Public Tender, with Letters Patent being issued immediately.

(d) Sale on a first-come, first-served basis, at preset prices, with the stipulation in the Agreement for Sale that Letters Patent will not be issued on the property until such time as a set amount of improvements have been placed on the land.

(e) Sale on a first-come, first-served basis, at preset prices, with Letters Patent being issued immediately.

2. It has been found that by using the existing method of land disposal, which is (b) or (d) above, in Porter Creek, many lots are purchased by persons who have not formulated their construction plans and, after purchase, find that they cannot, for one reason or another, proceed with the construction of a home. The lots are therefore out of circulation for up to two years and subsequently revert to the Commissioner. In the meantime it has been necessary to survey and service additional lots to meet the demand for property. This system has proven expensive to all concerned and is not at all satisfactory.

3. The recommended method of land disposal, and this could apply whether the land is within or without the City of Whitehorse, would be an option to purchase followed by an offer to purchase.

(a) This method would be set up as follows:

(i) Land would not be released for sale until it is surveyed.

(ii) When surveyed it would be advertised that the building lots are available for development and interested developers may, on a first-come, first-served basis, obtain options to purchase at any time.

(iii) Options to purchase would be accepted, with an initial fee of \$25.00. The prospective purchaser would be required to pay, for each month that the option is held, \$67.00 per acre of land under option. This fee would be chargeable on a pro rata basis in respect of the amount of land acquired by the purchaser. There would be no limit to the length of time an option could be held. An option would not

be issued, or renewed, for a period of less than one month, however, in the event that the purchaser entered into an offer to purchase at any time during the period of the option the fee paid would be credited, on a pro rata basis, to the purchase price of the property. Any amount paid in option fees which is in excess of the purchase price of the property will not be refunded, if the purchaser enters into an offer to purchase, but will be retained by the Government and considered to be a penalty imposed on the purchaser for having held the property, without developing it, for an excessive period of time.

(iv) During the period of the option to purchase the developer would have the right to enter the property to undertake development work.

(v) A development plan would be required from any developer optioning a parcel of land consisting of one acre or more.

(vi) An option to purchase may be assigned, with the approval of the Commissioner and on payment of a fee equal to the monthly option fee on the property.

(vii) At any time after the option to purchase is signed the developer would have the opportunity to enter into an offer to purchase with a further payment equal to the full purchase price of the property less the amount paid for the option to purchase.

(viii) The initial fee of \$25.00 is not refundable should, for any reason, the developer not enter into an offer to purchase or should the terms of the offer to purchase not be complied with and the property reverts to the Government.

(ix) If at any time during the period of the option to purchase the property reverts to the Government all improvements located thereon also become the property of the Government. In this case it would be advertised that an interested purchaser may obtain an option on the property by submitting a tender, on a public tender call. The purchase price of the property, set as an upset price on the tender call, would reflect the value of the improvements located thereon. Any proceeds from the sale of the property over and above the price of the land would be returned to the original developer less 10% of that amount which would be retained by the Government as an administration fee.

(x) The offer to purchase would have a term of thirty days during which time the developer would be obliged to complete, in the case of a development cost \$10,000.00 or less, work

valued at 10% of the total estimated cost of clearing, levelling and building construction. In the case of a development costing in excess of \$100,000.00 work valued at \$10,000.00 would have to be completed.

(xi) Immediately upon completion of the required amount of improvements Letters Patent could be applied for and would be issued, upon payment of the required \$10.00 fee.

(xii) If the prospective developer proceeds with an offer to purchase but does not complete the required construction on the property, within the specified period of time, extensions may be granted at a cost equal to 3% of the required development work for each thirty clear days, or portion thereof, required by him to satisfy his obligations. If he does not apply for an extension of time and pay the required fee the property, together with any improvements thereon, would revert to the Government.

(b) This method of land disposal would allow the prospective purchaser sufficient time in which to arrange financing for his construction, within the period of the option to purchase, and would also allow access to the property for construction purposes during this period. At the expiration of the thirty day offer to purchase period sufficient construction would have been placed on the property to satisfy the Government's concern that the property is to be developed, and not allowed to remain unproductive.

(c) With the use of the system outlined here there would no longer be the problem of having property taken out of circulation for two years only to have it revert to the Government because the purchaser, for one reason or another, was unable to commence his construction program. It would also eliminate the undesirable situation of having patented land remain unproductive, and therefore virtually non-taxable for an indefinite period of time.

(d) This method of land disposal would apply to industrial and commercial land as well as residential land without alteration.

E. The attached Sketch No. 2 indicates those lands, adjacent to the Alaska Highway, within the area of land to be transferred to the Commissioner, which are considered suitable for development.

It was proposed that lots be surveyed along both sides of the Alaska Highway, within the Whitehorse Metropolitan Area, outside of the recommended two hundred fifty feet of open space in order to allow interested purchasers to acquire land beyond the limits of a subdivision.

As may be seen from the sketch there is very little land available for development, other than isolated pockets and one large area which would be suitable for a subdivision. It is the policy, confirmed by Council, that only two residential subdivisions and one industrial subdivision will be developed in the Whitehorse Metropolitan Area. It is for this reason that further subdividing has not been carried out in the area adjacent to the Alaska Highway.

It is recommended that this land not be subdivided and sold until such time as prospective purchasers have indicated a genuine interest in it.

III Land Disposal - Yukon Territory (Beyond the limits of the Whitehorse Metropolitan Area)

The method of disposal recommended for land under the Commissioner's control within the limits of the Whitehorse Metropolitan Area should also be instituted in respect of all such land throughout the Territory. As increasing amounts of Crown Land within the immediate vicinity of established communities are transferred to the Commissioner, the method of land disposal outlined should eliminate many of the existing problems.

It is the Administration's intention to subdivide all future residential lots, in all communities, in sizes as recommended by the communities' residents.

Table No. 3, attached, indicates the position of land, under the Commissioner's control, in areas beyond the limits of the Whitehorse Metropolitan Area as at April 30th, 1968.

T A B L E N O. 1

Subdivision	1		2	3	4	5	6	7
	No. of Lots Sold or Reserved for a Specific use as at April 30, 1968	No. of Lots Available as at April 30, 1968 (access provided)						
	<u>Sold</u>	<u>Reserved</u>						
Crestview	68	2	-	-	70	-	-	
Porter Creek	284	56	4	48	392	48	52	
Forestview	2	-	-	50	52	-	-	
Canyon Crescent	4	-	-	108	112	-	-	
MacRae Residential	-	-	-	85	85	-	-	
MacRae Industrial	-	-	-	42	42	-	-	
Lot 19	62	-	-	-	62	-	-	
Riverdale	333	11	10	49	403	49	59	
Whitehorse Industrial Subdivision (New)	2	-	-	41	43	41	41	
	Leased							

TABLE NO. 2

Subdivision	No. of Lots to be surveyed	Date Survey Requested	Date Plan of Survey expected to be registered	Date Transfer of Land to Commissioner Requested	Date Transfer of Land to Commissioner expected	Date Lots should be available for sale or lease	No. of Lots to be made available for sale
Riverdale - Residential Lots	21	Mar 15, 68	June 15, 68		Covered by general Order-In-Council	June 30, 68	21
Riverdale - Commercial	1	May 21, 68			Covered by general Order-In-Council	July 15, 68	1

S L E N O. 3

Subdivision	1		2	3	4	5	6	7
	No. of Lots Sold or Reserved for a Specific use as at April 30, 1968		No. of Lots Available as at April 30, 1968 (access provided)	No. of Lots Surveyed as at April 30, 1968 but not available (access not provided)	Total No. of lots surveyed as at April 30, 1968	No. of Lots which may be made available in 1968 by construction of roads and services	Total of columns 3 and 6	
	<u>Sold</u>	<u>Reserved</u>						
Ross River	41	7			42	90	42	50
Teslin	83	34	25		-	142	-	25
Haines Junction	206	69	12		135	422	135	147
Mayo	276	6	40		387	709	387	427
Beaver Creek	-	-	-		76	76	76	76
Watson Lake	109	26	65		217	417	217	282

June 19, 1968.

Sessional Paper No 7 - 1968 (3rd) Session

Mr. Speaker

Members of Council

Development of Anvil Townsite

I. Background

Preliminary discussions about the possibility of developing mineral claims in the Vangorda Creek area first took place with the Territorial Government during the Fall of 1965. At that time, however, problems of transportation, marketing and ore reserves were still unresolved. The Federal and Territorial Governments agreed to keep the Canol road open during the Winter of 1965-66 to permit further exploration and feasibility studies.

A full review of the proposed project took place in Whitehorse in February, 1966, with representatives of the Federal and Territorial Governments participating. By this time the Anvil Mining Corporation had been organized with 40% of its stock held by Dynasty Explorations and 60% by Cyprus Mines Ltd. Although extensive lead-zinc reserves seemed apparent, diamond drilling was continuing in order to define them more precisely. During the Summer of 1966, a landing barge was moved from Dawson City for use as a ferry at Blind Creek.

By the Summer of 1967, plans had progressed to the point of final negotiations for the development of the ore body. Problems in connection with road access had been largely overcome and the Company announced an eight year contract for the supply of 100% of its output to Japan. On August 21, 1967, the Minister of Indian Affairs and Northern Development signed an Agreement with Anvil in which the Company undertook to bring a mine into operation for the production of lead and zinc concentrates. A copy of this Agreement is set out in Appendix I.

The mine is expected to come into operation in September, 1969. Concentrates will be hauled by truck and rail to Skagway by the White Pass and Yukon Route. In announcing their decision to go into production it was stated that construction would amount to \$56,000,000.00. It will be an open pit operation and the value of the contracts with Japanese interests is estimated at \$250,000,000.00. 130,000 dry short tons of lead concentrates containing approximately 69% lead and 20 ounces of silver per ton and 240,000 dry short tons of zinc concentrates containing approximately 54% zinc will be shipped annually. Reserves of fifty million tons of ore had been proven at the time of the announcement. Other ore bodies in the region would bring total known reserves to approximately 75 million tons which, through continuing exploration, might be expanded to exceed 100 million tons.

Section 10 of the Agreement between the Minister and the Anvil Mining Corporation reads as follows:

"10. (1) The Minister will set aside sufficient land for the development area which is to be constructed to accommodate initially 1,000 to 1,500 inhabitants, and the Minister will request the Commissioner, subject to the laws of the Territory, to

- (a) establish the development area within a circle having a radius of 15 miles from the centre of the proposed town and to control all land use within such area;
- (b) select the location of the proposed development area in consultation with Anvil by December 31, 1967;
- (c) plan and lay out the development area;
- (d) subdivide the development area by July 1, 1968 and provide standard municipal services such as surveys, streets, sewers, sewage disposal, street lighting, water distribution and treatment, power and power distribution, parking areas and recreational facilities;
- (e) construct, operate and maintain school, fire and police stations and health services, and
- (f) sell to Anvil at a price which reflects the full costs of development, any lots required by Anvil in the development area.

(2) Anvil will not be responsible for the maintenance and operation of any of the facilities mentioned in paragraph (d) of subsection (1)."

In preparation for these developments, the following Sessional Paper No. 94 was presented to the Council at the Spring Session, 1967:

"1. The following statements have been reviewed and it is considered that they give reasonable expression to the situation re Anvil as it is understood at the present time.

2. An agreement between Anvil Mining Corporation and the Canadian Government is being considered and it is expected that the agreement will provide for Government assistance in respect of Townsite Development as follows:

3. The Yukon Territorial Government will develop the Anvil Townsite on the same basis as that developed for Pine Point Mining Corpn. in the NWT. (Pine Point is owned by Cominco). The Canadian Government will grant the land to the Yukon Territorial Government who, in turn, will plan and subdivide the town, and instal water, power, sewer and utilities.
4. Planning should be done by C.M.H.C.
5. Initial funds requested for the planning will be \$50,000.
6. The cost of Townsite planning should be part of the total Townsite cost.
7. All costs should be assessed against the initial purchase price of the lots so that the total development cost will be returned upon sale of lots.
8. Facilities should be designed to allow for expansion. The possibility of obtaining subsidies from the Federal Government to pay for over-designed facilities should be explored.
9. In a letter dated April 13, C.M.H.C. advises that they are willing to arrange and supervise the planning of the new municipality of Anvil. The normal arrangement by which the Central Mortgage & Housing Corporation undertakes this type of work calls for reimbursement to the Corporation of staff salaries plus 10% for overhead plus all disbursements and out of pocket expenses.
10. If the Yukon Territorial Government wishes to proceed on the aforementioned basis it would be necessary to advise C.M.H.C. and they will then prepare a draft agreement between C.M.H.C. and the Y.T.G. incorporating details of the services to be provided and the basis of payment.
11. In the interest of giving Y.T.G. the best and speediest service possible, C.M.H.C. would intend making their Vancouver Branch Office responsible for providing us with the service required on the project, with such assistance as may be necessary forthcoming from the Head Office, Ottawa.
12. Mr. Ken Baker, Territorial Engineer, should be the main contact with Anvil Mining Corporation and should conduct all negotiations with C.M.H.C. re planning of the Anvil Townsite."

By unanimous Motion of Council at the First Session, 1967, the foregoing was approved, and preliminary planning by the Territorial Government in consultation with the Department of Indian Affairs & Northern Development, C.M.H.C. and the Anvil Mining Corporation began.

II. Preliminary Planning

It was estimated by C.M.H.C. in Ottawa that the cost of planning the Townsite would amount to \$250,000.00. However, both the Department of Indian Affairs & Northern Development, as well as our own engineering staff, believed that it should be possible to carry out this part of the work for considerably less. At a meeting held in Whitehorse on July 17 and 18, 1967, attended by representatives of the Territorial Government, the Department of Indian Affairs & Northern Development, the Anvil Mining Corporation and C.M.H.C., the following conclusions were reached:

1. It would be preferable if planning could form part of the total Townsite development for which the Territorial Government would contract with Anvil, and the Mining Company could sub-contract with a firm of private consultants for this aspect of the work.
2. The Townsite should be in the general vicinity of Vangorda Creek and mid-1969 should be the target date for completion of construction.
3. C.M.H.C. would continue to participate in the capacity of advisers to the Territorial Government.

As a result of the July meeting, the firm of Thompson, Berwick & Pratt was engaged by the Anvil Mining Corporation to begin planning the Townsite. The Territorial Government entered into an Agreement with McCarter, Nairne and Partners for the preparation of preliminary sketch plans for the school so that planning for future Territorial requirements in this regard could proceed simultaneously with the preparation of the Townsite plan. A copy of the contract with McCarter, Nairne and Partners is set out in Appendix #2.

In order to give the planning consultants some direction, a meeting was held between the Mining Company, the Territorial Government and Thompson, Berwick & Pratt on November 29, 1967. The meeting dealt mainly with the kind of housing Anvil would require and the extent of Territorial Government involvement in the provision of school and health facilities and its requirements for office and living accommodation. It was agreed that fairly high density living accommodation would be necessary in order to bring the cost of sewer and water and other municipal services down to

a reasonable level. The Territorial Government undertook to look into the possibility of preparing suitable legislation which would permit the registration of condominium or strata title housing and to ascertain the housing and office requirements of all agencies of the Federal and Territorial Governments.

On December 28, 1967, a meeting was held in Vancouver between the Anvil Mining Corporation, the Yukon Territorial Government, and representatives of the Department of Indian Affairs & Northern Development, with C.M.H.C. sitting in as advisers to the Territorial Government. Representatives of Thompson, Berwick & Pratt, presented their report on possible sites for the Townsite and the estimated cost of developing the site they recommended. This report, which is attached as Appendix #3, developed a proposal for a Townsite capable of handling an initial population of 1000 people, expanding to 3600 people. The following points were brought out:

1. The suggested location of the Townsite appeared to be the best available, subject to further soil tests and the location of a suitable source of water.
2. The Consultants should revise their plan to provide for a Townsite capable of handling only the immediate known requirements of 300 households (approximately 1000 people) consisting of approximately 250 Anvil households and 50 service, business and professional households, including Federal, Territorial and Municipal Governments. The reason for reducing the Townsite to known requirements was to avoid having to bear the cost of overbuilding the system in anticipation of a population not likely to require the facilities until some indefinite time in the future.
3. The Company agreed to keep its family dwelling requirements and the need for related community facilities such as schools to a minimum during the Summer of 1968 so that the Territorial Government would have an opportunity to provide for its future budgetary requirements in the Fiscal Agreement with the Federal Government to come into effect on April 1, 1969.
4. The Federal Government had made provision in its Estimates for only \$500,000.00 to enable the Territorial Government to develop the Townsite, and this figure could not be exceeded. The Consultants were to be requested, therefore, to reduce the proposed plan so that the cost of services for Federal and Territorial requirements, as well as those for commercial and industrial development, other than Anvil, would not exceed that sum.

5. The cost of the access road between the Townsite and the main mine road should not be a charge against the Townsite lots but should be a separate Territorial responsibility since it falls into the category of a local road under the Fiscal Agreement.
6. The Anvil Mining Corporation would undertake the construction of the Townsite on behalf of the Territorial Government.

At this point the Territorial Government had two alternative courses of action open to it. It could request the Territorial Council to approve the proposed Townsite location and layout, and authorize the borrowing and expenditure of the funds required, even though basic engineering costs were still not available, or it could wait until the basic information had been obtained and then ask the Council to make a decision. It was decided that neither the Council nor the Administration could reasonably be expected to arrive at a satisfactory conclusion without complete engineering data, and the Consultants should, therefore, complete this aspect of the work. However, the Anvil Mining Company had already sustained the cost of Townsite planning on its own without any reimbursement from either the Federal or the Territorial Governments, and if firm engineering information was to be obtained, some financial support should be made available from either Government. Accordingly, it was agreed at the Vancouver meeting, that the Department of Indian Affairs & Northern Development would ask the Treasury Board for authority to enter into a contract with Anvil for \$50,000.00 to enable Thompson, Berwick & Pratt to complete the engineering information required for the Townsite. The cost of this work would then become part of the total cost of developing the Townsite and would be a charge against the lots. The contract between Anvil and the Federal Government for this purpose is set out in Appendix #4.

Following the meeting in Vancouver confirmation was received from the Department of Indian Affairs and Northern Development that the Federal Government would provide \$500,000.00 for the Townsite and a further \$100,000.00 would be requested from the Treasury Board for the access road and that these loans would be made available over and above the terms of the current Fiscal Agreement. The subsidy formula for sewer and water services in the current Fiscal Agreement will not apply.

In compliance with the terms of the Agreement between the Minister and the Mining Company, a development area was established under the Area Development Ordinance by Commissioner's Order 1968-14. A copy of this Order is set out in Appendix #5.

At a meeting on January 26, 1968, between the Territorial Government, National Health & Welfare, and the Anvil

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Mining Corporation, it was reported that, in the opinion of the Department of National Health & Welfare, a Nursing Station rather than a hospital would suffice. The Anvil Mining Corporation undertook to proceed with the planning of a Nursing Station. It was acknowledged by the Department of National Health & Welfare and the Territorial Government that the Agreement between the Minister and the Company did not provide for the operation of the Nursing Station by the Company and responsibility for this would have to be handled by National Health & Welfare and the Territorial Government under the usual cost-sharing arrangements. It was also understood that the capital cost of furnishing the Nursing Station would have to be borne in the normal way by the Department of National Health & Welfare and the Territorial Government.

The final details of the Consultants' investigations were discussed at a meeting in Vancouver on June 4 and 5, 1968, between representatives of the Anvil Mining Corporation, the Department of Indian Affairs & Northern Development and the Territorial Government, with a representative of C.M.H.C. in attendance as adviser to the Territorial Government. The Consultants presented Report #2R which is set out as Appendix #6. The following conclusions were reached:

1. It would be preferable to calculate the cost of serviced property in the Townsite on the basis of front footage rather than the estimated value of future improvements, as recommended by the Consultants. This would make the method of calculating cost consistent with the practice in other communities in the Territory.
2. The cost of single dwelling lots should be about \$4000 - \$5000. This was the approximate cost of similar lots elsewhere in Canada.
3. The total value of serviced property in the Townsite would be the cost of building roads and installing water and sewer services with the cost of each lot computed on the basis of foot frontage. Anvil would sub-contract the work by public tender. As work progressed, Anvil would submit claims to the Territorial Government of which the Territory would pay a fixed percentage. This percentage would be the ratio that the cost of all serviced property not required by Anvil bore to the total cost of all serviced property. Under no circumstances, however, would such reimbursement to Anvil exceed \$500,000.00
4. Bidders for the construction of roads and water and sewer services would be required to submit tenders

- based on the Consultants' proposed layout as well as an alternative layout which would exclude part of the Consultants' plan. This would make it possible to include or exclude an additional section of serviced property in the Townsite depending on the bids received.
5. Anvil would assume responsibility for the cost of serviced property for the Nursing Station and the Recreation Centre.
 6. The Territorial Government would assume responsibility for the full cost of constructing the road from the mine access road to the Townsite and the Federal Government, subject to the approval of the Treasury Board, would lend the Territorial Government \$100,000 for this purpose.
 7. Anvil would retain ownership of the Nursing Station and if the Department of National Health & Welfare agreed, it would be leased from the Mining Company for a nominal sum.
 8. The Territorial Government would transfer title to the property required by Anvil as soon as the plan of survey was registered in the Land Title's Office. The property required by Anvil would be set out in a Schedule of the Agreement between Anvil and the Territorial Government.
 9. The Territorial Government would not accept the water and sewer systems and the Townsite roads from the Company until construction was completed in all respects, but in the meantime, the Company could use the water and sewer systems at its own expense and could charge others for their use at rates approved by the Territorial Government.
 10. In the first instance it would be the responsibility of the Territorial Government to invite proposals for the development of the commercial area in the city centre but no proposal would be accepted by the Territorial Government without the prior concurrence of Anvil. If after an agreed interval, no acceptable proposal is received, the responsibility for the development of the commercial area in the city centre will be assumed by the Company, but the Company will not accept a proposal or carry out such development without the prior approval of the Territorial Government.
 11. The Territorial Government would establish a municipality under the Municipal Ordinance and upon completion and acceptance by the Territory, the roads and

the water and sewer systems would become the responsibility of the municipality for future operation and maintenance.

Since the meeting of June 4 and 5, the Department of National Health and Welfare has indicated that they are willing to lease the Nursing Station from Anvil at a nominal rent. The Consultants have produced revised cost sheets (contained in Report 2R) showing alternative proposals which are Plan A and Plan B. The estimated Cost of Plan A is \$1,247,120.00 and Plan B is \$1,162,972.00. The percentage of the total cost to be borne by the Territory would be the total cost of the entire project less the cost of servicing the property required by Anvil. The percentages could vary, however, depending on whether Plan A or Plan B is implemented, and the final cost should be based, therefore, on the full cost of the project after it is completed. In any case, the Territory's share would not exceed \$500,000.

A draft Agreement between Anvil and the Territory is attached as Appendix #7. A schedule of the Agreement indicates the lots required by Anvil under Plan A and Plan B. All remaining lots in the Townsite would be retained by the Territory for resale or for municipal, Territorial or Federal Government purposes. A second schedule of the Agreement shows the alternative layouts of Plan A and Plan B.

III Possible Future Financial Commitments

If the results of the discussions that have taken place over the past year in connection with the development of the Townsite are acceptable to the Council, the Territorial Government will be faced with additional capital and operating commitments for which adequate provision should be made in the Fiscal Agreement between the Territory and the Federal Government to come into effect on April 1, 1969. The capital items and related operation and maintenance costs are set out in a draft Territorial Budget which is attached as Appendix #8.

Appendix #9 is attached showing the estimated capital costs as well as the cost of operation and maintenance which will be necessary if a municipality is formed. Appendix #10 is a letter from the Minister of Indian Affairs and Northern Development undertaking to ensure that provision will be made in the new Fiscal Agreement for these future Territorial and Municipal financial requirements.

IV. Name for Townsite

There have been several suggestions from various sources of a suitable name for the new Anvil Mining Corporation Townsite.

Tyga	An Indian word meaning "river".
Keele City	Joseph Keele was one of the early explorers.
Hoole	Hoole was an interpreter with Robert Campbell.
Lapie	Lapie was an Indian guide with Robert Campbell. However, there are lakes in the vicinity bearing this name.
Van Bibber	There is already a mountain named after the oldtimer, Ira Van Bibber.
Robert Campbell	One of the early day explorers. However, it has been proposed that the Watson Lake, Ross River, Carmacks Road be named the Robert Campbell Highway.
Vangorda	Vangorda was an early partner of Ira Van Bibber and lived above the Hoole Canyon. He had a trapping area which extended below what is now known as Vangorda Creek.
Rosspelly	After the two rivers in the vicinity - Sir H. Pelly - Governor of H.B.C. and Donald Ross - Chief Factor.
Canol City	To perpetuate the part played in opening up the Yukon by the Canol Project.
Lewis Field	After Lewis & Field, two early traders operating a post in this area in 1900.
Anvil	Name of mountain range and mining company.
Tun Tyga	Frozen River
Tyga Tun (Tiger Town)	River of ice.
Inklut	Wild cranberry (which grows in the area).

Takla	Deep.
Shokwathem	Beautiful.
Noosk	Wolverine.
Atkutoo	Forest.
Faro	Present community.
Nasina	Rock type found in that district (geological name).
Tintina	Broad valley. Also geological feature of this district (Tintina Fault).

V. Points for Consideration by Council.

The matters on which a final decision are required are as follows:

1. Should the Territorial Government proceed with the construction of a public Townsite under the terms and conditions discussed with the Department of Indian Affairs and Northern Development and the Anvil Mining Corporation?
2. If so, should the Townsite be an incorporated municipality under the Municipal Ordinance?
3. If the Townsite is to be an incorporated municipality, should the completed roads and water and sewer systems be transferred to the municipality for operation and maintenance?
4. What should be the name of the Townsite?
5. Should the Territorial Government share the cost of equipping and operating the Nursing Station with the Department of National Health & Welfare according to the formula in the Fiscal Agreement?
6. Should the Territorial Government undertake to include the provision of office space, liquor store and living accommodation for its employees in the invitation for proposals to develop the city centre?

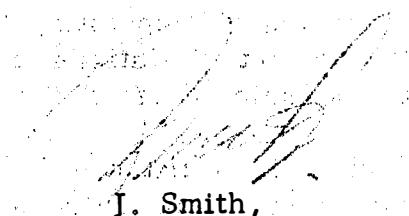
VI. Council Action

If the Council should agree to proceed with the development of a public Townsite, the following action will be required:

1. Authorize the Commissioner to borrow the sum of \$500,000.00 from the Federal Government as project capital to cover the cost of Townsite planning, surveying, the construction of roads, and the installation of water and sewer services, and to borrow \$100,000.00 from the Federal Government as loan capital to construct an access road to the Townsite from the road to the Mine, both the sum of \$500,000.00 and the sum of \$100,000.00 to be made available to the Territorial Government outside the current Fiscal Agreement.
2. Authorize the Commissioner to enter into an Agreement with the Anvil Mining Corporation whereby the Company will complete the planning, survey the Townsite, build the roads and install the sewer and water services.
3. Appropriate the sums required to enable the Commissioner to meet the Territory's financial obligations under the proposed Agreement between the Territorial Government and the Anvil Mining Corporation for the development of the Townsite and the construction of the access road.
4. Authorize the Commissioner to establish a municipality under the Municipal Ordinance.

A Bill authorizing the Commissioner to borrow \$600,000.00 from the Federal Government and to enter into an Agreement with the Anvil Mining Corporation is set out in Appendix #11. A Supplementary Appropriation Bill is set out in Appendix #12, and a resolution to authorize the establishment of a municipality is contained in Appendix #13.

The foregoing, together with the attachments, are respectfully submitted to the Council for consideration.


J. Smith,
Commissioner.

24 June, 1968.

SESSIONAL PAPER NO 8 - 1968 (3rd) SESSION

COMMISSIONER'S OPENING ADDRESS TO THE COUNCIL
OF THE YUKON TERRITORY, THIRD SESSION, 1968

Mr. Speaker,
Members of the Council

At the outset, I would like to express my regret and the regret of the officers of my administration for having to summon the Council during the month of July. This is the busiest time of the year for most of you, and it is not without considerable inconvenience for you to attend to public business at this time of year. With this in mind, I appreciate very much the co-operation of the members of the Council in their willingness to attend this special session.

Although there are a great number of matters on which I would ultimately like to have your advice, as well as a rapidly growing number of pieces of legislation which will require your attention, I have restricted the Administration's items of business to those matters which could not be reasonably postponed. These are the proposed Anvil Townsite, the provision of municipal services in the Hillcrest housing area and the land disposal policy paper. In the supplementary estimates required to deal with the Hillcrest and the Anvil matters, we have also made provision for staff and teachers salaries so that our position in this regard will be finally settled for this year.

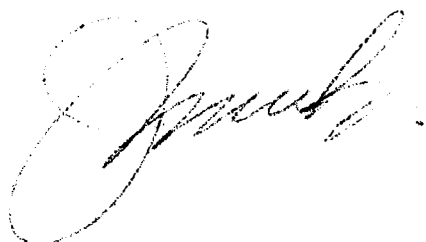
Before itemizing the Bills to be placed before you, I would like to take this opportunity of paying special tribute to the long-suffering tolerance and good nature of the Anvil Mining Corporation. Officers of my administration, as well as Officers of the Department of Indian Affairs and Northern Development, have been engaged in conversations with this company now for over two years, and during this period, in spite of frustrating delays and endless bureaucratic complications, we have maintained the most cordial of relations. For this, as well as for the work of my own officers and the work of the Departmental officers from Ottawa, I would like to express my sincere appreciation.

Mr. Speaker and members of the Council, the Bills to be placed before you will be:

1. An ordinance to amend the Taxation Ordinance. This Bill will make it possible for the Territory to recover the full cost of providing municipal services in the Hillcrest area, as already agreed with the Whitehorse members.
2. A Bill to authorize the Commissioner to borrow \$600,000.00 from the Government of Canada, and to enter into an agreement with the Anvil Mining Corporation for the development of a townsite.
3. A Bill to authorize the expenditure of Territorial funds on the provision of municipal services in the Hillcrest housing area, to finance the construction of the Anvil Townsite and Access Road up to a maximum of \$600,000.00, and to increase the salaries of teachers and Territorial Government staff.
4. A Bill to provide for the disposal of land under the administration and control of the Commissioner. The new policy outlined in the paper presented to the Council at the last Session has been discussed in detail with the Whitehorse members, and a number of important revisions have resulted. If the revised policy is acceptable to the Council as a whole, it would appear desirable to introduce new, up-to-date legislation in conjunction with the implementation of the new policy.

No further Administration items will be submitted to you at this Session in order to enable you to keep it as short as possible. In the event that there are additional items which you might wish to have brought forward, however, or if you might wish to hold longer sittings, I and my officers will be available to assist you in any way we possibly can.

I trust that our mutual endeavours will produce results of lasting benefit to the people of the Yukon Territory.

A handwritten signature in cursive script, likely belonging to the speaker mentioned in the text above. The signature is written in dark ink and is positioned in the lower right quadrant of the page.